

Milford Township

From: Jessica Rella [jessica@magnottalaw.com]
Sent: Wednesday, December 08, 2021 9:26 AM
To: Milford Township
Subject: Milford Township - Conditional Use Application of Natasha Ferousis

Dear Shahana:

Pursuant to Public Notice as placed in the Pike County Dispatch, a Conditional Use hearing was held before the Board of Supervisors of Milford Township on Monday, December 6, 2021 with respect to the above application. Present at the hearing were Natasha Ferousis, Applicant representing Jovani's Way ... Never Leave Anyone Behind, Inc. The application had been reviewed by the Planning Commission and had been the subject of a favorable recommendation with conditions from the Milford Township, Pike County, Pennsylvania, Planning Commission. After a brief presentation, and after questions from Supervisors Hendricks and Williams, the board upon motion made, second it, and passed unanimously approved the Conditional Use application of Natasha Ferousis subject to the following conditions:

1. All accessory activities outside of the building must have adult supervision.
2. Any outdoor activities must abide by all township regulations including the township Noise Ordinance.
3. The owner and tenants are solely responsible for all traffic control contained within the parking lot and for ingress and egress to the parking lot.
4. The outdoor activities listed in the application can only occur on the weekends or a national holiday.
5. The tenant will abide by the site plan which was provided as part of its application.
6. Hours of operation shall be seven days per week, 9:00a.m. through 9:00p.m.
7. The overnight, all inclusive-indoor camping event shall be conducted not more than four times per year and shall require a parent or guardian to be present with the minor child.

The applicant agrees that any modification to the items listed in the application will require either a modification to this Conditional Use application or in the alternative, a new Conditional Use application. The applicant was advised that any other ordinances whether local, state or federal applicable to the uses depicted in the application must also be complied with.

Thank you for the opportunity to review this matter. If there are any additional conditions which I have missed or which the supervisors desire to impose, please do not hesitate to contact me.

Sincerely,

Anthony J. Magnotta, Esquire

cc: Milford Township Supervisors

Jessica Rella
Legal Assistant

ANTHONY J. MAGNOTTA, ESQ.
Attorney At Law
1307 Purdytown Turnpike
Oxford Place - Suite A
Lakeville, PA 18438
Phone: (570) 226-5700

Milford Township

From: Jessica Rella [jessica@magnottalaw.com]
Sent: Tuesday, December 07, 2021 10:03 AM
To: Milford Township
Subject: Milford Township - Senate Bill 448

Dear Supervisors:

After discussion of the action not to pass a resolution with respect to the Second Amendment group that sought passage of a resolution, I inquired as to whether there was any Legislation currently pending dealing with the subject of firearms and ammunition. Senate Bill 448 which has been referred to the Judiciary Committee would prohibit any municipality in any manner to regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of the Commonwealth. In fact, the Senate Bill indicates that anyone adversely affect by any ordinance, resolution, practice or other action promulgated by the municipality in violation of this Act would have a right to bring a declarative and injunctive relief and seek actual damages attributable to the violation in an appropriate Court. Further, if the Court were to find in favor of the plaintiff, the Court shall award reasonable expenses paid by the person upholding their rights under the Act.

Section 2 of the Act once again preempts local regulation of firearms, ammunition, magazines, accessories, firearms components and ammunition components in the Commonwealth.

Thank you for the opportunity to review this matter.

Sincerely,

Anthony J. Magnotta, Esquire

Jessica Rella
Legal Assistant

ANTHONY J. MAGNOTTA, ESQ.
Attorney At Law
1307 Purdytown Turnpike
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Milford Township

From: Christina Markgraf [christina@magnottalaw.com]
Sent: Monday, December 06, 2021 4:05 PM
To: Milford Township
Cc: Contact
Subject: FW: Milford Township Wellhead Protection Amendment

Dear Shahana:

Please find email below from Michele Long, Pike County Conservation District regarding the Wellhead Protection Amendment.

Please print out copies for this evening's meeting.

Thank you – Have a good evening,

Christina Markgraf
Legal Assistant

ANTHONY J. MAGNOTTA, ESQUIRE
Attorney at Law
1307 Purdytown Turnpike, Suite A
Lakeville, PA 18438
Phone: 570-226-5700
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From: Michele Long <mlong@pikepa.org>
Sent: Monday, December 6, 2021 3:50 PM
To: Contact <contact@magnottalaw.com>
Subject: Milford Township Wellhead Protection Amendment

Dear Tony,

It was great talking to you today and thanks for your time.

Below are a few comments/questions we discussed regarding the Milford Township Wellhead/Watershed Zoning Amendment. In working with the Pocono Sourcewater Collaborative the District has worked with PA Rural Water and the PA DEP who may be of assistance when looking at source water protection areas. I can provide contact information if the Supervisors are interested. Please contact me with any questions or concerns.

1. Section 426.4. Establishment and Delineation of Wellhead Protection Overlay District and Wellhead Protection Zones:

- a. The current wording of Section A. indicates that all PA DEP regulated wells in the township (Zones A and B) would have a wellhead protection overlay district established. According to PA DEP records, this may include Moon Valley and Milford Senior Care community wells. Based on the remainder of the document, it is unclear if this was the intent of the municipality.
 - b. The Zone C section refers to the Milford Springs Zone C. Other community wells in the municipality may not have a detailed hydrogeological study but still would have a Zone C that should be clearly defined in this ordinance, if that is the intent.
2. Section 426.6. Uses Permitted by Conditional Use Approval
- a. Section E. The District appreciates the ability to review, comment and make recommendations on the applicant's Spill Prevention Plans. The District typically would get involved with Spill Prevention Plans if the proposed project required a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with construction activities. The District would consult PA DEP with any questions or concerns identified during the review.
 - b. Section E. The ordinance should provide guidance regarding the minimum requirements for spill prevention plan content.
3. Section 426.7. Additional Regulations.
- a. Section B references provisions for adequate pre-treatment in accordance with the PA DEP BMP Manual. The District recommends PA Code 25. Chapter 102, specifically 102.8, be referenced within this section. Post construction stormwater management requirements are now included within those regulations with the PA DEP BMP Manual being developed as considered guidance.

Michele Long
Executive Director
Pike County Conservation District
556 Route 402
Hawley, PA 18428
(570)226-8220 (t) ext. 1332
(570)226-8222 (f)
www.pikeconservation.org



Milford Township

From: Michele Long [mlong@pikepa.org]
Sent: Wednesday, December 08, 2021 4:06 PM
To: Jessica Rella
Cc: Milford Township
Subject: RE: Milford Township Wellhead Amendment

Dear Tony,

Thank you for taking our suggestions and questions to the Milford Township meeting for the Supervisors consideration.

Our suggestion is to have them both listed. This is our suggestion:

Infiltration of stormwater from commercial sites in Zone C shall be employed only with the provisions for adequate pre-treatment in accordance with 25 PA Code 102 and associated Pennsylvania Department of Environmental Protection guidance. e.g. PA DEP BMP Manual.

We are hopeful all of our suggestions were helpful and provide some additional guidance in navigating this ordinance update.

Please reach out with additional questions.

Michele Long
Executive Director
Pike County Conservation District
556 Route 402
Hawley, PA 18428
(570)226-8220 (t) ext. 1332
(570)226-8222 (f)
www.pikeconservation.org



From: Jessica Rella <jessica@magnottalaw.com>
Sent: Tuesday, December 07, 2021 9:55 AM
To: Michele Long <mlong@pikepa.org>
Cc: Milford Township <milfrdtp@ptd.net>
Subject: Milford Township Wellhead Amendment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Michelle:

Thank you for your email of December 6, 2021 with reference to the above referenced matter. Your email was discussed at the Milford Township Supervisors meeting which was attended by Thomas Shepstone, Planning Consultant for the township. I was asked to seek clarification of paragraph 3 of your letter regarding Section 426.9, specifically whether the existing ordinance should be changed to take out the reference to the Pennsylvania DEP Best Management Practices Manual and replace it with

Pennsylvania Code 25 Chapter 102 Section 102.8 or whether the section should reference both materials and manuals.

Thank you in advance for your cooperation and assistance.

Sincerely,

Anthony J. Magnotta, Esquire

cc: Milford Township Board of Supervisors

Jessica Rella
Legal Assistant

ANTHONY J. MAGNOTTA, ESQ.
Attorney At Law
1307 Purdytown Turnpike
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FARLEY & WEED, LLC

Attorneys at Law

THOMAS F. FARLEY
CHRISTIAN E. WEED

JOHN H. KLEMEYER
OF COUNSEL

ROBERT F. BERNATHY
OF COUNSEL

2523 Route 6, Suite 1
Hawley, Pennsylvania 18428
570.226.5771
570-296-6453
Fax: 570.226.5140

Email: contact@kfblawoffice.com

December 8, 2021

Sent via email only

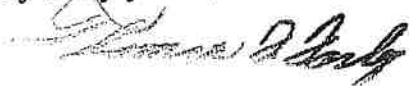
Ms. Shahana Shamim, Secretary/Treasurer
Milford Township
P.O. Box 366
Milford, PA 18337

Re: Econo Pak - Planning Members letter

Dear Shahana:

Please provide the following correspondence to the Planning Members. I would like them to have this letter prior to the Meeting on Thursday. Thank you.

Very truly yours,



THOMAS F. FARLEY, ESQUIRE
TFF/lah

Dear Planning Members,

As you are well aware, I will not be available for the Meeting scheduled for December 28, 2021. Therefore, I thought it would be best to provide a suggested conditions that would be placed on the Econo Pak. Please review the below conditions. It may not be exhaustive, and I am certainly open to suggestions. But I thought this document would be a starting point for discussion.

Please find attached conditions for the Econo Pak Project.

1. The Conditional Use approval is conditioned upon the approval of the Lot Improvement Plan showing the Lot Combination of the Tax Lots.
2. The Applicant shall provide a fully completed and recorded Deed between Milford Property Holdings, LLC, Seller and Dot Red, LLC, Buyer.
3. Conditioned upon a landscape plan that is satisfactory to the Township.
4. Conditioned upon Applicant receiving a Highway Occupancy Permit. The Applicant shall provide copies of the Permit for the existing proposed driveways to Milford Township prior to construction.
5. Conditioned upon Applicant receiving an acceptable erosion and sedimentation control plan by the Pike County Conservation District.
6. Conditioned upon an NPDES Permit from Penn DOT prior to the start of construction.
7. Conditioned upon the proposed parking area complying with the landscape requirements of Section 408.4 of the Zoning Ordinance.
8. Conditioned upon a performance guarantee in the amount of One Hundred Twenty-Five Percent (125%) of the required landscaping as required under Section 410.7 of the Zoning Ordinance.

9. Conditioned upon an improvement maintenance guarantee in the amount of Fifteen Percent (15%) of the improvement guarantee for an eighteen (18) month duration shall be in place prior to final approval.

10. Conditioned upon a Developers Agreement in accordance with the section shall be in place prior to final approval.

11. Conditioned upon an Improvement Construction Guarantee as required under 503 of the Subdivision Land Development Plan which will consist of One Hundred Ten Percent (110%) of the total cost. The guarantee must be in satisfactory form acceptable to the Township.

12. Conditioned upon the Improvement Maintenance Guarantee, the Developers Agreement, and the Improvement Construction Guarantee being approved by the Township Solicitor prior to execution of the said Agreements.

13. Conditioned upon the Applicant keeping the back entrance to Econo Pak locked except for emergency purposes.

14. Conditioned upon the Applicant not allowing the back entrance to be use for any entry or exit into the project other than for emergency purposes.

15. Conditioned upon the Applicant abiding by the parking requirements as recommended by Planning Commission and decided upon by the Supervisors of Milford Township.

16. Conditioned upon the lot coverage not exceeding sixty-five percent (65%).

17. Conditioned upon the plan being sent to the Fire Department for any comments prior to final approval.

18. Conditioned upon a traffic study being completed if it is necessary as determined by the Pennsylvania Department of Transportation.

19. Conditioned upon a Stormwater Maintenance Agreement to be provided to the Township and approved by the Township Solicitor prior to execution by all parties.

20. Conditioned upon the existing septic system being reviewed for adequacy by the Sewage Enforcement Officer.

21. Conditioned upon the shade trees shall have a minimum caliper of three (3) inches.

22. Conditioned upon all waste removed from the site by a licensed waste removal company.

23. Conditioned upon a Stormwater Management Plan and Soil Erosion Control Plan being provided and reviewed and approved by the Township, the Pike County Conservation District, and the Pennsylvania Department of Environmental Protection.

24. Conditioned upon adequate safety devices being provided to prevent possible contamination of surface or groundwater during the construction of the development.

25. Conditioned upon the lighting proposed shall be in compliance with the requirements of the Township.

Very truly yours,



THOMAS F. FARLEY, ESQUIRE

TFF/lah

Milford Township

From: Thomas Shepstone [mailto:shepstone.net]
Sent: Thursday, December 09, 2021 11:31 AM
To: Milford Township
Cc: penney luhrs; Rachel Hendricks; Gary Williams; Contact; Robert DiLorenzo; Ray Willis; raklap.kw@gmail.com; Patrick McCarthy; Peggy Emanuel; Lynette Huffman; Shawn B
Subject: Re: Econo Pak - Planning Members letter

These are excellent conditions. I would only modify No. 21 slightly to add “and otherwise fully implement the landscaping plan, providing such financial guarantees for the same as required by the Township.”

Thomas J. Shepstone
Shepstone Management Company, Inc.
100 Fourth Street, Suite 33
Honesdale, PA 18431
PHONE: 570-251-9550
FAX: 570-251-9551
CELL: 570-470-0467
<http://www.shepstone.net>
mail@shepstone.net

On Dec 9, 2021, at 10:49 AM, Milford Township <milfrdtp@ptd.net> wrote:

Hi All,

Here's a correspondence from Mr. Farley.

Thanks,

Shahana Shamim
Secretary
Milford Township Planning Board
Pike County

From: Lynette Huffman [mailto:lhuffman@farleyweed.com]
Sent: Wednesday, December 08, 2021 3:55 PM
To: Milford Township
Subject: Econo Pak - Planning Members letter

Dear Shahana,

Please see attached.

Lynette A. Huffman, Paralegal
Farley, Bernathy & Weed, LLC
2523 Route 6, Suite 1
Hawley, PA 18428
(570) 226 – 5771

John D. Fuller, P.E., P.C.

CIVIL & STRUCTURAL ENGINEERING

December 9, 2021

Mr. Robert Dilorenzo, Planning Commission Chair
Milford Township
560 Route 6 & 209
PO Box 366
Milford, PA 18337

**RE: Econo-Pak
535 Route 6 & 209
Tax Map Nos 113.00-01-01, 097.00-01-29.001 & 29.004
Milford Township, Pike County, PA**

Job No. #2520.001

Dear Mr. Dilorenzo:

This letter is to request an extension of sixty (60) days for the Econo-Pak Conditional Use and Land Development Plan applications. The Conditional Use Hearing has been scheduled for January 13, 2022 and there is not sufficient time from the Hearing for the Board of Supervisors to render a decision.

In addition, I am addressing the comments from the Planning Commission and in the process of working with the Pennsylvania Department of Environmental Protection (PADEP), the Pike County Conservation District (PCCD) and the Pennsylvania Department of Transportation (PADOT) to obtain their approvals for the applicable aspects of the project.

I appreciate your willingness to work with the applicant. If you have any questions regarding this letter, please feel free to contact my office.

Sincerely,



John D. Fuller, P.E.

Tel: (845) 856-1536

4 South Street, Port Jervis, NY 12771

Fax: (845) 858-2419

Email: johnfullerpe@gmail.com

Milford Township

From: Christina Markgraf [christina@magnottalaw.com]
Sent: Thursday, December 09, 2021 3:46 PM
To: Milford Township
Cc: Contact
Subject: Holger and Nadine Plate - Lot Improvement Subdivision

Dear Shahana:

Please be advised that I have reviewed the Lot Improvement Subdivision Map prepared by Conrad, Close and Ewald, Professional Land Surveyors, PC and the proposed Deed for Lot Combination and find them to be consistent with the Milford Township Subdivision & Land Development Ordinance and Zoning Ordinance respectively. Please insure that the comment received from the Pike County Planning Commission regarding the Map has been addressed by Conrad, Close and Ewald prior to the Commission recommending for approval.

Thank you for your cooperation and assistance.

Sincerely,

Anthony J. Magnotta, Esquire

Christina Markgraf
Legal Assistant

ANTHONY J. MAGNOTTA, ESQUIRE
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Milford Township

From: Brian Snyder [bsnyder@pikepa.org]
Sent: Tuesday, December 07, 2021 11:03 AM
To: MILFORD TOWNSHIP - COG MEMBER (milfrdtp@ptd.net)
Cc: Conrad, Close & Ewald
Subject: Plate and Shea
Attachments: 21-134.pdf

Attached is the County's review letter for the proposed Lot Improvement Plan.

Brian Snyder, Community Planner
Pike County Office of Community Planning
837 Route 6, Unit 3
Shohola, PA 18458
P: 570-296-3500 F: 570-296-3501
E-Mail: bsnyder@pikepa.org
www.pikepa.org



Pike County Office of Community Planning

837 Route 6, Unit 3
Shohola, PA 18458
Phone 570-296-3500 Fax 570-296-3501
planning@pikepa.org

December 7, 2021

Ms. Shahana Shamim, Secretary
Milford Township Board of Supervisors
PO Box 366
Milford, PA 18337

SUBJECT: Plate and Shea Lot Improvement Plan
Dated 05/11/21 – Revised 11/16/21
Planning Tracking #21-134

Dear Mrs. Shamim,

The Pike County Office of Community Planning, the Official County Planning Agency pursuant to County Ordinance #14 and Act 247, the Pennsylvania Municipalities Planning Code, as amended, has reviewed the proposed Plate and Shea Lot Improvement Plan and has the following comment:

- Under note 3 tax lot *097.01-01-13.004* needs to be changed to tax lot *097.00-01-13.004*.

With consideration of the above comment, our office finds the plan to be consistent with the Pike County Comprehensive Plan and municipal ordinances. Any revisions to this plan must be submitted to, and reviewed by, our office. If you have any questions regarding this matter, please feel free to contact me at 570-296-3500 and reference the above Planning Tracking Number.

Sincerely,

Brian Snyder
Community Planner

email: Milford Township Board of Supervisors
Conrad, Close and Ewald PC