

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
August 13, 2018

The Supervisors of Clay Township met on a regularly scheduled meeting date of August 13, 2018, 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 Tim Lausch, Chairman, Keith Martin, Vice-Chairman and Gary Landis, Secretary.

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

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

Tim Lausch called the Meeting to order at 6:32 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the February 5, 2018 special meeting minutes as printed in the August 13, 2018 Agenda. * The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to approve the July 9, 2018 meeting minutes as printed in the August 13, 2018 Agenda. * The motion was unanimously approved.

Treasurer's Report

Keith Martin made a motion, seconded by Gary Landis to approve the Treasurer's Report for the month of July 2018. * The motion was unanimously approved.

Visitors

1. Hugh Gensemer, 1725 Furnace Hill Road – Stormwater concern

Mr. Gensemer informed the Board of Supervisors the driveway stormwater pipe located across the street from his home at 1730 Furnace Hill Road in the north eastern driveway is clogged and this causes the stormwater to backup and cross the road and flow into Mr. Gensemer's yard and into his basement. Mr. Gensemer also has concerns with the south eastern driveway on the property at 1730 Furnace Hill Road. He also believes this driveway is graded incorrectly which allows the driveway stormwater to flow aside of the catch basin located at the corner of the driveway and

flow across the road over to Mr. Gensemer's driveway and onto his sewer drain field instead of into the pipe that runs under the road and into a swale on Mr. Gensemer's property. Mr. Gensemer also noted that the catch basin is elevated above the driveway which also allows stormwater to run past the basin and not into it.

After review, the Board of Supervisors authorized the Township Manager to contact the property owner at 1730 Furnace Hill Road to inform him the need to clean out and replace if necessary the north east pipe and to discuss regrading the south east driveway to direct stormwater into the catch basin.

2. Brenda and Paul Vogt, 40 Mt Spring Road – Stormwater concern

The Vogt's of 40 Mt Spring Road, Justin Zimmerman of 10 Mt Spring Road and Serg Tlumach of 8 Mt Spring Road voiced their concerns with stormwater running off the property at 63 Mt Spring Road onto the road and down to the Vogt's property and onto the Zimmerman and Tlumach properties.

The property at 63 Mt Spring Road was recently developed and there are concerns with the stormwater management facilities. The Township Staff will visit the site to determine what is causing the additional stormwater flow and report back to the Board of Supervisors of their findings.

Engineer's Report

1. Norma Martin – Subdivision Plan #18-05

Ted Cromleigh, Diehm and Sons, reviewed the plan with the Board of Supervisors. The Norma Martin Subdivision is located north of West Burkholder Drive and West of Wood Corner Road. The 49.813 acre project site is currently in agricultural production and contains an existing farmstead (dwelling, barns, garage and out buildings), adjacent to Wood Corner Road in the northeastern portion of the tract. The tract is proposed to be subdivided into two (2) lots. The existing farmstead will be retained on Lot #2 (14.426 acres). Lot #1 (35.387 acres) will continue in agricultural production and no new construction is currently proposed.

Gary Landis made a motion, seconded by Keith Martin to approve the following deferrals and modification as outlined in the Hanover Engineering letter dated 8/7/18. * The motion was unanimously approved.

Section 403.A – Drafting Standards

The applicant is requesting a modification to provide plans at a scale of not less than one hundred feet (100') to the inch. The applicant states the Martin farm is 49.81 acres. The entire boundary has been surveyed and in an effort to show the entire boundary on a single-view plan sheet the

existing features are shown at 1" = 200'. The applicant states the Ordinance allows for tracts over 10 acres in size to be drafted at a legible scale as a deed plotting. The applicant feels the plan sheet is legible at this scale.

