

MINUTES

March 7, 2022

Hybrid Workshop of the Board of Supervisors (Zoom ID was advertised in advance in the Pike County Dispatch)

560 Route 6 & 209

6:30 p.m.

Rachel said that the Township was encouraged to hire a professional for the grant administration relative to expenditure of the the ARP money, and the County had inquired if the Township would prefer the PSATS consultant or the County consultant.

The Solicitor said that the landscaping plan for Econo-Pak should not be reviewed by this Board, and it could be put as “the landscaping plan should be in accordance with the Zoning Ordinance”. Rachel added that Mr. Shepstone had made them hire a landscape architect. She further added that UGI serves the property, and the pipeline in the Econo-Pak property is owned by Tennessee Gas. She further added that a member of the public had indicated the setback for gas pipelines had changed for safety purposes, and the sale of the property is contingent upon the Board of Supervisors’ approval of the project.

The attorney for Mr. Metzger’s lot improvement application said that the property line was moved to make the setback 20’ from the garage and 20’ from the deck. The line between the Borough and the Township was added, as that was a comment from the County. Three or four septic systems were added for the restaurant, and residential, conservation, and developmental district were all now shown on the map. Types of soils were also mentioned, but there were no proposals for any construction.

MINUTES

March 7, 2022

Hybrid Meeting of the Board of Supervisors (Zoom ID was advertised in advance in the Pike County Dispatch)

560 Route 6 & 209

7:00 p.m.

A scheduled meeting of Milford Township Board of Supervisors was called to order at 7 P.M. by Chairperson Penney Luhrs through a Hybrid call, the meeting ID for which had been advertised in advance in the Pike County Dispatch. Also present were Supervisors Rachel Hendricks (Vice Chairperson), Gary M. Williams, Solicitor Anthony Magnotta, Zoning Officer Shawn Bolles, and Secretary/Treasurer Shahana Shamim.

Minutes of previous workshop and meeting reviewed for possible additions or corrections before approval by the Board of Supervisors: Gary M. Williams made a motion to approve these minutes, Ms. Hendricks seconded, and it passed unanimously.

Treasurer’s Report:

Shahana reported that since the last meeting she had received \$75 from UGI, \$12,027.09 from Blue Ridge Cable Technologies, \$1,150 from Milford Farmhouse, LP, \$150 from Mr. Metzger’s Lot Improvement Application, and \$13,066.08 from the Tax Collector. She also reported that 54,871.720 of Liquid Fuels money and \$2,840 of turnback allocation was directly deposited into the Liquid Fuels account. She reported the financial institution account balances as \$74,851.19, \$76,064.20, \$24,852.92, \$17,777.30, \$8,387.18, and \$127,983.45 in Wayne Bank

(Investment), Wayne Bank (General), Wayne Bank (Payroll), NBT Bank, PLGIT (General), and PLGIT (Liquid Fuels) accounts respectively.

Roadmaster:

Gary M. Williams, the Roadmaster, reported that there had been a couple of light storms, and there was enough antiskid salt. He added that the road crews were also working on some vehicle maintenances, as there were some hydraulic problems with a couple of plows.

Zoning:

Mr. Bolles said that he had issued two permits, one was for a temporary food vendor and the other one was for an alteration.

Public Participation #1:

None

Correspondence:

Shahana presented various correspondences received, including from Pike County Office of Community Planning, Pike County Commissioners, Pike County Humane Society, Rachel Hendricks, Public Safety Pike County, Certificates of Liability Insurance, Conrad Close & Ewald, Brian Snyder, Kiley Associates, Zoning Officer, Solicitor, Milford Fire Department Ambulance, Pennsylvania Department of Transportation, PennState Extension, John D. Fuller, Lorelei Davis, PSATS, Pike County Conservation District, Pocono Mountains Visitors Bureau, and Vito DiBiasi.

Old Business:

a. **Lot Improvement Subdivision Plan Application – Stephen Metzger – comments from County, Zoning Officer, and Engineer:** The Solicitor said that the Engineer’s letter of February 28th and the County Planning letter of the same date included some comments regarding this plan, and those comments were addressed in the revised plan. He continued that the Zoning Officer also had provided a comment about the setback of the plan, and that comment was also addressed in the revised plan. Conrad, Close, & Ewald had provided the deed descriptions, but the ordinance required the actual deed to be submitted for review and approval, and the approval needed to be conditioned upon the submission, review, and approval of the deed. Rachel made a motion to approve this lot improvement subdivision plan contingent upon the review of the deeds by the attorney, Mr. Williams seconded, and it passed unanimously.

b. **Hearing: Econo-Pak Lot Improvement, Lot Consolidation, and Conditional Use:** Penney made a motion to temporarily recess the meeting, and to open up this Hearing. Ms. Hendricks seconded the motion, and it passed unanimously. The Solicitor said that the advertisement of this Hearing in the Pike County Dispatch of February 10 and February 17, the postal service certificates of mailings to the adjacent property owners, and the application as submitted for Econo-Pak by Mr. Fuller would be the first, second, and third exhibits respectively for this Hearing. Mr. Fuller said that his full name was John Douglas Fuller. He was sworn in, and he said that he was the professional Engineer for this applicant. He continued that there was a contract to purchase two additional lots that are adjacent to the property, the total area of the existing lot after this lot consolidation would be 27 acres, and that is a part of the application.

The second part of the application was the land development plan to expand the rear of the existing facility with a 125,000 square feet warehouse, and it was presented to the Planning Commission. The third part of the Hearing was the conditional use, which was also presented at the Hearing of the Planning Commission, and they had forwarded it to the Board of Supervisors. This application was reviewed by outside consultants, all of their comments were incorporated into the plan, and a traffic study was also done based on similar projects. Extensive landscaping was also done to show how the facility would look after all the work is completed.

Mr. Fred Weber from Milford Borough asked what the average increase of traffic in and out of the facility would be from this proposed 125,000 square feet warehouse expansion. He said that the traffic study had shown that this expansion would cause 53 extra trucks in and 65 extra trucks out per day. Mr. Fuller replied that this issue had been discussed in detail before the Planning Board. He added that the Planning Board had requested to conduct a traffic study for peak hours by a traffic Engineer, that study was done, and it was provided to the Planning Board. The Solicitor added that that traffic study showed that 27 more trucks would be entering and 28 more would be exiting due to the added employees of the proposed expansion. The shipping and receiving manager of Econo-Pak said that the proposed expansion won't cause a major increase in traffic, and it would actually decrease the company's own truck traffic. He added that the company owns a warehouse in Port Jervis, trucks bring products back and forth from there about ten to fifteen times every day, and that traffic would be cut down from this expansion. Penney said that there would be more employees because of this expansion, and those employees would likely come from out of state.

The Solicitor said that one of the conditions that the Planning Board had sent to the Board of Supervisors was about the gas pipeline, and he inquired if Mr. Fuller was able to connect with the gas company. Mr. Fuller replied that he was able to find out the actual owner of that pipeline, the owner is Kinder Morgan, and they had asked to apply for an encroachment permit, since the current development crosses the easement of the gas pipeline. He continued that Kinder Morgan had also asked not to put any drainages within the easement, to upgrade any of the drainage within that easement, and they also do not want any landscaping within the easement. The landscaping company had planned some landscaping within the easement, and that would have to be reviewed. In reply to the Solicitor's inquiry, he further added that the current easement is 50 feet, both of the existing buildings are actually within a few feet of the easement, and the proposed building would be in line with one of the existing buildings. Mr. Stroyan said that that there is a bridge, which is above ground, the pipe runs in-between the buildings, and the agreement between the previous owner and the gas company would help. He added that that pipeline needed to be cleaned up, and the portion of the pipe that is right next to the Old Milford Road was not cleaned up for the past 30 years.

