

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
February 12, 2018

The Supervisors of Clay Township met on a regularly scheduled meeting date of February 12, 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 and Keith Martin, Vice-Chairman. Gary Landis, Secretary was absent.

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 6:30 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Tim Lausch to approve the January 2, 2018 meeting minutes as printed in the February 12, 2018 Agenda. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Tim Lausch to approve the January 8, 2018 meeting minutes as printed in the February 12, 2018 Agenda with the following on first page under Martin visitors change “poultry” house to “green” house. * The motion was unanimously approved.

Treasurer’s Report

Keith Martin made a motion, seconded by Tim Lausch to approve the Treasurer’s Report for the month of January 2017. * The motion was unanimously approved.

** At the request of the Township Manager, Chairman Lausch moved the next item from New Business to Visitors. **

Visitors

1. Keith Hall, 418 Buttercup Dr – Request to install 8’ high solid fence

Mr. Hall informed the Board of Supervisors that the evergreens located along his south west property line were destroyed by a storm. Mr. Hall is requesting permission to replace the trees with an 8’ high solid fence. He is requesting an 8’ high fence instead of a standard 6’ high fence

since the homes abutting his property are located higher than his property and this 8' high will provide additional privacy.

Keith Martin made a motion, seconded by Tim Lausch to grant relief from the Clay Township Code of Ordinances Chapter 10 Section 104 and 104.b. * The motion was unanimously approved.

Engineer's Report

1. J Wilmer Thomas – Approve and Execute Stormwater Mgmt and Right of Entry Agreement

After review, Keith Martin made a motion, seconded by Tim Lausch to approve and execute the Stormwater Management Agreement and Declaration of Easement. * The motion was unanimously approved.

The Township Manager informed the Board of Supervisors that he has not received the Financial Security Agreement for the Thomas' plan. The Township Manager will follow up on the agreement.

2. Samuel Wenger – Centerline Separation Plan and Sewer Building Waiver

Ted Cromleigh, Diehm and Sons, reviewed the plan with the Board of Supervisors. Samuel Wenger is the owner of a 96.73-acre farm located at 85 Wissler Road, Lititz PA. The farm is located on the east and west sides of Wissler Road. The farm is improved with two (2) single family dwellings served with individual on-lot water supply and sewage disposal systems and agricultural use barns and sheds on the west side of the road. The farm is located in the Agricultural and Light Industrial Zoning Districts. The majority of the farm is used for the cultivation of agricultural crops.

Samuel Wenger is proposing a centerline separation of the lands of the farm located on the east and west sides of Wissler Road. The area of Lot 2 (east side of Wissler Road) will be 5.22 acres and contains all lands of the farm separated by Wissler Road on the east side of the road. All lands of the farm located on the east side of the road are zoned light industrial.

Samuel Wenger resides in the dwelling located on the proposed Lot 2. The subdivision is being conducted for estate planning purposes and will not result in any new construction, excavation, or increased sewage flows on either lot.

Keith Martin made a motion, seconded by Tim Lausch to approve the following modification and deferral as outlined in the Hanover Engineering letter dated 2/9/18. * The motion was unanimously approved.

Section 405.A(1) – Drafting Standards – All plans shall be drafted at a scale of not less than one hundred (100) feet to the inch

The Applicant is requesting a modification of the requirement to draft centerline separation plans at a scale of not less than one hundred (100) feet to the inch. The justification provided is that Plan Sheet 2 of 3 is shown at a scale of 1" = 200' and the Plan Sheet is legible at this scale.

Section 405.C.2(f) – Wetlands Report

The Applicant is requesting a deferral of the requirement to provide a wetlands report until such time that any development on the site is proposed. The justification provided is that the Wenger Subdivision is a centerline separation of two developed parcels of land; no new construction or excavation is proposed; and the National Wetlands Inventory Mapping does not identify any wetlands on the site.

