

CLAY TOWNSHIP BOARD OF SUPERVISORS  
SPECIAL MEETING MINUTES – Planning Commission  
July 22, 2013

The Supervisors of Clay Township met on a specially scheduled meeting date of July 22, 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 Justin Harnish, Vice-Chairman and Keith Martin, Secretary. Timothy Lausch, Chairman was absent from the meeting.

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

Justin Harnish called the meeting to order at 6:30 p.m.

**Engineer's Report**

1. Tents for Rent – Land Development

This plan formerly Countryside Enterprises SubDivision/Land Development Plan was changed to Tents for Rent Land Development to construct an approximately 64,000 sf building for use by the Tents for Rent business.

Because of the absence of Tim Lausch at this meeting, Keith Martin will participate in the vote by rule of necessity(see attached letter). This meeting was specifically scheduled to discuss and make decisions on the Tents for Rent Land Development Plan.

Keith Martin made a motion, seconded by Justin Harnish to the following waivers/modifications as indicated in the Hanover Engineering letter dated 6/21/13. \* This motion was approved unanimously.

**Section 303.A – Preliminary plan application**

The applicant is requesting a waiver of the requirement to process a preliminary plan application. The justification provided is that the plans have been prepared so they meet the criteria of both a preliminary plan and a final plan. The applicant indicates that they would like to build the new building in the spring of 2013 and feel that by processing the preliminary plan separately the project approval would not be completed in the desired time frame. The applicant states they will grant any needed time extensions to allow the Township and applicant reasonable opportunity to work through all issues on the project prior to plan approval. The applicant wishes to process the plan as a preliminary/final plan.

Section 402.A.1 – Plan scale shall be 1”=10’, 20’, 30’, 40’, 50’

The applicant is requesting a modification of the requirement to provide the plans at a scale of 1”=10’, 20’, 30’, 40’, 50’. Sheet 2 has been drawn at a scale of 1”=120’ in order to show the entire property and existing site conditions 200’ beyond the property limits on one (1) plan sheet. The applicant feels the plan is still legible in every detail and all other plans sheets have been provided at a scale of 1”=50’.

Section 602.E and Section 602.K.3 – Improvements to Existing Streets

The applicant is requesting a deferral of improving Wood Corner Road along the entire property frontage of the development. The deferral is requested for the improvements to Wood Corner Road along the entire frontage until such a time that the rest of the lot is developed.

Section 602.M.2 – Intersections on opposite sides of a street shall be offset by 150’

The applicant is requesting a modification of the requirement to provide a 150’ offset between intersections on opposite sides of the street. The plan proposes an access drive to Henry Appel Drive that is offset from the Paul B. Zimmerman access street by 63’. The applicant states that this location was selected as it provides access into the Tents for Rent site between areas where vehicles and/or trailers will be parked, either serving the building (on the east side of the access) or in the storage area (on the west side of the access). The proposed access drive is not intended to be the main access in/out of the Tents for Rent site, but is rather provided chiefly as an emergency access, and for occasional non-truck traffic. Signs are provided on the plan prohibiting trucks from using this access. Given the slow speeds on Henry Appel Drive (a private street) and the good visibility between the intersections, the applicant requests permission to allow the intersections to be offset less than the required 150’.

Section 602.V.12 – Sidewalks required along frontage and within a development

The applicant is requesting a deferral of the requirement to provide sidewalks in the proposed development. The justification provided is that the surrounding area has no sidewalks anywhere within 1,000 feet of the site. The proposed business, and other industrial businesses that will eventually locate in this development, will not generate much, if any, pedestrian traffic. The applicant requests a deferral of the requirement until such a time that the Township deems it necessary to install sidewalks. A plan not has been provided on the cover sheet to clarify the requirement.

Section 603.A.1.g – Parking lots shall be lighted to a minimum average two (2) foot-candles

The applicant is requesting a modification of the requirement to light the proposed parking to a minimum average of two (2) foot-candles. The justification provided is that the Tents for Rent business will only be open during daytime hours. The public will not be entering this facility except on a very rare basis. The applicant discussed a reduction of this requirement with the Planning Commission. The plan will propose that the parking lot will be lighted to a minimum average of 1’ candles.

Section 603.A.1.j – Parking lots with more than 20 spaces shall be divided by raised permanent curbing

The applicant is requesting a waiver of the requirement to provide raised curbing and/or planting strip in the parking lot. The justification provided is that the parking lot has been designed to sheet flow into the rain garden. The applicant also notes that curbing has not been required in the adjacent property of Paul B. Zimmerman, Inc., so the applicant feels that it is reasonable that he, too, not be required to install curbing around the landscape islands in the parking lot.

Section 603.A.2.e – Parking shall be set back 30’ minimum from a building in the LI Zone

The applicant is requesting a modification of the requirement to provide a 30’ parking setback from any buildings in the Limited Industrial zone. The justification provided is that the plan proposes to subdivide the property by placing a new street roughly through the center of the property. The road has been moved south as far as possible, but there is insufficient room between the proposed street and Henry Appel Drive to provide for the new building and parking lot and provide the required separation between the parking and building.

Section 603.B.1 – Sidewalks

The applicant is requesting a deferral of the requirement to provide sidewalks in the proposed development. The justification provided is that the surrounding area has no sidewalks anywhere within 1,000’ of the site. The proposed business, and other industrial businesses that will eventually locate in this development, will not generate much, if any, pedestrian traffic. The applicant requests a deferral of the requirement until such a time that the Township deems it necessary to install sidewalks. A plan note has been provided on the cover sheet to clarify the requirement.

Section 603.C.1 – Curbs

The applicant is requesting a deferral of the requirement to provide curbs in the development. The justification provided is that the plan proposes the installation of curbing on Wood Corner Road along the frontage of Lot 1, (which is being developed for Tents for Rent) and along Enterprise Road from the intersection with Wood Corner Road ending at Access Drive A. Additionally, both entrance radii of Access Drive B are proposed to be curbed. The applicant wishes to defer the installation of curb along the remaining portion of Enterprise Road, including the area between Access Drive A and Access Drive B, the remainder of the frontage west of Access Drive B and the entirety of the south side of the street. These curbs will be installed as the remainder of the lots are developed.

Section 603.F.1 – Bicycle parking facilities

The applicant is requesting a waiver of the requirement to provide bicycle parking facilities for the Tents for Rent business. The justification provided is that the Tents for Rent business is not retail or commercial use that draws the public. This site is best described as a “base of operations” for the erection of tents at various locations all over the region. The applicant indicates that none of

the employees ride their bikes to work. There are ample areas around the site for any future employees to park a bicycle.

Section 605.B – Setback lines along private streets shall be the required setback as per the Zoning Ordinance plus one half (1/2) of the proposed cartway

The applicant is requesting a modification of the requirement of providing an additional 14' of setback distance (one half (1/2) the cartway width of Enterprise Road). The justification is that there is insufficient depth between Enterprise Road and Henry Appel Drive to provide the additional 14' of setback distance without leading to the loss of a needed and substantial area of the proposed building. The plan indicates that the right-of-way along Henry Appel Drive is already 60' wide, which is already wider than what is being proposed for Enterprise Road. The applicant believes sufficient room exists for any needed future improvements without adding the additional required 14' of setback.

Section 609.E.4(b) – Interior parking lot landscaping

The applicant is requesting a waiver of the requirement to provide landscaping within the interior areas of the parking lots. The justification provided is that in lieu of parking lot landscaping located on islands within the parking lot, the plan proposes landscaping to be placed between the parking lot and Enterprise Road. The applicant feels the disbursement of the landscaping along the frontage will provide aesthetic, environmental and buffering functions that trees planted in interior islands would provide, whilst allowing the owner more efficient snow plowing operations without the required islands. The Planning Commission reviewed this layout of landscaping at their November 19, 2012 meeting where they indicated it was acceptable.

Section 609.E.4(c) – Trees required interior to the parking lot

The applicant is requesting a waiver of the requirement to provide landscaping within the interior areas of the parking lots. The justification provided is that in lieu of parking lot landscaping located on islands within the parking lots, the plan proposes landscaping to be placed between the parking lot and Enterprise Road. The applicant feels the disbursement of the landscaping along the frontage will provide aesthetic, environmental and buffering functions that trees planted in interior islands would provide, whilst allowing the owner more efficient snow plowing operations without the required islands. The Planning Commission reviewed this layout of landscaping at their November 19, 2012 meeting where they indicated it was acceptable.

Section 609.E.4(d) – Landscape islands within the parking lot and along the periphery of the parking compound

The applicant is requesting a waiver of the requirement to provide landscape islands within the parking lot and a 10' strip around the entire periphery of the parking lot. The justification is that the applicant has provided the 10' strip along three (3) sides of the parking lot, but has not provided it along the building. The applicant feels that there is insufficient room to expand the green space around the parking lot given the width of the lot and the need of the building to be a certain size.

Section 609.F.2.a – 30’ landscape screen around perimeter of the property

The applicant is requesting a waiver of the requirement to provide a 30’ landscape screen around the perimeter of the site. The plan proposes the installation of landscaping along Woodcorner Road and Enterprise Road to buffer the proposed use from the roadways. The requested waiver is for relief of the requirement to provide the landscaping along the western and northern side of the property. The justification is that the western and northern sides of the property face other industrial lots/uses, making screening unnecessary. The applicant believes that the adjacent use of Paul B. Zimmerman, has provided several development plans in recent years, and has never been required to provide buffer landscaping from the subject tract. The applicant also believes it is only fair that he, too, be relieved of screening his use from adjacent industrial uses. The Planning Commission reviewed this layout of landscaping at their November 19, 2012 meeting where they indicated it was acceptable.

STORMWATER MANAGEMENT:

Section 303.A.6 – Tee joints, elbows and wyes in stormwater conveyance pipes and prohibited

The applicant is requesting a modification of the requirement that tee joints, elbows and wyes within stormwater conveyance systems are prohibited. The applicant indicates that the plans only propose tee connections within the roof leader drains, the rain gardens and detention basin underdrain systems which are customary. The plan proposed inlets and manhole within the main stormwater conveyance systems and a riser with atrium top in each rain garden.

Section 402.B and Section 402.B.12 – Plan scale shall be 1”=50’

The applicant is requesting a modification of the requirement to provide the plans at a scale of 1”=10’, 20’, 30’, 40’ or 50’. The applicant indicates that Sheet 2 has been drawn at a scale of 1”=120’ in order to show the entire property and existing site conditions 200’ beyond the property limits on one (1) plan sheet. The applicant feels the plan is still legible in every detail and all other plan sheets have been provided at a scale of 1”=50’.

Keith Martin made a motion, seconded by Justin Harnish to adopt Resolution #R072213 providing for Preliminary/Final Plan Conditional Approval contingent on compliance with the Hanover Engineering letter dated June 21, 2103. \* This motion was approved unanimously. The applicant is in agreement.

2. Amy Boyer – Additional Right of Way Acceptance

PennDOT will be replacing the bridge over Middle Creek on North Clay Road. The bridge replacement will require PennDOT to install guide rails outside of the existing right-of-way of 33’. Clay Township has the option to accept an additional 13.5’ of right-of-way from the Amy Boyer subdivision. PennDOT has requested that Clay Township request the additional right-of-way for the installation of the guide rails.

Keith Martin made a motion, seconded by Justin Harnish to accept the additional right-of-way from the Amy Boyer subdivision subject to Solicitor's approval. \* This motion was approved unanimously.

### 3. Hometowne Square – Adopt Revised Conditional Approval Resolution

Keith Martin made a motion, seconded by Justin Harnish to adopt the Revised Final Plan Ph1 and Final Plan Ph2 Conditional Approval Resolution #R072213B which modified Section 1G adding deadlines for providing a concept plan from owners of adjacent properties by 8/31/13 and a response to the concept plan by applicant no later than 9/30/13. \* The motion was unanimously approved.

## **Old Business**

### 1. Rt 322 Corridor Discussion

Steve Denlinger and Bob Lynn, Hanover Engineering; Bruce Leisey and Kenelm Shirk, Solicitor reviewed the sketch plan of the proposed zoning changes and the proposed language of the new HC zoning with the Planning Commission and the Board of Supervisors.

The main topic of discussion was to limit drive access onto Rt 322.

No decisions were made at this time.

## **New Business**

### 1. Girl Scout Road and Mountain Spring Road repairs

Keith Martin made a motion, seconded by Justin Harnish to authorize Bruce Leisey to execute GP permits for Girl Scout Road culvert repair and Mountain Spring Road bridge armoring and to execute GS501 for Mountain Spring Road bridge gravel bar removal. \* The motion was unanimously approved.

2. Adopt Resolution on Act 44 Procedures

Keith Martin made a motion, seconded by Justin Harnish to adopt Resolution R072213A to adopt procedures for compliance with the Professional Services Contract Provisions of Act 44. \* The motion was unanimously approved.

**Bills to be Paid**

Keith Martin made a motion, seconded by Justin Harnish to approve payment from the General Fund in the amount of \$240.00. (Justin Harnish voted by rule of necessity) \* The motion was approved unanimously.

**Executive Session**

Keith Martin made a motion, seconded by Justin Harnish to enter into executive session at 8:45 PM to discuss potential litigation. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Justin Harnish to exit executive session at 9:05 PM. \* The motion was unanimously approved.

**Adjournment**

Keith Martin made a motion, seconded by Justin Harnish, to adjourn the meeting at 9:10 p.m. \*The motion was approved unanimously.

Clay Township Board of Supervisors

\_\_\_\_\_  
ABSENT  
Timothy Lausch, Chairman

\_\_\_\_\_  
Justin Harnish, Vice-Chairman

\_\_\_\_\_  
Keith Martin, Secretary