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UPPER MOUNT BETHEL TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
WEDNESDAY, JULY 19, 2023 – 7:00 PM

I.

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

The Pledge of Allegiance was recited.

Present were Chairman Teel, Commissioner Crane, Commissioner Sarisky, Commissioner Klein, Recording Secretary Cindy Beck, Township Engineer Coyle, and Township Solicitor Karasek. Commissioner Potter was not present.

Chairman Teel offered his thoughts and prayers to all those that were affected by the recent flooding and asked for a moment of silence for the lives that were lost.

Public Comments

Fred Clark, Crystal Terr., read his public comment and will be included in the official record. Fred commented on RPL West property, and real estate related questions.

Charles Cole, Riverton Rd., commented on the Conditional Use Application, consolidating Lots 4 & 5.

Eleanor Shelton, Heiden Rd., commented on the proposed 1.5 mil sq ft building, and the removal of safeguards.

Frances Visicaro, N. Delaware Dr., commented on the amount of rain we've received and what is the condition of Mr. Pektors property now, after all the rain.

II.

APPROVE THE MINUTES-June 21, 2023

MOTION by Commissioner Klein to approve the June 21, 2023, meeting minutes, seconded by Commissioner Crane. Vote: 4-0.

III.

SUBDIVISIONS

- a. Valley Industrial Properties Lot Line Adjustment-Kyla Brown, Valley Land Services, LLC, stated they are here for conditional plan approval of the Lot Line Adjustment. The applicant has perk tests and soil testing scheduled and these will be provided on the final plan. Engineer Coyle stated that the Township lot is being reduced by approximately 2 acres, therefore, to be in compliance with the Lot Line Ordinance, there needs to be septic testing performed. Solicitor Karasek commented on the conditions for conditional plan approval. Chairman Teel questioned the purpose of the lot line adjustment. Kyle stated there is no proposed development. Mr. Shoemaker, Valley Land Services, LLC, confirmed what Kyla stated, the client has scheduled perk tests/soil testing and will be provided on the final plan. All the applicant is looking to do is to adjust the property lines so it coincides with the boundary line between the two municipalities. Chairman Teel expressed his concerns regarding the hauling in of dirt from NJ. **MOTION** by Commissioner Klein to table the plan until East Bangor weighs in on the plan, with an extension of time requested and recommend denial if no extension request is submitted, seconded by Chairman Teel. Vote: 4-0.

-Submitted on May 8, 2023

-Official Action Expires on August 15, 2023

- b. RPL East, LLC Final Layout Plan/Record Plan Major Subdivision-Kestra Kelly, BL Companies, on behalf of RPL, stated they are here seeking recommendation of conditional final plan approval. They are in receipt of Engineer Coyle's review letter of June 19th and believe all outstanding comments that apply will be addressed. Kestra stated it is her understanding that the waivers and deferrals were approved at preliminary approval. The PADEP Planning Module is in process. There are no major changes, just clarifications and clean-up items addressed, outstanding is the access easements. Engineer Coyle stated that letters have been received from Portland Borough's Planning Commission and Zoning Officer. Engineer Coyle discussed environmental considerations. Solicitor Karasek reviewed the agreement for conditional plan approval with Engineer Coyle. To be done- Planning Module approval, PNDI, compliance with all conditions set forth in Engineer Coyle's letter of June 19, 2023, fees-in-lieu for three (3) lots, date of SALDO waivers to be noted on plan, and plan to be signed, and notarized. **MOTION** by Chairman Teel to recommend Conditional Final Plan Approval, seconded by Commissioner Crane. Vote: 4-0.

-Official Action Expires on September 19, 2023

IV.

LAND DEVELOPMENT

- a. Ultra-Poly Building 3-Preliminary Plan-This has been requested to table. **MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 4-0.
 - Submitted on May 22, 2023
 - Official Action Expires October 19, 2023
- b. River Pointe Logistics Center LLC Lot 4 Preliminary Plan-This has been requested to table. **MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 4-0.
 - Re-Submitted April 19, 2023
 - Official Action expires on August 15, 2023
- c. River Pointe Logistics Center Lot 5 Preliminary Plan-**MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 4-0.
 - Re-Submitted on April 19, 2023
 - Official Action expires on August 15, 2023
- d. RPL East LLC Planned Industrial Park Final Plan-Engineer Coyle stated this plan went through conditional preliminary plan approval a year ago. Kestra Kelly, BL Companies, stated they are here seeking final LD approval. Kestra stated that they will comply with the additional comments noted in Engineer Coyle's review letter. Kestra stated that the comment regarding the installation of Dry Hydrants is still in process. Engineer Coyle went through a few of his comments in his review letter of June 19, 2023. DEP, traffic, the railroad, fire protection, NPDES permits, and easements. Kestra presented a few renderings of the project. There was a discussion on the remediation of the property. Solicitor Karasek reviewed the agreement for conditional final plan approval with Engineer Coyle. To be done-planning module, PNDI, stormwater management, Township driveway permit, compliance with all conditions set forth in Engineer Coyle's letter of June 19, 2023, improvement agreement, maintenance agreement, fees-in-lieu for one (1) lot, monuments, pins/markers, SALDO waivers to be noted on plan, outstanding preliminary plan conditions, as per the updated list, and the plan to be signed and notarized. **MOTION** by Chairman Teel to recommend conditional final plan approval for Land Development-Lot 1E to the BOS, seconded by Commissioner Crane. Vote: 4-0.

V.

SITE/SKETCH PLAN-None

VI. DISCUSSION

Conditional Use Application-River Pointe Logistics Center LLC

The Text Amendment requires Conditional Use approval for a building over 800,000 square feet. Lots 4 and 5 to be consolidated for a single building to be 1.508 million square feet.

Steve Walsh stated that what is proposed is to combine three (3) buildings into one, lots 4, 5A and 5B. Attorney Kaplin discussed the rules for conditional use. Conditional use is a permitted use providing that they demonstrate at the conditional use stage, compliance with the objective criteria of the Zoning Ordinance, not SALDO (traffic, stormwater). If approved for conditional use, they will need to come back for LD approval, lot consolidation plan for the three (3) lots and building permits. Chairman Teel asked about traffic. Steve Walsh stated the trip generation is based on the whole industrial park square footage and land use codes. The proposed building height is required to be less than 65 feet. Commissioner Crane asked how far away the building is going to be from the park, Steve responded 849 feet, compared to the previous distance of 330 feet. There was a discussion on the intended use of the building, conditional uses shall not jeopardize the public health, safety, welfare and convenience. Engineer Coyle discussed his review letter for conditional use procedures, as noted in Section 4.203 of the zoning ordinance. Engineer Coyle stated that without knowing the specific use, the Township is unable to determine compliance with this section, nor determine if the Use will jeopardize the public health, safety, and welfare, therefore it is recommended that the Conditional Use application be denied at this time. Solicitor Karasek stated that if the Commissioners recommend the conditional use, conditions should be added in respect to the health, safety and welfare, i.e. no explosives, nothing that would destruct properties around the area, ect. Attorney Kaplan stated that it is in the Ordinance, and they will comply. Solicitor Karasek stated that it can be said again. Commissioner Klein stated his concern is putting an industrial waste treatment plant in a residential neighborhood. Attorney Kaplan stated that this is not an issue for conditional use. Commissioner Klein stated that if the Commissioners agree to recommend this conditional use, then we are not agreeing to the location of the waste treatment plant. Chairman Teel stated that he would prefer to deal with one building and one user. **MOTION** by Chairman Teel to recommend Conditional Use approval, with the condition that the Township Zoning Ordinance standards, including the performance standards be met, comment- Commissioner Klein stated for the record, with this recommendation, we are not agreeing to the location of the waste treatment plant, Chairman Teel stated we are not. Solicitor Karasek noted the reasons for recommendation, less square footage, further from the park, and the height is less, seconded by Commissioner Crane. Vote: 4-0. Solicitor Karasek stated the public hearing deadline is August 15th, so he will try to confirm a date from the Board of Supervisors.

**VII.
ADJOURNMENT**

MOTION by Chairman Teel to adjourn the meeting at 9:25 pm, seconded by Commissioner Klein. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

July 19, 2023

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

Recently, the chairman and I had a conversation about the RPL development and our perspectives on it. Two points that we agreed on were that the project *must* provide a net benefit to Mount Bethel and that the developer had a *right to build*. The chairman brought up the benefits for Mount Bethel that he felt supported his votes on the project, including tax benefits, improved emergency services, employment opportunities, and an Act 537 solution for the town, to name a few. While I concurred that these benefits were important, my primary concern was the proposed expansion of the RPL industrial footprint into my residentially zoned neighborhood. Specifically, I took exception to the use of the R1 zoned RPL West property for the disposal of over 100 thousand gallons a day of industrial effluent into the Allegheny basin, where my neighborhood's wells are, and the potential health and financial impact to my family. He actively listened to my concerns and offered his views.

On this board, I note the members have a wealth of experience in several areas, including real estate. As such, I would like to ask six rhetorical real estate related questions to emphasize a point:

1. When a person moves next to an airport, most reasonable people would say they shouldn't have moved there if they didn't like noise. *Do you think a potential client that doesn't like noise would have positive feelings about a real estate professional that endorses letting an airport build next to them after their purchase?*
2. *Have you ever had a client ask you to find them a home next to an industrial site of any kind, let alone a waste site?*

3. *Is it good town planning to risk the health of a neighborhood that has up to 10% of a town's residents by extending an industrial property into it?*
4. In a rough analysis, I used a 5% drop in value around the RPL West effluent field and estimated 132 homes could lose \$2.5M in value based on the stigma alone. It has been suggested that a 20% drop might be closer. *If this were your neighborhood, would you find a 20% loss acceptable?*
5. A loss of home value in any neighborhood will be felt across the whole town because appraisers assess homes based on local prices and Mount Bethel is a small area. The existing tax base would be reduced well before RPL started paying its full tax rate. *Has this townwide impact on real estate value and the taxes been studied?*
6. While industrial accidents are infrequent events, they do happen. East Palestine OH real estate dropped by 18.9% after the train derailment, according to one source, and the impact of a derailment in another town was felt for 25 years. I have heard no discussion of this and what actions will be taken to mitigate health/financial impacts to Mount Bethel should one happen. *Has the potential impact of an accident been studied, and a plan developed?*

The answers to these questions point out the need for careful consideration and not haste. I ask that the Planning Board help the Board of Supervisors develop a plan for RPL and Mount Bethel that does not rely upon the RPL West property for waste disposal or a municipal authority.