

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
November 14, 2016

The Supervisors of Clay Township met on a regularly scheduled meeting date of November 14, 2016, 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 and Keith Martin, Vice-Chairman. Gary Landis, Secretary was absent due to work conflict.

Clay Township employee present was Bruce Leisey, Township Manager and Earl Stauffer, Road Master. Also present was 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 7:03 p.m.

Meeting Minutes

The October 10, 2016 meeting minutes were tabled due to no quorum at meeting. Tim Lausch was absent from the October meeting.

Treasurer's Report

Tabled until the next meeting.

Visitors

1. Lou Katz

Mr. Katz stated that Metzler Home Builders is building a home along Clay School Road and there are no E&S controls in place. The topsoil pile is near the stormwater grate.

The Township Engineer will check the building site.

2. Rick Bernaduci, Wildflower Pond Development

Mr. Bernaduci asked if the stormwater basin was inspected recently.

Keith Martin stated that he inspected the basin in the Fall.

Mr. Bernaduci asked if he can have a copy of the stormwater management plan for HomeTowne Square.

Mr. Bernaduci is concerned with safety at the next meeting of the HOA and Developer on November 17th at DOVE Fellowship. He asked if the police could be at the meeting to provide security.

Bruce Leisey will have the Chief of Police contact Mr. Bernaduci directly.

Tim Lausch made a motion, seconded by Keith Martin to authorize Bruce Leisey and the Township Engineer to do a sight inspection of the public facilities in the Wildflower Pond Development.

No other decisions were made at this time.

Engineer's Report

1. DOVE Fellowship – Final Land Development Plan #16-06

Steve Gergely, Harbor Engineering, reviewed the plan with the Board of Supervisors.

Dove Westgate Church is proposing a 19,000 sf building addition and associated parking facilities on their existing property located at 1755 West Main Street. As part of the proposed building expansion, an existing building on the property as well as a portion of the existing Church building will be demolished. The proposed building expansion includes a sanctuary with seating for approximately 909 people. The parking lot is shown on the plans to be expanded to create 321 total spaces. Stormwater will be managed with sub-surface stone infiltration bed to the north of the proposed addition.

Keith Martin made a motion, seconded by Tim Lausch to approve the following waivers and deferrals as per the Hanover Engineering letter dated 11/10/16. * The motion was unanimously approved.

Section 303 – Preliminary Plan

The applicant is requesting a modification of the requirement to provide a preliminary plan for the proposed land development project. The applicant proposes to submit a preliminary/final land development plan. The justification provided is the project is not proposing any new public

streets. The applicant feels the project is straight forward containing only a building addition and parking areas. Lastly, the proposed preliminary/final land development plan will fully address the requirements of both a preliminary and a final plan.

Section 408.A – Traffic Impact Study

The applicant is requesting a waiver of the requirement to provide a traffic impact study for the land development plan. The justification provided is a medium volume driveway was previously approved for the current entrance to the church when the property was previously being used as the Sharp Shopper Plaza. The previous commercial use had a much high intensity of use than the current church. The applicant states if the church were to submit a driveway permit as a new project, the driveway classification would be a low volume, which is applicable for up to 750 vehicle trips per day. The applicant feels that because the current and future church use on the property is substantially less than permitted that a traffic study is not warranted for this project.

Section 602.K.2 – Dedication of Additional Right-of-Way

The applicant is requesting a deferral of the requirement that if a land development abuts an existing state street which has a right-of-way that is less than required for new streets, the developer shall offer to dedicate to the Township or Commonwealth the amount of land necessary so that the distance from the centerline of the street to the edge of the right-of-way is one-half the ultimate right-of-way. The applicant is requesting the deferral of the additional right-of-way along West Main street along the property frontage. The justifications provided include that requests are also being made to defer roadway widening, curbing and sidewalks. The applicant understands if deferred, the Township would have the right to require the roadway improvements/right-of-way expansion at any time. A portion of the existing parking lot is located within the right-of-way, by expanding the right-of-way at this time would require removal of additional parking along the site frontage. Lastly, the applicant feels that any addition of roadway improvements/right-of-way expansion would be better designed and installed as part of a comprehensive roadway improvement project that includes a larger area of S.R. 322.

Section 602.K.3 – Street Improvements

The applicant is requesting a deferral of the requirement for land developments that abut an existing Township or state street or shall have a traffic impact on an existing township and/or state street shall be required to make improvements to the ultimate width in accordance with the street standards of Section 602.L. The applicant feels that widening the relatively small segment of S.R. 322 would have little to no benefit to the Township or the applicant. The applicant feels that additional roadway improvements would be better designed and installed as part of a comprehensive roadway improvement project that includes a larger area of S.R. 322.

Section 603.B – Sidewalks

The applicant is requesting a deferral of the requirements to provide sidewalk along the entire length of the lot fronting on any street. The applicant's justification is that the existing lot is bound on each side by adjoining properties that do not contain sidewalk improvements along the North side of West Main Street. The applicant feels sidewalks along the North side of West Main Street would not benefit the Township or residents and would not be contiguous with the pedestrian circulation to the East and West. Introducing short segments of sidewalk along West Main Street would not benefit the Township or local residents. The applicant also feels the

additional roadway improvements would be better designed and installed as part of a comprehensive roadway improvement project that includes a larger area of S.R. 322.

** The Developer agreed to a five (5) year deadline to install sidewalk and turning lanes on S.R. 322. **

Section 603.C.2 – Curbs

The applicant is requesting a deferral of the requirement to provide curbing where sidewalk is required. The applicant indicates there is currently curbing located along the property frontage and a deferral has been requested for roadway improvements, sidewalk and additional right-of-way dedication. The applicant also feels that additional roadway improvements/right-of-way expansion would be better designed and installed as a part of a comprehensive roadway improvements project that includes a larger area of S.R. 322.

Section 603.E.1 – Loading and Unloading – Location

The applicant is requesting a modification of the requirement stating no permitted or required loading area shall be located within 35 feet of a property line. The applicant proposes an 11-foot setback from the property line for their loading facility. The justification provided is that the location of the loading space is restricted due to the location of the existing accessory storage building on the site. The applicant also notes that the proposed loading space is located at a similar setback from the property line of the existing drive currently providing access to the existing building. The applicant proposes a row of evergreen trees to help screen the proposed loading space. The applicant believes that because the property between the DOVE site and the Larkspur Lane right-of-way is a relatively narrow strip of land owned by GAF Reality Management Group, LLC (approx. 18 ft), and is too narrow to be developed, that the proposed loading space will have no detrimental impact on that property.

** GAF Reality Management Group was made aware of this modification at per the request of the Clay Township Planning Commission. **

Stormwater Management Ordinance

Section 11-304.F – Minimum Floor Elevations

The applicant is requesting a modification of the requirement to provide a 2-foot (2') separation between the top of the infiltration bed and the lower sanctuary elevation, the applicant is proposing a 1 foot (1') separation. The justification provided is that the proposed underground stone infiltration bed is designed with an impervious membrane on the side adjacent to the proposed building expansion which would limit the lateral movement of the infiltrated stormwater near the building. The applicant also notes that the proposed finished floor of the stage, which is the elevation of the portion of the building closest to the infiltration, would provide the required 2 feet (2') of separation.

Keith Martin made a motion, seconded by Tim Lausch to approve the plan contingent on compliance with the Hanover Engineering letter dated 11/10/16. * The motion was unanimously approved.

2. HomeTowne Square – Landscape Modification

Representative from HomeTowne Square have requested a modification to the type of street tree species to be planted in the street and open space area in Phase 2. They are requesting the modification due to the potential beetle infestation and lower maintenance.

Keith Martin made a motion, seconded by Tim Lausch, to recommend eliminating the Crimson King Maple, Summit Ash and Red Maple and add American Hornbeam, Thronless Honeylocust, American Hophornbeam and Japanese Tree Lilac for street trees and eliminating Redbud crab and Little Leaf Linden and add Common Hackberry, Eastern Redbud and American Yellowweed for open space trees. * The motion was unanimously approved.

3. EKM Enterprises – Time Extension Request

Keith Martin made a motion, seconded by Tim Lausch to approve the written request for a 90 day time extension for the EKM Enterprises plan. New deadline date is February 18, 2017. * The motion was unanimously approved.

New Business

1. Approve Advertising of Notice to appoint CPA to perform Audit of 2016 Financial Records

Keith Martin made a motion, seconded by Tim Lausch to approve advertising notice to appoint CPA to perform an audit of the 2016 Financial Records. * The motion was unanimously approved.

2. Approve Agreement to Provide SRO within the Ephrata High School

Keith Martin made a motion, seconded by Tim Lausch to approve and execute the Agreement to provide funding for law enforcement resources with the Ephrata Area School District from 1/1/17 to 12/31/19. * The motion was unanimously approved.

3. 2017 Budget Discussion

Bruce Leisey reviewed the draft 2017 budget with the Board of Supervisors and Audience.

Keith Martin made a motion, seconded by Tim Lausch to advertise the sale of the 1991 Ford and Howard Price lawn mower. * The motion was unanimously approved.

4. Acceptance of Premier R&G Properties Zoning Map Change Request

Keith Martin made a motion, seconded by Tim Lausch to formally accept the proposed zoning map change from Premier R&G Properties for consideration. * The motion was approved unanimously.

5. Hursh General Store – Notice of Violation

Tom Zorbaugh reviewed the Notice of Violation with the Board of Supervisors.

Keith Martin made a motion, seconded by Tim Lausch to require that the emergency lights, ADA compliance and fire extinguishers be completed by 11/21/16. There will also be no evening hours until emergency lighting is in. Updated plans should be submitted to Township no later than January 9, 2017 meeting. * The motion was approved unanimously.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Tim Lausch, to approve the General Fund bills totaling \$51,502.72 for the month of October. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Tim Lausch, to approve the Recreation Fund bills totaling \$5,873.74 for the month of October. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Tim Lausch, to approve the Sewer Fund bills totaling \$5,000.44 for the month of October. * The motion was approved unanimously.

Liquid Fuel Fund

Keith Martin made a motion, seconded by Tim Lausch, to approve the Liquid Fuel Fund bills totaling \$277,085.00 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. Planning Commission Minutes
4. Engineer's Report
5. Manager's Report
6. Road Master's Report

Adjournment

Keith Martin made a motion, seconded by Tim Lausch, to adjourn the meeting at 8:35 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

ABSENT

Gary Landis, Secretary