

CLAY TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

May 23, 2022

Members present were Jon Price, Adrian Kapp, Josh Reist and Jay Zimmerman.

Also present was Wendy Hackman, Administrative Assistant, Bob Lynn, Hanover Engineering and Jennifer Mejia, Mejia Law Group.

Also present were those listed on the attendance sheet.

The meeting was called to order by Jon Price at 7:03 PM.

Approval of the Minutes

Adrian Kapp made a motion, seconded by Jay Zimmerman to approve the minutes from the April 25, 2022 meeting. * The motion was approved unanimously, with Josh Reist abstaining from the vote.

Correspondence

None

Plan Review

1. Clayland - Discuss Sketch Plan

James Strong, McNeese Wallace & Nurick LLC, Craig Smith, RGS Associates, Gary Zimmerman, Developer, and Louie Hurst, Developer reviewed the sketch plan with the Planning Commission and members of the audience.

Per the Developer the property is approximately 12 acres on the south side of Clay School Road, just west of Snyder Lane, within the Township's Residential-2 (R-2) zoning district. The project proposes 160 multi-family apartment units, as permitted by Special Exception within the R-2 zoning district, to be contained within eight (8) buildings. Access will be provided via a new entrance onto Clay School Road and a proposed connection to Mt Olive Lane and associated residential community to the west. Adequate parking is proposed throughout the community in reasonable proximity to each apartment building. Stormwater management facilities are intended to the north while public sewer and water connections will be made to adjacent existing sewer and water mains. A clubhouse is proposed as well as a large central green area,

walking paths, planted buffers and ample green space at each apartment building for use as gathering spaces and recreational opportunities for residents and guests.

To most efficiently utilize the property while maximizing the amount of green and open space, the proposed eight (8) three story apartment buildings will contain 20 units per building (Section 305.B.2.b requires that an apartment building contains no more than 12 units per building) and the proposed apartment buildings are intended to be a maximum of 45 feet in height (Section 305.C.5.b requires a maximum height of 25 feet). The purpose of the increased number of units per building and building height is to simply improve the aesthetics and to maximize the amount of available green space.

If the proposed plan was designed with 12 units per building and maximum height of 25 feet, to accommodate roughly the same number of units, there would be 13 two story buildings rather than the 8 three story buildings. The proposed plan allows for the construction of a clubhouse and a substantial central green area that will enhance the recreational opportunities and overall aesthetics of the proposed apartment community.

A greater building height of up to 45' would accommodate a third floor in the center of the buildings to allow more units per building and more appealing appearance with interesting rooflines. A maximum 25' height building would require a flat roof on the buildings.

The intent of increasing the allowable number of units per building and building height is not to increase density, but rather to allow for a better design that will result in a community with greater greenspace that is also more aesthetically pleasing.

Jon Price thanked James Strong and Craig Smith for their review of the plan. Jon asked if any member of the Planning Commission had a question.

Jay Zimmerman asked what the height of the townhouses in Bethany Gardens were.

Audience member stated 28'.

Jamie Strong explained the importance of aesthetics and green space with the greater building height.

Jon Price asked if there would be sidewalks installed on Snyder Lane.

Craig Smith said that sidewalks will be installed on Snyder Lane, but details have not been worked out.

Jon Price asked if the open space will be public.

Craig Smith said the open space will be private and the Developer will pay the Park and Rec fee for each unit.

Jennifer Mejia explained that the sketch plans are being presented tonight to gain the public's comments and concerns.

Margaret Grainger, 70 Snyder Lane - asked if the Fire Company can adequately handle the proposed height of the buildings

Craig Smith stated that the proposed plan has been shared with the Fire Company and they are able to handle the height

Margaret Grainger - said the proposed buildings are directly in their back yards and there will be no privacy

Craig Smith said that there is a landscape buffer between the properties

Margaret Grainger - asked if there will be security on the property

James Strong said that plans are conceptual at this time and buffer/privacy concerns from residents will be taken into consideration

Margaret Grainger - asked if residents will be notified by mail as to the next steps of the plan

It was stated that all agendas are posted on the Township web site and properties are posted if there is a zoning hearing request

Wendy Brigg, 70 Snyder Lane - said she also has concerns with privacy since the buildings are right in her backyard.

Jennifer Mejia stated that the property is zoned R-2 and the Developer has the right to build apartment buildings under the current zoning although not to the proposed specifications.

Wendy Briggs - asked if a privacy fence could be installed also, she stated they already have problems with cats, trash and children.

Wendy Briggs - stated that the proposed buildings look very nice but feels that is too many people for the area

Margaret Grainger - asked if this will be government subsidized housing

Jamie Strong stated this is proposed to be an upscale apartment complex with club house and open space

Jon Price stated that the Township or Developer cannot discriminate against any government assistance programs

Margaret Grainger - asked if there will be security lighting on the buildings

Craig Smith stated that plans are conceptual at this time and those details have not been determined but will be taken into consideration

Gary Zimmerman said that he is proposing a good quality upscale apartment complex with 60% one-bedroom units and 40% two-bedroom units targeting older and young professional renters

Gary Zimmerman said at this time the buildings are proposed with open inside staircases, but elevators could be considered

Dale Reinhart, 70 Snyder Lane - asked if there will be connected walkways from neighboring properties to internal walking path - he has concerns with dogs, children and trash

Craig Smith said the internal walking path is a great recreational opportunity and additional screening will be reviewed

Jay Zimmerman asked if the path will be open to the public and if pets will be allowed in the units

Craig Smith said that the path will be private

Gary Zimmerman said that most likely pets will be allowed but that has not been determined

Donna Reinhart, 70 Snyder Lane - said she has concerns with the taller buildings, building lights and privacy from windows - she also said they already have issues with children and dogs, and this will just add to that

James Strong said that most of the parking is on the north side of the buildings and they will review parking lot lights and lights on the backs of the units - he also stated that there are specific requirements for lighting by the Township

Dale Reinhart - asked if the backs of the building towards the south side will have decks - he is concerned with privacy and noise

Gary Zimmerman said those specific building details have not been worked out and possibly different details of the buffer zone could be included to help with privacy - he also said with most of the units being one bedroom that would attract more one person rentals

Wynne Cloud, 110 Bloomfield Drive - stated that he wrote a letter to Bruce Leisey several months back detailing concerns with the proposed plan and is speaking today on behalf of several residents of Clearview Gardens and has a list of some of the concerns which he presented to the Planning Commission

Wynne Cloud - asked for clarification on open outside staircase - would each unit have an individual entrance

Craig Smith stated the staircases are open, but they are located internally in the buildings and each apartment will have its own entrance

Wynne Cloud - asked if it will be age restricted

Gary Zimmerman said there will not be an age restriction, but the one-bedroom units will target older or young professional renters

Wynne Cloud - stated that he feels one-bedroom units will attract low income government subsidized families and that a three-story building with only stairs will not attract older renters

Wynne Cloud - how is apartment complex defined

Jennifer Mejia stated that each unit will be a rental

Wynne Cloud - asked if the complex will be privately managed and if management will be on site

Gary Zimmerman stated there will be an office on site

Wynne Cloud - stated he has concerns with the Developer being involved during the initial renting process but after the building is fully occupied selling the building and then there is no control over the renting of the building

Jennifer Mejia reminded the audience that in the R-2 zoning, apartment buildings are permitted, and the sketch plans are being presented tonight for public suggestions and comments to be possibly incorporated into the final plan

Wynne Cloud - asked if the Township has the right to deny and require developer to build within the zoning requirements and the same general character of the area

Jennifer Mejia stated that apartments are allowed in the R-2 zoning district provided they comply with the Zoning Ordinance requirements.

Wynne Cloud - stated that according to zoning apartment buildings are not permitted to have more than 12 units per building

Jennifer Mejia stated that is correct the developer has a right to seek relief from the provisions in the Zoning Ordinance and in this case the developer is looking for permission to increase the number of units per building and maximum building height. This can be done in two ways; a Zoning Hearing or Text Amendment. If the Zoning Hearing Board granted the requested variances, the relief would be for the proposed

location only; however, a text amendment if granted as proposed would include all R-2 zoned properties.

James Strong stated that under the current Township Ordinance the Developer could build 14 buildings on the property. This property has been R-2 zoned since 1995 and apartment buildings are a permitted use. He asked which is better what is permitted or fewer aesthetic pleasing buildings.

Jon Price stated that higher buildings are better for stormwater management

Craig Smith said there are specific requirements that must be followed for stormwater management

Wynne Cloud - stated that there is already a problem with water pressure and how will that be handled

Bob Lynn said that is reviewed by the Ephrata Joint Authority and residents should express their concerns with them

Wynne Cloud - asked if the basin is designed for a 100-year rain

Bob Lynn said that the entire review of the stormwater facilities has not taken place, but specific requirements are required by Township Ordinance and NPDES Permit

Wynne Cloud - asked if stormwater retention basins could be built on property with 14 buildings

Bob Lynn said that he can't answer that question without a full review of the plan

Wynne Cloud - asked if the stormwater from the property will pass through the stormwater culvert in Clearview Gardens

Bob Lynn said the stormwater will pass through Clearview Gardens and then to Bethany Gardens stormwater facilities as it does now, but developer will be required to control the flow of stormwater

Wynne Cloud - asked at what depth does a stormwater retention basin need a fence

Bob Lynn said he didn't know the specific depth and Jon Price said there are also other ways to buffer the basin

Ryan Witwer, 10 Bethlehem Lane - asked if the house along Clay School Road is staying, can there be a fence that divides the properties similar to the fence between Bethany Gardens development and Bethany Gardens Townhouses along Clay School Road, he also has concerns with the additional traffic and speed of traffic which are both already issues

Gary Zimmerman said that it wasn't determined if the house was going to stay or be removed.

Craig Smith said they can discuss different options for a buffer including a fence and landscape.

Ryan Witwer - expressed concerns with the proposed connection to Bethany Gardens from the apartment complex, he stated they already have a lot of traffic in the development and this would just add to that, he feels that a lot of the houses in Bethany Gardens are rentals and no one cares or watches their kids on the roads

Craig Smith said they have submitted a traffic study which is currently under review

Matt Schofield, 87 Bloomfield Drive - asked if this is the first of its kind of apartment complex in the Township and if built how will that affect future development

Bob Lynn stated that yes, this is the first apartment complex in the Township

Jennifer Mejia stated that yes, it is the first apartment complex but the R-2 zoning district currently permits apartments by special exception. The modifications to units allowed per building and increased maximum height would need to either be approved by the Zoning Hearing Board specific to this property or on all R-2 zoned properties by Text Amendment which would be reviewed by the Board of Supervisors.

Matt Schofield - asked if other apartment complexes could be built like this one in the R-2 zoning district in the future

Jennifer Mejia stated that if approval is given it would depend on if it was site specific (zoning hearing decision) or overall zoning amendment (text amendment)

Matt Schofield - asked if the building will change or the roofline if approval is given

Jennifer Mejia stated the plans are conceptual and slight changes might occur but would be reviewed. Plans will need to be consistent with what is presented to the Township.

Lou Katz, 30 Meadow Drive - asked if this the last R-2 zoned buildable lot

Bob Lynn said no there are other lots in the Township

Jon Price said that it is also possible for Developers through court proceedings to force the Township to rezone land

George Way, 38 Bloomfield Drive - expressed concerns with the stormwater passing through Clearview Gardens since they are already dealing with issues including sink holes

Craig Smith said they will be required to manage the volume and rate of stormwater

Jon Price said that stormwater is a major concern in the Township and will be reviewed

Matt Schofield - said that the buildings look good but wonders if the roofline will change if approval is given and will be built with 3 stories and a flat roof

Jennifer Mejia stated that the plan is conceptual but believes that the basic outline of the building will not change

Jeremy Loos, 418 Mt Olive Lane - expressed concerns with traffic, speeding, unsupervised children, snow removal and parking

Jeremy Loos - asked if another entrance not into Bethany Gardens could be planned, he feels there is already too much traffic issues in Bethany Gardens and the proposed connection would just add to that

Jeremy Loos - asked if the streets in the apartment complex are going to be private

Craig Smith stated the streets in apartment complex would be private but the connection to Bethany would not be

Jeremy Loos - asked if the apartment complex would be connecting to the existing public utilities and/or stormwater management facilities in his yard

Craig Smith indicated that there are public utilities available off Snyder Lane where the connections would be made for the apartment complex and stormwater would be directed towards Clay School Road

Jeremy Loos - asked what the timeline is for the project

Craig Smith said they are still working on the plan and didn't see construction starting for maybe 12-18 months

Jeremy Loos - asked if the building in the back corner could be relocated cause the windows of that building would look directly into his house

Craig Smith said the buildings are located within the required setbacks

Margaret Grainger - expressed concerns with the already busy traffic on Clay School Road and the hidden driveways on Snyder Lane - she also said that the intersection of Snyder Lane and 322 is very dangerous to pull out from

Bob Lynn stated that a traffic study has been submitted and is currently being reviewed

Lou Katz - asked what kind of vehicle traffic is included in the study

Bob Lynn stated that all vehicle traffic is considered

Wynne Cloud - suggested the Township restrict truck traffic on Clay School Road

Dale Reinhart - asked if any type of study has been done to know how the apartment complex will affect the school system

Jennifer Mejia stated that she doesn't believe so with the renters they are planning to target

Dale Reinhart - said most of these will be rentals and if there are more children than the school can handle, and it requires to enlarge the school that will result in an increase in real estate taxes for everyone

Jon Price stated that unfortunately PA does not have Education Impact Fees

Matt Schofield - asked what changes will happen with the additional stormwater runoff - he has concerns with the additional stormwater

Bob Lynn stated that there will not be any downstream changes

Jeremy Loos - asked if the apartment complex will contain enough parking for each unit and visitors - there is already a parking issue on the streets of Bethany Gardens

Craig Smith said that the number of parking spaces is required by the Township Ordinance

Wynne Cloud - asked what the next step for the plan is

Jennifer Mejia stated that the developer has not yet determined what the next step is, they are making this public presentation to gather the comments and concerns of residents to make that decision

Jon Price thanked everyone for sharing their comments and concerns.

New Business

None

Old Business

None

Adjournment

Adrian Kapp made a motion, seconded by Jay Zimmerman, to adjourn the meeting at 9:10 p.m. *The motion was approved unanimously.

Jon Price, Chairman

Adrian Kapp, Vice Chairman

Josh Reist, Secretary

Jay Zimmerman, Member