

MINUTES

Upper Saucon Township Board of Supervisors
Special Meeting
Tuesday, October 29, 2019 – 6:30 P.M.
Southern Lehigh Middle School
3715 Preston Lane, Center Valley, PA 18034

Members Present: Dennis E. Benner, Chairman
Brian J. Farrell, Vice Chairman
Philip W. Spaeth
Kimberly Stehlik
Stephen Wagner

Staff Attending: Thomas F. Beil, Township Manager
Joseph Geib, Assistant Township Manager
Patrick Leonard, Special Projects Coordinator
Thomas Dinkelacker, Township Solicitor
Charles Unangst, P.E., Township Engineer
Patricia Lang, Director of Community Development
Thomas J. Nicoletti, Chief of Police
Trent J. Sear, Zoning Officer

CALL TO ORDER

Mr. Benner called the meeting to order at 6:30 p.m., in the Southern Lehigh Middle School Auditorium, 3715 Preston Lane, Upper Saucon Township, Lehigh County, PA.

PLEDGE OF ALLEGIANCE

Mr. Benner asked all in attendance to stand and recite the “Pledge of Allegiance.”

NOTIFICATION

Mr. Benner announced that all public sessions of the Upper Saucon Township Board of Supervisors are electronically recorded. The recordings are maintained as part of the record of the meeting until the minutes are transcribed and approved by the Board.

KAY LEHIGH, LLC – CURATIVE AMENDMENT HEARING (NIGHT 4)

The purpose of this hearing is to take testimony and receive evidence in connection with the application filed by Kay Lehigh, LLC claiming that the Upper Saucon Township Zoning Ordinance is exclusionary, arbitrary and unduly restrictive and confiscatory as it relates to “warehousing.”

Testimony was previously received on this matter on August 12, 2019 (Night 1), September 9, 2019 (Night 2) and September 30, 2019 (Night 3). At the conclusion of Night 3, the Board announced the hearing would be continued to October 29, 2019 at 6:30 p.m. (Night 4) to take additional testimony.

A stenographer was present to record the testimony and evidence presented at the hearing. A copy of the transcript from Night 4 of the hearing is attached hereto, made a part hereof and identified as Attachment A.

After approximately two and a half hours of testimony, it was decided to close the record for the hearing. Solicitor Dinkelacker announced that the Board intends to render its decision in this matter at a special meeting to be held on the November 19, 2019 at 6:30 pm at the Southern Lehigh Middle School Auditorium.

ADJOURNMENT

The meeting was adjourned at approximately 9:00 p.m.



Secretary

BEFORE THE BOARD OF SUPERVISORS
OF UPPER SAUCON TOWNSHIP

IN RE: CURATIVE AMENDMENT :
FILED BY KAY LEHIGH, LLC :

ORIGINAL

***COMPLETE TRANSCRIPT - PARTS 1 & 2 -
CONCLUSION OF TESTIMONY & PUBLIC COMMENT***

A public hearing regarding the above matter held at the Southern Lehigh Middle School, 3715 Preston Lane, Center Valley, Pennsylvania, on Tuesday, October 29, 2019, commencing at 6:30 p.m., stenographically reported by Shari A. Cooper, RMR, CRR, a Notary Public of the Commonwealth of Pennsylvania.

BEFORE: THE BOARD OF SUPERVISORS

DENNIS BENNER, Chairman
BRIAN J. FARRELL, Vice Chairman
STEPHEN C. WAGNER, Member
PHILIP SPAETH, Member
KIMBERLY STEHLIK, Member

THOMAS H. DINKELACKER, ESQ., Solicitor
TRENT SEAR, Zoning Officer
THOMAS F. BEIL, Township Manager

* * *

GALLAGHER REPORTING & VIDEO, LLC
Mill Run Office Center
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APPEARANCES:

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* * *

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A-12	Zoning Hearing Board decision Regarding Pitt-Ohio property at 4723 Route 309 (Appeal No. 2019-09)	20
A-13	Existing regional truck terminals And warehouses illustrating larger Buildings are typically "Cross-docked"	27

TOWNSHIP'S EXHIBITS

NO.	DESCRIPTION	PAGE
T-24	Copy of public notice for October 29, 2019 hearing prepared By Township Solicitor	6
T-25	Copy of actual public notice Published in The Morning Call on October 15 and October 22, 2019	6
T-26	Affidavit of Posting signed by Township Zoning Officer verifying That the public notice was posted On the properties at 4728, 4557, 4677, and 4691 Route 309 on October 22, 2019	6

1	T-27	Notification list for the Kay Lehigh, LLC Curative Amendment Hearing on October 29, 2019 Prepared by the Township Secretary	6
4	T-28	Copy of letter from Charles and Joan Daniels, 6102 Beverly Hill Road dated October 21, 2019	6
6	T-29	Section 400.E of the Township Zoning Ordinance	30
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16	T-34	Copy of letter from Matthew and Dawn Resch, 4945 Springwood Court, dated October 29, 2019	67
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1 MR. BENNER: Good evening, folks.
2 Tonight is the Upper Saucon Township Board of
3 Supervisors special meeting, Tuesday, October 29,
4 2019. We will now rise in pledge to the flag.

5 (Pledge of Allegiance)

6 MR. BENNER: All public sessions of the
7 Upper Saucon Township Board of Supervisors are
8 electronically recorded. The recordings are
9 maintained as part of the record of the meeting until
10 the minutes are transcribed and approved by the
11 Board.

12 The purpose of the hearing tonight will
13 be to take testimony and to receive evidence in
14 connection with the application filed by Kay Lehigh,
15 LLC, claiming that the Upper Saucon Township Zoning
16 Ordinance is exclusionary, arbitrary, and unduly
17 restrictive and confiscatory as it relates to
18 warehousing.

19 We will now have an introduction. This
20 is night 4 of the open public meeting, and I'll turn
21 it over to Mr. Dinkelacker, the township solicitor.

22 MR. DINKELACKER: Thank you,
23 Mr. Chairman.

24 Good evening, everybody. Tonight is
25 hearing 4, and what I'd like to do at this point is

1 identify and offer some additional Township exhibits
2 into evidence. These documents include the
3 following:

4 Exhibit T-24, which is a copy of the
5 public notice for tonight's meeting prepared by the
6 solicitor.

7 Township Exhibit No. 25, which is a
8 copy of the notice actually published in The Morning
9 Call newspaper on October 15 and October 22, 2019.

10 Exhibit T-26 is the affidavit of
11 posting signed by the zoning officer, verifying
12 public notice posted on the appropriate properties.

13 Exhibit T-27, which is the notification
14 list for individuals who have either been required to
15 be notified or have requested to be notified
16 concerning the hearing.

17 And Exhibit T-28 is a copy of the
18 letter from Charles and Joan Daniels of 6102 Beverly
19 Hill Road, dated October 1, 2019, containing public
20 comment. It was mailed in and is included in the
21 record for comment purposes.

22 Are there any objections to the
23 admissibility, or to the admission of Township
24 Exhibits T-24 to T-28?

25 MR. PRESTON: No objection.

1 MR. GUNDLACH: No objection.

2 MR. DINKELACKER: Thank you. With
3 that, what we're going to do now is we're going to
4 turn it over.

5 I believe, Mr. Gundlach, the Township
6 has rested; is that correct?

7 MR. GUNDLACH: Yes.

8 MR. DINKELACKER: Okay. So we're going
9 to turn it over to Mr. Preston on behalf of the
10 Applicant for rebuttal.

11 MR. PRESTON: Okay. Thank you and good
12 evening.

13 As Attorney Dinkelacker stated, the
14 case is a rebuttal case, so what we're going to do
15 is, we really don't have a whole lot of material
16 here, but we are going to follow chronologically
17 through the prior testimony with the transcripts and
18 indicate exactly what it is we're referring to and
19 what it is we think needs to be clarified. For that,
20 I'm going to recall Jason Engelhardt. He's the
21 project engineer.

22 Do you want him re-sworn, or should we

23 --

24 MR. DINKELACKER: He was already sworn
25 once. I believe that's acceptable.

1 * * *

2 Whereupon, JASON S. ENGELHARDT,
3 having been recalled as a witness and previously
4 sworn, was examined and testified as follows:

5 * * *

6 DIRECT EXAMINATION

7 BY MR. PRESTON:

8 Q. Okay. And you understand that you're giving
9 sworn testimony, Mr. Engelhardt?

10 A. I do.

11 MR. PRESTON: Okay. So I'm going to be
12 questioning Jason Engelhardt. He's the project
13 engineer. And we're going to begin -- one second.

14 Just bear with me for a second. It's
15 here somewhere.

16 MR. DINKELACKER: Take your time.
17 That's okay.

18 BY MR. PRESTON:

19 Q. Okay. We're going to begin with some
20 testimony that was given both by Mr. Unangst and by
21 -- that's the township engineer -- and Trent Sear,
22 who is the township zoning officer.

23 MR. DINKELACKER: Jim, can you speak up
24 a little bit, please?

25 MR. PRESTON: Can you hear me through

1 this thing? Coming through?

2 (Microphone was adjusted.)

3 MR. PRESTON: Is that better? Okay.

4 Thank you.

5 BY MR. PRESTON:

6 Q. Jason, the Township submitted a plan that
7 was prepared by Mr. Unangst. Are you familiar with
8 that plan?

9 A. Yes. I believe you're referring to Township
10 Exhibit No. 11.

11 Q. That's correct. And that's a plan that
12 shows our property, the subject property, being
13 developed with a warehouse in the center, and then
14 there's a ring of other uses around it. Is that the
15 plan that we're talking about?

16 A. Yes.

17 Q. Now, Mr. Unangst testified that if you would
18 develop the property in this fashion, that it would
19 be compliant with zoning. Do you recall that?

20 A. I do recall that, yes.

21 Q. And I believe that Mr. Sear on his direct
22 examination was asked the same thing, whether or not
23 the plan designed in this configuration would comply
24 with zoning and he answered that it would. Are you
25 familiar with that?

1 A. Yes, I am.

2 Q. Now, am I to understand from that testimony
3 that if I were to subdivide the property, as
4 Mr. Unangst has suggested, retain the center parcel
5 for myself, or for my client, to be developed with a
6 warehouse use, and alienated the surrounding
7 properties through various third party users, that
8 this plan would be compliant with zoning?

9 A. Yes, it would be compliant with zoning. I
10 would question whether or not the collector road as
11 proposed is something that meets the requirements of
12 the ordinance. But the uses would be compliant.

13 Q. So in each of these instances with regards
14 to Mr. Unangst's testimony and Mr. Sear's testimony,
15 your belief is that the road that's shown in this
16 plan does not qualify as a collector road?

17 A. That's correct. I don't believe that's the
18 case.

19 Q. Okay. Let's assume for the purposes of
20 argument that it does. I just want to get past that
21 for a moment. Let's assume that it does and I
22 subdivide the property as Mr. Unangst has proposed.
23 I build my warehouse on the center piece, that center
24 tract as Mr. Unangst has proposed, and I sell off the
25 balance of the property. Do I have any concerns?

1 A. If you were to sell off the balance of the
2 properties, there are a number of uses that could be
3 proposed for those properties. My concern would be
4 the AQC overlay zone would still apply, allowing
5 residential uses. And if residential uses were
6 potentially proposed on any of those lots, it would
7 prohibit the use of the center piece and possibly the
8 other two small areas designated as a truck terminal
9 for that use.

10 Q. So if I understand your testimony, then, the
11 subdivision of the plan itself into the lots as
12 described by Mr. Unangst does not void out or do away
13 with the AQC zoning; is that correct?

14 A. That's correct.

15 Q. It's only the placement of these industrial
16 uses on those perimeter properties that voids the AQC
17 zoning; is that correct?

18 A. That's correct.

19 Q. So without placing those on those
20 properties, it's possible for someone to develop
21 those with an AQC zoning and thereby disallow my
22 warehouse; is that correct?

23 A. Yes.

24 Q. Why is that?

25 A. Because the -- the code section in question

1 that requires that 500-foot exclusionary area from
2 anything zoned AQC.

3 Q. So at the end of the day, in order for
4 Mr. Unangst's plan to be able to be developed in
5 conformity with the ordinance, I can't just put my
6 warehouse in the middle; is that correct?

7 A. That's correct.

8 Q. What else do I have to do?

9 A. You'd have to develop a mixed use plan and
10 specify all those uses in advance and somehow assure
11 that the property wasn't developed using the AQC
12 zoning, the remainder properties.

13 Q. Now, I want to talk about roadway
14 classifications. This has to do with the collector
15 roads. We had some testimony about this. In
16 particular, the zoning officer testified as to the
17 word "future." That appears in the zoning ordinance.
18 I believe his testimony -- his testimony appeared in
19 the transcript of September 30th. And I believe -- I
20 believe he testified at pages -- there was testimony
21 at pages 23, 54, 50 and 51 about the word "future"
22 and what the word "future" means in that ordinance.
23 And I believe as an end result -- well, what was your
24 understanding of what their testimony was? Let's do
25 it that way.

