

**Milford Township Board of Supervisors’  
Minutes of February 6, 2024**

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**Call to Order:** Chairman Charles Strunk called the meeting to order at 7:00 p.m.

**Attendance:** Supervisors present: Charles Strunk, Chair; John Mininger, Vice Chair; and Christian Haberle, Member. Staff present: Jeff Vey, Manager; Devan Ambron, Assistant Manager/Secretary/Treasurer; David Winkler, Public Works Director; Gregg Kravitsky, Zoning Officer; Pete Andersen, Penonni Engineering; and Kate Harper, Timoney Knox.

**Public Comment on Non-Agenda Items:**

Mr. Glen Weiss of Scheetz Church Road stated the Zoning Hearing Board granted the requested relief to Mr. Willauer, 2000 John Fries Highway, in June of 2023. The relief was subject to 6 conditions with condition 4 being the upmost important. A stormwater plan is required to be submitted to Milford Township for review and approval by the Township and its professional engineer. The applicant is to comply with and satisfy any review comments or requirements of the Township relative to the Stormwater Plan, and therefore construct and install stormwater management controls and make other related improvements to the property to control stormwater substantially in accordance with the plans submitted. Mr. Weiss stated the Milford Township Planning Commission recommended approval the waiver of Land Development request on August 30, 2023 with the approval hinged on stormwater management. Mr. Weiss further stated the Township has inherited the obligation to ensure the basis of approval is met. Mr. Weiss said he is asking the Board of Supervisors to follow up and see that Mr. Willauer is held to the task of installing stormwater management controls. Mr. Kravitsky stated he spoke to Mr. Willauer on January 9, 2024 and he stated he has consulted a contractor and the construction of the stormwater controls should be installed late spring, early summer as it is more conducive for earth disturbance.

Mr. Robert McLain of Angstadt Road stated there is a lot of heavy equipment and construction taking place on private residential property at the intersection of Angstadt and Erdman Road. Mr. Kravitsky stated the property owner is building a pole barn which is permitted. Mr. McLain asked if Milford Township accepted any American Rescue Plan funds and if so if the Township is still using them. Mr. Vey stated yes, funds were accepted and are still being used and will be extinguished at the end of 2023. Mr. McLain stated he had sent information regarding Agenda 2030 and asked if the Board of Supervisors had reviewed it. Mr. Strunk stated he has not.

Mr. Robert Smith of Hill Crest Road stated Foulkes Mill Road was to be closed for 6-days and asked if there was any insight on to when the road would be opened as it is now months later. Mr. Andersen stated there has been a series of problems with the biggest conflict being the storm sewer. There is pending litigation with other properties, and he thinks the reopening could possibly be late spring. Mr. Smith said the Township has issues with the way it is designed, and the township residents have a problem not being able to use the road for the past 60 days. Mr. Vey stated no permits are currently being issued, once 15 permits were issued certain improvements were required to be completed. Mr. Smith asked if they could be fined for holding up the project. Mrs. Harper stated an easement is required from one property owner and that has not been obtained at this time, which is the cause of the delay. The road widening is to be done at one time and there are certain times of the year when paving can be done, and now is not one of those times. Mrs. Harper said by holding the permits we are telling them to get the road done. Mr. Smith said there are other areas where they pave throughout the winter and the road should be open. Mr. Andersen said the road is to be widened which requires the right-of-way and easements.

**Approval of Minutes:** Mr. Strunk made a **MOTION** to approval the December 5, 2023, January 2, 2024, and January 9, 2024 Minutes. The motion was seconded by Mr. Haberle and passed unanimously.

**Financial Report:** Having reviewed the current bills list, Mr. Strunk made a **MOTION** to approve the invoices for payment, along with the Treasure's Report of December 31, 2023. Mr. Haberle seconded the motion. The motion passed unanimously.

Mr. Vey reported the General Fund Account held at Univest Bank was compromised following the theft of a check. Mr. Vey stated authorization is needed to close the compromised account and open a new.

Mr. Strunk made a **MOTION** to authorize the closing of the General Fund account held at Univest Bank and the opening of a new account. Mr. Haberle seconded the motion. The motion passed unanimously.

**Public Hearing: Intermunicipal Liquor License Transfer.** Top Star Express, 2030 John Fires Highway, TMP No. 23-010-098. Mr. David Berger of Norris McLaughlin was in attendance to present on behalf of the applicant, Megan Cardine, Top-Star Express Inc. At this time Ms. Cardine was sworn in as a witness. Mrs. Harper marked into evidence T1-proof of publication of notice of hearing for an Intermunicipal Liquor License Transfer from G.W. Quigley LLC, 18 W. State Street, Doylestown to Top-Star Inc., 2030 John Fries Highway, Quakertown. Mr. Berger, attorney for applicant, stated the liquor license is a Bucks County license while not held in Milford Township. If the number of existing licenses in the receiving municipality exceeds one license per 3,000 inhabitants, then the applicant must acquire approval from the governing body of the receiving municipality. There are 4 other liquor licenses in the Township, and all are active and not for sale. That is why an Intermunicipal Liquor License Transfer has been requested. The applicant is looking to transfer the license to an existing convenience store and gas station in the district, with the intent to add convenience for take-out beer and wine. Wine requires a special permit. There are 7 other Top-Star locations with this license, this would be the 8<sup>th</sup>. The other locations have not received citations from the Liquor Control Board and have been operating quite well with no issues. There are 4 total licenses in Milford Township, limited distillery, a club, a golf course and a hotel. As part of the license there will not be any enlargement of the building only interior renovations. Two registers are required, one to sell items that are unlicensed and one strictly for alcohol. The business operates 7-days a week, Monday thru Saturday from 6:00 a.m. to 10:00 p.m. and Sunday from 7:00 a.m. to 10:00 p.m. Pursuant to the liquor code there is an hour Monday thru Saturday that alcohol cannot be sold, 6:00 a.m. Most beverages are stored in coolers that can be locked. On Sunday, alcohol cannot be sold until 9:00 a.m. There are 15 cameras located on site, 13 inside and 2 outside. The cameras cover the entire store including the registers. Instructions are provided to employees on responsible alcohol management. They learn to ID everyone. If anyone is visibly intoxicated or in a state, they are turned away. Mr. Berger stated the last thing to note, while we would love to restrict on premise consumption, we cannot by law. If someone wants to drink on premises, they cannot be turned away but can be limited to one beverage. Mr. Berger said the last point is in regard to the interior reconfiguration. The liquor code started allowing convenience and groceries to sell beer and wine. A license was not made for this use, an applicant would need to go out and purchase a restaurant license which requires on site seating and food for 30. Seating will need to be configured which is more of an annoyance than anything else as we will not see anyone utilizing the seating. There is no detriment on parking or traffic. Mr. Berger stated at this time he would like the witness to put on record that everything stated is true and correct. Ms. Cardine stated everything is true and correct.

Mrs. Harper asked the Board if they had any questions. Hearing none, Mrs. Harper asked the public if they had any question, hearing none the hearing was closed at 7:28 p.m.

Mr. Strunk made a **MOTION** to approve **Resolution No. 2024-08**, Approving the request of Top-Star Inc. to transfer Liquor License No. R-15467. Mr. Haberle seconded the motion. The motion passed unanimously.

**Proposed Zoning Ordinance Amendment.** Section 404 B6.a.5. Performance Standard Subdivision and Section 529 Exceptions to Building Height. Mrs. Harper opened the hearing and marked exhibits T-1, legal advertisement, and T-2 copy of the proposed amendment. The hearing was closed and will be reopened on a date certain.

Mr. Strunk made a **MOTION** to postpone the Public Hearing for the Proposed Zoning Ordinance Amendment to March 5, 2024. The motion was seconded by Haberle and passed unanimously.

**Subdivision/Land Development:**

**Celerity, Waiver of Land Development, 3500 AM Drive, 23-002-150.** Mr. Gary Parzych and Mr. Brian Leight, owner of Celerity, were in attendance to present the requested Waiver of Land Development. Mr. Parzych stated the plan outlines the proposed addition. The plan was part of a previously approved Land Development Plan some years back. Mr. Leight is ready to move forward with the expansion as additional space is needed for inventory. Mr. Leight stated it has been 10-years since the building was constructed and since then business has doubled and they are out of space for warehousing. Mr. Andersen stated this is more of a question for the solicitor. The plan was approved in 2009 and showed the proposed addition as a future expansion. The approved plan took into account the impervious surface and stormwater. Mrs. Harper said to summarize, the plan proposing the improvement was previously approved and it is appropriate to grant a waiver of land development. Mrs. Harper stated per documentation it appears required funds have been received as well.

Mr. Strunk made a **MOTION** to approve the Waiver of Land Development for Celerity, 3500 AM Drive, TMP No. 23-002-150. The motion was seconded by Mr. Haberle and passed unanimously.

**Fornwalt Tract, Preliminary Plan of Minor Subdivision, 2030 Bleam Road, TMP No. 23-010-103.** Ms. Estelle Eberhardt of Irick, Eberhardt, & Mientus, Inc. was in attendance to present the proposed Minor Subdivision. The applicant proposes to subdivide the parcel into two lots. Lot one being approximately 10.2 acres containing the existing dwelling and accessory structures. Lot two is proposed to be approximately 5.8 acres and would be improved with a single-family dwelling and garage. Both lots are served by on lot wells and septic. Ms. Eberhardt stated she is in receipt of the Pennoni review letter dated January 11, 2024 and Bucks County Planning Commission review letter dated January 19, 2024. The comments found in both review letters are will comply. The applicant has requested several waivers. Mrs. Eberhardt stated the Milford Township Planning Commission recommended approval of the plan and requested waivers at last week's meeting. Mrs. Harper noted she provided Ms. Eberhardt with a draft Resolution to review which calls for deed restriction and a conservation easement. Mr. Strunk stated a Bog Turtle study was done and requested a copy of the study. Ms. Eberhardt stated they will supply the study. A discussion was had regarding the requested waiver from SALDO Section 511.a.1, which requires an erosion and sedimentation and control plan be approved by the Bucks County Conservation District and funded prior to Plan approval. Ms. Eberhardt stated a waiver is requested to defer submission to the Conservation District at building permit time. Mr. Andersen noted this is to avoid an NPDES permit. Disturbance will be separated between the lots which results in less than an acre of disturbance. Approval will still be needed for soil and erosion. Mr. Andersen stated he has no objections to the waiver request. A waiver is also

requested from SALDO Section 701.c & 701.e, which requires the submission of a Site Context Map and an Existing Resource and Site Analysis Plan. Mr. Mininger asked if there were any other waivers being requested. Mrs. Harper noted waivers are requested from the requirement to install curbs, sidewalks, street trees, cartway widening, and the addition of submission of a Site Context Map and Existing Resources and Site Analysis Plan, and the deferment of submission of the erosion and sediment and control plan to the Bucks County Conservation District until building permit time. Ms. Eberhardt stated the applicant is agreeable to traffic impact fees, park and recreation fees, a conservation easement, and deed restriction of the property. Mrs. Harper will amend the Resolution to include the addition of SALDO Section 701.c and 701.e, and Section 511.a.1.

Mr. Haberle made a **MOTION** to approve **Resolution No. 2024-09** as amended, granting Preliminary/Final Plan Approval of the Minor Subdivision located at 2030 Bleam Road, TMP No. 23-010-103. The motion was seconded by Mr. Strunk and passed unanimously.

**Lot 4 Milford Industrial Commons, 400 Commerce Drive, TMP No. 23-010-168-004 & 23-010-168-008.** Preliminary Plan of Reverse Subdivision. Mr. Vey stated the site is located in the Arterial Corridor Overlay District which requires Conditional Use approval. More problematic is there is a subdivision like regulation in the Zoning Ordinance regarding width or driveways, which is measured at the street line. The belief is it already exceeds the permitted width, and a Special Exception from the Zoning Hearing Board will be needed. Mr. Andersen noted the ordinance is outdated. There are bigger trucks today trying to maneuver around these intersections that are too small. If it is felt the regulations are inappropriate there should be a change to the ordinance and the regulation be referenced in the Subdivision Land Development Ordinance. Mr. Andersen noted that a separate plan and application is necessary for a reverse subdivision which can run concurrent with the proposed Land Development Plan. The proposal was tabled at this time.

**Milford Village, Section 1W-Stonewall Village Apartments, John Fries Highway, TMP No. 23-010-175-001.** 262 apartments with improvements. The Milford Village Stonewall Village Apartment proposal was tabled.

**Moyer Milford Square, Preliminary Plan of Subdivision, 2060 Allentown Road, TMP No. 23-010-081.** 3-Lot subdivision in the VC-2 Zoning District. The Moyer Milford Square proposal was tabled.

#### **Other Business:**

**2024 Board of Elected Auditors Memo.** Mr. Vey reported the Elected Board of Auditors met on January 4, 2024 to set the compensation for working Supervisors. The compensation was set at \$26.00 per hour, which represents a 3% increase.

**Red Hill Band Contract.** Mr. Vey presented the contract for the Red Hill Band to perform as part of the Concerts in the Park series. There is no compensation for the appearance.

Mr. Strunk made a **MOTION** to approve the Red Hill Band 2024 Contract. The motion was seconded by Mr. Haberle and passed unanimously.

#### **Correspondence:**

**Plumstead Township Fire Police Assistance Request.** A request has been received from Plumstead Township for Fire Police units for the Plumsteadville Volunteer Fire Company Blaze of Glory Run on Saturday, March 23, 2024.

Mr. Haberle made a **MOTION** to approve the request for Fire Police Assistance at the Plumsteadville Volunteer Fire Company Blaze of Glory Rub being held on Saturday, March 23, 2024. Mr. Strunk seconded the motion. The motion passed unanimously.

**Bucks County Airport Authority Meeting Minutes.** Mr. Mininger stated there is nothing new to report and the December 13, 2023 Meeting Minutes of the Bucks County Airport Authority are available for review.

**Quakertown Area Planning Committee Minutes.** Mr. Vey presented the December 12, 2023 Quakertown Area Planning Committee Meeting Minutes. Discussed at the meeting was the Powell Preliminary Plan of Subdivision with a recommendation to endorse the Bucks County Planning Commission review. The Conditional Use Application of Roto Blaas was discussed along with a Sketch Plan of Land Development for VVRichland, LLC, for a proposed Flex Building Use.

**Milford Township Water Authority Meeting Minutes.** Mr. Vey reported the December 12, 2023 Minutes of the Milford Township Water Authority discuss routine business and financials. The minutes are available for review.

**Milford Trumbauersville Area Sewer Authority Meeting Minutes.** Mr. Vey stated the Milford Trumbauersville Area Sewer Authority Meeting Minutes of December 8, 2023 report the pad for the generator on Allentown Road has been installed. There was discussion on moving towards the updating of the 537 Plan.

### **Reports:**

**Code Enforcement Departmental Report.** Mr. Kravitsky presented the January 2024 Report. A total of 30 permits were issued in January: 12 residential renovation permits, 2 residential accessory permits, 2 commercial permits, 6 zoning permits, and 8 single family dwellings. A total of 6 Use & Occupancy permits were issued and 12 fire inspections were performed. No Zoning Hearing Board applications were received.

**Public Works Departmental Report.** Mr. Winkler presented the Public Works January 2024 Departmental Report. Mr. Winkler stated the Public Works Department was kept busy with clean up after storms with high winds. Four roads were closed because of downed wires and snapped poles. A gate was installed across Mill Road at the intersection of Hillcrest with an opening being left so walkers and bicycles can get through. Ditches were cleaned on Esten Road and below the basin on Sleepy Hollow Road. Salt was delivered from Cargill and the salt shed is full. The crew was out nine times to salt and one time to plow this month.

**Agricultural Security Area Meeting Minutes.** Mr. Vey presented the January 17, 2024 Agricultural Security Area Advisory Committee Meeting Minutes. A discussion was had on the benefits of the County AG Preservation programs, such as DCNR and C2P2. Also discussed was the development of more specific language via a township ordinance regarding agritainment. The ordinance would create a use category for agritainment uses such as farm stands, wedding venues, pumpkin patches, corn-mazes and the like. Discussion continued on Ag Leases for township owned open space. Length of leases and costs will be discussed. It was noted that deer management should follow the current PA Game Commissions rules and regulations.

**Trumbauersville Fire Company Report.** The Trumbauersville January 2024 Report and 2023 Year in Review Report is available for review.

**Milford Fire Company Report.** Chief Butler presented the January 2024 Milford Fire Company Report. A total of 31 calls were received. The County is 20-30% back up and running. Grants continue to be worked on and the new gear should be in soon. The Fire Company is looking to add new procedures for water and aircraft emergencies. The Fire Company is looking to update current pre plans for the township businesses. Chief Butler reported the year end reports have been distributed.

**Manager Report.** Mr. Vey stated in speaking with Mr. Andersen the watermain extension on Allentown Road is moving towards planning and a conversation has taken place with PennDOT regarding permitting.

**Escrow Release:**

**Chatham Creek, Millstone at Park Side, Foulkes Mill Road, TMP No. 23-010-145, Escrow Release #6.** Mr. Andersen stated he sees no issues preventing approval of the requested escrow release.

Mr. Strunk made a **MOTION** to approve the Chatham Creek, Millstone at Parkside Escrow Release #6 in the amount of \$14,040.00. Mr. Haberle seconded the motion. The motion passed unanimously.

**Rotenberger Subdivision, Milford Square Pike, TMP No. 23-010-172, Final Escrow Release.**

Mr. Strunk made a **MOTION** to approve the final escrow release for the Rotenberger Subdivision, TMP No. 23-010-172. The motion was seconded by Mr. Haberle and passed unanimously.

**Adjournment:** With there being no further business Mr. Strunk made a **MOTION** to adjourn the meeting of February 6, 2024 at 8:10 p.m. The motion was seconded by Mr. Haberle and passed unanimously.

**Executive Session:** At this time the Board of Supervisors met in executive session to discuss litigation.