

MINUTES
March 28, 2023
Milford Township Planning Commission Hybrid Meeting
560 Route 6 & 209, Milford, PA 18337
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), Michael Williams, and Patrick McCarthy, Solicitor Thomas Farley, and Secretary Shahana Shamim.

Review of the minutes of November 22, 2022 Meeting, December 27, 2022 Meeting, January 24, 2023 Meeting, February 9, 2023 Workshop, February 28, 2023 Meeting, and March 9, 2023 Workshop: Mr. Stroyan made a motion to table these minutes to a later meeting, as the public and some professionals were present for the conditional use application of National Land Developers, Mr. McCarthy seconded, and it passed unanimously.

Conditional Use Application of National Land Developers, LLC – Revised Application: Mr. John VanLuvanee, the Attorney for National Land Developers, said that a revised conditional use plan was submitted on March 15, and Mike Gable, the Engineer will go through the changes that were made in this revised plan. He continued that a digital copy that included the traffic full study, the economic impact analysis, and other updated studies was handed to the Secretary. The applicant had gone to the Zoning Hearing Board for approving parking at the front, it was denied, and the applicant had filed a precautionary appeal. In the meantime, Mr. Gable had submitted this revised plan to the Zoning Officer for his review, and it was confirmed by the Zoning Officer that it complied with the Zoning Ordinance. Mr. VanLuvanee added that he had told the Township Solicitor that the initial application won't be withdrawn, and the Hearing will probably happen on May 1st or 15th. He asked to be on the agenda of the April meeting so that he could bring the appropriate professionals to answer any questions that the Planning Board might have.

Mr. Gable said that the parking was moved from the front of the building to the side of the building. The gas company installed the gas line about 40 feet outside of their easement, and it encroached the parcel. A lot line adjustment will have to be done, and they were working on the deed, which will be finalized soon. The location of the building is rotated and shifted back a little bit, and the size of the building is reduced down from 450,000 square foot to 435,000 square foot. The new parking layout has 178 parking spaces, and there is a reserved area for 51 additional parking spaces in case they are needed. Extra parking means extra paving, which is not good. There will be 110 employees during the peak shift, and there will be additional 60 spaces for visitors or parking overflow. The stormwater management was updated to accommodate all these plan changes, and the design of the infiltration basin was changed also.

Mr. Gable said that that utilities for the fire protection system are revised in the new plan set, as the building was rotated and relocated. He continued that the Storm water management plan is adjusted to accommodate all the plan changes, and an infiltration basin is added at the back, as the loading dock area is a hot spot. A sampling point is needed for stormwater discharges during a rainfall event, 10 inches to a foot will be dug, and it will be compacted with

stone. There will be soil on top of it, it won't be perfectly impervious, but it will percolate very slowly. In reply to Mr. DiLorenzo's inquiry, he said that it will be a hybrid between a rain garden and an infiltration basin, as it's too big to have the functionalities of a rain garden, and there will be a meadow bottom. He continued that the fill materials along the Victory Drive will be pulled out, and that will provide a polishing for the stormwater onsite and offsite. The stones will be dug out from the area where all the sheds are, it will be dug to about the same level of the wetland pattern, it will be levelled with the wetland, and then it will be reestablished as a wetland. Two inches of rain per hour won't be a problem with this updated design of the stormwater management. The actual testing, which will be based on the design, will be done prior to the submission of the land development plans. An additional survey was done for the boundary, and it was found that some of the wetlands are outside the project area. The long strip of the wetland was created when the gas company installed the gas line, that wetland will be maintained as it is, and it will be protected from further disturbances. The pattern of the ground water flow through the site was found from a detailed review of the hydrology of the site, and there are basically two primary drainage patterns. The upfront area captures a portion of Route 6 and carries it across the street underneath the culverts towards Buist Road up to Sawkill Creek. Majority of the onsite and offsite drainage percolates into the pond area, which is at the center of the site, and goes into the ground water. The phase I environmental assessment is not changed in the new submission, but the traffic impact study is updated and expanded. Mr. VanLuvanee added that an inventory of the existing reports was studied, and no new studies were done.