1 A. My understanding of their testimony was that
2 the word "future" was inserted in Section 320,
3 implying that future collector roads would be
4 permitted per this ordinance section.

5 Q. Do you agree with that?

6 A. I do not.

7 Q. And why not?

8 A. The way the word "future" is used here in
9 Section 320.A, it refers to future right of way
10 widths. And it further goes on to say under Section
11 320.B, Future right of way widths shall be used to
12 determine applicable front yard setbacks when the
13 width of an existing right of way is less than listed
14 above.

15 Q. Let me stop you right there. You used the
16 word "existing"?

17 A. Yeah, that's correct. As I read this, the
18 future right of way width discussion concerns
19 existing roadways and making sure that the front yard
20 setback is created from the correct right of way
21 width for those existing roadways. If it doesn't
22 exist today.

23 Q. Go ahead. Is there anything else you want
24 to add to that?

25 A. No.

1 Q. And is your interpretation consistent with
2 the chart that appears there and the way the chart is
3 worded?

4 A. I believe so, yes.

5 Q. And the chart refers to -- it actually lists
6 specific roadways; is that correct?

7 A. That's correct. It lists all the collector
8 roadways within the township.

9 Q. And it also lists something at the very end
10 called local roads; is that right?

11 A. It does. And it goes on further to say that
12 all roads not otherwise listed are local roads.

13 Q. I want to talk a little bit about the
14 potential, then -- let's assume, again, for the sake
15 of argument because I want to make sure we cover
16 everything here -- that Mr. Unangst and Mr. Sear are
17 correct in that somehow you can plug roads into that
18 list and have them be collector roads or that that
19 future applies to Mr. Unangst's road that's shown on
20 his plan. Let's say that that's the case. Do you
21 believe that that plan, Mr. Unangst's plan, the road
22 shown on his plan, is in fact a collector road?

23 A. No, I don't.

24 Q. And why is that?

25 A. For a number of reasons, initially starting

1 with that it's not in the list of collector roads in
2 Section 320.A. If I read the definition of what a
3 collector road is, it's a road that is designed to
4 provide a balance of vehicle mobility and vehicle
5 access to adjoining properties. And then it goes on
6 to say, See Section 320 for a listing of collector
7 roads. So we covered the listing.

8 To touch on the first part of that sentence,
9 it doesn't appear to me that the road that's
10 proposed, which I would call a P-loop, a road that
11 loops upon itself, that that would provide vehicular
12 access to adjoining properties.

13 Q. Let me do this. This might help you with
14 your explanation. You've prepared an exhibit, have
15 you not?

16 A. I have, yes.

17 Q. And it's a two-page exhibit that I believe
18 purports to show collector roads in the township; is
19 that right?

20 A. It does, yes.

21 MR. PRESTON: Okay. I'm going to ask
22 that this be marked -- where are we on the
23 Applicants? Well, I'm going to ask that this be
24 marked as the next sequential exhibit. And what I'd
25 like to do is hand copies up to the Board. I believe

1 you have electronic copies there.

2 MR. DINKELACKER: Jim, the last
3 Applicant exhibit I have is A-10.3.

4 MR. PRESTON: Okay. So this would be
5 A-11. And it's a two-page exhibit. It's entitled
6 "Collector Road Exhibit." And the first page is
7 marked E-X-A, Exhibit A; the second page is marked
8 E-X-B, Exhibit B. And I'm going to mark this
9 collectively together as A-11.

10 (Exhibit A-11 was marked.)

11 MR. DINKELACKER: Rob, any objection to
12 showing them to the Board?

13 MR. GUNDLACH: No.

14 MR. PRESTON: We had made these
15 available to Attorney Gundlach earlier today.

16 Does everybody have them?

17 MR. DINKELACKER: Yes.

18 BY MR. PRESTON:

19 Q. Now, with reference to Exhibit A-11, first
20 of all, can you tell us what A-11 represents in your
21 own words?

22 A. Sure. A-11 is a, an aerial map -- there's
23 two pages total -- that took that listing of
24 collector roads that is listed in Section 320 and
25 illustrates them on a map. So these are all the

1 collector roads highlighted in yellow within the
2 township per this listing.

3 Q. And the collector roads that we see here, do
4 they differ from, substantially in nature, from the
5 road that Mr. Unangst has shown on his plan?

6 A. I believe they do.

7 Q. And in what way?

8 A. So, as you can see as you look at these
9 roads, the majority of them are long roads; they
10 connect many adjoining properties within the
11 township. Most are running from one collector road
12 to another or one collector road to one arterial
13 road. None of them are dead-end roads or roads that
14 terminate upon themselves.

15 Q. Do they intersect with other collector
16 roadways or arterial roadways?

17 A. They do, yes.

18 Q. And in fact, isn't that the point?

19 A. Yes. Yeah, that's the point, again, is that
20 by definition, the intent of a collector road is to
21 provide access to adjoining properties. And I would
22 argue that these, the collector roads as they are
23 illustrated on these exhibits that are out there
24 today, they meet that intent and that what I'm going
25 to define the P-loop road, the dead-end road that

1 terminates on itself, would not meet that definition
2 requirement.

3 Q. And that's just one other reason why you
4 don't believe that that road shown on the Unangst
5 plan is a collector road; is that right?

6 A. Yes, with the primary reason being it's not
7 in the list of roads in Section 320.

8 Q. Now, another topic that came up was the Pitt
9 Ohio property; came up at several -- several
10 contexts. Let me see if I can find it.

11 Now, you're familiar with the Pitt Ohio
12 property; is that correct?

13 A. That's correct.

14 Q. And where is that situated relative to our
15 site?

16 A. It's immediately adjacent to our property.

17 Q. Do you recall testimony being given, offered
18 on behalf of the Township as to availability of
19 access through, over, or across the Pitt Ohio
20 property?

21 A. I do, yes.

22 Q. First of all, and do you recall some concern
23 over whether or not -- questioning as to whether or
24 not the Pitt Ohio facility was in fact a
25 nonconforming use?

1 A. I do.

2 Q. Let me show this to you; ask you if you
3 recognize that.

4 A. I do. This is the Special Exception
5 Decision, Appeal 2019-09, concerning the Pitt Ohio
6 property.

7 Q. That's in fact a zoning decision from the
8 Zoning Hearing Board of Upper Saucon Township, is it
9 not?

10 A. It is, yes.

11 Q. And I believe -- correct me if I'm wrong,
12 but just to keep this thing moving -- this was a
13 special exception request to expand an existing
14 nonconforming use; is that right?

15 A. That's correct.

16 Q. And in the decision, doesn't it identify the
17 Pitt Ohio facility in the findings of fact as an
18 existing nonconforming use?

19 A. Yes. Under Item 4 it says the existing use
20 is a lawfully existing nonconforming use with respect
21 to standards of use.

22 Q. Was there any discussion in the zoning
23 hearing or in the documents attached to the decision
24 that would indicate that Pitt Ohio knew or had agreed
25 to access through or over its property? If you know.

1 A. Yes. There was a discussion within the
2 decision about providing a 60-foot right of way into
3 and out of their property.

4 MR. PRESTON: The -- I would ask that
5 the Board take judicial notice of this decision.
6 I'll insert it into the record as A-12.

7 MR. DINKELACKER: Any objection to the
8 notice of judicial decision?

9 MR. GUNDLACH: I'm going to need to
10 take a look at that first.

11 MR. DINKELACKER: Sure.

12 MR. GUNDLACH: (Reviewed document.)
13 (Exhibit A-12 was marked.)

14 BY MR. PRESTON:

15 Q. Okay. Jason, what is a point of access
16 study?

17 A. A point of access study is a document that
18 you would prepare for PennDOT, Pennsylvania DOT, if
19 you were looking to propose a new access on a limited
20 access highway.

21 Q. Okay. And not to build suspense here --
22 let's cut to the chase -- how is that relevant to
23 these proceedings, a point of access study?

24 A. There was a point of access study completed
25 by the Pidcock Group a little over ten years ago for

1 this property.

2 Q. What is the Pidcock Group?

3 A. Another engineering firm -- another
4 engineering firm.

5 Q. So, go ahead. They completed a point of
6 access study?

7 A. Yeah. A point of access study was prepared
8 and completed for another application on this
9 property and ultimately approved by PennDOT for
10 access to the property at the location where we're
11 currently showing.

12 Q. Does the Township -- does Upper Saucon
13 Township participate in that point of access study?

14 A. They did, yes.

15 Q. Okay. And what happened as a result of that
16 point of access study? What are the relevant
17 conclusions?

18 A. Essentially that -- the conclusion was that
19 access to this site -- it actually offered two
20 different locations where a signalized access and a
21 median break on 309 would be permitted. There were a
22 series of improvements required within the point of
23 access study. Some other median breaks needed to be
24 closed. But ultimately it provided access where
25 we're showing it today.

1 Q. And are you personally aware that the
2 Petitioner in this particular action has had
3 conversations with Pitt Ohio concerning that point of
4 access?

5 A. I am, yes.

6 Q. And in fact, did you prepare a drawing that
7 was to be attached to an agreement whereby Pitt Ohio
8 would agree to allow access over its property?

9 A. I did, yes.

10 Q. And was that access in accordance with the
11 plans that have been submitted here this evening?

12 A. Yes. It illustrates the same access.

13 Q. Is that consistent with the point of access
14 study, the plan that you drew?

15 A. Yes. Generally consistent.

16 Q. Now, I also -- now, at one point in the
17 Township's presentation, they were discussing the
18 uses that were listed in Article 4, I believe, that
19 would be able to be placed in the perimeter lots on
20 the Unangst plan. Do you recall that?

21 A. I do, yes.

22 Q. And they were identified as being uses that
23 would come from the industrial zoning listing as
24 permitted uses or special exception or conditional
25 uses?

1 A. That's correct, yes.

2 Q. And I believe there was some testimony that
3 those uses all had to undergo additional
4 qualification by additional criteria that was listed
5 in Article 4. Do you recall that?

6 A. I do recall that testimony.

7 Q. Is that in fact true?

8 A. No. The specific criteria in Article 4 only
9 applied to certain uses. So not all those uses are
10 listed.

11 Q. So there are uses that are -- industrial
12 uses that could be placed in those perimeter lots
13 that would not have additional criteria imposed on
14 them by Article 4; is that correct?

15 A. That's correct. And there are a number -- I
16 could give you a couple examples.

17 Q. If you don't mind.

18 A. Yeah. So under uses permitted by right,
19 automobile service and repair facilities, those have
20 an Article 4 specific criteria but it doesn't have
21 any separation requirements.

22 As far as uses that don't have any specific
23 criteria, laboratories for medical, scientific and
24 industrial research; laundry plants; machine, tool
25 and die, metal fabrication shops; manufacturing; mass

1 transit or taxicab terminals; processing, packing,
2 bottling, storage and wholesaling of food products;
3 repair shops, small engine repair shops, welding
4 shops; power generation facilities.

5 Q. That's it. I think you -- that makes the
6 point. Let's keep moving. Again, I don't want to
7 belabor these issues. I just want to clean up some
8 of the, what I think were open items in the record.

9 One of the things, then, that was discussed
10 at some point in the testimony was, again, getting
11 back to the -- I'm going to call it the Unangst
12 plan -- was the warehouse that Mr. Unangst had drawn
13 on his plan. And at some point we were discussing
14 the depth of that warehouse?

15 A. Yes.

16 Q. Do you recall that discussion? How deep is
17 that warehouse?

18 A. I believe Mr. Unangst said it was 660 feet
19 in depth.

20 MR. PRESTON: Can we have that put up,
21 that exhibit put up? Excuse me. That would be the
22 original plan that you had up there.

23 MR. GEIB: Yes. Is that correct?

24 BY MR. PRESTON:

25 Q. Now, Jason, the -- again, just to refresh

1 our memories here, the depth -- by depth I mean the
2 -- let's do it this way. Where do the trucks, how do
3 the trucks access that facility?

4 A. Uh --

5 Q. Where's the docking, I guess, is the better
6 --

7 A. The truck docks are -- if the top of the
8 page is north, they come from the north.

9 Q. Okay. And there are no docks along the
10 southern edge; is that right?

11 A. That's correct.

12 Q. Is that a single-dock building? How does
13 that --

14 A. Yes, this would be a single-dock building.

15 Q. Now, at some point I believe you said that
16 that would be extremely unusual for a building of six
17 hundred and some feet deep to not be cross-docked.
18 Do you recall that?

19 MR. GUNDLACH: Objection. I'd like to
20 qualify that his testimony is as a design engineer
21 and not an owner-operator of warehouse facilities.

22 MR. DINKELACKER: Jim, why don't you
23 lay a little more of a foundation for the question.

24 MR. PRESTON: Sure.

25 BY MR. PRESTON:

1 Q. Mr. Engelhardt, how long have you been doing
2 your design engineering?

3 A. Well over 20 years.

4 Q. And have you been involved in the
5 development of warehouse projects?

6 A. Many -- many warehouse distribution and
7 truck terminal projects.

8 Q. Okay. Any idea about how many, roughly?

9 A. Of buildings of this size and scale, some
10 involvement of -- in at least ten of them in the last
11 seven years.

12 Q. And you're familiar with the placement of
13 these buildings in the Lehigh Valley?

14 A. I am, yes.

15 Q. And have you assembled a listing of those
16 buildings that you're familiar with?

17 A. I did for the purpose of this evening
18 assemble a list of regional buildings that I believe
19 we're going to mark as an exhibit.

20 Q. We are going to mark that as an exhibit.

21 MR. PRESTON: We're going to mark that
22 as Exhibit -- I believe we're at A-12.

23 MR. BEIL: 13. Zoning Hearing Board
24 decision was 12.

25 MR. PRESTON: We're going to mark this,

1 I stand corrected, as A-13. The Zoning Hearing Board
2 decision came in as A-12. Or could come in as A-12
3 pending Attorney Dinkelacker's review. So we're
4 going to ask that this be marked as A-13.

5 (Exhibit A-13 was marked.)

6 BY MR. PRESTON:

7 Q. Jason, what is A-13?

8 A. A-13 is, we took a look at regional truck
9 terminals and warehouses, those in the greater Lehigh
10 Valley area and just outside that, to kind of confirm
11 that these larger buildings are cross-docked, meaning
12 that they have loading docks on both sides of the
13 building, that that's what's required.

14 Q. And how do they function? What's the -- why
15 are they cross-docked? What's the functionality of
16 those, as an engineer?

17 A. Right. So cross-docks means you have docks
18 on both sides of the building, one for inbound and
19 outbound trucks. And products are typically brought
20 from a supplier-manufacturer on one side and then
21 distributed directly to the customer or the retailer
22 coming from the other side of the building. The
23 intent there is to limit warehousing in the building
24 and things -- especially important for things like
25 food products, things that are perishable that need

1 to move quickly out.

2 Q. And is that the type of information that you
3 use in developing your work product?

4 A. Yes, that's correct.

5 Q. What are the results of your investigation?
6 Why don't you take a few minutes and tell us what's
7 happening.

8 A. Again, there's a listing of 17 regional
9 buildings here, warehouse distribution truck
10 terminals. And included on this sheet is both the
11 square footage of those buildings, the location, and
12 the depth of the building. And I think what's
13 particularly critical here is, the larger depth
14 buildings -- the only reason to have a building
15 that's 660 feet in depth would be to provide a
16 cross-dock to building.

17 Q. Okay. We're coming down the homestretch
18 here.

19 The -- one of the things that was discussed
20 at length is the idea of a setback. And at one point
21 I believe -- I believe it was Mr. Roth, the township
22 planner, testified that -- I'm not really sure what
23 he said, but it had something to do with, you didn't
24 need to subdivide a property to have a setback, or
25 the setback could be measured from somewhere other

1 than the property line. In fact, I think he referred
2 to Article 402. Let me get a citation here.

3 MR. DINKELACKER: Jim, I think it was
4 400 --

5 MR. PRESTON: 400.E. Yes. In fact
6 that appears on page 85 of the transcript of
7 September 30, 2019.

8 BY MR. DINKELACKER:

9 Q. And do you remember that testimony?

10 A. I do, yes.

11 Q. Did it make any sense to you?

12 A. It did not.

13 Q. Okay. Why don't we try to figure this out,
14 then. Let's take a look at Section 400.E. Do you
15 have that?

16 A. Yes, I have that in front of me now.

17 Q. Just read it. It's a short -- it's just a
18 sentence or two. Why don't you read that into the
19 record.

20 A. Okay. 400.E, Setback Measurements. For the
21 purposes of this Article 4, any required setbacks
22 imposed upon any use, building, and/or structure
23 shall be measured from the boundary line of the site
24 for which the proposed use building and/or structure
25 is requested, regardless of whether or not the line

1 corresponds to a property line or a lease line.

2 MR. GUNDLACH: Which section was that?

3 MR. PRESTON: 400 dot capital E. It's
4 on page 180, at least in the book that I have, in the
5 beginning of Article 4.

6 MR. DINKELACKER: What I'm going to do
7 is I'm going to propose that we add 400.E as a
8 Township exhibit in the record, if that's okay with
9 everybody.

10 MR. PRESTON: No objection here.

11 MR. DINKELACKER: Rather than just
12 having a witness read it.

13 MR. PRESTON: Do you have that, Rob?

14 MR. GUNDLACH: Yes.

15 (T-29 was marked.)

16 BY MR. PRESTON:

17 Q. Now, the provision that we're dealing with
18 here is this 500-foot -- I guess it's an offset or an
19 isolation distance? How would you describe it?

20 A. I think I described it as an exclusionary
21 area.

22 Q. Okay. Does it satisfy the definition that
23 appears here in 400.E as far as setback measurements?

24 A. The section that is the subject of our
25 discussion, Section 484.E, does not refer to a

1 setback. There's no reference to the word "setback"
2 anywhere in that section.

3 Q. So is there any way that the planner's
4 testimony about the 500-foot exclusionary zone could
5 be impacted by Section 400.E?

6 A. No, I don't believe so because it's not
7 referencing a setback. Whereas if you look at
8 Section 484.F, which is the next section, it talks
9 about structures in the -- I'm sorry. What I'm
10 referring to is Section 484, Truck and Motor Freight
11 Terminals, Section 484.F, which does talk about a
12 structure setback.

13 Q. Let's dig a little deeper here and let's go
14 to the definitional section of the zoning ordinance,
15 the same zoning ordinance, that talks about setback.
16 Does it define a setback?

17 A. Setback is defined in the ordinance, yes.

18 Q. As what?

19 A. Setback is the required horizontal distance
20 between a setback line and a property or street line.

21 Q. Right. It also defines a setback line, does
22 it not?

23 A. It does.

24 Q. And how does it define that?

25 A. A line within a property and parallel to a

1 property line or a street line which delineates the
2 minimum required horizontal distance between some
3 particular use of a property and that property line
4 or street line.

5 Q. So that's the distance between a use on a
6 property and the boundary of the property; is that
7 correct?

8 A. That's correct.

9 Q. And it's a required -- it's a line that
10 exists or a distance that exists within a property;
11 is that correct?

12 A. Yes. It specifically states a line within a
13 property.

14 Q. Now, can you distinguish that from the
15 500-foot criteria that's the subject of this
16 amendment?

17 A. Again, the 500-foot criteria says the
18 subject property shall be located no closer than 500
19 feet from the zones and the uses we suggested before.
20 It doesn't reference a setback.

21 Q. And in fact, by the way that that particular
22 section is written, it's per se -- the 500 foot is
23 per se not on the property; is that correct?

24 A. That's correct.

25 Q. In fact, it can't be on the property; you

1 would be violating the ordinance if it were. Is that
2 correct?

3 A. That's correct.

4 Q. The -- there's -- much has been made about
5 this 500-foot buffer as being necessary to protect
6 the adjoining residential uses in this hearing. And
7 so I want to -- and in particular by the township's
8 planner. Now, is it in fact necessary to have a
9 500-foot buffer to provide adequate protection
10 between an adjoining residential use and a warehouse
11 use?

12 A. What I would offer is, the township planner
13 or their planning consultant in their testimony noted
14 an alternate form of protection, specifically a type
15 of performance standard that he had used before in
16 Lancaster County that suggested that there was a
17 situation where he proposed a 12-foot-high berm to
18 attenuate the noise, dust and lighting associated
19 with a warehouse from adjoining residential
20 neighborhoods.

21 Q. And just for the purposes of the record,
22 you're reading from the transcript of September 30,
23 2019; is that correct?

24 A. I am, yes.

25 Q. And was that page 63?

1 A. It is, yes.

2 Q. And --

3 MR. PRESTON: Well, the section speaks
4 for itself, but just by way of edification, it was an
5 amendment to a zoning ordinance done by the planner
6 to get around this particular problem, and it
7 occurred exactly as Mr. Engelhardt stated.

8 Now --

9 Can I just have one moment, please?

10 MR. DINKELACKER: Sure.

11 (A discussion took place off the
12 record.)

13 MR. PRESTON: Okay. Attorney
14 Dinkelacker, I think that's all we had in terms of
15 cleanup for rebuttal. So we rest.

16 MR. DINKELACKER: Okay. Before we
17 start, I'm going to mark as Township Exhibit No. 30
18 from the zoning ordinance since it was read, just in
19 the interest of absolute accuracy, the definition of
20 setback and setback line that appear in the zoning
21 ordinance.

22 If there's no objection.

23 MR. PRESTON: No objection.

24 (Exhibit T-30 was marked.)

25 MR. DINKELACKER: Okay. Township,

1 cross-examination.

2 MR. GUNDLACH: Yes. Thank you.

3 * * *

4 CROSS-EXAMINATION

5 BY MR. GUNDLACH:

6 Q. Mr. Engelhardt, you were referencing the
7 plan we've marked as USTS-10 titled "Conceptual
8 Sketch Plan" as prepared by Hanover, correct?

9 A. We did discuss it as part of our testimony,
10 yes.

11 Q. You're familiar with the plan because you
12 just testified to it, correct?

13 A. Yes. Yes, absolutely.

14 Q. Now, you described the road shown on the
15 plan as a P-loop, correct?

16 A. That's correct.

17 Q. And you went on to question whether or not
18 it would qualify as a collector road, correct?

19 A. Yes. I don't believe it would qualify as a
20 collector road.

21 Q. Now, assume for me that it would qualify as
22 a collector road. You would agree that the plan as
23 drafted by Hanover Engineering does comply with the
24 requirements of Section 484.E, correct?

25 A. Generally, yes.

1 Q. Now, you were testifying about the
2 possibility of the adjacent parcels that are shown
3 for office or commercial uses being developed for
4 age-qualified community use, correct?

5 A. That's correct.

6 Q. Now, you would agree with me if in fact the
7 center parcel was developed for a
8 1-million-square-foot, give or take, truck terminal
9 use that would be open 24 hours a day, 7 days a week,
10 it wouldn't be advisable to then construct
11 age-qualified residential adjacent to that, correct,
12 from a land planning standpoint?

13 A. Not necessarily as long as appropriate
14 buffering would take place.

15 Q. You think that's good land planning, to
16 construct age-qualified residential housing
17 immediately adjacent to a 24/7 truck terminal?

18 A. I'm not a land planner; I'm a civil
19 engineer. But I would say that there are ways to
20 accomplish that and mitigate the impacts between the
21 two.

22 Q. You do land planning work, right?

23 A. My firm does land planning work, yes.

24 Q. So none of the testimony that you gave here
25 today was in any capacity related to land planning?

1 A. I'm just stating that I'm not a land
2 planner.

3 Q. Okay. Now, isn't it true that the developer
4 of this parcel could deed-restrict those surrounding
5 parcels to prohibit their use for age-qualified
6 housing?

7 A. Yes, they could.

8 Q. And are you aware that this parcel became
9 subject to the age-qualified overlay at the request
10 of the prior equitable owner and the legal owner of
11 this property?

12 MR. PRESTON: Objection. Relevance?

13 MR. GUNDLACH: He testified about the
14 AQC and the ability to develop it. I'm asking him if
15 he's aware as to how the AQC became subject to this
16 property.

17 MR. PRESTON: Again, relevance. How's
18 that relevant?

19 MR. DINKELACKER: I'm going to allow
20 it. We'll sort it out when we look at the
21 transcript.

22 THE WITNESS: No, I don't believe I'm
23 aware of who -- how the AQC overlay was placed on the
24 property.

25 BY MR. GUNDLACH:

1 Q. Isn't it true that the current owner of the
2 property could request the Township that they repeal
3 the AQC overlay on this property?

4 A. I imagine they could request it. Whether or
5 not the Township choose to agree to that request, I
6 don't know.

7 Q. You gave some testimony about the word
8 "future" in Section 320. Do you recall that
9 testimony?

10 A. I do.

11 Q. And specifically, you were referencing
12 320.B. Do you have that in front of you?

13 A. Yes, I do.

14 Q. And in the second line, you were
15 highlighting the word "existing right of way,"
16 correct?

17 A. That's correct.

18 Q. That same sentence uses the word "future
19 rights of way" in the beginning of that sentence,
20 correct?

21 A. It does use the word "future rights of way,"
22 yes, as it relates to developing along existing
23 roadways and providing the appropriate front yard
24 setback.

25 Q. And it also uses the word "future rights of

1 way" in the second sentence of that paragraph,
2 correct?

3 A. Again, in the same context it does use the
4 word "future rights of way."

5 Q. Now, nowhere in the definition of a
6 collector road does it limit the ability to construct
7 a P-loop, correct?

8 A. No, it doesn't specifically -- actually, I
9 don't believe the ordinance at all discusses a
10 P-loop. But it doesn't specifically preclude that in
11 the definition.

12 Q. Now, the plan designed by Hanover
13 Engineering as Exhibit 10 does show a potential
14 future connection from the subject property through
15 the adjacent property to Center Valley Parkway,
16 correct?

17 A. It does, although the engineer, township
18 engineer, has noted through past testimony that it
19 wouldn't be required for the project.

20 Q. Understood, but it shows it on the plan,
21 right?

22 A. It does show a future potential connection
23 across adjoining property owned by others.

24 Q. And if that future connection road was
25 constructed, then this road on the subject property

1 would no longer be a P-loop, correct?

2 A. Yes, if that was constructed, it would no
3 longer be a P-loop.

4 Q. And you would agree, as a licensed
5 professional engineer, that it's good planning to
6 show future connection roads as part of a design of a
7 project this large, correct?

8 A. Yes, I would agree.

9 Q. Now, you had mentioned the definition of a
10 collector road and specifically its ability to access
11 adjoining property, correct?

12 A. That's correct.

13 Q. If that future connection was constructed,
14 then it would have the ability to access adjoining
15 property, correct?

16 A. Yes, it would have the ability to access
17 adjoining property.

18 Q. And if in fact this plan was revised to
19 provide direct access on that collector road out to
20 East Valley Road, it would no longer be a P-loop,
21 correct?

22 A. That's correct.

23 Q. And if it was designed to provide access
24 directly out to East Valley Road, it would also be
25 providing access to adjoining property, correct?

1 A. Potentially, yes.

2 Q. Now, you would agree if the road was revised
3 to provide direct access to East Valley Road, that it
4 would then meet the definition of a collector road in
5 the zoning ordinance, correct?

6 A. No, because it isn't listed in the roads in
7 Section 320.

8 Q. It would be, for purposes of the definition,
9 separate and apart from the chart, correct?

10 A. The definition lists -- specifically states
11 that it's listed in Section 320.

12 Q. Well, you gave several reasons. One of them
13 was it was not listed in 320. I got that one. But a
14 third reason -- a second reason was it doesn't meet
15 the definition of a collector road as set forth in
16 the definition section, correct?

17 A. And there were two elements of the
18 definition section. One of those was access to
19 adjoining property and the other one was it was
20 listed in Section 320.

21 Q. But it would meet the first element, then,
22 the adjoining property element, correct?

23 A. You're suggesting if you would have revised
24 the plan and offered a connection at the East Valley
25 Road, would you have access to adjoining properties;

1 and, yeah, I think I answered that.

2 Q. So the answer's yes?

3 A. Yes.

4 Q. The third reason you gave was because a
5 P-loop does not qualify as a connector road, correct?

6 A. It would be a collector road; and, yes, I
7 believe a road that loops upon itself, which some
8 places refer as essentially a cul-de-sac, would not
9 constitute a collector road.

10 Q. In your opinion a P-loop is the same as a
11 cul-de-sac road?

12 A. I'm suggesting that some places would
13 consider it very similar and function the same way.

14 Q. But they have different definitions,
15 correct?

16 A. Again, it's not defined in this ordinance.

17 Q. And nowhere in this ordinance does it
18 provide that a collector road cannot be a P-loop
19 road, correct?

20 A. No, it doesn't specifically define it or --
21 it's silent to it.

22 Q. Are you -- you're familiar with the adjacent
23 property that borders Center Valley Parkway known as
24 the Center Valley Club property?

25 A. Not by the way you're describing it. I'm

1 not sure what you're referring to.

2 Q. It's called the adjacent golf property. Are
3 you familiar with that?

4 A. I'm familiar with the adjacent property
5 where the future connection is going through. That's
6 the nonexistent -- or the prior use as a golf course.

7 Q. Where the future connection is located,
8 you're familiar with that area of the prior golf
9 course property?

10 A. Generally familiar, yes.

11 Q. Are you familiar with a note on a record
12 plan that's recorded against that property that would
13 facilitate the revision of open space to allow that
14 connection road?

15 A. Yes. There was a note that was provided by
16 the Township to us that has a general reference to an
17 access.

18 Q. Let me show you a copy of a plan where that
19 note appears.

20 MR. GUNDLACH: I'd like to mark that as
21 USTS-12.

22 (Exhibit USTS-12 was marked.)

23 (Document distribution.)

24 BY MR. GUNDLACH:

25 Q. If you could look at the second note on this

1 page, beginning with the fourth line: Owner agrees
2 that in the event of the laying out, construction,
3 and opening of a road or street connecting lands
4 identified with PIN -- and it gives a number -- or
5 any portion thereof, to the Center Valley Parkway,
6 the land within the right of way of said road or
7 street shall be removed from the covenant and the
8 owner shall substitute for the same equivalent amount
9 land contiguous to the open space/recreational area
10 depicted on the plan, which amount will not exceed
11 1.48 acres.

12 Are you familiar with that provision?

13 A. Well, I'm familiar with it in that you just
14 read it.

15 Q. The reference to the PIN number of the
16 adjacent land, that's the subject property which are
17 part of these proceedings, correct?

18 A. I would have to look that up, but if you
19 suggest that it is, I imagine that it is.

20 Q. Okay. And this provision would allow the
21 substitution of open space on the Center Valley Club
22 property to facilitate the construction of that
23 future connection road, correct?

24 A. It seems like that would be the intent of
25 how this was written. I'd have to study this a

1 little closer to understand it clearly.

2 Q. Okay. You then gave some testimony
3 concerning a new exhibit, A-11. This shows the
4 collector roads in the township, correct?

5 A. That's correct.

6 Q. It doesn't show the arterial roads, correct?

7 A. No. That wasn't the intent.

8 Q. And Section 484 requires -- 484.D requires
9 frontage on an arterial or a collector road, correct?

10 A. That's correct.

11 Q. Are you familiar with the road on here
12 marked Corporate Parkway?

13 A. I am, yes.

14 Q. And how would you describe that road?

15 A. That road is a -- it's a four-lane road that
16 connects -- that signalize intersections on either
17 end onto Center Valley Parkway and is considered a
18 collector road.

19 Q. Would you call that a P-loop?

20 A. No, I would not.

21 Q. Would you call it a short loop road?

22 A. No, I would not.

23 Q. What's the length of that road?

24 Approximately.

25 A. I'm eyeballing it off the plan, but I would

1 say it's roughly 2,000 feet long.

2 Q. It has a stub for a future connection,
3 correct?

4 A. Yes. In fact, it's -- that portion of that
5 stub is actually physically constructed.

6 Q. But it doesn't connect through at this time,
7 correct?

8 A. It doesn't connect through at this time, no.
9 But there are local street connections onto Corporate
10 Parkway that service a number of properties
11 surrounding that area.

12 Q. But there is a stub on the road to provide
13 for a future connection to the Promenade project,
14 correct?

15 A. I can't speak to what the future connection
16 is for, but there is a future connection available
17 there at the northeast end of the property -- or
18 northeast end of the roadway. As I mentioned, there
19 is a local road connection on the northwest corner of
20 the property that serves a number of other properties
21 in the area, including the hotel, law offices, a
22 number of -- Olympus's headquarters is off of that
23 roadway.

24 Q. But when you're on Corporate Parkway, the
25 only way off is to go back to Center Valley Parkway,

1 correct?

2 A. Yes. But this is, again, a very different
3 situation than what is proposed on the other plan.

4 The other plan proposes a road that loops upon
5 itself. In this case you've got two signalized
6 access points on an arterial road, local roadway
7 access, a four-lane roadway with center turn lanes,
8 and proposed future extensions.

9 Q. It would be very similar to the subject if
10 the future connection was constructed and allow four
11 lanes out to Center Valley Parkway, correct?

12 A. No.

13 Q. It would provide an access point on the same
14 roadway as Corporate Parkway collector road, correct?

15 A. You're suggesting if the future connection,
16 which was put on the record previously that it isn't
17 required based on your testimony and your engineer's
18 testimony, that's across from the adjoining property
19 crosses numerous wetlands through that property, if
20 that connection was made through, out to Center
21 Valley Parkway, that that would then be considered a
22 collector road. And that would potentially be the
23 case.

24 Q. Right. But the Corporate Parkway road, its
25 sole access is on a single road known as Center

1 Valley Parkway, which is an arterial road, correct?

2 A. There's two signalized access points on
3 Center Valley Parkway, which is an arterial road;
4 correct.

5 Q. And if the connection was constructed with
6 respect to the subject property, it would have two
7 access points on arterial roads as well, Center
8 Valley Parkway and Route 309, correct?

9 A. Yes, it would have two access points on
10 arterial roads.

11 Q. And if the roadway then went through to East
12 Valley Road, it would have a third access point on a
13 local road, correct?

14 A. That's correct.

15 Q. Now, you had mentioned a PennDOT point of
16 access study, correct?

17 A. Yes.

18 Q. And PennDOT weighed in on the proposed
19 access to the subject property, correct?

20 A. They have weighed in, yes.

21 Q. Would you agree that PennDOT would support a
22 future connection as shown on the Hanover plan
23 running from the subject property out to Center
24 Valley Parkway?

25 A. That wasn't discussed, to the best of my

1 knowledge.

2 Q. But you would agree that would be --
3 additional access of that nature would be the type of
4 additional access points that PennDOT generally
5 supports, correct?

6 A. I can't presume to specify what PennDOT will
7 and won't support.

8 Q. Now, you had testified that the plan that
9 you have prepared as to the Pitt Ohio access
10 connection was generally consistent with the point of
11 access study, correct?

12 A. That's correct.

13 Q. And why'd you qualify that with generally
14 consistent?

15 A. Again, the point of access study envisioned
16 a different plan initially. It offered two different
17 options for access, signalized access and a median
18 break in this property.

19 Q. You previously testified that the Applicant
20 did not have a signed easement agreement in place
21 with Pitt Ohio to use the portion of land owned by
22 Pitt Ohio for the construction of their main access,
23 correct?

24 A. That's correct.

25 Q. Is that testimony still accurate?

1 A. Yes. I'm aware of the discussions that were
2 noted on the record, but I'm not aware of a signed
3 agreement at this point.

4 Q. There is no signed easement agreement that's
5 recorded or in effect as of this date, correct?

6 A. Not that I'm aware of.

7 Q. You then talked about the list of permitted
8 uses in the industrial zoning district that are
9 required to provide for separation requirements,
10 correct?

11 A. I think you need to restate that question.

12 Q. You gave some testimony on direct about the
13 uses that are subject to separation requirements in
14 the zoning ordinance. Do you recall that testimony?

15 A. Yes. I testified that Article 4, the
16 specific provisions don't apply to every permitted
17 and conditional use in the list.

18 Q. Did you review the exhibit that was marked
19 at the last hearing as USTS-11 titled "Uses that
20 require separation buffers within the Upper Saucon
21 Township Zoning Ordinance"?

22 A. Generally, yes.

23 Q. Do you agree with the information contained
24 on that exhibit?

25 A. I don't agree that this is an exhaustive

1 list. There are other uses that require separation
2 buffers. Additionally, this list lists some uses,
3 for example, an outdoor shooting range that isn't a
4 permitted use in the industrial zone, so I don't know
5 that it would be relevant to this particular
6 property.

7 Q. But the information on this chart as to the
8 information that these uses require the separation
9 buffer is accurate?

10 A. I don't know. I can't speak to the
11 accuracy. I'm telling you that I see other uses in
12 the ordinance in that article that aren't in this
13 list. So it's not an exhaustive list.

14 Q. So there are some other uses that require
15 that same separation requirement or a similar
16 separation requirement?

17 A. Again, I'd refer you to Article 4. It's not
18 a complete list.

19 Q. Now, you gave some testimony regarding an
20 exhibit marked A-13. Is this a list of projects that
21 you personally designed while at Langan Engineering?

22 A. It is not.

23 Q. What does it represent?

24 A. It represents regional larger warehouses.
25 There's at least one on here, the first one, that was

1 one of my design projects. But larger regional
2 warehouses with a depth approaching what was proposed
3 on the township engineer's plan to illustrate that
4 they're all cross-docked.

5 Q. So of the 18 projects listed on this chart,
6 you were only personally involved with the design of
7 one of them, correct?

8 A. Of this specific list, yes.

9 Q. Were your instructions to identify any area
10 warehouse truck terminal facilities that have
11 cross-docked facilities?

12 A. No. My instructions to my staff who put
13 this together was to look for warehouses of this
14 scale and this depth to determine if they were
15 cross-docked.

16 Q. Did you find any warehouses that were not
17 cross-docked?

18 A. I did find warehouses of this size that were
19 not cross-docked. I believe it was only one or two
20 instances of that situation. But they were not of
21 this width.

22 Q. You didn't put them on the chart, did you?

23 A. I didn't, but again, my intention was to
24 show width of a building, depth of a building that's
25 approaching what was proposed on Mr. Unangst's plan.

1 Q. Now, with respect to his -- let me ask you
2 this question. On here, for instance, you have
3 warehouses that approximate
4 1-million-square-foot-size buildings, correct?

5 A. Yeah. They vary from 677,000 square feet to
6 1.3 million, but yes.

7 Q. In your experience with the design of these
8 types of facilities, how many employees on average
9 would a million-square-foot building have?

