

MINUTES
October 25, 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, Michael Williams, Solicitor Thomas Farley, Planner Thomas Shepstone, and Secretary Shahana Shamim.

September 27, 2022 Meeting Minutes: Mr. Stroyan asked to delete the phrase “of interest” from the sentence “Mr. Stroyan added that allowing storage was not the intent, and the point of interest was allowing job boxes”. He made a motion to approve these minutes with this correction, Mr. McCarthy seconded, and it passed.

Plate Lot Combination: The Solicitor said that 60 days were granted for this application at the previous meeting, and if the applicant doesn’t come back within this time period, which is granted, then it would have to be denied at the following meeting through votes.

Conditional Use - Non- conforming addition and extension - Joe Barth: Members discussed that the Zoning Officer had reviewed this application. This property is a nonconforming property on Bennett Avenue, it doesn’t meet the setback requirement, but the applicant is not encroaching any further on the setback. Mr. Stroyan said that the applicant does not need to be burdened with the formal hearing in front of the Planning Board, and Members voted to recommend this conditional Use application to the Board of Supervisors.

Zoning Ordinance 407.2 – County and Zoning Comments: Mr. Shepstone said that Shawn had reviewed and made some comments on the proposed Amendment. He continued that he had responded to Shawn’s comments, and he had to make some minor changes. There was a conflict between 407.2 (b) and the section # 417.5, as the language was slightly different. Every situation is different, and hence, he didn’t define the short-term basis, which Shawn had asked to define. The intention is not to have big piles of nonsense in front of businesses, and he had added “typically six months or less”, but that might lead to defining ten more things. Mr. DiLorenzo said that it’s a conditional use, which considers each case, and projects can be big or small. He suggested taking that phrase out, as some containers might need to sit there for a year. Mr. Stroyan clarified that this is for job boxes, not storage trailers. He added that once it’s allowed, it will have to be allowed, and there shouldn’t be any timeframe on it. He further added that Mr. Station’s business is for steel fabrication, and he would need to keep his job boxes as long as he continues the business. Mr. Shepstone added that the things that are to be sold will also be in the yard for a while, and Mr. DiLorenzo added that masonry places need to keep some stuff in the yard for a long time. The Solicitor commented that the job box is not mentioned anywhere in this ordinance. Mr. Shepstone replied that it is mentioned in section D, Mr. Willis added that it’s called a container, and Mr. DiLorenzo suggested using the word travelling container. Mr. Stroyan added that they needed to make sure that it’s a conditional use, which will allow the

containers to be there. Mr. Shepstone added that at the previous meeting it was discussed that three containers would be allowed, and conditional uses would be required if it goes over three.

Mr. Stroyan said that the containers should not add to the lot coverage, and those should be placed on the impervious surfaces. Mr. DiLorenzo added that when they come for permits, they would have to show that those containers would be placed on the impervious surface or gravel, and Mr. Willis added that the gravel is an impervious surface. The Solicitor added that the applicant could create some impervious surface by bringing some gravel for each of the containers, and Mr. Willis added that that case would be a land development. Mr. Stroyan added that the containers will have to be placed on already developed land. Mr. Willis added that if it's a new project then it would be under conditional use anyway. Mr. Shepstone said that he would add "containers will have to be placed on the existing impervious surface". Mr. DiLorenzo added that if those containers become permanent, then it would become a shed, and they would have to go for a shed permit. He further added that inspections cannot be done on a structure, which does not have a foundation, as it's not a permanent structure, it's a shed. Mr. Shepstone asked if that would have to be applied to the trailers also, and Mr. Stroyan suggested clarifying that these job boxes should be mobile. Mr. Shepstone said that he would add "shall remain mobile" for trailers and containers. Mr. DiLorenzo made a motion to recommend this Amendment to the Board of Supervisors with the corrections, which were just discussed. Mr. Stroyan asked Mr. Shepstone to forward a short paragraph explaining that Mr. Bolles' comments and questions were addressed. Mr. Willis seconded the motion, and it passed unanimously.

Wellhead/Watershed Zoning Amendment – Zoning Comments: Shahana said that the latest draft of this Amendment was dated September of 2021, it was discussed afterwards in light of the County's comments, and she was expecting another update from Mr. Shepstone. Mr. Stroyan added that it has to be forwarded to the Board of Supervisors (BOS) so that they can act on it. Mr. Shepstone added that it was held up because of the Zoning map, which needed to be done before it could be forwarded to the BOS. He further added that he would send his latest copy, which is dependent on making the Zoning map official, to Shahana. Mr. Stroyan said that it was hard to discern where the zones were from the Zoning map, and there's supposed to be an official zoning map, and another one with overlay zones. He added that there were too many hands on the Zoning map, there are confusions, and he would work on it with Brian Snyder.

