

**MINUTES**  
**April 14, 2022**  
**Milford Township Planning Commission Hybrid Workshop**  
**560 Route 6 & 209, Milford, PA 18337**  
**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 Hybrid call, the Zoom contact information for which had been advertised in advance in the Pocono Record. Also present in this Hybrid workshop were Planner Thomas Shepstone, Solicitor Thomas Farley, Members Kevin Stroyan (Vice-Chairman), Peggy Emanuel, Ray Willis, and Secretary Shahana Shamim.

**Review of February 22, 2022 Meeting Minutes (Supervisors approved) and March 10, 2022 Workshop Minutes:** Mr. Stroyan asked to change the word “machineries” to “machinery” in the second paragraph of March 10, 2022 minutes. Mr. DiLorenzo asked to table both sets of minutes at the next meeting so that those could be approved.

**Comprehensive Plan – Committee for Scenic Rural Character Preservation (SRCP) grant:** Mr. Stroyan said that the Board of Supervisors had asked to form a committee to review the two proposals that the Township had received, and then to make a recommendation to them. The Solicitor said that this decision would have to be done at a public meeting. Mr. Stroyan suggested that Mr. Shepstone could talk about the proposal that he had sent, and Members could review the other proposal, which the Members had just received, so that it could be discussed at the next scheduled meeting.

Mr. Shepstone said that he had worked on the SALDO for this Township, and he was a part of the Woodland Design team. He continued that this team is very practical, and it has a young team of professionals, who are very capable. Esthetics, which this Township had been working on, is important, this team would provide innovative ideas for building a better-looking development, and an example is using underground piping, which is almost like a sewage system. An underground piping is used for storm water management, and they are very similar to infiltrators in a septic system.

**NPDES Permit for Milford Highlands:** Mr. DiLorenzo said that it was just a workshop, and he wanted to give an information about this topic, which was not on the agenda. The Solicitor added that it won't be voted, and the agenda could be amended. Mr. Stroyan made a motion to amend the agenda with this item, Mr. Willis seconded, and it passed unanimously. Mr. DiLorenzo continued that Milford Highlands, which is owned by an association, did not have an NPDES permit, and hence no permits could be issued. The owner became bankrupt, and the bank took it over. The bank eliminated all the NPDES permits of the properties that it didn't own, and they didn't inform anyone. The permit was renewed, but no one was notified about the fact that some properties were dropped out of that permit. This township had issued permits for lot # 1 before the NPDES permit had expired, and the house on that lot was almost finished. That project was shut down, as that property was one of the properties that the bank had taken out of the NPDES permit, and now that property owner is in violation. There was a meeting with that homeowner Mr. Magnotta, Pike County Conservation District (PCCD), and DEP, and it was figured at that meeting that if the bank had taken any property out of the NPDES permit, then the

property owner would have to apply. The homeowner was fined \$1,500 for not having the NPDES permit, and the penalty for violating the NPDES permit is \$10,000/day.

Mr. Stroyan added that before PCCD and DEP came to this Township, they had repeatedly tried to contact the contractors of these lots, and they failed. Mr. DiLorenzo continued that five or six people were also on the way of buying these properties, and these people don't know that NPDES permits are required. In August of 2021, a notification was sent stating that an NPDES permit would be required for moving forward. This property is on the watershed, and a seasonal stream runs through it. Mr. Stroyan added that they didn't renew their portion of the permit, and now it's going on to the individual property owners. He added that the review would be \$10,000-15,000 per lot just for the paperwork, and those lots even have building envelopes, but lot # 1 is not in that envelop. Mr. DiLorenzo added that Mr. and Mrs. Wilson, the owner of this lot, could continue the development as long as they don't disturb the ground, and they can finish the inside and outside of the house. He continued that the septic was not done, and they can't do that until they get the NPDES permit. Emails were sent to the property owners, but they had ignored the meeting. Some Zoning or SALDO could be used, but they are in violation with the Township too, since they don't have the NPDES permit.

