

MINUTES
July 7, 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 Chairman Robert DiLorenzo 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 Kevin Stroyan (Vice-Chairman) (present in person), Patrick McCarthy (through Zoom), Peggy Emanuel (through Zoom), Solicitor Thomas Farley (through Zoom), and Secretary Shahana Shamim (in person).

Mr. Stroyan made a motion to approve the minutes of May 25, 2021 meeting, Peggy Emanuel seconded, and it passed unanimously. Mr. DiLorenzo added a minor correction to the minutes of June 2, 2021 workshop. Mr. McCarthy made a motion to approve these minutes with that correction, Mr. Stroyan seconded, and it passed unanimously. Mr. McCarthy made a motion to approve the minutes of June 22, 2021 meeting, Ms. Emanuel seconded, and it passed unanimously.

Fred Weber commented that there was a meeting the previous day, and a number of people were unable to log into that meeting. Mr. Stroyan said that the Board was aware of that technical difficulty, and hopefully it will not happen again.

Water Shed Protection Plan (prioritized by the Board of Supervisors): Mr. Shepstone said that he had made a couple of updates on this draft, one of them was changing zones 1, 2, and 3 to A, B, and C respectively, as Sawkill Watershed Management Plan has zones 1 and 2, which Milford Township is not dealing with. He continued that the other change was adding the item B in page 5, and it was the stormwater provision. This item states that infiltration of stormwater from commercial sites in Zone C shall be employed only with the provisions for adequate pre-treatment in accordance with PADEP BMP Manual. This provision comes with DEP anyway, but there was no harm in putting it there. It will be noticeable to people that those standards apply, and also, the Township is concerned about it. He didn't change the map, which he took from the Sawkill map, and it is the source water area, which is zone C.

Ms. Emanuel inquired if he was working in conjunction with the Water Authority on this. Mr. Shepstone replied that he had attended two workshops of the Water Authority, and Mr. Doug Manion had sent some written inputs also. Mr. Manion thanked the Planning Board for joining the Water Authority workshops. He continued that he had sent a request to add "available in the MWA website" in parenthesis after Sawkill Management Plan where zone C is defined. He added that at the last workshop, some concerns of conditional approvals of zone C were discussed, and there cannot be any quarries or golf courses in Zone C. The Solicitor added that all zoning ordinances cannot be added in this section, all the other provisions in the ordinance would apply, and this Wellhead protection ordinance would not negate the rest of the ordinance. Mr. Shepstone added that provisions in this section would supersede other ordinances.

Mr. Vito Dibiasi said that Delaware Riverkeeper Network had sent a 4-5-page long document of comments about this draft. He continued that Mr. Dave Richard, who is a resident of 134 Park Circle and a member of the group "friends of Milford Aquifer", had also sent a letter

outlining his concerns, and that would also back up his concerns. He himself had also sent some letters for consideration. Members pointed out that they were taking comments only, and not making any decisions that night. The Solicitor asked the Secretary to send these emails to Mr. Shepstone, Members of the Planning Board, and to himself. Mr. Dibiasi continued that the concern was over the Gidding's orders of the delineated aquifer, it was done in 2005, and it did not show in this draft ordinance. This draft was inadequate, and hence it needed to be reconsidered. The boundaries are paid with taxpayers' money, and should be considered in this ordinance. The conditional uses in Zone c of this draft included truck terminals, and that can refer to warehouses. A comment from the Pike County Office of Community and Planning was that they were worried about the truck traffic coming out of Buist Road and other terminals of this Township. Other uses in Zone c of this draft included manufacturing activities, dry cleaning, printing and photo-processing establishments, vehicle service stations, body repair and painting facilities, bus or taxi terminals, furniture and finish stripping, oil, gasoline, and hazardous material pipelines, and the concern is that these uses are not appropriate for Zone c. Zone b should not be 1,000 feet, but should be two and a half miles, and all restrictions of zone b should apply in this area.

Mr. Stroyan asked Mr. Dibiasi which uses he would find acceptable. Mr. Dibiasi replied that developments of reasonable and appropriate conditions should be accommodated in the portion of Zone c that is outside the Gidding's Zone b delineation, which is the aquifer, and Gidding's Zone b should be the restricted zone. Mr. Shepstone said that the ordinance under discussion is not intended to regulate traffic, other ordinances do that, and hence, it doesn't need to be added in this draft. He added that this ordinance only deals with protecting the water shed, and other criteria of the ordinance have to be met. The Solicitor added that this draft ordinance was not final, it would be sent to the Supervisors, who will make the final decision through a hearing. He added that the Zone c is 6 miles long, and this ordinance is just an overlay on top of other ordinances. This is not the only ordinance that would be used for commercial developments in this six-mile area. Mr. Dibiasi said that this ordinance should control commercial developments, and he was concerned about the two and a half miles Gidding's delineation. The Solicitor told him that Members would read his comments that he had sent to the office, and it would be discussed at the next Planning Board meeting.

Mr. Dibiasi said that he had attended the Water Authority meeting. Mr. DiLorenzo said that Members make decisions for this Township only, but they did look at Dingman Township ordinance. He continued that they took what that Township had, and then it was put in this Township's ordinance. Dingman Township's stormwater management ordinance was discussed, it is 20 pages long, while they can have more control with less verbiage with conditional uses. A lot of regulations are superseded by this ordinance, and businesses cannot be there if they don't meet these requirements. Mr. Dibiasi said that these two townships should have similar ordinances with similar languages so that it is understandable to the public, as these two townships are separated by only 40 feet on Route 6. Mr. DiLorenzo replied that that's why they were working on keeping this ordinance simple. Mr. Dibiasi said that Dingman Township has the protection ordinance, whereas Milford Township is having Zones a, b, and c. Mr. DiLorenzo replied that Dingman Township has four more Zones than this Township has. Mr. Dibiasi added that Delaware Riverkeeper Network, Dave Richard, and himself had sent comments, as they were looking forward to getting the best possible ordinance.

Map Discussion - Don Quick - Application review for Completeness/Deficiencies:

Mr. Stroyan said that this application was for a lot improvement, and the County had sent comments for it. The Solicitor said that the Zoning Officer's and County's comments were fine, but there was a letter, which was dated June 17, 2021, from Kiley Associate's. Mr. Quick said that there was a Supervisors' meeting the previous day, and that's where he got that letter. He continued that Supervisors had discussed that it was a simple moving of the lot line, and hence contour maps and soil types that the Engineer had asked for were not important. The Solicitor agreed that Kiley Associates' standards were too high for such a simple moving of the lot line. He continued that Mr. Cozza had commented about Map book 47 of page 31, and he did not see this in the map that Mr. Quick had presented. Mr. John Klemmyer had made the deed, at which he himself had looked at, and he did not have a problem with it. He suggested recommending this application to the Board of Supervisors by waiving the Subdivision and Land Development recommendations that were sent by Kiley Associates on June 17, 2021 under the Subdivision and Land Development Ordinance. Mr. Stroyan added that Members would sign the plan after the affirmation of the Supervisors. He made a motion for this recommendation to the Board of Supervisors, Peggy Emanuel seconded, and it passed unanimously.

UGI Utilities, Inc. – Plan Changes - Application review for

Completeness/Deficiencies: The Solicitor confirmed that he had received comments for this application from the Zoning Officer, County, and Kiley Associates, and this application had met all requirements. Mr. Jeffrey Ott, the representative, said that they were there for the second round of conditional use hearing. He added that ten copies of the conditional use application, ten copies of the land development plan, ten copies of the architectural plan, a conditional use application fee of \$900, the stenographer fee of \$250, \$118.72 check for review application fee, ten copies of the deed, the copies of HOP, and ten copies of the letter of intent were transmitted to the Township via transmittal postal service on June 1st of 2021. The Secretary said that she had received that parcel, and she had distributed those plans. Rachel Hendricks said that at one of the meetings of the Board of Supervisors', the Zoning Officer had stated that a new conditional use hearing was required for this application, as the ordinance does not contain any provisions for the downscaling of a conditional use. She continued that Members could pass it to the Board of Supervisors if they found the new submission to be complete, and then the Supervisors would hold a hearing anyway. Mr. Stroyan said that another conditional use hearing was not advertised. He inquired if they were changing any of the conditions that were approved in the previous meeting, and Mr. Ott said 'no'. Mr. Stroyan asked them to be patient, and he said that the conditional use hearing will be advertised for the next meeting. Mr. DiLorenzo said that the next meeting will be held on the 4th Tuesday of that month.

CDM Smith Notification – Milford Water Main Replacement and WTP System

Upgrade: Mr. Stroyan said that Milford Water Authority is building a second storage tower so that they have redundancy in their system. They will be replacing one of their older pumps, and they were doing some other improvements also. Mr. DiLorenzo said that this item needed to be placed in the agenda of the next meeting, as Members had received the recent correspondence and the plans at 6:30pm that night. Mr. Stroyan made a motion to table this item for discussion at the next meeting, Ms Emanuel seconded, and it passed unanimously.

Making the Zoning map official, Edwin H. Gragert – Restrictive Covenant in Deeds off Route 6: Mr. Stroyan said that the next meeting needed to be in person so that Members could look at the zoning map. He added that Mr. Gragert was present to discuss some points for the zoning map. Mr. Gragert said that he had sent a letter to the office, and that letter states that according to the deeds of the properties on Boulder Road (off Route 6), no commercial activities are allowed on any of those properties. He added that there are four or five property owners on that road. Mr. Stroyan said that according to the deed, contracting businesses and professional businesses are allowed, and all commercial activities are not precluded. Mr. Gragert replied that it precludes commercial businesses but not professional offices. The Solicitor added that it's an extra layer of authority that only residents can enforce. He further added that no matter what the Planning Board does, those prohibitions of the deed would remain enforceable. Mr. Shepstone commented that mixing private covenants and zoning regulations is not a good practice, as it creates a grey area about whether the Township or the residents become in charge of the enforcement. Mr. Stroyan added that Mr. Gragert had sent this request, as the Township was working on making the zoning map official. Mr. Gragert said that property owners are ready to enforce the private covenants.

Mr. DiLorenzo said that he had spoken with Mr. Pinchot, who had said that he wanted the piece of their property that was over the aquifer between Schocopee Road and Sawkill Road to be added into the Low Growth Zone. Mr. Quick said that he saw some errors in the map. Mr. DiLorenzo said that the map that was in the meeting room was from the nineties, and the relatively recent map had disappeared from the building.

Emergency Management Plan: Mr. DiLorenzo said that Tennessee Gas and Columbia Gas has a lot of information that can be used. He continued that he would take information from these documents, then make an Emergency Management Plan for Milford Township, and it will be kept in the office. All contact information for the emergency management can be posted on the website, and he would look at the UGI plan and evacuation plan next. Ms. Emanuel said that she had attended the County Hazard Mitigation Plan meeting, which was an overview about how they would proceed until May or June of the following year. She added that a lot of worksheets will be involved in that, and somebody should accompany her in working on those worksheets.

Sewage Project – Draft of Act 537 Plan: Mr. DiLorenzo said that this item would remain in the agenda as a reminder, and it will be discussed when the time comes.

Public Participation/Discussions

Fred Weber inquired if Econopak was going to go ahead with their proposed expansion. Mr. DiLorenzo replied that this applicant has to answer to some sewage issues, and they need to discuss it with their Engineer. Mr. Stroyan added that Kiley Associates, LLC had made some comments about their proposed addition, and since then they hadn't come back to the Township. The Solicitor asked if the time for this application was running out. Mr. Stroyan said that there was an agreement that the clock won't be running. The Solicitor asked the Secretary to draft a letter to confirm that this application was never accepted, and the Township was waiting for them to come back. He added that that way the Township would remain protected. Mr. Stroyan added that the Engineer was waiting to get a direction from the applicant.

Mr. Stroyan provided some highlights of the County Planning Commission. He continued that Milford Borough was currently in the process of a transportation study, and that might affect

this Township. Lackawaxen Township was doing a trail feasibility study with the DCNR grant of \$55,000. The application for the open space application for DCNR is open at this point in time. There's a Hazard Mitigation Plan, Ms. Emanuel was talking about it, and that is \$36,000. There's a six-million-dollar project for a dam in Greene Township. The tick-borne disease task force will come to the Township, but they have to be invited. PennDOT building in Bennett Avenue will be changed to a County archival facility and a solid waste transfer. Lowe's is adding 3,200 square feet. Pine Hill Preserve subdivision in Westfall Township has 250 acres, and there will be 52 lots. Dime Bank is doing a two-acre addition for the Dutch market. Delaware Valley School has added 3,200 feet to their building, and the reason behind it is that they needed more feet to follow the COVID regulations.

Mr. DiLorenzo said that he had received a phone call about metered parking in Milford Borough, and it had asked him if he was for it or against it. Mr. Stroyan said that he had attended the Borough meeting for the public hearing of the earned income tax, and it was discussed that Municipalities generate quite a bit of income from the paid parking.

There was no other business or executive session needed, so at 8:20 P.M., Ms. Emanuel made a motion to adjourn the meeting, Mr. McCarthy seconded, and it passed unanimously.

Respectfully,

Shahana Shamim

Secretary