Section 602.K.3 – Improvement of Existing Streets

The applicant is requesting a deferral of the requirement to improve the existing streets that abut the project. The applicant states Lot #1 is located entirely within the Clay Township Agricultural Zoning District. The applicant further states the lot has frontage on Burkholder Drive that has an 18' wide cartway, and the land will be used for cultivation of agricultural crop at this time, no new development is proposed. A 25' wide ultimate right-of-way is offered as part of the subdivision. Lot #2 is presently improved with an existing single-family dwelling and assorted agricultural buildings. The lot is zoned LI (Limited Industrial), the lot has frontage on Wood Corner Road that has a cartway width of 25'. The Ordinance would require a total cartway width of 38' or an additional 6.5' along the frontage. The applicant states at this time there is no new development proposed on the lot. It is recognized that due to the zoning of the site it may be redeveloped for an industrial type use in the future. The applicant is requesting to defer roadway widening until future development plans are presented or at the discretion of the Township at a future date. A 30' wide ultimate right-of-way is offered to the Township to accommodate future road improvements.

Section 603.B – Sidewalks Required Along All Adjacent Streets

The applicant is requesting a deferral of the requirement to install sidewalks. The applicant states Lot #2 is located in the LI zoning district and sidewalk is required for new projects in the LI zoning district. The applicant notes that at this time there is no redevelopment proposed on the property and the use will remain a single-family residence. The applicant further states it is recognized that there could be a redevelopment of the property with an LI use in the future at which time development plans would be presented to the Township for approval that would identify the necessary required improvements in accordance to development plans for the site.

Section 603.C – Curb

The applicant is requesting a deferral of the requirement to install curbs. The applicant states Lot #2 is located in the LI zoning district and curb is required for new projects in the LI zoning district. The applicant states that at this present time there is no redevelopment proposed of the property and the use will remain as a single-family residence. The applicant further states it is recognized that there could be a redevelopment of the property as a LI use in the future at which time development plans would be presented to the Township for approval that would identify the necessary required improvements in accordance to development plans for the site.

Clay Township Stormwater Management Ordinance

The applicant is requesting a deferral of the requirement to Clay Township Stormwater Management Ordinance for Lot #1. The applicant states Lot #1 will be purchased by an adjoining property owner and continue to be farmed as cultivated crop lands as it has historically been in the past.

Keith Martin made a motion, seconded by Gary Landis to approve the Martin Subdivision Plan contingent on compliance with the Hanover Engineering letter dated 8/7/18. * The motion was unanimously approved.

2. UMH PA Lancaster – Lot Add-On Plan #18-06

Ted Cromleigh reviewed the UMH PA Lancaster Lot Add-On Plan with the Board of Supervisors. UMH PA Lancaster County, LLC (UMH) is the owner of a 19.033 acre property along Snyder Lane. UMH purchased the property in 2012 from previous owner. The property is currently home to the Valley View Mobile Home Park. Over the years, several of the mobile homes and accessory sheds along the eastern boundary line have been unintentionally located so as to encroach on the property line into the neighboring farm owned by Premier R&G Properties (PRGP). UMH and PRGP wish to resolve these encroachments. In lieu of the cost to relocate the mobile homes and sheds, PRGP has consented to a lot add-on that will transfer a $\pm 15'$ wide .389 acre parcel to UMH's property. This lot add-on will resolve all of the encroachments, except for a single shed and a fence that will both be removed. Upon completion of the project, all mobile homes and sheds will be completely on the UMH property. Mobile Home Parks are permitted by Special Exception in the R2 Residential district, so a Special Exception was requested for the portion of the lot add-on that is occurring within the limits of the R2 district. Moreover, in order to minimize the loss of property to PRGP, and to minimize the land taken out of the Agricultural Zoning District, several Variances were approved.

Gary Landis made a motion, seconded by Keith Martin to approve the following modification, waivers and deferral for the UMH Lot Add-On Plan as outlined in the Hanover Engineering letter dated 7/19/2018. * The motion was unanimously approved.

Section 402.A.1 – Plan Scale

The applicant is requesting a modification of the plan scale requirement. The applicant notes that the properties involved with the plan total .389 acres in size. The applicant is proposing a scale of $1' = 100'$ to allow the entire property to be shown on a single plan sheet. The applicant notes that the plan is legible at this scale. Furthermore, the applicant feels that the plan is simple in that it is proposing the addition of a small parcel (Parcel A) to an adjacent property (Lot #1). The applicant further notes that they also provided a sheet showing the area of the add-on and Parcel A at $1'' = 40'$ scale.

