

## SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS

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In Re: **ORCHARD BJK & SCOTT PETITION FOR ZONING CHANGE**

- - -

Transcript of public hearing held in the  
above-captioned matter before the Smithfield Township  
Board of Supervisors, Municipal Building, 1155 Red Fox  
Road, East Stroudsburg, PA on Wednesday, January 11,  
2023, commencing at or about 6:05 p.m.

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JACOB PRIDE, Chairperson  
ROBERT LOVENHEIM, Supervisor  
BRIAN BARRETT, Supervisor (via tele)

RONALD J. KARASEK, ESQ., Solicitor  
AMY MONTGOMERY, P.E., Engineer

JULIA HEILAKKA, Township Manager

- - -

ALSO PRESENT:

RALPH A. MATERIA, ESQ.  
31 North Seventh Street  
Stroudsburg, PA 18360  
-- For the Petitioner

ALSO PRESENT:

ALBERT R. MURRAY, JR., ESQ.  
630 Marshalls Creek Road  
East Stroudsburg, PA 18302

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DONNA KENDERDINE REPORTING  
P.O. BOX 509  
STROUDSBURG, PA 18360  
(570) 992-7766

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## P R O C E E D I N G S

Wednesday, January 11, 2023

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MR. PRIDE: Good evening. It is 6:05 PM. This is the regular business meeting of the Smithfield Township Board of Supervisors. Please join me in reciting the pledge of allegiance.

- - -

(Off stenographic record.)

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MR. PRIDE: Thank you very much for joining us this evening. Members include myself, Chairman Jacob Pride, Vice Chair, Robert Lovenheim, Supervisor Brian Barrett via Zoom, Township Manager Julia Heilakka, our solicitor, Ron Karasek, and our engineer this evening, Amy Montgomery from LVL Engineers.

For announcements, later on this evening we will consider an additional item to the agenda pursuant to the Pennsylvania Sunshine Law.

(Off stenographic record.)

MR. PRIDE: Next, and I believe the main event here, is the public hearing for Orchard BJK and the Scott petition to rezone select parcels from R-1 to ED. I believe many of you are here for that reason.

Before I turn it over to our solicitor to

1       conduct the introductory portion of the hearing, I want  
2       to be clear that this evening's consideration is not  
3       for a warehouse, it is for their petition to consider  
4       rezoning the district. So, if the petition were to be  
5       approved, it would be required of them to file a  
6       separate land development plan, which is its own  
7       proceeding. So, there would be a second set of  
8       hearings. But, we do not yet know if that will be  
9       approved; that will be determined this evening.

10               Without further adieux, I'll turn it over to  
11       our solicitor, Ron Karasek.

12               MR. KARASEK: Thank you, Mr. Chair.

13               Good evening, everyone. This is a continued  
14       hearing from the hearing that was initially held on  
15       December 14, 2022. At that time the hearing for this  
16       matter was opened, the township introduced its  
17       exhibits, and then the applicant requested that the  
18       matter be rescheduled so that they, because there's  
19       more than one applicant, would have the opportunity to  
20       review recent review letters that had come in with  
21       respect to the project.

22               Now, understand that this is unlike a  
23       hearing in which there is a conditional use  
24       application, which is decided by the supervisors, or a  
25       variance, which is decided by the Zoning Hearing Board

1 or matters such as those. This is a legislative  
2 hearing in which the individuals involved are  
3 requesting their -- basically, the board to make a  
4 change to the law. That happens every day. It's  
5 nothing that is improper and it's very routine,  
6 although you may not be in favor of the change that is  
7 being requested and that's certainly understood.  
8 Understand, that's what's being done.

9 This is asking that -- there are, I believe,  
10 five or six additional properties to be added to the  
11 Economic Development Zoning District and, in that  
12 regard, to follow up on the comments made by the Chair,  
13 if someone wants to put a warehouse in the Economic  
14 Development district they have to come before the board  
15 again and have a formal judicial hearing as a  
16 conditional use in order to be able to do that. It is  
17 not a permitted use. If you want to put in a mixed  
18 building incentivized option, those are permitted. A  
19 warehouse is not a permitted use in this district and  
20 there has to be a formal hearing held to determine  
21 whether or not that could go forward. So, in following  
22 up on those comments keep that in mind.

23 This is not a hearing to determine whether  
24 there should be a warehouse, a mixed use, hotel, motel,  
25 it's a hearing to determine whether or not five or six,

1 and the applicant will be clear on that, additional  
2 properties should be added to the Economic Development  
3 district.

4 Now, the way we will proceed is I will have  
5 the applicant, through their attorney and their  
6 witnesses, present their case sort of in a quasi-  
7 judicial fashion where we will have a witness called up  
8 to a witness chair, which we'll put here somewhere,  
9 and have questions asked of that person and then, of  
10 course, the supervisors would also ask questions.

11 In this particular matter, again, since it's  
12 legislative, it's not necessarily a case in which there  
13 are party individuals. So, the crowd may not  
14 necessarily ask questions, but you certainly can make  
15 comment as the meeting -- usually at the end of the  
16 meeting, but sometimes, depending upon what's being  
17 said, comment at a certain time makes more sense.

18 So, that being said, let's put a chair up  
19 here and the way we'll proceed is Attorney Ralph  
20 Matergia is here on behalf of the applicant, so he can  
21 then proceed to call his witnesses and make his  
22 presentation here.

23 Understand again, this is a public hearing,  
24 which is basically a public meeting, but it's meant to  
25 inform the public as to what a particular project is.

1 So, it's a public meeting, but it has that additional  
2 twist that is to inform the public as to what, in fact,  
3 is before the board for consideration.

4 So, that being said, Mr. Matergia, you're on.

5 MR. MATERGIA: Thank you. Members of the  
6 board and the public, as Mr. Karasek has mentioned,  
7 this is a legislative proceeding. We'll try to be  
8 succinct in our presentation.

9 Zoning matters, as you know, first day of  
10 Property Law, a long time ago when I was in law school,  
11 when we got to the zoning chapter the professor says,  
12 "Zoning brings out the best and the worst in everyone,"  
13 and there is some truth to that.

14 So, these type of matters never come without  
15 controversy and they never come in a manner where  
16 everybody is happy, but we will, during this  
17 presentation, certainly respect the opinions of those  
18 that are here to appear this evening. We ask the board  
19 simply keep an open mind as you seek to make judgment  
20 in your best discretion. We recognize that this is a  
21 matter of legislative prerogative, not necessarily a  
22 matter of right.

23 That being said, I want to simply open by  
24 introducing who I represent. I represent Russell and  
25 Craig Scott. They are in the audience this evening,



1 both here. They are property owners and residents of  
2 your community.

3 I represent M. Manor Holdings, LP, which is  
4 a company that is a property owner and taxpayer in your  
5 community. Michael Byrne is a representative of M.  
6 Manor. Both the Scott property and the M. Manor  
7 property are subject to the zoning map amendment change  
8 request.

9 I represent Orchard BJK Company, LLC, the  
10 principal of which is Mr. John Herman. He is a real  
11 estate professional and a developer who is under  
12 contract to purchase both the Scott property and the  
13 M. Manor Holding property and is joining with them  
14 seeking to have the zoning ordinance amended so that  
15 Mr. Herman can then proceed to make application for a  
16 warehouse use on the property.

17 The petition itself proposes merely a change  
18 in the map and an extension of the zoning district.  
19 There are no other language changes, there are no  
20 definition changes being requested. If, in fact, the  
21 supervisors find the wisdom of extending this zone  
22 further back from where it now exists to encompass the  
23 properties that are being suggested to be rezoned, the  
24 applicant's idea -- or, excuse me, Mr. Herman's idea of  
25 what he'd like to do with this property will be a

1 permitted use subject to land development. Zoning will  
2 not be involved, but land development will, and the  
3 details of a project will then be brought forward to  
4 the Board of Supervisors and to the members of the  
5 public to take issue with what is being proposed.

6 Now, the subject property includes -- in  
7 addition to the property owned by the Scotts and the  
8 property owned by M. Manor, it includes two other small  
9 parcels; one owned by Holly Scott and one owned by  
10 Michele Crompton. Holly Scott, although not necessary  
11 for a property owner whose property is sought to be  
12 rezoned to consent, she has, nevertheless, given her  
13 consent and that consent is in writing and I'll present  
14 that to the board.

15 Michele Crompton is here this evening and  
16 she's indicated to me that she is not opposed to the  
17 zoning amendment and, to that extent, we suggest that  
18 she consents as well.

19 So, again, we'll respect each other as we  
20 make this presentation. Not everybody is going to be  
21 happy with the decision that the supervisors will be  
22 asked to make, that's a given, but we'll, nevertheless,  
23 hope to keep an open mind regarding what we're about to  
24 present in the exercise of your sound judgment.

25 With that, we'd like to call Mr. John Cote of

1 Langan Engineering.

2 - - -

3 JOHN COTE, P.E., having been duly sworn  
4 according to law, testified as follows:

5 - - -

6 MR. COTE: My name is John Cote from Langan  
7 Engineering and Environmental Services. Last name is  
8 spelled C-o-t-e.

9 What I'll do is I'll put up a series of  
10 boards to orientate everybody for where we're talking  
11 about the properties in question. I realize the  
12 orientation -- if somebody can't see I'll try to adjust  
13 as we go along.

14 - - -

15 DIRECT EXAMINATION BY MR. MATERGIA:

16 Q Mr. Cote, just briefly since -- those of us  
17 that work with you know who you are and what you do,  
18 but let the public have a little idea of your  
19 background and your involvement with property  
20 development in this community.

