

Upper Milford Township
Board of Supervisors
Township Building, Old Zionsville, PA 18068
July 17th, 2025, 7pm
REGULAR MEETING MINUTES

ATTENDANCE: Supervisors: Daniel Mohr, Angela Ashbrook, John Zgura; Manager, Edward Carter; Solicitor Marc Fisher; Planning Coordinator, Brian Miller; Assistant Zoning Officer, Kyle Walbert

Meeting Called to Order at 7:00 PM

Pledge of Allegiance to the flag.

ANNOUNCEMENTS:

This meeting is being recorded principally to aid in the preparation of Minutes and for such other purposes as the Board sees fit. For that reason, will each person wanting to give any comments during this meeting, please state your name for the record and address the Board of Supervisors.

The Upper Milford Township Board of Supervisors held an executive session on Thursday, July 17th, 2025, at 6:30 PM to discuss Legal matters.

PUBLIC INPUT:

1. Lauren Hoponski – asked about the intersection of Mill Rd. and Chestnut St. with sight distance issues and safety concerns and if anything could be done there to improve the intersection.

Bud Carter explained that PennDOT is working on upgrading the entire corridor there and will be doing improvements to Mill Rd. and Chestnut Intersection and is projected to begin in 2026 which should help the safety issues of the intersection.

Lauren also asked if some of the families in Benjamin Court could do a camp out in Arrowhead Park overnight one night this summer.

It was explained that they should send an official letter to the Board with the date they are asking for and it can be discussed at the meeting they bring the letter to.

2. Dave Skinner – Fields at Indian Creek HOA President read a list of concerns they had with Kay Builders and their repairs they are continuing to do within the development. His letter has been attached for the record.
3. Jim Krippe – asked for an update on his drive and Mill Rd. getting repaired and when they would happen.

Bud Carter said he will call him tomorrow and discuss a time to meet him out there and go over the options for repair with Jeff from Ott Consulting.

ACCEPTANCE OF MINUTES:

Approval of June 19th, 2025, workshop meeting minutes.

MOTION: Supervisor Ashbrook made a motion to approve the minutes as presented for the June 19th, 2025, Board of Supervisors workshop meeting. Supervisor Zgura seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

Approval of June 19th, 2025, regular meeting minutes.

MOTION: Supervisor Ashbrook made a motion to approve the minutes as presented for the June 19th, 2025, Board of Supervisors Regular meeting. Supervisor Zgura seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

APPROVAL OF RATIFICATION OF PAYMENT OF BILLS:

GENERAL FUND:

PLGIT XXXX7209 - Check No's. 1152 to 1204 in the amount of \$165,423.77

STREET LIGHT FUND:

PLGIT XXXX7125 - Check No. 1418 in the amount of \$2,836.34

FIRE HYDRANT FUND:

PLGIT XXXX7154 – Check No. 1021 in the amount of \$3,079.05

ACKNOWLEDGEMENT OF BANK TRANSFERS:

Transfer No's. 2025-031 to 2025-042

MOTION: Supervisors Ashbrook made a motion to ratify the payment of the bills and acknowledge the bank transfers as presented. Supervisors Zgura seconded. Lauren Hopsonki asked about the fire hydrant fund and how long a fire hydrant can be out of service as one in Jasper Ridge is. Bud Carter said they will talk to LCA and see what is going on with it. All were in favor. Motion carried.

SOLICITOR'S REPORT:

1. Public Hearing – Joe's Kwik Mart Liquor License Transfer Request – Resolution 2025-031

Solicitor Fisher officially opened the hearing as presented. He explained the reasoning for the hearing and why it needed to be held. He turned everyone to the letter presented to the Board dated 06/03/2025 addressed to the Township, explained that Joe's Kwik Mart LLC is the owner/operator an Exxon branded service station and convenience store at 4002 Chestnut St. Emmaus PA and would like to sell beer at this location. They plan to transfer the liquor license from Whitehall Township and per the liquor license law they are required to do an inter Municipal Transfer and it must be approved by the Board of Supervisors by motion. The letter is attached as Township exhibit – 1. He explained he took care of the advertising for the hearing and that will be Township exhibit – 2. The building permit that was submitted, reviewed, and approved will be Township exhibit – 3, and finally the Zoning Use permit that was submitted, reviewed and approved will be exhibit – 4. He turned the floor over to Attorney Matthew Ford.

Attorney Ford introduced himself and Stanley Barth, Manager of Joe's Kwik Mart. He explained again the reasoning for them coming to the Board and requesting the hearing.

Solicitor Fisher swore Mr. Barth in. He asked him to state his name and said do you swear to tell the truth, the whole truth and nothing but the truth.

Mr. Barth stated his name and said I do.

Attorney Ford gave testimony and questioning to his client regarding the use of the property, how the sales were going to be handled, what types of alcohol were to be sold and how many seats were going to be at the store and how the point of sale system were to handle carding individuals purchasing alcohol, who and how they would be certified to sell alcohol, among other things.

Mr. Barth explained it would only be beer being sold in the 6 or 12 pack, and that all employees would be certified the LCB to sell the alcohol. He also explained they are allowed to have people consume beer there, but they limit their consumption to 1 and they must leave. There was some discussion back and forth amongst the Board and applicants regarding the possible concerns and questions that were raised.

Solicitor Fisher asked if the Public had any comments regarding the transfer of the license. Seeing none, he then closed the Public Hearing. There is a proposed Resolution 2025-031 which essentially would approve the transfer of the license contingent upon them complying with their statements and exhibits tonight and reimbursing the Township for advertising for the Public Hearing.

MOTION: Supervisor Ashbrook made a motion to approve Resolution 2025-031. Supervisor Zgura seconded the motion. No questions. All were in favor. Motion carried.

2. Ordinance No. 174 – Debit for Emergency Radios

Solicitor Fisher explained that this has previously been discussed and adopted by Resolution, but it now needs to be formally adopted by Ordinance and some governmental approvals that are required so the State requirements can be satisfied.

MOTION: Supervisor Ashbrook made a motion to approve Ordinance No. 174 as presented. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

SUBDIVISIONS – IMPROVEMENTS

1.) Time Extension – Fields at Indian Creek Phase 3 until November 30th, 2025

Supervisor Mohr read the attached letter from Kay Builders.

Supervisor Ashbrook asked if anything was being actively worked on in this development. Bud Carter explained that yes, they are as the FIC HOA president explained during Public Comment.

Supervisor Zgura asked if this were to be the last Time extension needed for this section. Bud Carter said yes this would be the last time extension they need to complete this section.

There was a short discussion regarding the proposed maintenance schedule that was given to the Township.

Supervisor Mohr began taking questions from the audience. The following people from the Fields at Indian Creek and Fields at Jasper Ridge subdivision all asked questions regarding certain concerns and construction that needed be completed for the development: William Bedics, Joelle Strahler, John Devoe, Colt Hershinger, Chris Buss, Elizabeth Buss, Tony Deangelo, Janet Devoe, Silvie Mataeo, Rebeccas Hendricks, Mark Hendricks, Ginger Coleman, Casey Krausum, Lauren Haponski. Among the questions asked were funds to be released, street trees and landscaping, why it makes more sense to have Kay Builders complete the work instead of the Township calling the bond and completing the work themselves, the bridge that has been uninstalled for 6 years, sidewalk repairs, paving concerns, appropriate paving timeframes, among other things.

There was short discussion to change the date requested to November 7, 2025.

MOTION: Supervisor Ashbrook made a motion to approve the time extension for the final time for November 7th, 2025, for Phase 3 improvements agreement for the Fields at Indian Creek Subdivision. Supervisor Zgura seconded the motion. No further questions were heard. All were in favor. Motion carried.

2.) Time Extension – Fields at Indian Creek Phase 4 and 5 until April 30th, 2026

There was a discussion regarding the paving of the roads in the first sections and then having to bring equipment over it to finish the improvements in the later sections including the installation of the outstanding bridge over Leibert's creek that was not held with public security funds.

MOTION: Supervisor Ashbrook made a motion to approve the time extension for the final time for November 7th, 2025, for Phase 4 improvements agreement for Fields at Indian Creek Subdivision. Supervisor Zgura seconded the motion. No further questions were heard. All were in favor. Motion carried.

MOTION: Supervisor Zgura made a motion to approve the time extension for November 7th, 2025, for Phase 5 improvements agreement for Fields at Indian Creek Subdivision. Supervisor Ashbrook seconded the motion. No further questions were heard. All were in favor. Motion carried.

3.) Time Extension – Fields at Jasper Ridge until August 7th, 2026

There was a discussion regarding the time frame for improvements to be completed in Jasper Ridge along with the revised schedules that were provided by Kay Builders. There was some explanation on the process for changing the ponds over from construction ponds to their state in post construction ponds.

MOTION: Supervisor Zgura made a motion to approve the time extension for the final time for November 7th, 2025, except any improvements for the irrigation system for improvements agreement for the Fields at Jasper Ridge subdivision. Supervisor Ashbrook seconded the motion. No further questions were heard. All were in favor. Motion carried.

OLD BUSINESS: NONE

NEW BUSINESS:

1.) Approval of sale of 1996 John Deere Backhoe – Municibid

MOTION: Supervisor Ashbrook made a motion to approve the sale of the Backhoe to Stephen Yulick of Schuylkill Haven, PA for the amount of \$18,400.00. Supervisor Zgura seconded the motion. No further questions were heard. All were in favor. Motion carried.

2.) Resolution 2025-032 – Complaint and Enforcement Policy update

Solicitor Fisher explained that this is a revised policy from a previous Board meeting discussion and updated a few things that were requested by the Board.

MOTION: Supervisor Ashbrook made a motion to approve Resolution 2025-032. Supervisor Zgura seconded the motion. No further questions were heard. Supervisor Ashbrook and Supervisor Zgura voted yes. Supervisor Mohr voted No. Motion carried.

3.) Grant Natural Resource Preservation Survey – AASA cost \$12,500.00

Brian Miller's letter dated July 14th, 2025: I received the Natural Area Conservation Easement appraisal for 7951 & 7991 Salem Bible Church Road Macungie. The appraisal valued the easement at \$5,105 per acre, or approximately \$160,041 for the +/- 31.35-acre property. At this time Teri Grant has agreed to accept that appraised value per acre and would like to move forward with the process for preservation of the property. The next step would be to complete a Boundary Retracement Survey and create a Natural Resource Conservation Easement Plan. I spoke with Mike Houston at Aurther A. Swallow and Associates; they would complete the survey & plan in approximately 6 to 7 weeks at the cost of \$12,500. If you agree to authorize the survey, I will work with Mike Houston & the applicant to complete the survey & plan.

MOTION: Supervisor Ashbrook made a motion to approve preservation survey as presented. Supervisor Zgura seconded the motion. No further questions were had. All were in favor. Motion carried.

DEP MODULES / SEWAGE PLANNING: - None

PLANNING COMMISSION – OLD BUSINESS: - None

PLANNING COMMISSION – NEW BUSINESS:

1.) 5330 Macungie Mtn. Rd. – Contingent approval and waivers

Brian Miller read the letter from the Upper Milford Township Planning Commission dated 07/15/2025: At their meeting held on March 3rd, 2025, the Planning Commission reviewed the 5330 Macungie Mountain Rd. Minor Subdivision Plan. The Planning Commission recommended granting the following Subdivision & Land Development Waivers as requested by the applicant:

1. SALDO Article 8, Improvements guarantee & agreement, there are no public improvements, therefore, all improvements can be addressed for Certificate of Occupancy
 2. SALDO 1004.C.2., & 104.F.1.2, & 1004.L and Zoning Section 405, Additional Road right of way requirement, Macungie Mountain Rd. is a PennDOT Rd. with an existing 33' right of way.
 3. SALDO 104.E.1., Driveway entrance standards, since the driveway required a PennDOT Highway Occupancy Permit the Township would accept those standards.
 4. SALDO 104.E.11., Driveway radii standards, since the driveway required a PennDOT Highway Occupancy Permit the Township would accept those standards.
 5. SALDO 1011.B.2 Requirement for internal lot line perimeter easements, due to the size and layout of this minor subdivision, a waiver is recommended.
- If you agree with the Planning Commission's above noted waiver recommendations A motion to approve the waivers 1 through 5 as listed in this letter is in order.

MOTION: Supervisor Ashbrook made a motion to approve the waivers as set forth in the Upper Milford Township Planning Commission letter dated 07/15/2025 as presented. Supervisor Zgura seconded the motion. No further questions were heard. All were in favor. Motion carried.

Brian Miller read the letter from the Upper Milford Township Planning Commission dated 07/15/2025: The Planning Commission also discussed the fee in lieu of recreation land, and future preservation of the parent tract of this subdivision. The Planning Commission made a motion to recommend a waiver to the fee in lieu of recreation land if the applicant was to preserve the parent tract and if the Board of Supervisors agreed with that option. At this time the applicant has opted to pay the fee in lieu of recreation land. If you agree to accept the fee in lieu of recreation land rather than accepting the required amount of recreation land, a motion to accept the \$3,150.00 fee in lieu of Recreation Land for the 5330 Macungie Mountain Road subdivision is in order. The Planning Commission made a recommendation for the Board of Supervisors to grant Preliminary/Final approval of the subdivision contingent on approval of the waivers, addressing all items in the Ott Consulting review letter dated 2/25/25 to the satisfaction of the Township Engineer, any required outside agency approvals being received & payment of all outstanding fees. At this time the plan has been revised to address the majority of the comments in the 2/25/25 letter from Ott Consulting. The latest review letter (7/10/25 attached) notes a few drafting items to be cleaned up on the plan and supporting documents, a requirement for Lehigh County Conservation District approval and NPDES permit requirement if the disturbed land area exceeds 1 acre, which can be dealt with during the building permit application process & the requirement for an Stormwater O&M agreement to be executed between the future property owner and the Township which can be addressed during the building permit application process also. If you agree with the Planning Commission's above noted approval contingencies, a motion to approve the 5330 Macungie Mountain Road Minor Subdivision conditioned on addressing the items as noted in this letter is in order.

MOTION: Supervisor Ashbrook made a motion to grant preliminary/final approval of the subdivision contingent upon the following: Accepting the \$3150.00 fee in lieu of recreation land, addressing all items in the Ott Consulting Review letters dated 2/25/25 and 7/10/25 to the satisfaction of the Township engineer, any required outside agency approvals being received and any payment of outstanding fees. Supervisor Zgura seconded the motion. No further questions were heard. All were in favor. Motion carried.

2.) Dunkin Donuts – Contingent approval and waivers

Brian Miller read the letter from the Upper Milford Township Planning Commission dated 07/15/2025: At their meeting held on June 3rd, 2024, the Planning Commission reviewed the Dunkin Donuts 4054 Chestnut St. Land Development Plan. The Planning Commission recommended granting the following Subdivision & Land Development Waiver and deferral requested by the applicant:

1. (Waiver) SALDO 1004.C.2., & 104.F.1.2, & 1004.L and Zoning Section 405, Additional Road right of way requirement, Chestnut St. is a PennDOT Rd. with an existing right of way. The current safety improvements project is dictating what right of way will be needed, PennDOT has been in contact with the applicant for right of way purposes, therefore there is no need for the Township to take additional right of way.
2. (Deferral) SALDO 1015. A., Sidewalks built to Township specifications shall be required where determined necessary, PennDOT's safety improvement project currently is proposing sidewalks as part of the project, all specifications and locations are addressed under that plan.

If you agree with the Planning Commission's above noted waiver & deferral recommendations a motion to approve the waivers & deferral as listed in this letter is in order.

There was a short discussion on mitigation to stormwater run off and if the building was going to be taken down or renovated.

MOTION: Supervisor Zgura made a motion to approve the waivers and grant the deferral as set forth in the Upper Milford Township Planning Commission letter dated 07/15/2025 as presented. Supervisor Ashbrook seconded the motion. No further questions were heard. All were in favor. Motion carried.

Brian Miller read the letter from the Upper Milford Township Planning Commission dated 07/15/2025: The Planning Commission made a recommendation for the Board of Supervisors to grant Preliminary/Final approval of the Land Development contingent on approval of the waiver & deferral, addressing all items in the Ott Consulting review letter dated 5/23/24 to the satisfaction of the Township Engineer, any required outside agency approvals being received & payment of all outstanding fees.

At this time the plan has been revised to address the majority of the comments in the 5/23/24 letter from Ott Consulting. The latest review letter (5/19/25 attached) notes a few drafting items to be cleaned up on the plan and supporting documents. A Revised plan was submitted July 3rd and is currently being reviewed by Jeff Ott's office.

If you agree with the Planning Commission's above noted approval contingencies, a motion to approve the 4054 Chestnut St. Land Development Plan conditioned on addressing the items as noted in this letter is in order.

MOTION: Supervisor Zgura made a motion to approve the Preliminary/Final Land Development Plan as presented in the Upper Milford Township Planning Commission letter date 07/15/2025 as presented. Supervisor Ashbrook seconded the motion. No further questions were had. All were in favor. Motion carried.

CORRESPONDENCE: - None

OTHER ISSUES: - None

REPORTS:

Emergency Services Committee Report:

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: Report on website

Fire Companies:

Emmaus Library: Kyle Walbert gave an update on behalf of Robin from the Emmaus Public Library since she could not be in attendance this evening. First summer reading- there are 840 people engaged in summer reading. From Emmaus- 325, From Macungie- 30, From UMT -105, The rest are from other surrounding areas. Also, the Spark circulation software updated cardholder numbers, removing inactive members which will give a more accurate picture of patrons.

Recreation Commission: Laruen Haponski gave an update regarding Jasper Day event that was a success. 78 participants in the 5K run/walk. They plan on hosting the event again next year.

Township Manager:

Bud Carter – No Report

Supervisors:

Angela Ashbrook – No Report

John D. Zgura – No Report

Daniel J. Mohr – Vera Cruz Community Association is still collecting ads for their Homecoming Book; this is the last week to collect them. He expressed his concern regarding the recent flooding and hopes everyone is safe during those events. He gave a synopsis of the tractor trailer that got stuck at Indian Falls Rd. and Route 29.

EXECUTIVE SESSION: - If needed

ADJOURNMENT: Meeting Adjourned at 9:05 PM

Chairman Daniel J. Mohr

August 7th, 2025
Date

Office Assistant Kyle T Walbert