

## **MINUTES**

Upper Saucon Township Board of Supervisors  
Special Meeting  
Tuesday, February 22, 2022 – 6:30 P.M.  
Township Municipal Building

Members Present: Brian J. Farrell, Chairman  
Philip W. Spaeth, Vice Chairman  
John G. Inglis, III  
Dennis Benner

Members Absent: Stephen Wagner

Staff Attending: Thomas F. Beil, Township Manager  
Joseph Geib, Assistant Township Manager  
Richard Somach, Township Solicitor  
Kevin Chimics, P.E., Township Engineer  
Patricia Lang, Director of Community Development

### **CALL TO ORDER**

Chairman Farrell called the meeting to order at 6:30 p.m., in the Public Meeting Room of the Upper Saucon Township Municipal Building, 5500 Camp Meeting Road, Upper Saucon Township, Lehigh County, PA.

### **PLEDGE OF ALLEGIANCE**

Chairman Farrell asked all in attendance to stand and recite the "Pledge of Allegiance."

### **NOTIFICATION**

Chairman Farrell 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.

### **PUBLIC HEARING ON CONDITIONAL USE APPLICATION OF KAY LEHIGH, LLC**

A public hearing was held to take testimony and receive evidence in connection with the Conditional Use Application of Kay Lehigh, LLC, to construct 3 truck terminals and related site improvements on an approximate 119-acre property located along the east side of Route 309, north of East Hopewell Road. The site is located in the Township's Industrial and

Commercial Zoning Districts. The applicant requests Conditional Use approval pursuant to Section 484 and 905 of the Zoning Ordinance.

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

After approximately two and a half hours of testimony, its was decided to continue the hearing to March 28, 2022.

**ADJOURNMENT**

The meeting was adjourned at approximately 9:09 p.m.

A handwritten signature in blue ink, appearing to read "T. F. Deik", is written over a horizontal line.

Secretary

BEFORE THE BOARD OF SUPERVISORS  
OF UPPER SAUCON TOWNSHIP

In re: Kay Lehigh, LLC :  
Application for :  
Conditional Use Approval :

CONDITIONAL USE HEARING

February 22, 2022

6:30 p.m.

Upper Saucon Municipal Building  
5500 Camp Meeting Road  
Center Valley, Pennsylvania

BEFORE: THE BOARD OF SUPERVISORS

BRIAN J. FARRELL, Chairman  
PHILIP SPAETH, Vice Chairman  
DENNIS BENNER  
JOHN INGLIS

RICHARD B. SOMACH, Solicitor  
THOMAS BEIL, Township Manager  
JOSEPH GEIB, Assistant Township Manager

Shari A. Cooper, RDR, CRR



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APPEARANCES OF COUNSEL

For Applicant, Kay Lehigh, LLC:

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For the Township (Special Counsel):

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FOX ROTHSCHILD, LLP  
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For Interested Parties, Terminal Leasing, Inc., and  
PITT OHIO:

DANIEL F. GRAMC, ESQ.  
GRB LAW  
Waterfront Corporate Park  
2100 Georgetowne Drive, Suite 300  
Sewickley, PA 15143-8782  
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INDEX TO EXAMINATION

WITNESS:	PAGE:
JASON S. ENGELHARDT	
Direct Examination on Qualifications by Mr. Preston	14
Direct Examination by Mr. Preston	16
Cross-Examination by Mr. Stoll	61
Examination by Mr. Gramc	75
RICK PRATT	
Direct Examination by Mr. Preston	84
Cross-Examination by Mr. Stoll	91
ROBERT HOFFMAN	
Direct Examination by Mr. Preston	93
Cross-Examination by Mr. Stoll	97
Redirect Examination by Mr. Preston	99

INDEX TO EXHIBITS

EXHIBIT	DESCRIPTION	MARKED	ADMITTED
T-1	Conditional use application	9	12
T-2	Hanover Engineering review letter	10	12
T-3	Hydro-Terra Group review letter	10	12
T-4	Patricia Lang review memo	10	12
T-5	Planning Commission recommendation	10	12
T-6	Public notice	10	12
T-7	Public notices appearing in The Morning Call	10	12
T-8	Public notice sent to applicant, counsel and interested parties	10	12
T-9	Public notice posted along perimeter	11	12
T-10	Photographs of posted public notice	11	12
T-11	Ordinance No. 141-S	11	12
T-12	Section 905 of Zoning Ordinance	11	12
T-13	Possible conditions to be imposed in connection with potential approval	11	12
CV 1	CV of Jason Engelhardt	14	102
A-1	Colorized site plan	16	102
A-13	OES opinion regarding air pollution	20	102

1	A-2	East Valley Road buffer rendering	40	102
2	A-3	East Valley Road sections	43	102
3	A-4	Perspective from East Valley Road and Courtney Drive	46	102
4	A-5	Route 309 frontage	47	102
5	A-6	Perspective from Route 309 and Huckleberry Drive	48	102
6	A-7	East Valley Road access	49	102
7	A-8	Truck turning movements	51	102
8	CV 3	CV of Rick Pratt	84	102
9	A-9	Representative view of buildings	86	102
10	A-10	View of buildings with a different color scheme	87	102
11	A-11	View from across Route 309	87	102
12	A-12	Black and white site plan	89	102
13	CV 2	CV of Robert Hoffman	93	102

(All exhibits were retained by the Township.)

MR. FARRELL: Good evening and welcome to the Upper Saucon Township Board of Supervisors special meeting for Tuesday, February 22, 2022. We're in the township municipal building, it's 6:30 p.m., and the meeting is now called to order. First item on the agenda is the pledge, so please rise.

(Pledge of Allegiance.)

MR. FARRELL: By way of notification, all public sessions of the Upper Saucon 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.

The first item on the agenda is the Kay Lehigh, LLC application for conditional use approval. The application of Kay Lehigh, LLC to construct three truck terminals, related site improvements on an approximate 119-acre property located along the east side of Route 309 and north of East Hopewell Road. The site is located in the Township Industrial and Commercial Zoning District. The applicant requests conditional use approval pursuant to Sections 484 and 905 of the zoning ordinance.

At this point we'll have a public hearing on the conditional use application. I'll open the

1 public hearing. And I do want to introduce Attorney  
2 Rich Somach of Norris McLaughlin. He is filling in for  
3 Tom Dinkelacker who will not be here tonight. So, Rich?

4 MR. SOMACH: Thank you, Mr. Chairman.  
5 For the benefit of the public, let me kind of explain a  
6 little bit about the procedure so that it's not a  
7 mystery to anybody as of what's going on here. A  
8 conditional use hearing is a separate quasi-judicial  
9 hearing under the Municipal Planning Code and applies  
10 the zoning ordinances.

11 Understand that the applicant will make a  
12 presentation. The applicant has the burden of  
13 establishing that he can or it can comply with the  
14 conditions of the zoning code. The presumption is that  
15 this particular use is a permitted use but it is subject  
16 to the imposition of conditions on that use.

17 So you're going to hear from several  
18 different parties tonight. You're going to hear about  
19 several different conditions. These are not -- may not  
20 be the only conditions or may not even be the final  
21 conditions that the board will eventually vote upon.

22 So we've kind of scripted a little bit of  
23 this to keep some order. But the first thing that you  
24 need to understand is what this conditional use hearing  
25 is all about and that the developer bears the burden of

1 proving that he complies and that any objections,  
2 objectors have a substantial burden to establish that  
3 the -- what is planned or that the conditions that are  
4 imposed, the use, would be not in the best interest of  
5 the public health, safety and general welfare and that  
6 it would be detrimental to the community in general.

7 So we're going to start by going through  
8 identifying who the parties are tonight so that we all  
9 know who the players are. So Mr. Preston, do you want  
10 to identify yourself?

11 MR. PRESTON: Certainly. My name is Jim  
12 Preston and I am the attorney for the applicant, Kay  
13 Lehigh, LLC.

14 MR. SOMACH: Okay. Mr. Stoll, do you  
15 want to identify yourself for the record?

16 MR. STOLL: Yes. Good evening. Andrew  
17 Stoll on behalf of, special council for Upper Saucon  
18 Township.

19 MR. SOMACH: And Mr. Gramc, do you want  
20 to identify yourself? And I think this would also be  
21 the time if you want to enter as a party in this  
22 proceeding, you may do so.

23 MR. GRAMC: Thank you. Daniel Gramc,  
24 attorney for Terminal Leasing, Inc., and PITT OHIO as  
25 parties. They are adjoining property owners, property

1 owner and the tenant of the property that not only  
2 adjoins but actually is part of the plan, and we are  
3 here just to make ourselves as a party.

4 MR. SOMACH: Now, let me assure everyone  
5 seated out in the audience that you do not have to  
6 become a party to be able to be involved in the process  
7 and make comments. There'll be an appropriate point in  
8 this proceeding where public comment and input will be  
9 accepted.

10 So unless there are any other formal  
11 entries of appearance as parties, we can start with the  
12 identification of township exhibits. And remember, we  
13 will get to a part where anyone in the public can make  
14 comments or ask questions, et cetera. Okay?

15 All right. Hearing none then, Mr. Beil,  
16 do we want to identify the Township exhibits? Do we  
17 have that on the screen somewhere? We do. Okay, and I  
18 understand that this is a role that I must play, I must  
19 go through these exhibits, so bear with me.

20 So on your screens, and I assume the  
21 public can see this, T-1 is a copy of the conditional  
22 use application that was submitted by Kay Lehigh, LLC  
23 and received by the Township on December 28, 2021,  
24 without supplemental traffic study, stormwater report  
25 and geotechnical feasibility study but including the



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1 waiver request letter.

2 And the reason I'm reading through all  
3 these, even though you're able to see them up there, is  
4 because these proceedings are being recorded and we need  
5 to make a record. So bear with me as I go through them.

6 T-2 is a copy of the review letter dated  
7 January 27, 2022, issued by Hanover Engineering  
8 Associates.

9 T-3 is a copy of the review letter dated  
10 January 13, 2022, issued by Hydro-Terra Group.

11 T-4 is a copy of the conditional use  
12 application review memo dated January 27, 2022, issued  
13 by Patricia Lang, Director of Community Development.

14 T-5 is the Planning Commission  
15 recommendation dated February 7, 2022, regarding  
16 conditional use application submitted by Kay Lehigh,  
17 LLC.

18 T-6 is a copy of the public notice for  
19 the February 22, 2022 conditional use hearing prepared  
20 by the Township Solicitor.

21 T-7, copies of actual public notices for  
22 Kay Lehigh, LLC conditional use hearing, which appeared  
23 in legal notices section of the Morning Call newspaper  
24 on February 4, 2022, and again on February 11, 2022.

25 T-8 is a copy of public notice sent to



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1 applicant, applicant's legal counsel, and interested  
2 parties.

3 T-9 is a copy of the public notice posted  
4 along the perimeter of the subject tract of land.

5 T-10 are photographs dated February 8,  
6 2022, of the public notice posted along the subject  
7 tract of land.

8 T-11, copy of Ordinance No. 141-S, which  
9 amended Section 484 of the zoning ordinance relating to  
10 Truck or Motor Freight Terminals.

11 T-12 is a copy of Section 905 of the  
12 zoning ordinance relating to conditional uses.

13 And T-13 are the possible conditions to  
14 be imposed in connection with a potential approval.

15 Now, Mr. Dinkelacker has assured me that  
16 we get here tonight after many, many hours of meetings,  
17 informal and formal sessions involving the parties,  
18 involving the community, so that this is more or less  
19 the culmination of many, many man hours -- is that even  
20 a proper term anymore? Do I do people hours so I'm  
21 gender correct? So hopefully even the people in the  
22 audience, you have participated or have had an  
23 opportunity to participate in any one of those hearings  
24 or meetings over the many, many months that preceded  
25 what we're here tonight to move along.

1 Mr. Preston, do you have any comments at  
2 this point in time with regard to the identification of  
3 the Township exhibits, or do you want to present -- are  
4 you prepared to go ahead with your presentation?

5 MR. PRESTON: No objection to any of the  
6 Township's exhibits and we're prepared to proceed.

7 MR. SOMACH: Okay. Mr. Stoll, do you  
8 have any comments at this point?

9 MR. STOLL: Just a short comment, just  
10 to give. Like I said, my name is Andrew Stoll. I'm  
11 special counsel to the Township. The Township's neither  
12 taking a position for or against this application. It's  
13 simply here to preserve the Township's right to protect  
14 the general health, safety and welfare of the Township's  
15 residents, and we're here to assure that the proper  
16 conditions are applied to this use.

17 So while the Township doesn't have any  
18 exhibits or witnesses to present at this time, it would  
19 reserve its right to do so should the need arise.

20 MR. SOMACH: Thank you, Mr. Stoll.

21 Mr. Gramc, as a party, do you wish to say  
22 anything at this moment, or do you want to wait until  
23 the applicant's presentation?

24 MR. GRAMC: I can wait until the  
25 application is complete. I think my comments will be



1 brief after that.

2 MR. SOMACH: Thank you. Mr. Preston,  
3 you have the floor.

4 MR. PRESTON: Thank you, and good  
5 evening. As Attorney Somach said, we're here for a  
6 conditional use hearing. Conditional uses are presumed  
7 to be permitted uses, provided we can bring ourselves  
8 within the requirements of the zoning ordinance. We're  
9 prepared to do that this evening.

10 I believe we have several witnesses that  
11 will be testifying. Seated to my right is Jason  
12 Engelhardt, who most of you know. He's with Langan  
13 Engineering, and he is a project engineer, and he will  
14 be doing most of the testifying this evening. We also  
15 have Rick Pratt with Pratt Design Studio, LLC. That's  
16 our architect, and he will be speaking to some of the  
17 design requirements with respect to the site.

18 We also have Rob Hoffman, who again I  
19 know you're all familiar with, and he is with Traffic  
20 Planning and Design. Those are the gentlemen that I  
21 will be calling as witnesses. We also have others here  
22 if the board has questions or if the audience has  
23 questions. Hopefully we have enough information  
24 collectively that we can answer any questions that you  
25 might have.



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1 Before I begin, if I may approach. What  
2 I've done is I've taken our exhibits; I've put them in a  
3 little book so we have a paper record. Of course you're  
4 going to see them all on screen and they'll be on  
5 boards. But if I may?

6 MR. SOMACH: Yes, please.

7 (Document distribution.)

8 MR. PRESTON: So without further ado I'm  
9 going to call my first witness, Mr. Jason Engelhardt.

10 \* \* \*

11 JASON S. ENGELHARDT,  
12 having been first duly sworn, testified as follows:

13 MR. SOMACH: Mr. Preston, we're not  
14 going to group swear in everybody. We're going to swear  
15 each witness as you call them.

16 MR. PRESTON: You got it.

17 \* \* \*

18 DIRECT EXAMINATION ON QUALIFICATIONS

19 BY MR. PRESTON:

20 Q. So Jason, in the back of our little booklet  
21 here in the appendix, marked number 1, "Jason  
22 Engelhardt," there's a document that purports to be your  
23 CV. Are you familiar with that?

24 A. Yes. That is my CV.

25 Q. In fact, you provided that?



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1 A. I did, yes.

2 Q. And that's, is that true and accurate as of  
3 this evening?

4 A. It is, yes.

5 Q. Just very briefly, who are you?

6 A. Sure. Jason Englehardt. I work for Langan  
7 Engineering and Environmental Services. I manage our  
8 office in Bethlehem and have over 25 years of experience  
9 as a site civil engineer working on projects throughout  
10 the, throughout Pennsylvania, throughout New Jersey, and  
11 particularly the Lehigh Valley.

12 Q. And you've been involved with this site for  
13 quite some time; is that correct?

14 A. Yes, a number of years now.

15 Q. And you've testified, I'm assuming, as an  
16 expert in civil engineering before various municipal  
17 boards and bodies?

18 A. I have, yes.

19 Q. In fact, you've testified in front of this  
20 board as an expert in prior hearings?

21 A. That's correct.

22 Q. In the area of civil engineering?

23 A. Yes.

24 Q. And with respect to this site?

25 A. I have, yes.



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1 MR. PRESTON: I ask that Jason be  
2 allowed to testify as an expert and give his opinion.

3 MR. SOMACH: Is there any objection?

4 MR. STOLL: Township has no objection.

5 MR. SOMACH: Then it's okay. He may  
6 testify as an expert.

7 MR. PRESTON: Thank you.

8 \* \* \*

9 DIRECT EXAMINATION

10 BY MR. PRESTON:

11 Q. Jason, let's start off with a picture. What  
12 we have in our booklet here is, the first drawing we  
13 have is marked as Exhibit A-1; and can you tell us  
14 what -- first of all, who generated Exhibit A-1? How is  
15 that generated?

16 A. My office generated Exhibit A-1. The Exhibit  
17 A-1 is a site plan drawing that was included in the  
18 conditional use package that was submitted to the  
19 Township as part of the application. This is just a  
20 colorized version of that plan.

21 Q. Before we get into particulars of the plan,  
22 let's talk a little bit about the area where this  
23 project is located. Could you just briefly discuss the  
24 area for us, please?

25 A. Sure. So the site itself is roughly 119



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1 acres. It's got -- it has frontage, a large amount of  
2 frontage, roughly 2,000 feet along Route 309. On the  
3 eastern end of the property is East Valley Road. To the  
4 south is the PITT OHIO facility. And to the north is  
5 the former, now defunct, golf course. It's basically an  
6 agricultural field at the moment.

7 Q. So the property, as you said, fronts on Route  
8 309; is that correct?

9 A. That's correct.

10 Q. What is PA Route 309? For the record. We  
11 all know locally, but what is PA Route 309?

12 A. It's a limited access highway. At least four  
13 lanes.

14 Q. And I see on your drawing along Route 309  
15 there's a -- you have a signal for a signalized  
16 intersection drawn; is that correct?