Zoning Ordinance Section # 608.1: Mr. Shepstone said that the question was about allowing the Planning Board to have the Hearing. The Solicitor said that the second paragraph did state that the Planning Commission may have the Hearing. Mr. Shepstone said that he had added that option in the SALDO redraft also. Mr. Stroyan asked Mr. Shepstone to send the most current version, and he suggested having binders, which could be left in the building, as he gets multiple copies of all the drafts.

Emergency Management Plan: Mr. DiLorenzo said that this project is still under development, this township could rather be an assist, and Mr. Willis added that the Township building is not capable of providing a warming station or a shelter. Mr. DiLorenzo added that a list of equipment that would be available was made and he himself was working on the evacuation plan.

Sewage Project – Draft of Act 537 Plan: Mr. Stroyan said that it is a large document, which included the Comprehensive Plans and Ordinances of all four Municipalities, and Mr. Shepstone said that that is probably because of the DEP's guidelines. Mr. DiLorenzo said that he had some concerns about this draft. He continued that the grinder pump with 50-gallon tanks was still being proposed, it won't even support half a day without power, and a backup generator would be required. Milford Water Authority does not shut off when the power goes out. He had worked on the Hotel Fauchere, which has a 500-gallon grinder pump in its basement. That whole building was running with that grinder pump, and he had to tell them that he won't approve it until they got a backup generator. It's going to be an extra cost for people to get a backup generator, which would have to be good sized, as a part of the house would also run on it. The grinder pump is a two Horsepower pump, it would draw 27 Amps for the start up, and it will constantly draw 16 Amps when it's running. The responsibility of its maintenance will be on the property owner and replacing the pump would cost about \$5,000-\$7,000. There are still some houses that have fuses, no studies were done on that, and those people would have to upgrade their system. Mr. Willis said that this Township will just be a pass-through, and Mr. DiLorenzo said that people in this Township will have the option to hookup to it. He added that maintaining the sewage system from the property line to the structure will also be the responsibility of the property owner, that would include the plugged lines, which could get backed up for any reason, and these are going to be the additional costs besides the monthly payment.

Mr. DiLorenzo continued that the EDU number of 200 gallons per day is based on the DEP's commercial amount, and he didn't agree with it. According to DEP, 265 gallons per day is the national average for residential properties, he had done his study for this Township about 10/12 years ago, and he had found this number to be between 230 and 250. According to the draft plan, if it goes over 200 gallons, then they would charge double. They had said that they had changed this number, but he doesn't see this change, probably because they were looking at the business district, which is 200 gallons. In Pennsylvania, the number for the residential properties is 400 gallons/day, and that's the state requirement. Mr. Stroyan added that if the base is 200 gallons, then all residential customers will have to automatically pay double. Mr. DiLorenzo continued that 200 gallons is the Pennsylvania state number for businesses, and that's probably how they got that number, but there should be a different number for houses. Sewage expenditure cannot be higher than 2% of the average income of a Municipality, and it came out \$45,000 for Milford. For this case, it would be \$75 just for the loan payback, and the property owners would be responsible for the maintenance also.

Mr. Shepstone asked how many real-life problems were figured out, and Mr. DiLorenzo replied that the bottom-line is that this sewage was talked about 12 years ago, it was allowed for Westfall, but it was not allowed for Milford Township and Matamoras Borough, as these two Municipalities did not have ground failures, they had system failures. He added that there was supposed to be a joint meeting for these two Municipalities, but it didn't happen. Mr. Shepstone added that the DEP's approval would be required at the end of the day, and ground failures would have to be proved for that approval. Mr. DiLorenzo replied that cesspools were being used as failures, as the DEP considers cesspools as possible failures, but that doesn't mean that there's no replacement for it. He continued that he supports sewage for the business district. There was a question about the sludge, and at present, 527,000 gallons of sludge a year are done. He had worked for the M&S Plant, which is at their peak now, and they can't take anymore sewage unless they expand. They would have to go to Hazelton, which is the next closest place, for the extra waste.

Mr. DiLorenzo said that the Low-pressure system section in the Plan states that the property owner has all the responsibilities from the property line. He continued that the Section 5.8.1 talks about the mandatory pump outs in the ordinance. The Section 6.5.3 states that if something is put in, the

ownership would be transferred to the Municipality, which won't have a choice then, and they call it the developer contributions. The Section 6.5.4 states the capital charge fees, which is about the projects to expand, and the risk would be on the Municipality. Section 6.7 is about Municipal Authorities and funding, and it describes who's responsible for what. The Section 7.1.3 gives the Westfall Municipal Authority a lot of legal authority. Mr. Stroyan added that Rachel had sent a letter with questions and comments regarding the Intermunicipal Agreement (IMA) to the Milford Water Authority, and Shahana said that she hadn't received any response to that. Mr. Stroyan added that they needed to prepare to voice the concerns as citizens at a public Hearing. He further added that there was a meeting with HRG, and they were not listening to any questions. Mr. Shepstone said that the Planning Board has some authority to make recommendations, which the DEP will look at. Mr. DiLorenzo said that this Board had sent 56 questions, which were not answered.

The Solicitor said that this Township would be a passthrough only, and Mr. Stroyan said that the Township will have to follow the OLDS ordinance. Mr. DiLorenzo added that the intermunicipal agreement includes all participants, this Township is participating in that, and the OLDS ordinance is in the Section 8.1.2 of the Plan. The Solicitor added that Mr. Magnotta had said that the mandatory hookup ordinance won't be done for five years, which would be the study period. Mr. DiLorenzo said that the section of the low-pressure system states the homeowner responsibility, the Plan also states about educating the public about the OLDS, and that's going to be an extra expense. He added that the last Delaware River Basin Commission (DRBC) letter had approved .34 gallons per day, and a lot of new housings were added in Westfall behind Lowe's and Home Depot. He further added that a nursing home was added too, and those additions are not mentioned in the Plan. Mr. Stroyan said that the DRBC had issued a docket, which is a permit for these facilities, and the Plan does not include the conditions that exist in this docket. He continued that another application is supposed to be submitted, and a sign off letter is required from DRBC whenever any additional developments or subdivisions are done. The answer from Westfall Waste Treatment Plant (WWTP) regarding this question had been "there's nothing that has to be done". The last part of the Section 5 states that several of the WWTP covered areas are in the 100-year flood fringe, and it's being ignored in the planning phase, while it's clear that it has to be done in the design phase. This docket expires in 2023, and hence it has to be redone during their planning phase.

Mr. Shepstone asked what the Board of Supervisors (BOS) position was, and Mr. Stroyan replied the BOS won't impede the line to be just a transmission line, and they won't also impede any residents from hooking up to the line. He added that the IMA states that whenever any resident wants to hookup to this transmission line, they would be responsible to update this Plan, and that nullifies all the benefits that the Supervisors had wanted, such as not making the mandatory hookup ordinance to get the Federal money. He wondered if the appropriate authorities had been notified about those recent developments, which probably tripled the wastes. Mr. DiLorenzo said that there will be a surcharge for anything over the hourly rate, which would be based on the 200-gallon EDU, and it would go right to the Municipality. He added that although this Township is just a passthrough, the Plan includes all the participants, and this Township is a participant. Mr. Stroyan added that Municipal Authorities are the operators, they can charge back to the Municipalities, and he wondered if that's even legal. Mr. DiLorenzo added that there would be an insurance for the sewer, and the section 902 states what won't be covered by the insurance. Mr. Stroyan added that according to the IMA, the Westfall Municipal Authority will decide who would be in it, and what restrictions would have to be put on. Mr. DiLorenzo added that Municipalities would have to employ a consulting engineer, and that would be another expense. Mr. Stroyan added that this Township had some system failures, but there were no ground failures. He added that they had been in business for 30 years, and there had been no problems. He further added that it's about density, and it

has nothing to do with the sewage. The Solicitor urged Members to attend the public Hearing, and Mr. Stroyan said that they needed to get together to formulate something that everybody agrees with. Mr. Willis said that the Dimmick Inn and the Diner had made substantial investments to upgrade their systems. Mr. DiLorenzo said that the restaurants are looking towards it, so that they can increase their number of chairs from 30 to 60.

Public Participation/Discussions:

Mr. Shepstone said that his company, Woodland Designs, wanted to start working on updating the Comprehensive Plan, and the response they got from the BOS was that they didn't have the money for it. He added that he was confused, as the BOS had done the RFP, which is usually done when money is available, and BOS had told them that they were selected. Shahana said that she had just received an approval letter from the SRCP, which had approved 25% of the cost for this project. She added that she would forward that letter to the BOS at their next meeting.

Mr. Stroyan made a motion to adjourn the meeting, Mr. McCarthy seconded, and it passed unanimously. Adjournment was at 8:30 P.M.

Respectfully,

Shahana Shamim
Secretary