

West Penn Township Board of Supervisors

27 Municipal Road

New Ringgold, PA 17960

Phone (570)386-4507

Fax (570)386-5851

Regular 10AM Monthly Meeting

Monday, October 17, 2022

Present at the Meeting

Tony Prudenti – Chairman

Katie Orlick - Secretary

Tim Houser – Supervisor

Paul Datte – Solicitor

Glenn Hummel – Vice Chairman (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 10:05AM.

B. Approval of Monthly Bills

Chairman called for a motion to approve our monthly bills. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

II. Public Comment on Agenda Items

A. Brian McQuillen – Penn Dr. - Discussed the new proposed zoning. Mr. McQuillen gave his opinions for what he feels the proposed zoning ordinance should address. His opinion is to keep Mill Dr. & SR443 as Highway Commercial. He would like to see AG Industrial Use removed from Highway Commercial. He said there were a few things that he feels as are important from Mr. Schmehl’s letter dated July 27th. They are as follows:

1. “Zoning is primarily intended to protect existing residential neighborhoods from incompatible development.”
2. “Promote agricultural preservation in many areas of the Township but in a manner that is fair to the property owners.”
3. “Provisions are proposed to be updated to control excessive lighting, noxious odors, or noise.”

Brian McQuillen believes that the following should be addressed in the new ordinance:

There should be a definition for crop storage. It should indicate chicken manure storage. Requirements of 602 A 20 should be expanded for odors and noise. Additional restrictions should be added to Section 602. He feels they should be added uses in the Industrial District. He feels that there should be requirements on storage similar to Seepage & Sludge Composting as indicated in section 602 A 57 and pg. 60. He feels there should be a definition for Roasting Soy Beans & Grains with additional restrictions as well and should be added to the Industrial District. All comments that Brian McQuillen recommends are on his letter he submitted to the Board of Supervisors on 10/17/22. Chairman asked Mr. McQuillen does that mean he is recommending adding it as a Special Exception. Chairman feels the Zoning Hearing Board should look at the AG Industrial Use as a special exception for extra restrictions. Mr. McQuillen is asking that URDC gives specific uses & requirements for chicken manure storage and processing in section 602. Attorney Datte said what Mr. McQuillen is recommending any use that is permitted, whether it is permitted by right or special exception or conditional can have specific sets of requirements in section 602. Attorney Datte said Mr. McQuillen is talking about establishing and defining certain uses that are not currently defined and then establishing certain conditions uses under

Section 602 regardless it is a use permitted by right. Brian McQuillen said he doesn't have a problem about crop storage on the property and using the facilities that are there for crop storage. Brian McQuillen feels that the chicken manure storage as a commercial entity has never been used on the Mill Drive property. Chairman said regardless of our Zoning there are other rules and regulations that farmers have to abide by from the State.

Tim Houser suggested to the Secretary that we contact South Whitehall because they deal with Jandel. And they are really restrictive with their Zoning. Brian McQuillen said now is the time to add the definitions, new uses and set additional requirements for this kind of operation because we are redoing our Zoning. He understands and his main concern is the AG Industrial use.

Attorney Datte said Mr. McQuillen should understand to that there are State Laws that play certain restrictions on Agriculture. Attorney Datte stated when we look at this we are going to rely on recommendations we get from URDC.

Daniel Poncavage – He is an heir of the family farm in the Andreas Area, 4394 West Lizard Creek Rd. and has vested interest in our Township.

Mr. Poncavage said he gave the Board his introductory Letter at the last BOS Meeting. He feels that there are problems with the proposed zoning ordinance.

He feels that there is an area in the current zoning ordinance that has been zoned for 45 years as Conservation Natural, about 10% of that is proposed to be changed to Agricultural Conservation. He feels Agricultural Conservation will allow housing. He asked some questions to the Supervisors. Mr. Poncavage referred to the area that was donated for a hiking trail in the Andreas Area. He feels that it was a great cost to the tax payers. Attorney Datte said the land was donated that it wasn't a great cost. Mr. Poncavage asked why you would surround that beautiful area with Light Industrial? Chairman said the Light Industrial is because of the Quarry being in that area. Chairman said we plan for the future. Mr. Poncavage showed the Board a map of the area he was referring too. Attorney Datte said we understand your comments. Mr. Poncavage said there is an area missing (a notch) of property in the proposed zoning ordinance. Mr. Poncavage said do not change boundaries lightly. Chairman asked what does Mr. Poncavage want the Board to do. Mr. Poncavage said Laissez-faire. Chairman said you don't want anything to change. Chairman thanked Mr. Poncavage and asked him to make a list of everything he feels that is wrong with the proposed zoning ordinance, so the Board can review it. Chairman asked the secretary to contact URDC and ask that everything owned by the Poncavages remains Agricultural.

Terri Knoelder – Fort Franklin Rd. – She asked the board to keep public comment to a 5 min. minimum.

Chester Snyder – Mr. Snyder said he was a part of the Zoning Ordinance Advisory Committee and they spent long nights figuring out the proposed zoning for the new ordinance. Chester Snyder said now everyone wants everything changed. He doesn't understand it.

Kevin Hoppes – Mill Dr. – said DEP reported to him in the month of April that 222.5 tons of manure was delivered to Lazy Dog Farm from three other farms. This is why he feels additional regulations should be put in place to protect the citizens. Mr. Hoppes asked if there are hours the farm is allowed to operate. Tim Houser said the farmer had proposed operating hours but nothing has come from the Township at this point.

Todd Deem – reminded the Board that not only the Planning Commission agreed but there was a petition of some of the land owners to have the SR895 Zoning changed to Highway Commercial.

III. Land Use – NONE

IV. Old Business

A. Draft Zoning Ordinance Comments – Chairman asked if there are any more comments.

Brian McQuillen – Penn Dr. – Commented about the Township being concerned about lawsuits. Mr. McQuillen said there have been issues in the past and mistakes have been made. Mr. McQuillen feels that the Zoning Office has made a mistake and he would like to talk about Mill Dr. Chairman said we can't because it is under litigation at this point. They are going for a Zoning Variance. The Zoning Hearing Board is a quasi-judicial board. It is in litigation.

Mr. McQuillen feels if ARRO would have done their job he wouldn't have to be here. He feels the operation would not be ongoing. Mr. McQuillen said if the Township fixes the problem that ARRO made, by making that a special exception or changing the ordinance to allow that use there. They will have 38 residents that has a vested interest in pursuing other matters. Chairman asked Mr. McQuillen if he is threatening the Township with a lawsuit. Chairman said it would be his right. Mr. McQuillen said to fix that problem with a special exception would not be in the best interest of your constituents. Attorney Datte said what Mr. McQuillen is saying is that if it is not removed then he is suing.

Jeff Bradford – 1557 West Penn Pike – thanked the Community for participating in their first open house at the Fire Company for Fire Prevention.

Questioned the Halloween Parade.

He asked about his piece of property to change his property to Highway Commercial. Chairman asked secretary to look into that.

Todd Deem – Is he understanding that the Board is more likely to go with the recommendations from URDC instead of the Planning Commission? Chairman said, yes. Todd Deem questioned Summer Valley Rd.

B. Do we want Attorney Datte to represent the Township at the ZHB for the Mill Lane Hearing. Chairman said we were mistaking last month. We thought the application was to appeal the Zoning Office Notice. Chairman said it wasn't for that. The Application was for a Variance.

Chairman said the ZHB is a quasi-judicial board. The Board of Supervisors have nothing to do with this decision. Attorney Datte said the applicant which is Tuscarora Grains Company, LLC. They are requesting approval of the Hearing Board to permit the proposed use of the property. As a use Variance pursuant to 804 E.3 of the Ordinance. The Applicant seeks to continue use of the Property as a Commercial Feed Mill, which is considered an Agricultural Industries Use, pursuant to Section 202 of the Ordinance. The property has an extended history of Agricultural Industries use, as evidenced by the extensive preexisting infrastructure that is essential to feed mill operations and grain storage. It is the Owner's knowledge and belief that the feed mill has been in existence and operated as such since as early as 1949. As part of the feed mill processing requirements, the roasting of grains is the essential step in preparing feed. Specifically, the Applicant intends on roasting grains through the use of a third party mobile roaster that is brought onto the property via a pick-up truck. Feed manufacturing would be done daily Monday through Friday. The roasting would take place once per month from November through April approx. 2-3 time per month from May through October.

V. New Business

A. Chairman called for a motion to approve the impound salvage list and quotes. Tim Houser asked this is not including the expansion of the impound lot correct. Chairman said it does not include expansion of the impound lot. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor.

Motion was carried. 3-0

B. Chairman called for a motion to adopt Resolution # 28 of 2022, modifying the Community Development Block Grant program for Fiscal Years 2018 & 2019. Chairman said we are taking the money

from 2018 grant of \$ 66,981.39 and 2019 of \$15,368.05 and using those funds for ADA Improvements at the J.E. Morgan & Zions' Park. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

C. Chairman called for a motion to approve the Application for Certification for the Community Block Grant Program for 2022. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Chairman called for a motion to adopt Resolution #29 of 2022 approving the budget for the CDBG Program for 2022. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

E. Chairman called for a motion to adopt Resolution # 30 of 2022, Implement Act 57 of 2022, Property Tax Penalty Waiver Provisions. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

F. Chairman called for a Motion to allow the Board of Supervisors to execute all documents for the Phase II J.E. Morgan Memorial Park DCNR Grant. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Chairman called for a motion to adopt Resolution # 31 of 2022, approving the application for DCNR J.E. Morgan Park – Phase II Project. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Chairman called for a motion to adopt Resolution # 32 of 2022, requesting \$216,592.76 from DCNR, for the continued development of the J.E Morgan Memorial Park. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Chairman called for a motion to adopt Resolution #33 of 2022, Maintenance Agreement for the J.E. Morgan Memorial Park. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Chairman said this DCNR Phase II grant is to continue the development of the park. Tim Houser said the Road Dept. did spend a lot of "in-kind" time over at the park so we can have matching funds for these grants.

Chairman called for a motion to amend the Agenda to talk to Bob Neumoyer from the Lions, Club about the parade for Halloween. Tim Houser made the motion to amend the Agenda. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Bob Neumoyer – Teaberry Lane – He is the secretary of the Lions Club. He has been in contact with PennDOT for an Event Permit to close SR895 for the Halloween Parade. He said he started this process on September 15th. He sent letters to the Township, Fire Company and the Police. We heard back from the Police Dept. that it was the club's responsibility to obtain permits to close SR895.

He submitted a T3 application with PennDOT. PennDOT gave the permit application to the head of the dept. Bob Neumoyer feels optimistic that they would be approved, however the permit is not currently in their hands. Bob Neumoyer is asking the Board if they will rescind that condition in order for them to still move forward with the parade. Chairman said the issue is liability. Chairman said if you can get an email from PennDOT saying that the Application looks good of what was submitted and it just needs a signature he would be able to be flexible. Mr. Neumoyer said he has insurance coverage. Attorney Datte suggested Mr. Neumoyer get an email from the gentleman he was in contact with, confirming their conversation about the application and there should be no issues and copy the Township on it.

Chairman called for a motion to allow the lions to have the Halloween Parade this time with the caveat of them securing the Event Permit from this day forward. Glenn Hummel has a problem with that. Glenn

Hummel said he wants them to secure the permit. Tim Houser said he would agree to let them continue with the parade as long as they had some positive feedback from PennDOT.

VI. Business from Anyone on the Board

A. Chairman reminded everyone Monday, November 7th, Board Meeting will be at Annex Building at 6PM

B. Trick-or-Treat will be Monday, October 31, 2022 at 5PM-8PM

C. Tim Houser said get out to VOTE!

Tim Houser asked about the new Recycling Bin.

D. Chairman asked the status of Atlas Park and the property transfer to the Township.

VII. Correspondence

VIII. Public Comment on General Items

IX. Executive Session - NONE

X. Anything Else from the Board - NONE

XI. Adjournment

A. Chairman called for a motion to Adjourn at 11:32AM. 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