

MINUTES
June 2, 2021
Milford Township Planning Commission Zoom Workshop
7:00 p.m.

A workshop of Milford Township Planning Board was called to order at 7:00 P.M. by Chairman Robert DiLorenzo through a Zoom call, the contact information for which had been advertised in advance in the Pocono Record. Also present in this Zoom workshop were Solicitor Thomas Farley, Members Kevin Stroyan (Vice-Chairman), Ray Willis, Patrick McCarthy, Peggy Emanuel, and Secretary Shahana Shamim.

Mr. DiLorenzo said that the meeting was being recorded. He commented that the minutes of May 25, 2021 were submitted to the Members, who suggested a minor correction to those minutes. Mr. Stroyan said that the updated minutes would be approved at the next meeting.

Mr. Farley informed the Members that the Secretary had drafted a letter to inform Mr. Quick about the documents that would be required to make the application complete. He added that he had added “Restrictive covenants would need to be included in the new deeds” to that draft.

Water Shed Protection Plan (prioritized by the Board of Supervisors) - Zoning map – process for making it official: Mr. Shepstone said that there was a meeting with the Water Authority a couple of weeks ago which a number of Members had attended. He added that some useful suggestions were made at that meeting, and he had made a clean and concise ordinance from considering all those suggestions. He explained that he had added the area of the watershed into this ordinance, and he had specified Zone 1 and 2 to be 400-foot and 1,000-foot buffers respectively. Zone 3 would be the map area, which is included in the Sawkill Creek Stormwater Management Plan. Zone 1 would be the strictest area, where all uses will be prohibited, whereas Zones 2 and 3 would be less strict. Some uses would be outright prohibited, and some uses would be under the conditional use, as those uses can have potential impacts on the water shed. Golf courses and used car shops are examples of these uses, since these businesses use a lot of pesticides and fuel drainage respectively, and hence these businesses should not be in the 400’ and 1000’ radius area of the water shed. He had added a regulated land use, which included a schedule of prohibited and “permitted by conditional use approval” land uses. A list of hazardous substances for non-residential uses was added, and it prohibited storing 55 gallons or more. Applicants will have to submit Spill prevention plans, and the two exceptions would be construction activities, land developments, and permanent residential uses that utilize 55 gallons of hazardous materials or less. He added that the County will be able to generate a more understandable map, and the Solicitor would have to review the plan before it is done.

Mr. DiLorenzo pointed out that this document prohibited on-site floor drains in all three zones. He added that carwashes have floor drains, and water goes into a contained system, which is pumped and recycled. Mr. Shepstone replied that some cheese processing plants use floor drains for every 200 square feet, but he would consider this point. Mr. DiLorenzo said that the schedule “aboveground storage tanks, except propane tanks for on-site use and residential home

heating oil tanks located within a structure” was confusing. Mr. Stroyan added that propane was not added in the list of hazardous substances. Mr. Shepstone said that he would consider that matter also.

The Solicitor suggested changing the “shall apply irrespective of other sections of this Code” to “shall supersede that conflict with other sections of this Code” in the “Applicability” section of 426.4. He said that leaking 55 gallons of hazardous substances would cause significant damage to the water. He suggested putting higher standards on them. Mr. Stroyan added that going below 55 gallons would be difficult to enforce. Mr. DiLorenzo and the Solicitor suggested adding a secondary containment for 55 gallons of hazardous substances. Mr. Shepstone said that he would limit it to 35 gallons and add putting a secondary containment for the 55-gallon limit. The Solicitor added that some chemicals might be missing in the prohibited substance storage. Mr. Shepstone added that the Township could be allowed to add other substances to that list. Mr. Stroyan suggested adding other prohibited substances in the conditional use procedures.

Mr. Stroyan commented that section B of 426.6 (uses permitted by conditional use approval) stated that applicants would have to demonstrate not causing degradation of the groundwater quality, and he inquired how the applicant would demonstrate that. Mr. Shepstone replied that the way of demonstration should not be too specific, and the Township would be the judge to ensure if the applicant was able to demonstrate it or not. Mr. DiLorenzo added that the gravity fed sewage lines usually do not leak until the pipes are broken, whereas leaks can happen in pressure sewage systems. Mr. Shepstone replied that the Engineer’s review would be required. Mr. Stroyan commented that the schedule stated that the sewer lines must be double sleeved, and he inquired if it was clear that there were no existing sewer lines at that time. He added that this Township already has a couple of community systems, and those should not be asked to make double sleeves. Mr. Shepstone replied that the non-conformance of the zoning ordinance could be used for these existing community systems. Rachel Hendricks said that the schedule section should clearly state that the double sleeve would be required for sanitary sewer lines, as the Wheatfield well is being looked at, and a plan for a Central Sewage System, which would run through that area and will only be three acres away from that well, is already in place.

Rachel said that a gas line passes through Econo-Pak, and she inquired if the township would be able to control the gas pipelines. Mr. Shepstone said “no”, and the Solicitor added that gas pipelines are controlled by the federal government. Rachel said that if that is the case then the use, “Oil, gasoline, or hazardous material pipelines” should not exist in the schedule list. Mr. Shepstone replied that that item could mean running an extension from a pipeline. The Solicitor suggested defining the item clearly. Faith Zerbe from Delaware Riverkeeper Network commented that Chester County was working on controlling gas pipelines at the Municipal level, and she would be able to make the Planning Board communicate with them.

Rachel said that Milford Township, where some community wells already exist, is bordered by a lot of other Municipalities, and she inquired if these provisions would apply to the same distances to the other side of the boundary. Mr. DiLorenzo added that these provisions hold

for sewages. Mr. Shepstone added that it would be a policy question, but he would consider it. Rachel added that that policy needed to be spelled out. She said that a property could be occupied by one of the uses of the schedule list, then a well might get constructed at close proximity, and that had happened with Wheatfield and Econo-Pak, as a community well had previously existed in Wheatfield. She inquired if the Township would be able to direct the community about where the well should be so that it could lessen the impact on the neighboring properties. She added that Sawkill Business Center, whose tenants might change, is another example of this case. Mr. Shepstone replied that non-conforming provisions would apply in these cases. Mr. DiLorenzo said that the conditional use would have to be reviewed, and the applicant would have to prove to the Township that their proposed well would not cause any nuisance. He added that if the Township tells the applicants where to drill for the well, and a dry well shows up, then the Township would be liable. The Solicitor added that these properties should hold non-conforming use certificates.

Mr. Stroyan inquired if the study that Milford Water Authority had done was referenced in the document. Mr. Shepstone replied that the map was taken from that study. Mr. Stroyan inquired if the Water Authority's study could be listed in the ordinance, and Mr. Shepstone said 'yes'. The Secretary confirmed that the joint workshop of June 14 with the Water Authority was advertised. Mr. Stroyan added that Mr. Shepstone's amendment would be ready by then, it would be discussed at this joint workshop, and then it would be taken to the Board of Supervisors.

Mr. Ed Gragert inquired if this ordinance would be available to the public, so that they could comment on it. Mr. DiLorenzo replied that there would be a public hearing for adopting this ordinance, and hence it would certainly be available to the public. Faith Zerbe from Delaware Riverkeeper Network said that the Section 27 of Article one is new and current, states duties and obligations, and is a tool that a lot of Municipalities had been using to protect their residents. She suggested incorporating it into the plan. Mr. Shepstone said that it is a foundational piece of the Pennsylvania Constitution, it is a whole new area of public policy, and he does not implement policies. The Solicitor said that he would look at that constitution.

Mr. Stroyan suggested that he and Mr. DiLorenzo could meet to update the Zoning map, that way a quorum won't form, and then they could forward the updated map to other Members. The Solicitor confirmed that that would be fine. Mr. Shepstone suggested taking that map to the County, as that would not cost anything. Mr. Stroyan added that the Board would ask the County for the water shed overlay map. Mr. Shepstone added that the County would make the map available on their website, the map could be posted in the Township's website, and hard copies could be printed out. Mr. DiLorenzo added that both Zoning maps (owned by the Township and the County) should be looked at side by side, as those maps have different colors for zones.

Emergency Management Plan: Ms. Emanuel said that the Secretary had printed out the Emergency Management Plan, which had about 80 pages. Mr. DiLorenzo added that that plan was for the whole County, and the portions that pertained to Milford Township needed to be looked at. He added that the Township should have a printed copy on file. Ms. Emanuel added

that she would highlight the portions that pertain to Milford Township so that those could be discussed later. Mr. DiLorenzo added that he would talk to Chuck for the Emergency Evacuation Plan. He further added that both Pennsylvania and Pike County were doing well with Coronavirus cases.

Sewage Project – Draft of Act 537 Plan: Ms. Emanuel said that Supervisors had already signed this draft. Mr. Stroyan said that this item will continue to be on the agenda, as the DEP comment period is still there, and this Board would be able to comment whenever those comments arrive.

Public Participation:

Fred Weber thanked the Board for proactively discussing the Wellhead Protection Plan, which is a serious issue. He inquired what the stage of Econo-Pak expansion was, as this expansion had appeared in this discussion. Mr. DiLorenzo replied that Econo-Pak’s proposed addition was going towards the opposite direction from the wellhead, and nothing was approved for them as of then. The Solicitor added that Econo-Pak had granted a 45-day extension. Mr. Stroyan added that their application was being revamped from the comments of the Planning Board and the Engineer, and this Board would have to see their updated plan. Mr. Weber inquired if Econo-Pak’s proposed addition was exceeding the allowed lot coverage, and Mr. DiLorenzo replied that Econo-Pak was working on that issue.

The Secretary said that the plan submittal verification portion of Mr. Don Quick’s lot improvement application needed to be filled out. Mr. DiLorenzo said that the Zoning Officer will confirm if that application is complete or not, and then the Zoning Officer would have to fill that portion.

There was no other business or executive session needed, so at 8:03 P.M., Mr. Stroyan made a motion to adjourn the meeting, Ms. Emanuel seconded, and it passed unanimously.

Respectfully,

Shahana Shamim

Secretary