The Solicitor said that the Planning Board had recommended waiving Section # 417.3 of the Zoning Ordinance, which is about the large commercial buildings that have facades of more than 100 feet in length. He added that according to this ordinance, 20% of such long facades should incorporate recesses and projections, and the Planning Board had sent this recommendation, as it wouldn't be visible from the Road. Rachel added that that waiver was a tradeoff for performing a cosmetic improvement of the front of the building in the Planning Board's recommendation. The Solicitor added that it's not a SALDO item, it's a section of the Zoning Ordinance, and Supervisors don't have the ability to waive it. He added that it would have to be forwarded to the Zoning Hearing Board for a variance. He further added that there were comments from the Township Engineer, dated November 16, and those comments were

about SALDO and Zoning Ordinance items. Mr. Fuller replied that all those comments were to be added to the list of the conditional use for the final approval, Mr. Farley had added those into that list, and the Planning Board had forwarded the list to the Board of Supervisors for the final approval.

The Solicitor read out the list of conditions that the Planning Board had forwarded, and Mr. Fuller confirmed that the HOP would be provided to the Township prior to the construction, and a calculation of the storm water runoff was provided to Pike County Conservation District (PCCD) and Department of Environmental Protection (DEP) for acquiring an NPDES permit. The Solicitor added that receiving the Erosion and Sedimentation Control Plan from PCCD, and the NPDES permit from DEP prior to the construction would be another condition. The Zoning Officer, Shawn Bolles, said that the Section 408.4-A of the Zoning Ordinance states, about parking lots that have more than 60 parking spaces, that no more than 12 parking spaces shall be allowed in a continuous row uninterrupted by landscaping. He added that the plan showed that most of the landscaping was designed along the perimeter of the site. Mr. Fuller replied that that issue was never brought up before, pertaining to the new parking area, primarily for truck trailers. He indicated that the area for employee vehicles, employee shuttle buses has these landscaping islands on the plan, and truck trailers would occupy this additional parking area, which is difficult to then landscape because of the nature of the truck and trailer movements. He asked if a waiver could be requested on the basis of the amount of landscaping that is being done around the parking area. Shawn said that this section of the Zoning Ordinance is for cars, the proposed design was for trucks and trailers, and a portion of the parking lot would be the loading and unloading area.

Mr. Stroyan added that the back portion of the building is for the employees, and the landscaping was done for the mercantile setting. He continued that Supervisors' comments would help if this issue were forwarded to the Zoning Hearing Board. He added that Supervisors might want to have a conversation about the tradeoff of the back of the building and the upgrading the front of the building also, as the back of the building won't be visible from the road. He added that forwarding these issues to the Zoning Hearing Board would involve time and money. The Zoning Officer added that the Section 408.4 of the Zoning Ordinance is for all parking areas, and it does not differentiate between mercantile or other types of parking areas. Rachel said that the Project Engineer had repeatedly indicated the parking calculation in our ordinance is much more stringent than average because it doesn't differentiate between commercial and industrial parking requirements. She added that the parking area could be used for employee parking if the applicant's carpooling situation changes.

The Solicitor said that he had spoken with the Township Engineer, who had confirmed that the lot coverage did not exceed 65%, and it was 64.8% only. Mr. Fuller said that he was trying to set up a meeting with the Fire Department Official who was present at the January 13th hearing. Ms. Hendricks added that the fire department officials had expressed their concern about the fire lanes. She further added that those officials had also said that the parking should not be adjacent to the building, as car fires can spread to the building, and the space between the parking space and the building allows the fire department to get their apparatus closer to the building. Mr. Fuller said that the parking is 15' away from the building, and a 20' fire lane would be created at the rear of the proposed building. The Solicitor suggested changing the condition # 17 to the creation of a 20' fire lane and receiving an approval letter from the Fire Department. Mr. Fuller added that the existing building and the proposed building would be entirely sprinkled, and the codes and the access to the site would be provided to the fire department. Mr.

Pederson, the contractor of the project, added that the front of the proposed building would be 26' high, and the rear of this building would be 6' only, as this building would be built on sloped ground.