10 A. There is no one situation that would define
11 the number of employees. A use, like an Amazon use,
12 which we've been involved with a number of, are very
13 employee intensive. Other uses are very limited on
14 employee count.

15 Q. So on average, based upon your vast
16 experience designing these facilities and if you were
17 asked by a client to design a million-square-foot
18 facility and provide an appropriate number of parking
19 spaces for the facility, how many parking spaces
20 would you design on the plan?

21 A. It would vary depending on the particular
22 industrial developer you work with. One per 1,500
23 square feet is a number that we'd probably start
24 with. But we've certainly done one parking per 2,000
25 square feet. Again, we're talking about automobile

1 parking now.

2 Q. Automobile parking we're talking about?

3 A. Yes.

4 Q. So at one per 2,000, that would be
5 approximately 500 parking spaces, correct?

6 A. Yes.

7 Q. Now, on this plan that we've marked as
8 USTS-10, Hanover Engineering has provided 942 parking
9 spaces, correct?

10 A. Just finding that plan.

11 Yes, that's correct.

12 Q. So if they could reduce the parking down to
13 500 spaces, it would free up some more area on the
14 south side of the building for a dual loading dock,
15 correct?

16 A. Yes. I believe they laid this out to meet
17 the ordinance, the township ordinance requirement for
18 parking. But if you were to eliminate car parking,
19 you potentially could put truck loading areas there.

20 Q. And also if you narrowed the building
21 slightly, you could provide and free up more area to
22 cross-dock the building, if that's what the user
23 wanted to see, correct?

24 A. Are you suggesting making the building
25 smaller?

1 Q. Narrower.

2 A. Well, it's still -- narrower is still
3 reducing the square footage of the building, correct?

4 Q. I understand. I'm just saying you provided
5 a chart here that looks like the average width of
6 these cross-docked facilities is about 550 feet;
7 you've provided that this facility that Hanover
8 Engineering showed was over 660 feet, that if they
9 narrowed it down by a hundred feet there'd be plenty
10 of room for cross-docking, correct?

11 A. Absolutely. If you reduced the size of the
12 building and provided the cross-docking. What I'm
13 trying to illustrate is the layout isn't practical
14 for the proposed use and square footage.

15 Q. Or if you reduce the parking count, then you
16 could free up additional area for cross-docking as
17 you're suggesting is in demand by other users of
18 these facilities, correct?

19 A. You would have to get relief from the
20 parking requirements, but yes.

21 Q. You were questioned about a 500-foot buffer
22 to protect the adjacent residents and was that
23 necessary. Do you remember that question?

24 A. I believe you're referring to the township
25 planner's testimony concerning --

1 Q. No. You were asked a question whether in
2 your opinion you believed that a 500-foot buffer to
3 protect the adjacent residents was necessary. Do you
4 remember that question?

5 A. I don't recall that question, no.

6 Q. You would agree with me it's desirable if
7 you were an adjacent resident to have a 500-foot --
8 at least a 500-foot buffer adjacent to your home
9 against a 24/7 truck terminal, correct?

10 A. I would agree with you that I would prefer
11 to have a sizable buffer, yes.

12 Q. Are you familiar with the township's
13 official plan titled -- official map, excuse me, of
14 Upper Saucon Township that's broken up into three
15 components, Component 1, 2 and 3?

16 A. No, not without seeing what specifically
17 you're referring to.

18 MR. GUNDLACH: Let me mark as Exhibit
19 USTS -- 13?

20 MR. BEIL: 13.

21 MR. DINKELACKER: USTS-13.

22 (Exhibit USTS-13 was marked.)

23 (Document distribution.)

24 MR. DINKELACKER: Jim, no objection?

25 MR. PRESTON: Well, I'm not sure what

1 the offer is --

2 MR. DINKELACKER: I mean no objection
3 to --

4 MR. PRESTON: No, no.

5 Can I inquire as to the purpose of the
6 offer here?

7 MR. GUNDLACH: Yes. This is the
8 official map of Upper Saucon Township. I have a
9 resolution that I'll -- tested copy of Ordinance
10 No. 140 that confirms the adoption of it. I can mark
11 that as USTS-14. And the offer is related to simply
12 showing that on Component 3 of the plans, that there
13 is a legend for future road extensions and it does
14 show a dashed line for a future road extension
15 running through the subject property. And I was
16 asking on cross-examination your witness to confirm
17 that it's shown on the official map of the township.

18 MR. PRESTON: Okay.

19 MR. GUNDLACH: So let me mark as
20 USTS-14 the ordinance that adopted --

21 (Exhibit USTS-14 was marked.)

22 (Document distribution.)

23 BY MR. GUNDLACH:

24 Q. Mr. Engelhardt, can you turn to the third
25 plan sheet of this set?

1 A. Yes. I'm reviewing that.

2 Q. And there's a legend in the left corner that
3 references a black dashed line with the word "future
4 road extensions," correct?

5 A. There is, yes.

6 Q. And if you look on the subject property, it
7 has a black dashed line running through it that
8 represents future road extensions, correct?

9 A. Yeah. The scale of the drawing makes it
10 difficult to see, but I believe I see what you're
11 referring to.

12 Q. And you would agree, as part of an official
13 map which sets forth long-term planning in a
14 municipality, it's good planning to set forth items
15 such as potential future roads?

16 A. Yes, I wouldn't disagree. And it does
17 appear that the future road extension actually
18 follows what's in the point of access study showing
19 either of the two access points off of 309.

20 MR. GUNDLACH: That's all I have.

21 MR. DINKELACKER: Redirect, Jim?

22 MR. PRESTON: Yes.

23 * * *

24 REDIRECT EXAMINATION

25 BY MR. PRESTON:

1 Q. Jason, the answer you just gave, did you say
2 that this map confirms the access through the
3 Pitt-Ohio? Is that --

4 A. Yes. It looks -- and again, the scale of
5 the map is very, very small, particularly for our
6 sight, so it's difficult to see; my eyes are getting
7 older. But it looks like it shows the connection to
8 East Valley Road and then the connection to either of
9 the two access points, one at Pitt-Ohio's driveway
10 and the other one further to the west.

11 Q. So the official map confirms the access
12 points or the availability of the access points that
13 you depicted on your plan that was submitted with the
14 curative amendment; is that correct?

15 A. Yes, I believe so.

16 Q. Okay. Now, let's go back to this document
17 that you were handed about the open space covenant.
18 Take your time.

19 A. Okay. I have it in front of me.

20 Q. Okay. Now, I'm trying to figure out from
21 the document -- and maybe you can help me or maybe
22 you don't know -- this -- I think it was represented
23 as a portion of a record plan. Did you hear that, or
24 not? Do you know if it's a portion of a record plan?

25 A. I don't know that it's a portion of a record

1 plan. I don't believe that was offered, although it
2 is -- you can't see the signature line on the plan.

3 Q. And it says, MS Center Valley, LLC, Center
4 Valley Club, open space adjustment. So what property
5 -- is there any indication of what property this plan
6 applies to?

7 A. Only from the information you just read.
8 It's not a complete plan. It's just a photocopy of a
9 note and a portion of a title block.

10 Q. Is there any indication on here that this
11 plan is recorded in the chain of title to the owners
12 of the property that are the subject of these
13 hearings?

14 A. I don't see any recording information
15 specifically on this photocopy.

16 Q. And I understand that you were just given
17 this a few minutes ago, but you don't see anything
18 here that would indicate or confirm that this is part
19 of the chain of title to the properties that are the
20 subject of this hearing?

21 A. Not on the piece of paper in front of me,
22 no.

23 Q. Let's take a look at the paragraph that you
24 were asked to read. And it says, As consideration
25 for approval of the modification of the configuration

1 of the open space recreational area as set forth in
2 the instant plan. Do you have any idea what they're
3 talking about?

4 A. I do not, no.

5 Q. It says that -- and I believe the operative
6 language is that in the event of the laying out,
7 construction -- construction, and opening of a road
8 or street. Do you see that phrase?

9 A. I do.

10 Q. In all your experience of doing land
11 development engineering plans, do property owners lay
12 out, construct, and open roads or streets? Private
13 owners?

14 A. No, typically not.

15 Q. Who does that?

16 A. Usually a township function.

17 Q. That's a municipal function?

18 A. Yes.

19 Q. Opening of a road or a street?

20 A. That's correct.

21 MR. PRESTON: Nothing further.

22 MR. DINKELACKER: Any cross?

23 MR. GUNDLACH: Nothing.

24 MR. DINKELACKER: Mr. D'Amico, do you
25 have any questions for the witness?

1 MRS. D'AMICO: Um --

2 MR. DINKELACKER: Mrs. D'Amico?

3 MRS. D'AMICO: Mr. D'Amico's
4 unfortunately in Minneapolis, but I do not. I do
5 have a statement when that starts, so --

6 MR. DINKELACKER: Okay, thank you.

7 MRS. D'AMICO: Thank you.

8 MR. DINKELACKER: And, Mr. Tiemann, do
9 you have any questions?

10 MR. TIEMANN: I do not.

11 MR. DINKELACKER: Mr. Tiemann has
12 indicated he does not.

13 Are there any questions by the Board
14 for Mr. Langan [sic]?

15 Jim, do you have any further rebuttal?

16 MR. PRESTON: No, I do not.

17 MR. DINKELACKER: Is there any
18 additional evidence from the Township?

19 MR. GUNDLACH: Nothing further from the
20 Township.

21 MR. DINKELACKER: Okay. Let's take a
22 moment and we'll go through the exhibits. We have
23 some new exhibits here.

24 And we have Applicant Exhibit No. 11,
25 which was a list of collector roads.

1 Let me just go back and confirm: Are
2 there any objections to A-11?

3 MR. GUNDLACH: We have no -- I have no
4 objections to any of the Applicant's exhibits --

5 MR. DINKELACKER: Okay. So what we're
6 going to do is we're going to mark --

7 MR. GUNDLACH: -- that were introduced
8 tonight.

9 MR. PRESTON: And likewise,
10 Mr. Dinkelacker, we don't have any objection.

11 MR. DINKELACKER: All right. So I want
12 to make sure I got everything. I appreciate that.

13 So we have A-11 is going to be
14 collector roads.

15 We'll make the Zoning Hearing Board
16 A-12.

17 A-13 is going to be a list of
18 warehouses with cross-docks.

19 Now, there were -- and I'm sorry, Jim.
20 Did you say there were no objection to the Township
21 exhibits?

22 MR. PRESTON: That's correct.

23 MR. DINKELACKER: Okay. So the
24 additional Township exhibits would be USTS-12, which
25 deals with the record plan for the Center Valley Club

1 open space.

2 USTS-13, which is the official map.

3 USTS-14, which is Ordinance 140, which
4 adopts the official map.

5 So Applicant Exhibits A-11 through 13
6 will be admitted into evidence.

7 Upper Saucon Township Staff exhibits
8 will be -- 12 through 14 will be admitted into
9 evidence.

10 I do want to go back. I'm going to
11 mark on behalf of the Township -- again, this is to
12 ensure complete accuracy with the ordinance.

13 I think we already identified T-29,
14 which is Section 400.E. Actually, it will be all of
15 Section 400.

16 I would also like to add Township
17 Exhibit No. 30, which is the definition of setbacks
18 and setback lines.

19 Township Exhibit 31, which is going to
20 be Section 320, which has been discussed at length in
21 the hearing.

22 And Township Exhibit 32, Section 484 in
23 its entirety. I know we focused primarily on 484.E,
24 but we have referenced a number of other sections.

25 (Exhibits T-31 and T-32 were marked.)

1 MR. DINKELACKER: So is there any issue
2 with Township Exhibits 29 through 32 by the parties?

3 MR. PRESTON: No issue here.

4 MR. GUNDLACH: No issue, but I would
5 suggest if you're including as B.31 -- excuse me --
6 yeah, at B.31, 320, you also include the definition
7 of collector road.

8 MR. DINKELACKER: Okay. We will add a
9 definition of collector road to Exhibit T-30, which
10 is definition of setbacks. It will be all three of
11 those definitions.

12 Jim, any problem with that?

13 MR. PRESTON: No.

14 MR. DINKELACKER: Okay. Now, let's do
15 this. It's a few minutes to 8. I want to go next to
16 public comment. But let's take a short break.

17 What I would like to start doing is
18 folks who want to comment, please come up and see
19 Mr. Geib in the front. He will start to take names
20 and addresses. And we may not get through all of
21 them during the break, but we'll get a head start and
22 he can have people come up who have signed in. If
23 you didn't get a chance to sign in through Mr. Geib,
24 then when you come up, we'll have you sign in at that
25 time.

1 So Joe will stay. He'll start taking
2 names and addresses. We'll take a 10-minute break.
3 We'll convene at about five after 8.

4 MR. GUNDLACH: I would just ask,
5 because there were two parties here, that the parties
6 get to make their statements first. And then there
7 was a gentleman who wanted to speak at a prior
8 meeting, right here in the blue sweater, be third.
9 We did promise him previously.

10 MR. DINKELACKER: That's fine.

11 MR. GUNDLACH: And then take the others
12 after that.

13 MR. DINKELACKER: Okay. So what we'll
14 do, then, before we -- we'll still line up the public
15 comment, but we'll have the parties make their
16 closings to the Board. The Board may have questions
17 and the Board might not. Then we'll open it up to
18 the public comment. And then the gentlemen in the
19 blue sweater and white shirt will have the honor of
20 going first.

21 Okay. Thank you. We'll take a break,
22 then.

23 (A break was taken at 7:55 p.m.)

24 * * *
25

1 (The hearing resumed at 8:11 p.m.)

2 MR. DINKELACKER: Just out of
3 curiosity, did everybody get a chance to sign up who
4 wanted to sign up? Was there anybody who didn't get
5 a chance to sign up who wants to?

6 Okay. Then what we're going to do is,
7 when we start the public comment, we're going to have
8 Mr. Geib read right down the list and you can come on
9 up.

10 We do have two additional letters to be
11 submitted in the record. One letter is by
12 Mr. Tiemann, who's been designated a party, and his
13 letter will be marked as Township Exhibit No. 33.

14 The second letter is a letter from
15 Matthew and Dawn Resch, and their letter will be
16 marked Exhibit T-34 and made part of the record, and
17 we'll make sure that the parties receive copies.

18 And, Tom, are you going to post these
19 on the website?

20 MR. BEIL: Yes. All the exhibits will
21 go on the website.

22 (Exhibits T-33 and T-34 were marked.)

23 MR. DINKELACKER: So everything will be
24 posted on the website. And of course the supervisors
25 will be reviewing that as part of the review of the

1 record.

2 Yes, sir.

3 UNIDENTIFIED PERSON: If there's time
4 at the end, could those be read, perhaps?

5 MR. DINKELACKER: Sure. Some of them
6 are kind of lengthy. Let's see how it goes, okay?
7 And I haven't read them. I've only read one; I could
8 probably summarize it. But let's see where we are.

9 Before we start the public comment, do
10 the supervisors have any questions of either
11 Mr. Gundlach or Mr. Preston?

12 Okay. So there are no questions for
13 counsel, so we're going to go to public comment.

14 And, Joe, why don't you start calling
15 people in the order they signed.

16 MR. GEIB: We're going to start with
17 Ms. D'Amico.

18 MRS. D'AMICO: Good evening, and thank
19 you to the Board of Supervisors for allowing me this
20 time to talk, as I did not want to pass up the chance
21 to say what's in my heart. And I believe I speak for
22 many of the people here as well based on my
23 conversations about this matter.

24 I realize that these meetings are of a
25 legal nature, and I can assure you that we, a

1 well-informed, intelligent, and educated community,
2 are listening and understanding the information being
3 discussed and shared. And rest assured that my
4 husband and I will utilize our legal rights as
5 citizens in standing when the time is right.

6 However, what I'd like to say tonight
7 isn't all about the legality of the situation. What
8 I'd like to do is speak from the heart but with data
9 to back that up. And to do that, I'd first like to
10 ask a question.

11 Mr. Preston, I don't know if you're
12 able to answer this, but I am wondering if anyone
13 from Kay Lehigh, LLC, is present tonight.

14 If not, that's okay.

15 MR. DINKELACKER: Mrs. D'Amico, at this
16 point we're just comment, not questions.

17 MRS. D'AMICO: Okay. That's fine.
18 Thank you.

19 I have attended all of the meetings in
20 regard to this development plan, including the first
21 meeting at the township building in which the
22 proposal for the 1,200-plus residences was unveiled.
23 Between that first meeting and tonight have been
24 several other meetings and forums, and not once has
25 anyone from Kay Builders or Lehigh addressed this

1 community as actual human beings that will be
2 impacted by their plan. This includes the meeting on
3 April 10th here in this auditorium where they would
4 not identify themselves in the audience. Instead,
5 Mr. Preston had to speak for them even though they
6 claimed they were here to hear the concerns of the
7 community.

8 We do understand that this land, short
9 of a miracle happening, will most likely be
10 developed. Of course we do. Again, we are an
11 educated, well-informed community. However, we also
12 know that the current plan that the clients are
13 proposing is going to drastically affect the
14 following: one, traffic on 309, which is the major
15 artery of our community, and I will come back to this
16 point; two, the home values of any neighboring or
17 nearby development; three, the safety of the
18 residents, particularly the children, with the
19 increased traffic on bordering roads; and four, the
20 quality of life for all residents, given the increase
21 in air and noise pollution, keeping in mind that the
22 west-east wind flow will bring all pollutants from
23 its trucks, cars, and warehouses directly into the
24 neighborhoods such as Sunrise Valley, Valley Green,
25 and several others along this side.

1 And yet here we are. Not one person
2 has taken the time to look us in the eyes and say, We
3 hear you; we will do everything in our power, doing
4 all the research, studies and adjustments that it
5 takes to make sure that your safety, health and daily
6 life is not affected horribly by our development.

7 You may be thinking to yourself, Oh,
8 you silly, naive girl, this is not how business
9 works. Perhaps. But let me bring to your attention
10 an article in The Morning Call on August 8, 2019.
11 The title was, "Residents, officials happy with
12 changes - fewer homes, more open space - to proposed
13 development in Upper Saucon Township." Just about a
14 mile up on East Valley Road, Tuskes Homes and Landis
15 Mill Holdings is developing 24 acres.

16 As the article states, quote, "When
17 Tuskes presented the initial plan about a month ago,
18 both the Board of Supervisors and residents expressed
19 concern over traffic and high density. Piperato, the
20 attorney for Tuskes, said his client adjusted the
21 plan to accommodate everyone's requests by leaving
22 more open space and decreasing the residential
23 density. Patricia Lang, director of community
24 development for Upper Saucon, said she thought the
25 new plan was an effective compromise that addressed

1 residents' and supervisors' concerns."

2 An effective compromise. That's a
3 powerful statement. It doesn't have to be that a
4 developer literally and figuratively bulldozes a
5 community. It can actually be a partnership, a
6 symbiotic relationship. All we're asking of your
7 clients, especially Lehigh, who was generously
8 donated this land and therefore will make a hundred
9 percent profit on any type of sale, is to be engaged
10 in the process. Let us believe there's more to you
11 than greed. Let us see that you see us, that you
12 hear us, that you want a reputation in the Lehigh
13 Valley to be one of partnership and community-driven
14 projects, not one of self-interest, apathy toward
15 safety, health, and quality of life of residents, and
16 being solely profit-driven.

17 I hate to tell you, but that reputation
18 has already started from the way in which other Kay
19 projects have been built. If you Google or search
20 Kay Builders, Lehigh Valley reviews, you'll see a
21 pattern emerging of distrust and extreme
22 dissatisfaction, with customers using phrases such as
23 quote, beware; quote, do not use Kay Builders, end
24 quote; do not contact a lawyer about your business
25 with Kay; instead, contact the authorities.

1 But your clients can turn this around.
2 It can start as easily as your clients attending
3 these meetings and looking these families in the
4 eyes. I'm sure they would want the same in return if
5 a developer was about to build a warehouse in their
6 backyards or where their kids ride their bikes or
7 where they sit in traffic to get to work. Going back
8 to that question of, is 500 feet necessary to protect
9 the residents, again, ask yourself if 500 feet is
10 necessary if this were being built in your backyard.

11 And if the Board of Supervisors denies
12 your wishes for this plan, we as a community would
13 ask that you work with us, partner with us, and hear
14 us before starting a new proposal. Both of your
15 proposals thus far have gone to absolute extreme
16 levels. Not just a few hundred homes, but over a
17 thousand. No just one warehouse, but three. To
18 squeeze out every penny and use up every square inch
19 of land. Perhaps you can turn your reputation around
20 by finding a middle ground. Try again, with your
21 best interests and our best interests in mind.

22 For example, this community had already
23 accepted and embraced the possibility of an
24 age-restricted development here, which would benefit
25 both us -- minimal impact to schools; low noise and

1 air pollution, et cetera -- and benefit you.
2 According to Jason Childers, a developer with 14
3 years of experience specific to the senior housing
4 market, 10,000 people are turning 65 every day, and
5 therefore these communities, quote, offer big
6 opportunities at a lower cost and risk to the
7 developers looking to get their foot in the door of
8 this attractive market.

9 But even if you decide to move in a
10 different direction, again, all we ask is that you
11 keep the safety of this community and these residents
12 in mind. Again, your well-documented reputation of
13 apathy for your residents and their safety and
14 quality of life is unfortunately being reinforced by
15 how this entire process has been handled by Kay
16 Lehigh. Please consider this land and this community
17 your chance to start turning that around.

18 And to the Board of Supervisors, we
19 recognize and respect that you have a huge job ahead
20 of you to render a decision in this matter. During
21 that decision-making process, I ask that you keep in
22 mind all of the things I mentioned previously, but
23 also this: A study was recently conducted on Lehigh
24 Valley intersections; and according to The Morning
25 Call article on October 7th of this year, the

1 intersection of 309 and Center Valley Parkway has the
2 unfortunate distinction of being the third most
3 crash-prone and the number one most deadly
4 intersection in the entire region. This is not even
5 including the incredible amounts of accidents that
6 happen right on our stretch of 78, and four that have
7 occurred just in the last week, many of which have
8 included tractor trailers.

9 Please ask yourselves what adding up to
10 800 trucks and 1,500 cars per day will do to this
11 intersection and to our stretch of 78. Also we ask
12 that the far-reaching implications of this decision
13 are part of your discussion. If you waive this
14 ordinance and change the zoning restriction, you are
15 not only allowing warehouses to be built literally in
16 our backyards with this plan, but you're also setting
17 a precedent for the hundreds of open land acres in
18 this township that can still be developed. You're
19 setting a precedent for other warehouses that can be
20 built right up against other homes, schools,
21 playgrounds, and any other land that the current
22 ordinance protects with the 500-foot zone.

23 We truly love our community and this
24 township. And while we understand that development
25 is a natural progression nowadays, none of us wants

1 to look back ten years from now, while we're living
2 somewhere else, and find ourselves saying, Upper
3 Saucon was such a wonderful place before it became
4 one huge truck terminal.

5 Last, but not least, we ask of the
6 Board of Supervisors that you not only ask yourselves
7 the technical, legal questions about this matter but
8 also the matters beyond that: the business ethic
9 matters, the matters of protecting your community.
10 As mentioned in a previous meeting, ordinances are
11 made for a reason. It's to protect the residents.
12 Please don't take away our protection because of a
13 company that's attempting to skirt the rules, ethics,
14 and compassion that should all be taken into account
15 by a truly decent company. Hold them to the
16 standards that we as residents are so grateful exist
17 in this community and in this township.

18 Thank you for your time.

19 (Applause.)

20 MR. GEIB: Next we have Mr. Tiemann.

21 MR. TIEMANN: Hi. In the best interest
22 of time, would the Board like to accept the letter as
23 in lieu of a spoken --

24 MR. DINKELACKER: Yes, I have your
25 letter, Mr. Tiemann. And I think at the request

1 of -- since you're standing there, at the request of
2 the gentleman seated several rows back, as I read it
3 and quickly summarize for everybody, you're concerned
4 about first of all quality of life issues, overall
5 development and incompatible development upon the
6 township in creating traffic and noise, and that the
7 loss of land and recreation areas lower the quality
8 of life. You've expressed concern over the impact of
9 the development and resale of your home given your
10 proximity to the site, noting two existing
11 residential neighborhoods with high-value homes on
12 either side.

13 We note that you stand to suffer
14 financial loss and you feel that eliminating the
15 500-foot requirement places an industrial facility
16 too close in proximity to the residential areas such
17 as your home, that it impacts the peaceful
18 environment of your residence and that you would be
19 willing to accept some reasonable alternative to the
20 development.

21 So have I fairly characterized or
22 summarized?

23 MR. TIEMANN: That's true, and also our
24 fear is also that allowing the curative amendment
25 would affect residents across the township, similar

1 infringement on their property and quality of life.
2 And we urge that the Township uphold the zoning code
3 as it stands.

4 MR. DINKELACKER: Okay. Yes. Thank
5 you.

6 (Applause.)

7 MR. GEIB: James Largay.

8 MR. LARGAY: The blue sweater and the
9 white shirt. Finally.
10 Thank you.

11 I am James Largay, 4344 Allegiant
12 Street, Center Valley. I think we live about
13 three-quarters of a mile to a mile as the crow flies
14 to the proposed development.

15 Before beginning my remarks, I want to
16 present the supervisors with several petitions that
17 have about 300 signatures opposing the Kay Builders
18 initiative. So I'd like to do that now, as well as
19 including a copy of my remarks.

20 MR. DINKELACKER: You can -- what we'll
21 do is we'll -- Joe will collectively mark the
22 petition as --

23 MR. LARGAY: I want you to get the
24 petitions for sure.

25 MR. DINKELACKER: -- as Exhibit T-35

1 and your report be marked as T-36.

2 (Exhibits T-35 and T-36 were marked.)

3 MR. LARGAY: I very much appreciate
4 this opportunity to comment on Kay Builders. I'm
5 looking for the right adjective here. I think it's
6 an outrageous proposal, frankly. And I commend the
7 Township's attorney for poking enough holes in their
8 case to make it look like a block of Swiss cheese.

9 Thank you, sir.

10 There was an article in The Morning
11 Call, and this was mentioned by a previous speaker,
12 the August 8th or 9th, about Tuskes Home Builders. I
13 saw this headline and thought, oh, boy, the situation
14 with Kay is resolved. But it wasn't Kay at all. It
15 was Tuskes. Tuskes has agreed to work with the
16 township and local residents regarding its own
17 housing developments similar to what Kay had
18 originally proposed. I first thought that Kay was
19 using DIT. Some of you know what DIT is:
20 developer's intimidation tactics, where the developer
21 comes in asking for more than can reasonably be
22 expected, hoping for approval of a more modest
23 proposal. Unfortunately, Kay is moving aggressively
24 in the opposite direction.

25 A subsequent September 24th Morning

1 Call article explains that Kay Builders is playing
2 hardball, not seeking a compromise, with their South
3 Whitehall Township development proposal. They demand
4 numerous zoning adjustments and variances which have
5 nearby residents up in arms.

6 Kay Builders has chosen to play
7 hardball here in Upper Saucon Township as well.
8 Rather than seek compromise to their original housing
9 development plan, they threaten to disrupt nearby
10 neighborhoods and the entire township by building a
11 huge warehouse and truck terminal next to residential
12 areas with the inevitable attendant traffic pollution
13 and congestion. As has been pointed out, the Saucon
14 Valley Road and Route 309 intersection is already the
15 third most accident prone in the Lehigh Valley and
16 the most deadly, with five fatalities in 2018. I can
17 only imagine what another thousand trucks a day are
18 going to do to those statistics.

19 Here's why I'm puzzled by this whole --
20 because Kay's stock and trade is home building, the
21 best construction I can make of the current situation
22 is that Kay is demanding that our community bail out
23 of a bad business decision. Or in vernacular, force
24 a square peg into a round hole. Apparently Kay has
25 an agreement to purchase the property in question and

1 will forfeit its down payment or option purview if it
2 cannot transfer the property to a firm prepared to
3 construct a warehouse and truck terminals.

4 I believe that Kay Builders knew or
5 should have known that restrictions on the property
6 in question make its proposal infeasible; yet they
7 pressed ahead, bringing all of us out to these
8 hearings to listen to Kay's sad story about a
9 business deal gone bust through their own
10 miscalculations. I encourage our supervisors to
11 spite this unguarded power match.

12 Thank you and thanks for everyone who
13 turned out to these hearings.

14 (Applause.)

15 MR. GEIB: Mr. Daniels is next.

16 MR. DANIELS: Thank you. My name is
17 Charlie Daniels. I live at 6102 Beverly Hills Road
18 in Coopersburg. Everybody's already stolen my
19 thunder. I don't think I have much more to say.

20 However, there's a few things that came
21 to mind, and you have my letter. There were things
22 we haven't seen mentioned. I agree with everything
23 the last gentleman said, but a few things haven't
24 been mentioned.

25 Has a real traffic study been done?

1 Not just hand waving by a department of
2 transportation but real impact of 800 to 1,600 trucks
3 a day would have on the local traffic.

4 Noise and air pollution. Has a real
5 study been done or just hand waving?

6 And let's see. I think the rest of the
7 questions have been answered by the people before me.
8 But I would also reiterate, there was an article on
9 September 19th in The Morning Call reiterating the
10 problem with fatal crashes in 2018. Deadliest single
11 location proved to be the corner of 309 and Center
12 Valley Parkway. Upper Saucon Township intersection
13 had two fatal crashes in just two weeks. PennDOT
14 records indicate two people died in the crash but
15 Lehigh County prosecutors said the third victim died
16 four months later. Basically, in summary of all this
17 is we have very dangerous traffic here already. The
18 traffic is a mess. We've lived here 36 years and it
19 has just gotten ridiculous.

20 Last, but not least, I'd ask this of
21 the Kay Builder folks. How many of them live in this
22 area and would put up with this stuff?

23 Thank you.

24 (Applause.)

25 MR. GEIB: Mr. Sidhu.

1 MR. SIDHU: I'd first like to start out
2 by saying thank you for letting us speak publicly.

3 I live on 3578 Stonegate Drive, which
4 is a minute walk through the cornfield and 20-second
5 run when I'm late for the bus. Representing my class
6 as class president, I'd like to say that growing up
7 as a teenager has its challenges. Whenever life has
8 put me down in my past, the cornfield has never
9 failed to give me a reminder of where I come from and
10 its natural beauty. Not only will a warehouse or
11 trucking facility destroy the beauty of that property
12 but will also help aid in the natural destruction and
13 pollution of Pennsylvania.

14 Another key aspect is the danger of
15 developing this land into a trucking terminal and
16 warehouse. Not only do we have a high influx of
17 young kids driving and student drivers, but recently
18 more than ever we have an increasing amount of
19 accidents at our intersection. On the intersection
20 of 309 and Center Valley Parkway, as mentioned
21 before, it is considered by The Morning Call the most
22 deadliest intersection in the Lehigh Valley. 46.4%
23 of all accidents have occurred at intersections in
24 the Lehigh Valley.

25 With implication of more trucks and

1 accidents, these accidents will be on the rise more
2 than ever. Specifically, you keep on mentioning a
3 Pitt-Ohio site that's right next to it, and that's a
4 relatively -- it has a lot of trucks going in and out
5 that as our area already has a couple of trucks going
6 in and out of it. And my parents have already
7 started to complain about the implications of the
8 amount of trucks we have and how they block view, are
9 a danger, are a distraction, and how they cause more
10 problems in general. Now with, whatever, 800 more
11 vehicles, 1,600 trucks going in and out every single
12 day, imagine the amount of problems coming from that
13 alone.

14 Arguably most importantly, and I think
15 this is the reason why a lot of people are here, is
16 that the unpleasantness and noise pollution and air
17 pollution, all of these problems culminate to
18 lowering the value of houses in Sunrise Valley. The
19 culmination of everything I've said before lays out a
20 grim future for Sunrise Valley housing and the value
21 of those houses, making people probably not want to
22 live in a place like Center Valley. Because Center
23 Valley used to be a place that people would want to
24 go to live a nice suburban life and a nice school
25 district with open space and freedom, I think with a

1 chain recreation of more warehouses that it'd only
2 become worse and just an unpleasant and grim future
3 for Sunrise Valley.

4 Thank you very much.

5 (Applause.)

6 MR. GEIB: Next we have Miss Bedics.

7 MS. BEDICS: Hello. My name is Kelly
8 Bedics, 3355 Courtney Drive. I, like Renee, have
9 been at every meeting since the Planning Commission
10 meeting with the Kay Lehigh development. Many of the
11 things I was going to say have also been said.

12 One that I would like to mention right
13 now is the way that I go out of my neighborhood,
14 because I'm at the end of Courtney Drive, is Camp
15 Meeting Road. At the end of Camp Meeting Road is the
16 Aldi warehouse which has been brought up. And every
17 morning -- and this is just from October 14th to
18 today, which is business days -- when I leave my
19 house at 7 a.m., there is at least one truck parked
20 on Saucon Valley Road, and on some occasions up to
21 eight trucks parked on that road, which, although
22 there are "no parking" signs, clearly are not being
23 enforced, and if that cannot be enforced by the
24 police officers now, what is to happen on East Valley
25 Road when trucks are on that road? And you can say

1 there's no access points in or out, but they find
2 ways to get where they don't belong and they're
3 parked. And that -- some mornings there are three
4 this way, four this way in front of Penn State, plus
5 the two that are parked in the little access road to
6 old Eastern Industries. You can't see any traffic
7 getting in or out of that -- our intersection at Camp
8 Meeting and Saucon Valley Road. So besides the
9 traffic at Center Valley Parkway and 78, there's also
10 the traffic there when trucks are just parked, I
11 think is a problem.

12 And the back way, East Valley again --
13 again, you can say that there's no connecting road
14 directly to Courtney, but on that plan right to the
15 top left is a road out to the back that goes to East
16 Valley, which will directly take traffic through
17 Courtney. Courtney is already a cut-through drive.
18 When the bridge on Camp Meeting Road was closed, our
19 road had traffic -- a traffic study done to it.
20 There were counter lines going across Courtney Drive
21 to count the traffic that would be cutting through,
22 for a bridge being replaced. That was just daily
23 traffic of our community. And now you're talking
24 about adding, whether it's a neighborhood or a
25 trucking facility, thousands of more cars that would

1 literally cut through our neighborhood.

2 My house, 3355, is the intersection of
3 Courtney and Stonegate, a stop-signed intersection.
4 Stonegate is a downhill coming down; and like Renee
5 said, there are children riding bikes, scooters,
6 skateboards, walking their dogs. There have been at
7 least three occasions where I have been in my yard
8 that kids have almost been hit by cars not stopping
9 at a stop sign in a neighborhood or driving straight
10 through Courtney so fast they have no idea what's
11 even coming to them.

12 So I really believe that there should
13 be some consideration of that fact, you know. And as
14 supervisors, you live in this township and this is
15 your community. And while Sunrise Valley or any of
16 the houses on East Valley Road, they might -- that
17 might not be where you live, but this is your
18 community and you need to protect the residents of
19 your community.

20 Thank you.

21 (Applause.)

22 MR. GEIB: Mr. Wasem.

23 MR. WASEM: Good evening. My name is
24 Mark Wasem, 4950 Springwood Court, Center Valley.

25 Just a comment of some of the artifacts

1 that were shown this evening, I specifically wanted
2 to comment on the one diagram that depicted the
3 existing truck terminals and the warehouses,
4 specifically the cross-docked buildings. Now, the
5 opinion that I'm going to talk about is strictly of
6 my own, and in future disclosure I do work for
7 Amazon.

8 So looking through the data that's in
9 this picture here, I just wanted to call out that
10 specifically Amazon fulfillment center A3 down there
11 is noted as over a million square feet. That's not
12 true. Also I don't know what the designation of
13 cross-dock in this document is, but I can tell you
14 both of the Amazon buildings in this document are
15 not -- they are built as cross-docks but not used as
16 cross-docks, for the reference of the record. So I
17 just wanted to point that out to everyone just to
18 question the validity of what's being presented here.

19 Thank you.

20 (Applause.)

21 MR. GEIB: Miss Slota.

22 MS. SLOTA: Hello. My name is Joan
23 Slota. I live at 3880 East Hopewell Road.

24 I have been a resident of this township
25 my entire life. I grew up next to Wedgewood Golf

1 Course. I bought my home on East Hopewell Road
2 because it dead-ended to East Valley and there were
3 fields. It was a beautiful place to live. Now my
4 road is a racetrack. When I leave my street on East
5 Hopewell Road, it takes me on average eight minutes
6 to go, what, nine-tenths, seven-tenths of a mile to
7 get to the intersection of Center Valley Parkway.
8 What's it going to be like if you let a development
9 go in here?

10 Number one, this PennDOT point of
11 access study is ten years old. Is it even valid?

12 And Pitt-Ohio, you keep referring to
13 them, Mr. Preston. They've been there since the
14 '70s. Zoning was different back then, so don't --
15 you can't apply today's zoning to them now because
16 they've been there a long time.

17 I went back and -- albeit it's, what,
18 34, 35 years old -- I decided to look at the Upper
19 Saucon Comprehensive Plan. Allow me to read several
20 goals. Now, we all have to remember this is from
21 1985, but it hasn't been revised yet. This
22 comprehensive plan has been adopted to manage the
23 focuses of change to achieve the goal we have
24 carefully set for the Upper Saucon Township. This
25 plan enables the Board of Supervisors, the Planning

1 Commission, and the citizens to review current issues
2 and proposals against a clear picture of what has
3 been decided as the most desirable plan for the
4 future, physical development, and future character of
5 the township. The test of each proposal affecting
6 land use and streets should be a question: Is it in
7 conformance with the township's comprehensive plan or
8 does it carry out our goals and objectives to the
9 plan?

10 Some of the major goals. The plan's
11 major goal is to provide the township with a maximum
12 concern for those qualities which enhance the
13 township's value for residential and agricultural
14 uses. The goal is to have a community with a scenic
15 atmosphere and feel of openness to create an
16 attractive setting for homes and a desirable place to
17 live and raise families. This major goal is the most
18 significant idea underlying the development of the
19 comprehensive plan. The plan's policies and
20 recommendations reflect the underlying importance of
21 this major goal.

22 With that said, I know everybody has
23 been talking about the intersection. This has been
24 ongoing. It was in your plan from 1985 that there
25 was a problem there. Here we are 34 years later.

