

**August 22, 2017
Tuesday, 10:00 a.m.**

MINUTES

Chairman Robert H. Rohner, Jr. called the meeting to order at 10:00 a.m. Also present were Richard C. Vollmer, Vice Chairman, John P. Sivick, Supervisor, Robert F. Bernathy, Township Solicitor, Jon Tresslar, P.E., Township Engineer and MaryAnn Conza, Assistant Secretary.

PUBLIC COMMENTS: None.

LOG CABIN HIGHWAY OCCUPANCY PERMIT:

Present on behalf of the Bushkill Community Church were Christine Himler and Chris McDermott , both of Reilly Associates and Rev. Paul Miller, for the Bushkill Community Church.

Bushkill Community Church has recently purchased the Log Cabin property and is in the process of going through a zoning application to change the use from a restaurant/bar to a place of worship. There will be some changes to the interior of the building to bring it up to ADA standards. Some pavement along the frontage will be removed to prevent cross access between the property and the adjoining property as well as closing off the access to the driveway on the other side of the property.

Part of the change of use application requires an HOP. An application was submitted to PennDOT for a low volume HOP, due to the anticipated number of worshippers at 60-70. PennDot's comments are made part of these minutes. PennDot is requesting that the 48" SLCPP connected to the roadside inlet be permitted by the municipality. The township will review the original plans filed by Gerry Gay to verify if this pipe had already been permitted under the land development plan that was submitted a few years ago. As far as a response to PennDOT, it is already permitted, it is pre-existing and was previously approved as part of a land development plan. There is nothing for the Township to approve. PennDOT is trying to force municipalities into taking care of the drainage structures because they do not want to. The applicant is requesting a letter from the Supervisors stating the above.

Attorney Bernathy asked if there would be any impact as far as trip ends, water, sewer, traffic, or township infrastructure, due to this change of use. Christine Himler responded, no impact and traffic will be less. An HOP for the restaurant could not be found.

The church will be requesting a variance from the zoning hearing board because they are not paving the parking lot. It is gravel and they wish to leave it that way. There is no adverse impact to storm water and pavement will be removed making it more pervious. The applicant will also ask for a waiver to the HOP requirement.

Attorney Bernathy will send correspondence to the Bushkill Community Church stating that the 48" SLCPP is part of a pre-existing, previously approved land development plan that does not need further approval or permitting as a result. Before Attorney Bernathy adds to his letter that they need to file a land development plan, Jon Tresslar will review the ordinance to make sure that it is required with the change of use.

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SPOILS SITE NPDES:

Leeward wants to put more fill at the Annex site that goes beyond the permit, which expires 2021. We need to see if they are outside the permit area with stumps. A representative from Leeward was not present and more information is needed.

A construction fence needs to be put up to preserve the area for a septic system. Mr. Sivick made a motion and second by Mr. Vollmer authorizing Jon Tresslar to lay out an area for a primary and reserve area septic field at the Annex property and require Leeward to fence it off. The designated area will be tested and if the soil is not suitable, then bring in enough fill and let it sit for four years. Unanimous.

BLUE RIDGE COMMUNICATIONS RIGHT-OF-WAY AGREEMENT:

Attorney Bernathy stated that the agreement does not have a consideration amount, hold harmless or indemnification language and the Township is not named as an additional insured and what is the Township getting in return. Attorney Bernathy will ask Blue Ridge for free service.

EAST STROUDSBURG AREA SCHOOL DISTRICT HIGH SCHOOL NORTH STORM WATER MANAGEMENT PLAN:

Jon Tresslar will have a report at the Supervisors' next meeting.

DRAINAGE WEST SUGAR MT. ROAD AT CESTONE PROPERTY:

John Tresslar will prepare a letter for the Supervisors this week.

AMBULANCE – LETTER FROM EDWARD REGINA:

Mr. Regina wrote a letter asking if the Supervisors would like the ambulance back. Mr. Rohner made a motion and second by Mr. Vollmer to send a letter to Mr. Regina stating that the Township does not want the ambulance back. Motion passed with Mr. Sivick abstaining. No reason given for the abstention, although he was asked.

SHORT TERM RENTALS:

Attorney Bernathy reviewed the Pocono Township and Middle Smithfield Township's ordinances and one that was challenged. Attorney Bernathy stated that this is a fluid situation, legally speaking. Because Hamilton Township did not provide for the use, the court was in favor of the property owner. Lehman should get ahead of this, define it, make specific findings as to why you are providing and regulating it and have those findings relate to the health, safety and welfare of the township residents. Table this until Attorney Bernathy gets more information.

DIGITAL SPEED SIGN PLACEMENT ON STATE ROAD:

A resident who lives near the Delaware and Lehman township line is complaining about speeding cars on SR 2001 in the construction area. Cars speeding in the work zone is in the hands of the PA State

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Police, Leeward and PennDOT. The township has loaned the speed sign to Leeward. Solving this problem is not within the Township's jurisdiction.

TRAIN STATION PAVILION:

The township was not awarded the grant. It was pulled because the Park Service has not approved the maintenance agreement as of this date. We have to wait until next year to apply again. Mr. Rohner made a motion and second by Mr. Sivick to stop where we are with the Bushkill Village plan until the Park Service can adequately address the needed requirements. Unanimous.

ADJOURNMENT:

A motion was made by Mr. Rohner and second by Mr. Vollmer to adjourn the meeting and go into an executive session to discuss litigation. Unanimous.

Respectfully submitted.

Mary Ann Conza

Assistant Secretary