

Upper Milford Township  
Board of Supervisors  
Township Building, Old Zionsville, PA 18068  
August 3rd, 2023, 7pm  
REGULAR MEETING MINUTES

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

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.

**PUBLIC INPUT:**

Chris Bucks – He wanted to express that the staff at the Township is wonderful.

Lauren Haponski – Would like to thank public works for the hard work on the playground. The park is wonderful.

**ACCEPTANCE OF MINUTES:**

Approval of July 20<sup>th</sup>, 2023, workshop, and regular meeting minutes.

**MOTION:** Supervisor Mohr made a motion to approve the minutes as presented. Supervisor Zgura seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**APPROVAL OF PAYMENT OF BILLS:**

**GENERAL FUND:**

PLGIT XXXX7096 - Check No's. **22348 to 22378** in the amount of **\$24,195.71**

**FIRE HYDRANT FUND:**

PLGIT XXXX7154 - Check No. **1014** in the amount of **\$2,725.10**

**ACKNOWLEDGEMENT OF BANK TRANSFERS:**

Transfer No's. 2023-031 to 2023-033

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

## **SOLICITOR'S REPORT:**

1.) South Shore Acquisitions LP request to remove approximately 30 acres of their properties from Ag Security Area.

Township needs to notify the Ag Security Committee, Planning Commission and LVPC about the recommendations to then come back to the Board of Supervisors during a public hearing.

Estates at Maple Ridge have asked to remove the portion of the property that is being built on out of the Ag Security Area. There was a brief discussion on the benefits of doing that. It is determined that the properties just don't qualify after they are built on.

**MOTION:** Supervisor Moore made a motion to have staff and Solicitor proceed with the procedure to remove the portion of the property from the Ag Security Area. Supervisor Mohr seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

## **OLD BUSINESS:**

1.) ~~Discussion of Street Sweeper – Tentative~~

## **NEW BUSINESS:**

1.) Ordinance No. 171

Ordinance No. 171 was duly advertised and ready for adoption. This ordinance is the rules for the playground/property use and the Municipal Center.

**MOTION:** Supervisor Zgura made a motion to adopt Ordinance No. 171. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

2.) Memorial Program – Recreation Committee (A. Ashbrook)

Angela Ashbrook of the Recreation Committee introduced the Memorial Program that the Recreation Committee has been working on. Solicitor Fisher suggested there might be some editing to do.

Purpose: To establish a recognition program for donors to dedicate trees in Upper Milford Township parks. Other cities and townships in Lehigh County have established dedication programs for trees and benches, and it is a valuable opportunity to offer a comparable program for our residents.

Objectives: Need #1: Improve community engagement with township parks Solution #1: Engaging residents to dedicate trees will establish or deepen affinity to parks with a tax-deductible donation.

Opportunities for further engagement include annual Earth Day dedication ceremonies and announcements in the newsletters. Need #2: Improve parks with native trees, and benches.

Solution #2: Donor-funded trees will supplement the cost of park beautification. Recognition plaques will also create a manicured element to parks and highlight native species.

Summary: The Park Recognition Program will establish a formal process for donors to honor or memorialize individuals, groups, or causes in our parks. Donors will submit applications to the Township in-person or via email to dedicate trees from a list of native species provided by the Township. Dedicated trees may have plaques at the base to recognize the honoree(s). Upon Recreation Commission approval of applications, Township Administration will request payment to

begin installation. Implementation Strategy: The following entities will coordinate to implement a successful program: Township Administration will process applications, receive payment, and liaise with applicants regarding the site, tree, plaque, and installation. Township administration will file and submit copies of completed applications to the Recreation Commission. If a tree and plaque are installed but later need to be replaced, the Township Administration will make reasonable effort to contact the applicant. Once a tree and plaque are installed, Township Administration will keep a record of the donor, tree, and location. See attached Excel example to maintain records.

- Recreation Commission will review and approve applications for Board review.
- Board of Supervisors will review approved applications on a rolling basis.
- Public Works will do the necessary excavation, installation, and planting and will be responsible for future maintenance. Upon tree/plaque installation, Public Works will communicate the general GPS coordinates to Township Administration to record. Public Works will notify the Township Administration if/when trees or plaques need to be replaced to communicate with donors.

**MOTION:** Supervisor Moore made a motion to direct staff and solicitor to go over the program for presentation at the next meeting. Supervisor Mohr seconded the motion. Hearing no further discussion, all were in favor, motion carried.