Mr. DiLorenzo said that all the lots are bought, and there are no NPDES permits. A transfer of NPDES permits is supposed to be done when properties are transferred, and that's why everybody thought that they were covered. He added that it's the Wells Fargo Bank, and how they can let all those lots to be out of the NPDES permit is questionable. The Solicitor inquired why DEP let them do that, and Mr. DiLorenzo replied that their answer was that they were allowed to do that by the law. He added that Pike County Conservation District (PCCD) had sent out a letter in 2019 about the NPDES expiring, but the non-bank owned properties were taken off of this permit before that. The NPDES permit was kept for the lots that the bank owned, and the rest of the lots were taken out, as they can't be forced to be liable. Mr. Stroyan said that the Township has to be careful about any liabilities, and the requirement of the NPDES permit could be added to the SALDO. The Solicitor suggested adding a phrase such as "NPDES permits cannot be removed from properties". Mr. Shepstone added that it would have to be legally enforceable. The Solicitor added that individual property owners paying for their own review of their NPDES permit is quite unusual, and it's usually done by the developer. Mr. DiLorenzo said that he had inquired about it, and the answer was that there are various types of NPDES permits, and one of those puts responsibility on the property owner.

**Zoning Ordinance 407.2 – Review:** Mr. Shepstone said that the proposed amendment was more realistic, and the setback is changed in the proposed amendment. Mr. DiLorenzo said that the Zoning Officer had told him that he had to make temporary permits for Mr. Tom Stations temporary containers, but according to the ordinance, permits are for licensed trailers, and containers cannot be licensed. Mr. Stroyan added that Mr. Station uses overseas containers for job boxes. Mr. Shepstone said that non-licensable and non-mobile pods and containers (not on wheels) could be added in the language. Mr. Stroyan said that the number of vehicles is being limited in the contractor's yard, and it may not be reasonable. He added that what is reasonable and what is not depends on the size of the operation. He further added that a construction contractor can have a lot of various types of machinery. Mr. Shepstone added that he could add conditional use approval for that aspect. In response to Mr. DiLorenzo's suggestion, Mr. Shepstone said that that he would add the phrase "emergency access to building should be maintained". Mr. Stroyan suggested adding the phrase "adequate access to all ingresses and egresses for emergency purposes", and he added that that way the firefighter and the ambulance

would be able to go around and enter all the doors. The Solicitor said that the language doesn't clarify how many machinery would be allowed in the yard, and Mr. Shepstone said that he would put just "machinery" instead of "inoperable machinery".

**SALDO Redraft:** Mr. Shepstone handed some underlined copies to the Board, and he said that those underlined portions deserved special attention. He continued that he had done an update of Dingman Township ordinance about two years ago. The existing SALDO is quite old, a lot of things had changed since then, and this redraft is organized a little bit differently. According to the MPC, the Board of Supervisors can grant waivers, and that aspect is added. Violations and remedies are added, as some criminal violations of the existing SALDO are semi violations now. Separate chapters for mobile homes and RV Campground are added, and the existing SALDO doesn't have it. Lackawaxen Township has some provisions for combining lots, which can be done without going through the entire procedure, and those would be incorporated also. In some States, local laws often overrule state procedures, those Townships have provisions for line adjustments to exempt the whole procedure, and Pennsylvania doesn't have those rules. The solicitor added that people often want to undo after combining their lots, and that is not desirable, as lot combinations happen from the Planning Board's recommendations and Supervisors' approvals. Mr. Stroyan added that although simplifying lot combinations absolutely makes sense, a lot of lot combinations had happened in the past, and the Plates' application is about making nonconforming lots more conforming. He further added that the Plates are eliminating some lot lines and creating some. the Solicitor added that only combining existing lots could be simplified, but all other subdivisions would require approvals of deeds and surveying.

Mr. Shepstone said that a portion for Municipal liability was added in this redraft. Mr. DiLorenzo inquired if submitting mylar plan was taken off, and Mr. Shepstone said that he would look for it. Mr. Stroyan said that the approval process for lots and subdivisions seemed different than how the Township had been doing it. Mr. Shepstone added that the stormwater management is added, this aspect was in its infancy when the original SALDO was written, and DEP and PCCD are more involved now. Mr. Stroyan inquired if any appropriate paragraphs were added for using more professionals or standards in regard to the Source Water Protection Plan (SWPP). He also inquired if any paragraph was added to deal with snow. Mr. Shepstone replied that SALDO is the minimum standard that has to be followed, and higher standards can always be demanded. He added that nonresidential developments were also added, and traffic movements, design of the streets, ingresses and egresses, driveways, minimum paving, adequacy of the size of those lands were added for it.