Section 402.C.4.d – The Plan Shall Provide the Location of Existing Utility Mains and Existing Stormwater Management Facilities on the Subject Tract

The applicant is requesting a waiver of the requirement to provide the location of existing utility mains and existing stormwater management facilities on the subject tract. The justification provided is that the plan proposes a minor shift to a single property line. The applicant feels that the location of the features required by the section would require additional field survey and expense to the applicant with no discernable benefit. The applicant further notes that the plan proposes no construction of any kind. The applicant notes that they have determined the

approximate locations of the water and sewer mains and have been shown on the plan for reference.

Section 402.C.4.f – The Plan Shall Provide the Location of Wetlands on the Subject Tract

The applicant is requesting a deferral of the requirement to provide the location of wetlands on the subject tract. The justification provided is that the plan proposes a minor shift to a single property line. The applicant feels that the location of the features required by the section would require additional field survey and expense to the applicant with no discernable benefit. The applicant further notes that the plan proposes no construction of any kind.

Section 403.D.17.f – Finished Floor Elevations of all Residential Units

The applicant is requesting a waiver of the requirement to provide finished floor elevations of all residential units. The justification provided is that Lot #1 contains numerous mobile homes whose floor elevations are meaningless in the context of this Add-On Plan. The applicant notes that no new construction, grading or excavating is proposed.

Section 607.A – Monuments shall be Placed at all Angles Along the Street

The applicant is requesting a waiver of the requirement for monuments to be placed at all angles along the street. The justification states that as applied to this project, this requirement seems to conflict with the provision of Section 402.B.6 which states that properties larger than 10 acres need not be surveyed. The applicant notes that they have not surveyed West Main Street or Snyder Lane. The applicant notes that the location of the roadway and their associated rights-of-way are approximate and reasonably accurate as shown on the plan, but monuments, can only be placed if a survey of the entire frontage is performed which is not required by Section 402.B.6.

Keith Martin made a motion, seconded by Gary Landis to approve the UMH Lot Add-On Plan contingent on compliance with the Hanover Engineering letter dated 7/17/18. * The motion was unanimously approved.

Gary Landis stated that he applauds Zoning Hearing Board and property owners for working together to minimize the amount of Ag land utilized to correct the situation.

3. Wildflower Pond – Road Dedication Update

Jennifer Mejia said that documents have been drafted and expect final signature documents by the next meeting. Jennifer also stated that she needs the Basin Management Maintenance Requirements for the HOA. Bob Lynn said he is working on the maintenance requirements. The No Parking Ordinance is also being worked on.

Rick Bernaducci would like a copy of the mowing diagram for the HOA. Bob Lynn will get him a copy.

4. HomeTowne Square – Stormwater NOV

Updated Plan was received by Hanover Engineering by the 8/1/18 deadline. Hanover Engineering has not received comments from Peaceable Animal Kingdom's engineer.

Gary Landis made a motion, seconded by Keith Martin to require Peaceable Animal Kingdom's engineer to have a response to Hanover Engineering by 8/24/18. It was also noted that a final written decision should be sent to Hanover Engineering and Mejia Law Group by 9/6/18. If signed documents are not received by 9/10/18 the Board of Supervisors will move forward with the NOV. * The motion was unanimously approved.

** Keith Martin recused himself from the meeting because of an employment conflict with the next agenda item. **

5. Countryside Enterprises – Escrow Release Request

Bob Lynn reviewed the request with the Board of Supervisors.

Gary Landis made a motion, seconded by Tim Lausch to release escrow in the amount of \$202,325.83, leaving an escrow balance of \$39,870.62. * The motion was approved unanimously with Keith Martin abstaining.

** Keith Martin returned to the meeting. **

6. Lincoln West Storage – Land Development Plan Time Extension Request

Keith Martin made a motion, seconded by Gary Landis to accept the 90 Day Time Extension Request to extend deadline for the Township to make a decision on the Lincoln West Storage Subdivision Land Development Plan this will allow more time to incorporate design revisions from the LCCD and Clay Township. * The motion was unanimously approved.

