

MINUTES
August 24, 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, 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 (in person), Peggy Emanuel (in person), Solicitor Thomas Farley (in person), and Secretary Shahana Shamim (in person).

Review of August 4, 2021 Workshop Minutes: Mr. DiLorenzo suggested some minor corrections to the minutes. Ms. Emanuel made a motion to accept the minutes with those corrections, Mr. DiLorenzo seconded, and Mr. Willis abstained from voting, as he was not present at this workshop. The Solicitor said that the approval passed, as the majority of the quorum had voted for it.

Review of July 27, 2021 Meeting Minutes: Mr. Willis made a motion to accept these minutes, Ms. Emanuel seconded, and it passed unanimously.

Water Shed Protection Plan (prioritized by the Board of Supervisors): Mr. DiLorenzo said that Mr. Shepstone was asked to make two changes, and those changes were done. He continued that one of them was changing “Planning Board would be able to change the list of chemicals” to “Supervisors or the Planning Board would be able to change the list of chemicals”, and the other one was raising the oil tank for personal residences from 400 to 550 gallons. This ordinance is designed so that everything has to go for conditional use. The first chance would be at the hearing, and then it would move forward to the Board of Supervisors. Supervisors would then schedule a hearing, where everybody would be able to speak up. The Planning Board is a recommending Board, and the ordinance might seem vague to some people, but this way the Planning Board gets more control on the conditional uses. If everything is written down specifically, and there is a way around, then the Planning Board cannot do much about it. The burden would be on whoever does the construction to prove that the construction would not affect the aquifer. Then it would be reviewed by the Township Engineers. The Solicitor added that the conditional use meant that it would be permitted, but with conditions, and the number of conditions would depend on the situation. He further added that the entire area is the watershed, which is a larger area, and the aquifer is a very specific area.

Ms. Farrel commented that she had reviewed this proposed plan, and she didn't see any reference to the aquifer at all. She added that the entire area is referred to as watershed, and then the wellhead is referenced. She further added that watershed is a larger area, and the aquifer is a very specific area. There are protections for the wellhead, and she inquired why. Mr. DiLorenzo said that the aquifer is encompassed by the watershed and hence it's protecting the aquifer at the same time. He added that wellheads have a greater protection than the area around. He further added that every construction will always be looked at before it is approved. The Solicitor said that the Zone C was based on the Sawkill Creek Stormwater Management Plan, and which are intended to encompass the watersheds of Sawkill Creek and Vantine brook. He added that the

wellhead is very restricted, and it is only 400 feet. Ms. Farrel inquired if the Board has the capability of overriding the conditional use. The Solicitor said that the Planning Board is just a recommending body that takes the public input, develops the conditions, and then the Supervisors make the final decision. Ms. Farrel inquired if this Board was concerned about developments directly on top of the aquifer. The Solicitor said that the Watershed is almost the entire Township, and hence then there would be no developments. He added that the intention is to allow developments, but with protection. He further added that the watershed included the aquifer, and Ms. Farrel said that that's what the concern was. Mr. DiLorenzo added that the location would be looked at before constructions are approved. He added that what can be built and what cannot be build would be decided based on conditional uses.

The Solicitor said that the goal is to protect the watershed and the aquifer. He continued that Mr. Shepstone had made this ordinance amendment, and this Board had been working very hard on it. Milford Water Authority had the input, and everybody is comfortable with it. Supervisors hold public hearings for each construction, public can comment on it, and then the Supervisors make the final decision. Mr. Fred Weber commented that the conditional use is a protection, and advisors are the experts that recommend to the Board of Supervisors. Mr. DiLorenzo said that developers would have to come before the Planning Board to prove during the application process that their construction won't be damaging to the watershed or the wellhead, and then the experts would review it. Mr. Weber said that Delaware Riverkeeper Network comments were not incorporated into this amendment, and he inquired if it would be passed to the Supervisors that way. He further inquired if it is passed this way then could this ordinance be changed again, or would it have to be left alone. Mr. Willis added that Supervisors send ordinances to the Planning Board for amendments. He further added that Supervisors also send ordinances back to the Planning Board if they are not satisfied with it.

Ms. Farrel commented that Milford Water Authority (MWA) had asked the Sawkill Creek Stormwater Management Plan to be directly related to this ordinance amendment, and she inquired if that would be included as part of this amendment. Mr. DiLorenzo added that the words "based on" was included for referencing Sawkill Creek Stormwater Management Plan to this ordinance amendment. Scott from Milford Water Authority said that they had asked to append the Source Water Protection plan (SWPP), which might be the same as Sawkill Creek Stormwater Management Plan, to this ordinance amendment. He added that the Source Water Protection plan was made by the hydrogeologists in the year 2006, and it pertained to Milford Township and Dingman Township. Mr. DiLorenzo said that they won't incorporate anything that pertains to both Townships. Scott said that the water boundaries don't know the zoning boundaries. Ms. Farrel commented that just a reference would not be enough when a case would move forward. Scott suggested putting the URL of the SWPP, which is in the website of MWA, into the ordinance amendment. He added that this request was sent to some Members of the Planning Board by emails. Mr. DiLorenzo said that he had received an email from MWA, but there were no attachments. The Solicitor asked Scott to send the email to the Secretary so that she could forward it to all Members. He added that this Amendment won't move forward to the Board of Supervisors that night, the Planning Board would review MWA's email, and then it would be discussed at the upcoming workshop. Mr. DiLorenzo made a motion to table this item at the next workshop and at the next meeting, Ms. Emanuel seconded, and it passed unanimously.

Mixed Use Presentation – 613 West Harford Street – Marilyn Albanese: Ms. Albanese said that she had submitted an application for a zoning permit for a Mixed Use for her

property. She continued that her property was currently zoned for commercial, and it had been very challenging to rent the second floor. She wanted to make two one-bedroom apartments on the upstairs floor, and she wanted to add a shower, a bathroom, and a small kitchen to each of them. There is a parking, which has 7-8 parking spots, at the front of the building, and there is another parking at the back of the building.

The Solicitor said that Mixed uses are allowed, and Section 409.7 of the Zoning Ordinance was about conversion of existing structures. He added that the Zoning Officer had listed the requirements for this conversion, and he handed that list to Ms. Albanese. Mr. DiLorenzo said that the multi-use, which is different than the mixed use, are allowed. He continued that she would need the information about how much the existing sewage of her property could handle. She would have to show the lot size, and it would have to be 10,000 square feet per unit. A professional would have to look at the septic situation, and the state requirement is 400 gallons/day and 200 gallons/day for residential units and commercial units respectively. Ms. Albanese said that she would send this information before the next meeting.

Annual Convention of Township Officials – total count: The Solicitor and Mr. DiLorenzo said that they would not be able to attend this convention. The Secretary said that the next Supervisors’ meeting was scheduled for September 7, 2021, and she needed the total count by then.

Senate Bill No. 554 – Meeting Agenda: The Solicitor said that this bill was sent to the office, but it was incomplete. He continued that according to this senate bill, agenda would have to be posted 24 hours before the meeting, it cannot be amended during the meeting, and it would be effective from September 1, 2021. For example, some Municipalities hold workshops, they discuss to add items into the agenda, and that cannot be done any more, unless it is de minimis. He suggested putting items into the agenda as much as possible so that if there is any issue that needs to be discussed won’t be pushed to the next meeting, which takes place only once a month. Mr. DiLorenzo asked what to do if a member of the public brought up something to discuss. The Solicitor replied that it could be discussed, but voting cannot be done unless it is de minimis. He added that he would send the complete bill to the office the next morning.

Making the Zoning map official: Mr. DiLorenzo said that he had dropped off the Zoning map to County, and they sent back two maps, the original one and the one that was marked up. Both maps have the same colors so that apple to apple comparison could be done. He added that this item needed to be tabled at the next meeting and the workshop. The Solicitor said that he cannot be present for the workshops, as he has the Lackawaxen meeting at 6:00 P.M. on the first Wednesday of every month. He added that he would like to be present in person, and he offered changing the workshop schedule to the first Thursday of every month. Ms. Emanuel said that the first Thursdays would not be good for her. Mr. Willis said that first week of every month is quite difficult for him. Members asked the Secretary to check with the other Members if the second Thursday would be good for them, and then to write a letter to the Board of Supervisors asking them if the workshops could be moved to second Thursdays of every month.

Emergency Management Plan: Mr. DiLorenzo said that they had been working on it, and it is almost complete. Milford Township would be an assist, for the County and other Municipalities, and not a shelter, as this building does not have any showers. This building is

capable of housing 50 people for a very short time, the list of the equipment that this township has is added, and evacuation routes would be added to this plan in future.

Sewage Project – Draft of Act 537 Plan: Mr. DiLorenzo said that there was nothing new to discuss about this topic as of then. This Township had sent 56 comments about this draft, and the response was that this Township was not involved in this plan. He added that this Township is actually involved in this plan.

Public Participation/Discussions

Mr. Vito Dibiasi said that there was an hour and a half long discussion with MWA, it was learned that they had sent an email with a request, and the Members did not get it or understand it. He continued that MWA had asked for a standalone ordinance for Milford springs, and not a confusing marriage with the wellhead ordinance. The watershed is the unconfined aquifer, and it is different than the aquifer, which is two and half miles long. MWA had also asked the Milford SWPP, which includes all the maps and delineations, to be attached (not just referenced) to the ordinance. The Milford SWPP is not specifically for Dingman Township, but it is for Milford springs and MWA. A law is being written, the override clause should not be included into this ordinance, and the aquifer has to be respected for developments. Ms. Farrel commented that the ordinance amendment that is under construction stated that the list of the conditional uses could be overridden by the Supervisors or the Planning Commission. The Solicitor clarified that the list of harmful chemicals is quite large, and Supervisors or the Planning Board would be able to add chemicals, which are not caught already and could be harmful to the aquifer, to the list of harmful chemicals. He added that the overriding clause is not for the list of conditional uses.

Scott said that the ordinance of Dingman Township states that the chemical storage provisions cannot be overridden by anyone under any circumstances, whereas the Milford Township ordinance, which is under construction, does not have any such phrase anywhere. Mr. Vito Dibiasi added that with this clause, developers cannot ask for waivers. Scott added that he now understands that the term overriding is only for the list of chemicals, and he respectfully agreed with it. The Solicitor clarified that the overriding is not to exclude items from the list of chemicals, but to add any newly found chemicals that could be harmful to the aquifer. Scott said that they had asked the Planning Commission to append the SWPP, which includes all of the delineations of the Zone two, which is right over the aquifer, to this ordinance amendment. He continued that they were not comfortable with the schedule of uses for Zone C either. The aquifer component Zone 3 is on Zone C, the usage of Zone C should align to Zone B, and these points were the focus of their second workshop with this board. The chemical storage facility, which cannot viably be under 35–55-gallon limit, cannot be in Zone C. In the ordinance amendment under construction, this item is a ‘c’ and not an ‘x’ in Zone C. The Solicitor said that he would look at the SWPP, and then address this matter.

Ms. Farrel said that the MWA had delivered a request to the board, and it was not heard. Mr. Dibiasi commented that this Board would have passed this ordinance without incorporating this missed information. He continued that the Delaware Riverkeeper Network had sent six pages of comments, and those were not incorporated into this ordinance either. The Zone C has a lot of permitted uses that never passed DEP, and all these things need to be overhauled. He added that this Board had refused to talk to MWA for five years. Scott said that the MWA was not saying that at all, and the relationship between them and this Board had been very collaborative. He added that MWA had sent two requests, and the Township certainly can take its own decisions.

The Solicitor asked Scott to send the emails that the Members had missed to the Secretary so that it could be distributed to the Members of the Board and to himself. He also asked Scott to send him the SWPP. Ms. Farrel appreciated that the Board was going to look at all the missed information before pushing it to the next level.

Mr. Dibiasi commented that he had studied the ordinance, and the Sierra Club was backing him. He continued that people have a right to the clean water, and that is a part of the Constitutional rights. The list of these rights is very long, and this Board was focusing on the Developer's money-making property rights only. Article 27 states the rights that the people of Pennsylvania have, and this Board is not taking those rights seriously enough. Mr. DiLorenzo said that the SWPP was a separate source, and he asked the Solicitor if adding it to this ordinance amendment would create any legal problems. The Solicitor replied that he would look at SWPP, and then he would let the Board know.

There was no other business or executive session needed, so at 8:33 P.M., Mr. Willis made a motion to adjourn the meeting, Ms. Emanuel seconded, and it passed unanimously.

Respectfully,

Shahana Shamim

Secretary