17 A. Yes. The proposed plan proposes a signalized  
18 access for the site.

19 Q. And then there's a road that goes back in  
20 towards the property, with our property the colorized  
21 portion being to the left; is that correct?

22 A. That's right.

23 Q. And to the right I see, that is the PITT OHIO  
24 facility; is that correct?

25 A. Yes. The proposed access proposes to share



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1 the signalized access between our property and PITT  
2 OHIO's property.

3 Q. And that would be Attorney Gramc' client, the  
4 PITT OHIO?

5 A. Yes, that's correct.

6 Q. Very good. Now, with respect to the drawing,  
7 why don't you tell us what's being proposed.

8 A. So there's three truck terminal buildings  
9 proposed on the site. It's 1.77 million square feet of  
10 space altogether. Terminal A, the small building at the  
11 northern end, is a little over 82,000 square feet. The  
12 larger building in the center of the property is 1.153  
13 million square feet. That's the only building that will  
14 be cross docks, meaning there will be loading docks on  
15 both sides of the building. And there's Terminal C  
16 along the 309 frontage that's roughly 535,000 square  
17 feet.

18 There is a large separation area or green  
19 space proposed of roughly 20 acres on the eastern end of  
20 the property bordering East Valley Road. That will be  
21 maintained as green space and contains substantial  
22 berming and separation area from those residences along  
23 East Valley Road and the project site.

24 Q. Now, am I correct, before we get into the  
25 actual site here, that the Township recently amended its



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1 zoning ordinance relative to these types of projects; is  
2 that correct?

3 A. That is correct.

4 Q. And I believe the zoning ordinance amendment  
5 was titled Ordinance No. 141-S. Do you remember that?

6 A. I do, yes.

7 Q. And that amended Zoning Ordinance Section  
8 484. Am I correct on that?

9 A. Yes.

10 Q. What I'd like to do, Jason, is, I want to  
11 take a look at Ordinance Section 484, and I want to go  
12 down through that, and I want to see if we comply with  
13 the various provisions.

14 Now, it begins with Section 484.A, which is  
15 titled "Definitions." Are you familiar with that?

16 A. I am, yes.

17 Q. We see an operational boundary, an  
18 operational site; we see a terminal area, and we see  
19 green space and so forth. Are those -- is that the  
20 language you would be adopting as you go through and  
21 describe this particular project?

22 A. Yes. Yes. When we considered and prepared  
23 the plan, we understood that language and followed it.

24 Q. Now, the first section, 484.B, identifies it  
25 as a conditional use, and we know what that is, a



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1 conditional use; that's why we're here. 484.C talks  
2 about compliance with other laws. Now, I know that the  
3 Township has entered our conditional use application as  
4 one of its exhibits. I believe it was marked as T-1,  
5 Township 1, copy of conditional use application. You  
6 were instrumental in putting that application together,  
7 were you not?

8 A. Yes.

9 Q. And there was a memo included with that  
10 application discussing this particular issue; is that  
11 correct?

12 A. Yes, there's a memo specifically addressing  
13 Section 484.C.

14 Q. Okay. Why don't you discuss on the record  
15 with us now whether or not we meet Section 484.C?

16 A. Yes. So 484.C deals with Air Pollution  
17 Control Act and air-related laws. There is a document  
18 included in Township Exhibit 1 that was prepared by  
19 another party, so I didn't prepare the document. That  
20 specifically addresses compliance with those laws. That  
21 is part of the application package.

22 Q. So if I take a look at the booklet here and I  
23 page back to part A-13, are you familiar with that  
24 letter there?

25 A. Yes.



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1 Q. Is that the letter that you're talking about?

2 A. Yes. It's a letter prepared by OES.

3 Q. Okay. And that letter identifies compliance  
4 with that particular section?

5 A. It does.

6 Q. And I'll let the board -- they can take their  
7 time with that. You're not the author of that, correct?

8 A. Yes, that's correct, I'm not the author.

9 Q. But this is, the type of information you  
10 would routinely incorporate into your presentation would  
11 be this type of expert testimony; is that correct?

12 A. That's correct.

13 Q. Let's take a look at 484.D, which is the  
14 traffic impact study. We do have our traffic engineer  
15 here, Rob Hoffman. Do you want to speak to that traffic  
16 impact study?

17 A. I can speak to the fact that the application  
18 included a traffic impact study that the Township has on  
19 file, and the -- our traffic engineer can certainly  
20 answer questions as we proceed.

21 MR. PRESTON: And I'll represent to the  
22 board that we will be calling Mr. Hoffman to answer any  
23 questions.

24 BY MR. PRESTON:

25 Q. Let's go down to 484.E, which talks about



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1 access and circulation. Are you familiar with that  
2 section?

3 A. I am, yes.

4 Q. That seems to be rather lengthy. There's a  
5 lot of subparts there. So take your time and tell us if  
6 and how we comply with 484.E.

7 A. This section deals with access along a  
8 collector or arterial road. Route 309, State Route 309  
9 is an arterial road. We're proposing a full signalized  
10 access as well as a right-in, right-out access.

11 Q. It says that the property shall have a  
12 minimum of 300 feet of contiguous road frontage along  
13 the arterial or collector road. Is that what you're  
14 talking about?

15 A. Yes. In this case we have roughly 2,000 feet  
16 of frontage on Route 309.

17 Q. On subpart 2 it says that "the proposed use  
18 shall have full movement vehicular access onto an  
19 arterial and/or collector road in at least two  
20 locations." Do you want to talk about that?

21 A. Yeah. In this case we have full access in  
22 one location and a right-in, right-out in a secondary  
23 location.

24 Q. It says here that "the points of access  
25 described herein may be located along the same or



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1 different arterial or collector roads." We comply with  
2 that; is that correct?

3 A. There are two access points proposed on the  
4 same arterial road.

5 Q. Now, on No. 3, subpart 3, same zoning  
6 ordinance section, it says that "all access to roads  
7 located within the operational sites shall be located  
8 and designed in accordance with the provisions of the  
9 Subdivision and Land Development Ordinance and Section  
10 301 herein." Do you want to speak to that?

11 A. Yes. The access to the roads was laid out  
12 and the plans that were prepared for review follow the  
13 subdivision ordinance requirements.

14 Q. And 3(b), subpart b, states that "a maximum  
15 of one access point for every 500 feet of road frontage  
16 associated with the operational boundary shall be  
17 permitted." I believe operational boundary is one of  
18 the defined terms; is that correct?

19 A. It is, correct, yes.

20 Q. Can you tell us how that factors into the  
21 plan design, part b?

22 A. Yeah. We met the maximum number of access  
23 points, that 500-foot limitation with the layout.

24 Q. Subpart 4 says, "Required parking shall be a  
25 minimum of one space for every 3,000 square feet of



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1 terminal area or one space for each employee on the two  
2 largest shifts, whichever is most closely aligned with  
3 the actual parking needs of the operation." Could you  
4 speak to that, please, Jason?

5 A. Sure. The car parking specifically met the  
6 one space for every 3,000 square feet of the terminal  
7 area. In addition, for Terminal B there was an overflow  
8 parking area that's available that's not required to  
9 meet that one space for every 3,000 square feet.

10 Q. Subpart 5 states that "all employee parking  
11 lots shall comply with the landscape and screening  
12 requirements of Sections 314.U.1, 2 and 3." Do you want  
13 to speak to that, please?

14 A. Yes. The Township ordinance has very  
15 specific landscape screening requirements for parking  
16 lots. We submitted as part of the conditional use  
17 application a master landscape plan to illustrate that  
18 we met those requirements. That'll be further  
19 developed, assuming we proceed to land development. The  
20 plan was included with this package.

21 Q. In fact, we're going to spend some time with  
22 that a little bit later on, isn't that right, talking  
23 about the landscaping part?

24 A. Yes, we are.

25 Q. No. 6 says, "Off-street loading spaces may be



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1 permitted in the front yard between a building and  
2 adjoining street right-of-way when the off-street  
3 loading space is at least 500 feet from an existing  
4 street right-of-way." And then there's some other  
5 criteria that's listed there. Do you see that?

6 A. Yes, I do.

7 Q. Do you want to explain to the board whether  
8 or not we comply with that?

9 A. We do comply with that, and it goes on  
10 further to talk about where berming is required in a  
11 separation area in the next section. And as we get into  
12 that, we can talk about how we comply specifically  
13 there.

14 Q. So now we have gone through 484.E. We're up  
15 to 484.F. If we're keeping score here, we're doing  
16 pretty good here; we've been able to satisfy all of  
17 these. Is that right?

18 A. That's correct.

19 Q. So let's go to 484.F, which is titled  
20 "Separation Areas." Here it says that "the operational  
21 boundary" -- again, that's another one of those defined  
22 terms -- "of a truck or motor freight terminal use shall  
23 provide the following separation areas." I'm just going  
24 to run down through them and you can tell me whether or  
25 not we meet them or not. "Shall have a minimum of 75

1 feet from the cartway edge of an existing arterial,  
2 collector, local or scenic road, except as those set  
3 forth below."

4 A. Yes. And that would apply in the case of  
5 Route 309, and we do meet that requirement.

6 Q. "Minimum of 200 feet from the right-of-way of  
7 collector road which is adjacent to or abutting any  
8 residential zoning district"?

9 A. That wouldn't apply in this circumstance.

10 Q. Okay. Why is that?

11 A. Because we're not an adjoining collector  
12 road.

13 Q. Very good. "A minimum of 500 feet from the  
14 right-of-way of a local road which is adjacent to or  
15 abutting any residential zoning district"?

16 A. That does apply in this circumstance along  
17 East Valley Road, and we've provided the 500-foot  
18 separation area.

19 Q. There's some significant -- there's some  
20 other things going on in that area; is that correct?  
21 And again, we'll get to those later.

22 A. Yes.

23 Q. (D) is "a minimum of 500 feet from any  
24 property containing an approved or existing daycare  
25 facility, park, playground, library, hospital or similar

1 medical facility, nursing, rest or retirement home,  
2 medical residential campus, or school, college or  
3 university. How do we do with (d)?

4 A. That wouldn't apply in this circumstance.

5 Q. Because we don't, we're not within 500 feet  
6 of those --

7 A. That's correct.

8 Q. Okay. (E), "Where no road separates the  
9 subject property from the boundary of a residential  
10 zoning district, a minimum of 500 feet from that  
11 boundary." Would you talk to that, please?

12 A. Yeah, that also would not apply.

13 Q. Let's drop down now to subpart 2, where it  
14 says, "Separation areas shall meet the following  
15 landscape requirements." Are you ready to go through  
16 those?

17 A. Sure.

18 Q. (A), "The separation areas described in  
19 subsection 1 above shall remain as green space and shall  
20 be developed using a system of berms and landscape  
21 materials which shall substantially screen the truck or  
22 motor freight terminal operation from the roads and uses  
23 described therein. In the conditional use process, the  
24 applicant shall provide a landscape plan exhibiting  
25 compliance with this subsection 2 and the effectiveness

1 of the proposed berms and landscape materials."

2 A. Yes. And we've met that requirement. Again,  
3 we submitted a landscape plan that provided a great deal  
4 of detail within the separation areas, both along East  
5 Valley Road and on 309.

6 Q. And not to get ahead of the story, we're  
7 going to introduce that plan and we're going to talk  
8 about that plan in some detail. We're going to address  
9 berming. We've even established some sight lines and so  
10 forth; is that correct?

11 A. That's correct.

12 Q. But for now I just want to make sure that  
13 we're touching each one of these so that I don't miss  
14 any.

15 Okay. So subpart 2, which is (b): "The  
16 landscape plan required by subsection 2(a) above shall  
17 meet the following minimum requirements. One, the berms  
18 shall be 100 feet wide and 10 feet tall when located in  
19 a separation area adjoining a collector or local road  
20 that abuts a residential zoning district." Can you give  
21 us your opinion there?

22 A. Yeah. That would apply in the separation  
23 area along East Valley Road.

24 Q. It applies, and do we comply with that?

25 A. We do, yes.



1 Q. (B)(2): "Berms shall be 100 feet wide and 10  
2 feet tall when located in a separation area adjoining a  
3 residential zoning district where no road separates the  
4 subject property from the boundary of that district."

5 A. That doesn't apply in this case.

6 Q. Because we don't have that road setup; is  
7 that correct?

8 A. Yes.

9 Q. Number 3: "Berms shall be 50 feet wide and  
10 10 feet tall when located in a separation area adjacent  
11 to an existing arterial road or to a collector road  
12 which is not adjacent to a residential zoning district."  
13 How about that?

14 A. That would apply along State Route 309, and  
15 that was provided on the plan.

16 Q. So we do meet that requirement?

17 A. We do, yes.

18 Q. (4): "Planting on the berms shall include a  
19 combination of Norway spruce or similar evergreen  
20 variety that are 10 feet tall at the time of the  
21 planting and placed 16 feet apart on center, and green  
22 giant arborvitae that are 10 feet tall at the time of  
23 planting and placed 8 feet apart on center. Plants  
24 shall be staggered to fill the width at the top of the  
25 berm." Could you talk about that, please?



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1 A. Yes. The landscape plan that was submitted  
2 documents that we provided these plantings as well as  
3 additional exhibits that are included in the Township's  
4 Exhibit T-1.

5 Q. Okay. And we'll get to that shortly, but for  
6 now your testimony is that we comply with No. 4; is that  
7 correct?

8 A. That's right.

9 Q. No. 5: "Street trees located in the  
10 separation areas shall be a minimum of 4 1/2 inches in  
11 diameter at the time of planting." Would you tell us  
12 about No. 5, please?

13 A. Yes. All the street trees in that separation  
14 area are proposed at 4 1/2 inches caliper.

15 Q. No. 6: "Stormwater BMPs, meeting the  
16 requirements of Article 5 of this ordinance and the most  
17 current version of the Township's stormwater management  
18 ordinance, may be located in a separation area provided  
19 that the BMPs do not adversely impact the ability to  
20 install an effective visual screen as required by this  
21 Section 484.F. Additional plantings associated with the  
22 design of the BMPs or intended to supplement the  
23 requirements of this Section 484.F may be provided  
24 subject to township approval." Now, before I ask you to  
25 comment on that, for those who may not know, what is a



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1 stormwater BMP? What is that?

2 A. A stormwater BMP is a stormwater best  
3 management practice. It could be a variety of  
4 stormwater management features, wet pond or infiltration  
5 facility. Something along those lines.

6 Q. So people sometimes see detention basins or  
7 things like that?

8 A. Yes. That would fall under that.

9 Q. That's what a layperson would think of like a  
10 BMP?

11 A. Yes.

12 Q. Let's go back to No. 6 which I just read. Do  
13 we meet the requirements of No. 6?

14 A. Yes. Yeah, No. 6 allows for stormwater BMPs  
15 within the separation area as long as it doesn't  
16 interfere with the screen.

17 Q. And again, that's all demonstrated, I  
18 believe, on the plot plan we have here, A-1; is that  
19 correct?

20 A. Yes, as well as the full set of plans in  
21 Township Exhibit T-1.

22 Q. No. 7: "The applicant shall provide walking  
23 trails, bike paths and other similar outdoor amenities  
24 in the separation areas where appropriate." Want to  
25 discuss that, please?



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1 A. Yes. And we'll proceed to another plan that  
2 illustrates this more clearly, but the bike path is  
3 proposed in the separation area along East Valley Road.

4 Q. And now it does say here when I get down to  
5 3, this is sort of a, just a little, I guess some  
6 latitude here. It just says, "Effective screening may  
7 be accomplished by, among other things, the use of  
8 retaining walls to increase the height and planting area  
9 of landscaped berms and the grading of the site to lower  
10 the terminal building pads." Is that implicated in our  
11 plan at all?

12 A. We are proposing a retaining wall along the  
13 309 frontage to, in the berming plan.

14 Q. Okay. So in summary, then, it's your opinion  
15 that we meet all of the requirements of 484.F, titled  
16 "Separation Areas"; is that correct?

17 A. That's correct.

18 Q. Let's go to 484.G. This is titled  
19 "Operations." Are you ready to, prepared to speak to  
20 that?

21 A. Yes.

22 Q. Okay. 484.G, it says that "the applicant  
23 shall provide evidence of operational health, safety,  
24 and public welfare measures to be implemented at the  
25 site or incorporated into the site design as follows."



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1 So we'll go down through these, if you don't mind.

2 A. That's fine.

3 Q. No. 1: "Gates or barriers, if any, located  
4 on access drives leading to the operational site shall  
5 be located and designed to preclude vehicle backups and  
6 overflow parking on adjoining roads." Take your time  
7 with that, if you don't mind.

8 A. Yeah, gates and barriers are not proposed.

9 Q. (2): "Operational procedures that are  
10 implemented to avoid vehicle backups onto adjoining  
11 roads and other such disruptions and hazards to traffic  
12 flow, including without limitation the unauthorized  
13 parking along such roads." What can you tell us about  
14 that?

15 A. This'll become a note on the land development  
16 plans and will need to be passed on to the ultimate  
17 operator.

18 Q. Okay. So that will be made part of the land  
19 development plan, on the recorded plan; is that correct?

20 A. It is, and our intent is to comply.

21 Q. Okay. No. 3 says, "Compliance with the  
22 Pennsylvania Diesel-Powered Motor Vehicle Idling Act."  
23 I guess we have to; that's state law, right?

24 A. Again, we can add this as a note on the  
25 record plan.



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1 Q. Okay. So we would indicate on the record  
2 plan that we will comply with the law; is that right?

