

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
April 11, 2016

The Supervisors of Clay Township met on a regularly scheduled meeting date of April 11, 2016, at the Clay Township Municipal Office, 870 Durlach Road, Stevens, Pennsylvania, at a time and place duly established to hold such a meeting, and advertised and posted in accordance with the Second Class Township Code and the Sunshine Law.

Supervisors present were Timothy Lausch, Chairman, Keith Martin, Vice-Chairman and Gary Landis, Secretary.

Clay Township employee present was Bruce Leisey, Township Manager. Also present was Robert Lynn of Hanover Engineering, Inc., Township Engineer and Jennifer Mejia of Shirk and Mejia, Township Solicitor.

Also attending were those listed on the meeting attendance sheet, which is attached to these Minutes.

Timothy Lausch called the Meeting to order at 7:05 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the March 14, 2016 meeting minutes as printed in the April 11, 2016 agenda with the change on page 3 Line 5 deleting the word “will” and adding “Tom Zeager, Larry Martin, Dale Martin, Harold Martin, Jay Zimmerman, Kevin Martin, Marlin Sensenig and David Martin requested copies of the flood plain map for their properties”. * The motion was approved unanimously.

Treasurer’s Report

Gary Landis made a motion, seconded by Keith Martin, to approve the Treasurer’s Report for the month of March, 2016. *The motion was approved unanimously.

Visitors

1. Tina Thompson – Senator Aument’s Office

Ms. Thompson introduced herself as Senator Aument’s Assistant. She informed the Board of Supervisors and public of their interest to help the residents of Clay Township with any questions or concerns they may have.

Engineer's Report

1. Clay School Apartments – Land Development Plan

Ted Cromleigh, Diehm & Sons and Dan Martin, Developer, reviewed the updated plan with the Board of Supervisors. Additional parking was provided by combining a vacant lot to the East of the property.

Keith Martin made a motion, seconded by Gary Landis to approve the following waivers and modifications per the Hanover Engineering letter dated 4/8/16. * Gary Landis voted No, Keith Martin voted Yes and Tim Lausch voted Yes. Motion was carried.

** There was discussion on the modification request for Section 606.E – stormwater easement shall be a minimum of 20' in width. Gary Landis was not in agreement of granting relief to allow a reduction down to a 10' easement. He felt the developer could have reduced the size of the future deck being considered and reduced the relief sought from the required 20' easement.

Section 303 – Preliminary Plan Application

The applicant is requesting a waiver of the requirement to provide a preliminary plan application for the proposed land development project. The applicant is requesting to provide a final land development plan only. The justification provided is that the project is straight forward in nature.

Section 402.A.6 – Profile Scale

The applicant is requesting a modification of the requirement that all street profiles, as well as sanitary sewer facilities, water supply facilities, and stormwater drainage facilities be drawn at a horizontal scale of 1" = 50' and a vertical scale of 1" = 10'. The applicant has stated that the profiles are drawn to match the plan scale which is 1" = 30' horizontal. The applicant has stated that this permits the profiles to be larger which will provide greater clarity.

Section 402.B.13 – Copies of all easements, rights-of-way, and restrictions currently applicable to or affecting the subject property pertaining to the existing PPL power line

The applicant is requesting a waiver of the requirement to provide a copy of the existing easement documentation for a 20-foot easement over the western property line as shown on the previous subdivision plan (SPB J-204-5). The applicant states that the previous recorded subdivision plan for the property makes no mention of the owner of the existing easement or the recording reference agreement and that the previous surveyor of the property is deceased. The applicant has noted that they have conducted their own extensive research for documentation regarding the ownership of the easement at the Lancaster County Recorder's office and they have not found any recorded easement agreement. The applicant has indicated that they have shown the easement on the plans (where it appears to follow the power lines between two (2) utility poles) and have noted the source as the previous subdivision plan and that the plan design respects the easement by keeping all improvements, including landscaping out of this easement.

Section 602.K.3 – Improvement of Existing Streets

The applicant is requesting a modification of the requirement for land development projects abutting an existing Township street to be improved, to the required 38-foot width as outlined in the Subdivision and Land Development Ordinance. The applicant is requesting that the developer not be required to widen the street from 14 feet from the centerline to the edge of the street to 19 feet from the centerline. The justification provided is that the existing street corridor is already improved. The applicant indicates that the plan does include the required right-of-way for dedication to the Township.

