

MINUTES
December 27, 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), Patrick McCarthy, and Michael Williams, and Secretary Shahana Shamim.

Review of November 22, 2022 Meeting Minutes: Mr. Stroyan said that he wanted to clarify with Michael Williams about what he had said while discussing the official Zoning map. Mr. Williams clarified that he had built his property there, and he had done the setback based on the commercial property, as he was told that way. He wanted to make sure that he wanted his property to remain with that same designation, as a new Zoning map was being made. Mr. Stroyan asked him to provide this correct language to the Secretary so that it could be incorporated onto these minutes. Mr. DiLorenzo asked to delete the words “it was never sent to the County for comments” from the sentence “Mr. Quick’s property on top of the hill is commercial, but it’s residential on the old map, and it was never sent to the County for comments”, as it was not known whether it was sent to the County or not. He added that the sentence “a letter has to be written first to enter anybody’s property” to be changed to “a letter has to be written to the property owner if there is a problem in the property, and the property owner’s permission is required to enter the property”. He further added that the paragraph about the Hotel Fauchere before the “public participation” was just an example and that didn’t need to be included in the minutes. Mr. Stroyan made a motion to table these minutes with all the corrections, Mr. McCarthy seconded, and it passed unanimously.

Review of December 8, 2022 Workshop Minutes: Mr. Stroyan made a motion to accept these minutes, Mr. DiLorenzo seconded, and it passed unanimously.

Plate Lot Combination: Ms. Lara Ann Dodsworth, the attorney for the applicant, said that the map was not finalized yet, as Rebecca Shea had transferred her property to a Living Trust. She continued that she would need to clarify before updating the map, as Pike County Planning had suggested to change “Lands now formerly Shea”, to “formerly Living Trust”. Attorney Farley had already approved the legal description on the deeds that were signed by Rebecca, and the map should be labeled accordingly. Mr. DiLorenzo asked if that Trust already owned the property, and Ms. Dodsworth replied that the change was done at some point in October or November. Mr. Stroyan said that that portion was concerned about the outside perimeters. He added that deeds are living documents, and he asked her to confirm with Attorney Farley that it was okay with him.

Mr. DiLorenzo asked whose signature there was on the Holger’s property, and Ms. Dodsworth replied that she had submitted brand new deeds to show the Living Trust to Attorney Farley before the last workshop. She added that Attorney Farley had approved the deed because she had given him the deed transferring from Rebecca Shea to her Living Trust, which is not just Rebecca, it’s her and her husband, and they both are Trustees of the Living Trust. Mr. DiLorenzo

asked whether the actual sale was from the Trust or from the Shea, Ms. Dodsworth replied that the original paperwork was from Shea, and the Members said that they didn't need to care about the Trust if that was the case, as people can change the deed any time after the map is signed. Ms. Dodsworth said that the name of the map was "Plate and Shea", Pike County Planning had reviewed this map after the last workshop, and from the legal point of view, both names should be there to make the change of title legal. Members asked her to confirm it with both attorneys.

Mr. Stroyan said that the last sentence on the map was "the existing and the proposed use of the lots was RD-Agricultural", and he asked to add the words "it reflects the preexisting nonconforming use" to it. Ms. Dodsworth clarified that she would have to submit the updated map, the nonconforming use certificate, which would have to be approved by Shawn Bolles, and a letter of request for a 90-day extension. Mr. DiLorenzo added that this Board could forward their recommendation to the Board of Supervisors (BOS) with conditions, and Ms. Dodsworth could forward those documents to the BOS. Mr. Stroyan made a motion to recommend this lot improvement application to the BOS with the contingencies that the description will have to be agreed upon by the attorneys, the language of the acknowledgement of the nonconforming use will have to be included on the map, and the certificate of the nonconforming use will have to be presented. Mr. Stroyan added that the Board of Supervisors will have to grant the 90-day extension at the request of the applicant, and he asked Ms. Dodsworth to confirm with both Attorneys. Mr. DiLorenzo seconded his motion and it passed unanimously.

K&N Holdings, LLC Fill Site – Kiley Associates, LLC: Mr. DiLorenzo said Billy Shi owns this property, which is about 28 acres, and the Township was notified when the project was being done. He continued that a driveway was put in, and Kiley Associates is working on the NPDES permit for it. Clearance permit was required for clearing more than half an acre, he had done the E\$S Plan application to the Pike County Conservation District, and it was approved. PennDOT had asked to make a ditch line to get rid of the stormwater runoff, but it was not finished, and he is no longer working with the owner. The site was shut down when he retired, and now the owner is redoing everything. In reply to Mr. Stroyan's inquiry, he added that the fills were brought from some jobsites, New York has a much tougher fill regulation than Pennsylvania, and PT Consultants was working on the analytics. Mr. Stroyan said that a number of local properties have taken spoils from the local construction jobs, but when a volume is hauled, then it would be similar to what had happened in Westfall Township 25 years ago. He added that they had filled the entire thing in there, and they had to go to jail for that. Mr. DiLorenzo said that he himself was there, DEP had checked each truck that came in, and there was nothing.

Mr. Stroyan said that the submitted map didn't show any elevations, and Mr. DiLorenzo replied that there's 90 feet drop from the road, and there will be slopes and stages for the fill. He added that there's nothing in the Zoning Ordinance for that. He further added that he had to cut trees for more than an acre in that property, and he had gotten an approval for that, as according to the ordinance, a permit is required for anything that's over a half-acre. Mr. Stroyan asked why this item was on the agenda, and Mr. DiLorenzo replied that the Municipalities are supposed to be notified when NPDES permits are applied for. Shahana said that the Zoning Officer had written "pending application" on the approval application of the Chapter 102 permit, and Mr. DiLorenzo replied that the Zoning Officer probably meant that the NPDES permit application was pending. Mr. Stroyan added that they are calling it a land development, and Mr. DiLorenzo added that any questions would have to be forwarded to Mr. Fuller, the alternate Engineer, as

Kiley Associates was doing this work. He asked the Secretary if she had received the NPDES application also, and the Secretary said ‘no’. Mr. Williams added that they were just notifying the Municipalities, Mr. DiLorenzo agreed and said that the Zoning doesn’t cover it.

Mr. Stroyan said that the type of material that would go onto that site would need to be considered. He added that the DEP says that Municipalities have to be notified about these applications so that the concerned parties get the opportunity to weigh in on such applications, and that way they can ask questions and make suggestions. Mr. DiLorenzo added that the analytical for those materials could be asked for. He continued that PT Consultants, which is a good company, will probably do the analytical when the dirt is brought from New York. DEP requires the dirt to be approved before it’s dumped, and PT consultants don’t lie about what’s going in there, as they might lose their license. Pike County Conservation oversees such projects, and nothing can be done until the NPDES permit is issued. Mr. Stroyan said that feedbacks from both Mr. Magnotta and Mr. Farley would be needed, and he asked the Secretary to keep this on the agenda for the next meeting.

January 12, 2023 – Workshop or Reorganization Meeting for the Board of Supervisors’ Approval: Shahana said that Rachel Hendricks had asked to add this item on the agenda. She added that Rachel had said that Members might want to start working on the Comprehensive Plan in the January workshop, and the reorganization could be done right before starting the workshop. She further added that the Supervisors would approve it at their following meeting, and then it could be advertised accordingly. Members looked at the letter of Mr. Anthony Magnotta dated January 22, 2020, and according to that letter, the Member Ray Willis’ term expires on December 31, 2022. Members asked the Secretary to ask Mr. Willis if he wanted to continue serving as a Member of this Board, and they voted to do their Reorganization right before starting their workshop.

SALDO Redraft – Recommend to the Board of Supervisors: Mr. Stroyan said that this redraft cannot be approved while the Wellhead Protection Ordinance, which is referred in this draft, doesn’t exist. In reply to his inquiry, Shahana said that she hadn’t received any comments from the County for this redraft. Mr. DiLorenzo added that the Wellhead Ordinance won’t be ready until the map is done, he suggested referring as “for future”, and then the Wellhead Ordinance could be done at any time. Shahana added that Mr. Shepstone was asked to send an update about all the projects that he was working on, and she didn’t receive that update from him. Mr. Stroyan said that he would contact Mr. Shepstone and Mr. Snyder to work on the overlay map that Ms. Luhrs had asked for, thus the Wellhead Protection Ordinance will be done, and then the SALDO will be ready.

Short Term Rentals: Mr. DiLorenzo handed out copies of Delaware Township ordinance, it was made by Mr. Tom Farley, and he handed an ordinance from Mr. Tom Shepstone also. He said that they were almost identical, but Mr. Farley’s was more restrictive. Mr. Stroyan said that the first step would be to confirm with the Supervisors if they wanted the Planning Board to consider this matter, and if the Members agree, then he would discuss it with the Supervisors at their next meeting.

Mr. DiLorenzo said that some AirBnBs were not paying the hotel taxes. He added that he had received multiple complaints from Mr. Jim Leighty about an AirBnB, which was by his house, the vacationers were quite loud, and he couldn’t do anything about it because there were

no ordinances against it. He further added that he didn't want to kill it, as it's a viable business. Mr. Stroyan added that some AirBnBs are lit, and the vacationers say that those are solar lights. Mr. McCarthy asked how the ordinance would be regulated once its placed, and Mr. Stroyan said that that would be on the Township's Enforcement Officer. Mr. DiLorenzo added that Mr. Farley's ordinance put noise restrictions on the AirBnBs, which are in the residential area, instead of completely prohibiting it.

Mr. Stroyan said that he was asked about limiting the size of the building. He added that Ordinances cannot be changed just to deal with an applicant, and there was a pending application already. Mr. DiLorenzo said that setting the building size to some square footage, such as 50,000 or 60,000, and then changing the setback and requiring a larger property could be some options. He added that it would need to be discussed with the Solicitor. Mr. McCarthy said that there could be a lot of tractor trailers, there would be chemicals in there, and the property is on top of the waterways. Mr. DiLorenzo added that their variance application was denied by the Zoning Hearing Board, and they had submitted a new application, which has the parking on the side and a smaller building size. Mr. Stroyan added that it might be an amendment to their existing application, and then it won't come in front of the Planning Board. He asked the Secretary if the Zoning Officer had issued his comments regarding that new application, and the Secretary said 'no'. Mr. DiLorenzo said that the applicant's Engineer was not providing any information about what kinds of materials would be there, and Mr. Stroyan added that conditions cannot be set without that information. Mr. DiLorenzo added that if it's a new application, then it would come back to this Board. He further added that there is an underground stream on the west side of the property, it comes to the surface, and the applicant never mentioned how that would be handled.

Emergency Management Plan: Mr. DiLorenzo said that he was still working on it, he had added a number of contacts, such as the gas company and Pike County Light & Power, and the plan is to be helpful to the County. He added that he had handed a copy to Michael Williams, Mr. McCarthy had recently joined this project, and he would hand a copy to Mr. McCarthy also.

Sewage Project – Draft of Act 537 Plan: Mr. Stroyan said that the Secretary had sent a letter to Mr. Sheldon and Mr. Dooley stating that the Supervisors won't sign the Intermunicipal Agreement (IMA) as written. He continued that the background was that Rachel had sent some questions and comments regarding the insufficiencies in this agreement, they are reluctant to answer any of those questions, and they don't want to make any changes to this agreement. They know that there are deficiencies in their approach, and it's unacceptable. The bill was passed in the Senate, and a sixteen and a half Million dollars was approved by Mr. Cartwright for this project. The plant is one foot below the flood stage, that has to be addressed at the planning stage, and that would add to the cost of this project.

Mr. DiLorenzo said that DRBC had stated that Matamoras Borough, Milford Township, and Milford Borough are not part of their service area. He added that everything that is being done should have been sent to DRBC prior to starting the work. Mr. Stroyan added that the IMA allows a total control to the Westfall Municipal Authority, which is not telling what they have in their reserves. He further added that the plant is 20 years old, and a capital improvement might be needed. Mr. DiLorenzo added that Milford Township won't participate, and it's going to be a transmission line, but this Township does become a participant if the agreement is signed. He continued that they made an ordinance, which would allow him to enter anybody's property as the Sewage Enforcement Officer, but he is not supposed to even walk into anybody's property without a formal complaint. There was a lawsuit in Delaware Township regarding this matter, the game commission is the only entity that can

enter anybody's property, and Mr. Stroyan added that anybody can send a letter to the game commission stating that they cannot enter their property without a written permission.

Public Participation/Discussions:

Mr. Williams said that there will be a Public Hearing for the Shawnee Transmission line, and it will be held at 6 O' Clock on Wednesday January 18 in Delaware Township. Mr. Stroyan said that that line starts at the transfer station and then it would go through the Quinn Property and Birchwood Lakes, and that meeting should be attended.

Mr. Stroyan made a motion to adjourn the meeting, Mr. McCarthy seconded, and it passed unanimously. Adjournment was at 8:45 P.M.

Respectfully,

Shahana Shamim
Secretary