

**MINUTES**  
**July 26, 2022**  
**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 Di Lorenzo through a Hybrid call, the contact information for which had been advertised in advance in the Pike County Dispatch. Also present at this meeting were Members Kevin Stroyan (Vice-Chairman), Ray Willis, and Patrick McCarthy, Solicitor Thomas Farley, and Secretary Shahana Shamim.

Mr. DiLorenzo said that the normal businesses would be dispensed, and nobody was present for the Plate's subdivision application. Mr. McCarthy made a motion to table it at the next meeting, Mr. Willis seconded, and it passed unanimously.

**Conditional Use Application for Distribution Facility – LVL Engineering Group:**

Mr. John VanLuvanee, the attorney for National Land Developers, said that Joe Marley and Allan Johns from National Land Developers, Mike Gable, the Engineer for this proposed project, and Dr. Crowe, the wetlands expert were present. He continued that the first application for this project was filed by Mr. Gable on May 4<sup>th</sup>, and the first hearing was held on July 5<sup>th</sup>. The Hearing was continued till October 4<sup>th</sup>, and the Supervisors had recommended getting recommendations from the Planning Commission. This application was supplemented with a second conditional use application, which doesn't change the plan, to address the lot coverage. The second conditional use will take place on October 4<sup>th</sup>, and he was expecting the Board to advertise for this second Hearing. Mr. Gable had submitted the revised plan at the July 5<sup>th</sup> Hearing, and they had received the Township Engineer's review letter of July 15<sup>th</sup>. The issue of parking needed to be discussed, and there are two front yards in this property. The Ordinance states that the parking is not allowed in the front yard, and they would apply for a variance if the Planning Board recommended it. He added that Mike will touch on every section of the ordinance, but some of them are general and some of them are more specific. The Solicitor said that he disagreed with him, and the Board would like to hear all the sections that apply. He added that the stormwater section applies, the Section # 407 states the performance standards as a use, the Section # 417 is about the site plan, and the burden is on the applicant to meet all those standards.

Mr. Mike Gable said that he had made some changes since his last presentation at the workshop. He continued that according to the PennDOT standards, it would be a low volume driveway, and he had added a medium volume driveway in the map. The traffic study had showed that the left turns would be difficult, and a second lane was added to avoid a queue of cars making left turns. The loading docks were too close to the neighboring property, as a 25' buffer around the site is required, and a couple of trailer parking spaces were removed. Grass pave, which uses plastic cylinders filled with gravel, would be used and it would have to be worked on with the Fire Department. The grass pave looks like grass, but the Fire Truck would be able to drive through it. Storm water management criteria. The Solicitor asked to explain how they would do the Section # 407.2, which is the operations and storage, and Mr. VanLuvanee said that it didn't have to be addressed at this stage of the conditional use, as this section addresses the land development issues. The Solicitor said that he disagreed, as this Section is

applicable to Commercial and nonresidential uses. He added that the Board is asking to abide by it.

In reply to Mr. VanLuvanee's questionnaires, Mr. Gable said that everything would be stored inside the building except the loading and unloading docks, and there would be 59 loading and unloading docks at the rear of the building. There would be short term storages inside trailers for as long as 24 hours, and there would be no outside long duration storages. Section 407.3 of the Zoning Ordinance speaks about fire explosion and hazards, and every fire department has their own specific ways to do things, such as the flow rate and where the fire hydrants and suction draw lines would be. Meetings would be set up with the fire departments for these specifics, which would be included in the list of conditions, and building codes and state regulations would be followed also. There won't be any radioactive activity or disturbances. The back of the building, where loading and unloading will happen, faces the highway, the building would block the extra noise towards Route 6, and hence it won't exceed the allowable noise standard. The jake brakes of the trucks in the highway would be way louder. No detectable vibrations from Route 6 would be generated, there won't be any chimneys in the building to produce ash, vapor, or fumes, and hence the Section # 408, which addresses the smoke criteria, won't be violated. The landscaping and lighting plans were submitted, and there won't be any spill over lightings.

The Solicitor read out the Section # 407.11, which puts the burden on the developer to put adequate safety devices with details to prevent contamination, he said that three reports were provided, and the ground water and flows were not shown in his work. He added that no well testing was done, and according to the geologist, there are very serious concerns about the surface water and the ground water. Mr. Gable replied that the ground water is impacted by the surface water activity, he would have to drill for the well testing, and he had never done it for conditional uses. The Solicitor said that the use is not set yet, the section 407 of the Zoning Ordinance states the standards for the use, and it has to be addressed. He continued that the purpose of the conditional use is to put conditions on the ground water, such as how it would be protected and preserved, and the Board is concerned about it. A huge project is being proposed, there are concerns about the aquifer underneath, and they have a duty to meet those standards. Mr. Gable said that that would be done as a part of the land development, and a narrative would be provided at that point. The Solicitor said that the situation of the applicant sounded like "here's my use, I don't know who my tenant is, and what the tenant will do". Mr. Gable said that the ground water quality cannot be addressed for this site without addressing storm water, as there is a sand and gravel aquifer, the surface water runoff affects the ground water, and he cannot speak about protecting the ground water. The Solicitor said that he wanted both the storm water and the ground water to be protected, and it looked like the applicant was just fluffing through the ground water issue.

Mr. Gable said that according to the Water Authority, turbidity is a big concern, as it affects the aquifer. He continued that this area is a little bit different than the other areas that were tested, as most of the area of the site is on top of the water table, and it has some environmental features such as, the surface water and wetlands, which can affect the water table. This area was cut, materials were dug out before 1913, and all the sand was probably used to construct Route 6 and a portion of Milford Borough. A hole was dug at the center of the site, and thus a small pond was created. It constitutes 15% of that site, and it discharges onto the water table. The elevation of the water table is 888, the wetland elevation is 868, and the ground water flows onto the water table, as there's a 20' difference in the elevation. As the project progresses,

infiltration testing would be done throughout the site, and the entire site would be dug down to establish where exactly the water table is so that the water table could be protected. In order to protect the water table, it has to be made sure that water does not discharge onto the water table, and it has to be capped with a filter media, sand and gravel, or some organic materials to slow down the water.

Mr. VanLuvanee said that the Section # 407.11 of the ordinance states that “all activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination”. He asked Mr. Gable to explain how that criterion would be met. Mr. Gable said that that could be addressed with stormwater management controls. He continued that there’s ground water on the site, and that area would be capped with fine grated stone to slow down the water flow, and that would stop the existing direct contamination of the standing water, which had formed from the excavation. He continued that there would be different design considerations for different areas, such as the main drive area and the loading dock, which have different types of structures with different risk categories. The main drive area would discharge into the stormwater management area 1 of the diagram, and then it would pass through a stormwater management structure. The CDS would then discharge into the wetland, as it can’t discharged into the basins because of the slope, and it would be improved with some culverts. The parking lot is another area of concern, curb and gutter system would be used at the bottom of the parking area, and it would go through another CDS. It would then discharge onto the infiltration basin, and it would be able to infiltrate a two-year storm, which is about three inches on the site. The loading docks is another major area of concern, its discharge will go through a collection of inlets, and then it would go through the same CDS. Then it will pass through the jellyfish water and grease media separator, which are a bunch of cylinders with carbon filters, it would capture and filter out fine sediments, and thus the oils and greases won’t make it to the infiltration system. It would then be discharged onto another infiltration basin, which would infiltrate a two-year storm or three inches of rain.

Mr. Gable said that 99% contaminants of all roadways are flushed off by the first inch of rain, that’s how the system is supposed to be designed, and that criterion is set by the DEP. The infiltration system will be made highly organic, and thus there would be a great growth of grass, which filters the residual contaminants very well. A patch of dying grass would indicate that the level of contamination is high and the media would have to be replaced. The roof area won’t capture anything but the rainwater, which does not contaminate. This rainwater will go into a small infiltration basin, which is labelled as the rain garden. No matter how well the system is designed or built, maintenance is very important. Post stormwater management plan will need to be developed based on the ordinance and the NPDES permit. DEP and the Township would be able to file lawsuits if this plan is not maintained, and that would create a lot of penalties. Spill control and protection plan also have to be prepared. Fire hydrants, fire extinguishers, small containers of different types of materials, have a potential to produce contaminants, and a log of all those materials will have to be made. This log would outline all the potential risks, how to clean those up, and how often that plan needs to be updated. Although it’s not required, a plan will be prepared and brought to the Township for stormwater management. DEP has strict standards for it, and he would be able to provide the documentation.

Mr. Gable said that they were planning to do the onsite sanitary sewage disposal, and there would be two alternate design concepts, which would reduce the BOD, ammonia, and suspended solids. It will then discharge into a Sewage Disposal Bed, which has Eljen systems in them. The Eljen system has the geofabric, the sewage would be pumped into those, and there

would be further reductions. Finally, there would be about 85 – 95% reduction, and from the organic loading standpoint, it will have less organic wastes than a single-family home because of this pretreatment system. Residual organics would be removed before it moves down to the water table, they had done some preliminary testing, there are fine materials in the sands, and it will significantly slow down the flow of water that goes through it. He added that he would do more hydrologic and geohydrologic studies. In reply to Mr. DiLorenzo's inquiry, he said that there would be a reserved area.

In reply to Mr. VanLuvanee's inquiry, Mr. Gable said that a parking area with 233 parking spaces are proposed for the front of the building, and the bulk area of the parking and the truck loading area would be kept separate as much as possible. Mr. VanLuvanee added that the loading would be on the I-84 side of the building, and Mr. Gable added that there would be additional spaces to park the empty trucks. He continued that according to the ordinance, one space for loading is required for each 40,000 square feet of building area, and it would have to be dramatically exceeded. The ordinance does not have a specific standard for a warehouse facility, and hence, the manufacturing facility standard would need to be used. The industry acceptable parking standards are outlined in the ITE parking generation handbook, which requires .51 parking spaces per each thousand square feet, and that calculates to 230 parking spaces. It will still be overparked, as only 110 employees will be there. In reply to the Solicitor's inquiry, he said that there would be this much impervious area, as he wanted to protect the ground water. The Solicitor said that more impervious area would cause more contamination, and Mr. Gable replied that the ordinance requires a specific standard, a variance would be required to provide less parking spaces. He added that this matter can be discussed if asked, and Mr. Stroyan said that a variance would be required for the parking anyway, as the ordinance requires the parking to be at the rear of the building. In reply to Mr. VanLuvanee's inquiries, Mr. Gable said that there is a plan for the lighting, which would protect the adjoining premises from any spill over lightings, and there would be landscapes throughout the parking area. He added that this landscape would help with the stormwater management.

In reply to Mr. VanLuvanee's inquiries, Mr. Gable said that there will be one access point, which would be from Route 6 instead of from Interstate 84, so that the loading docks could be at the back of the building, and that way the noise would go towards the Interstate, which has the noise anyway. A landscaped and designed parking lot would be more appealing than the loading docks, and it would provide a more pleasant appeal to Route 6. There won't be any parking spaces at the side of the building, as that won't be an efficient layout. For the general traffic circulation plan, the mingling between the general traffic and the truck traffic would be avoided by making the trucks take as few turns as possible. Trucks would go straight onto the loading area, and the remaining traffic would take the left or the right. According to the Section # 414, which outlines the list of allowable lot coverages, a warehouse is a conditional use, and hence, a 65% lot coverage could be allowed.

In reply to Mr. VanLuvanee's inquiry, Mr. Gable said that the acreage of the land is 44.8, according to the Section 414.4 the allowable lot coverage is 65%, and he was putting 100 feet from the property line to follow this section of the ordinance. the Solicitor said that it would work better for the Township if they did the conditional use and the land development together, the applicant didn't want to do that, and he understood that. He inquired if they had a prospective tenant, and Mr. VanLuvanee said 'no'. Mr. Gable replied that if there's a subsequent change, and the land development plan is done already along with the conditional use, then it would cost another \$30,000 to make this change.

