

Township of Greenwich
Board of Supervisors Meeting
Monday, June 5, 2023, 7:30 p.m.

Attending: Supervisors: Dean Spohn, Victor Berger, Steven Diehl, Professional Staff: Colin Macfarlane-Kozloff Stoudt P.C., Ryan Wessner – LTL Consultants and Diane Hollenbach-Administrator

Guests: Dodie and Marc Sable, Linda Wood, Andrew Dietrich, Fred Germann, Mike and Sharon Sinko, Robin Robertson, Ray and Andrew Martin, Sue Ehrets

Mr. Spohn called the Greenwich Township Regular Meeting to order in the Greenwich Township Municipal Building at 7:30 p.m.

ANNOUNCEMENTS: Mr. Spohn asked the public to please state your name and address if addressing the Board. This meeting will be recorded for the accuracy of the minutes and deleted. Attending visitors may also be recording.

An executive session was held on May 15th from 6:45 p.m. until 7:30 p.m. to discuss personnel as it relates to the position of Director of Emergency Services and six month review of the administrator. An executive session was also held on May 26th from 6:30 a.m. to 7:30 a.m. to discuss personnel due to receiving notification of a future retirement. There will be no action on this matter this evening.

APPROVAL OF THE MINUTES:

A motion was made by Mr. Berger, seconded by Mr. Diehl, to approve the minutes of the May 1, 2023 regular meeting. All voted in favor. Motion carried.

PERSONAL APPEARANCES & PUBLIC COMMENT:

Mike Sinko, 231 Deer Run Road asked for an exemption to 402.B of the Saucony Creek Storm Water Management Ordinance for a pool house and a garage addition. The combined square footage is 963 square feet. 160 square feet will be on existing impervious surface, reducing the area to 803 square feet of new impervious surface. He lives on 1.81 acres in a rural district. His land is red clay and will not infiltrate. The new structures are a minimal increase in storm water. Mr. Berger explained that the township must enforce the law, but this is the Federal Government's law. Mr. Diehl was concerned about where to draw the line on granting waivers. Mr. Macfarlane stated that there is exemption criteria in section 308 but the rest of the ordinance must be met. He asked how you can be sure this won't affect the neighbor if the study is not performed. Robin Robertson, engineer for the property owner stated that the property drains to the back as overland sheet flow for 190 feet. She is proposing two BMPs – vegetative strips and disconnected roof drains. Ms. Robertson stated that she can't design a basin that infiltrates and it would likely cause erosion. Sharon Sinko stated that there is a wooded area and about 250 yards to the neighbor's house from the proposed buildings. Mr. Macfarlane asked if there was harm in doing the study to determine how to handle the runoff. He explained the Board had three options on the waiver request: approve it, deny it or approve it with alternative storm water management practices.

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A motion was made by Mr. Berger, seconded by Mr. Diehl, to deny the waiver request to 402.B of the storm water ordinance for 231 Deer Run Road. All voted in favor. Motion carried.

Marc Sable, 593 Old Rte. 22 gave portions of the following documents to the township: Penn DOT Model Ordinance Language for Addressing Traffic Noise, I-78 Lenhartsville Toll Diversion Noise Analysis Report – January 2022, I-78 Lenhartsville Diversion Route Traffic Evaluation Report – March 2022, Greenwich Township Zoning Ordinance Section 808, Decision New Hampshire Motor Transport Association v. Town of Plaistow, and a document containing links to the entire reports. Mr. Sable asked that before occupancy, the township require a noise traffic analysis and make the developer look at ways to mitigate the noise since noise is a public health and safety threat to property owner's rights and devalues property.

Linda Wood, 142 Circle Road thought Mr. Sable's idea was worth looking at as another tool in the toolbox to control development.

Ray Martin, of r.Martin Construction asked the Board for permission for his nephew, Andrew to place an 8 x 20 foot tiny house with a holding tank on the property at 572 Kohler's Hill Road so that Andrew can help the owner out in the evenings. His nephew intends to purchase the property when the owner is ready to move and when that happens, he would pull the holding tank out and use it in the main house since there is not a (traditional) septic system. The home has a composting toilet. Mr. Berger stated that the township ordinances do not allow more than one house on a lot. Mr. Macfarlane advised Mr. Martin to seek legal counsel. Mr. Wessner stated that a 160 square foot house did not meet the building code.

Fred Germann of 1274 Krumsville Road advised Mr. Sable to post his information online. Mr. Germann would like to see a stamped engineering analysis in order to come to a conclusion on noise instead of hearing opinions. As an example of noise, he was in Lenhartsville getting his car serviced and the loudest thing that came through were the little sports cars with modified exhaust. The Peters Bros. trucks were the quietest of all.

PLANS TO REVIEW: All plans are current. Mrs. Hollenbach reported that if no action is taken on the Dollar General Plan, a time extension will be needed.

Dollar General Land Development Plan – Ashley Hetrick for the developer stated that the Dollar General is requesting the same waivers that the Board granted to Greenwich Commons Subdivision and there have been no major changes to the plan.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to approve the waivers for the Dollar General Preliminary Land Development Plan as recommended in the May 18, 2023 Greenwich Township Planning Commission action letter which is incorporated by reference. All voted in favor. Motion carried. Waivers granted were to Sections 502.6.B.2, 502.6.C, 502.7.B and 515.

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A motion was made by Mr. Berger, seconded by Mr. Diehl, to grant approval to the Dollar General Preliminary Land Development Plan conditioned upon satisfaction of the items outlined in LTL Consultants May 11, 2023 review letter, which is incorporated by reference and deferral of installation of the sidewalk from the driveway to the property line of Lot 2 until Lot 2 is developed. All voted in favor. Motion carried.

Echo Valley School Escrow Release – LTL has performed a final inspection of the project and submitted a letter recommending the release of the improvements escrow and the security escrow.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to release the Improvements Escrow for the Echo Valley School LDP in the amount of \$15,853.60 to Caleb Leid. All voted in favor. Motion carried.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to release the Security Escrow for the Echo Valley School LDP in the amount of 7,931.45 to Ammon Zimmerman. All voted in favor. Motion carried.

Items Not Requiring Action: Folino Estates received a recommendation for Final Plan approval and will come to the Supervisors once the plan can be approved without conditions. Benchmark Engineering provided comments on the GIC Lehigh Valley Traffic Scoping Application for a 500,000 sq. foot warehouse. No scoping meeting has been scheduled.

OLD BUSINESS:

Sale of the 2009 International

A motion was made by Mr. Diehl, seconded by Mr. Berger, to affirm the sale of truck #2, the 2009 International, to Butler Township for \$20,000 and authorize the Road Master to act on behalf of the township and transfer the title. All voted in favor. Motion carried.

Sale of the 1998 International – tabled until the Road Master’s Report

Sittler Valley Road Project – Bids for the project were opened on May 31, 2023 as advertised.

The township received three bids:

J. Phillips Excavating & Hauling LLC	\$205,467.94
Construction Masters Services Inc.	\$215,992.00
H & K Group	\$277,438.24

A motion was made by Mr. Berger, seconded by Mr. Diehl, to accept the bids for the Sittler Valley Road Project. All voted in favor. Motion carried.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to award the Sittler Valley Road Project to J. Phillips Excavating & Hauling LLC in the amount of \$205,467.94 conditioned upon the solicitor’s review of the insurance certificate and bond. All voted in favor. Motion carried.

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Appointment of a Sewage Enforcement Officer

A motion was made by Mr. Diehl, seconded by Mr. Berger, to adopt Resolution 2023-09 appointing Keystone Consulting Engineers as the Township Sewage Enforcement Officer and adopt their fee schedule. All voted in favor. Motion carried.

July Meeting – The July meeting will be held as advertised on July 3rd.

NEW BUSINESS:

Release of Fire Tax Funds to Virginville Fire Company

A motion was made by Mr. Diehl, seconded by Mr. Berger, to release \$20,000 to the Virginville Fire Company for repair of the roof on the hall. All voted in favor. Motion carried.

Escrow Release

A motion was made by Mr. Berger, seconded by Mr. Diehl, to release the driveway escrow for Oswald Road Lot 4 in the amount of \$668.03 to Norman Johnston. All voted in favor. Motion carried.

Insurance Renewal – Mr. Berger asked if any changes had been made. Mrs. Hollenbach state there were no changes to the policy.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to bind and approve the MRM Property and Public Official Liability Insurance policies. All voted in favor. Motion carried.

Director of Emergency Services

A motion was made by Mr. Berger, seconded by Mr. Diehl, to adopt Resolution 2023-10 appointing Matt Brett as Director of Emergency Services and Emergency Management Coordinator and setting forth duties and the stipend for performance of those duties. All voted in favor. Motion carried.

H & K Fill Site

A motion was made by Mr. Diehl, seconded by Mr. Berger, authorizing Great Valley Consultants to look at the fill site and make a recommendation about the Township assuming H & K's NPDES permit. All voted in favor. Motion carried.

REPORTS:

Administrator – Mrs. Hollenbach reported that the culvert was ordered for the Sittler Valley Road project and the easement agreements sent out for signature. The Dollar General engineer was contacted about the Planning Module submittal process. There will be a conditional use hearing on June 22 at 7:30 p.m. and a zoning hearing on July 10 at 7 p.m. for 108 Little Round Top Road to allow short term rentals on the property.

The Board had met in an executive session to discuss Mrs. Hollenbach's six month review and probationary period. The Board agreed to end the probationary period.

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A motion was made by Mr. Berger, seconded by Mr. Diehl, to increase Diane Hollenbach's hourly rate by \$2.50. All voted in favor. Motion carried.

Engineering and Zoning Reports

927 Krumsville Road – Mr. Wessner asked for the authority to post the home at 927 Krumsville Road. The homeowner received a final warning letter. No work has been done and the roof is collapsing. This is clearly visible from the road. The posting would order the property vacated until significant repairs are made. Because the neighbor's house is close, there was concern not only for the person living in the home at 927 Krumsville Road but their neighbors as well.

A motion was made by Mr. Diehl, seconded by Mr. Berger, authorizing the Zoning and Code Enforcement Officer to post 927 Krumsville Road and order the property vacated pursuant to the building code. To the extent that the order is not followed, the Board can subsequently authorize an injunction action against the owner. All voted in favor. Motion carried. Mr. Wessner will send the notice to the solicitor to review prior to posting the home.

Short Term Rental Ordinance – Mr. Wessner discussed Windsor Township's short term rental ordinance. Mr. Macfarlane stated that short term rentals are becoming popular and the Pennsylvania Supreme Court has ruled that this is a legitimate use. This can change a home into a commercial use or a multifamily use. The township zoning ordinance allows tourist homes in the Agricultural Preservation Zoning District and Mr. Macfarlane suggested amending the Zoning Ordinance to allow for specific conditions regulating short term rentals. Mr. Berger stated that the ordinance looks like something that might be useful. The township original intent allowing rooms for boarders or tourists in the Agricultural Preservation District was to house seasonal farm help. Fred Germann asked if any of the places had knob and spool wiring in the short term rentals. Mr. Berger stated that sewage was also a concern. Linda Wood felt this was a good idea and was concerned about large group rentals and noise from parties. Mr. Macfarlane stated that one way to address that was to limit the number of occupants and to have the property owner have a property manager or company to handle maintenance and act as a contact person. The Board asked Mr. Wessner to create a draft of seven to ten conditions that could be put in the zoning ordinance as criteria for short term rentals.

Solicitor

22 Dutch Mill Road Permit – Mr. Macfarlane explained that the property owner of 22 Dutch Mill Road wishes to build a new home on the property. The property contains a vacant home built in 1860 and an occupied mobile home placed in the 1950s, both of which predate the zoning ordinance that allows only one principle structure on a lot. In 2022, Ms. Ehrets had a conversation with the zoning officer and was told the farmhouse could be condemned and the new home built. She was not told zoning relief was needed. The property owner then took steps to obtain a building permit for the new home.

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Mr. Macfarlane advised that when one property stopped being occupied, the preexisting nonconforming use ceased. However, since the zoning officer met with Ms. Ehrets, and represented that a permit would be issued and then relying on that discussion, the property owner then spent money to pursue permits, denying the zoning permit at this point opened the township up to an estoppel/detrimental reliance claim. He recommended issuing the permit.

Mr. Berger asked if there was a home across the street. Ms. Ehrets stated there is a school house and home on one side of Dutch Mill Road and an old mill and a mobile home on the other side of the road. In 1993, another mobile home was removed at the request of the board. There is a camper there that is used sometimes on weekends. Mr. Berger asked if there would be separate driveways. The Board asked about the frontage and setbacks. Mr. Macfarlane stated that since the permits were ready to be issued that presumably the engineer was satisfied. Ms. Ehrets stated that her parents would not have spent tens of thousands of dollars on plans and permitting if it hadn't been for the information Mr. Wessner provided. Mr. Wessner stated that he stands by his zoning decision.

Mr. Berger stated that he is now being asked to make a decision that he knows is not right. The gentleman that was in earlier asking for a tiny house on a property already containing a home was denied, but here we are considering allowing a second dwelling unit somewhere else. Ms. Ehrets stated that it is different because her parent's property always had two dwelling units and that gentleman did not. Mr. Diehl agreed that it was different. Mrs. Hollenbach asked if the existing home being condemned would ever be removed. Mr. Wessner said that he will post the home uninhabitable and the only way to get the home habitable is to meet the zoning or removing the home. Mr. Macfarlane stated that posted home will need to be maintained to some extent.

Mr. Diehl asked what happens with the trailer. Mr. Wessner stated that he will perform a yearly inspection, issue a temporary certificate of occupancy and once the occupant leaves, do a final inspection once the trailer is removed. Mr. Spohn asked if the owner intends to clean up the property. Ms. Ehrets hope is that once they live there full time, it will get cleaned up.

Mr. Macfarlane asked Mr. Wessner to read the permit conditions into the record and for Ms. Ehrets to say something now if she disagreed with any of them. Mr. Wessner stated, "Applicant to build new home in accordance with PA UCC and 2018 IRC. Old home to be posted uninhabitable to be removed or remain uninhabitable. Trailer to remain until tenant no longer occupies trailer. Yearly inspection for tenant to remain, temporary CO given until tenant is no longer living in trailer." Ms. Ehrets asked for confirmation that this goes with the property if her dad passes before the tenant. Mr. Wessner confirmed it goes with the property.

A motion was made by Mr. Diehl, seconded by Mr. Spohn to issue the zoning permit to build a new home at 22 Dutch Mill Road with the following conditions: Applicant to build new home in accordance with PA UCC and 2018 IRC. Old home to be posted uninhabitable to be removed or

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remain uninhabitable. Trailer to remain until tenant no longer occupies trailer. Yearly inspection for tenant to remain, temporary CO given until tenant is no longer living in trailer. Mr. Diehl and Mr. Spohn voted in favor and Mr. Berger opposed. Motion carried 2-1.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to authorize the chairman to sign the storm water agreements. All voted in favor. Motion carried.

Fire Safety Ordinance – Mr. Macfarlane has received Planning Commission reviews on the ordinances. Mrs. Hollenbach put together a draft of items the Board might want to include if they decide to amend Section 515 of the Subdivision Ordinance.

Road Master – The sale of the 1998 International Dump Truck was discussed. The truck was advertised in the Reading Eagle and placed for sale in an online auction. The high bidder was Daniel and Lori Gulick of Lehighton with a bid of \$10,600.

A motion was made by Mr. Berger, seconded by Mr. Diehl, to sell truck #3, 1998 International, to Daniel and Lori Gulick for \$10,600. All voted in favor. Motion carried.

A motion was made by Mr. Diehl, seconded by Mr. Berger, to authorize the Road Master to act on behalf of the township and transfer the title. All voted in favor. Motion carried.

FINANCIAL MATTERS:

A motion was made by Mr. Diehl, seconded by Mr. Berger, to approve the bills and accept the Treasurer's Report as presented. All present voted in favor. Motion carried.

Hearing no further business, Dean Spohn adjourned the June 5, 2023 Board of Supervisors meeting at 9:10 p.m. and the Board went into executive session to discuss potential litigation as it pertained to the Leid Poultry Farm Plan.

Respectfully submitted,

Diane Hollenbach
Administrator/Secretary/Treasurer