7. Sharp Shopper – Land Development Plan Time Extension Request

Gary Landis made a motion, seconded by Keith Martin to accept the 90 Day Time Extension Request to extend deadline for the Township to make a decision on the Sharp Shopper Land Development Plan, this will allow additional time to resolve all items required for plan approval. New deadline is 11/16/18. * The motion was unanimously approved.

Jennifer Mejia informed the public that the Clay Township Board of Supervisors held an Executive Session on 8/8/18 beginning at 7:00 AM at the Clay Township Municipal Building for the purpose of consulting with its Solicitor and Township Engineer regarding stormwater complaints in the Camp Road and Stony Lane area. The Executive Session ended at 8:42 AM. No decisions were made.

Supervisor Keith Martin owns property located at 1111 Forest Hill Road. In consideration of the Public Officials and Employee Ethics Act, Supervisor Martin has considered if his ownership interest in the property qualifies as a “conflict of interest” such that he should be precluded from voting on the matter. Supervisor Martin rents out the land to a farmer who grows corn on it. While it receives some water, his land has not been greatly affected by uphill water runoff. Supervisor Martin does not stand to benefit financially, and his interest is no different than that of his neighbors. As such Supervisor Martin will remain involved in this matter and may vote on related issues before the Board of Supervisors.

Old Business

1. Furnace Hill Road, Stony Lane and Camp Road Stormwater Discussion

Bob Lynn reviewed recent activities performed by the Township Staff.

Donna Thomas, 280 Stony Lane – asked if there is a meeting scheduled with Matt Kofroth from LCCD Dirt & Gravel Program.

Bruce Leisey is communicating with Matt Kofroth and collecting times and dates from Bob Lynn and Earl Stauffer to forward to Matt Kofroth. The plan is to meet with Penn State Dirt Road experts for advice on road stabilization.

Jon Stoner, 280 W Girl Scout Rd – asked when will swale be seeded

Marlin Harnish will seed swale as soon as weather permits.

Donna Thomas – are we putting in a bigger pipe across from her driveway

Bob Lynn stated that decision has not been made yet.

Donna Thomas – what is next steps

Bob Lynn stated the basin across from Justin Harnish’s home will be installed and the swale across Camp Road will be seeded.

Justin Harnish, 455 Camp Road – stated that the next 2 steps will slow down water flow but will not redirect it.

Keith Martin stated the amount of water that came down on 8/3-8/4 and no homes were flooded or washed away with work that is completed to date is considered a success.

New Business

1. Update on Sewer Line Televising

Cleaning and televising of the selected lines is complete. While it appears that there are no cracks or breaks in the main lines, the video indicates irregular clean water flow from some laterals and some infiltration at several manholes (both manhole joints and pipe penetrations). Our next step is to televise the laterals noted in the video investigation.

2. Approve Purchase of Desktop Computer

After discussion, Gary Landis made a motion, seconded by Keith Martin to approve purchase of a Dell Precision T3620 Desktop Computer including installation for a cost of \$1,024.95 from Custom Computer. * The motion was unanimously approved.

3. Road Master Update

Earl Stauffer provided a damage assessment from the most recent flooding.

Earl informed the Board of Supervisors that R4 stone has been installed along edge of the road near bridge on Rock Road. The bridge on Middle Creek Road is open again. Hanover Engineering checked the bridge structure and it appears there was no negative effect from the previous flooding. The guide rail posts have been welded. A tree did tear up macadam on side of bridge.

Hanover Engineering will check scour on all Township bridges.

Visitors

1. Lou Katz

Mr. Katz expressed concerns with speeding in the Clearview Gardens development and blowing grass in the street.

Bruce Leisey will inform NLCRPD of the speeding concerns.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 9:25 PM to discuss employment issues. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 9:35 PM. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve contracting for GIS services with Mike Boyer, 236 W Girl Scout Road, Stevens at a rate not to exceed \$18.00 per hour. * The motion was unanimously approved.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$155,104.55 for the month of July. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$4,493.82 for the month of July. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$9,368.43 for the month of July. * The motion was approved unanimously.

Reports for the Month

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

Adjournment

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 9:41 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary