

MINUTES
August 25, 2020
Milford Township Planning Commission Zoom Meeting
7:00 p.m.

A meeting of Milford Township Planning Board was called to order at 7:10 P.M. by Chairman Robert DiLorenzo through a Zoom call, the contact information for which had been advertised in advance in the Pike County Dispatch. Also present in this Zoom meeting were Kevin Stroyan (Vice-Chairman), Peggy Emanuel (Member), Ray Willis (Member), and Secretary Shahana Shamim.

Review of Meeting Minutes: Peggy Emanuel pointed out a minor mistake in the suggested minutes, and Mr. Ray Willis made a motion to accept those minutes with the incorporation of that correction. Peggy Emanuel seconded, and it passed unanimously.

DEPG – Santos’ Property informal presentation (continued): Members said that the Solicitor was not present, and hence they would prefer DEPG to continue with definitions. Mr. Doug Olmstead informed that he had checked with their Lawyer and determined that Municipalities would not be able to pass regulations, such as whether condos had to be owner occupied or not, and whether Municipalities could determine how many condominiums a single person could own in a building or a project. Mr. Stroyan inquired if the developer would be able to restrict the number of owner-occupied condominiums. Mr. Olmstead replied that the answer is most likely a ‘no’. He added that for the next Planning Board meeting, he would remove the phrase, “lots may be separated by a road(s) or a waterway”, as he forgot to remove this phrase, which the Planning Board had requested remove, from the development tract this time. He read out the definition of drive-through facility as, “A business establishment which provides a driveway approach for motor vehicles to serve patrons while in the motor vehicle. Said drive-through service may be in conjunction with, or exclusive of, any other form of service, including drive-through or conventional seating. This term shall not include a parking space or walk up window for a customer to pick up carry out orders that were made in advance”, and he said that this proposed definition would be applicable through the Municipality, and not just to the project under discussion. He added that McDonalds and banks were examples for this definition. Members said that they would think about this definition. Mr. Stroyan commented that the drive-through facility could be a Conditional Use, as this facility is commonly used in some businesses.

Mr. Olmstead read out definitions of Brewery Pub and Limited Distillery, and he said that these phrases were taken from State Codes. Mr. Stroyan inquired if the drive-through facility would be used along with these two definitions. Mr. Olmstead replied that picking up alcoholic beverages would end whenever the COVID-19 situation ends. Mr. Stroyan inquired if the drive-through facilities exclude selling alcohol. Mr. Olmstead replied that he could add the clause of prohibiting selling alcohol, marijuana, and firearms into the definition. He added that he would check with his lawyer about what needed to be added to the prohibited sale list. Mr. Willis added that selling these items could be added as a Conditional Use in the Zoning Ordinance. Mr. DiLorenzo said that the Customary Use needed to be thought about for the case of drive-through facilities, as these facilities are commonly used by fast food restaurants and banks. Mr. Willis added that drive-through is a customary use in food establishments, pharmacies, and banks. Mr.

Stroyan inquired if the “Brewery Pub” and “Limited Distillery” were state definitions. Mr. Olmstead replied ‘no’, and Mr. Stroyan asked him to provide state definitions for these facilities. Mr. Olmstead informed that he had reduced the square footage in the definition of the Convenience Store from 7,000 to 5,000, and he added phrases “with or without drive-through service” and “electric vehicle charging stations” into this definition. Mr. Stroyan commented that the national average for convenience stores was way less than 5,000 square feet. Mr. Olmstead replied that convenience stores are gradually becoming bigger these days. Mr. Stroyan asked him to provide documents for that. Mr. Olmstead added that Sheetz offers kiosks for ordering food, and there are even seating arrangements for dining. Mr. Stroyan inquired if that would change the definition of a convenience store. Members commented that the allowable weight of vehicles for the fueling stations looked too low, and they suggested that measurements could be done with lengths. Mr. Olmstead said that he would consult with some convenience stores, such as Turkey Hill and Wawa, to get guidance on the maximum size of trucks that would be able to park and charge.

Mr. Olmstead read out the proposed definition of Condominium Dwelling. Mr. DiLorenzo inquired how this definition would differ from that of a Townhouse. Mr. Olmstead replied that townhouses are vertical units with its own front and rear access, whereas condominiums are horizontal units. In the case of condominiums, there can be a corridor in the middle of the building, the fronts of these units are interior, and all floors can have a number of condominiums. Mr. DiLorenzo commented that this difference from Townhouses should be stated in the condominium definition. Mr. Stroyan commented that the definition of Condominium dwelling was probably made by using condominium use, and the land development, which was under discussion, was being geared towards condominium use. Mr. Olmstead said that the State has both Land Development Ordinance and the Condominium Act, and he would check with his attorney about how these two acts could be combined. Mr. Stroyan commented that the definition of Development Tract shows that there are separate lots, and that is probably how the concept of condominiums evolved. He added that these definitions needed more clarification. Mr. Olmstead asked Mr. DiLorenzo to take a look at the proposed definition of Community Sewage Disposal. He added that this definition was created by combining the Central Sewage Disposal and the On-lot Sewage Disposal. Mr. DiLorenzo replied that when a Sewage System goes to a number of dwelling units, it is called a Central On-lot Sewage, which can handle a whole development with 50 units. Mr. Stroyan added that that if the Community, which is being proposed, would not use the Municipal Central Sewage, then it needs to be clarified.

Conditional Use Hearing of Light up the Spectrum at 510 Route 6 & 209, Milford, PA 18337 - Natasha Ferousis: Ms. Ferousis said that she was planning to open her business for therapeutic purposes, but her business would be open to the public also. She added that her business would perform community support, recreational services, energy healing, and birthday parties. Mr. Stroyan said that the Conditional Use Hearing would give criteria and parameters for her business. Mr. Willis asked her to be ready with information such as how many people she would expect in her premise, and how large her largest event would be, so that Members would be able to ask specific questions. Mr. Stroyan asked her to write a narrative about how she would run her business and how the building and parking would be used, so that Members could clearly understand her business. He added that if she changes her mind after starting the business, then she would need to come back for another Conditional Use Hearing. He made a motion with the

agreement with her to continue this Hearing to the next meeting, Mr. Ray Willis seconded, and it passed unanimously.

Sewage Project: Mr. DiLorenzo commented that the Act 537 Plan was about 1,600 pages long, and it was too long for a Municipality that has only about 1,500 people. Mr. Stroyan commented that it is a joint Plan of Matamoras Borough, Westfall Township, and Milford Township. He continued that HRG correspondences, which were sent to Milford Township, showed that they were suggesting to adopt this Plan by a Resolution, not by Ordinance, and that would exclude the necessity to conduct a Hearing for adopting this Plan. Mr. DiLorenzo added that it implies that the Act 537 Plan is being requested to be adopted without notifying the public. Mr. Stroyan added that HRG had asked them to review this large draft Plan in 60 days, and the Planning Board would get only one more meeting within this time frame. He further added that HRG had asked to review only 400 pages, and that raises a question of why those 1,100 pages are even there. Mr. DiLorenzo said that Milford Township could opt out of this agreement, but it still would affect this Township. Mr. Stroyan said that the Planning Board needed somebody who was putting the Plan together. He suggested writing a formal letter to the Board of Supervisors to inform them about the Members' concern about the time frame being too short for reviewing such a large draft document, and to request an extension of this time frame. He continued that whether the Task Activity Report (TAR) had been done or approved needed to be discussed. The correspondence from HRG indicated that the Plan was sent to DEP and DRBC, and the portion of the draft that was updated needed to be known, as the most recent correspondence of HRG depicted that the Plan was updated.

Mr. Stroyan asked the Secretary to write a letter to the Supervisors stating that the TAR, which was the first step for updating the Act 537 Plan, needed to be done. He asked her to write that the Planning Board was concerned about the Act 537 Plan being adopted by a Resolution, and wanted to learn comments, which were incorporated into this draft of Act 537. He suggested a quorum of the Planning Board to be present in the next Supervisors' meeting, and to advertise this meeting as an extension to the Supervisors'. Mr. DiLorenzo added that he could suggest to the Supervisors to bring a representative from HRG. Mr. Stroyan made a motion to advertise this meeting to continue to the next Supervisors' meeting for clarifying the Planning Board's function in the Act 537 Plan. Ray Willis seconded the motion, and it passed unanimously.

Water Shed Protection Plan: Mr. Stroyan informed that he was still collecting information, such as sample ordinances, for this Plan.

CDI L.R. Kimble Correspondence: Mr. DiLorenzo explained that this company was working on the roads and 84, and they are obligated to notify surrounding Municipalities whenever they do such work.

Comprehensive Plan: Mr. Stroyan informed that he had contacted Westfall Township. He continued that both Municipalities understand that the State funding would be available if a Joint Comprehensive Plan is made, and he was waiting to hear back from that Township. A training session could be held with Mr. Ted Ritsick, the State Planner, in the October Planning Board workshop, which would need to be advertised. Mr. Stroyan also informed that Mr. Tom Shepstone had received some responses for the online Comprehensive Plan survey.

Emergency Management Plan: Peggy Emanuel informed that Gary Williams had given her a list of equipment that this Township has. She continued that she had contacted T.C. Energy, who has the Compressor Station in Fire Tower Road, learned that they were working on the emergency evacuation plan, and would hand a copy to her when they finish. Milford Borough's plan would be used as the template, and necessary changes would be incorporated for Milford Township.

Mr. Stroyan asked the Secretary to take Member attendance at the beginning of each meeting. He made a motion to continue this meeting to the next Supervisors' meeting of September 8, 2020 just for the purpose of clarifying the Planning Board's role in the Act 537 Plan, Peggy Emanuel seconded, and it passed unanimously. Mr. DiLorenzo added that this Township could be an assist for emergencies by providing equipment and using the office as the command center.

Public Participation/Discussions

None

There was no other business or executive session needed, so at 9:05 P.M., Mr. DiLorenzo made a motion to continue the meeting to the next meeting of Supervisors.

Continuation to the Supervisors' Meeting of September 8, 2020 at 7:00 P.M.:

Penney commented that the updated portion of the Act 537 Plan Draft showed that the OLDS Act was modified by Milford Borough. Rachel added that the updated portion also stated that the wrong Comprehensive Plan was added in the previous draft. Penney added that the OLDS Act this time included that it would be a five year -long study instead of implementing something. Rachel commented that the correspondence from HRG indicated that the Planning Commission was getting only 60 days and the Supervisors were getting only 30 days to review and comment on this Draft. She continued that HRG had also asked to approve this Draft through a Resolution, which would eliminate the need for a public hearing. While adopting this Draft through a resolution is easier and faster, and the pandemic allows us to allow only 25 people in a room, HRG does not have the right to say that this draft had to be adopted without a public hearing. Mr. DiLorenzo added that this draft is 1,600 pages long, which is too long for a Municipality which has only about 1,500 people. Penney commented that Zoning Ordinances of all four Municipalities were added into that draft, and that is why the Draft looks so big.

Mr. Stroyan commented that the Act 537 Plan needed to be approved by the DEP before the Township could adopt it. He continued that the correspondences from HRG indicated that DEP had been asking for a meeting between the Delaware River Basin Commission, DEP, and all of the stakeholders since November of 2019, and this meeting had never been held. The time frame of 60 days, which was quite short for reviewing a 1,600 page-long Draft, was set by the Engineers. He suggested having Mr. Matthew Roberts, who was probably doing the work, in Planning Board workshops to answer questions. Rachel added that Planning Commission discusses Zoning Amendment Proposals from DEPG and other applications in their regular meetings, and hence sixty days won't be sufficient even if they use workshops to discuss this long Draft. Mr. Stroyan added that this Act 537 was for the entire Municipality, not just for the Sewer pipe, which is just a pass-through for this Township, and hence a resolution was not a proper way to adopt this draft. The Solicitor reminded that the OLDS Ordinance included that it

would be a five-year long study. Rachel Hendricks made a motion to send a letter back to HRG stating that the Planning Commission and the Board of Supervisors of Milford Township want to go forward with the adoption of Act 537 Plan through an Ordinance, which requires public hearings. She continued that workshops would be added for reviewing this draft plan, some updates might need to be made, and then the Township would communicate with HRG within the next 45 days. Penney seconded this motion, and it passed unanimously.

Penney commented that a large portion of the Act 537 Plan constituted Zoning Ordinances of other Municipalities, and hence not reviewing those portions might make this job lighter. Peggy commented that Milford Township might be mentioned in adjoining Municipalities' Zoning Ordinances. Mr. Stroyan offered to do the footwork of getting a similar Regional Act 537 Plan for Mr. Matthew Roberts, as he thought including other Municipalities' ordinances into this Plan was not necessary

Respectfully,

Shahana Shamim

Secretary