

MINUTES

April 3, 2023 Hybrid Workshop of the Board of Supervisors (Zoom meeting ID was advertised in advance in the Pike County Dispatch)

560 Route 6 & 209

7:00 p.m.

The Solicitor said that the biggest complaint with the Watershed/Wellhead Ordinance is about some activities, such as, manufacturing and dry-cleaning. Rachel added that Zone C is the Sawkill Creek Stormwater Management area and Vantine Brook, they are marked blue, and cover the vast majority of the Township. Junkyards, salvage yards, hazardous material storage and disposal, road salt stockpiles, construction material stockpiles and debris, sewage treatment, oil gasoline or hazardous material pipelines (not subject to FERC or PUC regulation), livestock animals in excess of 25 animal equivalent units per acre, and on-site floor drains (unless liquids are collected and treated) are prohibited in this Zone, and everything else on the list is conditional use. There will be a limitation on how much hazardous materials they can have on site.

The Solicitor said that “commercial gasoline and fuel oil sales and storage” meant gas stations, and one was recently informally suggested for potential development on the Santos farm. Rachel added that most of the three lane is not in Zone C, and the area that is not covered by the red circle and the blue hatch lines will be available for gas stations. This new revision with the map has to go back to the County for their comments, but Mr. Klemeyer had sent a suggestion to add language about referring to the Source Water Protection Plan of Milford Water Authority in this ordinance. This matter was discussed before, and it was decided that this addition doesn’t need to be done. There need to be some formalization of some representation from this Township on the Water Authority Board, but their bylaws do not require any representation from the Township.

The Election Office had asked not to have a meeting the night before the election dates and accordingly the May 15th meeting was moved to May 17. National Land Developers had verbally told the Solicitor that they could extend until May 15th, but that’s not a meeting date because of the election. An additional extension would be needed, or the Hearing could be done on May 15th at another location. Mr. Stroyan said that this applicant had given a huge amount of information at the Planning Board meeting, and the Planning Board will be forced to make a decision. He added that the Planning Board had voted to reference the Water Authority’s study in the Watershed Ordinance, and a letter of recommendation from the Planning Board was not ready yet.

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560 Route 6 & 209

7:00 p.m.

A scheduled meeting of Milford Township Supervisors was called to order at 7:00 P.M. by Chairperson Rachel Hendricks. Also present were Vice Chairperson Gary M. Williams, Penney Luhrs, Solicitor Anthony Magnotta, and Secretary/Treasurer Shahana Shamim.

Rachel made a motion to amend the agenda to include the request of Greenwood Hills Property Owners Association to use the building for their meeting. She added that this request came late. Penney seconded the motion, and it passed unanimously.

Gary made a motion to approve the minutes of the previous meeting, Rachel seconded, and it passed.

Treasurer's Report:

Shahana reported that since the last meeting she had received \$800 from sewage and \$1,250 from Zoning. She also reported the financial account balances as \$131,889.99, \$9,196.89, \$26,546.91, \$ 14,855.36, \$ 15,542.42, and \$ 128,276.14 in the accounts of Wayne Bank (Investment), Wayne bank (General), Wayne Bank (Payroll), NBT Bank, PLGIT (General), and PLGIT (Liquid Fuels) respectively.

Roadmaster:

Mr. Williams, the Roadmaster, said that on Thursday, the new Mack Dump Truck was picked up, and it was fully paid with grant money. All the holes on the roads were patched, a couple of trees were down on Schocopee Road, and 19 bags of garbage that people had thrown out were picked up.

Public participation #1:

None

Secretary's Report:

Shahana presented various correspondences received, including from Hickory Hills Estates Property Owners Association, Greenwood Hills Property Owners Association, DEP, Pike County Conservation District, Mike Mrozinski, Brian Snyder, Pike County Assessment, UGI, Pocono Mountains Visitors Bureau, and PennDOT.

Old Business:

Amendment to the Zoning Ordinance 407.2 – Recommendation from the Planning Board: Rachel said that the revision to the revision of this Amendment was received, and the Zoning Officer had requested to add the time limit, which is not stated in this current revision. She added that the Planning Commission wanted it to be flexible depending on what was being requested. Mr. Stroyan, the Vice Chairman of the Planning Board, said that these are for job boxes, and not for storage containers. Contractors need these job boxes for their businesses, and time limits are not required for these job boxes. The Solicitor said that the language “A maximum of three transport or other similar containers” in Section D leaves it wide open. Mr. Stroyan added that a specific definition of job boxes would solve this confusion. In reply to Penney's inquiry, he said that these job boxes can be of any size, and it depends on the type of the business. He added that tools are kept inside those job boxes, they are ready to go, and they are moved by flat beds. He further added that Mr. Station has a 20' job box, and Gary added that those job boxes didn't go, they had been sitting there.

Mr. Stroyan said that Shawn's other concern was that those job boxes would be placed on the parking spaces. He added that the job boxes would have to be placed on a prepared surface other than the parking spaces. He suggested that the Solicitor could write a letter to Mr. Shepstone asking to clarify these two points. He added that Mr. Bolles had thought that it was for temporary storage, and that's not the intent at all. Rachel said that limiting the scope to the job boxes only will solve Shawn's concern. Rachel made a motion for the Solicitor to send a letter to Mr. Shepstone as discussed, Penney seconded, and it passed unanimously.

Watershed & Wellhead ordinance – Recommendation from the Planning Board:

Mr. Stroyan said that the Planning Board's recommendation letter is being processed, and he asked to table this item until the next meeting. Attorney John Klemeyer said that he was there on behalf of Milford Water Authority. He added that he had sent an email with a suggestion to add a language to the ordinance stating that Milford Water Authority (MWA) can have the power to go outside the zoning ordinance and to use their own document of the Source Water Protection (SWP) study in making their comments. He further added that MWA will have difficulty in enforcing its SWP study for projects if the study is not referenced in this ordinance. He suggested that the language could state that a copy of the study could be reviewed at the Township building or at the water authority building. Mr. Stroyan added that that is the intent of the Planning Board's recommendation letter, which is being processed. Rachel said that the SWP study could be reviewed from the water authority's website also, and the Solicitor added that that study could be posted on the Township's website also.

Mr. DiBiasi asked how the Township, or the developers will identify where the Zone two of the delineated aquifer is. Mr. Klemeyer said the study is independent from the Township, and it's an authority matter. Rachel said that the spill protection plan will have to be provided to the Water Authority, they will have 30 days to comment on whether the development and the use is in a highly sensitive area, which has to be protected. The Solicitor said that what is being asked is to add the provision in the ordinance, which will allow the Water Authority to reference their study in conjunction with the study that they will provide on any particular type of development. He added that the plan will be sent to the Water Authority, and they will have 30 days to comment. Mr. Klemeyer added that several ordinances of Dingman Township Reference the fire protection plan, and if there's a plan for a residential community or a commercial development, they will have to show the Township that the water will be available for the fire company, and it's in their fire protection ordinance. The Zoning or SALDO permits are not issued otherwise, and it's the same type of thing in this case.

Mr. DiBiasi said that the SWP map overlay on top of the Zoning Map is added in the ordinance of Dingman Township, and it's also referenced in the text of their ordinance. He added that the two ordinances on either side of Route 6 should be compatible. Mr. Klemeyer added that the SWP of Milford Water Authority study will be referenced, which is the second best thing, and it will have to be dealt with. Mr. DiBiasi asked to make this ordinance like that of the Dingman Township. He added that the ordinance of Dingman Township has the clause that no variances will be allowed in Zone two, and he asked that clause to be added in this ordinance also. Rachel added that the proposed watershed map is on table, and everybody can take a look at it. She continued that Zone C, which covers a large area of the Township, is shown in this map. This is Milford Township, not Dingman Township, and this Township is not obliged to adopt something that is in another Township's ordinance. The Planning Board had been reviewing a lot

of other ordinances and discussing this proposal for the past 18 months. A much larger area is being protected through this ordinance.

Matthew Contreras asked the Supervisors why they were not willing to attach the overlay map that Mr. DiBiasi was asking for. Ms. Hendricks replied that the Supervisors' decisions are based on Planning Commission's comments. She continued that the ordinance of Dingman Township is 55 pages long and it can't be understood easily. Dingman Township requires 55-gallon limits to hazardous substances on site, this Township is requiring 35-gallon limit, and Mr. DiBiasi had quite supported that. A huge portion of this Township is in this sensitive area, and the area of the Springs cannot be spot zoned. Zoning for a too small area is spot zoning, and it's not legal. Putting another layer on this blue sensitive zone will create confusion. Mr. Contreras said that a specific property was not being protected, it was the aquifer that was being protected, and Rachel said that a much larger piece was being protected, including that area. She added that the Planning Board had been working on it for about 18 months, and it was sent back to them quite a few times. Penney said that their decisions are based on the Solicitor's input also. She added that there are five Members in the Planning Board, and they are all residents of this Township. Gary said that the Planning Commission had been working hard to make it a simpler ordinance, which can be understood by a common person, and they were trying not to do spot zoning. He added that he had read the Dingman Township ordinance, and it's too complicated. Mr. Klemeyer said that every professional has their own language that average people are unable to understand, and that applies even to auto mechanics and shoe designers. He added that attorneys work on technical languages, and that's their job. Ms. Hendricks indicated that the Township has had two attorneys giving input in development of this proposed ordinance.

