

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
July 10, 2017

The Supervisors of Clay Township met on a regularly scheduled meeting date of July 10, 2017, 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 7:00 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the June 12, 2017 meeting minutes as printed in the July 10, 2017 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 June 2017. * The motion was unanimously approved.

Visitors

1. Relief from Height and Solid Fence Requirements – 208 Jennifer Lane

Richard Castle is requesting relief to install a 6' high privacy fence 3' from his side and rear yards to provide privacy for his above-ground pool and his dogs. His request information also includes approval letters from his neighbors for the fence.

Keith Martin made a motion, seconded by Gary Landis to approve relief from the Clay Township Code of Ordinance Chapter 10, Section 104.b and 104.h to install a 6' high solid fence. * The motion was unanimously approved.

Engineer's Report

1. Ephrata Community Church – Zoning Map Amendment

Jennifer Mejia reviewed the Zoning Map Amendment with the Board of Supervisors. Jennifer Mejia stated that notice was properly advertised and posted for the amendment.

Tim Lausch opened the Hearing at 7:10 pm.

No comments were received.

Tim Lausch closed the Hearing at 7:15 pm.

Gary Landis made a motion, seconded by Keith Martin to approve Ordinance #071017 to amend the Clay Township Zoning Map. * The motion was unanimously approved.

** Keith Martin abstained from participating as a member of the Board of Supervisors for the next item due to he is the developer of the project. **

2. Rachel Martin – Land Development Plan

Kevin Varner, Diehm & Sons and Keith Martin, Developer, reviewed the plan with the Board of Supervisors.

Gary Landis inquired on the waiver of Road Improvements.

Township Staff informed the Board of Supervisors that waivers and deferrals had been granted in the past based on the condition of the road and traffic.

Gary Landis made a motion, seconded by Tim Laush to approve the following waivers and modifications per the Hanover Engineering letter dated 6/23/17.

Section 303.A – Preliminary Plan Application

The Applicant is requesting a waiver of the requirement to process a separate Preliminary and Final Land Development Plan. The applicant proposes the construction of two (2) poultry houses totaling 63,600 sq ft. The justification provided is that the Plan is simple in nature. The applicant believes that one review by the Township will be sufficient to ensure compliance with the Township's requirements.

Section 402.A.1 – Plan Scale

The Applicant is requesting a modification of the requirement for plan sheet to be drafted at a scale of 10, 20, 30, 40 or 50' to the inch. The ordinance states that remaining lands over 10 acres in size be drafted legibly with no mention of plan scale. The Martin farm is 46 acres in size and has been plotted at a scale of 1" = 100' to fit entirely on one sheet. The sheets with this higher scale are legible. The remaining sheets in the plan have been drafted to the standards.

Section 403.E.4.F – Properly Executed Land Development Agreement

The Applicant is requesting a modification of the requirement to provide a properly executed land development agreement. The applicant proposes, due to the minor nature of the project, a Memorandum of Understanding document. The proposed document will be properly executed and approved by the Township.

Section 602.K.3 – Improvement of Existing Streets

The Applicant is requesting a waiver of the requirement for improvements of existing streets. The applicant notes that the Martin farm is located within the Agricultural Transition Zoning District, all surrounding properties are also zoned Agricultural Transition. The plan proposes two new poultry houses. The justification provided is that additional traffic generated by the poultry houses will be very minimal. The additional right-of-way required by the ordinance was provided on a prior plan.

Section 603.D.6 – Land Developments involving non-residential buildings containing 15,000 sq ft or more gross floor area shall be provided at least two separate and distinct means of access from existing public streets

The Applicant is requesting a waiver of the requirement to provide two separate and distinct means of access from the existing public streets. The justification provided is that the plan proposes the construction of two poultry houses, on a tract with two existing poultry houses. The new poultry houses will share the existing driveway entrance, and provide a separate drive for access. There is ample space on the property for trucks to turn around. The applicant feels that with the residences in the area, a second access for trucks would further impact those neighbors. It is also noted that the proposed structures are not occupied.

Stormwater Management Ordinance

Section 11-304.F – Minimum Floor elevation shall be 2 feet above 100-year water surface elevation

The Applicant is requesting a modification of the requirement for the minimum floor elevation to be two feet above the 100-year water surface elevation. The request is in regards to proposed Infiltration Basins 1 and 2. The applicant notes that the controls have been designed to protect the poultry houses from receiving any water from the basins. The basin bottom has been set a minimum of two feet below the floor elevation of the poultry house. An inlet top is set 10" above the basin bottom as an overflow. The calculated 100-year water surface elevation is below the 10" overflow. A low point is also proposed at the west end of the basins to allow a secondary overflow six inches below the poultry house floor elevation. The floors are for agricultural buildings.

Stormwater Management Ordinance

Section 11-306.B and C – Riparian Corridor

The Applicant is requesting a modification of the ordinance requirement and seeks permission to provide a 35-foot wide Riparian Buffer Corridor Easement along the top of stream bank of the tributary vs using the more stringent 100-year floodplain easement. The justification provided is that the corridor of the creek is wooded and lined with grass and vegetative trees and shrubs. The applicant notes that there are no animals pastured on the farm and the lands within the proposed 35-foot corridor easement are not farmed. All wooded land along the portion of the property are restricted by a delineated wetlands easement and will remain undisturbed.