Keith Martin made a motion, seconded by Tim Lausch to execute the request for Planning Waiver and Non-Building Declaration. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Tim Lausch to approve the plan contingent on compliance with the Hanover Engineering letter dated 2/9/18. * The motion was unanimously approved.

3. Tim's Auto Body – Final Land Development Plan

Ted Cromleigh, Diehm & Sons, reviewed the plan with the Board of Supervisors. The property is Lot 7 in the Countryside Enterprise development. The tract is vacant with the exception of the existing stormwater basin and swale constructed from the Tents for Rent land development plan. Tim's Auto Body shop is proposing to construct a building and parking area. The plan also proposes widening of Wood Corner Road along the lot's frontage.

Keith Martin made a motion, seconded by Tim Lausch to approve the following waivers, modification and deferrals at outlined in the Hanover Engineering letter dated 1/18/2018. * The motion was unanimously approved.

Section 303.A – Preliminary Plan Application

The Applicant is requesting a waiver of the requirement to process a Preliminary Plan. The applicant feels that the plan has been prepared as to meet all criteria of both preliminary and final plan. The applicant states that the plan is simple in nature and is part of a larger, planned industrial development.

Section 402.A.6 – Profiles shall be drawn at 1" = 50' horizontal and 1" = 10' vertical

The Applicant is requesting a modification of the requirement to provide profiles at the required scale of 1" = 50' horizontal and 1" = 10' vertical. The applicant states that the plan has been prepared at a scale of 1" = 40' and feels that the profile scale of the proposed access drive should relate to the plan scale.

Section 409 – Environmental Impact Assessment Report required for building over 10,000 sq ft

The applicant is requesting a modification of the requirement to provide an Environmental Impact Assessment Report. The justification provided is that the proposed building will have 10,585 sf of gross floor area. The applicant notes that the building is located in a planned industrial development and that an EIA report has been provided with the overall development.

Section 602.V.12 and Section 603.B – Sidewalks required along property frontage and within the development

The applicant is requesting a deferral of the requirement to install sidewalks until a time that the Township deems necessary. The applicant states that there is no sidewalk within 1,000 feet of the site and the proposed business will not generate any pedestrian traffic. The applicant has provided Note 19 on Sheet 1 of the plan to make this requirement clear. A Notation should also be added to the Land Development Agreement.

Section 603.A.2.b – No parking shall be permitted in front of the building

The applicant is requesting a waiver of the requirement of no parking being permitted in front of the building along Enterprise Road. The applicant states that the lot is small due to the limited space between the Tents for Rent site and Enterprise Road to the north and the boundary line along Farm Master to the south. The applicant has also added that the area available for development is reduced further due to the large basin and swale along the southern portion of the property. The applicant feels that for this site to be viable for the proposed use, some of the parking needs to be placed in front of the building within the front yard setback and closer than 30 feet from the building. The applicant notes that the parking lot has been provided with screening and other landscaping that will allow for the frontage of the property to still be attractive.

Section 603.A.2.c – No Parking shall be permitted within any building setback

The applicant is requesting a waiver of the requirement of no parking being permitted within any building setback. The applicant states that the lot is small due to the limited space between the Tents for Rent site and Enterprise Road to the north and the boundary line along Farm Master to the south. The applicant has also added that the area available for development is reduced further due to the large basin and swale along the southern portion of the property. The applicant feels that for this site to be viable for the proposed use, some of the parking needs to be placed in front of the building within the front yard setback and closer to 30 feet from the building. The applicant notes that the parking lot has been provided with screening and other landscaping that will allow for the frontage of the property to still be attractive.

Section 603.A.2.e – All parking areas shall be located a minimum of 30 feet from any building

The applicant is requesting a modification of the requirement of all parking be located a minimum of 30 feet from any building. The applicant states that the lot is small due to the limited space between the Tents for Rent site and Enterprise Road to the north and the boundary line along Farm Master to the south. The applicant has also added that the area available for development is reduced further due to the large basin and swale along the southern portion of the property. The applicant feels that for this site to be viable for the proposed use, some of the parking needs to be placed in front of the building within the front yard setback and closer to 30 feet from the building. The applicant notes that the parking lot has been provided with screening and other landscaping that will allow for the frontage of the property to still be attractive.