In reply to Mr. DiLorenzo's inquiries Mr. Shepstone said that according to section 100-23.A, an additional setback would be required for properties with particular hazards, and an example for this type of situations could be putting high density housing right next to manufacturing facilities or fireworks. He added that 100-24.A was about blocks not exceeding 1,600 feet in length, that would ensure easy passage, and not going in one direction for ever. Mr. DiLorenzo said that according to section 100-26 of the redraft, the water supply would be 400 gallons per day for a dwelling, but according to hydrogeologic report, the average for Milford Highlands is two gallons a minute. He added that a subdivision has multiple houses, and it's the Township's responsibility to ensure that residents have water. Mr. Stroyan said that the Township might be responsible if there's no water after the well is dug.

Mr. DiLorenzo asked to add “the septic cannot be put at the base of a hill” under the Sewage Section. He added that in the Moon Valley Subdivision, the two mounds are right at the base of a hill, and every time it rains, it floods and the sewage drains into the Deep Brook Road. He further added that it was done by DEP back in 1986, and they don’t want to talk about it. Mr. Stroyan asked Mr. Shepstone to add that this Board would have the option to have a hearing. Mr. Shepstone said that he would incorporate all the discussions that had happened, and then he would send the revised version of this redraft. The Solicitor asked him to add all the changes in red.

**Making the Zoning map official:** Mr. Stroyan said that he had attended the last Supervisors’ meeting. He added that Supervisors want two maps, one is the official Zoning Map, and the other one is the map with the overlay just for the SWPP. Mr. DiLorenzo added that Mr. Steve Metzger’s subdivision is approved, and it could be incorporated into the map.

**Emergency Management Plan:** Mr. DiLorenzo asked to table this item at the regular meeting.

**Sewage Project – Draft of Act 537 Plan:** Mr. DiLorenzo said that the County would not invest any more money for this project. Mr. Stroyan added that the money was taken from Scenic Rural Preservation Trust, the operative problem is that one of the Supervisors had vowed that the Township won’t spend any money on the project, and it was said publicly a number of times. He further added that he personally thought that there should be a litigation against HRG. Mr. DiLorenzo added that the number of wells to be tested was initially seven, and then it gradually became nine, and then finally it became five. Mr. Stroyan added that their goal is to find coliforms in the wells. Mr. DiLorenzo wondered why the wells that are outside the service area were being tested, and he added that the testing should be up to the property owners anyway.

Ms. Emanuel inquired why the wells were being tested now. She added that it was supposed to be tested before the Act 537 draft was submitted. Mr. DiLorenzo replied that there were wells within the service area, and those wells were close to the line. He added that DEP told them that they would have to test wells in the service area, but they want to test wells that are outside the service area. Mr. Stroyan added that when they started the project, Mr. DiLorenzo had brought to their attention that the wells needed to be tested, and HRG had said that that would not be necessary for the application. Mr. Stroyan further added that after HRG made the application, DEP told them that the testing would be required, and the attorney is going to figure out what the Municipalities need to do. There would be agreements for the Municipalities.

### **Public Participation/Discussions:**

Mr. Stroyan informed the Planning Board that an applicant had showed up at the Supervisors’ meeting, they are in the process of buying a property of 44 acres on top of the watershed, and they were proposing a 450,000 square foot warehouse. He continued that this applicant isn’t sure about what the use would be. The Economic Development Authority had put out that this applicant had won the competition for two separate pieces of property, the other one is 90 acres, and its across the street adjacent to the Commerce Center. There might be a distribution center on this property. He added that it’s important to know the whole story. At the meeting, they had said that they would go through all their permitting processes including the NPDES and that State Highway infrastructure within nine months. This property was probably transferred for a dollar, and they probably avoided the transfer tax.

There was no other business or executive session needed. Ms. Emanuel made a motion to adjourn the meeting, Mr. Willis seconded, and it passed unanimously. The adjournment was at 8:50 P.M.

Respectfully,

Shahana Shamim

Secretary