

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

Planning Commission Minutes
May 18, 2017

On Thursday May 18, 2017, the Eldred Township Planning Commission met in a 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, Michael Kolba, Archie Craig, Charles Phillips and Solicitor, Michael Gaul.

Call to Order: The meeting was called to order at 7:00 P.M. by Chairman Robert Boileau.

Approval of the Minutes:

There was a motion by Mike Kolba and seconded by Carey Krum to approve the minutes of April 20, 2017. Motion carried (7-0).

Public Comment: There was no public comment.

New Business: **BOWER MINOR SUBDIVISION:** Mr. Boileau recognized Jonathan Shupp (Surveyor and Polk Township SEO) and Matt Borger. Mr. Borger has submitted for review, plans for a MINOR SUBDIVISION of a 2-acre residential lot on Kuehner Dr. from the lands of Mark and Kristy Bower.

Mr. Boileau reported that the Planners and Hanover Engineers are in receipt of the plans but have not yet had time to review them, so the application approval would take place at the June meeting and should any glaring problems arise from the review, the engineers or the Planning Commission would be in touch with Mr. Borger.

Mr. Shupp answered some questions about the site and the plans and stated that he did not encounter issues when preparing the plan. The site is generally conducive to the subdivision.

William Penn Foundation Grant: Mr. Boileau announced that he was present at the May 3, 2017 Board of Supervisors meeting to hear speakers Ann Hutchinson of the Natural Lands Trust and Jeanne Ortiz of Audubon Pennsylvania.

The speakers gave an overview of a grant program funded by the William Penn Foundation for the improvement and preservation of waterways in the Delaware River Basin. They presented information about recent and ongoing projects in nearby areas. They stated that they have grant monies available in amounts for \$5000-\$15000 to fund studies or small projects in the community.

Mr. Boileau explained that the grant could provide partial funding of Zoning and SALDO amendments that protect natural resources and water quality, the first being a review

of the current ordinances. He spoke with Ms. Hutchinson and she stated that she would be willing to review our Zoning Ordinance and SALDO at no charge and make recommendations.

There was a motion by Robert Boileau and seconded by James Leiding to send a letter from the Planning Commission to Ann Hutchinson of the Natural Lands Trust requesting an evaluation be made of Eldred Township's current SALDO and Zoning Ordinance. After review, the Natural Lands Trust will offer its comment on the effectiveness of those Ordinances in protecting our natural resources and water quality. In addition, we request that the Natural Land Trust offer suggestions for changes to be made within our Ordinances that would further protect our natural resources and water quality. The letter should also offer our appreciation that this initial review is being performed at no charge to the Township. Motion carried (7-0).

Old Business:

There was a motion by Robert Boileau and seconded by that the following topics under review be removed from the agenda unless a member was bringing new information to the meeting.

- Windmills
- Medical Marijuana
- Mini-Cell Towers
- Agricultural Products Processing

Motion carried (7-0).

Mini-Cell Towers: Mike Kolba reported that he has received a draft Ordinance for the roll out of 5 gig telephone and data service from another Township. He suggested Eldred might use this as a starting point in preparing a similar Ordinance to be ready when such a service becomes available in this area. Gary Hoffman suggested that any Ordinance on this subject be drafted to require towers be co-location towers to provide multiple vendors to use the towers in each location to minimize the need for many towers in the area.

Medical Marijuana: Archie Craig reported that Lehigh Township has passed a Zoning Ordinance for Medical Marijuana. He read from a newspaper clipping some of the comments from the meeting in Lehigh Township.

There was a discussion about whether the proposed uses should be special exception or conditional uses as opposed to permitted uses.

Solicitor Gaul responded that in legal circles he is hearing the recommendation that the uses should be treated in Zoning and SALDO's the same as other similar uses. He gave the example of greenhouses. If greenhouses for other purposes, which are permitted uses in a Zone, then a Medical Marijuana greenhouse should also be a permitted use in that zone. He pointed out that the State Law is very specific and already restricts what local authorities can do, but that implementing a local ordinance gives the Township enforcement authority.

Windmills: Carey Krum reported that he visited West Penn Township and that the hearing transcripts are not presently available and will not be until the proceedings are closed. He stated that West Penn is going to court for a decision on the current (potential) deemed

approval of the site proposed there. (The applicant believes that West Penn did not schedule hearings as required and that a deemed approval is the outcome).

Agricultural Products Processing: Mr. Boileau announced that after much discussion, and letters, between the Planning Commission and the Board of Supervisors, he is planning to meet with Mary Anne Clausen (Chairman, Board of Supervisors) to discuss how to move forward both with CJERP and within the Township to permit some Ag Prod. Processing in the Township before the next CJERP meeting.

Adjournment: There was a motion by Helen Mackes and seconded by Mike Kolba to adjourn. Motion carried (7-0). Meeting adjourned at 7:52 P.M.

Respectfully submitted,

E. Ann Velopolcek
Secretary

Planning Commission Minutes
June 15, 2017

On June 15, 2017, the Eldred Township Planning Commission met in a 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; Helen Mackes, Secretary; Michael Kolba; Archie Craig and Charles Phillips. Also in attendance were Solicitor Kent Herman and Engineer James Milot.

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

Approval of the Minutes: There was a motion by Archie Craig and seconded by Mike Kolba to approve the minutes of May 18, 2017. Motion carried (5-0).

Bower/Borger Subdivision: There was discussion about the conditional approval of the Subdivision of the Lands of Mark and Kristy Bower. Surveyor Jonathan Shupp appeared for the applicants. Mr. Shupp discussed the most recent submission that incorporated the Engineer's comments. Mr. Milot (Hanover Engineering) cited a few things that need to appear on the plan before final approval but stated that all the remaining notations can be achieved. Based on tonight's discussion,

There was a motion by Robert Boileau and seconded by Mike Kolba that the Planning Commission recommend to the Board of Supervisors that a conditional approval be granted, the conditions being that the Plan be resubmitted with changes to satisfy the comments of the Hanover letters of June 2 and June 8, 2017 and the Monroe County Conservation District letter of June 13, 2017 and approval of any other outside agencies necessary. Motion carried (5-0).

Medical Marijuana: Mr. Boileau gave an overview of the new law and the proposed uses (grower/producer and distributor) that might, at some time in the future, become uses in the Township. Currently there are no dispensary licenses being issued in Monroe County.

The items for consideration are:

- Having similar restrictions for similar uses
- The definition of the various uses as they apply to zoning
- Employee Considerations

There was brief public comment regarding dosage, personal responsibility, marijuana as a gateway drug and the medical benefits of medical marijuana.

Jim Milot explained that the important thing is to define the uses and regulations in the Zoning Ordinance in order that the Township can regulate the areas and conditions under which any uses can exist in Eldred. Without adequate provisions, the Township would have to permit but would have no control over the uses in the Township. There will be model ordinances to guide the Township in creating an Ordinance.

Mr. Boileau also mentioned that CJERP is also considering whether this could be a regional use and be included in the tables of uses from that organization.

Mr. Reese Kresge attended the meeting as a requirement of obtaining a new Scouting badge.

Adjournment: There was a motion by Helen Mackes and seconded by Mike Kolba to adjourn. Motion carried (5-0). Meeting adjourned at 7:40 P.M.

Respectfully submitted,

E. Ann Velopolcek
Secretary

Planning Commission Minutes
August 17, 2017

On August 17, 2017, the Eldred Township Planning Commission met in a regular meeting at 7:00 P.M. at the Eldred Township Municipal Building, 49+0 Kunkletown Rd. Kunkletown, PA. 18058

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

Call to Order: The meeting was called to order at 7:04. P.M.

Public Comment: There was no public comment.

New Business: Robert Boileau addressed the Commission about the issue of short term rentals which has become an area of concern for many Townships. With the inset of websites that allow private individuals to rent their houses for a period of 1 day to 1 month to anyone, some problems have surfaced, loud parties, overcrowding, trespassing, hotel tax payment and other problems incompatible with normal residential uses.

Mr. Boileau and Mr. Phillips brought some sample Ordinances (from other Townships) and newspaper articles to highlight the problems and possible solutions to the issue.

Solicitor Gaul was able to provide a bit of background to the issue and his experience of situations that ended up in litigation and what those outcomes were.

The Planners divided the research for ongoing discussion.

Mr. Boileau will prepare a definition of "short term" rental.

Mr. Craig will review and comment on the Pocono Township Ordinance

Mr. Krum will review and comment on the Paradise Township Ordinance.

Mr. Kolba will look into the enforcement of any Ordinance the Township produces.

Next, the Planners discussed the Zoning Ordinance related to the keeping of horses and other livestock.

Mr. Boileau feels that our Ordinance is too vague and does not address all the subjects that are critical to the well-being of animals, including the required size of lots to support a horse (or other animals), how much property should be dedicated to the use of the animals, pasture requirements, fencing and setbacks. He would like to see some additional details in our Ordinance regarding private stables for the protection of any animals kept in the Township.

Mr. O'Donnell brought up the variance hearing from 2011 that permitted a horse in a 2.6-acre property on White Church Rd. at which time our lot size requirement went from 5 acres' minimum to 3 acres (for 1 horse) plus one additional acre for each horse.

Old Business: Helen Mackes brought up the recent Bower Subdivision. She stated that the requirement of a 25' (twenty-five foot) easement, that was required of the Bower's is not a part of our SALDO. Mr. Boileau responded that the original plan submitted by Mr. Bower by J. Shupp indicated that 25' easement and that no change was made. There was a discussion about the use of such an easement. Solicitor Gaul advised that having an easement for any future use does not require that the Township make use of the easement only that it could if necessary. He explained that the easement could be used for road expansion, on street parking, utilities etc.

There was a discussion about the use of the area for the Industrial Zoning that exists on Kuehner Rd. Solicitor Gaul stated that in the event of an industrial development, the Township cannot require the applicant to make improvements to the roads to support that use, that the Township would be required to bear the expense of such improvements. He stated that the Township can create an impact fee for that use in the future and that the Township might want to do so.

Public Comment: There was no public comment.

Adjournment: There was a motion by Mike Kolba and seconded by Carey Krum to adjourn. Motion carried. (6-0) Meeting adjourned at 8:45 P.M.

Respectfully submitted,

E. Ann Velopolcek
Recording Secretary

Planning Commission Minutes
September 21, 2017

The Eldred Township Planning Commission met in a regular meeting on Thursday, September 21, 2017 at 7:00 P.M. at the Eldred Township Municipal Building, 490 Kunkletown Rd. Kunkletown, PA. 18058.

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

Call to Order: The meeting was called to order at 7:00 P.M. by Chairman Robert Boileau.

Public Comment: There was no public comment.

New Business: There was no new business.

Old Business: There was continued discussion about short term rentals. Mr. Kolba brought some Ordinances from other townships for review. Mr. Boileau brought a definition that he feels is consistent from one Ordinance to another. He added that “campgrounds” which could be recognized as a short-term rental are excluded from this definition. The definitions he found define a short-term rental as a residential rental from 1 day to 30 days in duration.

Mr. Kolba announced that the people he spoke to the Townships where ordinances have been adopted, there is little experience in enforcing the Ordinances as they are too new.

Mr. Boileau discussed the problem of enforcement, beginning with the Code Enforcement Officer. He mentioned that another issue is the existing septic systems since in Eldred, there is no public sewer. Overloading a system with higher than anticipated occupancy could create a problem.

Mr. Krum asked if advertising could be used to identify residences being used in this way. Solicitor Gaul replied that it could.

There was some discussion about licensing/permitting of the use.

Dr. Leiding asked what the Townships' focus would be for any Ordinance we adopt. Mr. Boileau replied that he feels the protection of the neighboring properties and environmental protections would be of the greatest interest in Eldred. Dr. Leiding asked if the Township could limit the number of licenses. Solicitor Gaul said he believes that would be possible, but that until the courts make decisions, specifics may not be known. Solicitor Gaul also pointed out that a large part of the Ordinances are for the benefit of the users(tenants).

Mr. Boileau said he and Mr. Phillips would investigate the Ordinances of places other than Pennsylvania.

The Commissioners next discussed conditions for the keeping of horses. Mr. Boileau brought some information from the Penn State Extension, called Managing Manure Nutrients in Pennsylvania and Act 38. He suggests that if our ordinance is revised these State regulations can be referenced.

Adjournment: There was a motion by Dr. Leiding and seconded by Mike Kolba to adjourn. Motion carried (5-0). Meeting adjourned at 7:40 P.M.

Respectfully Submitted,

E. Ann Velopolcek

Planning Commission
Minutes
October 19, 2017

On Thursday, October 19, 2017 the Eldred Township Planning Commission met in a 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 and Charles Phillips. Also in attendance was Solicitor, Michael Gaul.

Call to Order: The meeting was called to order by Chairman, Robert Boileau at 7:05 P.M.

Approval of the Minutes: There was a motion by James Leiding and seconded by Carey Krum to approve the minutes of September 21, 2017. Motion carried (5-0).

Robert Boileau recognized Johnathon Smith, a student visiting the meeting to fulfil a course requirement for his Civics Class.

Natural Lands Trust, Hutchinson Review: Mr. Boileau asked if the Planners had any suggestions regarding the letter from Ms. Hutchinson about the recommendation she included regarding land use and water quality regulations. There was a brief discussion about the recommendations. The secretary was asked to identify the key landowners in Eldred Township.

Short Term Rentals: Mr. Boileau indicated that he would like to review the model short term ordinance that was sent by the county and his revision of that ordinance. Solicitor Gaul agreed that it is a good idea that the county is providing a framework for local Townships, that once one Ordinance survives a court challenge, he believes most Townships will gravitate toward that Ordinance. He would like to find out more about the County Model, what research went into it etc.

It was decided to defer the discussion until everyone has an opportunity to fully review the documents and Solicitor Gaul can complete his research.

Vernon Frable Minor Subdivision Final Approval: Eldred Township has received for signature, the final plans for the Frable Subdivision which received Eldred's conditional approval in 2012. Polk has agreed that all the conditions have been met. The Chairman and the Secretary will sign the documents.

Adjournment: There was a motion by James Leiding and seconded by Charles Phillips to adjourn. Motion carried (5-0).

Planning Commission Minutes
November 16, 2017

On Thursday, November 16, 2017, the Eldred Township Planning Commission met in a 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; Helen Mackes, Secretary; Archie Craig and Mike Kolba. Not in attendance were Charles Phillips; Carey Krum; James Leiding and Solicitor Michael Gaul.

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

Approval of the Minutes: Approval of the minutes was deferred due to a lack of a quorum of members that attended the October meeting.

Public Comment: There was no Public Comment.

New Business: There was discussion about well drilling permits. Mr. Boileau discussed some of the reasons another Township opted to have a well permit ordinance and how the Ordinance was structured.

Ms. Mackes stated that she does not believe the Township needs more regulation and that permits for wells are not necessary. Mr. Boileau stated that he would like to see a permit, not to generate revenue, but so the Township would have more complete property records, to prevent a well being placed in a poor position, i.e.: near a neighboring septic, too close to a pond or stream, etc. In addition, it would provide notice to the Township of wells being drilled that are associated with projects that do not involve or are affiliated with the building of residences. The concern is the extraction of large volumes of water being used for activities such as cooling towers, industrial processes, and bottled water. The Planners agreed to continue the discussion at a later date.

Category 4 Casinos- There was discussion about the recent notice from the Pennsylvania Gaming Control Board that Municipalities could (by Dec. 31, 2017) pass a resolution prohibiting Category 4 Casinos in the Township.

After a brief discussion:

- There was a motion by Mr. Boileau and seconded by Ms. Mackes to send a letter to the Board of Supervisors to recommend they pass a resolution to prohibit Category 4 Casinos in Eldred Township. Motion carried (4-0).

Old Business: There was discussion about Short Term Rentals. No action was taken at this time.

Other: Mr. Boileau asked if the Secretary could provide him with copies of permits issued by the Zoning Officer in lieu of a Zoning Officers Report. The secretary replied that she would check to find out if these are public records that can be released and if so she will provide them to the Chairman.

Mr. Craig asked if, in order to save money, the presence of the Solicitor at Planning Commission meetings could be limited. Ms. Mackes was opposed to the idea stating that the times when the Solicitor is necessary cannot always be anticipated. Mr. Kolba asked if some alternative was available, for instance phone conferencing. After some discussion, it was decided to give this matter more consideration at a later date.

Adjournment: There was a motion by Mike Kolba and seconded by Archie Craig to adjourn. Motion carried (4-0).

Respectfully,

E. Ann Velopolcek

Planning Commission Minutes
December 21, 2017

On Thursday, December 21, 2017, the Eldred Township Planning Commission met in a 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; Archie Craig; Mike Kolba; Charles Phillips; James Leiding and Solicitor Michael Gaul.

Call to Order: The meeting was called to order by Chairman Robert Boileau at 7:00 P.M.

Approval of the Minutes:

- There was a motion by James Leiding and seconded by Robert Boileau to approve the minutes of October 19, 2017 Motion carried (5-0). (Mr. Craig and Mr. Kolba abstaining as they did not attend the October meeting).

Ms. Mackes had a correction to present regarding the minutes of November 16. The approval of the November 16, 2017 minutes was deferred.

CJERP Representative: Mr. Boileau announced that at the January 2, 2018 Organizational meeting of the Board of Supervisors, the Supervisors will be appointing a representative to the CJERP regional group. Mr. Boileau has been serving in that capacity and will continue, but wished to open the nomination if anyone else was interested.

Dates and Times of Meetings for 2018: Mr. Boileau asked if the Planners would like to continue to meet on the Third Thursdays of the month at 7:00 P.M. All the Planners were in agreement with that time and date.

Public Comment: Archie Craig announced that the O'Donnell's have been absent from meetings recently because of health issues.

The Planners asked the Secretary to send a note to the O'Donnell's wishing them a speedy recovery.

New Business: Communications Technology: Mike Kolba gave the Planners an overview of the House Bill 1620 regarding Wireless Technologies. Mr. Kolba is of the opinion that the bill is inconsistent and poorly written. The bill addresses fees, compliance, bonding, zoning and co-location. After discussion and upon the recommendation of Mr. Kolba:

- There was a motion by Mike Kolba and seconded by James Leiding to recommend to the Eldred Township Board of Supervisors that they approve and enact a resolution (draft model Resolution from PSATS) to reject H.B. 1620 and to send the enacted resolution to our State Representatives. Motion carried (7-0).

Old Business: Mr. Boileau presented information on well permits. He has studied the permit requirements and Ordinances of several communities. After relating the main points of those documents, a discussion ensued.

The concerns are:

Distances from wells to septic drainfields (on individual or adjacent lots), livestock holding areas etc.

Water quality and supply

Well and Septic Location records

Construction standard for new systems, replacement systems

Abandonment

Quality testing

Grouting

Mr. Boileau recommends that wherever possible any new Ordinance being drafted should reference the requirements of other laws or official documents (the National Drilling Association etc.). Solicitor Gaul agreed that this is a good idea.

- There was a motion by Robert Boileau and seconded by James Leiding, the Planning Commission recommends to Board of Supervisors consider adopting a Well Ordinance, and provided they are in agreement, consider one of the following: schedule a public workshop or request the Planning Commission to submit a proposed draft Ordinance. Motion carried (7-0).

Short-Term Rentals: Mr. Boileau stated that at this time, he does not feel that the Township is having any issues with this type of use, there have been no complaints. He does believe that taking a pro-active approach is advisable and that he recommends having the Supervisors review the information and Ordinances the Planning Commission have studied.

- There was a motion by James Leiding and seconded by Archie Craig that provided that the Board of Supervisors are in agreement, the Planning Commission recommends to the Board of Supervisors that they investigate Short Term Rentals and schedule a public workshop or request the Planning Commission to submit a proposed draft Ordinance. Motion carried (7-0).

Mr. Phillips pointed out that the definition should be included in our Zoning Ordinance.

Public Comment: There was not public comment.

Adjournment: There was a motion by Archie Craig and seconded by Charles Phillips to adjourn. Motion carried (7-0).

Respectfully submitted,

E. Ann Velopolcek, Secretary