

MINUTES
April 25, 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), Ray Willis, Patrick McCarthy, and Michael Williams, Solicitor Thomas Farley, and Secretary Shahana Shamim.

**Conditional Use Application of National Land Developers, LLC – Revised
Application - continued:**

Mr. John VanLuvanee, the attorney for this project, said that he had brought his team of consultants to answer to the questions. Mr. Gable was not present, but the President of LVL Engineering was present. The other Members of the team was Mr. Marley, the president of National Land Developers, Don King, the city planner for the city of Scranton since 1985, Dr. Robert Cook, who is a registered professional Geologist with the specialization of hydrogeologic studies for water supply and a Professor at Keystone College, Dr. John Crow, who had been a Professor at Rutgers University since 1968 and a renowned Wetland Scientist in New Jersey and Pennsylvania, a Sewage Enforcement Officer, and a Traffic Engineer.

Mr. Crow said that he had studied the site, and he gave an overview of his study. He said that a serious contamination risk exists in the area, which is being proposed to be redeveloped, and this development will eliminate the risks that exist there. Some vegetation will be lost, but there will be some benefits. The water source protection will be focused, and there will be some tax benefits also. The area of the watershed is over 13,000 acres, whereas this property covers only 44 acres, which is a small percent of the total watershed area, and all those 44 acres won't be totally developed. Engineering will be put in place to monitor the ground water. The location is great, as it is at the intersection of Rt. 6 and 84, as nonmunicipal traffic won't have to go through the municipality. There are no natural streams or wetlands on site, those are accidental, and are environmentally at risk. Protecting the groundwater is the primary concern, with the engineering in place, there will be control and monitoring of the water, and thus the existing problems will be fixed.

Mr. Cook said that his background is environmental protection, and his specialty is ground water. He continued that he had done a number of source water protection (SWP) studies, and that is the main concern here. The site is acceptable for the proposed use, data is generated, and it's given to the community when a development is proposed where SWP is concerned. The generated data improves the SWP regardless whether the proposal is accepted or not. The water quality data will be done, the sediments will be studied, and a conceptual model based on the existing data will be made. Mr. Crow had already said that one of the critical elements here is the monitoring system. The ground water flow directions will be monitored. There's one well on the site, and there are about 50 wells around the site, and the final design will have to effectively

figure out the positions of the wells. The Solicitor asked him if he had done any testing, and he replied 'no'. Mr. Stroyan said that Mr. Fuller had submitted two letters, and Mr. DiLorenzo said that the March 28th letter was handed to Mr. Gable at that meeting. The Solicitor added that that letter had addressed the requirements of Section # 407.

Dave King, who is a land use planner, a certified plan manager, a certified zoning officer, and a city planner, said that he was asked by National Land Developers to do an economic study. He continued that this warehouse will be a benefit for this Township, as it will create jobs and bring additional tax revenue. The location is ideal for this kind of a use, because all the tractor trailer traffic will be oriented to 84. The Solicitor asked him if he had done a traffic count for his study, and Mr. King replied that he had used the existing traffic data. The Solicitor added that trucks do come from Routes 15 and 206, and that has been happening for EconoPak. The Township is trying to prohibit it, but it's not 100%. He added that what actually happens should be used to make decisions, and this township has requested for a study. Mr. King replied that traffic studies are done for PennDOT and land development. Mr. DiLorenzo said that Routes 15 and 206 are the easiest and shortest routes for the drivers, and it costs less for fuels. That's what is being discussed with some of the companies in town. About 25/30 trucks are crossing that bridge every day and taking Route 84 takes them longer to get to New Jersey.

Mr. Shepstone said that he didn't see any existing traffic data in the report, and traffic levels are based strictly on the amount of delay. State A means purely moving traffic with no obstructions/delays, and the other levels are B, C, D, and E, which is the end of full capacity. According to the report, the state is D, and it's not rosy. It's important to know what the current traffic situation is, as it's an essential fact. Section # 608 talks about traffic, and hence, more data is required. Mr. Di Lorenzo said that Section # 407 was written with the intent that it will be for conditional uses. He added that Dr. Crow had mentioned that the property was cut down almost to the watershed, and that was done prior to any ordinances. He further added that it should be protected even if mountains have to be built on both sides of that cut. Dr. Crow said that that open cut is being fed by a runoff, which is coming off the site. In reply to Mr. Di Lorenzo's inquiry, he said that the open rock in the sewage report is not currently protected, and that will be protected from this development. Mr. DiLorenzo said that the applicant is not telling how it will be protected. Dr. Crow replied that the engineering plan will have to be done, it will cost a lot, and it cannot be done until some kind of approval of the conditional use is achieved. He added that this approval is a license to proceed. The Solicitor said that the ground water studies are required before the approval.

Mr. Shepstone said that two different types of wetlands are mentioned, it states that the wetland will be protected, and in another page it states that it will remain undisturbed. The representative replied that wetlands can be protected by doing modifications outside the wetlands, and the manmade pond will go away. Mr. Di Lorenzo said that he had been the SEO of this area for the past 20 years. He added that there are a lot of underground streams in this area, and streams change positions. The depths of these streams are in the range from 20" to 37". Mr. Crow said that a plan about the location of these streams will be made. Mr. Shepstone added that offsite improvement information needs to be known. The submitted narrative states that the environmental emergency response plan will be done later, whereas at the end of the report, it states that it was already provided to the Fire Department. A response from the fire department

should be included in the report. The ordinance compliance section # 608 is the most important part of the ordinance for a conditional use. Traffic condition is one of the criteria for a conditional use, and hence more data is needed. The size, volume, lighting of the building should be provided. Mr. VanLuvanee said that the landscaping and the lighting design are provided already. Mr. Shepstone said that the vehicular traffic plan is provided by the applicant, but the report does not state how much traffic currently there is on Route 6. All these will state what the impact on the neighborhood will be, and in the end, it will be decided by the existing standards. He asked why there was so much parking, which may not be necessary or good. He added that some of those spaces are for reserved parking, and that's a good idea.

Mr. John Klemeyer, the attorney for Milford Water Authority, said that representatives of the applicant, who were making money, are citing the engineering cost while they are talking about protecting the environment. The other group of people in the room is the group that aren't making money, and they are the ones that will have to drink the water. He continued that he had been a municipal solicitor for 45 years, and he had seen that a whole different group of people gets involved during the land development, and there will be a whole different set of experts also. This new group might say that the zoning approval is already done, and so why do they have to go through all the testing, which should have been done during the zoning stage. The applicant should follow the ordinance, or otherwise challenge the ordinance. Other Municipalities might have different processes, but that is not an excuse.

Mr. Vito DiBiasi asked the applicant's representatives if they had physically looked at the traffic of 84 and Route 6. He added that it's difficult to take a left turn to get onto Route 6 for people who come from both sides of 84. The representative replied that they hadn't studied that intersection in detail yet. Mr. DiBiasi said that if the water is contaminated then it can enormously affect the economy, as the restaurants might fail. There are surface water ponds on the property, and that water is coming from the aquifer. The cut on the property is known, Dave Pinchot knew that something needed to be done about it, and that's how the Conservation District was born. It's said that the state and federal regulations will be followed, but by the time it kicks in, it will be too late for the people who drink this water. Fred Weber said that while they were trying to protect the water, there was a question about whether there was an insurance in case a catastrophe of water contamination happens, and the answer to that question was 'no'. He asked how the water would be protected, and one of the experts replied that the protection comes not from the insurance, but from the design that they will do. Mr. Weber added that the infiltration system and the chlorination system could produce carcinogens. He asked how many of the representatives lived in the Borough, and there were no replies.

Jesse Braun said that he was an Environmental Engineer, and he lived in Milford Shohola area. He continued that he had read the report, and the applicant is not buying a liability for themselves. At the last meeting, Mr. Gable had mentioned that the permeable pavers work efficiently, he asked if that will be included in the final design, and the answer was 'yes'. One of the representatives described the three steps for removing contaminants, which will come from the truck tires. Mr. Braun asked why the air pollution and greenhouse gases were not discussed in the report, and there was no answer. He said that the County population is 60,000, and it sounded exaggerated that employing only 110 people will add to the economy. The local deliveries will cause traffic in Milford, and there's no indication of what that volume will look like.

Mr. Fuller, the Professional Engineer of Milford Township, said that he had reviewed the application materials to date. He continued that he had generated a comment letter regarding this conditional use a month ago, and it was forwarded to the Members of the Planning Board. The application material is not detailed enough, and it did not include enough technical documents. The application is only centered around seeking the conditional use approval. Section 407 states the performance standards of conditional use, and a report regarding operations, storage, and fire explosions needs to be submitted by the applicant. Section 608 states the requirements of the conditional use, and the Section # 408 refers to the parking loading and access lot requirement. Section # 410 states the landscaping requirement, which needs to be defined as well. Section # 417 states the commercial and industrial design guideline. Section 608.4, community need, and adjacent property impact should be addressed too. In order to fully assess, the Board must request more information relative to the operation of the use, which hasn't been submitted yet.

The applicant's Engineer replied that the initial design shows the building and the parking, and Mr. Fuller said that the only definition that is provided to date is the warehouse. The applicant's engineer asked if more engineering detail was being asked, and Mr. Fuller said 'yes'. He continued that there should be sufficient technical definition so that this board can make an appropriate decision. The traffic assessment, which is submitted, is based on industrial standpoint for warehousing facilities, and it's not specific to a use other than just a warehousing use. There are different types of warehouses, and he asked the board to ask for a narrative about the type of the warehouse that is being proposed. The traffic assessment, which is submitted, is very general, and it doesn't define any specific type of a warehouse, and hence it's not a study. He added that he had commented on the environmental impact statement in today's letter, and he was still reviewing that study.

Mr. Don Quick, the former president of the Board of Supervisors, said that the basic function of the Government is to protect the health and safety of the residents. About 10-15 years ago, the warehouse across the street had burnt to the ground, and hundreds of thousands of gallons of water was used. Fortunately, it didn't directly affect the Milford aquifer, but the runoff went to the Delaware river. That warehouse is approximately one ninth of the warehouse that is being talked about, and what's going to be in it is not being said. Whatever goes into that proposed warehouse might be toxic or poisonous, and if it's burnt down, then it will be flushed out with hundreds of thousands of gallons of water. There will be an adverse effect on the Milford aquifer again, and this type of accident can absolutely occur again. Sarah, a member of the community, said her comment regarding the economic impact discussion is that the homes nearby will be devalued. She had bought a house with her husband near that property, and she wouldn't have bought this property if she knew about this warehouse proposal. Mr. Frank Turquinio said that Mr. Gable had said that it will be a distribution center, and now he was hearing a warehouse. He added that the traffic study would be different for a distribution center and a warehouse.

Mr. Peter Pinchot said that he is a neighbor of this project site. He continued that while fire is the worst-case scenario, another question is who would be managing this facility afterwards. Many operations do not maintain things the way they should, and so it's like a racecourse system, which is being put on a delicate portion of the watershed. The representatives of the applicant are quite competent, but the stormwater management is an extremely complicated system, and who the manager will be after ten years is not known. If it's not maintained, then there will be a progressive contamination of water. There's no way to know who's going to buy it if it's approved. A system needs to be set up, and it should be a part of the

conditional use. Protocols are being set up by these competent professionals, but if these protocols are not continued, then it will be a disaster. Mr. VanLuvanee replied that stormwater management is a standard procedure, and all townships have this procedure. Mr. Pinchot said that Delaware Valley River was contaminated a few times not because the management design of the stormwater was bad, but because the management was not run properly. A lot of toxics will be produced in the warehouse, and how well the management will be after 15-20 years needs to be thought about. Accidents always happen, and those can go down to the groundwater. The Engineer of the applicant replied that the manual for the stormwater management is very detailed, it's reviewed by the Conservation District and DEP, and the new manager will be obligated to maintain the management. Mr. Pinchot said that contaminating the aquifer water will be extremely dangerous to the people that live in this community, and the Planning Board should consider this matter before approving this application. Recreation, tourism, second homes, the river, streams, and the wildlife drive the economy of this area, and not warehouses.

Executive Session:

Mr. Stroyan said that the Board needed to go into an executive session with the Planner and the Engineer. After the executive session, Mr. Stroyan made a motion to not recommend this conditional use to the Board of Supervisors due to lack of information from the applicant, Mr. McCarthy seconded the motion, and it passed unanimously.

Public Participation/Discussions:

At 9:00 P.M., Mr. Stroyan made a motion to adjourn the meeting, Mr. McCarthy seconded, and it passed unanimously.

Respectfully,

Shahana Shamim

Secretary