Mr. DiLorenzo commented that a lot of mixing of the car and truck traffic would happen. Mr. Gable replied that there would be a stop sign for the cars, only 15-20 trucks per hour would be expected the most, and that means there might be only one truck in every three minutes. He added that there would be plenty of time for the cars to pull in. Mr. DiLorenzo said that 110 cars might pull in at the same time, and he inquired if those cars would line up on Route 6. Mr. Gable replied that the traffic engineer's job is to make sure that those car lineups don't happen. He added that PennDOT doesn't allow that to happen, and another lane might need to be made. The Solicitor added that the traffic study needed to be done along with the Conditional Use, as Mr. Gable had already stated that this development would cause a somewhat high-volume traffic. Mr. Gable said that this is a warehouse for servicing goods for the interstate commerce, which uses the interstate. He continued that trucks usually weigh 30-40 Tons, they are stopped all the time so that weights could be taken, and it's a nightmare for them. These trucks will face a lot of traffic if they turn left at the Borough light to take the Interstate 84, and it would rather be faster to make the right turn for getting onto 84. The speed limit on Route 206 is low, and it would be expensive for the trucks to spend that much time on the road. The Solicitor added that the traffic study would make the Township understand better about the kind of volume it's going to be, how many trucks there would be, and the Township would be able to put conditions on this Conditional Use. Mr. Gable said that the traffic study is based upon the ITE, the scope of the study does not consider how many trucks there would be for specific projects, but it looks at all the intersections in the area that might have a potential effect. He added that the Engineer is tasked with the scoping study, which is submitted to PennDOT, and the Township Engineer would be invited to attend this study. The Solicitor asked if the applicant would be willing to wait for the study to be complete before the application is approved, and Mr. VanLuvanee said 'no'.

The Solicitor asked if they would be willing to do the well testing as outlined in the Section # 407.11, and Mr. VanLuvanee replied that they were not going to do any more testing at that point. The Solicitor told the applicant that nothing was done to address the Section #608, and they were trying to get the approval of a hypothetical use so that there can be no conditions. Mr. VanLuvanee said that the Section # 608.4 stated that "there shall be a community need for the proposed use at the proposed location", and Mr. Gable explained that it's a need because that's how the economy has grown. There had been a nationwide change, malls are dying, and Kmart is gone. These changes had been happening, as everyone is doing online shopping, and distribution facilities are needed to store those materials before being shipped to Amazon for example. Eighteen wheelers park in the Turkey Hill of Milford Borough, and this place has only six parking spaces. That's because those large trucks come from 20-30 miles away, as those trucks service a very large area, and there is no local facility to use smaller trucks. 110 jobs would be created, and then much smaller trucks instead of eighteen wheelers would come. He added that local restaurants would be used because of this local employment. Mr. DiLorenzo commented that the Board won't be able to decide if it would be a decent thing without knowing what's going in there, and he inquired how the applicant came up with 110 people. Mr. Gable replied that according to the parking generation handbook, 110 people work at these types of facilities, and the sewage system is designed considering that there won't be more than 110 people in any day. He added that some part-timers might be added to that number.

The Solicitor inquired which section of the variance the applicant would be seeking for the parking. Mr. VanLuvanee said that if the Planning Board wants the applicant to apply for a variance, then the application for the variance would be done, and if the Ordinance states that

there cannot be any cars at the front then the variance would have to be sought anyway. The Solicitor added that a reduction in parking also needed to be asked for so that the project has a less impervious surface. Mr. Gable added that according to the Ordinance, the purpose of all the parking to be in the backyard is to make sure that the adjoining parking lots don't merge together, that is happening everywhere, and that's a problem for both the appearance and safety. Mr. Stroyan inquired if there's an assurance that it was only going to be a warehouse facility, or if it was being marketed as an industrial manufacturing warehouse. Mr. VanLuvanee replied that they were asking for a warehouse and not a manufacturing facility. Mr. Gable added that classifications often get lumped together, they were asking for a warehouse, and they will come back with a brand-new application if they ask for a different conditional use.

