

WEST LAKELAND TOWNSHIP

April 13, 2015

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Ms. Mary Rinkenberger, Deputy Clerk; Mr. Scott McDonald, Township Attorney; Ms. Marsha Olson, Treasurer, Mr. Duane Stensland, Building Inspector; Mr. Dave Dupay, Planning Commission Chair

Call to Order

Chairman Kylo called to order the regular meeting of the West Lakeland Board of Supervisors at 7:06 PM.

Approval of the Minutes

Supervisor Schultz moved to approve the minutes of the March 2015 regular meeting with minor corrections. Seconded by Supervisor Ebner, the motion carried.

Supervisor Ebner moved to approve the minutes of the Board of Appeal. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report, reflecting \$77,074.67 of receipts, and \$29,051.26 of expenses, with a remaining fund balance of \$1,414,922. Supervisor Schultz moved to approve the report. Seconded by Supervisor Ebner, the motion carried.

Supervisor Ebner moved to ratify the Chairman's purchase of furniture for the offices in the Taylor building. Chairman Kylo was able to obtain stackable chairs, folding tables, desk, bookshelf and desk chair for \$371 from the State Surplus. Seconded by Supervisor Schultz, the motion carried.

Review and Pay Invoices

Chairman Kylo moved to review and pay the invoices presented. Seconded by Supervisor Schultz, the motion carried.

Renewal of Conditional Use Permit for Tiller Sand and Gravel

Christina Morrison and Mike Caron, representing Tiller Sand and Gravel requested a renewal of the 5 year conditional use permit for the Barton pit in West Lakeland. At that pit, Tiller processes sand, gravel, sandstone and recycles concrete. The pit has been in operation for 30 years, and has 225 acres in mining. Currently, they have reclaimed about 61 acres. Mining is seasonal, but trucking product will occur year round. Annual production is 2,000 to 2,500 tons per year. The plan for the next 5 years is to continue to mine in the Phase 1 area, with reclamation in an east to west progression. Supervisor Ebner asked if there is anything different in this application. The work is fundamentally the same. Chairman Kylo asked if there were any issues raised with noise or truck traffic. One neighbor has raised concerns,

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and the Tiller staff has worked to address those concerns. Chairman Kylo moved to approve a 5 year renewal of the conditional use permit. Seconded by Supervisor Ebner, the motion carried.

Bryan Rock 5 Year Permit Renewal

Mr. Matt Bryan and Kristine Pauley reviewed with the board proposed amendments to the current permit. The mining at this pit is getting close to the western edge of the quarry and Byran Rock is proposing a modification of the high wall, with safety benches and safety fences. This was originally discussed in 2013, and Washington County required an evaluation of the proposed slope stability. The report is now complete. Bryan Rock is proposing to amend the permit to accommodate the new slope the wall. And complete the mining to the final grade, so that the area in the northwest corner of the site can be reclaimed. Highwall is a standard practice in quarry mining in the area. Mining immediately to the final grade will speed reclamation and eliminate moving materials multiple times. The board discussed concerns about blasting at the site. Blasting is monitored, and is within the tolerances established by the Bureau of Mines. In addition, the volume of explosions and frequency of charges have been reduced. After discussion, Supervisor Schultz moved, seconded by Supervisor Ebner, to approve the revision to allow benched high walls and completion to the quarry floor for phase 2 and 3. Seconded by Supervisor Ebner, the motion carried.

Home Occupation Permit Review, Mr. and Mrs. Lind

The board continued the review of the home occupation permit granted to Mr. and Mrs. Lind. Mr. Dave Snyder, representing Mr. Lind, appeared before the board. In his remarks, Mr. Snyder noted that in his opinion, the formal requirements of the ordinance review have not been met. He encouraged the board to appoint a liaison and meet with the neighbors to see if additional clarifications could be provided to address the concerns of the neighbors. Chairman Kylo noted that the request might have met a more positive reception if it had been offered several months sooner, and was not convinced that a common ground could be reached in light of the number of previous attempts. Supervisor Ebner also noted that there have been a number of informal attempts at resolution, which have not been successful.

Mr. McDonald noted that the next step was a formal finding of violation, if determined to be so by the board, and a timeline for compliance.

Ms. Zinn noted that the neighbors have tried multiple times at an informal resolution, and provided evidence of the violations as prescribed by the board. Mr. Lind provided no refuting evidence, and has not worked in good faith, in her opinion, at an informal resolution.

Supervisor Ebner noted that the approved permit, and past meeting minutes indicated a maximum of one bus, and believes that substantive evidence of the violation of this provision of the

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permit has been presented. The permit allows operation from Sat 2 PM to Sun 1 PM. The website lists hours and days outside that restriction. Five buses outside normal business hours is too excessive for a residential neighborhood. He also considers two separate businesses operating for a single residence as being outside the spirit of the ordinance. The evidence provided by the neighbors does support a violation of the hours of operation and the number of employees. The bus business has grown beyond that appropriate to a home occupation. With regard to the landscaping business, the documentation of the alleged violations are less clear. Trucks entering and leaving the property do not violate the permit. Having materials for use on the job site on the truck does not violate the conditions of the permit, but if the material is unloaded, it cannot be moved from the lot.

Supervisor Schultz indicated that, in his opinion, the noise was not excessive when observed from the public road. Supervisor Schultz provided distances from Mr. Lind's driveway to those nearest points. Mr. Zinn noted that the concern was greater, in that the bus would be idling for up to 30 minutes, and passed closer to the rear of their house than the distance to the public road. Supervisor Schultz also noted that the presence of five buses violates the terms of the conditions as documented by the August 2003 minutes of one bus.

Chairman Kylo agreed that the number of buses on site was a violation of the permit, as the permit allows only one bus. Operation outside the days and hours specified on the permit also has been substantively proven as a violation of the permit. He can understand the concern over the noise and lights, and sees how they could be disruptive to the neighbors. The number of employees for the bus business have also been clearly demonstrated as being in violation of the terms of the permit. Concerns over the landscaping business have been raised over the past ten years, and for each alleged violation, reasonable explanation has been provided. Chairman Kylo does not believe that the terms of the conditions for the landscaping operation have been substantially violated. Chairman Kylo also noted that there have been both verbal and written agreements to address neighborhood concerns in the past, and Mr. Lind has not honored these agreements, making further attempts at mediation not as attractive.

Supervisor Ebner moved to authorize Mr. McDonald to draft a notice of violation, specifically with regard to the number of buses, hours of operation and number of employees, noting that the noise and lights generated by the additional bus traffic as contributing factors, for review at the next regular meeting. Seconded by Chairman Kylo, the motion carried.

2015 Levy

An error was discovered in the reporting the 2015 levy to Washington County. A mistake in transferring data for the levy for the previous year on the submission form. This will result in a shortfall

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against the planned budget. It is uncertain if this error is covered by the Township's errors and omissions coverage. The board discussed options of recovering the shortfall.

Code Amendment

Supervisor Ebner presented draft language to modify sections 7.6.1 and 7.6.2 changing the time required for completion of construction from 90 days to 180 days to match IRC2012. Supervisor Ebner moved to approve the draft language for sections 7.6.1 and 7.6.2 and direct a notice for publication be written and published. Seconded by Supervisor Schultz, the motion carried.

Home Occupation Review

Ms. Agrimson has drafted letters to confirm the changes in the current permits under review. The board reviewed each request in turn.

Mary Kay sales, Ms. Kline hours of operation changed from 9 AM to 9 PM Monday and 9 AM to noon on Saturday to 9 AM to 8 PM Monday through Saturday. There have been no issues raised.

Broker Milk Products and Feed, Mr. Smith, requested a change in hours from 9 AM to 5 PM Monday through Friday to 8 AM to 4:30 PM Monday through Friday. Work is phone and on line.

Firearms Repair, Mr. Trunzo. Work is now small engine repair. There is a concern that there may be outside storage so review is warranted.

Piano Lessons – Ms Arnfelt, had hours of operation from 3 PM to 7 PM, and would change to 3:30 PM to 8 PM.

The decisions were tabled to the May meeting.

Mr. McDonald suggested the planning commission be tasked to review the classification of uses, to help clarify when a review is required. The board will consider the specific uses in light of a recommendation from the planning commission.

Road Maintenance

The board discussed the posted speed on Nolan Avenue, particularly the southern ¼ mile. This is currently posted at 45 MPH. Supervisor Schultz noted a provision of state code which allows the local authority to adjust the speed based on density of housing. This section of the road may qualify for the reduced speed under that provision. That will be reviewed and presented at the next regular meeting.

Seal coat bids will be opened on May 7, 2015.

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A bid of \$2,500 has been received to repair the sinkhole on 24th street from Miller Construction. Another repair is required on the 1500 block of ORyan.

Supervisor Schultz noted that the budget for the previous year included the work on repairing Manning Trail. The bill is due this year, and was not accommodated in the current year budget. Once the seal coat bids are received, the board may need to review reducing the seal coat projects or overspend the road and bridge budget.

Additional Business:

A request by Mr. Gustave Thill, on behalf of Polly Thill, for a variance to permit an outbuilding in front of the residence was removed from the agenda since Mr. Thill was not in attendance.

Gravel pit inspections will be schedule for the third week of May, targeting May 20, 2015. Ms. Rinkenberger will contact the quarries to establish a schedule.

Clean up day is scheduled for May 9, 8 AM to noon.

Chairman Kylo, seconded by Supervisor Schultz, moved to authorize the chairman of the planning commission, Mr. Dupay, to begin coordination of the data transfer and definition with FlatRock for the GIS mapping software.

Supervisor Schultz noted a complaint of apparently abandoned automobiles. Chairman Kylo will contact the landowner.

Adjourn

Having no further business, Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Ebner, the motion passed. Chairman Kylo adjourned the meeting at 10:00 PM.

Respectfully submitted,



Elizabeth Vance