

Upper Milford Township  
Board of Supervisors  
Township Building, Old Zionsville, PA 18068  
July 16<sup>th</sup>, 2020 Starting at 7pm  
REGULAR MEETING MINUTES

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**ATTENDANCE:** Supervisors: Joyce K. Moore, Daniel J. Mohr, Robert C. Sentner; Manager, Edward Carter; Planning Coordinator, Brian Miller; Solicitor Marc Fisher; Secretary/Treasurer Jessi O'Donald

Meeting was called to order at 7:01 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.

**PUBLIC INPUT:**

**Phil Casey** – Phil questioned if the Township has paid anything toward the handicap to nowhere ramps and the Traffic Light at Shimerville Road and Chestnut St. (No that was all PennDOT)

**Brian Ring of 6771 Crown Lane** – His concerns stem from 6603 crown Lane bought by Bavarian Property LLC. (Mr. Zwick) In August of 2019 site work started on the property at 6603 Crown lane to clear trees and regrade with no E&S controls or permits in violation of Ordinance 103.A.2 Zoning permits. At that point Mr. Ring and neighbors made several calls to the Township, and Lehigh County Conservation. On July 2<sup>nd</sup> there were four 8' x 40' shipping containers delivered to 6603 Crown Lane without permits. Again there were several calls and complaints filed with the Township. LCCD and The Township Zoning Officer did make a site visit in 2019. Mr. Ring feels along with the above zoning violation Mr. Zwick is also in violation of ordinance section 508 B.3 for grading and building use for the storage containers within the RA zoning District. He stated that Lower Macungie Township has limited Shipping containers to commercial areas. Mr. Ring and his neighbors, many of whom have lived on Crown Lane for 20 years or more are concerned and angered by what they see on Mr. Zwicks Property. Mr. Zwick has told the neighbors that he is using the Containers for personal storage but it seems as though he is having a lot of commercial equipment in and out of the private lane. Mr. Ring asked the township to consider re-doing the township Ordinance to disallow Shipping Containers.

**Kathleen Ring of 6771 Crown Lane** – wanted to add support to Brian Ring's statements and agree that the level of traffic and construction on the site along with the Containers is worrisome.

**Kerrie Cadden of 6761 Crown Lane** – She lives across from the Zwick property. She states that Mr. Zwick has pushed all of the debris from the old building against their property line. She stated that Mr. Zwick has created mounds and mounds of dirt. There is constant noise at times well beyond 9 pm. Her and her husband moved there for peace and quiet, since Mr. Zwick purchased the property there has been anything but peace and quiet. She has contacted

Lehigh County Conservation District and DEP about this property as well due to the grading and earth moving concerns. Mr. Zwick had told the neighbors he was going to plant fruit trees. She said it's been over a year and they have not seen any fruit trees.

**Scott Cadden of 6761 Crown Lane** – He relayed that he had spoken to the zoning officer right after Mr. Zwick purchased the property and felt the Zoning Officer did nothing for the complaint about the grading and earth moving. Mr. Zwick and his electrician has blocked the driveway so his wife couldn't leave and wouldn't move until he came out of the house. He doesn't understand how Mr. Zwick has gotten away with moving so much earth and the extra buildings since there was already a shed and a garage.

**Debra Schaffer of 6605 Crown Lane** – Mrs. Schaffer concurred with the previous complaints and added her concern about all of the vehicles parked on the property and how the owner has graded the land to hide some of the vehicles as well as a concern over three 55 gallon drums that are on the property. Her concern is that she doesn't know what is stored in them or if they are leaking. She is upset that now she looks out of her house to see the house across the street since all of the trees have been taken down and is very distraught that her view is that of a construction area.

**Mark Schaad of 6609 Crown Lane** – Mr. Schaad asked what action has been taken, will there be notices of action given to the neighborhood? Mr. Schaad is at the end of the private drive and sees all of the traffic with dump trucks, trailers and equipment going in and out of Mr. Zwicks property. Mr. Schaad states the trucks were there prior to 8 am and the people were accessing the storage containers for work. He feels even though Mr. Zwick has stated that he is using the storage containers for personal storage that in reality Mr. Zwick is using the storage containers to house the equipment for his business and Mr. Schaad is concerned that Mr. Zwick is making this property more commercial use than residential. Mr. Schaad asked the Township to look at re-doing the Township Ordinance.

**Dennis Fried of 6781 Crown Lane** – he stood in support with his neighbors comments. He stated that Mr. Zwick started the construction on the property in August of 2019. Mr. Zwick sent a letter to the residents saying to stop in and say hello and that his intentions were to store equipment on the property.

**John Fried of 6791 Crown Lane** - Mr. Fried agreed with everything that has been state so far and hopes that there is something the township can do about the containers.

- At this point there was a conversation including multiple residents and the BOS. The Board of Supervisors stated that they are concerned in regard to the storage containers as well. They will follow up with what is being done and apologized that they did not know about this sooner. They requested to be notified of each zoning complaint that comes through the office and stated that they are deeply sorry that this problem is going on. They also relayed that the process is long to bring a property into compliance and that compliance is the only thing they can work toward. The Township Ordinance does not prohibit storage containers in residential areas so as long as Mr. Zwick comes into compliance with what the zoning states they might not be able to force him to remove the containers. The residents submitted a copy of the letter that Mr. Zwick had given them after he purchased this property.
- Solicitor Fisher addressed the residents. He stated that he was aware of the complaints on the containers and what has been done so far. He stated that the Zoning Officer has already been out for a site inspection at that point Mr. Brokate issued a verbal warning of

the driveway expansion and the containers for lack of permits. Mr. Zwick did then submit a permit application. From that permit application Mr. Brokate noticed that the grading area was larger on the site than on the plan and that the area of the storage containers were larger than the allowable 296 square feet for just a zoning permit and would need a foundation. On July 14<sup>th</sup> Mr. Brokate set a letter stating that Mr. Zwick had to come into compliance by July 24<sup>th</sup> by submitting an engineered plan for a foundation and returning the graded area to the level on the plan or filing to bring a zoning appeal before the Zoning Hearing Board. If neither of these conditions are met a civil violation would be submitted with the magistrate. Solicitor Fisher reminded everyone that it is the job of the Zoning Officer to make certain determinations and that he has done what has been needed at this point. He also stated that fines don't work and that sometimes it is a long process to get a property owner to come into compliance. He relayed that the residents can ask for right to know information through the Secretary. Solicitor Fisher stated that the residents can always submit pictures or video to the township of violations.

- Chairperson Moore expressed her sympathy and thanks to the residents of Crown Lane for having to live through this and for bringing their concerns to the Board of Supervisors. Supervisor Sentner expressed his apologies and told the residents that they would all personally check into this and stay on top of the concerns and progress.

**Gerald Reinbold** – He is here tonight for an update on the Krause property concerns on Alan St. He has been complaining for over 4 years now. He has asked for help since currently there is one farm tractor, skid steer, 13 vehicles and chickens running all over the neighborhood. His son had called the State Police and the trooper was attacked by a rooster. He says the Zoning Officer is dropping the ball. Mr. Reinbold called EPA about Mr. Krause's paint and solvents and was told that EPA can't do anything until it shows up in a neighboring well. He called Magistrate Trexler's office and the State Fire Marshall. He has not heard from them. He did speak to the Chief for Citizen's Fire Company. Mr. Reinbold asked how much junk one person can have. He called the State Police about a vehicle in the No Parking section of the street and the State Police said that it was a Township concern to issue the parking violation. He did thank the Zoning Officer for having the Vehicle moved though now it's parked next to his yard on Mr. Krause's property. He asked if the Judge has made a decision.

**Solicitor Fisher** sympathizes with Mr. Reinbold. He has been working with Mr. Brokate to get The Krause Property into compliance for several years. The process started with a verbal then written warnings. This was then taken to the magistrate then to Lehigh County court the summer of 2019. He was then fined by the Magistrate and the Township offered to reduce the fine for coming into compliance within a certain time. Since that didn't happen, this was taken to the Lehigh County court and the Judge took the matter under advisement and asked for certain documents and has just issued a decision sometime in June. The Judge concluded that Mr. Krause was in violation and gave Mr. Krause a list of items that needed to be removed along with all other items taking up more than a total area of 200 square feet. She gave him 60 days to come into compliance. At this point Mr. Krause is within the 60 day window. The Mr. Brokate will do an inspection at the end of the 60 days and the decision will be made as to what action if any will be necessary to take.

### 1.) Ashley Lorah – East Penn Chamber Presentation

**Ashley Lorah** gave a brief presentation about the East Penn Chamber of Commerce and asked Upper Milford Township to join with a membership. She explained that a membership by the Township would help the local businesses to advertise and take part in Chamber Events. She

discussed some of the grant money they have been able to help get Small Businesses for Lehigh and Northampton Counties. Jess O'Donnell from the regional Chamber of Commerce was on hand as well to answer questions.

The Board of Supervisors asked Ashley to put the Chamber's request in writing for the next meeting.

**ACCEPTANCE OF MINUTES:**

Approval of June 18<sup>th</sup> Workshop and Regular meeting minutes.

**MOTION:** Supervisor Sentner made a motion to accept the minutes as presented for the June 18<sup>th</sup> Workshop and Regular meeting. Supervisor Mohr seconded the motion. There were no questions or comments, all were in favor, motion carried.

**APPROVAL OF PAYMENT OF BILLS:**

**GENERAL FUND:**

PLGIT XXXX7096 - Check No's. 19471 to 19553 in the amount of \$153,680.58

**ESCROW FUND:**

PLGIT XXXX7109 - Check No. 151 in the amount of \$300.00

**STREET LIGHT FUND:**

PLGIT XXXX7125 - Check No. 1352 in the amount of \$2,048.07

**OPEN SPACE REFERENDUM FUND:**

PLGIT XXXX7146 - Check No. 1014 in the amount of \$1,700.00

**ACKNOWLEDGEMENT OF BANK TRANSFERS:**

Transfer No.'s 2020-041 & 2020-042

**MOTION:** supervisor Mohr made a motion to pay the bills as read and acknowledge the bank transfers. Supervisor Sentner seconded the motion. There were no questions or comments, all were in favor, motion carried.

**SOLICITOR'S REPORT:** - No Report

**OLD BUSINESS:**

- 1.) Yard Waste Center
  - a. Memo from manager Carter

Manager Carter and Forman Fegley have asked to do the following to secure the yard waste center better: Using the existing gates to lock the site when it is to be closed. Adding a combination lock to the gate for PennDOT to access their stockpile. Hours that the site will be open would be Monday thru Friday 7:00 am to 3:00 pm, with Wednesday being open until dusk. Saturday 8:00 am to 4:00pm, and Sunday 12:00pm to 4:00 pm. We will install more cameras to aid in the enforcement of the rules for the yard waste site. Along with posting the rules and hours of operations. Public Works employees will spot checking vehicle that are dropping off yard waste to make sure they are Upper Milford Township residents.

**MOTION:** Supervisor Sentner made a motion to authorize staff to proceed with the measures outlined in manager Carter's memo dated 07/16/2020. Supervisor Mohr seconded the motion. Hearing no questions or comments, motion carried.

**NEW BUSINESS:**

- 1.) Acceptance of ASA application for –  
4109 Dillingersville Rd - PIN 549279710756-1 at 13.8 Acres

**MOTION:** Supervisor Sentner made a motion to accept the Agriculture Security Area Application for 4109 Dillingersville Rd and have staff start the application process. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) Resolution 2020-032 - Storm water O&M for 5811 Chestnut St

This is the standard O & M Resolution and agreement for 5811 Chestnut St.

**MOTION:** Supervisor Sentner made a motion at approve Resolution 2020-032 and the Storm Water Agreement for 5811 Chestnut St. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**DEP MODULES / SEWAGE PLANNING:** - None

**PLANNING COMMISSION – OLD BUSINESS:** - None

**PLANNING COMMISSION – NEW BUSINESS:** None

**SUBDIVISIONS – IMPROVEMENTS:**

- 1.) Approval Credit Release Number 5 – Fields at Jasper Ridge
  - a. Letter from Township Engineer Jeffery Ott

**MOTION:** Supervisor Sentner made a motion to approve credit release Number 5 for the Kohler Tract in the amount of \$111,537.61 as per Township Engineer Jeffery Ott's letter dated July 9<sup>th</sup>, 2020. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

- 2.) Approval Credit Release Number 3 – Chestnut St Wellness center
  - a. Letter from Township Engineer Jeffery Ott

**MOTION:** Supervisor Sentner made a motion to approve the final credit release for the Chestnut Street Wellness Center in the amount of \$21,923.61 as per Township Engineer Jeffery Ott's letter dated July 9<sup>th</sup>, 2020. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**CORRESPONDENCE:**

- 1.) Request from Somers Auctions for parking and Fire Police.
  - a. Letter from Somers Auctions

Somers Auctions is asking to use the top of the field at Churchview Rd and Kohler for parking for three Auction dates for the farm on the opposite corner. They are also asking for Special Fire Police to help control traffic.

Supervisor Sentner was concerned about allowing a for profit company to use the County Land for parking.

**MOTION:** Supervisor Sentner made a motion to not allow the use of the Field for parking but to allow the use of Special Fire Police if willing and available. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**OTHER ISSUES:** - None

**REPORTS:**

Emergency Services Committee Report: See Below

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: Report on Website

Fire Companies: Jason Tapler stated the steering committee met last night. The Township will be receiving a letter to inquire with the county why the radio reception was better for a while but now is worse than before.

Emmaus Library: The Library is open with limited seating and spacing at the computers and reading areas. They ask that all patrons wear masks and limit their visit to an hour or less. Curbside pick-up of materials is still available and Thursday's from 10-11am is reserved for high risk patrons. Summer reading is still available for signups on the website with rewards. So far they have 112 Children, 31 teens and 109 Adults registered. There are no kick off or closing programs this year but they are hosting outdoor event like the art classes.

Recreation Commission: No Report

**Supervisors:**

Daniel Mohr – Supervisor Mohr has had a taste of retirement with the COVID restrictions and he likes it. With the heat next week he hopes everyone stay well and has working air conditioning.

Robert Sentner – Supervisor Sentner apologized to all of the residents present. He stated that he had 100% faith in the Solicitor to proceed correctly with the concerns presented.

**MOTION:** Supervisor Sentner made a motion to have staff forward a copy of all complaint forms to the Supervisors. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

Joyce Moore – Stay Well

Township Manager:

Bud Carter – No Report

**EXECUTIVE SESSION:** -Not Needed

**ADJOURNMENT:** Meeting was adjourned at 8:31 pm.

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Chairperson Joyce K. Moore

**08/06/2020**  
**Date**

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Secretary Jessi O'Donald