

**Chairman Larry Geiger called the 530<sup>th</sup> meeting of the Lowhill Township Planning Commission to order on Wednesday August 28, 2024 at 7:00 pm. The meeting was held in person at the Municipal Building and on Zoom. Roll call of members present: Larry Geiger, Stephen Lear, Kevin Bubbenmoyer, Susan McGorry, and Jack Iannantuono, Richard Dorney. Barry Betz was absent. Also present were Ryan Christman, Engineer/Zoning Officer, Michael Siegel, Consultant and Jill Seymour, Recording Secretary.**

**The July 31, 2024 meeting minutes were approved as written.**

**Stephen Lear made a motion to change the order of the agenda to review the Draft Zoning Ordinance to the top. Susan McGorry second the motion. Roll call: All yes. Motion carried.**

**Larry Geiger: Page 18 – 320B is not in uses, why is it in definitions?**

**Mike Siegel: For regional overlay district under special exceptions. Will have it added to the chart.**

**Larry Geiger: Page 10 – 311F – 2 misspellings**

**Page 26 – 326N – 3 misspellings**

**Page 33 – Agritainment – take out of overlays, change all to C**

**Page 34 – Distillery, Educational, Garden Center – change P to C**

**Page 35 – Plant Nursery – change P to C**

**Page 50 is blank**

**Page 71 – Section 942.12**

**Mike Siegel: Page 78 – Keep word not and submitted to**

**Larry Geiger: Page 98 – 990.01.41 – Section X, take the X out**

**Page 104 – 990.05.094 – makes no sense**

**Page 109 - #5 – What chapter? Needs reference of section**

**Stephen Lear made a motion to forward to the Board of Supervisors, conditional upon corrections being made. Kevin Bubbenmoyer second the motion. Roll call: All, yes. Motion carried.**

**Kevin Bubbenmoyer made a motion to forward the Zoning Map and Official map to the Board of Supervisors. Stephen Lear second the motion. Roll call: All, yes. Motion carried.**

**2951 Betz Court – CRG Services – Final Plan dated 7/24/2024**

**Present for CRG Services:**

**Attorney Blake Marles of Stevens and Lee, Counsel**

**Mitchell Brady – Pennoni**

**Clay Condol – Pennoni**

**Fred Ferraro – CRG Services**

**Ryan Christman went over his review letter dated 8/23/2024.**

**Blake Marles: We are here with a deemed preliminary plan approval with no conditions. Determined in the court of law. Final plan requirements have been completely complied with; believes they are entitled to an approval and stated nothing new here.**

**Attorney Marles went through Keystone Consulting Engineers review letter.**

- 1. Will remove the signature block. Nothing in the Ordinance that states have to have a secondary on lot sewage.**
- 2. Waiting on DEP. Can't deny on 3<sup>rd</sup> party approvals.**
- 3. We have no requirements to do any improvements to Betz Court. The money has been spent on litigation.**
- 4. We have deemed approval, as submitted.**

**According to the MPC, the preliminary plan is approved, final is the same. The fire chief was already spoken to, once building plans begin, the fire chief will come again. Storm water needs to see what DEP says before we do anything else on storm water, DEP will respond, may change and address at that time. Waiting on the LVPC letter as well. Zoning: On site parking – free movement on and off site, not needed. Not a zoning requirement.**

**General: #1 No, agreement with LCA and the Township at the time of plan submittal. The Township is in breach of contract after the fact.**

**#2 Rec Fee is not an issue if approved.**

**#3 is not a requirement.**

**#4 We comply with preliminary as deemed approved by the Court.**

**Ryan Christman: We can't approve without our attorney.**

**Kevin Bubbenmoyer: Can we make a motion without our attorney?**

**Mike Siegel: Must do improvements or upgrades according to our SALDO or post security.**

**Stephen Lear made a motion to deny the 2951 Betz Court – CRG Services – Final Plan dated 7/24/2024 due to the intent to deny the NPDES permit, consideration of all the information provided during two public hearings hosted by the PADEP for the stormwater management of the development, no public water supply, historically Lowhill Township has required a secondary site for onsite sewage management, Lowhill has no intention to update ACT 537 in this regard, various issues still not resolved per Keystone Consulting Engineers review letter dated 8/23/2024 and there has been so many changes to the initial plan. Jack Iannantuono second the motion. Roll Call: All, yes. Motion carried.**

**2951 Betz Court – CRG Services – Final plan dated 7/24/2024 will move to the Board of Supervisors meeting dated Thursday September 12, 2024 at 6:30 pm.**

**Mike Siegel gave an update on the SALDO, looking for Spring 2025 to adopt.**

**Jack Iannantuono – Do we have to wait for the LVPC to review?**

**Mike Siegel: No, we can update ours any time.**

**Change in cut off time for applications is tabled until the September meeting.**

**The floor was opened for public comment.**

**Ryan Christman: Dollar General formally withdrew their preliminary/final plan.**

**Richard Wooley – Weathered Vineyards – Where is the directive coming from for water plans for warehouses?**

**Mike Siegel – LVPC and at this time, they are trying to regionalize.**

**There was a discussion on stormwater and the process for updating the zoning ordinance.**

**Kim Weinberg – Weisenberg Township – Attorney Marles was saying they can get water to the site, I know this is a legal issue – are they taking us to court?**

**Kevin Bubbenmoyer – Absolutely, they can sue for damages.**

**There was a discussion on warehouses and updates with PennDot, waterline and Act 537.**

**Steve Lear – Board of Supervisors should speak with counsel and have a thorough conversation to prepare for the board meeting and respond accordingly.**

**Kim Weinberg – Weisenberg Township – When proposing bringing water lines up, Supervisor Wessner didn't vote, but voted on another warehouse, that's a conflict of interest.**

**Kevin Bubbenmoyer – They are all different cases; he can vote on both Core5 warehouses.**

**Kim Weinberg – Weisenberg Township – Can a resident sue the township for bad representation?**

**Kevin Bubbenmoyer – Anyone can sue anyone.**

**The rescinded LCA water agreement was discussed.**

**Kim and Bill Weinberg – Weisenberg Township – It's quid pro quo on the waterline because the three warehouses were going to share the cost and Buddy voted.**

**They will claim bad faith, as they did their plans based on the waterline and we rescinded.**

**Hearing no other public comment, Stephen Lear made a motion to adjourn. Richard Dorney second the motion. Roll call: All, yes.**

**The Lowhill Township Planning Commission meeting was adjourned at 8:29 pm.**

**The next Planning Commission meeting is scheduled for Wednesday September 25, 2024 at the municipal building.**

**Respectfully Submitted,**

**Jill Seymour  
Recording Secretary**