Mr. Gable said that the basis of the ground water flow is the hydraulic relief, it means that water flows from a higher elevation to a lower elevation, and the pattern was found from the elevations. He added that the next phase is to generate a testing plan proposal, which will include probes, soil samples, hydrologic testing for initial monitoring points for the ground water flow direction and speed, and treatment technology. Mr. VanLuvanee added that it won't be done until the approval of the conditional use is decided, as it is a subdivision and land development issue, and not a requirement of the conditional use. The Solicitor said that he disagreed with him. Mr. Gable continued that the testing plan will be coordinated with the Township Engineer and with the DEP, and a detailed monitoring plan will be developed in conjunction with the water authority. There is a lot of regulatory points within this process, and an industrial NPDES permit, which is monitored and regulated by DEP, will be required. It's somewhat a new requirement, and some testing will be required throughout this process. Loading docks are considered an industrial use, and they have added more permitting requirements for it.

Mr. VanLuvanee said that it's not fair to ask for tests before the use is approved, and the Solicitor said that according to map, the water and the springs are there, it's a delicate spot, and hence it's not a typical project. Mr. Gable said that the monitoring criteria will be like the industrial permitting standpoints of junkyards and massive manufacturing plants, and hence the permitting requirements will be quite burdensome. He continued that the financial impact statement is provided to show the positive and negative impacts, which will be emergency services only. There will be an additional income because of its service to the community, and there will be a significant tax benefit. Final delineation of the wetland in the center of the site and along Victory Drive still needs to be done. The hydro-geo study very expensive and cannot be done until the conditional use is approved. A zoning problem was found, and to fix that problem a lot had to be spent to update everything in the plan. Mr. DiLorenzo said that the plan had to be changed, because the applicant didn't meet Zoning first, and that's not putting the cart before the

horse. He added that this plan should have gone to the Zoning before coming in front of the Planning Board.

In reply to Mr. Stroyan's inquiry, Mr. Gable said that according to the Ordinance and the Zoning Officer's advice, the parking is desired to be on the rear, but it can be put on the side if it's not practical to put it on the rear. The loading docks are on the rear, there's not enough room for all parking spaces, and it would be a terrible idea to mix the vehicular and pedestrian traffic. In reply to the Solicitor's inquiry, he said that they had done the initial screening for the sewage, and before making the site layout, probes and perk tests will be done. There are two steps for the stormwater infiltration, and Jellyfish is the second step. It will have to be replaced, and that's recorded in the stormwater operation maintenance agreement. In reply to Mr. Stroyan's inquiry, he said that this building will keep consumer products, which will be for storage and distribution, like Walmart. Members said that they had just received the Engineer's comment, and they asked Mr. Gable to review it.

In reply to Mr. Stroyan's inquiry, Mr. Gable said that they had a discussion with the fire department for this revised plan, and whether a Township representative needed to be included in the discussion will be up to the fire department. Mr. Stroyan said that it's a dual concern. He added that when they bring the land development, they will want to feel like that they're almost done, and Mr. Gable replied that some tweaking, such as, moving the entrance and the building might need to be done. Mr. VanLuvanee added that the land development cannot be put ahead of the conditional use, and the Solicitor said that he disagreed with him.

Gail said that the green, which can be seen from Route 6, had grown because of the springs, and nothing should be built on top of it. Mr. Gable replied that there are some wetland areas, which are outside the construction area. The proposed building is a little bit smaller, it's shifted a little bit, and a wetland construction is being proposed. The reserve storage area is removed, it's no longer proposed, and now only the 77-storage area along I-84 is being proposed. The parking area will be covered with pervious pavers, this area has been reduced to comply with the ITE, and thus it would save some impervious cover. The utility plan is completely updated to accommodate all these changes, and the lot line adjustment will be done, as the adjacent lot is encroaching this property. The easement will be updated, a common driveway will be used, and it's required by the PennDOT.

One of the meeting attendees said that the pervious paver has a system to collect first two inches of rain, and he asked how the water (including gas and oil leaks from vehicles) that goes through the paver will be filtered. Mr. Gable replied that according to the study of the infiltration system, the benefit of keeping them pervious rather than impervious outweighs any potential risk. They will go through the infiltration system through a biological process, and there are bacteria that eats hydrocarbons. The attendee said that one inch of rain is equivalent to 27 thousand gallons of water, that would slowly percolate into the ground, and that would total 600,000 gallons of water on these 22 acres of pervious surface. Mr. VanLuvanee said that the Township Engineer could look into that. Mr. Fred Weber said that it's about the drinking water and an exceptional value stream which is called Sawkill, and he asked what the PADEP's initial review for this infiltration system is. Mr. Gable replied that PADEP did not review it in detail yet, only the conceptual idea was provided to them, and their comment was that it sounded reasonable for the project needs. Mr. Weber said that he had read the minutes, which were posted on the township website, and it stated that at the meeting, they had said that this project could be introducing carcinogens into the water. Mr. Gable replied that it is a misstatement, and a professional will address it.