1 There's still a problem there. When I ran on Upper
2 Saucon ambulance, I would dread when we would get an
3 ambulance call to that intersection because I knew
4 there was a 50/50 chance that somebody would be a DOA
5 and they would not survive the crash. I've had many
6 close calls there myself, living in this area all my
7 life. And if something is being done, if PennDOT's
8 discussing something, it'd be nice if the people of
9 the township would be aware of it and be told.

10 I've seen traffic counters on 309 north
11 and south from I-78 exit to East Hopewell Road. I'm
12 curious as to what the purpose of this is. Are we
13 counting cars to see how many have gone through, and
14 if this is going to have any impact on your decision?

15 I also understand that the Beekmantown
16 Jacobsburg limestone aquifer is in the area. Has a
17 study been done on the impact of the aquifer from any
18 of the proposed developments? Any development will
19 decrease the ability to handle storm run-off. We
20 have all experienced road closures on 309, and the
21 flooding has increased greatly since the townhouses
22 were built on the west side. You let something go in
23 on the east side, we will all be underwater. You
24 will not get through 309.

25 To my understanding, the Upper Saucon

1 Comprehensive Plan is being revised and updated. I'd
2 be interested in knowing more about the timeframe and
3 if the community will have input. Any consideration
4 for major development projects such as the Kay
5 Builder project should not move forward until the
6 Upper Saucon Comprehension Plan has been updated,
7 reviewed and accepted by the residents of Upper
8 Saucon.

9 In closing, this was in The Morning
10 Call on May 20, 2019. Candidates were asked, What do
11 you view as the major issue in this campaign and how
12 will you address it? And, Mr. Spaeth, I hope you
13 stand behind what is written in the paper. Your
14 response was, It is critical that we reduce traffic
15 congestion and update our recreation and open space
16 plan. Special emphasis to acquire and preserve land
17 is needed before it's all gone.

18 Now, I'm sure when Mr. Stabler gave
19 this land to Lehigh, I don't think he gave it to them
20 with the thought that they were going to turn around
21 and make big bucks so that they could give all their
22 bigwigs raises. I'd like to know if anybody ever
23 even looked into that to see if there were any
24 restrictions. Because I know when people donate
25 stuff, they can say, well, you can't use it for this,

1 this, or this.

2 Now, he gave it to Lehigh University on
3 good faith that they would utilize it for themselves
4 and their students, not turn around and make money
5 from these bullies, Kay Builders. You talk to
6 anybody in any township where Kay Builders has been,
7 and they have nothing good to say. They can't even
8 look at us when we talk. He sits there like, well,
9 they're not talking about me; they can't be talking
10 about me; we're good people; we want to bring money.
11 Well, think about the impact of this on your
12 community. We are all your bosses because we vote
13 for you. So please think about your community when
14 you make this decision.

15 Thank you.

16 (Applause.)

17 MR. GEIB: Lisa Johnson.

18 MS. JOHNSON: Thank you. Lisa Johnson,
19 Lincoln Avenue, Coopersburg.

20 I came to the first meeting and I was
21 really fired up. I'm sure you all remember me. And
22 I -- you know, I wasn't sure who to put my anger
23 towards. So, in fact, I went home and I wrote a
24 poem. So that's the first thing I want to read.
25 Most of this is directed to these two -- or I don't

1 know you personally, but Mr. Preston and who you are
2 associated with.

3 I lived in Perkasio with my family for
4 20 years. We loved that small town until they
5 started tearing all the trees down.

6 There's something about that small town
7 feeling. It's pretty, it's calming, it's soothing,
8 and it's healing.

9 People actually know each other. They
10 help each other like they're your sister or brother.

11 But we watched that town grow and the
12 rise in population was making life very rough.
13 Things that used to be easy were now tough.

14 The traffic was so dangerous, you were
15 afraid to cross the street. It didn't matter if you
16 were pushing a stroller on a bike or on your feet.

17 The small town feeling was leaving, and
18 it seemed like no one wanted anything to do with
19 their neighbor. Things were changing. You no longer
20 could ask your neighbor for a favor.

21 We started seeing graffiti everywhere,
22 and our belongings were getting stolen. Our patients
23 were just like the creeks in the town, always
24 swollen.

25 Every time they forecast heavy rain,

1 which was the norm and seemed to be regularly, the
2 creeks would overflow. They had put so much damn
3 macadam everywhere, the water had nowhere else to go.

4 It used to seep down through the ground
5 and then get to the creek, but with all the
6 developing, they had made the creeks weak.

7 The houses near it were flooded like
8 never before. We were only two short roads away from
9 two big creeks. When will it reach our door?

10 Our taxes doubled to cover all the
11 costs for the new schools and everything else that
12 was needed. It didn't seem to matter how many people
13 pleaded.

14 The elderly could no longer stay in the
15 home they loved. The developers came in and they
16 were pushed and shoved

17 To pay higher taxes they couldn't
18 afford. They would lose the place that they adored.

19 Perkasie's population grew from 5,000
20 to 15 plus. And that's what's happening here. Our
21 environment is in decline, I fear.

22 Our search was to find a new place to
23 go. We looked at so many places, ah, you don't even
24 know.

25 No town had that right feeling until we

1 came here to look at the house that we're still in to
2 this day, 16 years, by the way.

3 Something just felt right about here.
4 It made us feel a certain way. When we drove down
5 the hill and entered this beautiful place, the small
6 town vibe put a smile on my face.

7 This place was tucked in a little
8 valley, and it was surrounded by hills and trees. No
9 matter which direction you looked in, it was filled
10 with these.

11 But that has changed. So much is
12 already taken away. You keep building on all the
13 hills and wherever you can. Is this really the right
14 way?

15 The birds and animals were happy and
16 the people seemed to be happy too. But someone and
17 something is trying to change that for me and you.

18 There's a problem that arises when
19 greed drives people to hurt animals and others. A
20 nimrod of sorts, did you forget we're supposed to act
21 like sisters and brothers?

22 Our environment is being overloaded by
23 noise pollution and congestion. May I make a
24 suggestion?

25 Instead of trying to make this a better

1 place for people who don't even live here, why aren't
2 you focusing on the people and animals who have been
3 here and who are here all year?

4 We've been forced to watch our
5 population soar. Our little environment can't take
6 anymore.

7 If you look at the little creeks and
8 streams in our town, the storm waters are so rough,
9 they're literally turning the creeks upside down.

10 They're throwing up their contents from
11 the bottom to the banks. I bet all the stocked fish
12 are saying, thanks.

13 Does no one notice this but me? Are
14 you all so busy and blind you can't see

15 What that village up on Liberty did to
16 our ecosystem? Just rip out all the animals' homes.
17 Make them leave. No one will miss them.

18 Destroy all the trees that have been
19 here for a long time giving all of us life. Don't
20 you dopes understand that you keep tearing out the
21 trees, you bring everything strife?

22 This little valley needs all the trees
23 just because of the high volume of fumes and air
24 pollution from 78 and the 309. I don't want my town
25 to be filled with smog. I want to see the skyline.

1 Enough is enough. Is this building
2 phase slowing, or is there never -- is it no end in
3 sight? Our town is literally changing overnight.

4 Please stop destroying the natural
5 beauty that we all need and love, because heartless
6 you seem and I wonder if you are driven by something
7 that someone by chance did into your pocket shove.

8 And if someone can sit with their backs
9 towards you while you're pleading your case, that
10 person must be rotten to the core since he can't turn
11 around and look you in the face.

12 No feelings has he. He doesn't give a
13 damn about you or me.

14 And the people he works for are the
15 same way. Birds of a feather flock together. That's
16 what they say.

17 It doesn't matter what you people think
18 or say. The choices are pre-made. They'll do it
19 their way.

20 So shut up and pay your taxes and be a
21 good citizen. Don't make waves. They'll make all
22 the decisions.

23 Just sit back and watch the destruction
24 unfold. Just do what you're told.

25 So anyway, I wrote that because I was

1 so fired up at that meeting. And then I started
2 thinking, wait, what about -- what would actually
3 stop that building from happening there? And I don't
4 know if Kay Builders is aware of it or not, but there
5 are federal laws about developers are supposed to
6 survey not just the ground but also the trees and the
7 wildlife that lives there, which Kay Builders is --
8 all these properties in Quakertown they're doing,
9 they bought up all the farmland. The people -- the
10 website, you go to their complaint website; oh, it's
11 hundreds and hundreds. Five-year-old houses, leaking
12 roofs. They can't get them to fix it. They don't --
13 so I wouldn't even want to buy a home from Kay
14 Builders from what you read about them.

15 But do they follow this? It's a
16 federal law to rip out any nest. As soon as two
17 twigs are formed, it is considered an active nest and
18 cannot be torn down. Of course, decaying nests, they
19 are allowed to because they're already done; they're
20 not active.

21 But I don't believe that Kay Builders
22 goes to these places and -- because what I've seen,
23 they're all on farmland, hedge rows, if you people
24 know what I'm talking about. All the animals that
25 hunt in that area, they live in there; they don't go

1 -- it's all ripped out. You go down by Q-Mart in
2 Quakertown. All of that's ripped -- they put some
3 new trees in. They didn't leave anything existing.
4 So they mustn't follow the federal laws.

5 So, there's laws about destroying
6 hawks' hunting grounds and cutting the trees down
7 where they live, which I'm sure I've seen hawks
8 hunting in the area that you're proposing this at.
9 And anybody who lives there should be looking and
10 taking pictures because you abut up to it; you should
11 be concerned.

12 So, anyway, my next question is,
13 Mr. Preston, are they going to do a bioanalysis of
14 the soil at this area also because of the many zinc
15 mines that were here and all the radon that's in this
16 area? Is that going to be done? Because I would
17 imagine if I lived next to that -- that's probably
18 why the golf course is there. They covered it over,
19 made money on it, covered because the -- and I
20 wouldn't want that dug up next to my house. Whoever
21 lives next to that, you should get a bioanalysis of
22 the soil. Someone from Penn State or a young lawyer
23 who's not with a firm, they would be able to help
24 you. But you should check that.

25 And as far as a 55 retirement community

1 goes, they're already putting it up at Locust Valley
2 Golf Course, 185 new homes. So if two people live in
3 each of them, that's another 370 vehicles that have
4 to come down into Coopersburg. Imagine even in our
5 little town, not only the 309. So, you know, that
6 whole 55 retirement community, was that just put up
7 there to throw us for the trucking thing and then
8 they throw it in over there sneakingly?

9 So, anyway, that contaminated soil, I
10 would probably -- whoever lives close, you should do
11 something about that, because I know nobody -- Kay
12 Builders doesn't care, because five things in
13 Quakertown, like I said, they just tear anything
14 down. So, anyway, anything else while I'm up here?

15 So, anyway, about the animals too --
16 I'm sorry, I'm getting a dry mouth talking -- but I
17 don't believe that -- and if Upper Saucon Township --
18 please, please, please, please, please. I don't know
19 that -- I don't know if any of you are animal -- do
20 you have a dog? Do any of you have dogs? Then
21 you're animal lovers. You have a cat? You're an
22 animal lover. Do you love birds? Then don't let
23 them do what they want to do. Because, like I said,
24 once you drive that one -- you kill animals and
25 stuff, don't think that something won't happen to

1 you.

2 And you, you should go back to the
3 people that you work for and tell them that they're
4 -- what tonight, the way people feel here, you're
5 lucky you'll be able to get back home.

6 All right. Thank you.

7 (Applause.)

8 MR. DINKELACKER: Okay. That's the
9 complete list of people who want to speak. Was there
10 anyone else who wants to speak that didn't sign up?

11 Okay, guys. Thank you. Is there
12 anything else from Mr. Preston or Mr. Gundlach before
13 we close the record?

14 MR. GUNDLACH: Nothing further.

15 MR. PRESTON: Nothing.

16 MR. DINKELACKER: Okay. We're going to
17 close the record. And, ladies and gentlemen, just a
18 couple of announcements real quick. We will convene
19 a special meeting on November 19th, 7:30, here, to
20 hopefully have a decision for you at that time.
21 We'll see how it goes. The parties are going to
22 submit legal briefs on Monday, November 11th, by
23 noon. And our game plan now is to announce a special
24 meeting for November 19th, 7:30, here.

25 MR. BEIL: Tom, it's at 6:30.

1 MR. DINKELACKER: I'm sorry. 6:30 on
2 November 19th?

3 MR. BEIL: 6:30.

4 MR. DINKELACKER: 6:30, okay. 6:30
5 here on November 19th.

6 Okay. We're done. The record is
7 closed. And the next step will be making a decision.
8 There will be a written decision on November 4. I
9 believe the deadline is November 9. But I'll confirm
10 that.

11 Thank you.

12 (The hearing concluded at 8:58 p.m.)

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November 11, 2019

I hereby certify that the evidence and proceedings are contained fully and accurately in the notes taken by me of the within hearing, and that this is a correct transcript of the same.

Shari A. Cooper
Shari A. Cooper
Registered Merit Reporter
Certified Realtime Reporter
Notary Public