

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
May 12, 2014

The Supervisors of Clay Township met on a regularly scheduled meeting date of May 12, 2014, 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 Timothy Lausch, Chairman, Keith Martin, Vice Chairman and Gary Landis, Secretary.

Clay Township employee present was Bruce Leisey, Township Manager. Also present was Bob Lynn of Hanover Engineering, Inc., Township Engineer and Jennifer Mejia of Shirk and Mejia, Township Solicitor.

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

Timothy Lausch called the Meeting to order at 7:01 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the April 14, 2014 meeting minutes as printed in the May 12, 2014 agenda. * The motion was approved unanimously.

Treasurer's Report

Keith Martin made a motion, seconded by Gary Landis, to approve the Treasurer's Report for the month of April, 2014. *The motion was approved unanimously.

1. Hearing for Adoption of Storm Water Management Ordinance, Storm Water Related Zoning and SALDO Ordinance

Tim Lausch called the Storm Water Management Ordinance hearing to order at 7:05 pm.

Bob Lynn gave an overview of the Ordinance. Jennifer Mejia noted that the proposed changes to the Ordinance were properly advertised.

Gary Landis stated a positive note of the proposed ordinance is small projects processing option which can be complete by residents. Mr. Landis does have a concern with appeals being approved by the Board of Supervisors. He stated that this ordinance solves a small problem with a big

sledge hammer. He feels that Clay Township farmers are proactive in working to protect the Chesapeake Bay. He also stated that it is not his wish to adopt this ordinance. He feels that it is unnecessary because existing ordinances and conservation measures are already in place and perhaps not enforced or implemented as they should be.

Tim Lausch stated that the Board of Supervisors may not agree with all regulations but, will strive for compliance.

Keith Martin stated that the goal is to streamline the process. He also said that further investigation should be done on possible Ag exemptions/alternative planning.

Tim Lausch closed the hearing at 7:19 pm.

Keith Martin made a motion, seconded by Gary Landis to adopt Ordinance #051214 Storm Water Management Ordinance. * The vote was Tim Lausch YES, Keith Martin YES and Gary Landis NO.

Tim Lausch called the Storm Water Related Zoning Ordinance hearing to order at 7:20 pm.

Jennifer Mejia noted that the proposed changes to the Ordinance were properly advertised.

There were no comments.

Tim Lausch closed the hearing at 7:21 pm.

Gary Landis made a motion, seconded by Keith Martin to adopt Ordinance #051214A Storm Water related to Zoning Ordinance. * The motion was unanimously approved.

Tim Lausch called the Storm Water Related SALDO Ordinance hearing to order at 7:22 pm.

Jennifer Mejia noted that the proposed changes to the Ordinance were properly advertised.

There were no comments.

Tim Lausch closed the hearing at 7:23 pm.

Keith Martin made a motion, seconded by Gary Landis to adopt Ordinance #051214B Storm Water related to SALDO Ordinance. * The motion was unanimously approved.

Engineer's Report

1. Sewage Holding Tank Ordinance Revision

Bob Lynn reviewed the proposed changes to the Sewage Holding Tank Ordinance with the Board of Supervisors. He stated that the proposed changes bring the Ordinance in compliance with DEP regulations.

Gary Landis made a motion, seconded by Keith Martin to approve Ordinance #051214C Sewage Holding Tank Ordinance. * The motion was unanimously approved.

2. Fox Family Partners – Land Development Plan #14-01

Ted Cromleigh, Diehm and Sons, reviewed the Fox Family Partners plan with the Board of Supervisors. The plan is to redevelop an abandoned car lot and construct a 4,685 sq foot building to host a creamery and ice cream shop. Estimated sewer flows will be 754 gpd and all commercial food waste will be hand applied to the Fox farm fields and not accumulated in the holding tank. All current buildings will be removed and the exit onto 322 will be closed and the only entrance/exit will be from North Clay Road.

Gary Landis made a motion, seconded by Keith Martin to approve the following waivers/modifications as indicated in the Hanover Engineering letter dated 4/1/14 for the Fox Family Partners Land Development Plan. * 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 Application for a land development plan. The applicant feels that there would not be any benefit for the Township or the Developer to process a separate Preliminary Plan Application. It is the applicant's belief that one review process by the township will be sufficient to ensure that the plan complies with the requirements of the Township Ordinances.