Mr. Dooley asked if there would lighting 24-7-365, and Mr. Gable replied that the loading dock area would be lit for most of the night, and the light won't cross the right of way of 84. Mr. Di Lorenzo added that the emergency access area will have motion sensors. Vito DiBiasi said that the applicant had made some statements such as "there is no water" and "pavement is not good". He added that Hydrologists of DEP said that the mulch with Milford Water Authority's chlorination process will produce carcinogen as the byproduct. Mr. Gable replied that the mulch bed and mulch augmentation are two different things, and a professional will need to address that. Mr. DiBiasi confirmed with Mr. Gable that paint, cleaning products, and turpentine are consumer products. He asked if cost benefit analysis study will be done, and Mr. Gable replied that it's not required. Mr. DiBiasi asked if they would put an insurance bond in case the water is damaged, and if they would pay to drill another well or to bring water from somewhere else in case the water is damaged. He added that the pervious surface that Mr. Gable had mentioned didn't make sense at all, as the rainwater will go through right into the aquifer, which is about 30 feet below instead of going onto the infiltration system. He asked if there was a fire safety plan, as warehouses are packed with products, those stacks are 40-45 feet high. Sometimes the sprinklers do not function, and the firefighters get lost because of the smoke. So, they instead wait outside, treat it as a perimeter fire, and let it burn to the ground. A lot of fire departments do not have ladders to cope with fire like this. Mr. Gable replied that this matter was discussed with the fire department, and the fire protection plan will include information about how the materials are stored within the building, how those are operated, and where the fire protection equipment and connection points are.

Mr. Joe Zenes said that he has a master's in environmental science, he was involved with Milford Water Authority and Delaware Riverkeeper Network, and he was well aware of this property. He had identified some Springs in that property, and he handed out his work to the Members.

Mr. Stroyan told the public that the April 25th meeting will be devoted to this application. In reply to Ms. Zerbe's inquiry, he said that the Board of Supervisors will decide when the Hearing will be held.

Watershed & Wellhead ordinance – Amendment: Mr. Shepstone said that there is only one minor change, and that is it will be up to the applicant's Engineer to precisely define a boundary, which is clear in some places, and in some places it isn't. He suggested recommending it to the Board of Supervisors with this change. Mr. DiLorenzo added that the map shows the properties that are in the watershed and wellhead areas, and Mr. Stroyan added that the map includes the public wells, and that includes three in Moon Valley, one in Wheatfield Village, and one in Shohola. Mr. Klemeyer asked to include the zones of the Milford Water Authority water supply, and those are ranked in terms of intensity to the source of the water. He added that the closer you are to the source of the water the more risk of damage to the water supply. In reply to his inquiry, Mr. Shepstone said that the red circles around the wells were the buffers for the wellheads. Mr. Klemeyer said that no buffers were shown for where the springs come out, whereas the springs include a lot more people, and hence the circles for springs should even be larger. He added that springs often run close to the surface and the chance of infiltration is higher, whereas the wells go straight onto the ground. Mr. Shepstone replied that the watershed has a higher standard, and hence those specific zones do not need to be specified, as that would lead to a situation like zones within zones within zones. He added that the watershed area is one good standard, and that will cover the whole thing. The Solicitor added that specifying the

springs will confuse with our zones. Mr. Stroyan added that this Township has the right to refer it to the water authority, and that would refer to their study and their zones.

Mr. DiBiasi said that simplifying this ordinance would mean business friendly, and in the ordinance, manufacturing and mining are included as permitted uses on the property of Milford springs. The overlay zone, which is the map of the aquifer, should be there, and a zoning map shouldn't be complete without this overlay zone of the aquifer. He asked if the aquifer study will be included in the ordinance. The Solicitor replied that this point was discussed before, and it was already said that this study will be used as a guide. Mr. DiLorenzo added that the overlay map will go along with the Zoning map. Mr. Klemeyer said that the referral to the water authority won't give them any power to use any tools that are outside the four corners of the Zoning Ordinance, and hence the authority's study will be meaningless, unless it's referenced in this ordinance. He added that the water authority needs the authority from the township to use the tools. Mr. DiBiasi added that the text of the study and the overlay map both should be added in this ordinance. Mr. Shepstone said that a study cannot be incorporated into an ordinance, but the study can be referenced, and the Board can refer to the Water Authority. He added that the Planning Board and the Board of Supervisors can take actions based on the Water Authority's comments, but a full legal authority to the Water authority to take actions cannot be given.

The Solicitor said that at one of the previous meetings, the representatives of the Water Authority had said that it was okay with them about what this Board was doing. He continued that the Board of Supervisors had asked for the wells to be on the map, and now the wells are shown on the map. Members should forward this proposed ordinance to the Board of Supervisors, and if anybody has other suggestions then they could attend the Supervisors' meeting. Mr. Stroyan made a motion to recommend this proposed ordinance to the Board of Supervisors with the assurance that Milford Water Authority's study will be referenced, the legend will include a clear understanding of what the blue hatches are, the location of the springs will be shown, and the aforementioned responsibility of the Engineer will be included. Mr. McCarthy seconded the motion, and it passed unanimously.

Comprehensive Plan Update: Mr. DiLorenzo said that Mr. Jayson Wood was doing very well with this project, and he had been providing the minutes and agenda for the workshops.

Annual Report: Mr. DiLorenzo said that he had started working on it.

Amendment to the Zoning Ordinance 407.2 – back from the Board of Supervisors: The Zoning Officer had made more comments on this Amendment at one of the meetings. The allowed time of six months is not mentioned in the ordinance. The Zoning Officer had also commented about putting the storage on the impervious surface, as those might be put on parking spaces. Members discussed that Permits can be obtained for sheds, and it won't be put on the parking spaces. This ordinance will be for job boxes only, not for storages, and those would stay there until it's moved to the next job. A job box can be defined as a box that is used to be moved from job to job with supplies, there's no time limit for it, and this definition needs to be added to

this ordinance. Putting it on the parking spot would be a violation of the Zoning Ordinance, and so it will have to be placed on the prepared surface other than the preapproved parking spaces. It shall remain mobile. Patrick made a motion to forward this Amendment to the Board of Supervisors with these changes, Mr. DiLorenzo seconded, and it passed unanimously.

SALDO Redraft: Mr. Shepstone said that he had addressed all the County comments (except two), and he handed out the updated copies. The County had suggested taking out “one acre” from “50’ buffer is established around the wetland for one acre or more in size”. He said ‘no’ to it, because a 50’ by 50’ wetland is pretty small for example, if it’s buffered all around then it becomes half an acre, and thus the undisturbed area grows by almost ten times. There has to be a threshold to start with. The County had also suggested to add more efficient and timely reviews and authorization in each step of the land development process, stormwater runoff analysis, methodology, and basic design standards. Instead of adding all these, he referenced it by adding “should be done to the Conservation District’s standards”, as the Township doesn’t look at the NPDES standards, and Conservations District’s standards change from time to time. Mr. Shepstone asked Members to review this updated draft, and then to recommend it to the Board of Supervisors in May or June.

Short Term Rentals/AirBnB Ordinance/Dispensary Ordinance and Regulation/ Alternative Energy: Mr. Shepstone said that he has templates for short term rentals. There are two types of short-term rentals, those are airbnbs and vrbos, and they have stricter regulations now. This business is more sophisticated now that it was five years ago, some regulations and standards might be needed, but those should be lean.

The Solicitor said that he had done two ordinances for short term rentals, one was for Lackawaxen Township and the other one was for Delaware Township. The intent is to allow them and meet both ends, as owners want to rent out and make money, and neighbors complain against those vacationers. These rentals have to be registered, and they have to meet requirements. He asked the Secretary to forward to Mr. Shepstone the ordinance that he had drafted for this Board. In reply to Mr. Stroyan’s inquiry, Mr. Shepstone said that these rentals could be allowed in most places, and if they are done right, then those shouldn’t be a problem. Mr. DiLorenzo said that he had received complaints from neighbors about the vacationers that make noise until three or four in the morning. The Solicitor added that he represented Lackawaxen Township, some of its communities desperately wanted it, and some didn’t want it in their community. He added that their ordinance stated that it’s allowed unless the association denies it to be in the community. Mr. Shepstone liked the idea of associations’ approvals, and he said that he would review this draft ordinance.

Public Participation/Discussions:

Ms. Zerbe said that there are more than 15 proposals of warehouses in Delaware River watershed, and DEP might be issuing NPDES approvals for a lot of different warehouses. She asked the Board to use caution, and she thanked them for taking time on this matter.

At 9:10 P.M., Mr. DiLorenzo made a motion to table the rest of the items and to adjourn the meeting. Mr. McCarthy seconded the motion and it passed unanimously.

Respectfully,

Shahana Shamim
Secretary