

Planning Commission Minutes
January 19, 2017

On January 19, 2017 the Eldred Township Planning Commission met for a regular meeting at 7:10 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, PA.

In Attendance: In attendance were Robert Boileau; Chairman, Carey Krum; Vice-Chairman, Helen Mackes; Secretary, Charles Phillips, Archie Craig, Mike Kolba, James Leiding and Solicitor Michael Gaul.

Call to Order: The meeting was called to order at 7:10 P.M. by Chairman Robert Boileau.

Approval of Minutes: There was a motion by Dr. Leiding and seconded by Helen Mackes to approve the minutes of December 15, 2016. Motion carried (7-0).

New Business: Mr. Boileau explained briefly the Agricultural Security Area (ASA). Dr. Leiding announced that the ASA committee has not yet been appointed and suggested that discussion be put off until next month. Solicitor Gaul agreed.

Proposed Ordinance: Mr. Boileau described the various Zoning Districts in the Township, Commercial, Rural Resource, Agricultural/Residential, Industrial and Residential. He asked for discussion about the Ordinance.

Glenn Beers told the Planners that he is on the County Agricultural Preservation Program. He asked if the planners were familiar with the Right to Farm Act. Mr. Boileau answered that he was but that the Planners had been tasked by the Supervisors to review and comment on the proposed Ordinance and provide the Supervisors with a recommendation. Solicitor Gaul explained the review process and asked that the Planners be given the opportunity to comment first then the Planners would hear Public Comment.

Mr. Phillips said he has a problem with the phrase regarding property values. He suggested removal of that wording. Mr. Boileau noted that he also had that section highlighted as being vague and ambiguous. Mr. Boileau also spoke about the term offensive odors. He feels this is inappropriate. Mr. Craig said he is against the entire Ordinance. His recommendation would be to advise the Supervisors to not move forward with the Ordinance.

Mr. Boileau spoke about parts of the Ordinance being too restrictive. Ms. Mackes remarked that odors on a farm are not able to be contained, and that section is not reasonable.

Dr. Leiding stated he has a problem with the term “commercial” as it is used in the Ordinance. Solicitor Gaul answered that he feels that recovering costs would not be a “for profit” commercial use. Dr. Leiding added that he believes our Ordinances should allow reasonable uses for property. Mr. Kolba submitted that the definition should be consistent with CJERP and Monroe County.

Mr. Phillips asked how this would affect co-ops or group activities. Solicitor Gaul said he does not believe those would be included as a commercial use. He also stated that because of the CJERP Regional shared use, some inconsistencies exist in the current Ordinance.

Scott Smith asked if there was a value of sold commodities at which a residential use becomes commercial. Solicitor Gaul answered that he was not aware of such a number but that any present commercial use is grandfathered, however a change of use could require a permit in the future.

Glenn Beers stated the “Right to Farm Act” protects all agricultural uses on farmland that meets the criteria of 10 minimum acres or \$10,000.00 of business/year, and that the restrictions being considered in this new Ordinance are illegal. He strongly objects to the Ordinance. Carey Krum read from the ASA Handbook the section about municipalities passing Ordinances restricting farming practices, and concluded that it is not legal.

Mr. Boileau and Mr. Kolba reiterated that the Planning Commission is simply an advisory Board that has been tasked to review and discuss the proposed Ordinance and make a recommendation to the Supervisors. The process is an effort to bring transparency to the issue.

Dawn Barankovich thanked the Commission for having the discussion.

Mr. Phillips asked if it could be made public the person who generated this proposed Ordinance. Mr. Gaul said he was not prepared to disclose that but asked the assembly if there was anyone in favor of the ordinance. No one replied. He asked that the minutes reflect that result.

Susan McGinty asked who drafted the Ordinance. Mr. Gaul said he did, at the request of the Supervisors.

Vernon Barlieb asked a question about the status of an abandoned use. Solicitor Gaul responded that a use can be considered abandoned after a certain period of time based on Ordinances. Mr. Phillips replied that the ASA protects farming uses and those time frames do not apply to farming.

Jeff Borger announced that the Talking Points document that was distributed came from John Bell, attorney for the Pennsylvania Farm Bureau. Attorney Bell reviewed the ordinance and sent back this analysis. Attorney Bell advised Jeff Borger that there was considerable Case Law supporting his comments. Attorney Bell offered his assistance to the Township and if there were any questions that we could contact him.

Steve Borger remarked that often people in favor of a change don't come to meetings to support an issue, that we hear mainly from opponents. He spoke about the issue of having the Buckwha upgraded to an EV from an HQ stream. He believes that that would take away the ability to use the area behind the Municipal Building as a sewage treatment plant (if needed in the future), because no discharge would be allowed in an EV stream. He suggested the stream value be left as it is for use in the future.

Ms. Mackes thanked Mr. Borger for his past service to Eldred Township and negotiating the lease with the Post Office.

Mr. Earl Beers spoke about the problems he sees with the Ordinance. He gave a few examples of ordinary situations that would be prohibited if the Ordinance was adopted. He suggested the Supervisors should have known that this proposed Ordinance was a bad idea for Eldred Township which is a very active agricultural area.

Mr. Boileau thanked Mr. Beers for his comments and for his many years of service to Eldred Township and the United States.

- There was a motion by Archie Craig and seconded by Mike Kolba to recommend to the Supervisors that the Ordinance not be adopted. There was a vote by roll call.

James Leiding	aye	Mike Kolba	aye
Carey Krum	aye	Archie Craig	aye
Charles Phillips	aye	Helen Mackes	aye
Robert Boileau	aye		

Motion carried (7-0).

Mr. Phillips asked if there was a SALDO component to this Ordinance. Solicitor Gaul replied that this is more of a Zoning issue as SALDO deals with land development and subdivision.

Joseph Cardello asked if the Supervisors could still approve the Ordinance. Solicitor Gaul answered that they could, but this will come up for more discussion at

the Board of Supervisors meeting on February 1, 2017 and public comment will take place at that meeting also.

Gary Hoffman said he thinks this forum is the right place for discussions of this type to allow the public to have the opportunity to express their thoughts.

Ms. McGinty asked about how the shared use ordinance was approved in 2014 and what will happen going forward. Mr. Boileau answered that this takes place at CJERP meetings. Ms. McGinty asked how the public would know about that and Solicitor Gaul answered that CJERP meetings are public meetings, advertised in the newspapers.

- There was a motion by Helen Mackes and seconded by Mike Kolba to table any additional discussions until the next meeting. Motion carried. (7-0).
- There was a motion by Helen Mackes to adjourn. Motion carried (7-0). Meeting adjourned at 8:37 P.M.

Respectfully submitted,

E. Ann Velopolcek
Recording Secretary

Minutes
February 16, 2017

On February 16, 2017 the Eldred Township Planning Commission met for its regular meeting at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown PA.

In Attendance: In attendance were Robert Boileau; Chairman, Carey Krum; Vice Chairman, Helen Mackes; Secretary, James Leiding, Charles Phillips, Michael Kolba and Archie Craig.

Call to Order: The meeting was called to order at 7:08 P.M. by Chairman Robert Boileau.

Approval of the Minutes:

- There was a motion by Mike Kolba and seconded by James Leiding to approve the minutes of January 19, 2017. Motion carried (7-0).

New Business: The Planners had lengthy discussion about the proposed additions to the Agricultural Security Act.

Mr. Boileau stated that the application by Mr. F. Scott Smith seemed an easy decision as the property consisting of 36 acres adjoining a 104-acre parcel already in the ASA and is being used for agricultural purpose.

Regarding the application by the Kunkletown Rod and Gun Club, for lands located on the old rail bed, there remained questions about the suitability of the parcels required by the Act.

- the soils in the area do not meet the standard of the Act.

- the parcels will not be used for an agricultural purpose.
- There are concerns regarding encumbrances on the property including deeded rights-of-way
 - There was a motion by Mike Kolba and seconded by Archie Craig to recommend the approval the of the F. Scott Smith application for inclusion into the Agricultural Security Area (parcel numbers 06/3/1/13-2, 06/6/1/25) Motion carried (7-0).
 - There was a motion by Mike Kolba and seconded by Archie Craig to recommend the rejection of the Kunkletown Rod and Gun Club application for inclusion into the Agricultural Security Area (parcel numbers 06/93786,06/93788,06/93789,06/93790). Motion carried (7-0).

Old Business: Reports:

Mini Cell Towers- Mike Kolba requested his report be deferred awaiting a decision from the State Government on new legislation. He said this topic can be removed from the agenda until further notice.

Windmills- Carey Krum reported on windmills. He presented the planners with handouts on various topics, most against the use of Commercial windfarms due to the noise, strobing and marginal benefit of such installations.

Mr. Kolba asked if this would be a regional use issue. Solicitor Gaul responded that currently the use would only be permitted in the Rural Resource zone, and currently is only a permitted use in Eldred and Ross.

Mary Anne Clausen suggested increasing setbacks might be a way to minimize impact in residential “accessory use”.

Mr. Krum asked if restricting height would be a way to control some of the adverse impact.

Mr. Leiding asked if we could have the use removed from Eldred at CJERP. Mr. Boileau stated that there are environmental issues to be considered.

Ms. Clausen recommended the Commission be mindful of asking for too many uses to be removed from Eldred (at CJERP).

Carey Krum asked if it would be a good idea to purchase the transcripts of the Zoning Hearing Board hearings about this issue going on in Towamensing Township. Solicitor Gaul responded that while there might be a considerable cost to do so, it might be enlightening to read the transcripts as they would have the testimony of experts in the field.

Mr. Krum asked if there was a distinction between Commercial vs. Co-op. Solicitor Gaul said it is the use that is the issue not the ownership.

Ag Processing/Slaughterhouses-

Mr. Boileau and Mr. Leiding are collaborating on this issue. Mr. Boileau said that it is clear that some Ag. Processing uses such as grain storage and firewood harvesting and sale are desirable Ag. Processing uses, that it is the inclusion of slaughterhouses that creates an issue. He suggests that the definition of Ag. Processing in our Zoning Ordinance needs to be revised to remove slaughterhouses from the list of permitted uses and that change needs to take place at CJERP.

Medical Marijuana-

Mr. Boileau announced that he had participated in a webinar on this topic presented by PSATS. He gave the Planners the power point handout from the webinar.

Mr. Craig stated that the State is currently in the first phase of implementing the Act. There are (12) permits that will be issued state wide. Monroe County is Region 2. The state has determined that in this first phase, there will be no permits issued in Monroe County.

- Being no further business, there was a motion by Mike Kolba and seconded by James Leiding to adjourn. Motion carried (7-0).

Respectfully Submitted,

E. Ann Velopolcek
Recording Secretary

Minutes
March 16, 2017

On March 16, 2017, the Eldred Township Planning Commission met for its regular meeting at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown PA.

In Attendance: In attendance were Robert Boileau; Chairman, Carey Krum; Vice Chairman, Helen Mackes; Secretary, James Leiding, Charles Phillips, Michael Kolba and Archie Craig.

Call to Order: The meeting was called to order at 7:08 P.M. by Chairman Robert Boileau.

Approval of the Minutes:

There was a motion by Michael Kolba and seconded by Carey Krum to approve the minutes of February 16, 2017. Motion carried (5-0).

Public Comment on Non-Agenda Items: There was no public comment on non-agenda items.

New Business: There was no new business.

Old Business: Agricultural Products Processing- there was a lengthy discussion about permitting Agricultural Products Processing(APP) in our zoning areas. Robert Boileau explained that currently, APP is a shared regional use not permitted in Eldred Township. However, there is an incongruity in our Zoning Ordinance because APP is listed in our Rural Resource (RR) and Agricultural/ Residential (AR) districts as principal permitted uses (with conditions), and as a conditional use in the AR district.

Mr. Boileau pointed out that based on previous discussions about the detrimental potential of slaughterhouses and tanneries, the planners do not want those uses in the Township. There was continued discussion about how to achieve this result.

- There was a motion by Robert Boileau and seconded by Mike Kolba to recommend to the Eldred Township Board of Supervisors that Agricultural Products processing be made a permitted use. Motion carried (5-0).
- There was a motion by Robert Boileau and seconded by Helen Mackes to recommend to the Eldred Township Board of Supervisors that Slaughterhouse be a NOT PERMITTED use and to amend Section 400.0- Regional uses of the Ordinances to reflect this change. Motion carried (5-0).
- There was a motion by Robert Boileau to recommend to the Eldred Township Board of Supervisors that Tanneries be a NOT PERMITTED use and to amend Section 400.4- Regional uses to reflect this change. Motion carried (5-0).

Windmills- Carey Krum reported that he had contacted Penn Forest Township and that the transcripts of the hearings on this subject there were not available, he does believe it would be beneficial to see those transcripts to determine what the issues are that Penn Forest is encountering as the evaluate to proposed windmill project there.

There was a brief discussion of the negative effects of commercial wind generating equipment and Mr. Boileau pointed out that this is another case where the residents have all the burden and little benefit from the project.

Mini Cell Towers- Mike Kolba stated that there is pending legislation and no new information until that legislation is completed.

Medical Marijuana- Robert Boileau announced that, while no permits for distributors are currently slated to be issued in Monroe County, there is a possibility of a grower permit being issued here.

Mr. Boileau recognized Nichole Kuehner from the audience. Ms. Kuehner is a student at the Monroe County Vocational and Technical School and was attending the meeting as a class requirement. The Planning Commission welcomes Ms. Kuehner to the meeting.

Adjournment: There being no further business,

There was a motion by Helen Mackes and seconded by Archie Craig to adjourn. Motion carried (5-0). Meeting adjourned at 7:57 P.M.

Respectfully submitted,

E. Ann Velopolcek
Recording Secretary

Planning Commission Minutes
April 20, 2017

The Eldred Township Planning Commission met in a regular meeting on April 20, 2017 at the Eldred Township Municipal building, 490 Kunkletown Rd. Kunkletown, Pa. at 7:00 P.M.

In Attendance: In attendance were Robert Boileau; Chairman, Carey Krum; Vice-Chairman, Helen Mackes; Secretary, Archie Craig, Michael Kolba and Solicitor Michael Gaul. Not in attendance were Charles Phillips and James Leiding.

Call to Order: The meeting was called to order at 7:00 P.M.

Approval of Minutes: There was a motion by Michael Kolba and seconded by Carey Krum to approve the minutes of March 2017. Motion carried (5-0).

Guest Speaker: Janet Weidensaul, former Monroe County Commissioner, spoke about the ongoing Gypsy Moth Spraying program that she organized on behalf of the residents of several Townships. She explained the program and gave an overview of the cost, product and process of the spraying project as planned.

Carey Krum asked if there was any thought given to using a bacillus product or virus rather than the proposed Mimic product. Ms. Weidensaul replied that the product chosen is the one that is recommended for this use.

There was some discussion about the program. It was suggested that the Lehigh Portland Cement Company and the State Gamelands Commission be notified and invited to participate.

New Business: Mr. Boileau asked that the Zoning Officer submit to the Planning Commission an activity Report to keep the Commission abreast of ongoing permit applications.

Old Business:

Agricultural Products Processing: Mr. Boileau acknowledged the letter from the Board of Supervisor dated April 7, 2017 regarding Agricultural Products Processing and how to make this a permitted use in the Township while excluding slaughterhouses and tanneries. He read the letter the Planners sent to the Board with details of the problems associated with tanneries. There was continued discussion on this topic The Planning Commission continues to encourage the Board of Supervisors to move forward with this change.

Supervisor Clausen added that according to her information, the Township could add a use without requiring CJERP approval. She has been instructed that only if the Township wishes to remove a use would we need to go through the process with CJERP. There was lengthy discussion about this subject.

Solicitor Gaul advised that it is best practice the keep the definition consistent with the CJERP definitions to avoid interpretation issues from one Township to another.

Ms. Clausen said she thinks all the changes Eldred would like to do should be brought to CJERP to be done all at once. Mr Boileau said he was advised to do them one at a time.

Windmills: Carey Krum updated the Commission on the Penn Forest Township hearings on the proposed windmill farm there. Mr. Krum reported that the transcripts are now available. He feels it would benefit the Commission to review the transcripts of those hearings for expert testimony.

He would like more information on the following questions:

- Do windfarms constitute a physical danger?
- Are windfarms a health risk?
- Do windfarms mitigate the use of fossil fuels?
- Do windfarms present a danger to wildlife?
- Do windfarms contribute to the local community?
- Do windfarms have an impact on local infrastructure?
- Is there a way to insure they are properly maintained?

Gary Hoffman reported that, while he has attended some of the hearings, they are on hold to find a new venue for the hearings.

Mr. Kolba asked if our location would be a viable site for a commercial wind farm or is this a moot discussion for Eldred Township? The only commercial farms he is aware of are in areas of much higher elevation on large mountain ranges not available in our area. Helen Mackes agreed that we may, indeed, not be a viable location.

Mr. Boileau added that the issue may not be relevant until the storage technology is improved so that residences could become independent with a single windmill. Prior to the Commission making any recommendations Mr. Boileau would like to know the benefits for windmills or windmill farms.

Mr. Krum will visit Penn Forest Township to view the transcripts.

Medical Marijuana: Archie Craig reported that, based on the law in place, there will be no new items for discussion until next year.

Mini-Cell Towers: Mike Kolba reported that he is getting information about 5G and the tower requirements of that. There will be a model ordinance available in the future.

Public Comment: none

Adjournment: There was a motion to adjourn by Archie Craig and seconded by Helen Mackes Motion carried (5-0). Meeting adjourned at 8:53 P.M.

Respectfully submitted,

E. Ann Velopolcek
Recording Secretary