Section 602.K.3 – Improvements of existing streets adjacent to the Property

The applicant is requesting a deferment of the improvement of the existing streets adjacent to the property until the future when the Township and/or PennDot initiate corridor improvements along North Clay Road or West Main Street. The applicant states that this was discussed at the meeting with Township staff in August 2013.

Section 602.M.3 – Intersections with collector streets shall not be located closer than 400' measured at the centerline, along the street being intersected

The applicant is requesting a waiver of the requirement of not permitting intersections with collector streets being closer than 400 feet, measured at the centerline, along the street being intersected. The applicant states that the proposed access drive has been located at the same place as the existing access from the access to the property across North Clay Road. The applicant feels

that there is no location along the site's two (2) frontages that would comply with this requirement.

Section 602.M.6 – Intersections with collector streets shall have 55 foot radii

The applicant is requesting a waiver of the requirement to provide 55 foot radii at the intersection with collector streets. The applicant states that the access drive provides 20 foot radii, which is the largest radii that can reasonable work given the size and configuration of the property. The applicant has indicated that the site will not receive tractor trailer deliveries.

Section 602.N.1 – Clear sight triangles shall be measured 100 feet along the centerline in all directions from the intersections of the centerlines

The applicant is requesting a waiver of the requirement that clear sight triangles shall be measured 100 feet along the centerline in all directions from the intersections of the centerlines. The applicant states that a clear sight triangle measured 100 feet along North Clay Road and 40 feet along the access drive is proposed on the plan which permits the required parking spaces to be provided as well as the required screening along North Clay Road. The applicant feels that if the ordinance requirement is enforced, it will be impossible to develop the proposed use as sufficient parking would not be possible. The applicant has proposed a stop sign as an alternate.

Section 602.T.5 – The vertical and horizontal alignment of access drives shall conform to the specifications for local streets in Section 602.G and 602.H

The applicant is requesting a waiver of the requirement that the vertical and horizontal alignment of access drives shall conform to the specifications for local streets. The applicant states that the access drive must be configured horizontally as indicated on the plant to provide access to the site. The applicant feels that the vertical alignment levels off as the access drive enters the parking area, but maintains good cross slope for drainage and that it is not practical to provide this access drive to the same specifications as a local street. The applicant has noted that the speed of the vehicles will be minimal.

Section 603.A.1.a – Parking areas shall be set back a minimum of ten (10) feet from any property line and public road right-of-way

The applicant is requesting a modification of the requirement that parking areas shall have a minimum set back of ten (10) feet from the property line or any public road right-of-way. The applicant states the existing parking areas on the site encroach within the road right-of-way and closer to the property line. The applicant feels that it is required to make this development work that they utilize the same areas for parking. The applicant has noted that they have pulled the parking out of the right-of-way by five (5) feet to a landscape buffer. The applicant also notes that the parking lot encroaches within ten (10) feet of the property line in two (2) places; the first area is adjacent to the Yang property and the existing parking lot is only 5.5 feet from the property line, while the proposed parking lot is 8.4 feet from the property line and the second area is adjacent to the Fox property to the North and the existing and proposed parking areas are both 8.3 feet from the property line. The applicant feels that since the parking is being removed entirely from the right-of-way, and the offset to the adjacent Yang property is being made better, and that the north property is owned by the Developer that a ten (10) foot set back from the property line and public road right-of-way is not required.

Section 603.A.1.c – Buffer landscaping is required where parking lots are proposed to adjacent residential properties

The applicant is requesting a modification of the requirement to provide buffer landscaping where parking lots are proposed to adjacent residential properties. The applicant states that the adjacent Yang property is used as a residence, but is zoned Neighborhood Commercial. There is an existing solid wood fence along the Yang property that buffers them from the used car lot that has existed on the site. The applicant states that the existing fence will remain and requests that the existing fence be substituted for the required landscaping.

Section 603.A.1.j – Parking lots with more than 20 spaces shall provide curb or planting strips to delineate access lands and to confine traffic to designated areas

The applicant is requesting a waiver of the requirement to provide curb or planting strips to delineate access lanes and to confine traffic to designated areas. The applicant states that the parking lot for this project is unusual in its configuration, but that it is required to in order to obtain the required parking for the propose use. The applicant has kept the parking along the perimeter of the property and along the building so as to maximize the amount of spaces provided. The applicant also states that the large area of the paving as the center of the proposed parking lot will also function as the maneuvering area for trucks accessing the loading dock and any island put in to try to designate parking aisles would serve to block access to the loading dock. The applicant feels that a painted island would be just as likely to confuse people as it would to successfully guide motorists.

Section 603.B.1 – Sidewalks along frontage of all streets adjacent to the property

The applicant is requesting a deferment of the installation of sidewalks along the frontage of all streets adjacent to the property until the future when the Township and/or PennDOT initiate corridor improvements along North Clay Road or West Main Street. The applicant sates that this was discussed at the meeting with Township staff in August 2013.

Section 603.C.2 – Curbs required where sidewalk is required (along street frontage)

The applicant is requesting a deferment of the installation of curbing where sidewalks are required until the future when the Township and/or PennDOT initiate corridor improvements along North Clay Road or West Main Street. The applicant states that this was discussed at the meeting with Township Staff in August 2013.

Section 603.E.1 – Loading spaces shall be 35 feet from any property and be located on the side or rear of the building

The applicant is requesting a waiver of the requirement that the loading spaces shall be 35 feet from any property and be located on the side or rear of the building. The applicant states that with the location of the building, the configuration of the floor plan and the need for access from North Clay Road makes it nearly impossible to meet this requirement. The applicant feels that the buffer landscaping along the site's frontage and the existing wood fence and garage on the neighboring Yang residence will serve to screen the proposed loading space.

Section 609.E.4.b – Parking lot interior landscaping

The applicant is requesting a waiver of the requirement of providing interior landscaping within the parking lot. The applicant states that the interior of the site is small and that there is insufficient space to provide the required landscaping, perimeter buffer and planting strip. The applicant has indicated that the parking lot has exactly the number of spaces that is required, so there is no way to remove spaces to provide interior landscape islands and interior shade trees. The applicant has also indicated that all of the required shade trees have been provided, but they are provided along the perimeter of the parking lot and in doing so, act as street trees instead. The applicant has noted that the proposed parking lot represents a significant improvement to the existing condition. The applicant has also noted that the parking lot extends well into the right-of-way of both West Main Street and North Clay Road and provides no buffer landscaping. The applicant states that upon completion, this project will provide the required parking outside that right-of-way and provide a continuous landscape screen.

Section 609.E.4.c – Shade trees to the interior of the parking lot

The applicant is requesting a waiver of the requirement of providing shade trees to the interior of the parking lot. The applicant states that the interior of the site is small and that there is insufficient space to provide the required landscaping, perimeter buffer and planting strip. The applicant has indicated that the parking lot has exactly the number of spaces that is required, so there is no way to remove spaces to provide interior landscape islands and interior shade trees. The applicant has also indicated that all of the required shade trees have been provided, but they are provided along the perimeter of the parking lot and in doing so, act as street trees instead. The applicant has noted that the proposed parking lot represents a significant improvement to the existing condition. The applicant has also noted that the parking lot extends well into the right-of-way of both West Main Street and North Clay Road and provides no buffer landscaping. The applicant states that upon completion, this project will provide the required parking outside that right-of-way and provide a continuous landscape screen.

Section 609.E.4.d.1 – 10 foot perimeter buffer around parking lots with 20 or more spaces

The applicant is requesting a waiver of the requirement of providing a 10 foot perimeter buffer around parking lots with 20 or more spaces. The applicant states that the interior of the site is small and that there is insufficient space to provide the required landscaping, perimeter buffer and planting strip. The applicant has indicated that the parking lot has exactly the number of spaces that is required, so there is no way to remove spaces to provide interior landscape islands and interior shade trees. The applicant has also indicated that all of the required shade trees have been provided, but they are provided along the perimeter of the parking lot and in doing so, act as street trees instead. The applicant has noted that the proposed parking lot represents a significant improvement to the existing condition. The applicant has also noted that the parking lot extends well into the right-of-way of both West Main Street and North Clay Road and provides no buffer landscaping. The applicant states that upon completion, this project will provide the required parking outside that right-of-way and provide a continuous landscape screen.

Section 609.E.4.d.2 – Minimum of one (1) landscape island for every 20 parking spaces

The applicant is requesting a waiver of the requirement of providing a minimum of one (1) landscape island for every 20 parking spaces. The applicant states that the interior of the site is small and that there is insufficient space to provide the required landscaping, perimeter buffer and planting strip. The applicant has indicated that the parking lot has exactly the number of spaces that is required, so there is no way to remove spaces to provide interior landscape islands and interior shade trees. The applicant has also indicated that all of the required shade trees have been provided, but they are provided along the perimeter of the parking lot and in doing so, act as street trees instead. The applicant has noted that the propose parking lot represents a significant improvement to the existing condition. The applicant has also noted that the parking lot extends well into the right-of-way of both West Main Street and North Clay Road and provides no buffer landscaping. The applicant states that upon completion, this project will provide the required parking outside that right-of-way and provide a continuous landscape screen.

Section 609.E.4.d.3 – Landscape island required between every 10 parking spaces

The applicant is requesting a waiver of the requirement of providing a landscape island between every 10 parking spaces. The applicant states that the interior of the site is small and that there is insufficient space to provide the required landscaping, perimeter buffer and planting strip. The applicant has indicated that the parking lot has exactly the number of spaces that is required, so there is no way to remove spaces to provide interior landscape islands and interior shade trees. The applicant has also indicated that all of the required shade trees have been provided, but they are provided along the perimeter of the parking lot and in do so, act as street trees instead. The applicant has noted that the proposed parking lot represents a significant improvement to the existing condition. The applicant has also noted that the parking lot extends will into the right-of-way of both West Main Street and North Clay Road and provides no buffer landscaping. The applicant states that upon completion, this project will provide the required parking outside that right-of –way and provide a continuous landscape screen.

Section 609.F.2.a – Minimum 30-foot planting strip between parking lot and property line

The applicant is requesting a waiver of the requirement of providing a minimum 30-foot planting strip between parking lot and property line. The applicant states that the interior of the site is small and that there is insufficient space to provide the required landscaping, perimeter buffer and planting strip. The applicant has indicated that the parking lot has exactly the number of spaces that is required, so there is no way to remove spaces to provide interior landscape islands and interior shade trees. The applicant has also indicated that all of the required shade trees have been provided, but they are provided along the perimeter of the parking lot and in doing so, act as street trees instead. The applicant has noted that the proposed parking lot represents a significant improvement to the existing condition. The applicant has also noted that the parking lot extends well into the right-of-way of both West Main Street and North Clay Road and provides no buffer landscaping. The applicant states that upon completion, this project will provide the required parking outside that right-of-way and provide a continuous landscape screen.

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Stormwater Management

Section 303.A.3 – Minimum pipe size of 15-inch diameter

The applicant is requesting a modification of the requirement to provide a minimum pipe size of 15-inch diameter. The applicant states that the proposed stormwater pipe from the loading dock over to North Clay Road is proposed as a 12-inch diameter pipe. The applicant notes that the calculations show that this same pipe is more than adequate to handle the projected flows. The applicant feels that there is sufficient cover over the pipe near the retaining wall and that there is approximately eight (8) inches of cover which the applicant feels sufficient for the sidewalk above the pipe. The applicant also feels that if a 15-foot pipe is used, it will not leave sufficient cover for the sidewalk above it. The applicant has stated that a trash rack is proposed across the opening of the pipe in the loading area to prevent trash and debris from entering the pipe and causing any clogging.

Stormwater Management

Section 303.A.5 – Minimum one (1) foot of cover from the crown of pipe to finished subgrade

The applicant is requesting a modification of the requirement to provide a minimum one (1) foot of cover from the crown of pipe to finished subgrade. The applicant has indicated that the proposed storm sewer pipe from the loading dock over to North Clay Road will not have the required cover below the subgrade to either the sidewalk or the driveway. The applicant has indicated that due to the grade of the loading dock on one end and the invert elevation of the existing pipe under North Clay Road, it is not possible to lower the pipe to achieve the required cover. The applicant has proposed class IV RCP pipe and an alternate.

Gary Landis made a motion, seconded by Keith Martin to approve escrow in the amount of \$87,945.39 for the Fox Family Partners land development plan. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve the Fox Family Partner land development plan contingent on compliance with the Holding Tank Maintenance Agreement, Land Development Agreement, Stormwater Agreement, Hanover Engineering letter dated 4/1/14 and Resolution #051214 to accept additional ROW as indicated by Fox Family Partners land development plan. * The motion was unanimously approved.

3. Matt Yutzy Stormwater Management Plan 14-03

This item was tabled until the June meeting.

** Keith Martin excused himself from the meeting because of a conflict with employment, since he has been employed by Mr. Sensenig **

Visitors

1. Marlin Sensenig

Mr. Sensenig asked the Board of Supervisors if they would consider allowing his Engineering Firm to use a different methodology PennDOT accepted (2010 Highway Capacity Manual) in processing the traffic study for his proposed Land Development Plan.

The Board of Supervisors informed Mr. Sensenig that the new methodology is not in compliance with current Township Ordinances. The Board of Supervisors suggested that Mr. Sensenig submit a Land Development Plan for the Township Engineer, Township Staff and Board of Supervisors to review prior to making a decision.

2. Herb Noak, 216 Woodchuck Drive

Mr. Noak stated that the Charity Gardens park looks nice with the mulch around the trees and playground equipment.

** Keith Martin returned to the meeting **

Old Business

1. Rock Road Bridge Repair Update

Bob Lynn reviewed the quotation with the Board of Supervisors on rehabbing the bridge including painting for a total of \$149,000.

No action taken on this item at this time.

New Business

1. EBA Permission to install Outdoor Batting Cage at Snyder Park

Pat Gockley, President EBA, has requested permission to install an outdoor batting cage at Snyder Park. All costs will be borne by EBA and a \$2,500 donation by the Baron Stiegel's Lion Club.

Keith Martin made a motion, seconded by Gary Landis to approve installation of outdoor batting cage and for the Township to supply stone necessary for installation. * The motion was approved unanimously.

2. Resolutions to establish Fees, appoint representatives and establish forms for implementation of Storm Water Ordinance

The current Fee schedule was reviewed. After discussion, it was decided that Stormwater exemptions will have no processing fee. Small stormwater projects will have \$150 processing fee and no deposit. Minor stormwater projects will have a \$100 processing fee and \$1,000 deposit. Major stormwater projects will have a \$100 processing fee and \$1,500 deposit.

Gary Landis made a motion, seconded by Keith Martin to adopt Resolution #051214A Stormwater projects fee schedule. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to adopt Resolution #051214B to appoint the Township Manager as designee to administrate and implement the Stormwater Management Ordinance. * The motion was approved unanimously.

Gary Landis made a motion, seconded by Keith Martin to adopt Resolution #051214C to adopt forms to administrator and implement the Stormwater Management Ordinance. * The motion was approved unanimously.

3. Refreshing Mt. Camp Stormwater Modification Agreement

Refreshing Mountain Camp has changed their original land development plan and intends to expand the camp operator's residence by 1,153 square foot rather than enclosing the basketball court as shown on the original plan. This change will cause a net reduction of 302.5 square foot of impervious surface.

Keith Martin made a motion, seconded by Gary Landis to approve and execute the Modification to Storm Water Management Agreement and Declaration of Easement. * The motion was approved unanimously.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 9:45 PM to discuss personnel issues. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 10:00 PM. * The motion was approved unanimously.

4. Flood Plain Meeting

Gary Landis made a motion, seconded by Keith Martin to approve advertising for meeting to review changes in Flood Plain Map and Flood Plain Program. * The motion was approved unanimously.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$66,302.11 for the month of April. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$5,494.24 for the month of April. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$2,445.77 for the month of April. * The motion was approved unanimously.

Liquid Fuel

Keith Martin made a motion, seconded by Gary Landis, to approve the Liquid Fuel Fund bills totaling \$2,585.40 for the month of April. * The motion was approved unanimously.

Reports for the Month

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

Adjournment

Gary Landis made a motion, seconded by Keith Martin, to adjourn the meeting at 10:20 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary