

MINUTES
July 27, 2021
Milford Township Planning Commission Hybrid Meeting
560 Rt. 6 & 209
7:00 p.m.

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

Review of July 7, 2021 Meeting Minutes: Mr. Stroyan suggested some minor corrections to the minutes. Ms. Emanuel made a motion to accept the minutes with those corrections, Mr. Stroyan seconded, and it passed.

Water Shed Protection Plan (prioritized by the Board of Supervisors): Mr. Stroyan said that many chemicals can be harmful for the water, and he inquired how unforeseen harmful chemicals could be added to this plan. Mr. Shepstone said that Supervisors would be able to add those through resolutions. Mr. Stroyan inquired if those resolutions could be done during the application process, and the Solicitor said that applicants might argue that they had applied before the ordinance change. He added that catching all harmful chemicals is not possible. Mr. Shepstone added that it would have to be considered on a case-by-case basis. The Solicitor suggested adding “any other chemicals that the Supervisors or the Planning Commission deem to be hazardous to the water” in-between # 4 and 5 under 426.7 (A). Mr. Stroyan said that the Zones A, B, and C worked very well. He added that a map that would locate the wellheads so that those could be differentiated from the aquifer could be added to this ordinance, and that would help to mitigate the confusion of the zones.

Mr. Dibiasi commented that comments from DRN, Charlie Shmehl’s ordinance, Pinchot family letter, and other ordinances, were not incorporated into the wellhead ordinance, which was currently posted on the website. Mr. Stroyan replied that everything that he had sent to the Township was under this Board’s consideration. Mr. Dibiasi asked why manufacturing activities in all zones and specially on sites of the springs were being allowed. Mr. Shepstone replied that this ordinance is a part of the zoning ordinance, manufacturing activities already exist in this area, and a lot of manufacturing activities, such as, woodcraft material manufacturing, do not impact the water much. He added that the existing manufacturing activities may need to expand, and Rachel Hendricks had pointed that out in the joint workshop of Milford Water Authority. Mr. Weber inquired if that implied that manufacturing companies that would impact the water supply could be allowed. The Solicitor said that the ordinance does include the list of hazardous materials that won’t be allowed. He added that the Planning Board will make their recommendation to the Board of Supervisors, which will review this ordinance, tweak, change, modify, and then it will be put up for the actual hearing.

Mr. Stroyan said that there was still an issue in understanding the Zones. He added that Econo-Pak is right next to the other wellhead, it cannot be precluded from doing their business or a potential expansion, and both circumstances are being covered. Mr. Dibiasi said that it should

be backwards, there should be an exception or an allowance for Econo-Pak, and the Zone around the springs should be tightened. He added that there are Zones A, B, and C on the wellhead, and manufacturing is being allowed in that 400 feet of Zone A. He inquired why oil, gasoline, and hazardous material pipelines were being allowed in Zone B, which is between 400' and 1,000' from the wellhead. He further added that pretty much everything was being allowed in Zone C, and he inquired where the restriction was. Mr. Stroyan said that those were conditional uses, and not permitted uses. Mr. Willis added that conditional uses require developers to come to the Board, which sets the conditions when applications are made. Mr. Dibiasi said that it was time to strengthen the conditions. Mr. Stroyan inquired if he wanted the Board to preclude any type of businesses. Mr. Dibiasi said that Gidding's delineated aquifer did not show in the ordinance, and the Gidding's study is replaced by a Developer hydrology study.

Mr. Shepstone said that both the watershed and certain wellheads are being dealt with. He continued that the Sawkill study identifies two zones, the Gidding's area and the outside area, which are consolidated in this ordinance, and higher standards are being applied to everything in the interior circle. This ordinance is very similar to DEP's ordinance and Dingman Township's ordinance. Developers are not being allowed to build but to challenge, and everybody has the right to challenge. Mr. Dibiasi said that Zoning should be used to protect the springs, and zoning is not being used to protect the springs. He added that challenges to the zoning are being allowed by permitting some uses, which shouldn't be in the Gidding's delineated area. The Solicitor said that there are no permitted uses, which is different than the conditional use, and the Planning Commission and the Board of Supervisors add conditions on projects. He added that the Water Authority is satisfied with this ordinance.

Mr. Dibiasi inquired if Mr. Shepstone was working on the Comprehensive Plan for this Township. Mr. Stroyan said 'yes', and added that Supervisors had asked to update this Plan, which needed to be reviewed on a regular basis. Mr. Shepstone added that all correspondences that were sent were read, and Doug Manion's comments were seriously considered. The Solicitor added that he himself and Mr. Shepstone are hired to provide legal and professional advice respectively, and they don't vote. Mr. Dibiasi said that if Mr. Shepstone didn't agree with the Water Authority on any points, then those should be made public. Mr. Shepstone replied that he did not disagree with the Water Authority's opinions, and the ordinance under discussion was quite similar to that of the Water Authority's. He added that he had disagreed with the hydrogeology definition of the protection area, as the protection area is consistent with DEP.

Mr. Stroyan said that several years ago, the Board of Supervisors, was approached to do a water protection ordinance. He continued that new Supervisors came in, and asked the Planning Board to work on this ordinance to protect the watershed. It's important to be aware of the fact that this Board has to present something palatable to the Board of Supervisors, which will adopt what is effective for all properties. This Board had worked very hard over the last several months to craft something that would be palatable to the Supervisors, and would be happy to work with Water Authority, Mr. Dibiasi, and Pinchot family. This Board can suggest something that the Supervisors won't approve, and that would be a waste of time. Mr. Shepstone agreed with him by commenting that something that works for everybody has to be crafted. The Solicitor also agreed by adding that an ordinance, which prohibits businesses that are already in existence, cannot be adopted. He further added that what's on the ground and what's realistic have to be adjusted. Mr. Willis said that the extra line that the Solicitor had suggested needed to be added before voting to forward to the Board of Supervisors. Mr. Stroyan made a motion to continue the

discussion to the following workshop so that Mr. Shepstone could complete the extra language that the Solicitor had suggested, Mr. Willis seconded, and it passed unanimously.

UGI Utilities, Inc. – Review for Conditional Use: Jason Buchta and Tom Happel said that they were there to request a conditional use hearing. They explained that Supervisors had approved this same project back in March of 2020, those conditions were added in the plan (dated May 6, 2021), which they had submitted in June of 2021, and the changes were pretty minor. Mr. Stroyan read out their approved conditions as follows:

1. Energy Services and Tennessee Gas will be notified about all the changes that will be made.
2. One building, which has weed growing out of it, will be removed.
3. The other building will be updated with painting and power-wash.
4. There will be no spill over lighting off of the premises.
5. Only building materials will be stored in the storage area.
6. Those storage materials will not remain in the storage area for more than 60 days.
7. Privacy slats will be installed on the side yards and the rear yard on a chain link fence.
8. A landscaping plan will be developed for the front of the building to the satisfaction of the Supervisors.
9. The spoil area will be cleaned out on a monthly basis.
10. The material area will be cleaned every other month.
11. All chemicals will be stored inside the building.
12. Letter of adequacy from Pike County Conservation District and the highway permit.
13. Any other State and Federal Regulations that may apply.

The representatives explained that the letter of intent that they had sent included changes of the plan, and the reasoning for the conditional use request. The construction estimates of the previous design had come out higher than feasible and scaling back a little bit was required. Mr. Stroyan added that there were eight items in the list of changes that they had submitted, and those were reduction of the pavement area, removal of concrete apron and retaining bins, four feet expansion of the building, replacing concrete curb by rolled asphaltic curbing, not having the mechanical gate, change of electrical service, water supply remaining in the private well, and a shifting of underground infiltration bed. He added that a change in the infiltration bed would require soil testing and a sewage permit. Mr. Happel said that it was still the same design and size as it was before, and it would be shifted by four feet only. Mr. Ray Willis made a motion to recommend this conditional use application to the Board of Supervisors, Ms. Emanuel seconded, and it passed unanimously.

CDM Smith Notification – Milford Water Main Replacement and WTP System Upgrade: Mr. Stroyan said that CDM Smith needed an acknowledgement of their notification from the Board of Supervisors, and that was probably a part of their funding process. He added that the Department of Agriculture usually funds their projects. He further added that a representative from the Water Authority had attended the Supervisors' meeting to answer the Supervisors' questions. The Solicitor said that he had the letter of July 7, 2021 for the water system improvements, and that letter had stated that they intended to coordinate with the Zoning and Building process. The Secretary said that the Supervisors had asked her to forward this

notification to the Engineer and to the Zoning Officer, as the notification letter included some questions that needed to be answered. She added that she had sent the notification to these officials, and she hadn't received any responses as of then. Mr. Stroyan asked the Secretary to table this item at the upcoming workshop.

Extension Letter to Econo-Pak: Mr. Stroyan said that the Solicitor had drafted a letter for sending to the Engineer of Econo-Pak, and he suggested copying this letter to the owner of Econo-Pak, as Mr. Fuller may not be continuing his service to Econo-Pak anymore. He continued that Mr. Fuller was the one who had asked for the extension, the extended time would expire before the next official Planning Board meeting, and no actions can be taken at workshops. If the time runs out, then there would be a deemed approval situation. The Solicitor said that the letter needed to be hand delivered to Mr. Fuller and the owner the following day, a special meeting needed to be scheduled for Friday, August 6th, 2021, and if they respond to this letter, then they can be granted another extension in that special meeting. The Secretary added that a representative of Econo-Pak had told her that they would be back, but they never did. Mr. Stroyan made a motion for the Secretary to advertise for a special meeting for Friday 6th, 2021 at 5:00 P.M. for the sole purpose of dealing with the application of Econo-Pak, and to hand deliver the letter to both offices of Econo-Pak and Mr. Fuller the following day, which would be July 28, 2021. Ray Willis seconded the motion, and it passed unanimously. The Solicitor said that he would add update the letter by adding that if they don't respond to this letter, then there would be a hearing on the 6th to reject the application. He added that he would forward the updated letter to the Secretary the next morning.

Making the Zoning map official: Mr. Stroyan said that Mr. DiLorenzo, who had some information about this map, was not present at the meeting, and he asked this item to be placed at the next workshop.

Emergency Management Plan: Ms. Emanuel said that she was working on Pike County's Hazard Mitigation Plan worksheets. Mr. Stroyan said the County has to revise their Hazard Mitigation Plan every after five years, and this Township had chosen to participate in that. He thanked Rachel and Ms. Emanuel for working these worksheets.

Sewage Project – Draft of Act 537 Plan: Mr. Stroyan said that this item would remain in the agenda, as some discussions might be needed in the future.

Public Participation/Discussions

Mr. Stroyan asked the Secretary if the issues in Mr. Quick's application had been resolved. The Secretary said that Supervisors had added two more conditions into Mr. Quick's plan, and he will bring his updated plans to the Township for signatures. The Solicitor said that he would continue attending the meeting through zoom, as he has Lackawaxen Township meeting at 6:00 P.M, and it's an hours drive for him to this Township. Members said that that would be fine. Mr. Weber commented that he was quite comfortable with the conditional uses of the Wellhead Ordinance that was being crafted and the language that the Solicitor had just added to it.

There was no other business or executive session needed, so at 8:22 P.M., Mr. Willis made a motion to adjourn the meeting, Ms. Emanuel seconded, and it passed unanimously.

Respectfully,

Shahana Shamim

Secretary