Mr. DiBiasi said that the ordinance of Dingman Township is too big because the Storm Water Management was added in their ordinance, and if that portion is taken out then it won't be cumbersome. He added that the ordinance is supposed to protect the water with all technical languages, it is supposed to spell out what the protection should be, and it does not need to be understood by an average person. He asked why manufacturing was allowed on Milford Water Authority's property. Rachel replied that Milford Springs is owned by Milford Water Authority, and the manufacturing is allowed by conditional use. She added that the Planning Board had attended the Milford Water Authority meetings to ask to change their zoning from Developmental District to Low Growth. She further added that the size of the watershed is very large, and one size fits all approach cannot be taken. Penney added that there are various kinds of manufacturing, and some of them are clean. Mr. DiBiasi said that the Planning Board was rushing to forward the ordinance to the Board of Supervisors until Mr. Klemeyer asked to attach the SWP to the ordinance. Rachel said that 18 months is not rushing in her opinion, that Mr. DiBiasi's comments have been largely helpful, most of his comments were incorporated, and the common goal is to protect the aquifer.

One of the residents asked where the ordinance can be found, and Rachel confirmed that the most updated version of this proposed ordinance was posted on the website. The resident asked what the timeframe for passing this ordinance is, and Rachel replied that the clock had not started ticking yet. She added that the Vice-Chair of the Planning Commission had recommended to table it, then it will be sent to the County Planning for their comments, and then it will be advertised for the public Hearing before any possible adoption of this ordinance. She made a motion to table this item to the meeting of the 17th so that the Planning Commission can send their recommendation to this Board, Gary seconded, and it passed unanimously.

National Land Developers Conditional Use Application – Hearing Schedule: The Solicitor said that he had spoken to Mr. VanLuvanee, who had indicated that the Hearing could be extended to May 15th. He added that the meeting of May 15 was rescheduled to May 17, and he would talk to him again about another extension. Rachel added that the Solicitor won't be available for the May 1st meeting, and the Hearing could be held on May 15 at an alternate location, as the election equipment will be here that night. She added that the Eastern Pike Sewer Group meeting was held at the High School Auditorium, and the Zoom option was not available to them. She further added that the Pike County Court room was requested last time, and it didn't go anywhere. The Solicitor said that the Hearing will probably continue for three or four nights, and the public comment won't probably start until the fourth night. Rachel added that the public should not be precluded from hearing all of the testimony before commenting and there isn't enough room at the municipal building, based on previous attendance. Mr. Magnotta suggested that a special meeting might have to be held to set the Hearing if the applicant does not grant an extension. Ms. Hendricks confirmed there's not enough time to advertise if the Hearing is scheduled on April 17. Mr. Stroyan added that the Planning Board would have to provide a decision right after their meeting. The Solicitor said that the extension from Mr. VanLuvanee is verbal, and nothing in writing was provided to him. Rachel added that the extension to have a special meeting could be acted upon at the April 17 meeting. Rachel asked Shahana to confirm if the High School Auditorium is available on May 15 and the Solicitor to follow up with the applicant.

New Business:

Hickory Hills Estates – Request to use the meeting room on April 27, 2023 at 6 P.M.: Gary made a motion to approve this request, Penney seconded, and it passed unanimously.

Greenwood Hills Property Owners Association – Request to use the meeting room on May 13, 2023 at 9:30 A.M. (This item was added on the agenda, because this request came within 24 hours before the meeting): Gary made a motion to approve this request, Penney seconded, and it passed unanimously.

Other public participation:

None

There was no other business to discuss. At 8:10 P.M., Rachel made a motion to adjourn, Gary seconded, and it passed.

Respectfully submitted,

Shahana Shamim

Secretary/Treasurer