3 A. Yes.

4 Q. Okay. No. 4: "Installation or location, and  
5 operation, of an adequate snow removal equipment/scrapper  
6 system to remove snow, slush and ice from trucks and  
7 trailers. At least one system shall be installed and  
8 used at each terminal structure located on the  
9 operational site." Now, as someone who has been the  
10 recipient of one of those ice slaps off the top of a  
11 truck, can you tell me what we're talking about here?

12 A. Yeah. It's a piece of equipment that is used  
13 to remove ice from the top of these tractor-trailers.  
14 And we do understand in this circumstance that we'll  
15 need to provide one for each terminal building.

16 Q. And we will be doing that?

17 A. Yes.

18 Q. No. 5: "Design and operation of any public  
19 address system so as not to be audible beyond the  
20 boundaries of the separation areas as described in  
21 subsection F above." Do you have an opinion to that?

22 A. Again, we'll make sure notice is provided on  
23 the final approved land development plans and that the  
24 operator is aware of that requirement.

25 Q. So it's your opinion as a professional



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1 engineer, a civil engineer, that we would meet the  
2 requirements of 484.G, "Operations"?

3 A. Yes, we will need to comply.

4 Q. 484.H, which talks about service and repair,  
5 talks about "all vehicle service and/or repair activity  
6 shall be conducted within a completely enclosed  
7 building. Outdoor storage of parts, equipment,  
8 lubricants, fuels or other materials used or discarded  
9 in any such activities must be screened from sight."  
10 How does that affect your operations?

11 A. Again, we'll have notes on the final record  
12 plan and on the conditional use plan that require  
13 compliance with this condition that no service will be  
14 done on the exterior of the building.

15 Q. Well, we're not a vehicle repair shop; is  
16 that correct?

17 A. That's correct.

18 Q. We don't anticipate doing vehicle repairs?

19 A. That's correct.

20 Q. "Storage: The outdoor storage of unlicensed  
21 and/or uninspected vehicles is prohibited."

22 A. Yeah, we will comply -- we will comply with  
23 that requirement.

24 Q. The "Demolition and Junk," 484.J: "The  
25 demolition or junking of vehicles and machinery is



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1 prohibited. Demolished vehicles and/or parts thereof  
2 shall be removed from the subject property within 30  
3 days after arrival." Do we have any conflicts on that?

4 A. No. We intend to comply.

5 Q. 484.K, which is called "Storage and  
6 Disposal": "The applicant shall provide evidence that  
7 the storage and disposal of materials and waste will be  
8 accomplished in a manner that complies with all federal,  
9 state, and local laws, rules and regulations." Do you  
10 have an opinion as to that?

11 A. We will be required to comply with that.

12 Q. "Building Height," 484.L: "The building  
13 height for any building located within the operational  
14 boundary shall not exceed 40 feet. In the conditional  
15 use process, an applicant may request an increase in the  
16 building height up to a maximum of 60 feet, provided  
17 that the site plan provides for open space based upon  
18 the formula set forth in subsection (b) below." Before  
19 we get to subsection (b) below, do the proposed  
20 buildings exceed 40 feet in height?

21 A. They do. A 60-foot building height is  
22 proposed.

23 Q. So that does get us into part (b) below; is  
24 that correct?

25 A. That's right.



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1 Q. And the requirements are that "the open space  
2 provided hereunder shall be in addition to, and not in  
3 lieu of, green space within the separation areas  
4 described in Section 484.F." Is that understood?

5 A. It is, yes.

6 Q. That "the amount of open space required  
7 hereunder shall not be less than five acres for every  
8 100,000 square feet of terminal area." Is that  
9 understood?

10 A. It is, yes.

11 Q. And that "the open space offered hereunder  
12 shall meet the criteria for open space as set forth in  
13 Section 316.B of this ordinance. Is that understood?

14 A. It is, yes.

15 Q. And you're familiar with 316.B, I'm assuming?

16 A. I am.

17 Q. "In the conditional use process, and subject  
18 to the reasonable approval of the Board of Supervisors,  
19 the applicant may offer open space that is located in  
20 one or more offsite locations in the Township." And in  
21 fact, that is what the applicant proposes to do, is it  
22 not?

23 A. That is my understanding, yes.

24 Q. The "open space offered pursuant to this  
25 Section shall be offered for dedication to the Township,

1 unless otherwise approved by the Board of Supervisors."  
2 So in preparing this plan and in working with the  
3 Township, working with the applicant, working with the  
4 owners, is it your understanding that the applicant is  
5 prepared to make the requisite offer that's described  
6 here? Is that correct?

7 A. Yes, that's my understanding.

8 Q. 484.M, which talks about design standards,  
9 let's just quickly walk through those. "Buildings shall  
10 be painted with muted earth tones, ivory or other  
11 non-reflective, off-white shade."

12 A. Yes. I mean, the intention is to comply, but  
13 the architect will talk about that in more detail.

14 Q. "Building roof equipment shall be screened."  
15 Is that --

16 A. Yeah. The roof equipment shall be set back  
17 from the edge of the roof such that it is screened from  
18 view. But again, that can be discussed further by the  
19 architect.

20 Q. "Building facades shall vary through the use  
21 of masonry accents, off-sets, and shadow to break up a  
22 continuous facade and provide architectural variety."  
23 That clearly sounds like something for the architect.

24 A. Yes.

25 Q. And let's see. "Project entrances shall be

1 enhanced with special landscaping, entry features and  
2 signage that attractively identify the project as a  
3 cohesive development." Can you speak to that?

4 A. Yes. The plans as proposed, and there'll be  
5 further detail in the land development process, will  
6 address the special landscaping and entry features.

7 Q. "Transit stops with drop-off areas which  
8 provide locations to serve car pools and buses shall be  
9 provided." Do we comply with that?

10 A. Yes. Through the land development process,  
11 we'll coordinate the plan specifically on locations.  
12 But the intention is to comply.

13 Q. "A system of walkways connecting terminal  
14 buildings with employee parking and drop-off areas, as  
15 described in subsection 5 above, shall be provided."  
16 What about that?

17 A. Yeah. Walkways have been provided through  
18 the plan. There were some comments from the Township;  
19 they had some additional walkways which we will comply  
20 with.

21 Q. In fact, you've had meetings with the  
22 Township; you've had extensive discussions over this  
23 design. Isn't that correct?

24 A. That's correct.

25 Q. And you don't see any problem with meeting



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1 what the -- meeting the Township's demands or requests  
2 with respect to this; is that correct?

3 A. That's correct.

4 Q. 484.N, "Truck Driver Amenities." It says,  
5 "Every building shall provide restrooms for truck  
6 drivers. Additional amenities may include driver  
7 lounges/rest areas, vending machines, and seating  
8 areas." What about that?

9 A. Again, the architect can talk further about  
10 that, but we will provide restroom facilities as a  
11 minimum for truck drivers and comply.

12 Q. Now, if we go to the little booklet that we  
13 handed out, and I guess we're going to put it up on the  
14 screen. You want to jump to A-2 now?

15 A. Yeah.

16 Q. Let's take a look at A-2 now. When we were  
17 going through the ordinance requirements, I was saying  
18 we're going to spend a little more time on the  
19 landscaping. This would be the -- I guess it's called a  
20 separation area. We have some BMPs; this is where we're  
21 talking about the berms and so forth. There's no doubt  
22 in my mind that the neighbors are probably most  
23 interested in that. So first of all, you or your firm  
24 prepared this; is that correct?

25 A. Yes, that's correct.



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1 Q. And you're familiar with the information  
2 that's portrayed on this plan; is that correct?

3 A. It is.

4 Q. And first of all, tell us where it is; orient  
5 us, the project to the road network, and then take us  
6 through that landscape plan.

7 A. Sure. So I'm referring to Exhibit A-2, which  
8 is on the monitor now. It's the East Valley Road buffer  
9 rendering. And this depicts the roughly 20-acre  
10 separation area along East Valley -- the frontage of  
11 East Valley Road.

12 Q. Okay. What's being proposed there? I see  
13 East Valley Road. I see plantings along the roadway; is  
14 that correct?

15 A. Yes. So as described in the ordinance,  
16 what's required and what we provided is a  
17 hundred-foot-wide, 10-foot-tall undulating berm with an  
18 eight-foot-wide bike path at the bottom.

19 Q. So the berm is that long, wiggly, snake-like  
20 thing in light green; is that correct?

21 A. That's correct, yes.

22 Q. With plantings across the top of that; is  
23 that right?

24 A. Yes.

25 Q. What were the dimensions of the berm again?



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1 A. It's 100 feet wide and 10 feet tall, and  
2 there's a space for those plantings that's roughly 20  
3 feet wide at the top of the berm.

4 Q. And at the top of the berm, facing the  
5 residents, not the warehouses, there's a gray line that  
6 runs along there. And what is that again?

7 A. The gray line is an eight-foot-wide asphalt  
8 trail.

9 Q. So if I come across the trail, I scale the  
10 berm and come down the other side, now I'm in this  
11 separation area; is that right?

12 A. Yes.

13 Q. What's in the separation area?

14 A. Well, the separation area will be open green  
15 space. There'll be some plantings within it as well as  
16 some stormwater best management practices that we  
17 touched on previously.

18 Q. I do see areas labeled "Stormwater BMPs."  
19 That's the best management practices?

20 A. Yes, that's correct.

21 Q. And what are they? What kind of practices  
22 give us best management?

23 A. There's -- the final disposition of the  
24 stormwater BMPs is still being determined but likely one  
25 will be an infiltration facility and one will probably



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1 be a wet pond or another type of detention facility.

2 Q. Okay. And then I see there's some more  
3 landscaping along what's called Collector Road B?

4 A. Yes. Along East Valley Road and along  
5 Collector Road B as well as Collector Road A, you have  
6 street trees along both sides of the roadways. And the  
7 requirement there is to put a 4 1/2-inch caliper street  
8 tree, which is larger than otherwise required by the  
9 Township ordinance and at time of planting.

10 Q. Is there anything else you would like to say  
11 about that, that you think might be of interest to the  
12 board or the neighbors?

13 A. Only that the plantings on the berm, again,  
14 are required to be 10 feet tall, both the green giant  
15 arborvitaes and the Norway spruce, at the separation per  
16 the ordinance. So it'll create a pretty effective  
17 screening upfront at initial planting.

18 Q. And let's turn again here. I'm going to take  
19 a look at the next exhibit, which we've marked as A-3.

20 Okay. That's interesting. What is that?  
21 Again, first of all, you drew this or somebody from your  
22 office drew this?

23 A. Yes. My office prepared this.

24 Q. And what it says here, I guess these are  
25 sections; is that correct?



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1 A. Yes. We prepared a series of four sections  
2 along East Valley Road. Again, there's roughly 1,800  
3 linear feet of frontage there, and we tried to propose  
4 some -- or present some representative sections through  
5 the, you know, basically from the development area to  
6 East Valley Road through the separation area.

7 Q. Let's back up a minute, because I'm pretty  
8 sure not everybody's going to understand exactly what  
9 that means. So let's take the first one at the top,  
10 okay? The white, the rectangle to the left, that's the  
11 building; is that correct?

12 A. Yes.

13 Q. And if I go across and I move away to the  
14 right, I then go up over that -- is that the berm there?

15 A. What you're doing is you're following the  
16 proposed grade through that green space. Where the  
17 grade raises up, that's the proposed berm area. And  
18 where you see plantings on top of the berm, that's the  
19 arborvitaes and the Norway spruces we discussed.

20 Q. And we eventually get to a residence on the  
21 other side of East Valley Road?

22 A. Right. Right.

23 Q. And each of these, I see Section A, B, C and  
24 D. Do they correlate with the sections that are in the  
25 little block?



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1 A. They do. The red line on the key map  
2 represents where the section is taken.

3 Q. Okay. Now that we have that information,  
4 tell us what it is there, that the site lines are going  
5 to be.

6 A. Yeah. Probably section B is probably a good  
7 representation to discuss. That's close to the  
8 intersection between East Valley and Courtney Drive,  
9 just south of that. And actually where the building is  
10 is closest to East Valley Road. So the building's  
11 roughly 600, 650 feet away.

12 And if you walk through that section, you've  
13 got residences on the east side of East Valley Road.  
14 They have considerable existing mature screening. Then  
15 you have -- as you follow the section then, you have the  
16 East Valley Road itself, proposed street trees along  
17 East Valley Road.

18 When you get to the opposite on our site  
19 frontage, you have the asphalt trail that's proposed,  
20 followed by the 10-foot-high, 100-foot-wide berm, with  
21 those dense evergreen plantings on top.

22 Then you have the, kind of the expansive area  
23 is the open, planted green space, which depending on the  
24 section could cut through a stormwater best management  
25 practice, ultimately reaching Road B, which has street



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1 trees on both sides. And finally, finally you reach our  
2 proposed building.

3 Q. Okay. And in the past we had presented other  
4 plans to the Township, isn't that correct, for the  
5 development of this site?

6 A. We had proposed alternate layouts as well.

7 Q. Sure, one of them way back when that sort of  
8 got us in trouble with the Township; remember that plan?

9 A. We had proposed alternate plans that proposed  
10 building within this, what is now the separation area.

11 Q. And this is significantly different than  
12 that; isn't that correct?

13 A. Yes.

14 Q. The -- let's keep going, then. Let's take a  
15 look at A-4. I see you have a drawing picture in there.  
16 What's happening there with A-4?

17 A. So Exhibit A-4 has been added since the  
18 Planning Commission meeting. And what this is, is a  
19 photo rendering, so it's an actual photograph taken from  
20 Google street view with the proposed improvements,  
21 looking as if you were standing in Courtney Drive, at  
22 the intersection of Courtney Drive and East Valley Road,  
23 standing on Courtney Drive, looking towards our site and  
24 seeing what the proposed trail, street trees, berming  
25 and plantings will look like upon completion.



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1 Q. Okay. This is from day one; is that --  
2 A. The plantings probably represent two years of  
3 growth.  
4 Q. Okay.  
5 A. But they are, will be 10 feet at the time of  
6 planting. But that's, that's my architect --  
7 Q. Sure. But this is not 40 years later or  
8 anything?  
9 A. No. Again --  
10 Q. Sticks in there and then --  
11 A. Right. The intention here and the  
12 requirement is to provide 10-foot-high plantings at the  
13 time of installation.  
14 Q. Okay. Let's keep going. Let's take a look  
15 at A-5. Again, this looks like another view shed here.  
16 Am I correct in that?  
17 A. Yes. So --  
18 Q. First of all, and you prepared this or  
19 somebody from your office prepared this?  
20 A. Yes. My office prepared this.  
21 Q. And again, now that we know how this works,  
22 tell us, first of all, where are we here?  
23 A. So A-5 illustrates the Route 309 frontage.  
24 So there's roughly 2,000 linear feet of frontage along  
25 Route 309 and we're looking at the separation area,

1 specifically in that -- along that frontage.  
2 Q. Okay. And then I see A, B and C. Are those  
3 -- oh, I see. They're marked on there where the  
4 positions are; is that correct?  
5 A. Yes. Yeah, there's -- so there's three  
6 sections similar to what we looked at along the East  
7 Valley Road frontage. We tried to pick representative  
8 sections. So you have a section that runs from the  
9 proposed building through the separation area across  
10 the, you know, the four lanes or five lanes of 309 and  
11 ultimately to the development across the highway.  
12 Q. Okay. And this follows the same methodology  
13 and rationale as we talked about on the prior exhibit,  
14 right?  
15 A. It does, yes, yeah. It illustrates that  
16 we're proposing the 10-foot-high berming that's required  
17 as well as the Norway spruce and the other plantings  
18 that are required per the ordinance, and gives you a  
19 sense on how they will be proposed in relationship to  
20 the building.  
21 Q. And again, this is a significant, I would  
22 say, visual improvement from any prior submissions; is  
23 that correct?  
24 A. That's correct.  
25 Q. Let's keep going. Let's take a look at A-6.

1 Tell me what's happening there.

2 A. So A-6 is again a photo rendering. This is  
3 very similar -- a different location but very similar to  
4 what we looked at along East Valley Road. In this case  
5 you're standing at Huckleberry Drive across on the  
6 opposite side from our site on 309, looking back towards  
7 the site. It's an actual picture of the car and the  
8 roadway and the Jersey barrier in the center. And then  
9 beyond it you're seeing the 10-foot-high berm with the  
10 planting on top with proposed street trees, and then the  
11 building beyond that.

12 Q. A-7. Let's take a look at A-7. This looks  
13 to be another sort of a plot plan. This was generated  
14 by your office; is that correct?

15 A. It was, yes.

16 Q. Can you tell us what's going on here with  
17 A-7?

18 A. So A-7 is a plan that blows up -- when I say  
19 blows up, it increases the scale of the site or where  
20 Collector Road A, so that the Collector Road A is  
21 proposed as a township, ultimately to be dedicated to  
22 the Township as a collector road, and in the proximity  
23 of East Valley Road. And the purpose of preparing this  
24 plan was to discuss specifically that trucks will not be  
25 permitted to use this portion of the roadway and what

1 measures we implemented or are proposing to implement to  
2 prevent that.

3 Q. I want to spend just a little bit of time on  
4 this because I know this is going to be of interest to  
5 some people. So I see East Valley Road, as I look at  
6 this drawing, is on the, running vertically on the  
7 right-hand side; is that correct?

8 A. Yes.

9 Q. And then this Collector Road A comes from or  
10 to East Valley Road in the site?

11 A. Yes. You're seeing from the intersection of  
12 Collector Road A and B, which is on the left side of the  
13 plan, to East Valley Road, which is on the right side of  
14 the plan.

15 Q. Now, I suspect that's going to give some  
16 people heartburn because they're seeing trucks coming  
17 out there. Tell us what's happening there.

18 A. Again, the purpose of this plan and the  
19 following exhibit, Exhibit A-8, is to illustrate the  
20 measures we're proposing to prohibit trucks from exiting  
21 out or using this entryway.

22 Q. Well, first of all, they're not going to be  
23 permitted to; is that correct? It's going to be signs  
24 and it's going to be illegal to go that way; is that  
25 correct?

1 A. Right.

2 Q. So they can be ticketed?

3 A. That's correct.

4 Q. Now, I see there's a -- what's the green line  
5 down the middle of the trees? What is that?

6 A. Yeah. So as you pointed out, initially  
7 there's going to be no-truck access signs on both sides  
8 of Road A at the intersection with Collector Road B.  
9 The green area you referred to down the center, we're  
10 proposing essentially a boulevard street there, so an  
11 eight-foot-width green medium that'll be planted, you  
12 know, that will create a boulevard street and reduce the  
13 width of the cartway available for vehicles.

14 Q. Okay. And that goes through the -- what  
15 would we call that? I guess the separation area is what  
16 that was; is that correct?

17 A. That's correct.

18 Q. Okay. Let's take a look at A-8. So, go  
19 ahead.

20 A. Exhibit A-8 is effectively the same plan.  
21 What we added here were two truck-turning movements. A  
22 turning movement for a tractor-trailer, a large  
23 tractor-trailer which is referred to as a WB-67, and  
24 also a turning movement for a fire truck.

25 The purpose of this plan and what we're trying

1 to illustrate here is that we reduced the curb radius at  
2 the intersection between Collector Road A and East  
3 Valley Road to a point that the tractor-trailer won't be  
4 able to, um, entry and exit out Collector Road A at East  
5 Valley Road, but we made it just large enough that the  
6 fire truck can make that movement.

7 Q. Okay. So you've been able to segregate the  
8 fire vehicles from the tractor-trailers?

9 A. Yeah. The intention here is, again, we need  
10 to allow emergency vehicles, in particular a fire truck,  
11 to access the site and to utilize this roadway. But  
12 we're trying to set the geometry in a way that prohibits  
13 or makes it very difficult for a tractor-trailer to try  
14 to use this access point.

15 Q. Which is our intention.

16 A. That's correct.

17 Q. And we will work with the Township if there  
18 are additional measures that they would like to see  
19 implemented; isn't that correct?

20 A. Yes.

21 Q. Because we have no intention of having any  
22 trucks.

23 A. Yes, that's correct. These are just initial  
24 measures. We're certainly open to any additional  
25 measures by the board or the staff to continue to

1 improve that.

2 Q. Okay, Jason. I think that's it for the  
3 exhibits, but now I do want to talk about another  
4 section of the ordinance and that has to do with general  
5 standards.

6 So the ordinance has a section, which is  
7 Section 905, and these, I call them general; these apply  
8 to -- let's do it this way. The provisions that we went  
9 through prior were specific to this use, to warehouse  
10 uses exclusively. The section we're about to look at  
11 now applies to any conditional use, no matter what it  
12 might be. So these are I think more properly termed  
13 general conditions; and as we go through them, that's  
14 what they're going to appear to be, very general. Now  
15 you, I believe when you submitted the application, you  
16 addressed these, did you not?

17 A. I did, yes.

18 Q. And you submitted a memo with the  
19 application; is that correct?

20 A. Yes. I submitted a memo dated December 27th,  
21 referred to as Conditional Use General Criteria  
22 Narrative.

23 Q. Which is part of the application, which I  
24 believe is marked as a township exhibit?

25 A. That's correct.



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1 Q. So it's in the record. We have it in the  
2 record just as we had your other memo. I don't want to  
3 just rest on that. I want to just run through them.  
4 You know, you don't have to go in great detail, but you  
5 can sort of summarize for the board and for the public  
6 whether or not you feel that we can meet these general  
7 criteria.

8 So the general criteria begin on Section 905.B  
9 of the zoning ordinance, which states that each  
10 applicant must demonstrate compliance with the  
11 following. The first one is that the proposed use shall  
12 be consistent with the purpose and intent of the zoning  
13 ordinance and such use is specifically authorized as a  
14 use by conditional use within the zone wherein the  
15 applicant seeks approval. Would you speak to that,  
16 please?

17 A. Yes. Specifically the purpose of the  
18 Industrial Zone in the ordinance is listed as providing  
19 for a wide variety of industrial uses and activities  
20 that contribute to the Township's economy and tax base  
21 while offering local and regional employment  
22 opportunities.

23 Q. So it's your professional opinion that we  
24 satisfy No. 1; is that correct?

25 A. That's correct.



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1 Q. No. 2 says that the proposed use shall not  
2 detract from the use or enjoyment of adjoining or nearby  
3 properties. Would you speak to that, please?

4 A. Yes. We have touched on it previously, but  
5 the adjoining properties include the PITT OHIO  
6 industrial site to the south; 309 to the southwest; the  
7 former, now-abandoned golf course to the west and north;  
8 and East Valley Road to the east. In this case we have  
9 spent a great deal of time talking about the separation  
10 area from the residences along East Valley Road.  
11 That'll be heavily landscaped with a large berming that  
12 we think will meet this requirement.

13 Q. So your opinion as a professional engineer is  
14 that we meet No. 3; am I correct on that?

15 A. That's correct.

16 Q. No. 4 states that adequate public facilities  
17 are available to serve -- I'm sorry.

18 A. That was No. 2. I think you want to cover  
19 No. 3.

20 Q. Yeah, I'm sorry. The proposed use will not  
21 substantially change the character of the subject  
22 property's neighborhood nor adversely affect the  
23 character of the general neighborhood, the conservation  
24 of property values, the health and safety of residents  
25 or workers on adjacent properties, and in the



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1 neighborhood, nor the reasonable use of adjoining -- or  
2 I'm sorry, neighboring properties. And the use of  
3 adjacent properties shall be adequately safeguarded.  
4 There's a lot going on there.

5 A. I touched on it in the last response. The  
6 use is consistent with the other uses adjacent, such as  
7 the PITT OHIO property, and will therefore not  
8 substantially change the character of the subject  
9 property's neighborhood. The use of adjacent properties  
10 located east of East Valley Road are not only separated  
11 from the subject property by adjoining roadways but are  
12 also safeguarded via the heavily landscaped 500-foot  
13 separation area that includes a 10-foot berm within the  
14 substantial green space. And as we've discussed, truck  
15 traffic will not be permitted to leave the site via East  
16 Valley Road.

17 Q. And it goes without saying, but this is what  
18 the property's zoned for; isn't that correct?

19 A. That's correct.

20 Q. Now, we get to No. 4: Adequate public  
21 facilities are available to serve the proposed use, and  
22 the proposed use shall not have an adverse effect upon  
23 the logical and economic extension of such public  
24 services and facilities, for example, schools, parks and  
25 recreation, fire, police and ambulance protection,



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1 sewer, water and other utilities, vehicular access, et  
2 cetera. And again, I know you submitted a written  
3 response with the application, but just give us a  
4 summary, if you would.

5 A. Yeah. So this concerns public utilities.  
6 They're available along the subject property. The truck  
7 freight terminals typically have a low number of  
8 employees per square footage and they have less burden  
9 on sewer and water, for example, relative to what we had  
10 previously considered on the subject site. They don't  
11 generate students to the school system. The new  
12 signalized access and the roadway improvements will be  
13 completed to support the project, so that infrastructure  
14 will be in place.

15 Q. No. 5 states that the applicant shall  
16 establish by credible evidence that the proposed  
17 conditional use shall be in and of itself properly  
18 designed with regard to internal circulation, off-street  
19 parking, off-street loading, landscaping, screening,  
20 buffering, and all other elements of proper design as  
21 specified in this ordinance and any other governing law  
22 or regulation. I know we talked about a lot of this,  
23 but go ahead; give us your opinion as to No. 5.

24 A. Yes. I mean, the plan's being designed in  
25 accordance with the ordinance. I think we touched on



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1 this a great deal previously.

2 Q. So we would satisfy No. 5; is that correct?

3 A. That's correct.

4 Q. No. 6: For development within the floodplain  
5 zone, that the application complies with those  
6 requirements listed in Section 510 of this ordinance.  
7 Again, this is the general standards. Can you talk  
8 about No. 6?

9 A. Yes. The Saucon Creek is offsite 400 feet to  
10 the north. The floodplain zone borders the site but  
11 doesn't appear to enter it. But either way it will  
12 comply.

13 Q. So we're not in a floodplain zone; is that  
14 right?

15 A. Either that or we're just -- actually there's  
16 ten feet of floodplain area that extends to the far  
17 northern corner of the property.

18 Q. Okay. We'll meet the requirements in Section  
19 510?

20 A. Yes.

21 Q. The proposed use shall comply with those  
22 criteria specifically listed in Article 4 of this  
23 ordinance. In addition, the proposed use must comply  
24 with all other applicable regulations contained in this  
25 ordinance. Don't need to spend quite a bit of time on



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1 this, but go ahead.

2 A. Yeah. Article 4 is the specific criteria,  
3 and I think we covered that in --

4 Q. That was the section that we just went over  
5 initially, when we went through each of those  
6 requirements one by one; is that right?

7 A. Yes. We did cover that.

8 Q. And it says finally in No. 8 that the  
9 proposed use will not substantially impair the integrity  
10 of the comprehensive plan. Do you have an opinion as to  
11 whether or not this proposed use will or will not  
12 substantially impair the integrity of the comprehensive  
13 plan?

14 A. So the map providing the comprehensive plan  
15 indicates the subject property as planned industrial and  
16 our proposed plan is industrial, so we're consistent  
17 with the zoning ordinance, which was informed by the  
18 comprehensive plan.

19 Q. So in fact, your professional opinion is that  
20 the proposed use that the board is considering this  
21 evening meets or satisfies the requirements of Zoning  
22 Ordinance Section 905.B. Am I correct on that?

23 A. That's correct.

24 MR. PRESTON: I have no further  
25 questions for Mr. Engelhardt. If the board has any.



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1 MR. SOMACH: Before there's any  
2 questions, just let me, for those people who may be  
3 dozing off at this moment in the back, I just want to  
4 explain to you that the reason this was so meticulous in  
5 here is, I'll remind you what I said at the beginning,  
6 that this proposed use is permitted provided that the  
7 developer establishes at the hearing and before the  
8 supervisors compliance with all the express standards  
9 and criteria of the zoning ordinances related to the  
10 use. And if they meet those conditions, then they're  
11 entitled to approval.

12 So that is why, Mr. Preston -- I feel  
13 like the narrator here of the show. That is why  
14 Mr. Preston had to go through each and every one of  
15 those, to demonstrate that he is meeting or able to meet  
16 those requirements. Now, you heard the witness testify  
17 that they can meet them or they know they meet them or  
18 some of these things are going to be noted on a land  
19 development plan later on. The importance of that to  
20 the citizens out there is that those are all part of the  
21 conditions of the eventual approval. And if in fact  
22 anything that they're saying here tonight about the  
23 berms, the trees, the truck traffic, if that is not met,  
24 then the Township has the right to enforce and stop the  
25 use of the project during the time.



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1 So if they develop this thing, spend all  
2 the millions of dollars, and then don't put these  
3 10-foot trees in, they're going to have a problem. So I  
4 just wanted to kind of clear that up, because I know  
5 that sometimes this is a lot of voodoo that's going on  
6 up here. I just want you to be involved, understand  
7 what's going on. And again, I'll remind you again  
8 there'll be a point in time in the proceeding where the  
9 public will have an opportunity to ask questions or make  
10 comments.

11 So Mr. Stoll, do you want to have a crack  
12 at this next?

13 MR. STOLL: Yes. Thank you, sir.

14 \* \* \*

15 CROSS-EXAMINATION

16 BY MR. STOLL:

17 Q. My name is Andrew Stoll. Good evening. I'm  
18 counsel for the Township. I just want to ask you a  
19 couple questions about the project and about the things  
20 you testified on direct, okay?

21 A. Sure.

22 Q. You had testified about prior plans that are  
23 submitted to the Township for this project. Can you  
24 please describe the changes that were implemented from  
25 prior plans to this plan?



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1 A. There were a number of prior plans. There  
2 was initially a town center proposed on the site. There  
3 were more than one industrial plan considered and filed  
4 applications filed for. So I'd have to pull the plans  
5 to be specific, but there were a number of different  
6 options worked out for the site. So again, some  
7 industrial; some completely different, town center.

8 Q. Is it fair to say that the plan that's being  
9 considered here tonight is more sensitive to the  
10 Township and residents?

11 A. I would say that as the industrial plan  
12 certainly provides a great deal more green space and  
13 separation area and buffering to the adjoining  
14 neighbors, yes.

15 Q. With respect to the buffering, I want to talk  
16 about the 500-foot separation zone. Can you describe  
17 what will and will not be included within that 500-foot  
18 separation zone?

19 A. Yes. I mean, you know, we spent some time  
20 talking about it, but again, it's open green space. It  
21 can only be open green space. There can be some limited  
22 stormwater facilities. There cannot be structures.  
23 There's the walking path. There's the large berms and a  
24 great deal of plantings.

25 Q. And that's talking about, that's the



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1 separation area between the site and East Valley Road,  
2 correct?

3 A. That's correct.

4 Q. And was that separation area and a buffer  
5 that's being provided therein, was that intended to  
6 buffer the project both in terms of noise and view from  
7 adjoining residences?

8 A. Yes.

9 Q. And what will the size and the species of the  
10 trees and the other vegetation in that area be?

11 A. Again, the ordinance was pretty specific that  
12 the trees itself had to be -- at least the evergreen  
13 trees for the buffering had to be 10 feet tall, either  
14 Norway spruce or green giant arborvitaes.

15 Q. And the applicant is going to satisfy all the  
16 provisions of the ordinance with respect to those  
17 requirements, correct?

18 A. Absolutely.

19 Q. And who is going to be responsible for the  
20 maintenance of those trees?

21 A. The owner or the association will be  
22 responsible for maintenance.

23 Q. Does that mean that the applicant is  
24 responsible for the maintenance of that vegetation?

25 A. That's correct.



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1 Q. And so if a tree dies, the vegetation dies,  
2 the applicant will then be responsible to go in and  
3 replace that tree?

4 MR. PRESTON: Let me make it clear that  
5 -- it may not be the applicant if you mean Kay Lehigh,  
6 LLC, but the property will be --

7 MR. SOMACH: The applicant or his  
8 successor.

9 MR. PRESTON: -- dedicated to an  
10 association that manages it in perpetuity. There'll be  
11 fees charged and so forth, yes, and it will be their  
12 obligation to maintain in perpetuity.

13 BY MR. STOLL:

14 Q. But just to be clear, that area is going to  
15 be maintained, correct, in perpetuity?

16 A. It is, yes.

17 Q. And let me just clarify: As a condition to  
18 approval of this project, there's going to be no  
19 structures or buildings within that separation area,  
20 correct?

21 A. That's correct.

22 Q. And also as a condition to approval, has the  
23 applicant agreed to meet with the homeowners on East  
24 Valley Road to come to an agreement as to filling in  
25 gaps with respect to the buffering, correct?



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1 MR. PRESTON: I'll take care of that  
2 because he's not as familiar with that as I am, if you  
3 don't mind.

4 MR. STOLL: Sure.

5 MR. PRESTON: We've agreed with the  
6 Township that if any of the neighbors have any concerns  
7 with the buffering, they raise the concern with the  
8 Township. We will be guided by whatever the Township  
9 tells us to do. They're going to sit in -- they're  
10 going to control that, the Township.

11 MR. STOLL: Understood.

12 BY MR. STOLL:

13 Q. And with respect to East Valley Road, what  
14 safeguards will be put in place to ensure that trucks on  
15 Collector Road A do not turn on East Valley Road?

16 A. Yeah, and I reviewed those previously, that  
17 there'll be signage. We had the boulevard street with  
18 the -- actually, we increased the size of the boulevard  
19 median from what we discussed at the Planning  
20 Commission, made that wider. We reduced the radii of  
21 the curbs to limit the ability for trucks to exit out  
22 that direction.

23 Q. And is the applicant going to purchase and  
24 install that signage?

25 A. Yes.



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1 Q. And is the applicant agreeable to accepting  
2 as a condition to approval that no trucks except local  
3 deliveries are going to be turning onto Collector Road A  
4 from East Valley Road? I'm sorry, onto East Valley  
5 Road?

6 MR. PRESTON: That's -- the trucks are  
7 not permitted there, that's correct. Yeah, if that --  
8 we fully expect that condition to be not only imposed  
9 but incorporated into the plan.

10 BY MR. STOLL:

11 Q. Understood. And I want to talk about backup  
12 beepers, if you have knowledge of this, with respect to  
13 this use. Are there going to be backup beepers on  
14 trucks used at the site?

15 A. I'm not a specific expert in backup beepers  
16 relative to trucks, so I can't speak to that.

17 MR. SOMACH: Mr. Preston, will you have  
18 another witness that might be able to answer this  
19 question?

20 MR. PRESTON: I don't think so, no.

21 BY MR. STOLL:

22 Q. Can I ask about lighting a little bit? Does  
23 the applicant agree to comply with all the Township's  
24 code requirements with respect to lighting on the  
25 property?



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1 A. Yes. And in fact there was a lighting plan  
2 included in the conditional use package.

3 Q. And does this compliance include compliance  
4 with, quote, dark sky ordinance requirements?

5 A. It includes compliance with the Township  
6 ordinances on lighting.

7 Q. And that will be due to be acceptable by the  
8 township engineer, correct?

9 A. That's correct.

10 Q. I want to talk about the HVAC units that  
11 might be proposed on the top of the buildings of the  
12 property. Will the applicant screen the HVAC units so  
13 that they're less visible than otherwise without the  
14 screening?