The Solicitor said that he had communicated with PennDOT, and according to them, the traffic study won't be necessary. Rachel added that the employees are currently carpooling, and if the carpooling situation goes away in the future, then that might trigger a substantial change in traffic and parking use. The Solicitor added that requiring the applicant to perform a traffic study in case the shuttle bus and the carpooling arrangement goes away would have to be added to the developer's agreement. He added that a letter of adequacy of the septic by the Sewage Enforcement Officer (SEO) would be required, and Mr. Fuller said that there was a reserved area for this purpose. The Solicitor added that a testing would have to be done for this proposed reserved area. Mr. Fuller added that the rear gate by Old Milford Road was being upgraded, and a knoxbox for the Fire Department would be placed. He added that three Sundays from 8:00 A.M. till 6:00 P.M. during the blacktop season were requested at the Planning Commission Hearing for paving all internal roads if the blacktop is available. The Solicitor added that it would be added to the list of conditions.

The Solicitor said that the Board of Supervisors did not have the authority to waive the Zoning Ordinance (section # 417.3), and he suggested that one or more Supervisors should show up to the Zoning Hearing Board to explain or write a letter prior to the Hearing. Mr. Stroyan said that the view of the Planning Board was to trade this section of the ordinance, with some improvement of the front of the property, as the rear side of the property won't be visible from the road. The Solicitor said that he would change the condition #38 to the applicant receiving an encroachment permit for the placement of the building from Kinder Morgan. He added that he would also add receiving a written verification letter stating that they have no objection to the placement of the building close to the pipeline from this Gas Company. Rachel added that the evacuation plan was provided, the plan references chemical storage area, and the list of those chemicals could, and should, be given to the Fire Department. Mr. Ed Horn said that they keep a list of those chemicals, that list is updated every time new chemicals are added, and the list could be provided to the Fire Department on a quarterly basis. Rachel added that the transportation for gas emergencies is not shown on the plan, and that needed to be considered for safety. Penney added that the selected plants for landscaping were a good choice, as deer don't like them, and those plants survive in droughts.

Mr. Stroyan said that both the conditional use and the developer's agreement would be done, and handling the traffic, parking, and communication with the gas company could be included in the developer's agreement. The Solicitor replied that the developer's agreement includes all the conditions of the conditional use. He added that the traffic flow, the left turn and the bill of lading would be included for the conditions of approval. Penney inquired what kind of fencing would be done for the Wheatfield Village. Rachel said that there is a natural depression there, and an embankment would be enhanced rather than a fence, but that parking area also has a setback. Mr. Fuller replied that there is existing vegetation against Wheatfield Village, and some more landscaping is proposed for that side also. Rachel said that there would be a high volume of headlights from the nightshift, and that might flood Wheatfield Village with light. She added that according to the Zoning Ordinance, lights cannot spill to the neighbor's property, if they were part of the project itself and the intent there is to eliminate light from one property negatively impacting the neighbors. Mr. Pederson added that there is a 30' rise between the parking and Wheatfield Village, and that would work as a berm to shut out the headlights. He

added that some more berms would be added and there won't be any truck traffic during the night shift. The Solicitor added that if there are no issues with the HOA, then it should be amenable. Mr. Pederson added that the existing building has the ESFR sprinkler system, which is very extensive, and it is served from a storage pond and a pumphouse. This ESFR sprinkler system would be duplicated in the proposed building, and a new pumphouse would be built for this purpose.

Rachel made a motion to close the public hearing and she thanked everybody for their patience and the Planning Commission for their tireless efforts to build this project to something that is suitable to Milford Township. Penney seconded the motion and it passed unanimously. Rachel made a motion to reopen the Supervisors' meeting, Penney seconded, and it passed unanimously. The Solicitor said that the lot improvement subdivision, land development plan, and the conditional use application would have to be approved contingent upon everything that was mentioned during the hearing. He added that all the necessary documents, such as, guarantees, the developer's agreement, the deed, and third-party approvals (from PennDOT, PCCD, and DEP), and SEO's letter of adequacy for the septic would have to be submitted, and the project must not proceed until all approvals are achieved. Variances for the sections 417.3 and 408.4 of the Zoning Ordinance would also have to be acquired from the Zoning Hearing Board. Rachel made a motion to approve this application with all the aforementioned contingencies, Mr. Williams seconded the motion, and it passed unanimously.

c. Temporary Administrative Support: No adequate temporary solutions to cover the office during the Secretary's upcoming vacation had come to fruition. Gary said that Myer & Myer don't have adequate access to use the computer payroll system, and hence the payroll of March 21 will have to be postponed until the Secretary returns to the office from her vacation. He added that he had spoken to the employees about this delay of the payroll, and they were okay with it. Rachel made a motion to cancel the March 21st meeting, Mr. Williams seconded, and it passed unanimously. Penney said that a Planning Board meeting is scheduled for the 22nd, somebody would have to come to set up the meeting, and write down the minutes. Rachel added that Mr. Bolles had volunteered to run the hybrid meeting. Shahana added that she would be able to post the agenda on the website, but it would have to be posted on the door also. She added that there were no pending applications for the Planning Board to review. Rachel added that the Planning Board would be reviewing the SALDO and a section of the Zoning Ordinance but the Planning Board should be asked at their upcoming workshop if they are amenable to cancelling their meeting as well.

d. RFP for the Comprehensive Plan: Mr. Williams inquired if Mr. Shepstone was informed about this request. Rachel replied that Mr. Shepstone had said that he was not aware of this request, and the Township had received only one proposal, which met the budget. She inquired if it would be appropriate to advertise this RFP again, and the Solicitor replied that it could be advertised again for more proposals, as only one was received. Rachel suggested extending the deadline to the Friday before the first April meeting, and she asked the Secretary to inform Mr. Shepstone about this extension. She added that a legal ad was placed in the local paper, Mike Mrozinski had put it on the State's DCED Engineer's page, and probably nobody saw it. She made a motion to readvertise this RFP with a deadline of the First Friday of April, Penney seconded, and it passed unanimously. She asked the Secretary to follow up with Mr. Shepstone and advise him of the new deadline, since he had expressed interest.

e. Act 537 Plan: Penney said that she was present at the last meeting, and the Commissioners' stipulation was that the Township would be reimbursed if the bill is shown to

them. The Solicitor added that that would be for the testing only. He further added that there should be a written document about these reimbursements from the County. Rachel said that at the previous joint meeting of the Board of Supervisors and the Planning Commission, the Planning Board had asked to have all the Act 537 correspondences sent to them, then the next progress report of the Act 537 Plan included the phrase that the minutes were not for any further distribution, and that was not acceptable to her. Mr. Stroyan added that Milford Borough had approved their attorney fee for the Act 537 Plan. Mrs. Luhrs was directed to indicate that Milford Township was amenable to moving forward with the water testing, contingent upon the County's written affirmation that they would fund the same and that there was no basis to restrict the minutes from these workshops and the Township would not agree to do so.

New Business:

a. **LSA Grant Application from DCED for the purchase of a vehicle – cost of application \$100:** Rachel said that this application was due by March 15. She made a motion to apply for the grant for the purchase of a truck, to approve the required resolution for the same(attached), the payment of the fee, and the authorization for Ms. Shamim and Mr. Williams to execute any and all documents to accomplish the submission of this application, Penney seconded, and it passed unanimously.

b. **Pike County Humane Society (PCHS) meeting room use on March 15 – COVID-19 Restrictions:** Supervisors asked the Secretary to inform them that all COVID-19 restrictions were lifted.

Public Participation #2:

Rachel asked Mr. Stroyan about the Planning Board situation, as the Secretary won't be present for their next meeting. She asked that the Planning Board talk about it on Thursday's workshop, and to probably cancel their next meeting. The Solicitor added that the cancellation could be posted on the website. Mr. Stroyan said that Holger and Nadine Plate's subdivision lot improvement application was still pending. The Secretary said that that application was never accepted by the Planning Board, as a deficiency was found in their application. She added that the applicant had said that they would come back with revised plans, but had not done so yet. Mr. Stroyan added that he would talk to Mr. DiLorenzo about canceling the meeting of the 22nd.

There was no other business or executive session needed. Penney made a motion to pay the bills and adjourn, Rachel seconded, and it passed unanimously. Adjournment was at 8:55 P.M.

Respectfully submitted,

Shahana Shamim

Secretary/Treasurer