

**Milford Township
Planning Commission**

Meeting Minutes of January 25, 2023
7:00 P.M.

Planning Commission Members Present: Fran Murray, Chair; Edwin Bolton, Vice Chair; Susan Edwards, Secretary; Merv Afflerbach, Member; and Malcolm Vinger, Member.

Staff Present: Devan Ambron, Secretary.

Mr. Murray called the Milford Township Planning Commission meeting to order at 7:00 p.m.

Mr. Murray made a **MOTION** to approve the meeting minutes of December 28, 2022. The motion was seconded by Mrs. Edwards and passed unanimously.

Re-Organization:

Edwin Bolton nominated Fran Murray to serve as Chairman, the nomination was seconded by Susan Edwards. Following a unanimous vote, Mr. Murray was appointed to Chair.

Fran Murray nominated Edwin Bolton to serve as Vice Chair, Mr. Afflerbach seconded the nomination. Following a unanimous vote, Mr. Bolton was appointed to Vice Chair.

Fran Murray nominated Susan Edwards to serve as Secretary, Edwin Bolton second the nomination. Following a unanimous vote, Mrs. Edwards was appointed as Secretary.

Plan Acceptance:

The Moyer Milford Square Preliminary Plan of Subdivision for the property located at 2060 Allentown Road, TMP 23-010-081 in the VC-2 (Village Center) Zoning District was accepted for review.

Conditional Use

Adina Roland, 2100 Quaker Pointe Drive, TMP 23-010-022, Use D2-Medical Office. The application proposes to open a Medical Office, namely an orthodontic office in the existing building. The Planning Commission stated there will be no adverse conditions or negative impact created with the proposed use.

Mr. Murray made a **MOTION** to recommend approval of the Conditional Use Application, for the property located at 2100 Quaker Pointe Drive, TMP 23-010-022, as presented. Mrs. Edwards seconded the motion. The motion passed unanimously.

Special Exception

Particle Size Technology, 1930 Kumry Road, TMP 23-010-061, Section 804.a. Expansion of Nonconforming Uses and Structures. The applicant proposes to construct a 1,852 square foot addition to the existing building.

Mr. Bolton made a **MOTION** to recommend approval of the Particle Size Technology Special Exception Application for the property located at 1930 Kumry Road, TMP 23-010-061. The motion was seconded by Mrs. Edwards and passed unanimously.

Kevin Willauer, 2000 John Fries Highway, TMP 23-010-090, Agricultural Retail. The Applicant, Kevin Willauer, seeks a Special Exception to allow an Agricultural Retail Use, 404.A7, on the property located at 2000 John Fries Highway in the RA Zoning District, along with an Interpretation/Appeal, and/or a Variance, to allow an agricultural retail store exceeding 750 square feet to sell local produce under section 404.A.7 and a variance from Section 404A7.b that requires products sold at the Agricultural Retail establishment to be grown, raised and produced on the property. Mr. Gavin Laboski, Laboski Law, was in attendance to present the proposal. Mr. Laboski stated the business has been in existence for some time. This application is a clean-up operation. Permits have been issued for the project. Mr. Laboski stated Mr. Willauer is in attendance to answer

any questions the Planning Commission members may have. Mrs. Edwards asked if the use demonstrates compliance with the regulations. Mr. Laboski stated the use must be subordinate to the agricultural use. The products sold must be grown raised and/or produced on the property. The applicant has requested a variance from this regulation. Mr. Laboski stated he has seen other municipal ordinances that allow 50% of products to be raised or grown on the property and 50% off site. Mr. Laboski stated this regulation is not possible for every farmer to comply with. Mr. Laboski further stated Mr. Willauer's intent is to sell locally grown products and he does not want it to turn into a supermarket. Mr. Laboski stated relief is also needed from subsection c. which states when proposed on lots of more than two acres, the maximum floor area shall be limited to 750 square feet. The existing building, which was constructed with a permit is 1,000 square feet. Mr. Laboski stated a site plan is being made and there may be an issue with the required front yard setback and if that is the case the applicant will have to ask for another variance. The site complies with the required parking regulations, 1 off-street parking space for each two hundred square feet of sales area. Mr. Laboski stated there are two other issues to be address, land development and highway occupancy. A permit has been received from PennDOT and the surveyors were on site today to address stormwater and any possible impact it may have on the surrounding properties. Mr. Bolton stated to be clear, this building is already in existence. Mr. Murray stated it is. Mr. Laboski stated the property itself is over 64 acres and a portion of the property has been placed in a conservation easement. The portion being discussed this evening is not part of the easement. Mr. Murray asked if the application is scheduled to be heard by the Zoning Hearing Board. Mr. Laboski stated the hearing is scheduled for Tuesday, February 14, 2023. At this time Mr. Glenn Weiss, neighbor to Mr. Willauer distributed a statement from attorney, William Oetinger from Grim Biehn & Thatcher. The letter addresses products sold on the property not being produced on the property, stormwater management, roadway improvements, and the need for a fully engineered site plan. The letter further stated there has been substantial earthmoving activity on the site and impervious surface added without permits. Mr. Murray stated Mr. Laboski noted several of those items are being addressed and those that are not will be addressed. Mr. Laboski further stated it is the job of the Planning Commission to review plans from a planning standpoint, not for zoning relief, that is the duty of the Zoning Hearing Board, and his client is entitled to some relief. Evidence to be presented to ZHB. Mr. Laboski there is 2 years of history with the site and there have been no concerns with traffic and PennDOT has approved the entrance. While he respects Mr. Weiss's position, he will address the concerns before the Zoning Hearing Board. Mr. Murray stated it is not for this body to address the concerns listed in the letter and he is confident when present to the Zoning Hearing Board there will be a solid basis to make a decision. Mr. Bolton asked if there have been issues with the neighboring property. Mr. Laboski stated there has been some friction back and forth and Mr. Willauer has reached out. Mr. Laboski said if there are specific things to address now is the time. There seems to be an issue with the ditch on Route 663, which is a PennDOT issue, and an engineer will do an evaluation. If there is an issue Mr. Willauer will address the issue. Mr. Vinger asked what the grievance is. Mr. Laboski stated he thinks it's personal and there has been family friction prior to Kevin Willauer owning the property. Mr. Bolton said thinking back there isn't much close to the building. Mr. Laboski stated the farm has been in the family for 70 years. Mr. Bolton asked if the structure had a building permit at the time. Mr. Willauer stated it did and it would be hard to build on Route 663 without a permit.

Mr. Bolton made a **MOTION** to recommend approval of the Willauer Special Exception for the property located at 2000 John Fries Highway, granted the applicant ensure compliance with stormwater management, compliance with the required parking regulations, and compliance with all setback regulations. The Commission further recommends there be some relief granted regarding Section 404.A7.b, products sold must be grown, raised and produced on the property. The motion was seconded by Mrs. Edwards and passed unanimously.

With there being no further business at this time, Mrs. Edwards made a **MOTION** to adjourn the January 25, 2023 meeting of the Milford Township Planning Commission at 7:21 p.m. The motion was seconded by Mr. Afflerbach.