Section 603.B – Sidewalks required along all adjacent streets

The applicant is requesting a deferral of the requirement to install sidewalks until a time that the Township deems necessary. The applicant states that there is no sidewalk within 1,000 feet of the site and the proposed business will not generate any pedestrian traffic. A Notation should also be added to the Land Development Agreement.

Section 609.E.4.b – Parking compounds shall include a minimum total landscape area equal to ten (10) percent of the parking area occupied by parking spaces

The applicant is requesting a waiver of the requirement to provide a minimum total landscape area equal to ten (10) percent of the parking area occupied by parking spaces. The applicant states that the parking configuration needed for this use is unusual. The applicant indicates that the parking spaces are spread throughout the site in short rows and this is to provide convenient parking spaces to park vehicles after the work has been completed until the customer picks the vehicle up. The applicant feels that the placement of interior parking lot landscaping islands is impractical and would create obstacles which would not allow for easy vehicle movement and snow plowing. The applicant notes that landscaping has been provided around the perimeter of the parking areas.

Section 609.E.4.c – The interior of each parking lot shall have at least one (1) two (2) inch caliper deciduous shade tree for every five (5) parking spaces

The applicant is requesting a modification of the requirement that the interior of each parking lot shall have at least one (1) two (2) inch caliper deciduous shade tree for every five (5) parking spaces. The applicant indicates that in-lieu of parking lot landscaping located in islands within the parking lot, the plan proposes landscaping to be placed around the perimeter of the site. The applicant has included a tabulation of the required trees within the Landscaping Plan and has provided the same number of trees that would be required by this section to be installed in the parking have been provided elsewhere on the site, e.g. around the perimeter of the parking lot and along Wood Corner Road. The applicant feels that the disbursement of the landscaping in these areas will provide the aesthetics, environmental and buffering functions that trees planted within interior islands would provide while allowing the owner a more efficient snow plowing operation without the required islands.

Section 609.F.2.a.1 – Landscape screening

The applicant is requesting a modification to the landscape screening requirements. The applicant indicates that this section requires a high and low level landscape screen around the perimeter of the property adjacent to the public street. The applicant states that the required screening is provided as required, however, along Wood Corner Road, the developer believes it would be best for some visibility to be retained for convenience and policing/security reasons. The applicant has noted that along Wood Corner Road, the low level screening is provided, but the high level screening would require 17 evergreen trees. The applicant indicates that the plan proposes all of those trees along the southern property line and that all the trees required by this section will be provided, just in a different location. The applicant is also proposing some trees required by Section 609.E.4.c along the Wood Corner Road frontage to further enhance the aesthetics of the site from the road.

Keith Martin made a motion, seconded by Tim Lausch to approve plan contingent on compliance with the Hanover Engineering letter dated 1/18/2018 and approve the Improvement Guarantee in the amount of \$162,464.87. * The motion was unanimously approved.

4. Mike Martin – As-Built Plan Approval and Escrow Reduction Request

Bob Lynn reviewed the As-Built Plans and escrow reduction request with the Board of Supervisors. It is Hanover Engineering's recommendation to release escrow in the amount of \$8,445.32. Financial security in the amount of \$1,000.00 shall be retained for the remaining improvements.

Keith Martin made a motion, seconded by Tim Lausch to approve the full escrow release in the amount of \$9,445.32 after receipt of an \$1,000 cash escrow from Mr. Martin. * The motion was unanimously approved.

5. Jesse & Anne Kinsinger – Approve and Execute Stormwater Mgmt Agreement and MOU

After review, Keith Martin made a motion, seconded by Tim Lausch to approve and execute the Stormwater Management Agreement and MOU. * The motion was unanimously approved.

Bruce Leisey noted that the Township has received a Letter of Credit in the amount of \$37,577.12.