Section 602.M.3 – Intersections with collector streets shall not be located closer than 400 feet, measured from centerline to centerline, along the centerline of the collector street being intersected

The applicant is requesting a modification of the requirement that the intersections with collector streets shall not be located closer than 400 feet, measured from centerline to centerline, along the centerline of the collector street being intersected. The applicant states that the proposed drive into the apartment complex has been aligned with the driveway into the school across the street. The applicant states that the existing entrance into the school is only 331 feet away from the intersection of Tulip Lane and the other school driveway with Clay School Road and that there is no location on the frontage of the property that can comply with this requirement. The applicant has noted that Clay School Road is not a high speed roadway.

Section 602.N.1 – Clear sight triangles shall be measured 100 feet along the centerline in all directions from the intersection of the centerlines

The applicant is requesting a modification of the requirement that clear sight triangles be measured 100 feet along the centerline in all direction from the intersection of the centerlines. The applicant is proposing a clear sight triangle measuring 100 feet along Clay School Road and 50 feet along the access drive into the apartment complex. The applicant states that this permits additional parking spaces to be provided for visitors, as well as the required screening. The applicant notes that if the Ordinance is enforced, approximately seven (7) parking spaces will have to be eliminated, as well as several of the proposed trees along the roadway. The applicant notes that a “Stop” sign is provided as an alternative.

Section 603.A.1.c – 15 foot wide buffer planting areas shall be required where parking compounds are adjacent to residential properties

The applicant is requesting a modification of the required 15 feet wide buffer planting area that shall be required where parking compounds are adjacent to residential properties. The applicant is proposing a 13 foot wide planting buffer between the parking lot and the east side of the lot. The applicant states that the full 15 foot width cannot be provided if the driveway is to be aligned with the school driveway across the road. The applicant states that the 13 foot wide buffer areas and planting are sufficient to protect the neighbors from any impacts of the parking lot.

Section 606.E – Stormwater Easement Width

The applicant is requesting a modification of the requirement to provide less than the required minimum 20 foot width for a stormwater easement. The applicant is proposing less than the required minimum 20 foot width for the proposed stormwater easement. The applicant states that the proposed drainage easement behind Building 2 is provided for the conveyance of the flows

from the basin to the east of the subject property. The justification provided is that due to the bank graded in behind Building 2, the flows eventually transition off the site and if a 20 foot wide stormwater easement is provided, the desk for the western units of Building 2 will be in the easement. The applicant feels that a 20 foot wide stormwater easement would serve little purpose since the flows at that point are so close to the property line. The applicant has provided the easement of between seventeen (17') and ten (10') feet wide for access. Discussion regarding any potential affect to neighboring properties occurred and it was represented that the requested waiver would not affect flows onto adjoining properties. The requirement to maintain the easement will be documented in a Stormwater Management Agreement.

Section 609.E.4.c – Shade trees interior to the parking lot

The applicant is requesting a modification of the requirement that the interior of parking compounds shall have at least one (1) two inch (caliper deciduous shade trees (measured at five fee (5') above grade) for every five (5) parking spaces which would require seven (7) trees for the parking lot area. The applicant is proposing a total of six (6) shade trees; one (1) shade tree for each proposed island (three (3) proposed islands) and three (3) shade trees between the parking compound and the road.

Section 609.E.4.d(1) and 609.E.4.d(3) – Landscaped area at least ten feet (10') wide shall be provided around the periphery of the parking compound with more than 20 parking spaces

The applicant is requesting a modification of the requirement that a landscape area at least ten feet (10') wide shall be provided around the periphery of the parking compound with more than 20 parking spaces. The applicant is proposing a nine foot (9') area between the parking compound and the proposed Building 2 that is concrete sidewalk and an eight foot (8') area between the parking compound and Building 1. The applicant states that the parking lot is fully curbed, which will prevent vehicles from crossing into the landscape/sidewalk areas.

Stormwater Management Ordinance

Section 11-310.Q – Stormwater easements shall be a minimum of 20 feet in width

The applicant requested a modification of the requirement to provide less than the required 20' width for a storm water easement. The request was made to allow applicant to construct 2 additional decks behind the planned apartment buildings. Applicant recognizes he must obtain zoning relief. The applicant proposed a stormwater easement ranging from 10' to 17' in width rather than the 20' required. Applicant stated that the modified width was widest possible easement that would still reasonably allow for the placement of decks. Said easement is shown on the last revised plan. Applicant stated the apartment Owner will maintain the decks and storm water facilities and that the requested waiver will have no impact on the neighboring properties. Applicant's request was granted subject to compliance with Applicant's noted representations.

Keith Martin made a motion, seconded by Gary Landis to approve a Letter of Credit in the amount of \$195,251.14 for financial security. * Gary Landis voted No, Keith Martin voted Yes and Tim Lausch voted Yes.

