



Upper Mount Bethel Township
387 Ye Olde Highway
P.O. Box 520
Mount Bethel, PA 18343-5220
Phone: (570) 897-6127 Fax: (570) 897-0108
www.umbt.org

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
PUBLIC HEARING FOR RPL CONDITIONAL USE
HELD AT THE MT BETHEL FIRE HOUSE 2341 MT BETHEL PA 18343

AUGUST 14, 2023 – 5:00-7:00 PM

This Conditional Use Hearing was held in person, at the Mt. Bethel Fire House and live streamed through the Upper Mount Bethel Township Facebook page.

This Conditional Use Hearing is being transcribed by a stenographer.

I.

Chairman Pinter called the meeting to order at 5:00 pm.

The Pledge of Allegiance was recited.

In attendance were Chairman Pinter, Supervisor Due, Supervisor Teel, Supervisor Birmingham, Supervisor Friedman, Township Manager Nelson, Township Engineer Coyle and Township Solicitor Karasek.

II.

APPROVE THE AGENDA

Supervisor Friedman made a **MOTION** to amend the agenda, allowing all residents of the Township to have the opportunity to offer public comment, seconded by Supervisor Birmingham. Vote: 5-0.

Solicitor Karasek stated that public comment will be held after the Hearing.

Solicitor Karasek discussed the Conditional Use Hearing procedures. Solicitor Karasek stated that his function at this Hearing is to render legal advice to the Board of Supervisors. A Conditional Use is a certain use to be granted or denied by the Township Board of Supervisors. All Conditional Uses shall also conform with applicable requirements of Section 4.30 and other applicable sections of the Ordinance. The Hearing is on behalf of River Pointe Logistics Center LLC (RPL), to allow a 1.508 million

square foot building on 134.39 acres in the I-2 Zone, on River Rd. and Potomac St. The Text Amendment Ordinance 2020-02 requires any building in excess of 800,000 sq ft, must be approved as Conditional Use. If approved, the Board of Supervisors can attach reasonable safeguard conditions. The purpose of a Hearing is to inform the public of a potential project and obtain public comment prior to the Board of Supervisors taking official action. Solicitor Karasek explained the difference between a public commentator and being of party to the proceedings. A party to the proceedings must have a direct, substantial, and immediate interest in the proceedings. The applicant will have the opportunity to cross-examine a party to the proceedings. The applicant will have the opportunity to present an opening statement and present any exhibits and/or witnesses. Solicitor Karasek stated that he has 45 days from the date the Hearing closes to draft an opinion letter on the Board of Supervisors decision. The Planning Commission has reviewed the Conditional Use Hearing application and has recommended that the Conditional Use be granted. Solicitor Karasek introduced the following exhibits into the record, 1) newspaper advertisement, published 7/19/2023 and 8/5/2023, 2) the affidavit of proof that the properties were properly posted, 3) the Township Engineer review letter of this matter. Attorney Kaplan asked that the Planning Commission meeting minutes indicating their recommendation be added to the exhibits.

Supervisor Bermingham commented on the party status and feels as though all residents of the Township are impacted and should be of the standing party status. Solicitor Karasek stated that the applicant's attorney will determine if someone is of party status and the Board of Supervisors will grant party status. **MOTION** by Supervisor Bermingham, that if you live in Upper Mount Bethel Township, you are directly impacted by the proposed Conditional Use and you should have standing party status, attorney Kaplan objects to the motion, seconded by Supervisor Friedman. Vote: 2-3. Public Comment-Michael Onufrak asked what the criteria is to have standing party status. Solicitor Karasek explained that to have standing party status, there must be a direct, immediate interest in the matter, that surpasses that of the general public. Public Comment-Charles Cole, Riverton Rd., commented on the size of the building and the effect it will have on the water/sewer/air/quality of life, and Solicitor's Karasek's interpretation of party status is archaic.

Requests for standing party status.

Sheryl Mims-1645 Potomac St., stated that she is not sure she is of party status but she does feel as though this project is going to affect her property value due the size of the building, traffic, noise, lighting. Attorney Kaplan cross-examined Ms. Mims. **MOTION** by Supervisor Bermingham to grant Ms. Mims party status, seconded by Supervisor Due. Vote: 5-0.

