

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
August 14, 2023

The Supervisors of Clay Township met on a regularly scheduled meeting date of August 14, 2023, 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. The meeting agenda was posted in accordance with the Second-Class Township Code and the Sunshine Law.

Supervisors present were Tim Lausch, Chairman, Keith Martin, Vice-Chairman and Gary Landis, Secretary.

Also, present was Bruce Leisey, Township Manager, Wendy Hackman, Administrative Assistant, Bob Lynn of Hanover Engineer, 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 6:31 p.m.

Meeting Minutes

Gary Landis made a motion, seconded by Keith Martin to approve the July 10, 2023 meeting minutes. * The motion was unanimously approved.

Treasurer's Report

Keith Martin made a motion, seconded by Gary Landis to approve the Treasurer's Report for July 2023. * The motion was unanimously approved.

Visitors

1. Lancaster County Commissioners – Presentation of County ARPA Grant Funds

Lancaster County Commissioners Ray D'Agostino, Josh Parson and John Trescot presented a check for \$150,000 from the County ARPA Grant funds to Clay Township.

The Board of Supervisors thanked the County Commissioners for the grant funds to be utilized for stream bank restoration projects planned in the Township.

Bob Lynn reviewed the stream bank restoration projects located at the Jay Zimmerman farm and Hopeland Park. The funds received will be utilized to complete these projects.

Engineer's Report

1. Hackman Living Trust – Final Subdivision Plan

Ted Cromleigh, Diehm & Sons reviewed the plan with the Board of Supervisors. The 7.3-acre property is located at the southwest corner of the intersection of Hackman Road and Lincoln Gardens Road. The tract is currently a vacant lot with cultivated fields. The project consists of a 2-lot subdivision and the construction of a dwelling and driveway on Lot #1 (.99 acre). At this time Lot #2 (.60 acre) and Lot #3 (5.7 acres) will remain vacant at such time as any development is proposed on these lots, appropriate approvals shall be obtained from Clay Township.

At this time Lot #1 will be connected to public sewer and will be serviced by an on-site well. At time of development, Lot #2 will be connected to public sewer and will be serviced by an on-site well. If in the future Lot #3 is developed or public water is extended past Lot #1 and Lot #2, connection for all lots will be required to public water. A note regarding public water hook up will be placed on the plan.

Keith Martin made a motion, seconded by Gary Landis to approve deferral of Section 602.K.3, Section 603.B and Section 603.C as outlined in the Hanover Engineering letter dated 8/10/23. * The motion was unanimously approved.

Section 602.K.3, Section 603.B and Section 603.C – Improvements of existing streets, sidewalks and curbing along Hackman Road

The applicant is requesting a deferral of the requirement to provide improvements along Hackman Road until such time as the Township deems them necessary. The applicant notes that the sidewalk would not connect to an existing network of sidewalk or pedestrian walkways. The applicant feels that to widen and install curbing along only a section of Hackman Road would result in piecemeal improvements. The applicant states that as noted in the Plan Note 17, the improvements must be installed by the property owners as the sole discretion of the Township.

Gary Landis made a motion, seconded by Keith Martin to approve the Hackman Living Trust Sub-Division Plan and Improvement guarantee in the amount of \$24,362.00 contingent on compliance with the Hanover Engineering letter dated 8/10/23. * The motion was unanimously approved.

2. Austin Startoni – Stormwater Management Plan

Austin and Kayla Startoni reviewed the plan with the Board of Supervisors. Proposed improvements include the construction of a new 2,470 single family dwelling, driveway connecting to the existing access driveway and associated stormwater facilities. One above ground rain garden is proposed to manage the site runoff. The proposed rain garden has been

sized to manage an additional 0.26 acres of impervious area to account for any further additions to the property.

Gary Landis made a motion, seconded by Keith Martin to approve the deferral of Section 11-307.A.1 – Soil Testing until prior to the construction as outlined in the Hanover Engineering letter dated 8/11/23. * The motion was unanimously approved.

Section 11-307.A.1 – Soil Testing

The applicant is requesting a deferral of the requirement that states that all above ground storage facilities are required to have soil testing conducted in the proposed location in support of the design. The testing would need to be performed and copies of the testing report provided to the Township for review and approval with the provided design before proceeding with the rain garden construction.

Gary Landis made a motion, seconded by Keith Martin to approve the Stormwater Management plan, contingent on receiving Improvement Guarantee in the amount of \$24,230.50 and a Stormwater Management agreement as outlined in the Hanover Engineering letter dated 8/11/23. * The motion was unanimously approved.

3. YWAM – Hearing for Zoning Ordinance Amendment

Tim Lausch began the hearing at 7:30 PM.

Dwight Yoder representative for YWAM reviewed the overall project and overlay with the Board of Supervisors and audience. YWAM is requesting a Campus Overlay District for two parcels in the current Limited Industrial (LI) District.

The hearing was opened for questions or comments.

Tim Lausch asked if the permitted building height within the zoning will be an issue.

Luke Weaver stated that the largest building will be the gym and gathering space and building within the permitted height should not be a problem.

Dwight Yoder stated that the Clay Township Planning Commission and Lancaster County Planning Commission reviewed the overlay and recommend adoption.

Jennifer Mejia clarified that while the Lancaster County Planning Commission did recommend approval, it also voice concern over loss of scarce LI land and suggested that YWAM look for options to incorporate LI uses into the project.

Dwight Yoder stated that YWAM owns both tracts of land and with the overlay, they will develop and improve the use and appearance of the property.

Dwight Yoder stated that the “base” zoning of the property will remain Limited Industrial, but the campus overlay will allow YWAM to fulfill their mission for the property.

Dwight Yoder stated that all Phases of the plan will need to be presented to the Board of Supervisors for review as a conditional use and would require land development.

Darryl Zimmerman asked what the current zoning of the property is.

Bob Lynn explained that the current zoning is Limited Industrial, and that “base” zoning would remain but, a campus overlay would be added to the property.

Darryl Zimmerman asked if this land is taken out of Limited Industrial zoning will there be more land rezoned to Limited Industrial. He is concerned with the small amount of Limited Industrial currently available and then taking this land away.

Darryl Zimmerman asked what the current real estate taxes are for this property.

Dwight Yoder explained that the real estate taxes are based on the assessment of the property. Currently the property is being taxed between \$3,000 and \$4,000 for its uses. YWAM is a non-profit entity. For Campuses buildings, YWAM has the ability to request exemptions from improvements. Any commercial buildings on the property would not be tax exempt.

Tim Lausch stated that the Board of Supervisors also has concerns with the affect on the tax base.

Darryl Zimmerman asked if there will be additional land in the Township changed to LI.

Bruce Leisey said at this time no other zoning changes will be made. The base zoning of the property will remain LI.

Gary Martin, Martin Eggs, expressed concerns about the impact on the industry that is already there. The campus will bring in a lot more people to the area. The campus is taking good industrial land that could be utilized. Concerned with the impact that the campus will have on the business that are already established around the property.

Tim Lausch asked if there were any discussions on a connection to Wissler Road. The intersection was built for the future development of properties.

Gary Martin asked who would own the road and expressed concerns with the campus traffic use of that connection.

Jennifer Mejia noted that the proposed ordinance requires a campus to have connection to two public roadways and public water and sewer. These connections will require a significant investment given the physical circumstances of the property. The applicant is aware of these requirements.

Darryl Zimmerman asked how the barn building on the Woodcorner Road lot will be utilized.

Luke Zimmerman said that as a part of the Bridge Plan, dorms will be constructed utilizing that building and building an addition on. A permit has been obtained for this project.

Brian Zimmerman expressed concerns with traffic use on Henry Appel. The mixing of industrial, business, farming and campus traffic will cause issues.

Dwight Yoder stated that there would be approximately 40 individuals, but most of them would be dropped off and picked up. They would not have vehicles on campus during their stay. Any vehicles on campus would utilize the parking in the front lot and walk to the campus building.

Glen Zimmerman asked how many potential students and staff there could be at the campus at any time.

Luke Weaver stated that the campus could possibly house 250 students and 150 staff depending on the demand. Current YWAM Campuses vary greatly in size.

Glenn Zimmerman expressed concerns with the mixing of uses between LI, AG and campus. Has concerns with them working well together.

Randy Gockley, Lincoln Fire Co, stated YWAM did work with the Fire Company on concerns they had with the Bridge Plan and would just ask YWAM to include them in any future planning to make sure any emergencies can be handled in the best way.

Shane Kurtz expressed concerns with the additional traffic that will be generated weekdays and weekends when the traffic is typically decreased. Also concerned with the noise that could be generated by any type of events held on campus. For example, the tent event recently held.

Luke Weaver stated that they would like to utilize the campus in all ways possible and work with the Township on rules and regulations.

Jennifer Mejia stated that the Township did receive complaints regarding the last tent event held at the YWAM property.

Dwight Yoder stated that the Township will have more control with the Campus Overlay and the requirement of conditional use approval by the Township.

Dwight Yoder stated that the Bed and Breakfast is currently operating without any issues.

Dwight Yoder stated that the Woodcorner property has a lot of development issues/constraints on the south end of the property.

Dennis Lausch commented concerns on other recent outside tent events held in the Township. The residents located near the event tolerated a lot of noise during that event that went late into the evening at some points.

Jonathan Lehman spoke about societal effect of the YWAM campus. He traveled with YWAM for 6 months. YWAM creates a positive environment and brings in revenue to local business.

YWAM attracts and encourages a level of hope and will help young people in the area. YWAM will also provide skills training to young people.

Roger Martin thanked YWAM for their mission, but has concerns placing a campus in the center of LI zoned and utilized land.

Roger Martin asked what the setbacks and lot coverage will be in the Campus Overlay.

Roger Martin stated that the land was zoned LI when YWAM received the front lot and purchased the back lot. YWAM should have looking into that zoning prior to accepting property.

Roger Martin stated that the campus will divide the current LI zoning are and asked if it could potentially be considered spot zoning.

Dwight Yoder stated that it doesn't make sense to push the use to another property, the property is currently a mix match of different uses and YWAM owns the property.

Keith Martin stated that the base zoning of the property is not changing from LI. The campus use is an overlay over that base zoning.

Roger Martin stated that the campus use does not compliment the LI uses located around property.

Roger Martin also expressed concerns with fire risk on campus or at an LI use located next to the property. Potential side yard setbacks should be increased for safety reasons.

Tim Lausch stated that any buildings built on the campus will need to comply with the building code requirements.

Roger Martin asked if more development is being added to the LI district, should there be additional screening requirements to buffer the uses.

Jennifer Mejia stated that YWAM will need to buffer their property when developed.

Roger Martin said currently the parking requirement is 1 space per 2 beds. Will there be a modification to that requirement for additional parking.

Tim Lausch stated that all parking will be internal on the property.

Roger Martin stated that the current B&B operates with 9 bedrooms but the overlay requests up to 20 bedrooms. Why is the large increase needed.

Dwight Yoder stated that the is not sure why the request for 20 was made other than providing flexibility of use with the additional rooms.

Roger Martin expressed concerns with keeping students on the campus who are not familiar with the area.

Dwight Yoder stated that all can be handle with a screening buffer, signs and fences.

Roger Martin expressed concerns with complaints being generated by people on the campus regarding the noise, smells and dust from existing LI uses in the area.

Dwight Yoder stated that the B&B is currently operating without any major issues.

Jay Zimmerman asked if YWAM would be willing to work with neighbors to increase the buffer size between the uses.

Dwight Yoder stated that YWAM does want to be a good neighbor and it willing to work with neighboring properties.

Darryl Zimmerman expressed concerns with the mixing of campus use and agricultural. Things may start out on the neighborly side but much more concern that complaints will arise regarding noise, dust and dirt from agricultural practices.

Keith Martin stated that he understands the concerns of the local farmers but feels the campus could coexist with AG and LI uses surrounding it. YWAM consists of local residents who grew up in the area and understand the importance of agriculture.

Dwight Yoder agrees that YWAM understands the importance of agriculture practices and wants to be a good neighbor.

Glenn Zimmerman asked what will happen in 10 years, will more restriction be placed on the AG and LI uses surrounding the campus.

Gary Landis stated that the campus proposal would be excellent in another location but is concerned with how and if it will work at this location. All issues raised tonight are concerns that Gary also shares.

Gary Landis also expressed concerns with the tax base currently and in the future.

Luke Weaver stated that he appreciates the feedback from the community. Was born and raised in Lancaster County and has a high level of respect for local traditions.

Luke Weaver stated that the front lot was donated to YWAM by Norman Kurtz for the purpose of building a campus. Luke said he is not aware of any property that would be turn key for their use. Luke stated that the YWAM campus will be a benefit to the community and will work to continue to have good interactions with all neighbors.

Keith Martin stated that the Township has not received pressure from YWAM to change the zoning of the property. The Township and YWAM have been working together to benefit all parties.

At 9:04 PM, Jennifer Mejia said comments have closed and will reopen at the next scheduled meeting to conclude the hearing with a date to be determined at this time. No decisions were made at this time.

4. 227 Woodcorner Road – Sewage Planning Module

Bruce Leisey updated the Board of Supervisors on the status of this plan.

This item was tabled at this time.

Old Business

1. Marlin and Wanda Martin SWMP – Time Extension Request Update

Bruce Leisey informed the Board of Supervisors that he has been in contact with the new owner of the property and indications are at this point, that the new owner will not be moving forward with development of the property.

This item was tabled at this time.

New Business

1. Approve Advertising of Updated Snyder Park Pavilion Roof Repair Proposal

Bruce Leisey reviewed the revised proposal with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to authorize advertising of the Snyder park pavilion roof repair proposal to obtain quotes. * The motion was unanimously approved.

2. Review Short Term Rental Ordinance

This item was tabled at this time.

3. Approve and Execute PennDot Municipal Snow Removal Agreement

Bruce Leisey reviewed the agreement with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve and execute the agreement in the amount of \$19,568.96. * The motion was unanimously approved.

4. Approve Release of unused SubDivision Deposit Funds

Bruce Leisey reviewed the account balances with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve release of subdivision deposit funds for Key-Aid ACE Hardware in the amount of \$76.00 and Springville Mennonite School in the amount of \$105.00. * The motion was unanimously approved.

5. Approve and Execute Intermunicipal Agreement for Hackman Road Bridge Repairs

This item was tabled at this time.

6. Approve and Execute Contract Repricing for Dump Truck and Outfitting

Bruce Leisey reviewed the updated pricing of dump truck with the Board of Supervisors. Bruce also informed the Board of Supervisors that the outfitting price will remain the same as quoted.

Keith Martin made a motion, seconded by Gary Landis to approve and execute the quote for the 2025 dump truck with a price increase of \$14,710 for a total price of \$114,588.00. * The motion was unanimously approved.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$170,935.98 for the month of July. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$908.71 for the month of July. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$3,243.74 for the month of July. * The motion was approved unanimously.

Reports for the Month

1. EMS Providers
2. Engineer's Report
3. Manager's Report
4. Zoning Officer's Report

Adjournment

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 10:17 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary