

MINUTES
September 28, 2021
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 DiLorenzo, who was present in person at the meeting, through a Hybrid call, the contact information for which had been advertised in advance in the Pike County Dispatch. Also present in person in this Zoom meeting were Members Kevin Stroyan (Vice Chairman), Patrick McCarthy, Peggy Emanuel, Solicitor Thomas Farley, Planner Thomas Shepstone, and Secretary Shahana Shamim.

Review of August 24, 2021 Workshop Minutes: Ms. Emanuel made a motion to accept these minutes, Mr. McCarthy seconded, and it passed unanimously.

Review of September 1, 2021 Meeting Minutes: Mr. Stroyan suggested some minor corrections to these minutes. He made a motion to accept the minutes with those corrections, Ms. Emanuel seconded, and it passed unanimously.

Public Participation: Mr. DiLorenzo asked the attendees if anybody had any questions about the agenda.

Water Shed Protection Plan (prioritized by the Board of Supervisors): Mr. Shepstone read the workshop minutes, and he commented that he didn't mind taking the items "hazardous material storage, processing and disposal facilities", "junk or salvage yards", and "Oil gasoline or hazardous pipeline materials not subject to FERC or PUC regulation" out of the schedule of uses. He continued that he didn't agree with taking the items "vehicle service stations, repair facilities, body repair and painting facilities" and "quarries and mining operations" of the list, as these facilities already existed on the aquifer. These existing items would then become nonconforming, which is undesirable, and quarries are heavily regulated anyway. Mr. DiLorenzo said that any such new establishments on the aquifer could be eliminated, and the existing ones could be grandfathered in. He added that the sewage Treatment Plants, such as the M & S Plant could be taken out of the schedule of uses, and Mr. Shepstone agreed with him. The Solicitor said that the ramification of making the existing establishments, such as vehicle service stations, which is currently permitted, nonconforming grandfathered, is that they won't be able to expand more than half of their existing sizes. Mr. DiLorenzo said that it was about the possibility of spills. Mr. Stroyan added that there are different types of quarries, and the Eureka quarry is a hard stone quarry. The quarry at the Morrison property was a sand and gravel quarry, and these two types of quarries pose a completely different threat to the aquifer. Mr. DiLorenzo suggested amending the Zoning Ordinance for vehicle service stations and quarries so that the Township could have some say when new ones are applied for, and Mr. Shepstone said that those ordinances could be looked at during the update of the Comprehensive Plan. Rachel Hendricks agreed with Mr. Shepstone by saying that the existing service stations should not be impacted, and there were no complaints against the existing two service stations on the aquifer. She added

that the conditional use could be used to take a hard look at new coming service stations. She urged the Members to keep a list of the Zoning Ordinances that would need to be looked at.

Mr. Vito DiBiasi from Dingman Township said that the 2006 Milford Borough/Milford Township Comprehensive Plan was written by Mr. Shepstone, and he had added the Source Water Protection Plan (SWPP), Sawkill Creek Conservation Plan (both are taxpayer funded studies), and a picture of the Zone two of the aquifer of Milford Springs into this plan. Mr. DiBiasi continued that these are scientific documents, which the “Friends of the Milford Aquifer” are using, and some hydrologic companies had made these scientific documents. The SWPP delineated the aquifer, and the 2006 Comprehensive Plan also included the Conservation Easements. Tom Hoff from Milford Municipal Authority had said that it is easier to buy the lands than to fix the Springs. Mr. Shepstone had written both of these documents (2006 Comprehensive Plan and the Watershed/Wellhead Zoning Amendment), and they were contradicting each other. The Zone two of the Milford aquifer was outlined in the 2006 Comprehensive Plan, whereas the wellhead ordinance stated to look for the aquifer from a developer funded study. This part should be taken out, as the 2006 Comprehensive Plan states that the location of the aquifer is already known. The wellhead ordinance that he had written only assumed that the aquifer is in the watershed. It is not stated in a definition, it’s not legally in the maps, and that is a main flaw of this ordinance. This document outlines the watershed only, and if a new company wants to come in, then this amendment won’t help to find out where the aquifer is. Only the word “reference” is used in this ordinance, and according to the Solicitor, this word does not legally bind.

Mr. Stroyan commented that Mr. DiBiasi had proposed all the properties to be bought and put into Conservation Easement. He asked Mr. DiBiasi where that money would come from, and if that land would include Mr. DiBiasi’s land also. Mr. DiBiasi replied that the Federal Government has a program for water protection and environment, Biden was trying to put some money for it, and the existing establishments could be grandfathered in. Mr. Shepstone commented that the third Zone, which is the Watershed Zone, is outside the two wellhead zones. He continued that a more inclusive position was being taken by assuming that the aquifer extended to the watershed boundaries than defining a smaller area within it. There were two workshops with the Milford Municipal Authority, and he had incorporated everything that Doug Manion had suggested, except attaching the SWPP to the document. The Solicitor added that the Zone C, which is the total watershed, was taken from the SWPP, which could be attached to the applications to guide the applicants about how their development would affect the aquifer. He added that SWPP is not a document that should be attached to the ordinance. He urged the Members to forward the ordinance to the Board of Supervisors with all the updates that Mr. Shepstone had suggested. Faith Zerbe, a scientist of the Delaware River Keeper Network, commented that the existing uses won’t be jeopardized, and a lot of Townships were being more stringent on quarries to protect the residents from new quarries and new issues. She continued that a lot of work had been done on protecting the Sawkill Watershed, and William Penn Foundation has a lot of funds for purchasing lands in the Poconos. Delaware Highlands is the group that is working on the Delaware Conservancy, and they want to purchase sensitive areas, such as steep slopes.

Fred from Westfall Township said that it was important to look at purchasing the most sensitive areas if the money is available, and that way lands could be protected. He added that this area does not need any more mining and quarries, and that should be included into this ordinance. Mr. DiLorenzo said that it would be discussed in the zoning when the time comes.

Rachel commented that the area of the whole watershed is 22 square miles, and that is a very large area to be too restrictive. She added that it's easy to say that these undesirable uses are not permitted in the town, but the law does not allow the Township to do that. She further added that the Township would be challenged in court for not providing enough space for uses not provided for. Mr. Stroyan added that the Comprehensive Plan and the SWPP showed that Mr. Tom Hoff had found the Springs and the funding to purchase the wellhead. Mr. DiBiasi said that the delineated area of the aquifer is only 13 square miles, which should be as restrictive as the wellheads, and the wellhead and the aquifer are very similar. He continued that Port Jarvis had acquired a \$1 million grant by petitioning the State for buying their aquifer, which is 1,000 acres, and Tom Hoff had the vision to find the funding. A lot of other Townships were buying their aquifer, and that is the cheapest way to protect the spring. Mr. Stroyan made a motion to recommend the ordinance with the revision that Mr. Shepstone had suggested to the Board of Supervisors, Mr. McCarthy seconded, and it passed unanimously.

Conditional Use Application – Natasha Ferousis – Light Up the Spectrum: Members told Ms. Ferousis that they won't be able to discuss her item, as they had received her application only a little while before the meeting had started. They added that this item would be added to the agenda of the next workshop, which was scheduled for the second Thursday of October. The Solicitor explained that according to the Senate Bill #554, agendas are supposed to be posted on the website and in the building 24 hours before the meeting. This way the public gets to know what's in the agenda, and they can decide if they want to attend the meeting or not. This Bill also states that only de minimis items could be added with a good reason to the agenda, and that reason would have to be explained in the minutes.

Econo-Pak – Conditional Use Application and updated plans of 9-14-2021: Mr. Stroyan said that he was concerned about the timing for the hearing of this project, as the hearing might fall in the middle of December. Mr. Fuller replied that the goal is to move the project along, they would keep addressing all comments in every meeting, and more extensions would be granted if needed. Ms. Hendricks added that it's a big project, and hence two hearings would be needed for this project. The Solicitor asked Mr. Fuller to send the contract of the sale of land to him.