Sharon Duffield, 554 Potomac St., stated that she lives approximately $\frac{3}{4}$ mile from the park. The size of the building, the noise, negatively affect those using the park, property values, being present in the area and because of those items, Ms. Duffield is requesting party status. Attorney Kaplan objects to Ms. Duffield's request. **MOTION** by Supervisor Bermingham to grant Ms. Duffield party status, seconded by Supervisor Friedman. Vote: 2-3. Motion fails. **MOTION** by Supervisor Friedman to poll the Board, seconded by Supervisor Bermingham. Vote: 2-3. Motion fails.

Judith Henckel, Robin Hood Rd., stated she did not come prepared to be party status and if she was to ask for party status, what is the liability. There was a discussion on the uses between Supervisor Bermingham and Attorney Kaplan. Ms. Henckel is requesting party status because she has been in the Township for over 40 years and has been working with the community for about 25 of those years, and she has more questions regarding Conditional Use. Attorney Kaplan objects to Ms. Henckel's request. Attorney Kaplan asked Ms. Henckel about her role (as a Supervisor) in approving the Industrial Zone. Ms. Henckel stated she was not involved in that. **MOTION** by Supervisor Bermingham to grant Ms. Henckel's party status, seconded by Supervisor Friedman. Vote: 2-3. Motion fails.

Frances Visicaro, 3001, N. Delaware Dr., stated this Conditional Use will have a major impact on her due to property value of her home, traffic, and pollution and is requesting party status. Attorney Kaplan objects to her request. **MOTION** by Supervisor Teel to grant Ms. Visicaro party status, seconded by Supervisor Bermingham. Vote: 5-0.

Solicitor Karasek asked that Ms. Mims and Ms. Visicaro sign the form indicating that they have been given party status.

III.

CONDITIONAL USE HEARING

River Pointe Logistics Center LLC (RPL)

Attorney Marc Kaplan, Council for the applicant, gave an opening statement. He provided the Board with the applicant's exhibits. Attorney Kaplan discussed the stormwater management plan and traffic. The Conditional Use application was submitted because the zoning ordinance allows RPL to combine lots and this application is to combine lots 4 and 5, three buildings into one, with a total amount of 1.508 million square feet, 143,000 sq ft less than that of 3 buildings. The approved Conditional application will 1) reduce the size of the building 2) reduce the permitted height to 65 feet 3) the building will be 517 feet further away from the Community Park 4) reduce the projected number amount of vehicular trips by 429 a day 5) and reduce the amount of impervious cover by 135,000 sq ft.

Steve Walsh, Civil Engineer for Dynamic Engineering. Solicitor Karasek stated that Ms. Mims and Ms. Visicaro have the opportunity to ask any questions regarding Mr. Walsh's qualifications as a Civil Engineer. Ms. Mims has no questions. Ms. Visicaro asked if he had any experience in any other building of this size. Mr. Walsh stated no, not one building of this specific size. Steve gave a summary of the applicants exhibits, master site plan, lot 4/5 overall site plan (3 buildings), lot 4/5 Conditional Use Plan (1 building). Attorney Kaplan interviews witness, Steve Walsh. Mr. Walsh stated that a Conditional Use is required when a proposed building is in excess of 800,000 sq ft. but has no bearing on the use of the property. Attorney Kaplan stated that the limited uses in the I-2 Zoning District are DGH. Mr. Walsh stated that use D-General Industrial Manufacturing, G-Wholesale Business, storage/warehousing, and H-Wholesale produce and meat markets, dry cleaning/rug cleaning establishments. Mr. Walsh stated that the

Zoning Officer has reviewed the Conditional Use Application and stated the Text Amendment supersedes a number of requirements and the use of the building will be identified at a future date with zoning/building permits.

Solicitor Karasek asked Ms. Mims if she any questions regarding the evidence that was just presented by Mr. Walsh. Ms. Mims asked Mr. Walsh about the topography of the building. Solicitor Karasek asked Ms. Visicaro if she had any questions for Mr. Walsh. Ms. Visicaro asked Mr. Walsh about the reduction of traffic, fire protection on one building vs three buildings, how far is the parking lot from the park, and the concern of air quality.

Solicitor Karasek asked if any of the Board of Supervisors had any questions.

Supervisor Friedman asked if a specific use has been identified, Mr. Walsh stated General Industrial. Supervisor Friedman asked about fire suppression. Supervisor Friedman asked Chief Chris Finan asked his opinion about fire protection. Attorney Kaplan stated that Supervisor Friedman cannot call for a witness. Supervisor Friedman stated that Chief Finan was not consulted on firefighting issues with this building. Attorney Kaplan stated we are not to this point until Land Development and at that point the Fire Chief will be consulted. Supervisor Friedman asked if a water source has been identified. Mr. Walsh stated yes. Supervisor Friedman asked about sewage disposal. Mr. Walsh stated drip irrigation. Solicitor Karasek this is not a Hearing on the Use, it is a Hearing on whether or not this building should be 800,000 sq. ft. Supervisor Friedman asked about the drip irrigation system. Attorney Kaplan objects to the question.

MOTION by Supervisor Birmingham to overrule the objection, seconded by Supervisor Friedman. Vote: 3-2. Solicitor Karasek stated that Attorney Kaplin has to answer the question. Supervisor Friedman asked how any building can get approved before the approval of wastewater treatment. Attorney Kaplan stated it comes at a later time.

Supervisor Birmingham stated there are still too many questions that need to be answered. Supervisor Birmingham asked Mr. Walsh if he knows what type of business is going into this building. Mr. Walsh stated he does not know. Supervisor Birmingham asked Mr. Walsh who employees him, Mr. Walsh responded Dynamic Engineering and who is paying for Dynamic Engineering to be present, Mr. Walsh responded the Developer.

Supervisor Friedman asked if this Conditional Use is approved and the Board of Supervisors impose conditions, are they conditions or are they considered improvements? Solicitor Karasek stated they are considered conditions.

Supervisor Due wanted to go back to fire suppression and asked how big the fire tank behind building 9 is. Mr. Walsh could not answer that question.

Ms. Mims asked about the emergency exit on Potomac St. and how are you going to keep traffic from not using it. Mr. Walsh stated it will be a locked gate, which emergency people will have a key for it.

There was a discussion on continuing the hearing. **MOTION** by Chairman Pinter to continue the Hearing, seconded by Supervisor Teel. Supervisor Birmingham stated we are moving too fast. Supervisor Birmingham would like to amend the motion. **MOTION** by Supervisor Birmingham to postpone the Hearing to another date, seconded by Supervisor Friedman. Chairman Pinter called for a vote on Supervisor Birmingham's motion. Vote: 2-3. Chairman Pinter called for a vote on his motion. Vote: 3-2, for the hearing to continue tonight. Chairman Pinter called for a recess at 7:37 pm. The meeting reconvened at 8:00 pm. Chairman Pinter stated that after a conversation with Solicitor Karasek, who recommends moving the regular scheduled meeting that was to begin at 7:30 pm to the next BOS meeting, which is August 28th. **MOTION** by Supervisor Teel to continue the 7:30 pm regular meeting to August 28th, seconded by Supervisor Friedman. Vote: 5-0.

Solicitor Karasek asked if either Ms. Mims or Ms. Visicaro had any testimony or the presentation of any exhibits. Ms. Mims stated that she did not because she was not prepared. There was a discussion on the number of vehicles that is predicted.

Solicitor Karasek asked Ms. Visicaro if she had any testimony or the presentation of any exhibits. Ms. Visicaro stated no because she was not prepared. Solicitor Karasek stated the Board can allow Ms. Visicaro additional time to present. **MOTION** by Supervisor Due to allow Ms. Visicaro to gather evidence to present, seconded by Supervisor Friedman. Vote: 5-0.

IV. PUBLIC COMMENT.

The Hearing is now open to public comment.

Francis Visicaro, N. Delaware Dr., read her public comment, which will be made part of the official record. Ms. Visicaro commented on how she will be directly impacted by this building, the project is huge and there are many risks associated with it.

Mark Mezger, Scenic Ct., read his public comment, which will be made part of the official record. Mark commented on the published advertisement for the Hearing.

Fred Clark, Crystal Terr., read his public comment, which will be made part of the official record. Fred commented on the proposed conditional use approval for a 1.5M square foot building.

Richard Wilford-Hunt, Shady Lane, read his public comment, which will be made part of the official record. Richard commented on the Board of Supervisors continuously disregarding the recommendations from our Township Engineer, other planning professionals, and neighboring communities.

Patrick McInerney, President of the Martins-Jacoby Watershed Association. Chairman Pinter asked Mr. McInerney if he was a citizen of the Township. Mr. McInerney stated no, he lives in Lower Mt. Bethel. Chairman Pinter stated this Hearing is for the residents that live and pay taxes within the Township to make a public comment.

Eleanor Shelton, Heiden Rd., commented on the size of the proposed building and the enormous impact it will have on every resident in the Township.

Andy Mahan, Kovar Lane, commented on the who the Township residents voted on and let the voices of the people be heard.

Gary Davies, Slateford Rd., commented on the waiting for the new directors to come in and make the right decisions.

Judith Henckel, Robin Hood Rd., commented on previous comments made from residents. Judith stated that some appreciate living in a natural world and communities, while others are drawn to material, man-made things using the natural world as a commodity to generate power and money.

Michael Onufrak, Summerfield Dr., commented on the size of the proposed building.

Howard Klein, Riverton Rd., stated a common saying in the health care industry is "do no harm". Howard commented on hearing the Engineers comments, infrastructure, traffic, the tressels, and allowing people from the surrounding areas to voice their opinions.

Charles Cole, Riverton Rd., read his public comment, which will be made part of the official record. Charles commented on the proposed size and use of the building.

Sharon Duffield, Potomac St., commented the proposed size of the building, and the impacts on neighboring communities, the noise, traffic, and the potential impacts of the intended uses.

Solicitor Karasek stated we have completed the protocol with respect to the public hearing. Ms. Visicaro requested the Hearing be kept open for her to introduce some additional information. Solicitor Karasek recommends that the Board considers recessing the Hearing for continuation on August 28th. Attorney Kaplan made one suggestion, to agree the only person that is going to present evidence is Ms. Visicaro.

MOTION by Supervisor Friedman to continue the Hearing at the Firehouse until August 28, 2023, at 7pm, seconded by Chairman Teel. Vote: 4-0.

V.

ADJOURNMENT

MOTION by Chairman Pinter to go to recess at 9:10pm, seconded by Supervisor Teel. Vote: 4-0.

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
CONTINUED PUBLIC HEARING FOR RPL CONDITIONAL USE
HELD AT THE MT BETHEL FIRE HOUSE 2341 MT BETHEL PA 18343

AUGUST 28, 2023 – 7:00 PM

This Conditional Use Hearing was held in person, at the Mt. Bethel Fire House and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Chairman Pinter called the meeting to order at 7:00 pm.

The Pledge of Allegiance was received.

Present were-Chairman Pinter, Supervisor Bermingham, Supervisor Friedman, Supervisor Teel, Supervisor Due, Township Solicitor Karasek, Township Engineer Coyle.

II.

APPROVE THE AGENDA

MOTION by Supervisor Teel to approve the agenda, seconded by Supervisor Due.
Vote: 5-0.

Supervisor Friedman stated that the meeting may have been mis advertised on the Township website. Supervisor Friedman stated that the advertisement stated the meeting is being held at the Township Building. Chairman Pinter called for a brief recess at 7:03 pm to see if anyone is there. There was no one there. Chairman Pinter called the meeting back into session at 7:10pm.

III.

CONDITIONAL USE HEARING

The Conditional Use Hearing reconvened August 28, 2023, at 7:00pm.

Solicitor Karasek stated we are back into the continuation of the public hearing that began 2 weeks ago with respect to RPL's request for a Conditional Use on the size of the building being proposed for combining lots 4 and 5. The meeting was continued from August 14th, to allow Frances Visicaro to present any evidence that she may want present on her behalf. We will then allow public comment based upon that evidence only.

Mark Mezger commented on more residents looking for party status.

Supervisor Bermingham stated that anyone who lives in Upper Mount Bethel Township should have the right to speak.

Solicitor Karasek noted that Ms. Mims was present. Ms. Mims asked if she was going to be allowed to speak. Solicitor Karasek stated she is a party status but presented her case at the last meeting. If the Board wants to allow Ms. Mims to present evidence they can certainly do that, there should be a motion to allow that. **MOTION** by Supervisor Due to allow Ms. Mims to present her evidence, seconded by Supervisor Bermingham. Vote: 5-0.

Solicitor Karasek stated as a general rule, any objector has to present evidence that the use that is being requested is not in furtherance of the health, safety and welfare of the Township or the residents.

Frances Visicaro, N. Delaware Dr. presented her evidence. This Conditional Use could influence her quality of life. Frances is not against development; she is against the size of development. Ms. Visicaro read page 12 of Carroll Engineering review letter of July 15, 2023. #5 Adequate fire protection and provisions are unknown at this time. #6 without the specific use, the Township is unable to determine compliance with Section 4.3 of the Zoning Ordinance, nor, if the use will jeopardize the public health, safety and welfare. #7 the intended use has not been provided. Frances read an article on diesel fuel exhaust. Ms. Visicaro is concerned about light, noise, and fires. Attorney Kaplan asked Ms. Visicaro who helped her with her evidence. Ms. Visicaro stated no one. Supervisor Teel and Steve Walsh discussed the proposed building size and location.

Sheryl Mims, Potomac St., commented on noise pollution, light pollution, traffic concerns, storm runoff and adverse effects on property values. Ms. Mims presented her evidence. Ms. Mims stated she found her evidence on Zillow.com, which shows estimated values of homes near hers. Ms. Mims commented on the "emergency" entrance into the Industrial Park, will it be gated. Attorney Kaplan cross examined Ms. Mims. Attorney Kaplan asked Ms. Mims what the dates on Zillow were. Ms. Mims stated all sales were 2021. Supervisor Bermingham asked Ms. Mims if she had a copy of the conditions she stated in her testimony. These conditions will be noted as exhibit 1 for Ms. Mims.

Chairman Pinter opened the hearing up for public comment, only on what Ms. Visicaro or Ms. Mims presented.

Cori Eckman, Potomac St. commented on Ms. Mims evidence, property value of her own home has declined. Supervisor Teel asked Ms. Eckman, who is running for Supervisor, what she would do differently if she was sitting in his seat. She stated that she would go back on the tax amendment and try to keep control of the Township.

Sharon Duffield, Potomac St., commented on the conditions proposed, and an agreement that those conditions will be complied with and who will be monitoring those conditions. There was a discussion on the conditions.

MOTION by Supervisor Friedman to continue the Conditional Use Hearing to September 11th, seconded by Supervisor Bermingham. Attorney Kaplan objects to the motion, there is nothing more to discuss. Supervisor Due asked Engineer Coyle if he was OK with the conditions. Engineer Coyle stated that he did not agree with the conditions, in fact, he recommended denying the Conditional Use. Attorney Kaplan was incorrect saying that I had agreed with the conditions. Chairman Pinter called for a vote on the motion. Vote: 3-2. Supervisor Friedman amended his **MOTION** for the Hearing to be continued to September 25th at 7:00 pm, as suggested by Attorney Kaplan, seconded by Supervisor Bermingham. Vote: 3-2.

The Conditional Use Hearing will reconvene on September 25th at 7:00 pm.

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
CONTINUED PUBLIC HEARING FOR RPL CONDITIONAL USE
HELD AT THE MT BETHEL FIRE HOUSE 2341 MT BETHEL PA 18343

SEPTEMBER 25, 2023 – 7:00 PM

This Conditional Use Hearing was held in person, at the Mt. Bethel Fire House and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Chairman Pinter called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Present were Chairman Pinter, Supervisor Bermingham, Supervisor Friedman, Supervisor Teel, Supervisor Due, Township Solicitor Karasek and Township Engineer Coyle.

II.

APPROVE THE AGENDA

MOTION by Supervisor Teel to approve the agenda, seconded by Supervisor Due.
Vote: 5-0.

III.

CONDITIONAL USE PUBLIC HEARING-Continued from August 28, 2023

Solicitor Karasek stated the Hearing was continued on August 28, 2023, to allow the Supervisors and or the Township Engineer to consider potential or possible conditions to a Conditional Use approval. Solicitor Karasek stated the applicant has agreed to the

following conditions of section 4.302 of the Township Ordinance. In determining whether a proposed use is or may become noxious, hazardous, or offensive, the following standards shall apply. The proposed use may not:

- 1) Constitute a nuisance or damage to health or any property by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust beyond the property line.
- 2) Result in noise or vibration clearly exceeding the requirements of the Township Noise Ordinance.
- 3) Endanger surrounding areas by reason of radiation, fire, or explosion.
- 4) Produce objectionable heat, glare, or outdoor lighting beyond the property line and compliance with Section 6.909.
- 5) Result in electrical or electro-magnetic disturbance in nearby residences which adversely affect the operation of equipment other than on the property on which the disturbance is located.
- 6) Discharge any untreated sewage or industrial waste into any stream or river or otherwise contribute to the pollution of surface or underground waters.
- 7) Endanger the underground water level or supply for other properties consistent with applicable State
- 8) Create an objectionable traffic condition on the highway or in an adjacent area or generate a nuisance to surrounding property by reason of truck traffic or failure to comply with the Traffic Impact Requirements set forth in Section 4.303 of the Zoning Ordinance.
- 9) Create any other objectionable condition in an adjoining area which will endanger public health, welfare, and safety or be detrimental to the environmental quality of the surrounding area. All uses shall comply with the requirements set forth in Section 4.304- Environmental Sensitive Areas.

Solicitor Karasek stated the applicant has agreed to these nine conditions and is asking they be made part of conditional use approval that may be considered.

Supervisor Friedman stated the specific use has not been disclosed and without knowing the water or sewer source, this should be tabled.

Supervisor Bermingham commented on the handout that Engineer Coyle provided for the Board this evening and would like some time to review it. Supervisor Bermingham stated that how can they approval this without knowing the specific use.

Supervisor Teel stated it has to be a permitted use.

Solicitor Karasek stated the permitted uses under the Ordinance are General Industrial, Wholesale Business, and Wholesale Produce (food processing).

Engineer Coyle discussed his handout of recommended Considerations/Conditions. The three options the Board may take for this Conditional Use is, approve, deny, or

approve with conditions. If the Board wishes to proceed with the Conditional Use Application, the following conditions are recommended, 1) at the time of the LD application, a detailed Letter of Intent describing the specific use shall be submitted to and approved by the Township, 2) an annual traffic count shall be provided to show compliance with the approved traffic study, 3) no idling provisions shall be added, 4) provide the Township with a fire protection plan and water flow analysis 5) the Township reserves the right to monitor noise levels, 6) it should be noted some uses may incur risks that create a hazardous condition that may affect the health, safety, and/or welfare of the community. Engineer Coyle discussed section 4.302 (a) of the Zoning Ordinance as well as Section 4.302 (b) of the Zoning Ordinance.

There was a discussion on the size of the building, one building vs three buildings. Engineer Coyle stated that his biggest concern, as the building gets larger, the sprinkling system gets larger.

Supervisor Bermingham asked Chief Finan if it would be helpful to know what kind of building or business is going in. Chief Finan stated that it's not unheard of where buildings are built and you don't know who is going in initially, however, when you get to the LD part or occupancy part, that's when you really need to look at.

Chairman Pinter asked Solicitor Karasek if they are at a point where we would recommend additional considerations or conditions or is it done at the regular meeting. Solicitor Karasek stated at this point, a discussion on additional conditions may be considered and the vote is made at the regular meeting.

MOTION by Supervisor Friedman to table this conditional use, seconded by Supervisor Bermingham. Solicitor Karasek stated that at this point you would close the hearing and then that motion could be made at the time of the action item at the regular meeting. Supervisor Friedman withdrew his motion.

Chairman Pinter stated this his concern is that this 1.5 million sq ft building could be a warehouse, possibly used by Amazon, and one of his conditions would be that this building could not be used by this type of user. Rob Lewis, Attorney for the applicant, stated they do not have an objection to that as a conditional approval.

There was a discussion on the location of the one building in relation to the Park and the height of the building. Mr. Lewis stated that it is located farther away, and the height is lower, 65ft.

MOTION by Supervisor Friedman to close the Hearing, seconded by Supervisor Due. Vote: 5-0.

**IV.
PUBLIC COMMENT**

Charles Cole, Riverton Rd., commented on green buildings and lead certification.

Fred Clark, Crystal Terr., read his public comment, which will be made part of the official record. Mr. Clark commented on the proposed conditional use approval for a 1.5M sq ft building on the RPL site and what will greet the visitors entering the Township.

Howard Klein, Riverton Rd., commented on lighting, the condition that Chairman Pinter spoke of, not permitting an Amazon warehouse, get it in writing. Mr. Klein commented on hiring Thomas Josiah, a good company that could help us.

Sharon Duffield, Potomac St., commented on getting the conditions in writing. Ms. Duffield commented on pollution factors in a 1.5M sq ft building.

Judith Henckel, Robin Hood Rd., commented on how the views are going to look from the river.

Michael Onufrak, Summerfield Dr., commented on the massive size of the building.

Sheryl Mims, Potomac St., commented on the conditions and who enforces and pays to enforce these conditions.

John Rivera, Potomac St., commented on the massive use of electricity, electrical fires, and the effect it could have on the Township.

**V.
ADJOURNMENT**

MOTION by Chairman Pinter to adjourn the hearing at 7:40 pm, seconded by Supervisor Teel. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Good evening, Fred Clark, Crystal Terrace, Upper Mount Bethel. Thank you for the opportunity to speak.

Today, I would like to speak again about the proposed conditional use approval for a 1.5M square foot building on the RPL site.

Some towns greet people entering them with a sign that begins with "**Welcome to**" followed by the town's name. Coming into Upper Mount Bethel from New Jersey, the "**Welcome to**" for the town is a decaying power plant. If anyone is satisfied that this is the first thing that greets visitors to the town, I have not met them yet. It provides no jobs, little, if any, tax revenue, ruins the scenic beauty of the Delaware River, and is a polluted wasteland. As part of the overall development plan for the RPL properties, this eyesore is supposed to be removed and replaced with buildings that will provide jobs and tax revenue, as positives, and increased traffic along with its associated pollution as some of its negatives. *Will this be a net benefit to Upper Mount Bethel?* While we will not know the answer until we know who the tenants of the buildings are, at least we could get rid of the monument to a dead business that greets everyone visiting or passing thru our town.

Tonight's meeting, however, is about what will greet visitors on the RPL property across from that site, a proposed 1.5M square foot building. Since the developer found that an 800K square foot building may not meet the needs of prospective clients they are proposing to build one of the largest buildings of its kind in the United States. The developer has indicated that they do not "*know*" who the tenant of this building will be, but I believe they would not be asking for this approval without knowing exactly what industry they are targeting. It is unfortunate that they will not rule out logistics or high cube warehouse industries as their targets or offer examples of other industries that have precedents for something of this size.

As to the esthetics of having a 1.5M square foot building greet you when you cross the Columbia-Portland bridge, the building is so large that I would guess that a very small fraction of the people in the United States could even imagine it. To get a sense of how large it is, imagine a building almost three times the size of the Amazon warehouse in Tatamy. I have yet to find anyone that believes that building adds to the scenic beauty of the area. As the developer's attorney points out, this building would be smaller than the combined area of the three buildings in the alternate proposal that it would replace. Without an artist's rendering of the two options ***as seen from the Columbia-Portland bridge***, it is difficult to imagine which option is more visually acceptable or if there was a landscaping solution that could mitigate the shock and awe of such a sight. If the developer has a side-by-side comparison available tonight, it could be beneficial to see it.

I will leave it to others to discuss the other technical objections to a building this size. Most important ***to me***, as pointed out by experts in the prior meeting, the logistics of handling an emergency, like a fire, in a building this large is clearly beyond anything anyone in the town, the county, or possibly even the state has the experience to deal with. It would probably be easier to manage such emergencies in the three-building option. If any employees of this facility or emergency response personnel are injured or worse because this proposal was not given the due diligence it warrants for the sake of a few tax dollars and jobs, this community would be complicit.

Please proceed carefully as you consider this and do not rush this approval.

Thank you.