In reply to Mr. VanLuvanee's inquiry, Mr. Gable said that this property is surrounded by comparable types of uses, and hence it won't violate the standards and criteria, which states "the proposed use at the proposed location shall not result in a substantial or undue adverse effect on the adjacent properties". In reply to the Solicitor's inquiry, he said that the sprinkler system would be designed so that the Fire Department could use the power pump. He added that the height would be 50' or whatever the Ordinance requires, and there would be a meeting with the Fire Department to go over everything that the Fire Department would need. In reply to Mr. Stroyan's inquiry, he said that there would be a 100' setback, and there would be a 25' buffer along the yard. Mr. Stroyan asked if an improvement bond would be done, as the Fire Company, which may not have proper equipment for such a large development, might think that it would be required. Mr. Gable replied that his intent is to bring the Fire Department in front of the Board to testify that the Fire Department is satisfied with the proposed protocol. In reply to Mr. DiLorenzo's inquiry, Mr. Gable said that the total number of full time employees cannot be more than 110, and theoretically there would be 39 in each shift if there are three shifts. Mr. Stroyan inquired if the developer would be willing to provide a security for the contamination, and Mr. Gable replied that an insurance coverage would be provided. Mr. Stroyan added that there should be some sort of insurance or surety bond for the protection of the aquifer and for the stormwater management as well. Mr. VanLuvanee said they would be willing to see what other developers had done in the past, and Mr. Stroyan added that that could be an open question. He also said that the applicant was saying that the water table is at 25' without any geologic study specific to the site, and Mr. Gable replied that they had said that the visual evidence can provide a good idea about where the water table is.

Mr. DiLorenzo asked if the plan was sent to the County, Pike County Conservation, and DEP, and Mr. Gable said that that was not required for conditional uses. Mr. DiLorenzo asked if any study about how much water would be leaving the property was done. He added that there had been some torrential downpours, and it had washed down properties. He further added that the basins can overflow, that can do a lot of damage to the property, and he inquired how much water would go into the stream from this project. Mr. Gable replied that the discharge onto the stream will not increase at all. He added that the stream has to be protected from erosion, two pieces, stream bank erosion and the flooding, are important to protect the stream, and those two are separate issues. He further added that there are sand and gravel materials on the site, hence a 100-year storm would have to be done, and every single storm would be looked at. Mr. DiLorenzo said that the submitted documents indicated that the Jellyfish treatment facility removes about 80% of the contaminants, and he inquired what would happen to the remaining 20% of the contaminants. Mr. Gable replied that this remaining 20% will go to the underground

infiltration facility, which has 18” of soil media, and it would capture that remaining 20% of the contaminants.

Mr. McCarthy said that who would be coming into the proposed warehouse or what it’s going to be used for is undetermined, and he inquired if explosive or corrosive materials might be coming in. Mr. Gable replied that criteria is set for handling and storing hazardous materials, some materials cannot be stored in uncontrolled environments, and some of those materials have specific allowable gallonages. He added that the materials that are considered hazardous under the building code won’t be handled on this site, as the design criteria won’t allow for it, and the Zoning won’t allow it either. Mr. Willis said that giant volumes of snow get piled up in the parking lot and 50% of the parking lot would be lost from those piles. Mr. Gable replied that the storm water would be pushed onto the basins, which are about 60’ deep. Mr. Willis inquired if it would be cleared off every single time, or whether it would be salted out. Mr. Gable replied that a different type of salt that does not have the same negative effect will be used. The Solicitor said that that needed to be enforced, and Mr. Gable said that that could be a condition. The Solicitor said that the term “shall” will have to be used for this condition, and Mr. VanLuvanee added that the Planning Board could make recommendations, which they would respond to. Mr. Gable added that the infiltration facilities do well in capturing the salt, but he would come up with the standard for the salt sand mix.

Mr. DiLorenzo asked if any emergency management and evacuation plan was designed, and Mr. Gable replied that that would have to be done a few weeks before the building gets occupied. Mr. DiLorenzo said that that should be a condition, and Mr. Gable agreed. Mr. DiLorenzo asked which area they would work from in case of an emergency, and if there is a specific area for the emergency vehicles to use. Mr. Gable said that there is a clean area at the back, and doors could be placed for this purpose. He added that he would work with the Fire Department on where the fire lane needed to be added. He further added that it would be important to know the number of access points and the type of equipment that they have. Mr. DiLorenzo added that how to get in and out would have to be learned too.