15 A. I will probably let the architect cover that  
16 in a little more detail, but the intention, my  
17 understanding, is to locate the HVAC units so that  
18 they're --

19 MR. PRESTON: That drawing up there.

20 THE WITNESS: Yeah. Locate them from  
21 the edge of the building far enough back that they won't  
22 be visible from the street level or from adjoining  
23 properties.

24 BY MR. STOLL:

25 Q. And is it fair to say the screenings, the



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1 purpose is going to be to not just screen the visibility  
2 of the HVAC units but also the noise generated from it,  
3 correct?

4 A. Yes, that's correct.

5 Q. I want to just generally touch on some of the  
6 requirements you discussed out of Ordinance 141-S. Now,  
7 as a condition of approval of the conditional use  
8 application, does the applicant agree to comply with all  
9 the requirements of Ordinance No. 141-S, which was  
10 amended for the ordinance, the 484 truck terminal use?

11 A. Yes.

12 Q. And will the use comply with all the federal  
13 and state laws, rules and regulations, including the  
14 Clean Air Act, the Pennsylvania Air Pollution Control  
15 Act, and the National Ambient Air Quality Standards?

16 A. To the extent they apply. Again, there's a  
17 memo in the submission package that you can refer to.

18 Q. Right. And with respect to the traffic  
19 impact study, the applicant is submitting as part of its  
20 conditional use application a traffic impact study that  
21 will be reviewed and acceptable to the traffic  
22 engineers?

23 A. Yes. A traffic impact study was submitted  
24 and was reviewed.

25 Q. And you had previously testified that the



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1 separation area, it will meet all the requirements as  
2 set forth in the Township Code of Ordinances, correct?

3 A. That's correct.

4 Q. And specifically that includes, but not  
5 limited to, the 500-foot right-of-way which has been  
6 referred to tonight as the separation zone, correct?

7 A. Yes. The ordinance refers to it as a  
8 separation area, but yes.

9 Q. Separation area.

10 A. Yes.

11 Q. And with respect to, you had talked about  
12 Section G of Ordinance 484 as amended. Now, will the  
13 use meet the operations requirements as set forth in  
14 Section 484.G of the Township's ordinance?

15 A. I believe I testified already that it will.

16 Q. And that includes ensuring the vehicles are  
17 not backing up or overflowing onto adjoining roadways?

18 A. That's correct.

19 Q. And does this also include ensuring that the  
20 trucks are not parking on adjacent roadways?

21 A. I'm just looking to see if that's  
22 specifically written in the ordinance. Yes, it is, and  
23 yes, that's correct.

24 Q. And with respect to Section 484.H, will the  
25 service and repair activities conducted onsite take

1 place in a completely enclosed building?

2 A. Yes. I believe I covered that in previous  
3 testimony.

4 Q. And will there be any outdoor storage of  
5 parts, equipment, lubricants, fuels or other materials  
6 used or discarded, be screened from sight?

7 A. Again, we'll adhere to that ordinance  
8 section.

9 Q. And with respect to storage, can you confirm  
10 that the applicant will not have outdoor storage of  
11 unlicensed or uninspected vehicles?

12 A. Yes, that's correct.

13 Q. And that's all required by the ordinance,  
14 correct?

15 A. It is.

16 Q. With respect to demolition of junk, you had  
17 testified to that on your direct examination. Can you  
18 confirm that the demolition and junking of vehicles and  
19 machinery will not occur at the property?

20 A. Right, it's not prohibited.

21 Q. Can you also confirm --

22 A. I'm sorry. Let me correct. That it is  
23 prohibited.

24 Q. Can you also confirm that the demolished  
25 vehicles and/or parts thereof will be removed from the

1 property within 30 days after their arrival as required  
2 by the ordinance?

3 A. Again, we don't expect any demolished  
4 vehicles or parts thereof to be onsite.

5 Q. And can you confirm with respect to Section  
6 484.K that the applicant has provided evidence that the  
7 storage and disposal of materials and waste will be  
8 accomplished in a manner that complies with all federal,  
9 state, and local laws, rules and regulations?

10 A. Yes. We'll certainly have to comply with all  
11 federal, state, and local laws and regulations.

12 Q. And you had testified to the height of the  
13 building. I believe you had said it was going to be 60  
14 feet?

15 A. That's correct. That's what's proposed.

16 Q. And in turn then you would have to devote --  
17 the applicant would have to devote certain open space to  
18 the Township, correct?

19 A. Correct.

20 Q. Can you explain which property the applicant  
21 is proposing to dedicate to the Township?

22 MR. PRESTON: We would -- that's really  
23 up to the Township. There is a property that we're  
24 discussing, but the Township has not, I don't think, at  
25 this point --



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1 MR. SOMACH: I think it's sufficient to  
2 say that they're going to have to meet this section, and  
3 I think they're still under some discussion and may have  
4 to be established before the finale of this, so...

5 MR. STOLL: All right. Is there any  
6 properties that you're considering at this time?

7 MR. PRESTON: Yes, there are.

8 MR. STOLL: Can you explain what those  
9 properties are?

10 MR. PRESTON: Not at this time. We're  
11 negotiating that with the Township.

12 MR. STOLL: Understood.

13 BY MR. STOLL:

14 Q. And then the design standards, sir, I think  
15 you had said the architect will touch on those with  
16 respect to the color of the building?

17 A. Yes.

18 Q. Just to go through just some of the design  
19 standards, not including the color of the building, can  
20 you confirm that the entrances of the site will be  
21 enhanced with special landscaping, entry features, and  
22 signage that attractively identify the project as a  
23 cohesive development within the Township?

24 A. Yes. I believe I've testified to that  
25 before.



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1 Q. And can you confirm that the transit stops  
2 with drop-off areas which provide locations to serve  
3 carpools and buses will be provided as part of this  
4 project?  
5 A. Yes. I previously testified we'll coordinate  
6 that with Lanta.  
7 Q. And in your opinion has the applicant  
8 provided a system of walkways connecting terminal  
9 buildings with employee parking and drop-off areas  
10 sufficient to satisfy the Township's code of ordinances?  
11 A. The Township in their review comments has  
12 asked for some additional walkways to connect some of  
13 the parking areas, which we will comply with.  
14 Q. And can you please explain again how the use  
15 will satisfy the ordinance with respect to snow removal,  
16 specifically on the trucks?  
17 A. Yes. There's a piece of equipment that's  
18 being -- the ordinance requires for each terminal  
19 building that will be located at each site, which will  
20 remove snow from the top of trucks and trailers before  
21 they leave the site.  
22 Q. And the ordinance speaks to providing  
23 facilities like restrooms at the site for the truckers,  
24 correct?  
25 A. That's correct.



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1 Q. And fair to say that those facilities are to  
2 be provided to ensure that there's a place to go to the  
3 bathroom, to put it bluntly?  
4 A. Yes.  
5 Q. And will the applicant be providing  
6 sufficient facilities for, among other things, the  
7 employees to go to the bathroom so they're not going  
8 offsite anywhere?  
9 A. Yes, of course, although this specific  
10 section is dealing with truck drivers specifically, but  
11 yes.  
12 MR. SOMACH: We don't want you to ruin  
13 any of the trees that are planted.  
14 BY MR. STOLL:  
15 Q. And sir, I want to ask you about some of the  
16 review letters. They were marked as board exhibits.  
17 Can you confirm that the applicant will comply with the  
18 comments contained in the Hanover Engineering review  
19 letter dated January 27, 2022, and do so to the  
20 satisfaction of the township engineer?  
21 A. So the Hanover review letter contains two  
22 sections, one of them specific to conditional use, and  
23 another section specific to be considered with the land  
24 development process. The intention is to comply,  
25 although some comments have been since modified,



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1 since -- based on conversations with the Township in  
2 further discussions after those comments were provided.

3 Q. Nevertheless you'll be working with the  
4 township engineer to reach his or her satisfaction with  
5 respect to how you're complying, correct?

6 A. That's right.

7 Q. And can you confirm that the applicant will  
8 comply with the comments contained in the Hydro-Terra  
9 review letter dated January 13, 2022, and do so with  
10 satisfaction with respect to the geotech consultant?

11 A. Yes. That review letter asks for some  
12 additional soil testing and analysis as part of the land  
13 development process, and we will comply.

14 MR. STOLL: I have no further questions.

15 MR. SOMACH: Mr. Gramc, you are a party  
16 entered into this matter. Do you have any questions or  
17 comments of this witness?

18 MR. GRAMC: Just a few, please.

19 \* \* \*

20 EXAMINATION

21 BY MR. GRAMC:

22 Q. Mr. Englehardt, you testified that the  
23 shared -- the driveway that will service this plan will  
24 be shared with PITT OHIO. And for the record, when I  
25 say PITT OHIO, I'm referring to Terminal Leasing and



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1 PITT OHIO. Terminal Leasing is the title owner to the  
2 property; PITT OHIO is the operating company. So for  
3 simplicity I'll just refer to PITT OHIO as my client  
4 tonight for clarity. And that driveway, is that  
5 currently on PITT OHIO property?

6 A. The PITT OHIO has their current driveway in  
7 roughly the same location or very similar location to  
8 where our proposed access is located.

9 Q. My point is the driveway will be coming over  
10 PITT OHIO property to service the property as laid out  
11 on the plans?

12 A. It will be -- it'll be coming over both  
13 properties, but yes, a large portion of it is over the  
14 PITT OHIO property.

15 Q. And we're working together to work that out  
16 so that can occur; is that correct?

17 A. That's correct.

18 Q. And in our discussions with the Township,  
19 were there not discussions that our -- as opposed to the  
20 plan you have on the T-1 that was up here a moment ago,  
21 we're going to have to move our access driveways from  
22 our parking lots to Collector Road A a little bit to  
23 accommodate the Township's traffic engineer request. So  
24 we have a few adjustments that we need to make for that  
25 to occur; is that correct?



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1 A. Yes, that's correct. There's some discussion  
2 on where the access to Collector Road A will come from  
3 the PITT OHIO property.

4 Q. Okay. And PITT OHIO is not an applicant on  
5 this application, so we're working on an agreement; is  
6 that correct?

7 A. Yes. That's --

8 MR. PRESTON: I can probably answer  
9 that. I'm probably more familiar with that.

10 Yes, we are working on an agreement,  
11 Attorney Gramc. Nice to see you here this evening. And  
12 yes, the driveway is on both properties, predominantly  
13 PITT OHIO. That's the entrance driveway.

14 And then I believe at some point PITT  
15 OHIO will be connecting up to our -- I want to call it a  
16 ring road. That's the road that goes around the  
17 perimeter, leads to the right-in, right-out. They've  
18 asked that they have I guess pretty much unfettered  
19 access to that, and we don't have a problem with that.  
20 Probably makes a good idea to allow them if there's a  
21 backup to keep from having stacking to get them over to  
22 the right-in, right-out. In order to do that now, they  
23 need to come over to our property to connect to that  
24 road. So they're going to need some land from us, and  
25 we don't have a problem with that.



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1 With all that being said, I think it's  
2 safe to say that we have pretty much reached agreement.  
3 We just have to document it and get it together that  
4 way. Am I correct in that?

5 MR. GRAMC: You are correct, and that  
6 would end my questions. I just wanted to get a record  
7 for that.

8 MR. SOMACH: Mr. Gramc and Mr. Preston,  
9 I think we now have it up on the board. I know you kept  
10 looking to see if it was there, so I got -- had the  
11 exhibit put up there, so if you want to make reference  
12 to what you were just talking.

13 MR. GRAMC: I think it just clarifies  
14 some of the comments I won't go back over. But I think  
15 the point was that we're still working on that. We are  
16 working on an agreement with everyone, and we will need  
17 to go across this property. It's not shown on here yet,  
18 but that's something that we'll talk about later. And  
19 hopefully we'll be back here within the next few weeks  
20 with something, an agreement between the parties to  
21 address that. Thank you.

22 MR. PRESTON: I think for the board's  
23 edification, we're fortunate that the parties are  
24 working together to treat this not as two separate  
25 standalone land developments. So they're separate



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1 projects, but they're going to be integrated so they  
2 function in terms of traffic, which is the primary  
3 extra. They're going to be integrated so that they  
4 function together.

5 MR. SOMACH: And I can assure the public  
6 and the supervisor that Mr. Dinkelacker is on top of all  
7 this and is herding all these cats in the proper  
8 direction.

9 MR. GRAMC: And I will confirm he has  
10 coordinated the discussions, and we think in a very  
11 positive way moving forward. I just wanted to get a  
12 record that we have a few details to work out but we  
13 think we're very close. Thank you.

14 MR. SOMACH: Mr. Preston, does that  
15 conclude your testimony of this witness?

16 MR. PRESTON: I -- well, you know what,  
17 yes, it does.

18 MR. SOMACH: I see hands up. Before we  
19 take hands --

20 MS. D'AMICO: I'm considered a party.  
21 And I actually --

22 MR. SOMACH: Have you entered --

23 MS. D'AMICO: I should be for -- my name  
24 is Renee D'Amico. From the beginning of this my husband  
25 and I have applied for and we're approved as citizens in

1 standing, so I just wanted to know -- and I'm so sorry  
2 to interrupt, but I do have a question specific to what  
3 we just covered. I'm not sure if this is my --

4 MR. SOMACH: Okay. If you could hold  
5 that for one minute, because I'm looking at the clock  
6 and in consultation with the chairman, we're going to  
7 take a five-minute seventh inning stretch here, and then  
8 we'll come back. How's that?

9 MS. D'AMICO: Okay.

10 MR. SOMACH: And then we'll address your  
11 question.

12 (A short break was taken.)

13 MR. SOMACH: Okay. We're back from the  
14 commercial break, and before we went on break, we had a  
15 citizen in the audience, Ms. D'Amico, I believe, who was  
16 about to pose a question. I was going to remind  
17 everyone that there is a part of this procedure where  
18 questions by the public are appropriate, but she worked  
19 on the sympathies of Mr. Beil because she has kids that  
20 she has to get home to. So we're going to take your  
21 question, and we're going to hope that everyone else,  
22 unless you've got children that you have to get home to,  
23 will refrain till we get to that part, which is coming  
24 up soon. So if you want to come up and put your name,  
25 state your name for the record, and then ask your

1 question and get home to your kids.

2 MS. D'AMICO: I do apologize. Actually,  
3 I thought -- I was incorrect on legality. I thought the  
4 citizen standing part was for where we are tonight, and  
5 it was for the curative amendment. So my apology.

6 MR. SOMACH: No harm, no foul.

7 MS. D'AMICO: This will be quick,  
8 actually. My name is Renee D'Amico. I live at 3593  
9 Stonegate, which is one of the homes that backs up to  
10 East Valley. So the question that I have is, in Section  
11 904, item 3, there was information about the  
12 conservation of property values, and I think this is a  
13 question for the Township. I'm not sure if it can be  
14 answered, but I just want it to be out there.

15 My question is, and I'm looking for some  
16 additional insight on how exactly that conservation of  
17 property values is quantified. Because is this  
18 something where if there's an average of, let's say,  
19 non-developed home sale prices, let's say this past ten  
20 years, versus the selling prices once the warehouses are  
21 there? And then what is the percentage of decrease  
22 that's the threshold for what would be a violation of  
23 that conservation of property values?

24 Because understanding that, yes, indeed,  
25 we do know that that is zoned industrial, but it's one



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1 thing to sell that property as it looks today and it's  
2 one thing to sell that property when it looks the way  
3 the renderings look. And so I'm just hoping to get some  
4 clarification on what that looks like and how that is  
5 quantified.

6 MR. SOMACH: Thank you for your  
7 question. I'm going to turn it over to Mr. Preston  
8 first if he feels he can give an answer. And then  
9 Mr. Stoll, if you have anything on behalf of the  
10 Township. And maybe someone from their past experience  
11 can just give you something. It may not be definitive,  
12 a piece of paper they can hand you, but I think if you  
13 look at some of these pictures up here, this may be  
14 better than it is now. But go ahead, Mr. Preston.

15 MR. PRESTON: I can't answer your  
16 question. I'm viewing this from a legal lens. And that  
17 particular section, its applicability, enforceabilities  
18 may be a little bit dubious at this point, but I don't  
19 want to weigh into that. All I can tell you is I  
20 haven't done that analysis so I don't know.

21 MR. SOMACH: And I think the questioner  
22 just wanted to put it out there for the Township. The  
23 series is not going to be concluded tonight in all  
24 likelihood, so there'll be some additional time that  
25 people can look into that and get you a better answer.



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1 Mr. Stoll, did you want to make a comment on behalf of  
2 the Township?

3 MR. STOLL: Yes, I'll try and do so by  
4 facing you and talking into the mike at the same time.  
5 So with the Township, what I think you're asking for is,  
6 how do we ensure that the use does not adversely affect  
7 the home values of the community? Is that what you're  
8 getting at?

9 MS. D'AMICO: I think so. I think it's  
10 just a very general term when you see conservation of  
11 property values, that it needs to abide by that. So as  
12 a homeowner, where our sight line is going to be  
13 directly at that property, I'm trying to understand what  
14 that means. So if we have a 10% decrease in our selling  
15 value, for example, does that violate that piece of it?  
16 So I'm just trying to understand; it's broad right now.  
17 Does it and can it be quantified?

18 MR. STOLL: So, generally speaking, what  
19 the Township is tasked to do, you may have heard the  
20 words at the beginning of the hearing, is we're tasked  
21 with protecting the health, safety and general welfare,  
22 so that's a very broad category of what the Township  
23 needs to do. So when an application like this comes in,  
24 we just have to make sure what they're proposing does  
25 that.



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1 Now does your -- you know, would the  
2 example that you give fit into that formula? It's  
3 definitely within that formula. Is there a formulaic --  
4 do we have someone come up here saying home values are  
5 going to go up or down on this project? We don't have  
6 that, but I can tell you from a general perspective,  
7 that's what the Township is trying to do, make sure the  
8 applicant is not doing something that would adversely  
9 affect the residents of the Township.

10 MR. SOMACH: Thank you. Mr. Preston, do  
11 you have any other witnesses?

12 MR. PRESTON: Yes, I do. Mr. Pratt.  
13 This is Mr. Rick Pratt. I believe he needs to be sworn.

14 MR. SOMACH: Yes.

15 \* \* \*

16 RICK PRATT,  
17 having been first duly sworn, testified as follows:

18 \* \* \*

19 DIRECT EXAMINATION

20 BY MR. PRESTON:

21 Q. Now, Mr. Pratt, let's get started here. In  
22 the packet that I handed up, in the back of the appendix  
23 at No. 3 is a CV. Let me show that to you, ask if you  
24 recognize that?

25 A. Yes, I do.



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1 Q. That's your CV, is it not?  
2 A. Yes.  
3 Q. You provided that?  
4 A. I did.  
5 Q. Is that correct and accurate as of this  
6 evening?  
7 A. Yes.  
8 Q. Okay. Then why don't you just tell us a  
9 little bit about yourself.  
10 A. I'm the owner of Pratt Design Studio located  
11 in Belford, New Jersey, and I've been practicing  
12 architecture for about 30 years. Licensed in  
13 Pennsylvania and other states. Testified before  
14 numerous boards, unfortunately not this one yet. But a  
15 lot of boards.  
16 Q. And Mr. Pratt, you were retained by the  
17 applicant to work on some of the architectural aspects  
18 of this particular case; is that correct?  
19 A. Yes.  
20 Q. So you're familiar with the property?  
21 A. Yes.  
22 Q. Familiar with the project, I assume?  
23 A. Yes.  
24 Q. You're familiar with the surroundings, the  
25 offsite uses and so forth?



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1 A. I am.  
2 Q. In the packet -- make sure I start off at the  
3 right spot here. Yes, okay. So we're going to go to  
4 Exhibit A-9, if you want to throw that up on the  
5 overhead. Okay. That's fine.  
6 MR. GEIB: Nine, you said, Jim?  
7 MR. PRESTON: A-9. Yes.  
8 THE WITNESS: So this is a -- you asked  
9 me a question?  
10 BY MR. PRESTON:  
11 Q. Yeah, go ahead. Tell us what A-9 is. First  
12 of all, who prepared A-9?  
13 A. My office prepared this.  
14 Q. What is A-9? What are we looking at?  
15 A. This is a representative -- photo-realistic  
16 representative views of what the buildings will look  
17 like in the park, in the center. The colors there are  
18 really more demonstrating the changes of color, not  
19 necessarily the actual colors. And then the, you  
20 know -- it's a combination of muted earth tones, ivory  
21 and other nonreflective off-white shades. The entrances  
22 have glass with fins to break up the facade, as well as  
23 the length of the facade has varying panel heights,  
24 clerestory windows, and visual color variation to break  
25 up the walls.



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1 Q. So you mentioned earth tones, nonreflective  
2 surfaces and so forth. Is the purpose or the intent to  
3 sort of subdue or tame the look? Is that the right  
4 word?

5 A. Yes. And --

6 Q. Go ahead. Okay. Let's take a look -- let's  
7 just flip over. Take a look at A-10. Maybe that'll  
8 help you too.

9 A. So A-10 is the next exhibit. It's all  
10 exactly the same views but just a different color scheme  
11 to just show that, you know, if it's a slightly  
12 tanner -- not really a word -- but slightly more earthy  
13 colors than the other one. But again, it's really just  
14 to show the variation of where the color breaks are  
15 happening.

16 Q. And at some point we had gotten some feedback  
17 from the Township that they would like to see some  
18 modifications or adjustments to the color scheme; is  
19 that right?

20 A. Yes.

21 Q. And we've agreed to that; is that --

22 A. Yes.

23 Q. Let's take a look at A-11. What are we  
24 looking at there?

25 A. A-11 is a view from across 309. I believe it



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1 was Huckle -- what was the name of the road? So this is  
2 a view across 309 looking at the berm and the plantings  
3 and the building beyond. So that's approximately what  
4 would be, what would be seen. And we've -- there was  
5 questions about the roof equipment. The roof equipment  
6 on this view especially will be completely invisible  
7 because of the angle of the sight line. So if you're  
8 standing on the sidewalk in the foreground and you're  
9 looking at the building, the edge of the roof is going  
10 to hide any roof units from anybody's view.

11 Q. So that's a function of one building height;  
12 is that correct?

13 A. Yeah. It's a geometry of the height.

14 Q. And then the depth of the building. So if  
15 you move it back into the center of a taller building,  
16 it becomes, you're not able to see it. Is that what  
17 you're saying?

18 A. Right, yes.

19 Q. Let's talk about, there was some questions  
20 about locations, types, sizes of driver amenities, so  
21 forth. There was some questions about that. Could you  
22 speak to that, please?

23 A. Typically for buildings such as this, the  
24 drivers are -- there are amenities which include a  
25 toilet, a place to wait when you come in and out, you're



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1 waiting for your product, you're waiting for a release  
2 to go back out. And there could be coffee, water; might  
3 be a quiet place to get on a computer, a little bit of a  
4 break room -- not a break room necessarily, but a small  
5 break area to just kind of relax for a minute, or 20  
6 minutes, whatever.

7 Q. It's not intended for overnight stays; is  
8 that right?

9 A. No. It's just for half an hour at the most.

10 Q. Okay. Now, the -- let's take a look at the  
11 next exhibit. I believe it's A-12. Okay. Now, here we  
12 have a layout that just shows the buildings themselves.  
13 And I'm sure they're not -- well, I don't want to say  
14 they weren't exciting. These buildings are not all that  
15 interesting on the inside. Why don't you tell us what's  
16 going on from a structural standpoint. What are we  
17 looking at?

18 A. So Building A -- that's the smaller one in  
19 the upper left -- is approximately 82,000 square feet.  
20 It has loading docks on one side. There's a corner  
21 entrance, again, similar to the right ones with some  
22 glass and breaking up the facade.

23 Building B, the one in the middle, is 1.5  
24 million square feet. If you were to walk into a  
25 building such as this, you really could see columns and



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1 open space. So it's not very exciting. But along both  
2 sides there's loading docks. The truck drivers'  
3 amenities, there will probably be maybe two per side,  
4 and they would always be on the loading dock side. So  
5 they wouldn't be on the other side.

6 And then Building C is about 535,000 square  
7 feet. That's along 309. And then there are dock doors  
8 on the opposite side of the building from 309. Again,  
9 it's got corner entrances breaking up with some glass  
10 and the style and the design of what we had shown on the  
11 rendering.

12 Q. Is there any other information you want to  
13 share with the board you think might be helpful in  
14 helping them understand exactly what's being proposed  
15 for this site?

16 A. I think I went over pretty much everything.  
17 Clerestory windows and color changes, differing heights.

18 Q. Okay. And we have the exhibits and you've  
19 indicated that the applicant is flexible with respect to  
20 the color scheme; is that correct?

21 A. Yeah.

22 MR. PRESTON: I have no further  
23 questions.

24 MR. SOMACH: Mr. Stoll?

25 MR. STOLL: Yes, briefly.



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\* \* \*  
CROSS-EXAMINATION

BY MR. STOLL:

Q. Good evening, sir. Just a couple follow-up questions. I think you had said that, or I think your testimony was that the HVAC units or other utility units on the roof are going to be installed in such a way that you wouldn't be able to see them?

A. Well, from 309, you're not going to be able to see them from 309. From the other side, from East Valley Road, they'll also be pretty far back but also very far away, as well as a good amount of berming and landscaping in the way.

Q. Will the applicant be agreeable to screening those HVAC units as necessary?

A. With landscaping.

Q. And then you said the color of the building is not yet selected, correct?

A. Correct.

Q. And it's not going to be -- but it's going to be some kind of muted tone and it's nonreflective?

A. Correct.

Q. And why is that?

A. Because the ordinance says that.

Q. And do you know why, can you explain further



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why in your opinion the ordinance says that? Is it to not cause reflection and noxious view or anything like that?

A. Nonreflective is to not cause reflection and cause any kind of safety -- adverse safety conditions for residents and cars driving by and whatnot. And the muted tones are to blend in -- I probably just put my foot in my mouth, but to not be screeching in your face. We're not trying to scream, "Here we are." We're trying to blend a bit.

Q. And the ordinance speaks about having at the entrance entry features. Do you know what the applicant's proposing with respect to that requirement?

A. From an architectural standpoint, it's the fins that -- it's a little bit sort of hard to point at this, but we have, the entrance features is there's glass, there's changing in color in the panels. The bottom right view has a fin that sticks out and then carries across the top and becomes a canopy. And then the, sort of if you look at the bottom left photo, as you go down to the, down the left, there's panels that are a different texture, not necessarily texture but a different reading of, not just a solid color; there'll be a little bit of a breaking of the color, and probably be a slightly different height. Not higher but it would



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1 probably be lower just to break up that continuous edge  
2 of the building.

3 Q. I have no further questions. Thank you, sir.

4 MR. SOMACH: Mr. Gramc, as a party, did  
5 you have any questions of this witness?

6 MR. GRAMC: No questions.

7 MR. SOMACH: Thank you very much.

8 Mr. Preston, do you have another witness?

9 MR. PRESTON: I do. I have one more.

10 MR. SOMACH: Bring him forth to be  
11 sworn.

12 MR. PRESTON: This gentleman is Rob  
13 Hoffman.

14 \* \* \*

15 ROBERT HOFFMAN,  
16 having been first duly sworn, testified as follows:

17 \* \* \*

18 DIRECT EXAMINATION

19 BY MR. PRESTON:

20 Q. Okay, Rob. We're going to do the same thing.  
21 You're going to go back to the back of this exhibit  
22 book. I have something marked as Appendix 2. It has  
23 your name, Robert Hoffman. And behind that is a CV.  
24 I'm going to push that over, ask you to take a look at  
25 that. Do you recognize that?

1 A. Yes, I do.

2 Q. And did you supply that?

3 A. I did.

4 Q. And what is that?

5 A. That is my curriculum vitae.

6 Q. And is that accurate as of this evening?

7 A. Yes, it is.

8 Q. Tell us a little bit about yourself, please.

9 A. My name's Robert Hoffman. Work with Traffic  
10 Planning and Design. I'm the traffic consultant for the  
11 project. I am the regional manager for Traffic Planning  
12 and Design, run the Bethlehem office. Got over 25 years  
13 experience exclusively in traffic engineering,  
14 transportation design. Licensed professional engineer  
15 in the state of Pennsylvania and also certified as a  
16 professional traffic operations engineer.

17 Q. And you often testify as an expert at these  
18 types of proceedings; is that correct?

19 A. Yes.

20 Q. Expert in traffic design?

21 A. Yes.

22 Q. Testified in front of this board, I believe?

23 A. I have.

24 Q. Was a traffic study submitted for this  
25 conditional use application?

1 A. Yes, it was.

2 Q. And can you describe the nature of the study,  
3 where we are with that, what's the current status of it,  
4 so forth? Just tell the board about the traffic study.

5 A. Sure. So in conjunction with this project,  
6 in addition to the conditional use approval, land  
7 development approval with the Township, we also  
8 obviously have to get permits from PennDOT giving the  
9 access to Route 309.

10 Q. And that's because that's a state road?

11 A. And that's because it's a state highway,  
12 correct. So the traffic study has been prepared. It's  
13 been submitted to the Township. It's also been  
14 submitted to PennDOT. The scope of that traffic study  
15 actually was a culmination embedded through discussions  
16 with PennDOT as well as with the Township staff.

17 Q. And the traffic study includes both this --  
18 traffic from this layout; it also includes PITT OHIO.  
19 Is that correct?

20 A. That's correct.

21 Q. And what's the current status of that study?  
22 Where are we with that?

23 A. So the study has been through review with the  
24 Township. We have some comments in their letter, and I  
25 don't see anything standing that's insurmountable. I



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1 think those are all will-comply items that we got from  
2 the Township. Similarly, it's been reviewed by PennDOT  
3 and we've got to work through some comments, but again,  
4 nothing that's insurmountable. We're actually moving  
5 forward in the process with the actual design for the  
6 roadway improvements.

7 Q. So at the end of the day even when you get  
8 approval, approval will have to be PennDOT approval for  
9 the state road; is that correct?

10 A. That's correct.

11 Q. And any local involvement would also involve  
12 the Township; is that correct?

13 A. That's correct.

14 Q. And without that, we can't proceed; isn't  
15 that correct?

16 A. That's correct.

17 Q. Okay. And the traffic study at this point  
18 has not been finalized?

19 A. That's right.

20 Q. Is that unusual?

21 A. Absolutely not.

22 Q. And can you explain why not?

23 A. So the -- as the project develops and we work  
24 through the review cycles with both the Township staff  
25 and PennDOT as well, we work through multiple iterations



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1 of it to kind of fine-tune everything and hone it down.  
2 And then we, like I said, we move into the actual design  
3 phases and have to develop design plans for the  
4 infrastructure improvements that are going to be put in  
5 place.

6 Q. And, for example, we are now probably going  
7 to move some PITT OHIO traffic onto our site and get  
8 them over to that right-in/right-out that's a little up  
9 north of the driveway; is that correct?

10 A. That's correct.

11 Q. Those are the type of things you find out as  
12 you develop a plan that require some changes in finesse?

13 A. Exactly. Fine-tune those details.

14 Q. So it's not unusual that we wouldn't have  
15 that all locked in at the conditional use?

16 A. That's correct.

17 MR. PRESTON: I have nothing further for  
18 this witness.

19 MR. SOMACH: Mr. Stoll?

20 MR. STOLL: Briefly.

21 \* \* \*

22 CROSS-EXAMINATION

23 BY MR. STOLL:

24 Q. Good evening, sir. Just have a couple  
25 questions. Has the site been designed in such a way



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1 that there's not going to be idling or parking of trucks  
2 on adjacent roadways?

3 A. Yes, it has.

4 Q. With respect to the plan that you see on the  
5 screen, can you please explain how traffic will operate  
6 going southbound on 309 turning into Connector Road A?

7 A. Sure. So that intersection that you see will  
8 be obviously a new intersection with Collector Road A.  
9 That will be a signalized intersection. Significant  
10 widening and improvements to that intersection will  
11 occur along Route 309 as well as West Hopewell Road. As  
12 far as that southbound movement, the widening would  
13 consist of widening to provide a dedicated  
14 left-hand-turn lane to turn into that driveway. And as  
15 part of PennDOT's requirements, a couple things get  
16 factored into that. The lane's designed not only to  
17 accommodate any queuing when the light turns red, but  
18 there's also a deceleration component that gets built  
19 into that as well. For vehicles that want to get in,  
20 they have enough room to decelerate and stop prior to  
21 getting to that backup.

22 Q. And is there a left-hand-turn lane there  
23 today?

24 A. There's not.

25 Q. Is the applicant paying for those



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1 improvements to that intersection?

2 A. Yes, they are.

3 Q. Is the applicant -- the ordinance requires  
4 the applicant to make a monetary contribution to the  
5 Township to offset certain roadway uses. You're aware  
6 of that?

7 A. That's correct, yes.

8 Q. Is the applicant agreeing to make that  
9 monetary contribution to the Township?

10 A. Yes, they are.

11 Q. Are you aware of the amount of the  
12 contribution?

13 A. I do not recall.

14 MR. STOLL: I have no further questions.

15 MR. SOMACH: Mr. Gramc, again, as a  
16 party, do you have any questions of the traffic  
17 engineer?

18 MR. GRAMC: No questions.

19 MR. PRESTON: I just have one follow-up.

20 MR. SOMACH: Sure.

21 \* \* \*

22 REDIRECT EXAMINATION

23 BY MR. PRESTON:

24 Q. You were asked, coming southbound, whether  
25 there's a left-hand-turn lane to get into there now?



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1 A. Correct.

2 Q. Again, there's no movement in there now, is  
3 there?

4 A. Yeah, there is not. There's a median  
5 barrier.

6 Q. Yeah, okay. So explain for the record  
7 exactly what it is that's being proposed.

8 A. So the intersection -- the median barrier  
9 would be removed that exists there. The new leg of  
10 what's shown as Collector Road A on here would be  
11 constructed to extend to Route 309 back to East Valley  
12 Road. And as I said, 309 would be widened for that  
13 southbound left turning lane that we talked about.

14 Additionally, there would be a left-turn lane  
15 in the northbound direction as well that would be added  
16 to that intersection. There would also be widening for  
17 a dedicated right-turn lane in the northbound direction  
18 to turn into Collector Road A. And then West Hopewell  
19 Road, opposite Collector Road A, would also be improved  
20 and widened to provide multiple lanes and auxiliary  
21 turning lanes.

22 And then coming out of Collector Road A would  
23 have a three-lane egress approach with a dedicated left,  
24 a straight through, and then a dedicated right-turn lane  
25 as well.



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1 Q. So as we sit here this evening, there is no  
2 intersection.

3 A. There is not, not to the degree that we're  
4 talking about.

5 MR. PRESTON: Very good. Nothing  
6 further.

7 MR. STOLL: I have nothing further.

8 MR. SOMACH: And I think Mr. Gramc is  
9 past this round. Do you have any other witnesses?

10 MR. PRESTON: I do not.

11 MR. SOMACH: Do you want to move any  
12 exhibits?

13 MR. PRESTON: Move for the admission of  
14 the exhibits.

15 MR. SOMACH: Would you identify the  
16 exhibits that you're moving, please?

17 MR. PRESTON: They're in that booklet,  
18 which is why I put them in there. Let's see. A-1  
19 through -- I think it might have been 12, but let me --

20 MR. SOMACH: 13, I think?

21 MR. PRESTON: Yep, A-1 through A-13.  
22 And I would also move for the admission of the CVs for  
23 the three witnesses that are not marked. They're in the  
24 book.

25 MR. SOMACH: For the three witnesses



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1 that testified?

2 MR. PRESTON: Yeah. They're still in  
3 that book as well.

4 MR. SOMACH: Is there any objection?

5 MR. STOLL: The Township has no  
6 objection.

7 MR. SOMACH: Mr. Gramc, any objection to  
8 the admission of those?

9 MR. GRAMC: No objection.

10 MR. SOMACH: Okay. Then those are  
11 deemed to be admitted.

12 MR. SOMACH: Mr. Preston, does that  
13 conclude your presentation?

14 MR. PRESTON: Yes, it does.

15 MR. SOMACH: So at this point in time we  
16 would have public comment, public questions. I promised  
17 you you'll have your opportunity. This is the time. If  
18 you're interested in asking a question, I would ask  
19 that, Tom wants you to go to the podium and -- announce  
20 their name or they sign in or what?

21 MR. BEIL: Yes, we normally go off the  
22 sign-in sheet.

23 MR. SOMACH: Okay. So what do we have  
24 when we open the secret sign-up?

25 MR. GEIB: First on the list we have



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1 Joan Slota.

2 MS. SLOTA: Good evening. My name is  
3 Joan Slota. I live on 3880 East Hopewell Road. I'd  
4 like to know, what is the date of the traffic study?  
5 How recent is that?

6 MR. HOFFMAN: The current date is June  
7 24, 2021, and I can tell you that there's actually an  
8 iteration that's being amended to address township  
9 comments as well as PennDOT comments that's going to be  
10 going in, let's say, within the next three or four  
11 weeks.

12 MS. SLOTA: Okay. And you said there's  
13 going to be work done on West Hopewell, widening? How  
14 are you going to widen it? You're going to have the  
15 road go right up there through people's homes?

16 MR. HOFFMAN: There will be right-of-way  
17 acquisition to do that, that's correct.

18 MS. SLOTA: Yeah, but their yards aren't  
19 much to begin with. That would be like coming down East  
20 Hopewell Road and making that four lanes and taking my  
21 front yard. I'm really trying to understand all this  
22 and what impact this is going to have on the Township  
23 and what good is it bringing us.

24 They're saying trucks are going to be  
25 prohibited to come out onto East Valley. Well, trucks



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1 are also prohibited on East Hopewell. They're coming up  
2 and down my street at all hours. They come down my  
3 street, find out they can't go anywhere, and they back  
4 up the street with their beeper. Nothing's ever done.  
5 I call the police. Nothing's done.

6 The separation area will help the people  
7 on East Valley, but what about the people across 309,  
8 the people on East Hopewell? You can't even sit out on  
9 your porch now with PITT OHIO and their noise. I  
10 understand there's construction going on, but the noise  
11 has been getting worse and worse every month.

12 There's going to be more traffic. They  
13 said that this is not going to impact our community.  
14 Yes, it will. There's going to be traffic, there's  
15 going to be pollution. They're talking about retention  
16 ponds. How is that going to filter out any of the  
17 chemicals and stuff that come from the runoff of these  
18 trucks? We all know trucks leak fuel. They leak  
19 everything. I'm not stupid. I grew up with trucks.  
20 How are they going to prevent the pollutants from the  
21 exhaust and everything from entering our water system?  
22 Because that's very vital.

23 Let's see. What else did I have here?  
24 There was an article in the Morning Call, ironically,  
25 about fish that are being caught in the area, that the



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1 streams have been polluted. They're even telling people  
2 you can't even go and splash in the streams anymore.  
3 And this comes from the Morning Call of January 30th of  
4 2022. It's saying that you shouldn't be eating the  
5 fish, and they're blaming it on the impervious  
6 structure, such as larger buildings, paved parking lots  
7 and the diesel emission, any kind of emissions,  
8 actually. They're forcing stormwater into the creeks.  
9 Now, they say they have retention ponds. Okay. I don't  
10 see how that honestly is going to help our flooding in  
11 our area, because St. Luke's has how many up there and  
12 we still flood. Plus it still leaks chemicals out into  
13 our system.

14 And when it comes to bringing jobs into  
15 the area, how many jobs is it actually going to bring?

16 Now, we just had an accident down at 309  
17 and Center Valley Parkway again today. You start  
18 bringing all these extra vehicles in, what's that  
19 intersection going to be like? And I know you talked  
20 about an fly-by, and I'm sorry but I don't see that  
21 happening in my lifetime. So thank you for your time.

22 MR. SOMACH: Do we have any other people  
23 that have signed in?

24 MR. GEIB: Yes. Next we have Carla  
25 Rossi.



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1 MR. SOMACH: Thank you.

2 MS. ROSSI: Hi. My name's Carla Rossi.  
3 I live on 5090 Adriana Court, which kind of abuts East  
4 Hopewell, which also abuts East Valley. And I had a  
5 couple questions. So why was the street or the road  
6 built out to East Valley? What's that purpose? What's  
7 going to be used if no trucks are coming in and out, and  
8 what kind of traffic is it going to provide for East  
9 Valley?

10 MR. SOMACH: Okay. Let's wait and see  
11 if someone can answer that question for you.

12 MR. ENGELHARDT: The connection to East  
13 Valley --

14 MR. FARRELL: I believe this is  
15 Mr. Englehardt now speaking in answer.

16 MR. ENGELHARDT: Yes, sorry. So the  
17 connection to East Valley came about as a result of an  
18 original point of access study that dates back to 2008  
19 with previous developments of the property. It's a  
20 requirement of PennDOT but it also provides access for  
21 emergency vehicles, in particular to go from East Valley  
22 and through that new median break and out to 309.

23 MS. ROSSI: So we wouldn't expect daily  
24 traffic in and out of there with people coming in to  
25 work?



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1 MR. ENGELHARDT: Again, it'll be  
2 prohibited for trucks.  
3 MS. ROSSI: I know, but that's not the  
4 question I'm asking.  
5 MR. ENGELHARDT: I don't know if Rob  
6 wants to offer --  
7 MR. HOFFMAN: I mean, it's going to be a  
8 public roadway, so public means that traffic can use  
9 that roadway.  
10 MS. ROSSI: So who will be using it for  
11 that facility?  
12 MR. HOFFMAN: For this proposed  
13 facility?  
14 MS. ROSSI: Yes.  
15 MR. HOFFMAN: There could be some  
16 employee traffic.  
17 MS. ROSSI: Some. You don't know? How  
18 many people will be employed there, do you know?  
19 MR. HOFFMAN: That I don't know.  
20 MS. ROSSI: And it will be a 24/7  
21 operation, seven days a week?  
22 MR. PRESTON: There's not a limit on it.  
23 MS. ROSSI: Okay. Is the berm as high  
24 as it can go? Can you build it higher? Is there  
25 restrictions on the berm?



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1 MR. PRESTON: Sure, we could build it  
2 higher.  
3 MS. ROSSI: I think that will reduce  
4 some of the noise. Front and back, actually. Because  
5 you can't really get used to the noise unless you get  
6 the berm as high as you go towards the street. So it's  
7 not helping the people in the back. So I feel like the  
8 noise in that area is beyond, beyond -- it's noise  
9 pollution, basically.  
10 In addition, I guess my question maybe to  
11 the Township is that we have all these trucks kind of  
12 coming down actually north of, on 309, now to get into  
13 this place at PITT OHIO and now another place. And  
14 there are Jake Brakes that are prohibited up to a  
15 certain point on 309 North, and I feel like they should  
16 be extended all the way to Center Valley Parkway.  
17 Because there is a decline and I don't think a light's  
18 going to help that unless you put more lights in, and  
19 then it can enforce. I don't know if it can be  
20 enforced. So that's all the input I have.  
21 MR. SOMACH: Thank you for your  
22 questions and comments. Do we have anyone else that is  
23 signed in?  
24 MR. GEIB: Next we have Scott Marcks.  
25 MR. SOMACH: Scott. Feel like a game



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1 show host here. Come on down, Scott.

2 MR. MARCKS: Am I going to win  
3 something?

4 MR. SOMACH: I don't know.

5 MR. MARCKS: Good evening, Mr. Chairman,  
6 supervisors, distinguished gentlemen. I have a few  
7 points. One, I just -- I agree with everything that was  
8 said before about trucks. I've seen them. Access to  
9 Road A, it's going to be employees, hundreds of  
10 employees. I've worked in warehousing for 15 years. A  
11 million square feet, you're going to have hundreds of  
12 employees, trucks 24/7. We talk about signage, stopping  
13 trucks. Like let's just look at Aldi's, right? No  
14 parking, all right? What does that road look like 9,  
15 10, 11 o'clock at night? I've worked for Aldi's. They  
16 don't let you come in for receiving till 11:00. So  
17 where do those trucks go? They're told to go to a rest  
18 area. They park along Saucon Valley Road.

19 Yesterday, just case in point, we had a  
20 driver drive off into the ditch. If you're there 4:30,  
21 5:00, there was cops, wrecker pulling him out, blocked  
22 the road. And that's just the product of the industry  
23 as a whole, right? So, truckers are getting older;  
24 they're retiring. So you have younger drivers out  
25 there, 18, 20 years old, and you're lowering standards,



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1 right? So we're going to bring that type of traffic  
2 and, you know, drivers into the area, right? Like, it's  
3 a real concern of mine, right? I walk down Valley Road  
4 with my family. Right now there's no sidewalks, so I'm  
5 sure some of the residents as well, you know, take  
6 precautions and walk down there. But if we're going to  
7 add even car traffic down there to get to Collector Road  
8 A, I just don't think it's going to be an improvement to  
9 the area.

10 The noise, the beepers on the trucks, the  
11 switchers and the jockey drivers in the yard, absolutely  
12 required. So that's going to be going 24/7. A million  
13 square feet, how many jockey trucks are you going to  
14 have? 20, 25, 30? Usually non-stop. Backing up trucks  
15 is what they do, so that's going to be a noise problem.  
16 I don't know if a 10-foot berm's going to stop that.

17 Snow removal, I know it's required that  
18 you have those. Nothing stops the drivers from just  
19 driving around it. Had it at every one of my buildings.  
20 Gotta go, impatient, drive around it. That's how they  
21 get on the road. So I appreciate you guys will have it,  
22 but I just don't know how much that's going to help.

23 And then just again, the employees, we're  
24 just going to be driving a lot of traffic into the area.  
25 Overall, I don't think it's going to help.



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1 And the main point that I would like to  
2 point out is the green space argument. If you're going  
3 to have a 60-foot building, there's reasons why you're  
4 supposed to have five acres per 100,000 square feet? Is  
5 that accurate?

6 I'm asking a question.

7 MR. SOMACH: Mr. Preston, do you have  
8 the answer to that question?

9 MR. PRESTON: I don't know the exact  
10 acreage, but yeah, there is a requirement.

11 MR. MARCKS: Well, that's what I heard  
12 today. The setback was only five acres, correct? 500  
13 feet, how many acres is that?

14 MR. ENGELHARDT: There's a 20-acre,  
15 roughly 20-acre separation area. The five acres is, for  
16 the additional height is effectively an offsite open  
17 space.

18 MR. MARCKS: Well, yeah, so that was the  
19 point I was going to get to, right? So this site,  
20 you're not going to have that green space. You're  
21 saying at a future space that we can't talk about yet  
22 because you're still in negotiations. So we're done,  
23 right? We can't agree to this exception if we don't  
24 know where that space is going to be or if we're going  
25 to have it as a community.



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1 So that would be my biggest point as far  
2 as, we can't accept -- everything else is kind of my  
3 opinion, but this is, hey, we're not going to have it,  
4 and you're going to build three tall buildings. Why  
5 can't you build one? Gives us the space. Why can't it  
6 be one? I understand we're going to develop this at one  
7 point in the future; can't stop progress. It's  
8 cornfields. You make a lot more money if you develop  
9 it. It's going to happen. Why does it have to be three  
10 warehouses is what I'm asking. So, thank you, guys.

11 MR. PRESTON: I will say this, that one  
12 of the sites that's under consideration, my client does  
13 own a subdivision. I believe it goes by the name of  
14 Landis Mill. That's one of the properties we would  
15 offer. It's up to the Township whether they would want  
16 it or not. We're not there yet. It's their call. We  
17 don't get to say take it or leave it. They have to be  
18 interested in it.

19 MR. SOMACH: Is there anyone else that  
20 has --

21 MR. GEIB: We have Renee D'Amico.

22 MR. SOMACH: She's already spoken.

23 MR. GEIB: Mr. Foley, is that a yes or a  
24 no?

25 MR. FOLEY: No.



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1 MR. GEIB: Thank you. Jeff Crandall?

2 MR. CRANDALL: That's me with the  
3 question mark because I wasn't sure if I was going to  
4 speak.

5 MR. SOMACH: Will the question mark  
6 please come forward.

7 MR. CRANDALL: Thank you. Hi, I live at  
8 3548 Sunnyside Road. My question is also on the height  
9 of the building. It sounded like that the code was  
10 basically 40 feet and with that came the 10-foot berm  
11 and the 10-foot trees, right? I don't know how it's  
12 based, but 60 feet is high. I'm not sure if that  
13 exhibit shows a 60-foot building in the, you know, what  
14 it would be. Is it possible or would the Township  
15 consider making the berm higher? If we're going to  
16 raise the building 20 feet, raise the berm 10 and the  
17 trees 20? Make them 20 instead of 10? Because that's a  
18 tall building.

19 MR. ENGELHARDT: All the drawings  
20 reflect a 60-foot-high building.

21 MR. CRANDALL: Even that A-4?

22 MR. ENGELHARDT: Yeah. All the --

23 MR. CRANDALL: Can we go to A-4, because  
24 I think that was -- did that show the 10-foot -- well,  
25 that doesn't show any building, which I'm sure you could



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1 see a 60-foot building from that point. And all the  
2 homes are much higher than where the street is.

3 MR. ENGELHARDT: Yeah, that view is a  
4 street view, so you're at street level.

5 MR. CRANDALL: Understood, but if you  
6 guys are trying to help us, where we live, the street  
7 view isn't really what we're concerned about. It's from  
8 outside our window. And I'm not saying second floor,  
9 you know, but...

10 MR. ENGELHARDT: I'm just addressing  
11 this specific view. It's at street level with a 10-foot  
12 berm and the plantings on top.

13 MR. CRANDALL: So you don't think you  
14 could see in that, a 60-foot building?

15 MR. ENGELHARDT: No, based on the street  
16 view, but there may be --

17 MR. CRANDALL: But you don't think you  
18 could -- okay. But I think it was A -- was it A-6 where  
19 it showed the building? And if that berm is 10, the  
20 trees are 10, that building's not 60 feet high. There's  
21 no way. Because if you double that, that looks like  
22 it's about 40. So to me that looks like it's a ratio --  
23 so are you saying that building's to scale? That  
24 building there is 60 feet compared to the berm and the  
25 trees?



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MR. ENGELHARDT: Yes. Yes. The --

MR. CRANDALL: Because if you look at the berm and the trees and double it, that's the height of the building.

MR. ENGELHARDT: Yeah. Again, the trees might be showing, I had mentioned, I think a couple years of growth on the trees. So the trees are probably 15 feet tall in that rendering.

MR. CRANDALL: I just -- 60 is high. I'm just saying could the Township consider, if they're going to go 20 feet, could they also raise the combination of the berm and trees to be an additional 20 feet to try to help block -- because again, all our homes -- I live on that side too. I live on Sunnyside, which kind of curls around. We're much higher than the street view. And I don't think we're worried about driving past it, if we see it. I think it's basically just looking out our window and seeing a huge building in front of us. So if you could take that into consideration, we'd appreciate it. Thank you.

MR. SOMACH: Any other questions?

MR. GEIB: Jim Dickey?

MR. DICKEY: Hi, this is Jim Dickey. I live at 3475 Courtney Drive. If you could pull up the view that has the landscape like you see on this poster,



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it would help what I'm -- yeah, just that one there.

So I think just to add onto what Jeff Crandall had just stated, I think that adding height to that berm might actually, for some of those houses that can actually see that, might then end up blocking the parking lot view or something like that. So additional height on that might actually help. Because you don't have all the perspectives and I'm not asking you to do all the perspectives.

So the first thing I'd like to say is, Renee asked a question earlier this night, and I wrote all this down while we were doing it so I don't have to ramble on. I believe Renee D'Amico's question on residential property value decrease quantification was not answered by the Township legal authority. I'm asking for the Township to clarify and quantify and understand better for this unique residential impact in Upper Saucon Township, okay?

Clearly, Upper Saucon Township cannot deny the positive impact which will be realized by the residential areas in proximity of said green space provisions, that five acres which this gentleman seemed to be confused and thought it was five acres on this property. It's five acres somewhere else, which will be green land possibly or something that is preserved that



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1 the Township will do something to offset an impact of  
2 putting a big industrial warehouse here. So those  
3 residences at that five acres per whatever, however you  
4 multiply it out on the warehouse thing, the value of  
5 those residences will undeniably have a positive impact  
6 as opposed to the residences that are in direct  
7 proximity of this warehouse, which I think the Township  
8 can clearly agree that with a 60-foot warehouse out  
9 there, it will cause a not-positive impact on the  
10 residential property in proximity here as opposed to the  
11 property that will be there.

12 So long story short -- I said I'd read  
13 this and I didn't. But it has to be understood that the  
14 residential impact for residents in proximity of the  
15 warehouse project will be negative, not positive, and  
16 Upper Saucon Township carries this liability for the  
17 residential communities in proximity.

18 So that said, I'll move on to the next  
19 thing. I believe in a lot of these elevations, it was  
20 shown -- I'm not sure if in the statutes or the things  
21 that were covered point by point if they specifically  
22 mentioned, but the height of that berm, if it's 10 feet  
23 or if it's 15 or if it's 20, whatever comes out of  
24 this -- right now it's at 10 -- the height of that berm  
25 being 10 feet would be relative to the center line of



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1 East Valley Road as it does its grade down. So  
2 everywhere you can see, you'd be like, oh, that's 10  
3 feet, that's 10 feet, because there was some discussion  
4 about whether it was just where the ground was or where  
5 the center line of the road. And I believe in all your  
6 presentations that are shown here, that's there.

7 Now, if you could, that's perfect.  
8 You're zooming in on Section B there. That Section B  
9 view is from basically the road and a resident's house  
10 on there. And I think it would be helpful in a future  
11 sight line view to back this up, and it addresses a lot  
12 of the residents' concerns about the views from their  
13 houses. If you view this up to the intersection, and I  
14 mean intersection of Stonegate Drive and Courtney Drive,  
15 you're going to go up 20 feet or however up that road,  
16 it's a 50-foot section to where there's a stop sign, and  
17 do the perspective of Section B from that location. Not  
18 where the house is there, but up where the intersection  
19 of Stonegate and Courtney Drive is.

20 And then look to the left in Section B,  
21 and you see, assuming as you say that that's a 60-foot  
22 warehouse and not a 40-foot warehouse, if you could put  
23 in there or superimpose way further to the left or just  
24 put it on the drawing what that high tension voltage  
25 tower off in the distance is. Because you can see that



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1 today. I saw it tonight when I drove to the meeting. I  
2 look off in the distance. It's right on the other side  
3 of 309. And you can see it off in the distance, and  
4 that would be a great perspective for the people on  
5 Courtney Drive and Stonegate Drive, looking off in the  
6 direction of that building, if you could just add it on  
7 there almost like a little golf finder. Where's that  
8 tee? Put that high tension tower out there so you could  
9 get an understanding of what that perspective will look  
10 like.

11 Because right now all we do is look out  
12 on this cornfield that's now down. And these  
13 perspectives are great, but I think it would help for  
14 the current state, which you can see that high tension  
15 wire and wonder, what would a 60-foot building look like  
16 out there? And if you put it on your drawing here based  
17 on whatever you can, you know, superimpose it on that  
18 view, I think it would help us a lot.

19 Let's see. Safeguards. One other thing  
20 as far as a consideration. I know the Township is  
21 concerned about safety. I think it would be helpful if  
22 in these lounge facilities for the employees at this  
23 location and possibly each of the buildings, because  
24 they may be separate tenants, for the lounge that is  
25 there for the employees and I would assume for the



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1 truckers, give them some exercise equipment and some  
2 entertainment in there so that they're not inclined to  
3 just leave the site of the property and go exercise.  
4 Everything should be done so they can stay contained on  
5 the site, and that will help protect the safety of the  
6 community.

7 I believe that the safeguards were the  
8 last thing I would like to say. Do you have any  
9 questions for me or clarifications as far as that? I  
10 think I had mentioned to you, uh -- Jason?

11 MR. ENGELHARDT: Jason, yes. And we  
12 spoke over the break, so I'm aware of what you were  
13 asking as far as --

14 MR. DICKEY: Perspectives.

15 MR. ENGELHARDT: -- perspectives of  
16 section view. That's fine. Thank you.

17 MR. DICKEY: I think that was it. Thank  
18 you so much.

19 MR. SOMACH: Thank you.

20 MR. DICKEY: And I appreciate all the  
21 presentations. Thank you.

22 MR. SOMACH: Any others who signed it?

23 MR. GEIB: The only other one is Mark  
24 Wasem.

25 MR. WASEM: I'm good. Thank you.



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MR. SOMACH: You're good? Okay.

MR. GEIB: Anyone else needs to sign in.

MR. SOMACH: Yeah, anyone else, if you want to speak, you need to come up and sign in, please. While you're doing this, let me just remind everybody that, again, this use is permitted in this zone. It is subject to the conditions that you heard in a very elaborate fashion presented, that if those conditions -- if the applicant proves those standards have been met, then the project must be approved. If the project is to be defeated, there has to be substantial evidence presented that would show either a substantial threat to the community, et cetera.

Now, all these questions are very helpful to the supervisors in them formulating any additional conditions that they may want to impose. So your questions and comments are appreciated and accepted, being that the time of the night, I know we're not going to get to conclude this hearing tonight anyway, so there'll be further opportunity at a future hearing. But go ahead, let's have your questions or comments at this time.

MS. WHITE: Great. Thank you. My name is Allison White. I live at 3807 East Hopewell Road. So we live kind of in the property behind what is today



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PITT OHIO. So I think I echo a lot of comments that have already been made in regard to PITT OHIO. The ongoing construction has been incredibly disruptive to our neighborhood. My understanding with kind of the approval of that expansion was that there was going to come with, you know, additional barriers, kind of, not exactly like what we've been discussing, but trees and, you know, that sort of thing to kind of barrier East Valley Road from PITT OHIO. That is yet to happen. And so, and, actually, the opposite has happened. So a number of trees has been teared down to make that expansion happen.

And I think it's also important to note that the exhibit that's on display right here to my right isn't completely accurate to what PITT OHIO looks like today. The land kind of to the back left corner has been, the trees kind of along that line have been teared down and there's significant construction going on there. So I think that's important to note because this kind of gives a view of PITT OHIO as being relatively minimal, but there's been a lot of changes in regard to that.

Additionally, I think that I echo a lot of the comments around the noise pollution that's potential with this new property. The backup beepers,



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1 we hear them day in and day out. Just the loud noises,  
2 if anything's banging against one another, we hear them  
3 day in, day out. So I think that we would like to hear  
4 more about what sort of noise studies have been  
5 completed or will be completed, because as it stands  
6 today, I have no faith that I'm not going to be able to  
7 hear this property.

8 And then lastly, I think one of the  
9 points that was made was that the proposed use shall not  
10 distract from the use and enjoyment of adjoining nearby  
11 properties. I have yet to fully understand or hear how  
12 that point has been met. So while I recognize that the  
13 property is zoned for this usage, I don't believe that  
14 we have really met all the requirements to do so. So,  
15 thank you for your time.

16 MR. SOMACH: You're welcome.

17 Mr. Preston, any response to that?

18 MR. PRESTON: No.

19 MR. SOMACH: I think we have one more  
20 citizen before we go to the supervisors for comments and  
21 questions.

22 MR. ALEXIADES: Hi. Nick Alexiades,  
23 3595 Sunnyside Road. One question that popped in my  
24 head before I spoke and any questions, the traffic study  
25 you mentioned was done in 2021. Have we looked at

1 pre-pandemic traffic levels as well? Because as  
2 somebody who's been commuting using East Hopewell Road  
3 in and out for the last almost seven years, traffic at  
4 rush hour is definitely less now than it used to be. So  
5 have we looked at 2018, 2019 levels as well?

6 MR. HOFFMAN: Yeah, so that is factored  
7 in as part of PennDOT's process with what we have to  
8 look at with traffic counts, if any traffic counts were  
9 done. They had a period -- now is considered the new  
10 normal. So if you start a traffic study today, you can  
11 count today, knowing that lines are different than they  
12 were, because it's considered the new normal now because  
13 things have changed. So during the period of COVID, if  
14 counts were conducted during that period, there were  
15 factors that were needed to be applied to the traffic  
16 lines to increase them to account for a pre-pandemic  
17 traffic level.

18 MR. ALEXIADES: Okay. So the biggest  
19 concern I have, in a hypothetical world where this gets  
20 approved and construction moves ahead, the one thing  
21 I've never heard of is timing and sequence. It's going  
22 to be a construction zone for many years, I'm assuming.  
23 Where is the construction entrance going to be? What's  
24 the timing with that relative to the stoplight? I'm  
25 assuming at least to start, construction's going to be



1 coming off of East Valley. Where on East Valley is that  
2 going to be? There's a lot more than the finished  
3 product that's going to affect the residents. Is it a  
4 two-year plan? Is it a five or an eight-year plan?  
5 What are we looking at from a project sequence and  
6 timeline?

7 MR. ENGELHARDT: So what we're  
8 discussing tonight is a conditional use process.  
9 Assuming that this gets an approval at some point, we'll  
10 move into a land development process. And at that point  
11 we'll study closely things like construction entrances,  
12 timing; we'll need to keep PITT OHIO's facility open and  
13 operating while we're proceeding.

14 We're obviously going to be very  
15 sensitive to East Valley Road and bias our construction  
16 accesses off of 309. I can't absolutely say there won't  
17 be a construction access for the work that has to be  
18 done to create that, the berming along East Valley Road,  
19 but that all will all get flushed out and there'll be  
20 other meetings like this when that moves further.

21 MR. ALEXIADES: Yeah. So, I'm not a  
22 construction guy, but from a resident's standpoint, I  
23 would assume, you know, the sooner that light can go in  
24 there, the sooner that at least the bottom part of the  
25 connector road can be done. And the sooner the berm can

1 be constructed, the better for us, right? We wouldn't  
2 want the berm to be the last part of the plan.

3 The other question I have is from an  
4 environmental standpoint as somebody whose driveway is  
5 not -- when I'm out there with my snow blower, the winds  
6 are always coming off of the cornfields where this  
7 property is going to be. What kind of studies can you  
8 tell us about the emissions that will be blowing from  
9 that direction the majority of the time?

10 MR. SOMACH: Mr. Preston, can any of  
11 your people address that or not at this point in time?

12 MR. PRESTON: Well, let me -- I know  
13 that we're in compliance with all rules and regulations.  
14 What's coming off the property, if anything, I don't  
15 know.

16 MR. ALEXIADES: Burning diesel fuel.  
17 There's going to be something. Just curious if there's  
18 something almost like an elevation or something that  
19 says how quickly it dissipates based on distances to  
20 residences and things like that. I'm not an  
21 environmental engineer so I can't tell you. But that's  
22 information I'm sure all the residents would like to  
23 know.

24 MR. PRESTON: Well, I don't know that.  
25 I know that we had to demonstrate compliance. Let's see

1 here. So this was from --

2 "I have been asked to prepare a  
3 professional, expert, and qualified opinion on the land  
4 development plan for the Kay Lehigh, LLC, Route 309  
5 Commerce Center, regarding its compliance with all  
6 applicable federal and state laws, rules, and  
7 regulations, concerning air pollution issues.

8 "In terms of qualifications, I am a  
9 registered Professional Engineer in Pennsylvania and a  
10 Board-Certified Environmental Engineer with the American  
11 Academy of Environmental Engineers in the field of Air  
12 Pollution Control. I have over 50 years of experience  
13 in the field, two of those with the EPA, sixteen years  
14 with the then Pennsylvania Department of Environmental  
15 Resources (the precursor agency to the Pennsylvania  
16 Department of Environmental Protection), and over thirty  
17 years in private practice. I have owned my own firm  
18 since 2005 and have consulted for a wide range of  
19 companies, including major Fortune 500 companies like  
20 Caterpillar, Harley-Davidson, and Duke Energy, to name a  
21 few. I have been qualified as an expert witness on air  
22 pollution issues before the Pennsylvania Environmental  
23 Hearing Board.

24 "I reviewed the subject land development  
25 plan and my professional opinion is that there are no



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1 air pollution laws, regulations, or rules, state or  
2 federal, that would apply to this proposed project. In  
3 general, the Clean Air Act requires permits only for  
4 stationary sources of air pollution, and only for those  
5 that exceed potential emission limits that would be  
6 considered a major source. In Pennsylvania, those  
7 limits vary from as low as 10 tons per year for a single  
8 hazardous air pollutant, to as high as 250 tons per year  
9 for a facility like a freight terminal. There are no  
10 stationary sources proposed at your facility and thus  
11 there are no possible triggers for permitting  
12 requirements.

13 "The Pennsylvania Department of  
14 Environmental Protection (DEP) has more stringent  
15 permitting requirements than does EPA, but again there  
16 are no sources proposed in your land development plan,  
17 so no air permitting is required and there are no  
18 applicable regulations."

19 This is addressed so forth and so on.

20 MR. ALEXIADES: So what that's saying is  
21 trucks are not stationary that they don't need a permit.  
22 Is that what I'm hearing?

23 MR. PRESTON: Well, that's what the  
24 evidence is. I'm not an air person either myself, so I  
25 don't have an answer to your question.



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1 MR. ALEXIADES: Okay. So I would just  
2 enter that as a concern of the residents, you know, the  
3 volume of trucks and cars that are going to be in there.  
4 Even though they're not stationary, what does that mean?  
5 Because it will be 24/7, you know, assume at half  
6 capacity or something like that.

7 MR. SOMACH: And again, your questions  
8 and comments are a help to the supervisors for them to  
9 formulate, if they choose, additional conditions for  
10 this plan, so thank you.

11 I'm told that we have no other people  
12 that are pre-signed, so I'm going to turn to the  
13 chairman and ask if -- we're obviously not going to  
14 conclude tonight, so if any of the supervisors want to  
15 ask some questions while we have these three  
16 participants here to testify. And then I think after  
17 your questions it would be appropriate to have a motion  
18 to recess this -- adjourn this conditional hearing until  
19 March 28th, when we can conclude the rest, which would  
20 conclude the oral argument, close the record, and then  
21 discussion among the board to propose any additional  
22 conditions you want.

23 And I'm told that Mr. Dinkelacker has  
24 planned on having an executive session before the March  
25 14th meeting so that you can discuss anything that needs



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1 to be discussed in executive session. So with that in  
2 mind, Mr. Chairman, I'll kind of turn it back over to  
3 you.

4 MR. FARRELL: Any questions, gentlemen?

5 MR. SPAETH: I don't have any specific  
6 questions. I think the comments tonight were very  
7 helpful to me and I'm sure the other board members. And  
8 some of them, we're going to have to sort out to what  
9 extent we address some of these issues in the  
10 conditional use hearing and some of the questions in  
11 land development. And so I think that'll be utmost in  
12 our mind as we go forward.

13 MR. PRESTON: Understood.

14 MR. INGLIS: I just have one question.  
15 Would you be amenable to making the berm higher?

16 MR. PRESTON: I would, but I'm not the  
17 --

18 MR. RICHARD BROOKS: We'd have to talk  
19 to Jason. We don't have anything against that. We just  
20 --

21 MR. PRESTON: I think that's a better  
22 way to put it: We don't have anything against it. How  
23 that affects the engineering layout, I don't know.

24 MR. SOMACH: Again, if you impose an  
25 additional condition, you can do so, so it's a good



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1 question to ask. Maybe, Mr. Preston, you could --  
2 MR. PRESTON: I think that we can do  
3 that. I think we can make it -- and we'll discuss with  
4 the Township how to accomplish that. I'll put it this  
5 way: The answer is not "no."  
6 MR. INGLIS: Okay.  
7 MR. SOMACH: And I would suggest then to  
8 help the supervisors, maybe you can access over the next  
9 couple weeks before their next meeting and get to  
10 Mr. Dinkelacker and tell him --  
11 MR. PRESTON: I think I'll have our  
12 engineers work with the Township engineers and you can  
13 get the information that way. Is that --  
14 MR. INGLIS: Yes, that's fine. Thank  
15 you. Anything you can do.  
16 MR. SOMACH: Any other supervisor  
17 questions tonight?  
18 MR. BENNER: I have none. I think it's  
19 been a long road. You've been at this a long time.  
20 Thanks for distilling the issues in a very concise way.  
21 As we've all been told tonight, that this is a  
22 conditional use for the most part we meet -- if the  
23 applicant meets their conditions, they are entitled to  
24 have an approval of this. I think you've gone a long  
25 way in that regard. Thank you, public, for continued

1 input in that regard. It could be a whole lot worse.  
2 And I think on balance, I think, you know, we're moving  
3 in the right direction here.  
4 MR. SOMACH: Mr. Chairman, any other  
5 questions from you, then?  
6 MR. FARRELL: No, I would just agree  
7 with what my counterparts have said. Your questions  
8 were very helpful tonight and it gives us a lot to  
9 discuss and review before our next meeting.  
10 MR. SOMACH: And again, I would, on  
11 behalf of the board up here, I would again thank the  
12 citizens for your questions and your comments because  
13 that does help the supervisors in deciding whether or  
14 not there should be additional conditions other than the  
15 30-some that were mentioned in the beginning.  
16 And with that, Mr. Chairman, if there's a  
17 motion to adjourn to March 28th, that might be an  
18 appropriate time for someone to make that motion.  
19 MR. BENNER: So moved.  
20 MR. INGLIS: Second.  
21 MR. FARRELL: Any further second? All  
22 in favor of continuing to March 28th?  
23 (The motion passed unanimously.)  
24 MR. FARRELL: Motion carried.  
25 MR. SOMACH: Okay. We're going to

1 temporarily close the conditional use hearing for now.  
2 But it is an adjournment, not an end, so you'll  
3 reconvene on March 28th. Thank you all.

4 (Hearing concluded at 9:09 p.m.)

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5  
6 March 3, 2022  
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8

9 I hereby certify that the evidence and  
10 proceedings are contained fully and accurately in the  
11 notes taken by me of the within hearing, and that this  
12 is a correct transcript of the same.  
13

14 

15 Shari A. Cooper  
16 Registered Diplomat Reporter  
17 Certified Realtime Reporter  
18 Notary Public  
19  
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