Keith Martin made a motion, seconded by Gary Landis to grant approval of the plan contingent on compliance with the Hanover Engineering letter dated 4/8/16. * The motion was unanimously approved.

2. Gingrich Builders, 1971 W Main Street – Revised Final Plan

Robert Gabriel, Representative for Gingrich Builders, reviewed the plan and the Hanover Engineering letter dated 4/8/16 with the Board of Supervisors. Two accessory storage buildings are proposed to be constructed at the rear of the site in an area that is currently used to store materials. These buildings will be used to store material used for the business, and which are currently being stored on the site. The construction of the two buildings will be located partially on existing impervious area and partially on the proposed impervious area.

The original stormwater plan indicated 30% impervious coverage and the revised plan indicates 44% after the new storage buildings have been constructed.

Gary Landis made a motion, seconded by Keith Martin to approve the following modification. * The motion was unanimously approved.

Section 303 – Preliminary Plan Process

The applicant is requesting a modification of the preliminary Plan Process. The applicant requests the plan be processed as a final plan. The proposed project proposes two (2) buildings that will be used only for the storage of materials. No employees will be added as a result of this project. The applicant also indicates the project will not generate additional vehicle trips. No additional sewage or water use will be required. The applicant notes a minor modification to the existing stormwater facility is required for the project. The applicant also indicates all preliminary plan requirement scan and will be addressed on the final plan. The applicant also indicates that they are requesting the plan be process through the Lancaster County Planning Commission through the Memorandum of Understanding process due to the minor nature of the plan.

Keith Martin made a motion, seconded by Gary Landis to approve the plan contingent on compliance with the Hanover Engineering letter date 4/8/16. * The motion was unanimously approved.

New Business

2. 610 Water Street – Request to locate wall in Township ROW

Adrian Kapp, C E Pontz Sons, reviewed the request with the Board of Supervisors to allow a 4' wall to be placed 15-1/2" from the center of the road in the Township Right-of-Way.

Gary Landis made a motion, seconded by Keith Martin to approve waiver of Chapter 10, Section 104C providing Owner enters in a Agreement to be prepared by the Township Solicitor and

recorded in the Lancaster County Recorder of Deeds documenting Owners agreement to maintain area and acknowledgement that any improvements may need to be removed from right-of-way at preference of Township and expense of Owner. It should also include that there should be no plantings in front of the driveway at the road. Owner will pay cost of document preparation and recording. * The motion was unanimously approved.

Old Business

1. Appoint Zoning Officer

This item was tabled until Executive Session.

New Business

1. Discuss support of House Bill 1683

The Township Manger reviewed the Bill which authorizes local governing bodies to offer income and/or property tax credits for volunteer first responders. The bill has been drafted by the House Veterans Affairs & Emergency Preparedness.

Keith Martin made a motion, seconded by Gary Landis to authorize Jennifer Mejia and Bruce Leisey to draft a Resolution to send in support of the Bill. * The motion was approved unanimously.

3. PSATS 2016 Resolutions – Discussion and Comments

Keith Martin made a motion, seconded by Gary Landis to authorize Bruce Leisey to vote as recommended by PSATS with the exception of 16-25 to vote “no stance”. * The motion was approved unanimously.

4. Approve Employment of Summer Public Works Staff

Keith Martin made a motion, seconded by Gary Landis to authorize the employment of Jeremy Kachel at \$12.00 per hour and Anthony Embiscuso at \$11.00 per hour for Summer Public Works. * The motion was approved unanimously.

5. Discussion on Hopeland Sewer Report

There was discussion on the monthly flow report for the Hopeland Sewer Plan. Gary Landis made a motion, seconded by Keith Martin to authorize Bob Lynn to install flow meters in manholes strategically to determine where the infiltration is occurring. * The motion was approved unanimously.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 9:30 PM to discuss Personnel items. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 10:23 PM. * The motion was approved unanimously.

Gary Landis made a motion, seconded by Keith Martin to appoint Thomas Zorbaugh of Ash Lane, Lebanon PA as part-time Zoning Officer at \$27.00 per hour. His start date will be determined by staff. * The motion was approved unanimously.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$111,652.43 for the month of March. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$6,005.88 for the month of March. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$2,681.80 for the month of March. * The motion was approved unanimously.

Reports for the Month

1. Chief of Police / Police Department
2. Fire Companies / Ambulance
3. DMR
4. Planning Commission Minutes
5. Engineer's Report
6. Manager's Report

7. Zoning Officer's Report
8. Road Master's Report

Adjournment

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 10:40 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary