

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
November 13, 2017

The Supervisors of Clay Township met on a regularly scheduled meeting date of November 13, 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 October 9, 2017 meeting minutes as printed in the November 13, 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 October 2017. * The motion was unanimously approved.

Engineer's Report

1. Christian Landis – Escrow Release Request

Bob Lynn reviewed the escrow release request with the Board of Supervisors. Gary Landis abstained from discussion due to a conflict.

Chris Landis questioned the reasoning of the requirement to concrete the floor in the compost building.

Keith Martin stated that if Chris obtains a letter from the Lancaster County Conservation District stating that a concrete floor is not necessary, then he is ok with not putting in the concrete floor.

Jennifer Mejia suggested Township Staff review the previous minutes and reasoning behind requirement and discuss at the next meeting.

Keith Martin made a motion, seconded by Tim Lausch to release escrow in the amount of \$64,127.06, retaining a balance of \$3,917.98 as per the Hanover Engineering letter dated 11/1/17.

* The motion was unanimously approved with Gary Landis abstaining from the vote.

2. Jay Zimmerman – Escrow Release Request

Bob Lynn reviewed the escrow release request dated 10/25/17 with the Board of Supervisors. Bob informed the Board of Supervisors that since the 10/25/17 request, he has reviewed the site and recommends releasing the entire amount of the escrow.

Gary Landis made a motion, seconded by Keith Martin to release the total escrow in the amount of \$5,386.29 as per Bob Lynn’s review. * The motion was unanimously approved.

3. Wilmer & Ruth Thomas – Subdivision, Lot Add On

Ted Cromleigh, Diehm and Sons, reviewed the plan with the Board of Supervisors. The developer proposes to subdivide a 53.288 tract into a 25.611 acre farm, a 25 acre farm and convey 1.851 acres as a lot add-on to neighboring property owner, Corey Martin.

Keith Martin made a motion, seconded by Gary Landis to approve the following waivers and modification as outlined in the Hanover Engineering letter date 11/13/17. * The motion was unanimously approved.

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 feet to the inch. The ordinance states that remaining lands over 10 acres in size be drafted legibly with no mention of plan scale. The applicant states that the Thomas farm is 54.27 and the martin farm is 92.98 acres in size. The justification provided is that in an effort to show the entire boundary of each farm on a single plan view, drafting scales of 1” = 200’ and 1” = 100’ have been used. The applicant notes that the remainder of the plan views showing the proposed design has been drafted per the ordinance standards.

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

The applicant is requesting a modification of the requirement to provide a Land Development Agreement. The applicant is proposing to use a simplified MOU document. The justification provided is that the project is proposing one (1) new “farm” tract. New construction is limited to a single-family farm dwelling, a small 1,200 square foot barn, on-lot well and a sewage disposal system. The applicant notes that the document will meet the intent of the ordinance and a letter of credit will be posted for all required improvements.

Stormwater Management

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 feet to the inch. The Existing Condition Plan on sheet 2 is drawn at 200' to the inch.

Stormwater Management

Section 11-304.E – Stormwater Runoff Transfer

The applicant is requesting a modification of the requirement that stormwater runoff shall not be transferred from one sub-watershed to another unless they are sub-watersheds of a common watershed that joins together within the perimeter of the development site and the effect of the transfer does not alter the peak discharge onto adjacent lands.

Gary Landis made a motion, seconded by Keith Martin to approve the plan contingent on compliance with the Hanover Engineering letter dated 11/13/17 and the Solicitor's approval of an agreement to be prepared and executed but not recorded for a Temporary Construction Easement to allow Developer to correct stormwater issues on the field lane between the Shirk and Thomas farm. * The motion was unanimously approved.

** Keith Martin abstained from the next agenda item because of an employment conflict. **

4. G & N Holdings – Permit Agreement Request

Jennifer Mejia reviewed the proposed Permit Agreement between G & N Holdings, Countryside Enterprises and Clay Township with the Board of Supervisors. The agreement would allow G & N Holdings to start earth moving and installation of stormwater facilities before the Final Plans for Countryside and G&N are recorded.

G & N Holdings submitted a Letter of Credit which would financially cover the improvements.

Gary Landis made a motion, seconded by Tim Lausch to approve execution of the Permit Agreement and Financial Security Amount. * The motion was unanimously approved.

5. Countryside Enterprises – Permit Agreement Request

Marlin Sensenig, Developer, informed the Board of Supervisors of his desire to start construction of the extension of Enterprise Drive to G & N Holdings lot before the subdivision plan is recorded. Mr. Sensenig is proposing to enter into a Permit Agreement similar to G & N Holdings agreement and supply Financial Security in order to commence construction.

Gary Landis made a motion, seconded by Tim Lausch to execute the Permit Agreement from the Developer along with a Letter of Credit and authorize Tim Lausch to execute Permit Agreement when submitted to the Township. * The motion was unanimously approved.

** Keith Martin returned to the meeting. **

6. First Response Team of America – Land Development Plan

Kurt Williams, Salzman & Hughes, and Tom Matteson, Diehm and Sons reviewed the plan with the Board of Supervisors.

The plan proposes to develop a 79,997 sf building and associated infrastructure on a 2.744 acre lot to house the First Response Team of America organization equipment and to lease portions of the building to other entities.

Keith Martin made a motion, seconded by Gary Landis to approve the following waivers, modifications and deferral as outlined in the Hanover Engineering letter dated 11/10/17. * 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 a scale of 1” = 5’ horizontal and 1” = 10’ vertical

The applicant is requesting a waiver of the requirement to provide profiles drawn at a scale of 1” = 50’ horizontal and 1” = 10’ vertical. The applicant states that the plan has been prepared at a scale of 1” = 40’, which is permitted. The applicant feels that it makes sense that the profiles are drawn at the same scale of the plan and that the profiles are drawn at a scale of 1” = 40’ horizontal and 1” = 8’ vertical. The applicant notes that the 1” = 8’ vertical scale is to maintain the vertical exaggeration required by the ordinance.

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

The applicant is requesting a waiver of the requirement to submit an Environmental Impact Assessment (EIA) Report for buildings over 10,000 sq ft. The applicant states that the proposed building, at full buildout, is proposed to be 79,997 sq ft and the building will be located in a planned industrial development. The applicant has noted that a EIA Report has been provided with the overall development and that the existing property is actively cultivated, reducing any possibility of environmental impact. The applicant also notes that a current PNDI search has been included with this plan submission that confirms no environmental impacts.

Section 602.N.1 – 100’ clear sight triangles at all intersections

The applicant is requesting a modification of the requirement to provide 100’ clear sight triangles at all intersections. The applicant states that the plan proposes a second access drive into the front parking lot and the required 100’ clear sight triangle would require the removal of parking along the front of the building. The applicant notes that the traffic coming out of this access drive would be traveling slowly and that a stop sign is proposed on the plans. The applicant proposes an alternate clear sight triangle with dimensions of 100’ along the roadway and 75’ along Access Drive B. The applicant feels that the dimensions of this clear sight triangle will still provide a good amount of visibility at the intersection while allowing the parking to still be provided.

Section 602.V.12 – 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.

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

The applicant is requesting a modification of the requirement of no parking being permitted in front of the building along Enterprise Road. The applicant states that all of the required parking has been located in the front yard between the building and Enterprise road because the site is disadvantaged by having the frontage on two (2) different roads. The applicant notes that if the parking is located behind the building the loading docks will have to be located at the front of the building and that vehicular parking would be far more desirable at the front of the building. The applicant has indicated landscaping on the plans to be provided to soften the parking lot at the front of the building and believes that the landscaping will be an attractive site even with the parking at the front of the building. The applicant notes that this waiver was granted to the neighboring Tents for Rent lot and has added a second access, as requested.

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

The applicant is requesting a waiver of the requirement of all parking be located a minimum of 30 feet from any building. The applicant states that there is insufficient depth on this lot to provide parking 30 feet away from the building. The applicant feels that the parking lot location to be convenient and safe for pedestrians.

Section 603.B.1 – 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 sidewalks within 1,000 feet of the site and the proposed business will not generate any pedestrian traffic.

Section 603.C.4 – Curbing shall be constructed to the specifications as shown in the Clay Township Subdivision and Land Development Ordinance

The applicant is requesting a modification of the requirement to construct curbing to the specifications as shown in the Clay Township Subdivision and Land Development Ordinance (SALDO). The applicant acknowledges that the SALDO Appendices require the curbs to have an eight (8”) inch reveal. The applicant would like to provide curbs with a seven (7”) inch reveal to minimize the scraping of the undercarriage of vehicles and that none of the curbs are to be

dedicated to the Township. The applicant has noted that in all other respects, the curbing will comply to the standards of the SALDO.

Section 609E.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 modification 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 notes that several landscape islands are proposed within the front parking lot, but not quite every ten (10) parking spaces and that in the rear of the building, at the loading and dock area, landscaping would be out of place. The applicant states that in the alternative to the requirement, the plan proposed landscaping to be placed between the parking lots and adjacent trees and feels that the disbursement of the landscaping in these areas will provide the aesthetic, environmental, and buffering functions that trees planted in interior islands would provide.

Section 609.E.4.c – The interior of each parking lot shall have at least one (1) or 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 notes that several landscape islands are proposed within the front parking lot, but not quite every ten (1) parking spaces and that in the rear of the building, at the loading and dock area, landscaping would be out of place. The applicant states that in the alternative to the requirement, the plan proposes landscaping to be placed between the lots and adjacent trees and feels that the disbursement of the landscaping in these areas will provide the aesthetic, environmental, and buffering functions that trees planted in interior islands would provide.

Section 609.E.4.d.3 – Landscape islands shall be provided between every ten (10) parking spaces and at the end of each row

The applicant is requesting a modification of the requirement that the landscape islands be provided between every ten (10) parking spaces and at the end of each row. The applicant notes that several landscape islands are proposed within the front parking lot, but not quite every ten (1) parking spaces and that in the rear of the building, at the loading and dock area, landscaping would be out of place. The applicant states that in the alternative to the requirement, the plan proposes landscaping to be placed between the lots and adjacent trees and feels that the disbursement of the landscaping in these areas will provide the aesthetic, environmental and buffering functions that trees planted in interior islands would provide.

Section 609.F.2 – Landscape screening

The applicant is requesting a modification to the landscape screening requirements. The applicant states that this section requires a high level and low level screen around the perimeter of the property adjacent to the public street. A completely screened buffer is not advisable from a policing and security standpoint and it could also make it difficult for those that need to find the business to locate it. The applicant proposes that instead of a complete visual screen of both high and low level plantings, a row of shrubs shall be planted to screen the parking and additional street trees. The applicant believes that the propose landscape plan will create an attractive environment along Wood Corner Road and Enterprise Road. The applicant has made note that this is consistent with other project involving parking lot project within the Township that have been approve

without the high and low level buffers such as Paul B Zimmerman Hardware, Two Cousins Pizza, The Udder Choice, etc.

Gary Landis made a motion, seconded by Keith Martin to approve the plan contingent on compliance with the Hanover Engineering letter dated 11/10/17. * The motion was unanimously approved.

Visitors

1. Durlach Mt Airy Fire Company – funding request

On February 25, 2017, Clay Township was impacted by a storm with straight line winds. During a debriefing after the storm clean up, Representatives of the Fire Company informed Supervisor Keith Martin and Township Manager Bruce Leisey of equipment and items they lacked or did not have sufficient quantities of to deal with the situation that had occurred. Supervisor Keith Martin informed the Fire Company Representatives to determine a list of items needs and present to the Board of Supervisors.

Jonathan Zimmerman and John Martin, representatives of the Fire Company, reviewed the determined needs with the Board of Supervisors. The list included chain saws, a hot stick, portable radios and a base radio totaling approximately \$26,000.

After discussion, the Board of Supervisors thanked the representatives and will take the request under consideration. No decisions were made at this time.

Old Business

1. Approve and Execute Banking Resolution

The Township Manager discussed an issue that occurred with the Sewer checking account.

Keith Martin made a motion, seconded by Gary Landis to execute Resolution # 111317A to open a new sewer checking account with BB&T. * The motion was unanimously approved.

2. Wildflower Pond Street Dedication Discussion

Bob Lynn and Bruce Leisey informed the Board of Supervisors that they received correspondence from the Developer requesting the Township accept dedication of the streets in Wildflower Pond development.

After discussion, it was decided that Bob Lynn, Bruce Leisey and Earl Stauffer will inspect the streets and put together a punch list of items to be repaired.

New Business

1. Approve Resolution to prohibit Category 4 Casinos

After discussion, Keith Martin made a motion, seconded by Gary Landis to approve and execute Resolution #111317 which prohibits the location of a Category 4 Casino within the boundaries of Clay Township. * The motion was unanimously approved.

2. 2018 Budget Discussion

The Township Manager reviewed the draft 2018 Budget with the Board of Supervisors and audience.

There was discussion on MS4 related expenses, road projects and donations to emergency service providers and library.

3. Authorize Township Engineer to analyze suitability of existing abutments of the Road Road bridge for replacement of superstructure

Bob Lynn informed the Board of Supervisors of the options to consider in replacing or repairing the Road Road bridge.

Keith Martin made a motion, seconded by Gary Landis to authorize Bob Lynn to analyze suitability of using existing abutments for a replacement superstructure. * The motion was unanimously approved.

4. Zoning Hearing Board Request for 2018 Budget Increase

The Board of Supervisors received correspondence from Rick Stehr, ZHB Chairman, indicating they have chosen a ZHB Solicitor to replace Mr. Goodman, who is retiring, and indicated that the new Solicitor's hourly rate will be \$165.00 vs the \$125.00 charged by Mr. Goodman.

The Board of Supervisors authorized Bruce Leisey to increase the ZHB Solicitor budget to reflect the difference.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$42,685.51 for the month of October. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$11,719.50 for the month of October. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$4,022.63 for the month of October. * The motion was approved unanimously.

Reports for the Month

- 1. Chief of Police / Police Department
- 2. Fire Companies / Ambulance
- 3. Zoning Officer’s Report
- 4. Engineer’s Report
- 5. Manager’s Report
- 6. Road Master’s Report

Adjournment

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 11:30 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary