

West Penn Township Board of Supervisors

27 Municipal Road

New Ringgold, PA 17960

Phone (570)386-4507

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Regular 10AM Monthly Meeting

Monday, September 19, 2022

Present at the Meeting

Tony Prudenti – Chairman

Katie Orlick - Secretary

Tim Houser – Supervisor (absent)

Paul Datte – Solicitor

Glenn Hummel – Vice Chair (phone)

Mike Begis – ARRO Consulting, Inc.

Karen Wittig – Treasurer

I. General

A. Anthony Prudenti called the meeting to order with the Pledge of Allegiance & Introductions at 10:00AM.

B. Approval of Monthly Bills

Chairman called for a motion to approve the monthly bills. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

II. Public Comment on Agenda Items - NONE

III. Land Use - NONE

IV. Old Business - NONE

V. New Business

A. Chairman called for a motion to accept Marlin Zehner’s resignation from the Park Commission. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

B. Approve Salvage Quotes – Chairman said there are a total of four cars the total price is \$1750. The quote is from Zaprazny’s. 2008 Dodge Nitro \$450, 2007 Honda Accord \$450, 2010 Toyota Corolla \$400, and 2008 Nissan RGE \$450. Chairman called for a motion to accept the Salvage Quotes. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

Chairman said the Chief would like to publically thank Terri Knoedler for donating 20 cases of water to the police department.

He would also like to thank Hill’s Custom Lumber in Lehighton, they allowed us to go on their property and do a search.

Chairman and the Chief spoke about the License Plate Readers, they are not only good for reading license plates to make sure the vehicles are valid; they can help recover stolen vehicles.

C. Chairman called for a motion to adopt Resolution # 26 of 2022, Establishing Climatic & Geographic Design Criteria. This is for the Uniform Construction Code. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

VI. Business from Anyone on the Board

A. Chairman wanted to let Glenn Hummel know we put a memo in everyone’s bin for the Administration Hours of Operation, which he requested.

B. Chairman said we are looking into purchasing a new little dump truck. Jeremy Frable will be getting quotes however, even if we ordered it today we wouldn’t get it for at least 12 months. Chairman said we may have to fix the old one for a little bit to keep us going. Jeremy Frable will get quotes to fix it and we will discuss it at our next meeting.

VII. Correspondence – NONE

VIII. Public Comment on General Items

A. Ilisa Sackhoff Hoppes - wanted to know the status of her concern about the property on the corner of Mill and SR443. Secretary said a letter was sent telling them they need to continue cleaning up or they will be cited. She also requested a speed Limit sign going west to Mill Dr. towards Tamaqua. Jeremy Frable said there should be one there. Chairman said if not we will put one up.

B. Kevin Hoppes – asked if the Township can cut back some hedges at that same corner that had the concern submitted on Mill Dr. and SR443. Jeremy Frable said he will take a look at it. We can cut it if it is blocking sight distance on the state rd.

Kevin Hoppes handed the Chairman a copy of pictures of the Road on Mill Dr. The Pictures are of the road deteriorating. Jeremy Frable Road Master said the road isn't wide enough. He said we will have to put it on a list as a project if we decide to do it. Jeremy Frable said we can put some cold patch in to temporarily fix it. Jeremy Frable said if we were to fix it right we would have to widen the road to 18ft. Glenn Hummel suggested putting stakes in the ground to show the residents how far our right-a-way is. Jeremy said it will a big project.

C. Brian McQuillen – said Attorney Datte asked him to review the Supreme Court Decision, Latrobe Speedway Inc. vs. Zoning Hearing Board of Unity Township. Attorney Datte said that it is similar to the same issues in regards to his Zoning Concerns of the farm on Mill Lane. Mr. McQuillen acknowledge that Attorney Datte was not at the meeting and he asked the Chairman if he wanted him to review his comments with the Board. Chairman said he should wait for the Attorney. However, Mr. McQuillen gave a brief synopsis of his review. Mr. McQuillen said they are similar except for this was about one singular owner, that held the property for 17 years. He continued stating the property he is referring to had multiple owners, none of which he believes used it as a grain storage or processing facility or a manure storage site.

He believes it is being used as a residential lot today and in our current zoning only one use is allowed. He feels this property hasn't been used as a grain storage for over 40 yrs., the subsequent owners did not register the property as a non-conforming use, and it is currently looked at as a residential lot. He feels this property use should be considered abandoned because of those reasons stated. Mr. McQuillen said he will email the secretary and copy the Attorney & Zoning Officer of his comments on that Supreme Court Decision.

Mr. McQuillen would like a response from ARRO of his latest letter he sent in writing.

D. Chester Snyder – spoke about Mill Dr. and pulling out on SR443.

Storage of Chicken Manure isn't being stored there, it is only there when they are working the fields and plowing it under.

E. Ben Forbes – An attorney that is representing **Tom Moroz**, co-owner of Stonehedge Gardens, LLC. The Attorney, Ben Forbes asked Mr. Moroz, to explain his relationship to Stonehedge Gardens, LLC Mr. Moroz said he is a co-owner of Stonehedge Gardens, LLC. His Attorney asked him to talk about the upcoming event at Stonehedge Gardens, LLC. It is this weekend and it is an Art & Music Festival called Harmonic Earth.

The Attorney stated the Township Code Enforcement Officer questioned the status of that use as an expansion of a pre-existing non-conforming use. The Attorney asked Mr. Moroz to talk about the upcoming event and how it compares to the events in the past. Mr. Moroz sent a response back to Shannon Darker, the Township Code Enforcement Officer, in regards to similar events in 2017 & 2018 and prior to that. He said they are education and musical events. Chairman asked some questions, when did he take ownership of the property? Mr. Moroz took ownership of the property in 2019. Mr. Moroz

referred back to events before he owned the property. Chairman said for financing, he needed the Township to write a letter stating that they can continue what was being done in the past. However, in the past the Chairman said they didn't have camp outs, their biggest event was at Christmas and that was like a 100-125 people. Chairman feels like one big event grew into four larger events per year. Chairman showed Mr. Moroz a pile of concerns from residents in the area about the Festival he will be having this coming weekend. Chairman's concerns are if they have enough of sewage, water, parking for this event? The noise and the traffic on the road are other concerns that we need to address. Chairman questioned the amount of people that would be attending the event. Mr. Moroz said to the SEO that he expects 100-125 people but on the website he is selling 300 tickets. Mr. Moroz said that was a combination of all tickets. He said there would not be more than 125 people. He said right now he has about 100 tickets sold and he can cut it at any time. The Board felt if we didn't address this now the event will keep getting bigger & bigger. Chairman said if we allow you to have these huge events what is to stop everyone else in the AG District to do the same? The Township feels that we were hoping your business would have stayed in the perimeter that it was before.

Ben Forbes, the Attorney for Stonehedge asked Mr. Moroz to explain parking for the event. Mr. Moroz said safety is important to them as well. Chairman wanted to address the issues for this event. Chairman asked about sewage. Mr. Moroz said Bill Brior came out and said that he does have sufficient port-a-pots for this event. Chairman asked how many do you have. Mr. Moroz said they will have 6 port-a-pots. Chairman asked if they are getting emptied every day? Mr. Moroz said they arranged them to be emptied once during the weekend. He also stated he can arrange it twice, to be emptied. Chairman said the company standard is roughly is one port-a-pot for every 25 people if it is emptied every day. Mr. Moroz said he will have it emptied an extra time. Glenn Hummel wanted to know about how he was going to address the noise with all those people. Chairman read Mr. Moroz's letter to ARRO Consulting, Inc. Chairman's concerned is with the people camping on the property. The Board is also concerned with the amount of people attending the festival. Chairman said we have basically two things we can do. We can say we are not comfortable with you having the festival this year until you would get the proper permits and the Township investigates it further. Or we can list a bunch of restrictions and let you do this festival but no others until the proper permits or land development are acquired. Chairman asked Attorney Ben Forbes if he had any questions. Mr. Forbes asked the Board if they have any other specific concerns they would like to address. Mr. Forbes is aware that the Board has conditional use power under their ruling. Chairman suggested that they stop selling tickets right away. Chairman said we should limit to the 100 guests. We need to talk this through with our code enforcement officer, and police of the list of things that need to be done to have this festival. Chairman asked the secretary to have a list of conditions to Stonehedge Gardens by the end of the day tomorrow. Chief Bonner asked for point of contact information for Stonehedge Gardens, in case there is a problem. The other concern the Chief had was preparation. He needs to put additional officers on the schedule with this kind of event and he would appreciate more notice in order to do so. This type of festival can potentially impede traffic. Chairman asked Mr. Moroz, how many people does he think was at his mushroom festival? Mr. Moroz said it was in the neighborhood of 200 guests. Chairman said a resident counted 328 guests. Chairman said we cannot allow parking on the sides of the roads. Mr. Moroz feels they did not do that. Chairman said if we would shut them down completely this year, you know we are going to get sued. Stonehedge would sue us for losses they would incur and because they felt like they were doing what they always have done.

Chairman feels they do have some rights that they were grandfathered in, however, we would still be able to prove that what happened in the past has changed for today. Almost like vested rights. Attorney

Forbes said that would be their position on it. Chairman feels they do want to conform. Mr. Moroz said there will be no off sight parking, it will all be at Stonhedge. Glenn Hummel said in the sense of good business faith, we should allow the festival to happen however we should set a plan with conditions for them to follow. Chairman also stated if we do allow this event, Stonehedge cannot have another event until the proper permits are issued and maybe even a land development has been done.

Chairman said we need a list of conditions for you to review and you can tell us how you will implement these conditions. Also, we would like to have the music stopped by 9:30PM, 10:00PM at the max. Mr. Moroz said 10:00PM for sure. They will start winding down around 9:30PM. Chairman thanked Stonehedge for coming in and discussing the Event with us. The Township will prepare a list of conditions that they would like to see implemented at the event.

Brian McQuillen asked what is the Township's current intent with the Tuscarora Grain Company? To Mr. McQuillen's knowledge they are not hauling any manure and roasting any grain but they are actively working that property. Mr. McQuillen questioned what they can and cannot be doing. Chairman said we don't know that right now, we are investigating. Brian McQuillen also asked when the next Zoning Hearing Board meeting. Chairman said the next step for the Zoning Ordinance is we review the concerns/comments that were submitted at the hearing. If the ordinance is changed substantially or revised to include land previously not affected by it, then another public hearing is required. The revised ordinance would not have to go back to either the Township or County Planning Commissions. Chairman wants another public hearing regardless.

IX. Executive Session – None

X. Anything Else from the Board - NONE

XI. Adjournment

Chairman called for a motion to adjourn the meeting at 11:00AM. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

Transcribed By:

Katie Orlick

West Penn Township Secretary