

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
January 14, 2019

The Supervisors of Clay Township met on a regularly scheduled meeting date of January 14, 2019, 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 6:30 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the December 10, 2018 meeting minutes as printed in the January 14, 2019 Agenda. * The motion was unanimously approved.

Treasurer's Report

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

Visitors

1. Christopher and James Martin – Sunnyside Road

Tabled until later in the meeting.

Engineer's Report

1. Sharp Shopper Warehouse – Land Development Plan

Mark Magrecki, Penn Terra Engineering and Dennis Sharp, Darren Sharp and Dick Stahl representatives of Sharp Shopper reviewed the plan with the Board of Supervisors.

Sharp Properties, LP is proposing to construct a 117,130 square-foot warehouse building, parking areas, utility extensions and related stormwater management facilities at their existing facility located at 1041 Sharp Avenue, Ephrata. The overall lot property is 38 acres, however approximately 7.70 acres is being disturbed with this project. The site is currently used as a warehouse and was also the former location of Keystone Fence. The site is currently covered with impervious surfaces that drain to existing detention basins. The building will be phased. The current plan is to complete ½ the building now and ultimately the existing building will be removed. Common access between Udder Choice and the Sharp Shopper property will not be utilized when the project is completed.

Keith Martin made a motion, seconded by Gary Landis to approve the following waivers and modifications at outlined in the Hanover Engineering letter dated 11/1/18. * The motion was unanimously approved.

Section 303 – 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 application states that the plan is simple in nature and is part of a larger, planned industrial development.

Section 402.A.6 – Utility Profile Scale

The Applicant is requesting a waiver of the utility profile scale. The applicant feels that the utility profiles provided at a plan scale of 1"=50' and vertical scale of 1"=5' shows more details on the plan.

Section 408 – Traffic Impact Study

The Applicant is requesting a modification of the requirement to provide a traffic impact study. The applicant feels the site is currently used for warehouse and the anticipated change in the amount of trucks per day can easily be handled at the intersection of Sharp Avenue and Route 322. The applicant states that the intersection is designed to accommodate the turning movements associated with the trucks and the anticipated hours of operation should not conflict with peak hours.

Section 409 – Environmental Impact Assessment

The Applicant is requesting a waiver of the requirement of an environmental impact assessment. The applicant states the site is currently developed with impervious surfaces and a warehouse building. The site has been developed for several years and there are no environmental features impacted by the proposed development. The applicant feels the expansion will not impact the existing planting located between the proposed warehouse and the Sharp Shopper Plaza.

Section 609.E.4.b – Parking Lot Internal Green

The Applicant is requesting a modification of the requirement to provide a minimum total landscape area equal to 10% of the parking area occupied by parking spaces. The applicant states the nature of a warehouse loading area requires large amount of impervious area to ensure proper movement of vehicles. The applicant feels it is not possible to create landscape island within the lot that would not conflict with the free movement of tractor trailers. The applicant also believes the request is consistent with the current conditions found at the property which does not currently comply with this standard. The applicant agrees to provide the plantings required in Section 609.E.4.b elsewhere on the property instead of parking lot islands.

Section 609.E.4.c(2) & (3) – Parking Lot Islands

The Applicant is requesting a modification of the requirement to provide planting islands in all parking areas. The applicant states the nature of a warehouse loading area requires large amount of impervious area to ensure proper movement of vehicles. The applicant also believes the request is consistent with the current conditions found at the property which does not currently comply with this standard. The applicant agrees to provide the plantings required in Section 609.E.4.c(2) & (3) elsewhere on the property instead of parking lot landscape islands.

Section 609.F.2 – Landscape Screening

The Applicant is requesting a modification to the landscape screening requirements. The applicant states the ordinance requires a 50-foot wide screen where a proposed commercial or industrial use abuts an existing residential use. The applicant is proposing to maintain the existing screening between the existing residence and the current operations on the site. The applicant also states additional screening is proposed. The applicant further states that they propose to maintain a 16-foot setback to the proposed retaining wall and 22 feet to the proposed access drive. The applicant feels the proposed setback is greater than what currently exists at the property. The applicant agrees to provide the plantings required by Section 609.F.2 landscape screening elsewhere on the property.

Gary Landis made a motion, seconded by Keith Martin to conditionally approve the plan conditioned on compliance with the comments on the Hanover Engineering letter dated 11/1/2018.

* The motion was unanimously approved.

Visitors

1. James and Christopher Martin – Sunnyside Road

The Martin's own a farm at 615 Sunnyside Road. James Martin informed the Board of Supervisors he is interested in restoring the banks along the portion of Indian Run that cross the property.

There was discussion on the feasibility of Clay Township contributing to the project and the Township applying for sediment removal credit on the Township's Chesapeake Pollution Reduction Plan.