Stormwater Management Ordinance

Section 11-307.A.2 – Basins with side slopes steeper than 5:1 shall be protected by fencing

The Applicant is requesting a modification of the requirement to provide protective fencing for sides slopes steeper than 5:1, the proposed infiltration basins utilize a 4:1 side slope. The applicant notes that the proposed site is a poultry house complex within limited accessibility due to bio security. The proposed basins are shallow with the maximum depth of water from basin bottom to the inlet overflow being 10". The applicant feels that provided the 4:1 side slopes allows a larger basin bottom footprint and reduces the depth of water being infiltrated.

Stormwater Management Ordinance

Section 11-503.A.4 – Plan Scale

The Applicant is requesting a modification of the requirement for plan sheet to be drafted at a scale of 10, 20, 30, 40 or 50' to the inch. The ordinance states that remaining lands over 10 acres in size be drafted legibly with no mention of plan scale. The Martin farm is 46 acres in size and has been plotted at a scale of 1" = 100' to fit entirely on one sheet. The sheets with this higher scale are legible. The remaining sheets in the plan have been drafted to the standards.

Gary Landis made a motion to also approve Financial Security in the amount of \$106,650.78 and Stormwater Maintenance Fee \$1,240 contingent on compliance with the Hanover Engineering letter dated 6/23/17.

The Developer inquired about the possibility of starting earth moving before Plan is recorded. Gary Landis made a motion, seconded by Tim Laush to approve a Short Form Developers Agreement with Rachel Martin to allow developer to start earth moving before the plan is recorded. * The motion was unanimously approved.

** Keith Martin abstained from the next item due to an employment conflict with Developer. **

3. Countryside Enterprises – Subdivision Plan

Tom Matteson, Diehm & Sons and Marlin Sensenig, Developer reviewed the plan of each individual use and waivers/modification anticipated to be requested for each lot on the proposed Subdivision Plan.

There was discussion on the two remaining waivers for lot length to width ratio and length of cul-de-sac.

Tim Lausch stated that he is not inclined to approve waivers at this time.

Gary Landis asked what the economic revenue would the Township receive to help offset the costs of improvements at the intersection.

Tom Matteson said that information would be in the Environmental Impact Report.

Bruce Leisey will review the data and forward details to the Board of Supervisors.

It was decided to continue discussion at the July 25, 2017 Board of Supervisors meeting. No decisions were made at this time.

Old Business

1. Two Cousins Pizza – Notice of Violation

Bob Lynn informed the Board of Supervisors that a letter was sent out on 6/30/17 identifying the deficiencies that need to be corrected with the basin at Two Cousins Plaza. The letter indicated the Developer has until 7/15/17 to schedule the repairs or additional enforcement action will be taken.

No decisions were made at this time.

New Business

1. Request for Payment for the Snyder Park Pavilion Project

Bob Lynn reviewed the payment requests with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve payment #6 on Contract #1 in the amount of \$56,406.73 to Amric Construction. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve payment #5 on Contract #2 in the amount of \$3,256.22 to Spotts Brothers, Inc. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve payment #4 on Contract #3 in the amount of \$9,540.63 to AKC Mechanical, Inc which includes Change Order #00 63 57 in the amount of \$3,160.74. * The motion was unanimously approved.

2. Charity Gardens HOA – Request to plant trees on Township Park property

Gary Felpel, Charity Gardens HOA, requested permission to plant trees along the south border of the Charity Gardens Township Park at the developments detention basin and to place two signs notifying park visitors of the park's border. Mr. Felpel said visitors have been using the Charity Gardens HOA stormwater basin as park property.

Gary Landis made a motion, seconded by Keith Martin to approve the request and authorize Bruce Leisey to determine type and location of trees and signs. * The motion was unanimously approved.

3. Authorization to advertise the MS4 Chesapeake Bay PRP for Public Comments

Bob Lynn reviewed the MS4 PRP Plan with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve advertising on 7/26/17 of the PRP Plan. * The motion was unanimously approved.

4. HomeTowne Square Streets Lights and Speed Bumps

Bruce Leisey informed the Board of Supervisors that the HOA at HomeTowne Square has requested to replace all street lights with LED bulbs.

Bob Lynn stated that the SALDO regulations for Compact Neighborhood Development states that street light types shall be subject to Township approval and in character with pedestrian oriented street scape and no street light shall create trespass glare.

After discussion, it was decided to suggest the HOA gauge the support of the development's home owners and Developer.

No decisions were made at this time.

Bills to be Paid

General Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$35,495.39 for the month of June. * The motion was approved unanimously.

Rec Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$65,334.78 for the month of June. * The motion was approved unanimously.

Sewer Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$3,812.63 for the month of June. * 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

Gary Landis made a motion, seconded by Keith Martin, to adjourn the meeting at 9:55 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary