

CLAY TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

September 28, 2015

Members present were: Bruce Leisey, Clair Beyer and Annie Reinhart. Jon Price arrived at 7:10 and Adrian Kapp were absent.

Also present were those listed on the attendance sheet.

Bruce Leisey called the meeting to order at 7:00 p.m.

Reading of the Minutes

Annie Reinhart made a motion, seconded by Clair Beyer, to dispense with the reading of the minutes of the August 24, 2015 meeting. *The motion was approved unanimously.

Approval of the Minutes

Tabled until later in the meeting.

Correspondence

None

Plan Review

1. Mike Martin, Duck Operation - Land Development Plan 15-06

Austin Steffy and Mike Martin reviewed the plan with the Planning Commission members. The plan was not changed since the last review. The Mike Martin property is located northeast of W Burkholder Drive, south of its intersection with Rock Road. A duck barn, manure storage facility and associated infrastructure are proposed for this project.

Annie Reinhart made a motion, seconded by Clair Beyer to approve the following waivers/modifications for the plan. * The motion was unanimously approved.

Section 303 - Preliminary Plan Application

The applicant is requesting a waiver of the requirement to provide a Preliminary Plan prior to the submission of a Final Plan. The justification provided for the request is that no subdivision of land is proposed, no new streets are proposed and no land or facilities are being offered for dedication to the Township.

Section 402.A.1 - Plan Scale

The applicant is requesting a modification of the requirement to provide the plan at a scale of 10 feet, 20 feet, 30 feet, 40 feet or 50 feet to the inch. The justification provided is that a scale of 1" = 150' for the overall plan adequately displays the tract of land involved in this project and surrounding area. The applicant used a scale of 1" = 500' for the property plan and feels that the plan adequately displays the tract of land involved with the project. Lastly, the applicant notes a scale of 1" = 60' was used for all plan of the areas of the proposed improvements.

Section 402.A.2 - Existing Lot Lines

The applicant is requesting a modification of the requirement to show the existing lot line dimensions in feet and decimals and bearing shown with degrees, minutes and seconds. The justification provided is that the property has been plotted on the plan based on the latest recorded plan as shown per the Lot Add-On Plan and Subdivision Plan by Diehm & Sons. Also, the applicant notes there is not dedication proposed, subdivision of land, or establishment of a lot area with the project. The request also states the proposed operation is to be constructed in the middle of the property and is not proposed against any building setback lines or property lines.

Section 402.A.3 - Error of Closure

The applicant is requesting a modification of the requirement for survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet. The justifications provided include that the property has been plotted on the plan based on the latest recorded plan as prepared by Diehm & Sons. The project does not propose any dedication, subdivision of land, or establishment of a lot area. Lastly, the proposed operation is to be constructed in the middle of the property and is not proposed against any building setback lines or property lines.

Section 402.B.9 - Lot Line Markers

The applicant is requesting a waiver of the requirement to show the location of existing lot line markers along the perimeter of the entire existing tract. The justification provided is that the property has been plotted on the plan based on the latest recorded plan as shown by the lot add-on and subdivision plans prepared by Diehm & Sons, Inc. Secondly, the project does not propose any dedication, subdivision of land or establishment of a lot area. The proposed operation is to be constructed in the middle of the property and is not proposed against any building setback lines or property lines. Lastly, the tract of land is large and it would be very costly to survey the entire property to develop less than 15% of the site.

Section 403.E.4.f - Land Development Agreement

The applicant is requesting a waiver of the requirement to provide a Land Development Agreement. The justification provided is that the proposed operation is limited to the construction of one (1) duck house and does not seem to meet the criteria to be required to comply with this section based on the nature of the project. It is noted that there is no dedication proposed, subdivision of land, or establishment of lot area with this project. The operation is also compliant with all federal, state and local regulations associated with animal husbandry and NPDES permit application has been submitted or the operation to show compliance with environmental regulations. The applicant notes that no employees are required to operate the proposed duck operation.

Section 602.K and 602.K.2 - Street Right-of-Way Widths

The application is requesting a modification of the requirement to provide a 60-foot right-of-way for local streets, which would result in the dedication of an additional five (5) feet of right-of-way to come into compliance with the current Subdivision and Land Development Ordinance. The justification provided is that the proposed operation is limited to the construction of one (1) duck house. The applicant notes that there is no dedication proposed, subdivision of land, or establishment of a lot area with this project.