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

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

**PLANNING COMMISSION – NEW BUSINESS:**

- 1.) Withdrawal of the Indian Creek Industrial Park Subdivision Plan & Lot 10 land development
  - a. Email from Mary Eastland/Letter from Planning Coordinator Brian Miller

I received the attached correspondence from Mary Eastland on behalf of The Engelman Family & Engelman Associates, LLC requesting withdrawal of the Indian Creek Industrial Park Subdivision Plan & Indian Creek Industrial Park Lot 10 Land Development Plan. These plans need to be withdrawn prior to any approval decisions for any other plans on the property. Brian Miller

Good day all,

August 1, 2023, 12:30pm

The Engelman Family (Engelman Associates LLC) would like to withdrawal the Indian Creek Industrial Park Subdivision & the Indian Creek Industrial Park Lot 10 land development plan. Please let me know if you need anything else from us to make this request happen.

Thank you for your time, regards Mary

**MOTION:** Supervisor Moore made a motion to acknowledge the withdrawal of the Engelman Industrial Park Plan per the email from Mary Eastland dated August 1<sup>st</sup>, 2023. Supervisor Mohr seconded the motion. Lauren Haponski asked about additional uses for the property if the plan was withdrawn. It was stated that the next few line items will address that. Hearing no further questions or comments, all were in favor, motion carried.

- 2.) Engelman Associates Lot Line Adjustment, Waiver Requests & Plan Approval
  - a. Letter from planning Coordinator Brian Miller

The Planning Commission reviewed the Engelman Associates LLC/ Engelman Associates Lot line Adjustment Plan at their meeting held on July 5th, 2023. The applicant has requested a waiver to SALDO 1011.B.2. dealing with perimeter easements as noted in the attached letter from Alan Fornwalt of Keystone Consulting Engineers. The Planning Commission Recommended the Board of Supervisors approve of this waiver. The Planning Commission also recommended Final approval of the Lot Line Adjustment Plan contingent upon the applicant addressing all of the comments in the Ott Consulting review letter dated June 30th, 2023 (attached).

Since that time the applicant has submitted a revised plan to address comments in the Ott review letter (attached). If you agree with approval of the SALDO waiver a vote to approve the waiver to SALDO Section 1011.B.2. as requested in the letter from Alan Fornwalt dated July 5, 2023 is in order. If you agree with the Planning Commission's recommendation to approve the lot line adjustment a vote to approve the Engelman Associates LLC/ Engelman Associates Lot line Adjustment Plan for 4650 & 4702 Indian Creek Rd. contingent on addressing all of the comments in the Ott Consulting review letter dated June 30th, 2023, and the payment of any outstanding municipal fees for the Lot Line Adjustment is in order.

**MOTION:** Supervisor Mohr made a motion to approve the waivers for SALDO Section 1011.B.2. as requested in the letter from Alan Fornwalt dated July 5, 2023 Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

**MOTION:** Supervisor Mohr made a motion to approve the plan contingent with addressing of the Township Engineers comments in the review letter dated June 30<sup>th</sup>, 2023 and paying any outstanding Township fees. Supervisor Moore seconded the motion. Hearing no questions or comments, all were in favor.

3.) The Fields at Twin Run, Recreation Area Discussion, Waivers and Preliminary Plan Approval  
a. Memo & Letter from Planning Coordinator Brian Miller

As part of the review process for The Fields at Twin Run subdivision the Planning Commission discussed the question of Recreation Land vs. Fees for the recreation area provided to the rear of the property. In this case the developer is proposing an area equal to the amount of land required for recreation area with a walking path, this property will be owned & maintained by the Homeowners Association. The property will also contain the spray irrigation area for the developments required stormwater control system. The spray irrigation area is shown on the attached plan. The spray irrigation will be in operation after a rain event at designated times, and water will be sprayed at a required rate in those areas as necessary to drain the water captured in the retention pond. Therefore, the spray area portion of the recreation area will not be available for recreation use at all times, and the use of that area would be limited after rain events. The Townships Subdivision and Land Development Ordinance Section (1007.G.1.) states that the Recreation land shall be suitable for its intended purpose, in the determination of the Board of Supervisors. The Ordinance sections dealing with Recreation area requirements are attached. There is also a section of the Ordinance (1008.A.5.) that states When reasonable, efforts should be made to allow suitable recreational uses of portions of detention areas. This might include designing a detention basin with a low-flow channel so that only a portion would be wet after a minor storm, and the remainder would be well-drained during all except the most serious storms. These areas may be acceptable at the discretion of the Township as part of any Township requirement to provide recreation land. I believe section 1008.A.5. may apply even though it references "detention areas" since at the time the Ordinance was adopted in 2010 Spray Irrigation areas were not a common portion of a stormwater control system, and the

intent was to offer credit for recreation areas if the Township deems them acceptable. At this time, I would like to discuss this issue with the Board, Township Staff, Twp. Solicitor & The Applicants Representatives in hopes of making a decision so that we can move forward with the subdivision approval process. I have attached several items pertaining to this discussion for your use.

**Discussion:** Supervisor Moore asked how much this land will be available for recreation with the spray irrigation. The spray heads are throughout the area marked for recreation. The area is covered by about 50% spray coverage. The soil has been tested to take over an inch an hour. Supervisor Zgura asked about the testing. The soil was tested down 6" and will not be touched during construction. The developer is providing 2.75 acres and the requirement is 2.38 acres. Manager Carter asked about long rain events and the irrigation and how long will the site be unusable after a rain event? Manager Carter stated that he feels the recreation offering isn't 100% usable. He also asked about the controls and if there are overrides. Secretary O'Donald asked about the durability with kids playing over top of the system. Mr. Preston offered that the sprinkler heads can be hit by a golf ball and not broken. Supervisor Zgura asked about the health concerns about kids playing in the water as it's being sprayed and all the stuff that is washed off the grass, roads etc. being sprayed on a recreation area. The Engineer stated there is a settlement area so there are no large particles being sprayed. Supervisor Zgura offered the example of a hot summer evening when the temp is still 90 and it's still hot and the kids find it to be a spray park. How can we be certain that the kids won't get sick. Angela Ashbrook asked if these systems were in any other parks and are they selling the homes with a park like area? Jim Krippe asked if anyone could get hurt by falling on them. He understood they are pop up sprinklers, but they are about 2.5" round in the lawn. Solicitor Fisher stated since two Supervisors have expressed concerns, the Board could grant preliminary approval with the condition of coming to an agreement between parties on the Recreation concerns. The second issue is safety and health, and that needs more information. Supervisor Mohr questioned the ability of the system to filter bacteria.

The Planning Commission reviewed the Fields at Twin Run Subdivision Plan at their meeting held on July 5th, 2023. The applicant has requested the following waivers as noted in the attached letter from Alan Fornwalt of Keystone Consulting Engineers dated December 7th, 2022 last revised June 15th, 2023: 1. SALDO 1004.F. for the minimum Centerline Radii for Horizontal Curves 2. SALDO 1004.E.1.b. restricting ingress & egress involving left hand turns onto or off of a arterial or collector street. 3. SALDO 1011.B.2. for perimeter easements. The Planning Commission recommended approval of the waivers as requested in the letter from Alan Fornwalt noted above.

None of the waivers impact the recreation area discussion.

**MOTION:** Supervisor Moore made a motion to approve the waivers to SALDO Section 1004.F., 1004.E.1.b. & 1011.B.2. as requested in the letter from Alan Fornwalt dated December 7th, 2022, last revised June 15th, 2023. Supervisor Mohr seconded the motion. Hearing no questions or comments, all were in favor, motion carried.

At their meeting held on July 5th, 2023, the Planning Commission reviewed the Fields at Twin Run Subdivision Plan dated December 7th, 2022, last revised June 15th, 2023 (attached). The Planning Commission recommended Preliminary Plan Approval contingent on receiving all necessary outside agency approvals and addressing the comments in the Ott Consulting review letter dated June 30th, 2023 (attached). If you have agreed on acceptance of the recreation area, approved the requested waivers, and agree with the Planning Commission, a vote to approve the Preliminary Plan for The

Fields at Twin Run contingent on receiving all necessary outside agency approvals and addressing the comments in the Ott Consulting review letter dated June 30th, 2023 is in order.

**No Action Taken on the preliminary Plan for the Fields at Twin Run**

- 4.) 6334 Chestnut LLC Land Development, Waivers and Preliminary/Final Plan Approval
  - a. Letter from Planning Coordinator Brian Miller

At their meeting held on November 28th, 2022 the Planning Commission reviewed the 6334 Chestnut, LCC Land Development Plan. The Planning Commission recommended granting the following SALDO Waivers as noted in the attached letter from Roderick M. Chirumbolo dated August 1st, 2023: SECTION 302.C - Requires a separate preliminary and final plan; Hardship: The proposed development is minimal and can be accommodated on a preliminary/final. SECTION 503.C.C.4 & 603.C.C.4 - Requires all information in those sections to be shown within 150-feet of the property. Hardship: The proposed development is towards the center of the 12 acre lot and topographic information 150-feet outside of the boundary is not impacted by the proposed development. SECTION 1004.E.1 - Requires the minimization of driveway cuts onto arterial or collector roads. Hardship: The proposed development can be accessed from Indian Creek Road for efficiency of the applicant and his employees but faced Indian Creek Road and may be more feasible for larger vehicles to take access off of Chestnut Street. SECTION 1004.E.6 - Requires driveway for lot be on lesser hierarchy road. Hardship: The lot is large for the proposed development and two access points would reduce traffic coming in and out of the road with the higher speed. SECTION 1007 - Requires recreation areas and fees. Hardship: The proposed development is for a commercial business with no need for or impacts to recreation. SECTION 1003.G.I - Requires 6" of topsoil on all areas. Hardship: The proposed development will be adequately stabilized with less than 6" of topsoil. SECTION 1011.B.2.3 - Partial waiver - Requires perimeter easements around the lot - only request waiver for interior lot line easements. Hardship: The lot is large and interior perimeter easements are not necessary for this lot. SECTION 1014 - Requires curbs to be installed. Hardship: There are no curbs in this areas on either Indian Creek Road or Chestnut Street. SECTION 1019.A: These provisions require planting 1 street tree for every 50-feet of distance along a right-of-way. In this case, 6 trees would be required along Indian Creek Road and 16 trees would be required along Chestnut Street; The Planning Commission also recommended granting the following deferrals to the Ordinance. SECTION 1009.A.1: Requires adequate on-lot or central sewage disposal system. SECTION 1010.A.1: Requires adequate on-lot or central water supply. SECTION 1015: Requires sidewalks to be installed. If you agree with the Planning Commission on the approval of the SALDO waivers and deferrals a vote to approve the waivers to as requested in the letter from Roderick M. Chirumbolo dated August 1st, 2023, is in order.

**MOTION:** Supervisor Moore made a motion as recommended by the Planning Commission on the approval of the SALDO waivers and deferrals a vote to approve the waivers to as requested in the letter from Roderick M. Chirumbolo dated August 1st, 2023. Supervisor Mohr seconded the motion. Hearing no further questions or comments, all were in favor, motion carried.

At their meeting held on November 28th, 2022 the Planning Commission reviewed the 6334 Chestnut, LCC Land Development Plan. The Planning Commission recommended granting Preliminary/Final Land Development Approval Contingent on receiving all outside agency approvals and addressing all the comments in the Township Engineers review letter dated November 23rd, 2022. Since that time the applicant has been working to address comments, the plan has been revised and reviewed by the Township Engineer, a copy of both the revised Plan and review are attached. If you agree with the Planning Commission's recommendation a vote to approve the 6334

Chestnut St. LLC Preliminary Final Land Development Plan Contingent on addressing the items in the Ott Consulting review letter dated August 1st, 2023 is in order.

**MOTION:** Supervisor Moore made a motion to approve the 6334 Chestnut St LLC Preliminary/Final Land Development per Brian Miller's letter dated August 3<sup>rd</sup>, 2023, contingent upon addressing any outstanding items in the Ott Consulting Inc review letter dated August 1<sup>st</sup>, 2023, and any outstanding fees paid. Supervisor Mohr seconded the motion. Hearing no further discussion, all were in favor, motion carried.

**SUBDIVISIONS – IMPROVEMENTS:** None

**CORRESPONDENCE:** None

**OTHER ISSUES:** - None

**REPORTS:**

Emergency Services Committee Report: No Report

Township Emergency Management Coordinator: N/A

Emergency Services Call Report: **No Report**

Fire Companies: Joe Sherman reported that they have already had 16 calls for July, 5 EMS Assists, 3 MVA's, 2 dwelling fires and a fire in Montgomery County, and 2 calls for August. Colt Hershinger asked how they are handling Macungie's calls. The Fire Company stated they thought the Borough had a contract with Lower Macungie Fire Company now. Station #28 hasn't been dispatched for anything in Macungie yet.

Emmaus Library: No Report

Recreation Commission: No Report

Township Manager:

Bud Carter – No Report

Supervisors:

John D. Zgura – Supervisor Zgura expressed his surprise that Western District Fire Company wasn't present to further discuss the request they have made.

Daniel J. Mohr – August 20<sup>th</sup> is the Vera Cruz Community Association's Homecoming Celebration with the Rehrig Brother's and the Large Flowerheads. The celebration goes on from 12 to 8 pm. He also relayed a story about a beehive in the ceiling and that even if you think it's a water leak be careful as it looked like a water leak, he would have never guessed it was a hive. At the same time, they had a black bear in the back yard.

Joyce K. Moore – No Report

Phil Casey asked about the Street Sweeper. The sweeper is still at Lowe & Moyer and the test cost \$2000.00.

**EXECUTIVE SESSION:** - Not needed.

**ADJOURNMENT:** Meeting adjourned at 8:00pm

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Chairperson Joyce K. Moore

**08/17/2023**  
Date

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Secretary/Treasurer Jessi O'Donald