Mr. Shepstone said that he had received the narrative and the 19-page plan from Mr. Fuller. He continued that a detailed analysis about the increase of the truck traffic, and what that increase would do to the noise would be required. The second point was about the definition of the lot coverage in the ordinance, which includes the areas that are even impervious, such as gravel and parking areas, and the amount of new disturbance and parking of this project showed that the percentage of lot coverage was higher than 65%. Mr. Fuller said that the infiltration basin for the stormwater, grass, and vegetated areas were not considered in the calculation, and five more acres would be added to the existing land. Mr. Shepstone added that there is a process for making the lot coverage 75%.

Mr. Shepstone said that the commercial site design Guideline of Section 417 of the Zoning Ordinance needed to be addressed. He continued that a traffic study, which would look at the generation and direction of the traffic, would be required. Transportation Engineers usually do this analysis, but IT type of analysis would be able to provide some standard data, and a rough idea about what the impacts in terms of delays should be provided. Mr. Fuller said that the Representatives of Econo-Pak had explained their protocol for directing the truck traffic away

from the Borough and to make them take the 84 exit through Westfall. He added that as of then, the site was congested with trucks, and the proposed addition of the warehouse would alleviate this congestion. Mr. Stroyan said that the representatives of Econo-Pak had stated to the Board that they won't be able to place any instructions for the truck traffic on the bill of lading. He added that that isn't the fact. He asked if they were dealing with any truckers' associations or freight associations to resolve this situation. He further added that the guy who sits on the wheels possesses the bill of lading. Mr. Shepstone added that that's a condition for approval. Rachel added that it was a condition of the previous approval of conditional use, and the current applicant was being reminded of this condition of approval of this property since the first meeting. Mr. Stroyan added that the rear gate needed to be fixed, and Mr. Fuller said that fixing that gate was a part of the project. Mr. DiLorenzo said that that was a part of the original conditional use.

Mr. Shepstone said that landscaping was critically important for this big project, as a lot of disturbance would be done on the site. He continued that the issue with using Brabant Arborvitae is that it is very susceptible to deer damage. The other issue about landscaping was the waiver of the deciduous tree requirement of 39 instead of 160, which is demanded to meet the standard. These species needed to be reconsidered, and an input from a landscape architect should be sought. Firefighters want adequate access all around the building, and it should be confirmed with fire officials. The Solicitor asked Mr. Fuller to send the firefighting plan to the fire officials, and then to incorporate their comments. Mr. Pederson, the builder of the project, said that the entire project is ESFR sprinkled, and the fire would be fought from inside also. The Solicitor reminded Mr. Fuller that the last 90-day extension was done in August, and another time extension might be needed.

Rachel inquired why there were 188 parking spots in the plan while only a couple of dozen tractor trailers would be used. Mr. Fuller replied that there is a drop-in pick-up mechanism. He added that the drop in trucks don't just drop off and leave, they drop in and pick up, and hence they wait on the site to get loaded. He further added that about 60-80 tractor trailers sit in the property at a time. Rachel said that there are 336 parking spaces for passenger vehicles, she inquired if that included all the existing parking spaces, and Mr. Fuller said 'yes'. Rachel said that the Zoning Ordinance specifies parking numbers based on floor areas, it's warehousing facility of 125,000 square feet, and she got 312 parking spots from her calculation based on the industrial business category. Mr. Shepstone added that this is a warehouse, which usually adds less employees. Rachel added that a bigger warehouse than the existing one was being proposed, and Supervisors have the option to provide waivers and future parking options. She further added that the calculation of parking spaces in the plan did not show how many of those spaces were new. Mr. Shepstone added that what the proposed warehouse would generate should be shown with comparable facilities. Mr. Fuller said that 4,000 square feet for one parking spot was used for the calculation. He added that the addition of these 125,000 square feet would cause a lot of materials from the excavations, and these extra parking spaces would help.

The Solicitor said that it was already 9:00 P.M., and he suggested discussing the rest of the items of the agenda at the next meeting. Mr. Stroyan made a motion to adjourn the meeting, Mr. McCarthy seconded, and it passed unanimously. Adjournment was at 9:10 P.M.

Respectfully,

Shahana Shamim
Secretary