Old Business

None

New Business

1. HomeTowne Square – Request to rescind Stormwater NOV

Cliff Weaver, representative of HomeTowne Square, informed the Board of Supervisors of his desire to convert Basin #1 from the construction phase to the final post construction phase. Mr. Weaver stated this conversion will reduce the de-watering time and stormwater impact on Peaceable Kingdom's property.

Doug and his mother Joyce Eberly of 50 Hackman Road stated they are still having ongoing problems with stormwater flowing from Basin 1 over their property. Problems include standing water which prohibits them from mowing the grass in the area.

Dr. Cappiello, representative of Peaceable Kingdom, stated he has supplied an easement for the Weaver's review which would allow the Weaver's to install a pipe from basin #1 across the Eberly and Peaceable Kingdom properties to control the flow of the water and eliminate ponding on both properties.

Dr. Cappiello's only condition on the easement is that he be able to connect to the pipe to discharge any stormwater generated from any expansion of impervious he might do on Peaceable Kingdom's property.

Mr. Weaver stated that he received the easement early in the day and did not have time to fully review it but he is confident they can come to an agreement by the next month's township meeting.

The Board of Supervisors agreed to table Mr. Weaver's request until the next township meeting.

2. Adopt Resolution #021218 for Co-operative Bidding on Road Materials

After review, Keith Martin made a motion, seconded by Tim Lausch to approve and adopt Resolution #021218 to participate in a Co-operative Bidding and Purchasing Agreement for the procurement of road work (206,676 sq yd seal coating) and line painting (295,000 ft). * The motion was unanimously approved.

Visitors – Cont

2. Jon Stoner, 280 West Girl Scout Road

Mr. Stoner informed the Board of Supervisors that the road is starting to crack due to heavy truck traffic on West Girl Scout Road and stormwater getting under the road.

The Board of Supervisors will investigate the issue.

3. Lou Katz, 30 Meadow Drive

Mr. Katz stated that parking on the streets during snow plowing is causing an inconvenience for the snow plow drivers and the streets cannot be plowed back to the curb. He also stated that a large number of resident's sidewalks were not cleaned off after the snow event. Mr. Katz also asked if during street cleaning "do not park" signs could be posted so all cinders can be cleaned up.

Keith Martin informed the Road Master that a resident told him that water flows across the road at 1725 Furnace Hill and causes an icing situation. Earl stated that he was aware and will try to resolve the issue. Bruce Leisey stated that Earl, Bob Lynn and he met with the property owner at

1725 Furnace Hill and it was decided when he paves his driveway the Township will work with him to regrade driveway to eliminate the problem.

Bruce Leisey informed the audience that the Board of Supervisors held an Executive Session on Monday, February 5, 2018 between 8:00 AM and 10:00 AM and 6:00 PM and 8:00 PM to interview 4 potential candidates for the newly created Public Works position. The executive session was strictly for interviewing the candidates, there was no discussion or deliberation after the interviews. The executive session was attended by Earl Stauffer, Bruce Leisey, Tim Lausch, Keith Martin and Gary Landis.

Executive Session

Keith Martin made a Motion, seconded by Tim Lausch for the Board to enter into executive session to discuss personal issues. The motion passed unanimously, and the Board entered executive session at 8:35 p.m.

Also in attendance was Bruce Leisey and Earl Stauffer. Gary Landis was in attendance via telephone.

Keith Martin made a motion seconded by Tim Lausch to come out of executive session at 9:35 p.m. The motion passed unanimously.

No decisions were made in Executive Session

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Tim Lausch, to approve the General Fund bills totaling \$157,615.07 for the month of January. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Tim Lausch, to approve the Recreation Fund bills totaling \$582.10 for the month of January. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Tim Lausch, to approve the Sewer Fund bills totaling \$3,212.45 for the month of January. * 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 Tim Lausch, to adjourn the meeting at 10:02 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

ABSENT

Gary Landis, Secretary