The Board of Supervisors authorized Hanover Engineering to do initial research of feasibility to add the Martin project to the Township's Chesapeake Pollution Reduction Plan.

Engineer's Report

2. HomeTowne Square – Stormwater NOV

Jennifer Mejia updated the Board of Supervisors on discussions she has had with Landmark representatives.

After discussion, it was decided that all parties must attend the 1/22/19 meeting or the Township will move forward with the NOV.

Monthly Reports

Tom Zorbaugh reviewed his report with the Board of Supervisors.

Engineer's Report

3. Blue Lake Builders – Escrow Release Request

The Township received a request for escrow releases from Blue Lake Builders for Bethany Gardens phases 1, 2 and 3. The Township recommends a full release of the escrow balances.

Gary Landis made a motion, seconded by Keith Martin to release escrow in the full amount of \$37,018.77 for Bethany Gardens Phase 1, full amount of \$6,148.00 for Bethany Gardens Phase 2 and full amount of \$7,384.07 for Bethany Gardens Phase 3. * The motion was unanimously approved.

4. First Response Team of America – Escrow Release Request

Bob Lynn reviewed the escrow release with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve release of escrow in the amount of \$239,028.21, retaining a balance of \$312,052.72. * The motion was unanimously approved.

5. Tim's Body Shop – Escrow Release and Approval of "As Builts"

Bob Lynn reviewed the escrow release with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve the “As Built” plans for Tim’s Body Shop as submitted by Diehm & Sons. * The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to approve entire balance of escrow release in the amount of \$162,464.87. * The motion was unanimously approved.

6. Grace and Clyde Wenger – Escrow Release Request

Bruce Leisey reviewed the request with the Board of Supervisors. The Wenger’s held escrow for a vacant building lot (145 Weidmansville Road) they purchased in 2011. The Wenger’s recently sold the lot to Dale Martin, 135 Weidmansville Road. The Wenger’s are requesting release of their escrow in the amount of \$8,970.50 and Mr. Martin is requesting from the Township to not be required to hold escrow on the lot, since he is not planning to build on the lot. The lot was purchased by Mr. Martin to provide privacy for his current residence.

Gary Landis made a motion, seconded by Keith Martin to approved release the full escrow in the amount of \$8,970.50 to Mr. Wenger and to not require Mr. Martin to obtain a replacement letter-of-credit for the lot until a building permit is applied for or a land development plan is submitted. The Township Solicitor will draft an agreement for Mr. Martin and the Board of Supervisors to execute. * The motion was unanimously approved.

Old Business

1. Sewer Lateral and Manhole Investigation

Township Staff informed the Board of Supervisors of their intention to proceed with televising all six of the suspect laterals. In light, of the recent sewer flows at the treatment plant Staff recommend that a night time visual I&I investigation be completed. The estimated cost of the investigation and report would be \$1,000 if completed in one night and \$1,760 if two nights were needed.

Keith Martin made a motion, seconded by Gary Landis to authorize Hanover Engineering to perform the I&I investigation at the cost estimated. * The motion was unanimously approved.

2. Discussions on Dirt and Gravel Grant Application

After discussion, it was decided to authorize Hanover Engineering to prepare the grant application for review by the Board of Supervisors and property owners near Stony Lane and Camp Road at the 2/11/19 meeting and submit the grant by 2/15/19.

New Business

1. Approve Advertising of Ordinance to Update to Current IBC Standards

After discussion, it was decided to table decision until the 2/11/19 meeting to allow time for the Township Staff to review the draft ordinance.

2. Appoint Herbein CPA's to audit the 2018 Financial Records

After review, Gary Landis made a motion, seconded by Keith Martin to contract with Herbein CPA's to conduct the 2018 audit of the Township's financial records at a cost of \$9,500.00. * The motion was unanimously approved.

3. Charity Gardens HOA – Request for additional streets lights along park property

Jennifer Mejia informed the Board of Supervisors she received a draft agreement from the HOA's attorney verifying that the HOA is permitted to enter into the street light installation agreement with the Township on the Township's right-of-way.

Gary Landis made a motion, seconded by Keith Martin grant conditional approval to schedule install of street lights in Township's ROW. * The motion was unanimously approved.

4. Adopt Resolution to Amend NLCRPD Charter Agreement

After discussion, Keith Martin made a motion, seconded by Gary Landis to approve and execute Resolution #011419 to extend the NLCRPD Charter Agreement until December 31, 2021. * 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 \$69,381.82 for the month of December. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$134.61 for the month of December. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$7,432.58 for the month of December. * The motion was approved unanimously.

Reports for the Month

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

Adjournment

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 9:35 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary