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UPPER MOUNT BETHEL TOWNSHIP  
PLANNING COMMISSION MEETING MINUTES  
WEDNESDAY, SEPTEMBER 20, 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 Potter, Commissioner Klein, Recording Secretary Cindy Beck, Township Engineer Coyle, and Township Solicitor Karasek. Commissioner Sarisky and Commissioner Crane were not present.

**Public Comments**

Fred Clark, Crystal Terr., read his public comment and will be included in the official record. Fred offered hypothetical questions/answers for the Planning Commissioners.

Dave Friedman, Gap View Lane, commented on multiple plans that are on the agenda this evening and that the escrow accounts are underfunded, plans should not be reviewed until accounts are properly funded.

Raymond Hanson, on behalf of Donna DePalma, Potomac St., commented on a piece of property that Ms. DePalma owns (the old Fontanella Farm) that is downhill from the proposed drip irrigation field, which has been deemed conserved wetland. Mr. Hanson stated he found a female wood turtle, an endangered species. This area should be protected.

**II.**

**APPROVE THE MINUTES**

- a. August 22, 2023-**MOTION** by Commissioner Klein to approve the August 22, 2023, meeting minutes, seconded by Commissioner Potter. Vote: 3-0.

### III. SUBDIVISIONS

- a. Valley Industrial Properties Lot Line Adjustment-Greg Noll, Surveyor, discussion the Lot Line Adjustment Plan. Lot A, which is in UMBT, is in the R-1 Zone, vacant land, no change in use, there is no development plan, no earth moving, soil testing has been performed, LVPC review letter has been received, a letter from East Bangor Borough approving of the plan, has been received, and they are not asking for any waivers. Engineer Coyle recommends conditional plan approval. Chairman Teel asked what is the purpose of this plan? Mr. Noll stated to neaten up and have the property line coincide with the Municipal line. Chairman Teel expressed his concerns of the dump truck traffic and the dumping of dirt. Solicitor Karasek went through the Conditional Plan Approval Form. Engineer Compliance letter of June 19, 2023. Mr. Noll reviewed the agreement and signed it on behalf of the applicant. **MOTION** by Commissioner Potter to recommend approval of the Valley Industrial Properties Lot Line Adjustment Plan, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on May 8, 2023
  - Official Action Expires on October 23, 2023
- b. RPL East LLC (South) Preliminary/Final Major Subdivision Plan **MOTION** by Chairman Teel to table the plan, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on July 17, 2023
  - Official Action Expires on October 30, 2023

### IV. LAND DEVELOPMENT

- a. Ultra-Poly Building 3-Preliminary Plan-Attorney Pete Layman, representing the applicant, stated with him is Adam Citrullo, Engineer from Bohler Engineering, and David LaFiura, President of Ultra-Poly. Attorney Layman stated that Ultra-Poly is seeking to build their third plant. Mr. Citrullo discussed their letter of August 29<sup>th</sup>, waiver requests, which all neighboring properties received notification of. Discussed waivers-SALDO Section 400.6.2.3 (driveway grade, emergency access only), this is not recommended by Engineer Coyle. This waiver request is withdrawn. SALDO Section 400.6.2.4 (driveway width), SALDO Section 501.3.7 (basin slopes), SALDO Section 501.5.2 (storm sewer pipe diameter) SALDO Section 600.4.4.1 (concrete curb depth), SALDO Section 501.3.16.7 (basin outfall/emergency spillway), and Partial from SALDO Section 4.704 (cut slopes). **MOTION** by Commissioner Potter to recommend waiver requests, seconded by Commissioner Klein. Vote: 3-0. Engineer Coyle reviewed points from his letter of September 19, 2023. Attorney Layman stated plans have been submitted to Portland Borough Water Authority requesting service, as well as Portland Borough for proposed public sewer. Attorney Layman stated they

have not received a review letter from LVPC. Updated PNDI is needed. Engineer Coyle stated that this is not an outside agency. **MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 3-0.

-Re-Submission July 31, 2023

-Submitted on May 22, 2023

-Official Action Expires October 29, 2023

- b. River Pointe Logistics Center LLC **Lot 4** Preliminary Plan-Attorney Marc Kaplan stated they have received Preliminary Plan approval for the entire Park, as well as Lots 1,2,6. Attorney Kaplan stated that they are here tonight to get approval of lots 4,5, 3A, 3B, 3C. The Text amendment is clear, that after they have complied with the Ordinance's requirement for a submission of an overall sketch plan, they now have an approved subdivision plan, they are now permitted to go Preliminary/Final approval on the five lots. Solicitor Karasek asked for clarification on agenda items b and c, they state preliminary, are they to be preliminary/final. Attorney Kaplan stated yes. Steve Walsh, Dynamic Engineering, stated these plans were discussed at the last PC meeting, he does not have much to add. Steve discussed the plan using visuals. Waivers previously discussed, sheet size, plan scale, and the deferral on the intended use. Steve discussed a waiver request for the requirement for storm water management with electrical/mechanical controls-spray irrigation system. Engineer Coyle discussed his review letter of August 12<sup>th</sup>, lots 4/5 are currently under review under a Conditional Use Application, for these to be combined to an approximate building size of 1.5 million square feet. Engineer Coyle states, no application for a proposed subdivision/land development shall be approved unless it is in full compliance with the Township's Zoning Ordinance, section 304.1.3(a). There is an outstanding zoning issue related to the Special Exception use for the off-site disposal in an R-1 Zoning District. LVPC review letters for lots 4,5,3a,3b,3c, (land development) have not been received. Engineer Coyle stated there are too many outstanding issues going for final at this stage.

There was a discussion on the difference of the submitted plans.

Commissioner Klein asked Attorney Kaplan what the definition of Special Exception is. Attorney Kaplan stated that they have applied for a Special Exception to use the R-1 lot, that is outside the Planned Industrial Park, for a specific use, for drip irrigation. If the Special Exception does not get approved, they will have to modify their sewer system. There was a discussion on the submission of preliminary and preliminary/final. Engineer Coyle stated that no subdivision or land development should be approved until it is in full compliance with the Township Zoning Ordinance. There is an outstanding zoning issue related to a Special Exception for off-site disposal in the R-1 district, this should be done prior to approval. Attorney Kaplan stated that the Special Exception is for only using the R-1 ground to dispose of treated effluent. Attorney Kaplan stated he does not think they are ready for the Special Exception Hearing on October 24<sup>th</sup>. Attorney Kaplan stated that

they have to have a sewer system before they could even break ground. Commissioner Klein would like to table. Solicitor Karasek stated that the time for Official Action expires on October 24<sup>th</sup>, so they do have time to clean up some issues in time for the next PC meeting. Solicitor Karasek asked Engineer Coyle if he would be okay if all the compliance in your letter was met. Engineer Coyle stated no. He is not changing his position; he does not recommend preliminary/final conditional plan approval at this time. He does not feel as though the LD plan should surpass or exceed the underlining subdivision plan. Chairman Teel asked Engineer Coyle if he would be okay with preliminary only. Engineer Coyle stated that is a policy issue. Attorney Kaplan stated that Engineer Coyle is a liar. Engineer Coyle stated that Attorney Kaplan has disparaged him for the last three years and stated that his corporate attorney will be involved next. Engineer Coyle stated that stormwater, traffic, water and sewer, are all critical components, and two of those four components are still unknown. All he can do is advise. Engineer Coyle asked Solicitor Karasek if he can make a condition of the preliminary conditional approval that the Zoning Special Exception be held prior to the final LD application. Solicitor Karasek that he certainly can but the applicant may not agree. Attorney Kaplan stated the if the Commissioners approve of all five lots as preliminary, they will live with that. MOTION by Chairman Teel to recommend conditional preliminary approval of lots 4,5,3A, 3B,3C, no second. Motion dies. Commissioner Potter would like to see test wells, water results and what is going to be done with sewer. Attorney Kaplan stated this has been done. **MOTION** by Commissioner Klein to table, seconded by Commissioner Potter. Vote: 2-1.

-Re-Submitted on July 26, 2023

-Re-Submitted April 19, 2023

-Official Action expires on October 24, 2023

- c. River Pointe Logistics Center **Lot 5** Preliminary Plan-**MOTION** by Commissioner Klein to table, seconded by Commissioner Potter. Vote: 2-1.
  - Re-Submitted on July 26, 2023
  - Re-Submitted on April 19, 2023
  - Official Action expires on October 24, 2023
- d. RPL East LLC (South) Preliminary/Final LD Plan-**MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on July 17, 2023
  - Official Action Expires on October 30, 2023
- e. River Pointe Logistics Center LLC-Lot **3A** Preliminary LD Plan-**MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on July 17, 2023
  - Official Action Expires on October 30, 2023
- f. River Pointe Logistics Center LLC-Lot **3B** Preliminary LD Plan-**MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on July 17, 2023
  - Official Action Expires on October 30, 2023

- g. River Pointe Logistics Center LLC-Lot 3C-Preliminary LD Plan-**MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on July 17, 2023
  - Official Action Expires on October 30, 2023
- h. River Pointe Logistics Center LLC-Lot 7-Preliminary LD Plan-**MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on August 21, 2023
  - Official Action Expires on December 19, 2023
- i. River Pointe Logistics Center LLC-Lot 8-Preliminary LD Plan-**MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on August 21, 2023
  - Official Action Expires on December 19, 2023
- j. River Pointe Logistics Center LLC-Lot 9-Preliminary LD Plan-**MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 3-0.
  - Submitted on August 21, 2023
  - Official Action Expires on December 19, 2023

**V.**  
**SITE/SKETCH PLAN-None**

**VI.**  
**ADJOURNMENT**

**MOTION** by Chairman Teel to adjourn the meeting at 9:50 pm, seconded by Commissioner Potter. Vote: 3-0.

Sept 20, 2023

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

Today, I would like to try something different.

The Planning Commission process as structured is a discussion between an applicant and the Commission and limits input from an informed public, because they speak before they can hear what is being proposed. I am going to offer hypothetical questions and answers that could occur in an alternate version of this process where the public is included in the discussion. Any similarity to actual persons, living or dead, or to actual firms or Planning Commission situations is purely coincidental.

**Public question:** Has the potential additional 300 acres needed for effluent fields been identified by the developer?

**Commissioner response:** No.

**Public:** Why not?

**Commissioner:** Because the proposed Municipal Authority will have to acquire this land and that will be a matter for the new Municipal Authority to decide.

**Public:** But wouldn't a reasonable step in the process be for the Planning Commission to know and discuss what areas of the town would be turned into effluent fields under this plan? You are planners, *right?*

**Commissioner:** Our role is to let others suggest plans and we pass our approvals or rejections of those plans on to the Board of Supervisors, so we are not required to consider broader plans until they are presented by others.

**Public:** But the Municipal Authority will have to come to you for your recommendation for approval of the 300 acres before they go to the Board of Supervisors, right?

**Commissioner:** That is true.

**Public:** So, have you asked the applicant if they have 300 acres of land to dump their effluent on?

**Commissioner:** Why would we want the developer to give up valuable, taxable, industrial property when we can convert township residential and agricultural land into effluent fields?

**Public:** Are any of your homes near these fields?

**Commissioner:** Well, no.

**Public:** Have you considered looking at the land around your homes to provide the other 300 acres for effluent?

**Commissioner:** No.

**Public:** Would you want this piped or trucked into your neighborhood.

**Commissioner:** Now, why would I want hundreds of thousands of gallons of effluent brought to my neighborhood?

**Public: *Exactly.*** So, this Planning Commission sees my neighborhood as an acceptable place to dump effluent, but the developer's land and your neighborhood are not.

**Commissioner:** As you said, ***exactly.***

Now, to reiterate, this fictional conversation never happened, but maybe it should have. Please, only approve plans that have been fully vetted. Thank you.