

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
August 12, 2013

The Supervisors of Clay Township met on a regularly scheduled meeting date of August 12, 2013, 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, Justin Harnish, Vice-Chairman and Keith Martin, 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 7:00 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Justin Harnish, to approve the July 8, 2013 meeting minutes as printed in the August 12, 2013 agenda. * The motion was approved unanimously.

Treasurer's Report

Justin Harnish made a motion, seconded by Keith Martin, to approve the Treasurer's Report for the month of July, 2013. *The motion was approved unanimously.

Visitors

None

Engineer's Report

1. Bethany Gardens III – SubDiv/Land Development Plan

Ted Cromleigh, Diehm and Sons Representative of the Developer, review the plan with the Board of Supervisors. The plan includes 2 buildings (12 townhouse unit's total).

Justin Harnish made a motion, seconded by Keith Martin to approve the following waivers/modifications. * The motion was unanimously approved.

Section 303.A – Preliminary Plan Application

The applicant is requesting a waiver of the requirement to provide a preliminary plan application. The justification provided is that the applicant feels the project is straight forward and believes there is no benefit to the Township by requiring the developer to process a separate Preliminary Plan application. The applicant further states that they believe that one (1) review process by the Township will be sufficient to ensure the plan complies with the Township Ordinances.

Section 402.A.6 – Profiles shall be at 1"=50' scale

The applicant is requesting a modification of the requirement to provide plan profiles at a scale of 1"=50'. The justification provided is that the plan view is drawn at a scale of 1"=30'. The applicant indicates that the profiles have been drawn to match the plan and provide a horizontal scale of 1"=30'. The applicant feels that this permits the profiles to be larger and provide greater clarity in addition to matching the plan view scale.

Section 402.C.3 – Significant features within 200 feet of the subject tract must be shown on the plan

The applicant is requesting a modification of the requirement to provide significant features within 200 feet of the subject tract. The modification is being requested because Lot 79 is part of the application, and therefore, technically, the area within 200 feet of that lot must be shown as well. The justification provided is that there is no disturbance proposed on Lot 79 other than utility and stormwater facilities at the north end of the lot, the applicant is requesting that they do not have to provide all features within 200 feet of Lot 79 where no work is being proposed.

Section 602.M.3 – Intersections with collector streets shall not be located closer than 400 feet

The applicant is requesting a modification of the requirement that intersections with collector streets shall be separated by a minimum 400 feet. The applicant indicates that the access drive has been centered within the development. The justification provided is that there is approximately 713 feet between the intersection of meadow Drive and Bethlehem Lane, making it impossible to provide an access to the project that would be in compliance with the Ordinance. The proposed layout provides approximately 317 feet between Bethlehem Lane and the access drive and 396 feet between the access drive and Meadow Drive. The applicant further notes that Clay School Road is not a high speed roadway.

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

The applicant is requesting a modification of the requirement to provide 55 foot radii at intersections with collector streets. The proposed access drive provides a 25 foot radius. The justification provided for the modification is that the access drive will not have truck traffic and the shallow depth of the property makes it difficult to provide a 55 foot radius. The applicant feels that the use of the local road radii of 25 feet is an acceptable alternative.

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

The applicant is requesting a modification of the requirement to provide a 100 foot clear sight triangle at the intersection of the development and Clay School Road. The applicant is proposing to provide a clear sight triangle measured 100 feet along Clay School Road and 70 feet along the access drive. The justification for the request is that if the 100 foot clear sight triangle is measured at the access, approximately four (4) parking spaces would be eliminated, as well as two (2) street trees. The 70 foot clear sight triangle allows additional parking spaces to be provided for visitors.

Section 603.A.1.c – 15 foot side buffer planting area required where parking areas are adjacent to residential properties

The applicant is requesting a modification of the requirement to provide a 15 foot wide buffer planting area where parking areas are adjacent to residential properties. The current plan layout proposes a 10 foot wide planting area between the parking lot and side lot lines. The justification provided is that if the 15 foot buffer planting is required, two (2) parking spaces would likely have to be eliminated (one on each end) in order to shift the parking away from the property lines. The applicant states that the proposed parking is less than 20 spaces and is for residential use. The applicant also feels that the 10 foot wide buffer planting area is sufficient to protect the neighbors from any impacts of the parking lot.

Section 604.D.3 – Depth of lots shall not be greater than three (3) times their width

The applicant is requesting a modification of the requirement that the depth of the lot shall not be greater than three (3) times their width. The justification for the modification request is that in order to meet the minimum lot area established by the Zoning Ordinance of 3,000 square feet, the lots need to be 150 feet deep when the width of the lots is 20 feet.

Section 609.E.4.b and Section 609.E.4.c – Parking lot interior landscape area and shade trees interior to the parking lot

The applicant is requesting a modification of the requirement to provide parking lot interior landscape area and shade trees interior to the parking lot. The justification provided is that there is insufficient space interior to the parking lot to place interior landscape area and shade trees due to the presence of utilities, stormwater facilities, easements, and the clear sight triangle. The parking lot has 22 spaces; therefore, five (5) shade trees are required. The applicant has indicated that the required trees have been provided around the parking lot and the road.

Stormwater Management

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

The applicant is requesting a modification of the requirement to provide the stormwater pipes with a minimum pipe diameter of 15 inches. The applicant indicates that the proposed storm sewer pipes into and out of the storm tank system are 10 inches in diameter. The justification provided is that the maximum pipe opening that can be cut into the side of the Storm Tank system is 14 inches, which results in a 10 inch pipe being the largest allowable pipe diameter to be accommodated after the pipe thickness and outside diameter are factored in. The applicant further notes that the stormwater report shows that the 10 inch pipe has adequate capacity to convey the flows from the site. The pipes from Inlet 4 to Inlet 1 and Inlet 1 to the existing endwall are proposed to have 15 inch diameters.

Stormwater Management

Section 303.1.g – 24 hour dewatering time for a stormwater basin

The applicant is requesting a modification of the requirement to dewater the subsurface detention basin within 24 hours. The applicant is proposing a dewatering time of 24.8 hours. The justification provided is that the outlet structure has been provided with an orifice with a 1-3/4 inch diameter to dewater the facility. The subsurface facility is a combination of a water quality and stormwater detention facility. The applicant feels that the slightly higher dewatering time permits the need for only one (1) orifice to dewater the entire facility.

Stormwater Management

Signification features within 200 feet of the subject tract must be shown on the plan

The applicant is requesting a modification of the requirement to provide significant features within 200 feet of the subject tract. The modification is being requested because Lot 79 is part of the application, and therefore, technically, the area within 200 feet of that lot must be shown as well. The justification provided is that since there is no disturbance proposed on Lot 79 other than utility and stormwater facilities at the north end of the lot, the applicant is requesting that they do not have to provide all features within 200 feet of Lot 79 where no work is being proposed.

There was a discussion on the Board of Supervisors position to allow installment payments on the rec fees in lieu of total payment before the plan is recorded. The Board of Supervisors requested the Developer to send a written request and they will review the request.

Justin Harnish made a motion, seconded by Keith Martin to grant conditional approval contingent on compliance with the Hanover Engineering letter dated 8/9/13 including improvement guarantees of \$148,445.22; Solicitor's approval of all documents submitted by Developer on August 8, 2013; Applicant's payment of recreation fees in the amount of \$30,600.00, pursuant to Township Ordinance or as otherwise agreed by the Board of Supervisors following applicant's written request; stormwater fees; and applicant will pay the cost of purchase and installation of "no parking" signs on Clay School Road, pursuant to recommendation of the Township Engineer.

* The motion was unanimously approved.

2. Allen Ray Nolt – Waiver of Land Development

Ted Cromleigh, Diehm and Sons Representative of the Developer and Kevin Martin son of the owner, reviewed the request.

The Board of Supervisors had concern regarding legal access off of 322 to the property.

Jennifer Mejia will draw up a disclosure statement notifying future property owners as to the possible limited rights of access through the private alley and from 322, as well as the need for a Land Development Plan or renewed waiver, should there be a change in use. This document will be recorded in the Lancaster Country Recorder of Deeds Office.

Justin Harnish made a motion, seconded by Keith Martin to approve the waiver of land development with the addition of the private alley disclosure statement based on sketch plan dated 7/17/13. * The motion was approved unanimously.

3. Girl Scout Road Culvert Permit Update

Bob Lynn, Hanover Engineering informed the Board of Supervisors that he has discovered that water is flowing under the pipe not through the pipe as originally thought.

The Board of Supervisors authorized the Township staff fill under the pipe to direct the water into the pipe. This will be completed during the installation of the catch basin after the permit is received.

4. Zimmerman Stormwater Exemption

The Durlach Mt Airy Fire Company is looking to install a stone drive to access Middle creek to draft water on Mr. Zimmerman's property located at 1655 Clay Road.

Justin Harnish made a motion, seconded by Keith Martin to approve the stormwater plan exemption contingent on the installation being completed as indicated on the submitted drawing.

* The motion was unanimously approved.

5. Hometowne Square Conditional Approval Resolution

Keith Martin made a motion, seconded by Justin Harnish to execute Resolution 072213 Revised final Plane Phase 1 and Final Plan Phase 2 Conditional Approval. * The motion was unanimously approved.

6. Mountain Spring Road Bridge Permit Update

Bob Lynn, Township Engineer, informed the Board of Supervisors that the permit is due this week.

The Board of Supervisors authorized Bruce Leisey to schedule a meeting with Earl Stauffer, Bob Lynn and Tim Lausch to review the repair and gravel bar removal process. The Township staff will complete the work.

Old Business

1. Wildflower Pond

Bruce Leisey reported that the repair at Kimmett/Echternacht properties has been completed.

Joe Conigliaro sent a letter requesting the Township coordinate a meeting with himself and Mr. Busko to expedite a solution to the Home Owners Association maintenance issues.

Keith Martin made a motion, seconded by Justin Harnish to authorize Bruce Leisey to send a letter requesting a meeting with all parties.

No other decisions were made at this time.

2. Charity Gardens Pipe Inspection

Bruce Leisey reviewed the USG payment request with the Board of Supervisors.

Keith Martin made a motion, seconded by Justin Harnish to approve the payment request in the amount of \$3,740.44. * The motion was unanimously approved.

New Business

1. Approve 2012 Police and Non Uniform Pension Financial Statements

Justin Harnish made a motion, seconded by Keith Martin to accept and approve the 2012 Police and Non Uniform Pension Financial Statements. * The motion was unanimously approved.

2. Stormwater Management Ordinance Update

Bob Lynn, Township Engineer modified the draft ordinance to include 1,000 sf cumulative exemption, small projects process on an additional impervious up to 2,000 sf and process for impervious coverage of 2,000 – 5,000 sf.

3. Affirm Change of Polling District Boundaries

After review, Justin Harnish made a motion, seconded by Keith Martin to authorize the Township Manager to send a letter of affirmation to the Lancaster County Board of Elections confirming the change in polling district boundaries. * The motion was unanimously approved.

4. Traffic Signage Concerns 410 W Burkholder Drive

The Board of Supervisors reviewed the correspondence from Kevin Martin regarding concerns with the lack of signage at the turn at his residence located at 410 W Burkholder Drive.

Justin Harnish made a motion, seconded by Keith Martin to install two road curve signs, one in each direction. * The motion was unanimously approved.

5. Rock Road Bridge Guiderail

Bob Lynn, Township Engineer informed the Board of Supervisors that it will cost \$2,500 to repair the guiderail on Rock Road Bridge. The repair will consist of an additional four (4) support rails to be attached to the bridge deck and guiderail. This repair is in response to concerns from the latest bridge inspections.

Keith Martin made a motion, seconded by Justin Harnish to approve the repair. * The motion was unanimously approved.

Executive Session

Keith Martin made a motion, seconded by Justin Harnish to enter into executive session at 9:00 PM to discuss potential litigation. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Justin Harnish to exit executive session at 9:25 PM. * The motion was unanimously approved.

No action was taken following Executive Session.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Justin Harnish, to approve the General Fund bills totaling \$40,747.28 for the month of July. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Justin Harnish, to approve the Recreation Fund bills totaling \$2,252.60 for the month of July. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Justin Harnish, to approve the Sewer Fund bills totaling \$2,958.20 for the month of July. * The motion was approved unanimously.

Liquid Fuel

Keith Martin made a motion, seconded by Justin Harnish, to approve the Liquid Fuel Fund bills totaling \$8,504.28 for the month of July. * 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

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

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Justin Harnish, Vice-Chairman

Keith Martin, Secretary