

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
February 8, 2021

The Supervisors of Clay Township met on a regularly scheduled meeting date of February 8, 2021, 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, Bob Lynn of Hanover Engineering, 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**

Gary Landis made a motion, seconded by Keith Martin to approve the January 11, 2021 meeting minutes. \* 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 January 2021. \* The motion was unanimously approved.

**Visitors**

NONE

**Engineer's Report**

1. Stoney Ledge Auto Sales – Request for Waiver of Land Development

Andrew Adams, Diehm & Sons and Dale Martin, Developer, reviewed the request with the Board of Supervisors. The property is comprised of 3.19 acres. The address of the site is 2034 West Main Street, Ephrata. The property is located in the Clay Township Agricultural Zoning District. The project site presently contains an existing automobile sales/body shop repair business located within a 5,941 sq ft building. The property is served with public sewer and water supply. The site employees between 5 to 7 people including the owner. The employee count has not exceeded 7 in

the past 25 years. Currently there are 5 employees. A Land Development Plan was processed and approved by Clay Township on 2/14/1994 for the project, the plan allowed the construction of the improvements that are presently on the site. The Zoning of the site at the time of the submission of the Land Development Plan was Light Industrial. On 1/7/2010 approval was granted by the Clay Township Zoning Hearing Board to allow the expansion of a non-conforming structure for the addition of an office to the existing building. The Board of Supervisors also granted a waiver of the submission of a Land Development Plan in early 2010.

It is proposed to construct a 1,240 sq ft addition to the rear of the building. The proposed addition will be used as a recon – clean up bay and a staging area for internet sales of vehicle stock. The proposed addition will not result in any new or increased traffic flows from the building or the hiring of additional employees. The building addition is needed for changing sales practices in the automobile industry. Work conducted within the building will only be for the on-site business. Work conducted in the new building addition is currently done on-site inside or outside the existing building.

The proposed building addition will be constructed over top of existing gravel area. There will be no increase to storm water run-off flows resultant from the construction of the building addition.

Customer traffic flow thru the site has been reduced since the site was originally developed due to shifting patterns in the automobile sales industry to primarily internet sales.

A Zoning Hearing was held on 1/7/21 for the project. Approval was granted for a Variance of Section 403 (b) to allow the expansion of the non-conforming use. The current use of the facility is non-conforming due to a change in the zoning classification of the site by Clay Township after the original structure was built.

Gary Landis made a motion, seconded by Keith Martin to approve the request for a waiver of the Clay Township Subdivision and Land Development Ordinance. \* The motion was unanimously approved.

## 2. Wyndale – Discussion on Public, Private, Connecting Streets

Bob Lynn updated the Board of Supervisors on the discussions of the proposed plan with the Planning Commission Board on 1/25/21. The Planning Commission Board was in favor of using Kimberly Lane as an emergency only access and not a public connection to Kimberly Lane, and to accept the streets on the proposed plan as public provided the streets meet the Township standard street dedication requirements.

Jim Henke, Pioneer Management, informed the Board of Supervisors that the Developer has modified the proposed plan to use Kimberly Lane as an emergency only connection as proposed on the Home Towne Square Preliminary Plan. The Developer is still proposing to dedicate the street to the Township.

Joe Sardina, 238 Philip Lane, asked how the road would be closed off to traffic. Jim Henke said plastic bollards would be placed in the ground and the bollard would bend to the ground when an emergency vehicle passes over them.

Matt Connors, 237 Kimberly Lane, requested that Kimberly Lane remains an emergency access only connection as previously proposed because the additional traffic would cause an unsafe condition for pedestrians walking and bike riders along the edge of the road.

Frank Sombers, 217 Kimberly Lane, asked how the current condition of the end of Kimberly Lane would change. Would the grass remain?

Jim Henke said plastic honeycomb paving would be installed, filled with soil and seeded with grass. He said the appearance would basically remain the same.

Mike Gerhart, 234 Joshua Lane, asked if the Home Towne Square 55+ development will remain private streets.

Bob Lynn said yes, the currently developed 55+ Home Towne Square will remain private streets.

Matt Connors provided a petition to the Board of Supervisors indicating the residents request to not make a public connection to Kimberly Lane from the Wyndale development.

Matt Connors asked how this plan will change the access to the 55+ Home Towne Square development.

Bob Lynn said the Developer proposes one public and two emergency only access points to Home Towne Square.

Paul Frantz, 203 Kimberly Lane, said he walks his grandchildren on Kimberly Lane and is concerned if it is connected to the proposed development it will be unsafe for walking due to additional traffic and speeding.

Tim Lausch asked for a show of hands from the audience all who are in favor of Kimberly Lane being an emergency only access point. All residents in the audience raised their hands.

Gary Landis asked who would maintain the pavers installed under the emergency access point.

Tim Lausch said that Clay Township would maintain the pavers if needed, however, he has had experience with this product and they would last a very long time. The Wyndale development would cut and maintain the grass over the pavers.

Tim Lausch stated he would prefer to keep Kimberly Lane as an emergency only access and would consider dedication of the streets in Wyndale.

Keith Martin stated he would prefer to have an emergency only access connection to Kimberly Lane and the Wyndale development. If the roads are built to Township standards, he would accept

dedication as that would be consistent with the actions taken by the Board of Supervisors in other Township developments. Keith also noted that if there is only emergency access to Kimberly Lane from Wyndale, the street named Kimberly Lane in Wyndale should be changed to another name.

Gary Landis said he would be in agreement to maintain emergency access only to Kimberly Lane. He is undecided on acceptance of the roads in Wyndale as public. He has concerns with the time involved in winter maintenance of the streets with the limited Public Works Township staffing.

3. Blue Bell MHP – Time Extension Request

Bruce Leisey informed the Board of Supervisors that the Developer has requested a time extension until May 11, 2021 for additional time to receive approval for the NPDES permit requested for the project.

Keith Martin made a motion, seconded by Gary Landis to approve the requested time extension until May 11, 2020. \* The motion was unanimously approved.

4. Review Hydraulic Evaluation Proposal for Culvert at Hackman Road

West Cocalico Township Staff have requested investigating replacing the culvert under Indian Run at Hackman Road which is maintained by West Cocalico and Clay Township. The culvert is in need of replacement within the next five years and replacement would also reduce flooding on the roadway during storm events.

The first step of the process would be to conduct a Hydraulic Evaluation to determine the appropriate size of the new culvert.

Both Clay Township and West Cocalico Township will acquire a quote from their Engineers for this task.

**Old Business**

1. Annex Renovation Update

Bruce Leisey informed the Board of Supervisors that the renovation bids will be opened 2/19/21 and a draft Lease Agreement is being drafted.

## **New Business**

1. Review 2020 Municipal Wasteload Management Report

Township Staff reviewed the report with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve and execute the report. \* The motion was unanimously approved.

2. Approve and Execute Sewage Discharge NPDES Permit Renewal

Township Staff reviewed the renewal permit with the Board of Supervisors.

After review, Keith Martin made a motion, seconded by Gary Landis to approve and execute the permit renewal. \* The motion was approved unanimously.

3. 33 Perseverance Lane – Relief to Install Privacy Fence at Patio

Bruce Leisey reviewed the request to install a 6'X6' vinyl fence panel on the side of the concrete patio. Township Staff was undecided if the panel met the definition of a fence. It was decided to seek relief from the Board of Supervisors in this case and for Township Staff to research issue further before making a determination.

Gary Landis made a motion, seconded by Keith Martin to approve the request to install one 6'X6' vinyl fence panel on the side of the concrete patio as noted on drawing provided with Zoning/Building Permit Application. \* The motion was approved unanimously.

## **Executive Session**

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 8:30 PM to discuss personnel issues and potential litigation. \* The motion was approved unanimously.

Gary Landis made a motion, seconded by Keith Martin to exit Executive Session at 9:00 PM. \* The motion was approved unanimously.

There was discussion on the draft Ephrata Borough Authority Sewer Agreement.

No decisions were made.

**Bills to be Paid**

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$154,524.11 for the month of January. \* The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$1,228.08 for the month of January. \* The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$3,751.50 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. Solicitor’s Report
5. Engineer’s Report
6. Manager’s Report
7. Road Master’s Report
8. Zoning Officer’s Report

**Adjournment**

Keith martin made a motion, seconded by Gary Landis, to adjourn the meeting at 9:15 P.M. \* The motion was approved unanimously.

Clay Township Board of Supervisors

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Timothy Lausch, Chairman

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Keith Martin, Vice Chairman

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Gary Landis, Secretary