Section 602.K.3.b - Improvement of Existing Streets and Intersections

The applicant is requesting a waiver of the requirement to improve the existing roadside along the limits of the property to the minimum standards of the Ordinance. The justification provided is the proposed operation is limited to the construction of one (1) duck house. The applicant notes that there is no dedication proposed, subdivision of land, or establishment of a lot area with this project. The applicant also notes that there are no proposed roadway improvements associated with this project.

Section 602.U.4 - Maximum Driveway Width at the Right-of-Way

The applicant is requesting a modification of the requirement to provide a minimum driveway width of 10 feet and a maximum width of 30 feet within the limits of the right-of-way. The applicant is providing approximately a 48 foot width at the proposed right-of-way limits. The justification provided is that the existing driveway entrance from West Burkholder Drive needed to have additional taper widening to allow for adequate access for the anticipated truck movements.

Stormwater Management

Section 11-306 - Riparian Corridor Easement Width

The applicant is requesting a modification of the requirement for riparian corridor easement widths to be measured the greater of the limited of the 100-year floodplain or 35-feet from the top of the stream bank (on each side). The justification provided is that the applicant is participating in the CREP program and will be providing planting and fencing at a minimum of 35 feet from the top of the bank of the U.N.T to Middle Creek on both sides. Due to the expanse of the 100-year floodplain for the U.N.T to Middle Creek, it is requested that the width of the riparian corridor easement be reduced from the limit of the 100-year floodplain to what is identified as the "Riparian

Corridor Easement” shown on sheet 206. A minimum width of 35 feet from the top of the bank of the U.N.T to Middle Creek will be provided. The remainder of the 100-year floodplain will continue to be used as pasture. The applicant notes that building in the floodplain is prohibited; therefore, no further obstructions will be constructed within the 100-year floodplain. The following note has been included on the land development plan: “Proposed vegetation shall be protected and maintained within the riparian corridor easement. Whenever practical, invasive vegetation shall be actively removed. Proposed vegetation shall be planted within native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site”.

Stormwater Management

Section 307.A.2 - 5:1 Slopes for Above Ground Storage Facilities & Fencing

The applicant is requesting a modification of the requirement that above ground storage facilities without restricted access shall have side slopes no greater than 5:1 or the basins shall be protected by fencing. The justifications provided are the some of the interior slopes of the proposed basin will be 3:1 to provide adequate infiltration area as required per loading ratio requirements set forth in the Ordinance. It is noted that Basin A provides an accessible 5:1 interior slope at the east end of the basin. Basin B provides a maximum 5:1 slope from the driveway down to the bottom of the infiltration facility. The applicant also notes that the storage depth of the proposed basin will be 2.0 and 2.5 feet at the riser pipe crest and emergency spillway elevations, respectively. The maximum water depth in the proposed Basin A is 1.22 feet and Basin B is 1.16 feet during the 100-year, 24-hour storm. The applicant also indicates that the proposed stormwater facilities are privately owned and maintained and are not dedicated to the public.

Stormwater Management

Section 307.A.12 - Type D-W Endwall, D Endwall or Riser Box Outlet Structures

The applicant is requesting a modification of the requirement to provide a Type D-W Endwall or Riser Box Outlet Structure for facilities with a depth of two(2) or greater. The applicant is proposing to use a HDPE pipe riser with control orifices connected to an HDPE outlet pipe. The drainage area to Basin A is 2.83 acres and the drainage area to Basin B is 5.91 acres, the applicant feels that a large outlet is not necessary for the contributing drainage area. Lastly, the proposed basin will be owned and maintained by the landowner and is not offered for dedication to the Township. The applicant notes the riser pipe has been noted to be made of U.V. resistant material.

Stormwater Management

Section 11-307.A.14 - Reinforced Concrete and Stainless Steel Discharge Control Devices

The applicant is requesting a modification of the requirement that all discharge control devices with appurtenances shall be made of reinforced concrete and stainless steel. The applicant is proposing the basin outlet structures to be HDPE. The drainage area to Basin A is 2.83 acres, while the drainage area to Basin B is 5.91 acres. The applicant feels a large structure is not necessary. The proposed HDPE riser pipe base will be set in concrete to prevent flotation. The applicant notes the proposed basins will be

owned and maintained by the landowner and is not offered for dedication to the Township. The applicant notes the riser pipe has been noted to be made of U.V. resistant material.

Stormwater Management

Section 11-307.B.1.b(2) - 5:1 Slopes for Above Ground Storage Facilities

The applicant is requesting a modification of the requirement that aboveground storage facilities with a depth of two-(2') to eight-feet (8') provide a maximum interior side slope of 5:1. The justification provided is some of the side slopes will be 3:1 to provide adequate infiltration area as required per loading ration requirements. Basin A provides an accessible 5:1 interior slope at the east end of the basin. Basin B provides a maximum 5:1 slope from the driveway down to the bottom of the infiltration facility. Lastly, the applicant notes the storage depth of the proposed basin will be 2.0 feet and 2.5 feet at the riser pipe crest and emergency spillway elevations the maximum water depth in the proposed Basin A is 1.22 feet and in Basin B is 1.16 feet during the 100-year storm.

Stormwater Management

Section 11-503.A.4 - Plan Scale

The applicant is requesting a modification of the requirement to provide the plan at a scale of 10 feet, 20 feet, 30 feet, 40 feet or 50 feet to the inch. The justification provided is that a scale of 1" = 150' for the overall plan adequately displays the tract of land involved in this project and surrounding area. The applicant used a scale of 1" = 500' for the property plan and feels that the plan adequately displays the tract of land involved with the project. Lastly, the applicant notes a scale of 1" = 60' was used for all plan of the areas of the proposed improvements.

Annie Reinhart made a motion, seconded by Clair Beyer to recommend approval of the Mike Martin Land Development Plan to the Board of Supervisors contingent on compliance with the Hanover Engineering letter dated September 24, 2015. * The motion was unanimously approved.

** Jon Price arrived at the meeting at this time. **

Approval of Minutes

Clair Beyer made a motion, seconded by Bruce Leisey to approve the minutes from the August 24, 2015 meeting as printed in the September 28, 2015 meeting agenda. * The motion was approved unanimously, with Annie Reinhart abstaining from the vote.

Plan Review Cont'd

2. Clay School Road Apartments - Land Development Plan 15-02

Ted Cromleigh, Diehm and Sons, Dan Martin, Eugene Martin and Jim Thomas reviewed the revised plan with the Planning Commission members.

Based on feedback received from the Planning Commission and Board of Supervisors at previous meetings, both have reservations about granting the waivers for the clear sight triangle and the minimum radius for the intersection. It is understood that the concern about the clear sight triangle is due to safety considerations.

The site plan for the project has been revised, it was never the intent to design any intersection that is not safe. The revised plan provides the required 100' clear sight triangle. This results in a loss of parking near the entrance and even a few spaces directly in front of Building #2. To compensate for this loss of parking, parking has been added on the Gene Martin adjacent property. This lot will now be merged with the main property. It should be noted that Mr. Martin is giving up a building lot in an effort to provide for the Township's concerns. The entrance has been revised to provide the required 55' radii. The crosswalk has been lengthened accordingly.

After discussion on the plan and proposed waiver/modifications, the Planning Commission is generally in favor of the plan. There was additional discussion on Section 602.N.1 - 100' Clear Sight Triangle.

Mr. Cromleigh informed the Planning Commission that the clear sight triangle could be reduced to 50' X 100', which would provide an additional 4 parking spaces and not reduce the visibility of vehicles traveling on Clay School Road to see traffic pulling out from the apartment parking lot.

The Planning Commission was generally in favor of this concept.

Mr. Cromleigh will make the changes noted on the Diehm & Sons letter dated September 15, 15 and re-submit the plan for the Planning Commission's consideration.

There was discussion from the audience on this plan.

Glenn Hursh - asked how many parking spaces are there total

Bob Lynn said there are 34 on the plan

Ralph Kurtz - appreciates keeping the Township rural, does not like high density development

Jon Price - agreed with Mr. Kurtz's comments

Nelson Horst - expressed that walkers use the road and likes the 100' clear sight triangle

Glenn Hursh - likes the stop bar concept

Nelson Horst - asked if there would be a specific area for trash collection.

Bob Lynn said there is a community trash area.

New Business

- 1. Parking Ordinance Discussion

Tabled until next meeting

- 2. Riparian Corridor Easement Agreement

Tabled until next meeting

- 3. Discussion on Audience Concerns with High Density Development

Gwen Newell suggested exploring the concept of R2 zoning requiring mixed types of housing (ie, apartments, townhouses, duplex, single homes).

Nelson Horst - likes the idea of infill

Ralph Kurtz - does not like high density development, feels it costs the Township money, and is willing to pay more real estate taxes to have less density

No decisions were made at this time.

Old Business

None

Adjournment

Annie Reinhart made a motion, seconded by Clair Beyer, to adjourn the meeting at 9:15 p.m. *The motion was approved unanimously.

ABSENT
Adrian Kapp, Chairman

Jon Price, Vice Chairman

Clair Beyer, Member

Annie Reinhart, Secretary

Bruce Leisey, Member