Mr. Stroyan said the discussion needed to be continued to the August meeting, and he suggested allowing the public to speak. Mr. VanLuvanee said that he won’t be able to attend the August meeting, but he would send his associate. The Solicitor said that the Ordinance requires a decision to be made within 30 days, and he inquired if the applicant could allow the Planning Board a week after the August meeting. Mr. VanLuvanee said that the Planning Board’s recommendation is an internal thing, and hence it would be up to the Planning Board. He added that they would go back to the Board of Supervisors on October 4<sup>th</sup>, and hence, the Planning Board would have enough time to make a recommendation to the Board of Supervisors. The Solicitor agreed that the deemed approval was extended to October 9<sup>th</sup> anyway. Mr. VanLuvanee added that they would allow a week after the August meeting in writing.

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

Ms. Emanuel said that she was a former Member of this Board, and she had attended some of their presentations already. She added that she had spoken to some Milford Borough constituents, she hadn’t seen any landscaping from Route 6, and that’s going to be one of the interests as well. Mr. Gable explained that there would be a 25’ buffer, which would have trees on the frontage, and there will be an elevation for the building. The berm for the stormwater would be further landscaped, and hence there would be a lot less appearance of this big building. He added that the wooded area would remain undisturbed. Mr. Stroyan asked if the applicant

would allow the Board to walk in the site. Mr. VanLuvanee replied that that is a valid request, a visit could be arranged if a date and time is provided to them, and he would work with the current owner to get the approval. Mr. Gable added that it's an active site, there are heavy equipment, and he advised that all people should not walk in that site for safety issues.

In reply to Mr. Fred Weber's inquiry, the representative of National Land Developers said that the purchase contract, which hadn't been executed yet, was in progress. Mr. Weber asked if they had built such a large warehouse anywhere before, and Mr. Gable replied that they had built a 750,000 square feet warehouse on an unconfined unconsolidated aquifer before. He continued that Milford Landing has the same exact concern as this proposed project, and Walmart, Lowe's, and Taco Bell are all sitting on top of the protection zone of the well. These developments had been there for the last 15 years, the water quality is great in that area, and that's because he had done proper stormwater protection. Mr. Frank Turquinio asked if they had checked with Pike County if they had the capacity to handle this development, and Mr. Gable said that that would have to be upgraded.

Mr. Doug Manion said that large trucks containing chemicals is the greatest threat to the aquifer. He added that even smaller amounts of chemicals from the employees' cars in the parking lot is a big threat also. He further added that can't go back after the facility is done, and he asked to explain at the next meeting how the proposed facility would be a minimal risk to the water supply. The Solicitor added that according to the applicant's attorney, those standards are not required for the conditional use. Mr. VanLuvanee said that those are objective standards, and the proposed use is appropriate for the neighborhood. Mr. Manion added that the conditions needed to be stringent, and the Solicitor added that all the chemicals on the ground would permeate through. He continued that the applicant was splitting the conditional use and the site plan, while the conditional use cannot be reviewed by Pike County Planning. The Section # 407 are objective standards for placing conditions, this Board cannot make recommendations until those conditions are met, and conditions cannot be created without the ground water study and the traffic study. The applicant is burdened to do those studies before the conditions are set, and without the set conditions, recommendations cannot be made. Mr. Manion said that a creek goes through this property, and he didn't see any plans to protect that stream. Mr. Gable replied that on July 15<sup>th</sup>, he had sent a letter to the Water Authority addressing all the concerns. He added that there are ways to do developments responsibly, and spill control prevention plans can be done to protect the water. He further added that the facility can be designed to protect the quality of the water, the surface water, and the ground water, and assurances can be placed so that the facility would be monitored as long as it's in operation.

At 9:31 P.M., Mr. Dilorenzo said that the meeting was extended by half an hour already. Mr. Stroyan made a motion to continue the meeting to the August Planning Commission meeting, Mr. McCarthy seconded, and it passed unanimously. Mr. Stroyan made a motion to adjourn the meeting, Mr. McCarthy seconded, and it passed unanimously.

Respectfully,

Shahana Shamim  
Secretary