21 A Sure, absolutely. So, again, John Cote from  
22 Langan Engineering & Environmental Services. I'm a  
23 site development engineer. I'm a site civil engineer  
24 licensed in the State of Pennsylvania. I've been  
25 before this board under various years. I'm the

1 engineer of record for the project down the road that's  
2 being built right now, Smithfield Gateway, the medical  
3 office building that's being constructed there, as well  
4 as what was formerly referred to as the Pocono Medical  
5 Center office center along 447 that's now the Lehigh  
6 Valley Health Network facility.

7 So, I've been in the community for about 28  
8 years going back to the days of different properties  
9 throughout the stretch. I can mention names of prior  
10 developers, but the idea being I've been around this  
11 area, working in this area specifically on different  
12 tracks within the area on 447, 209, and Business 209.

13 And for purposes of -- in terms of what I do,  
14 we do the site civil design, permitting, and then  
15 construction documents for projects moving forward into  
16 the market.

17 So, what I'm referring to here in terms of  
18 the property, this is the overall zoning map for the  
19 township. What we've done is we've overlaid on the  
20 township's map the properties that are commonly  
21 referred to as Mountain Manor. The actual area is the  
22 tract that is just to the north side of 209, Business  
23 209, bounded on the west, southwest, by Craigs Meadow  
24 Road and on the north split by Marshalls Creek Road and  
25 the track, basically, is adjacent to the corridor on

1 209, but what you see on this map is a series of red  
2 parcels that are identified on Route 209, 447, and  
3 Business 209 corridors and those are the ED zones that  
4 exist there today.

5 (Off stenographic record.)

6 A Yeah, projecting my voice has always been the  
7 challenge.

8 So, the point I'm trying to point out here is  
9 that the corridor, the commercial corridors, your Route  
10 209, Business 209, and 447, are predominantly where the  
11 ED zone has been adopted throughout that stretch to  
12 encourage, I assume, economic development along those  
13 stretches.

14 This portion is last piece, this stretch here  
15 that's not connected to the ED zone along Route 209,  
16 Business 209.

17 So, with that mind and that orientation I'll  
18 refer now to the specific parcels.

19 So, in total, to Mr. Karasek's point earlier,  
20 there's a total of 10 parcels involved in the ED --  
21 transition to the ED zone. I'll start with everything  
22 that is west of Marshalls Creek Road and north of  
23 Business 209.

24 So, the series of the seven parcels that are  
25 identified on this plan are basically the predominant

1 southern end of the Mountain Manor tract. The parcels  
2 stretch from a connection on Craigs Meadow Road up  
3 along Marshalls Creek Road and then connect down to  
4 Route -- Business 209.

5 In that parcel is Michele's Crompton's tract,  
6 which is a small parcel adjacent to two other parcels  
7 that are in the ED zone and adjacent to Business 209.

8 This area here constitutes -- the predominant  
9 portion of the tract is overall 144 acres worth of  
10 property. 120 is the tract that was referred to  
11 earlier as the Scott property and the M. Manor property  
12 portion just north of that is 24 acres that basically  
13 encompass everything you see here hatched in red.

14 So, this represents, more or less, everything  
15 to the west of Marshalls Creek Road.

16 MR. LOVENHEIM: John, what's the total  
17 acreage?

18 A So, 144 west of the Marshalls Creek Road and  
19 I'm going to talk about the east side being another  
20 19 acres on top of that.

21 So, keeping in mind that's the left half of  
22 the, you know, west side of Marshalls Creek Road and  
23 what's on the drawing now, this next exhibit, Exhibit  
24 B3 -- the prior exhibit was B2 -- is a hatched area  
25 showing just parallel and running along Marshalls Creek

1 Road on the east side of Marshalls Creek Road and  
2 represents really in the big picture this is a sliver  
3 of property that actually is the -- combined with the  
4 tract across the way as one property 'cause it happens  
5 to have Marshalls Creek Road cut through it. So,  
6 they're not actually two parcels, in the tax maps it's  
7 one, so what we did is we just showed it separately  
8 because Marshalls Creek Road bisects it.

9 So, this is a total of 19-plus acres on this  
10 portion of the site and then adjacent to that there's  
11 an unhatched area here that's also part of the Scotts  
12 overall property that we'll refer to. It's basically  
13 another 90 acres that is not hatched, not intended to  
14 be put into the ED zone, and Mr. Scott will refer to  
15 that in his discussion with the board for the intent of  
16 that particular portion of the property.

17 Within this side the parcels that are also  
18 here, there's the Holly Scott parcels that were  
19 referred to, Mr. Matergia, regarding her components.  
20 There's two parcels there that are within this hatched  
21 area.

22 So, these three parcels, the parcels on the  
23 other side of the road are the overall parcels being  
24 requested to be put into that ED zone.

25 And, again, basically looking at this piece

1 here as being a part of, really, what was the other  
2 tract, the tract on the west side of Marshalls Creek  
3 Road under one parcel.

4 What I can do now is I can refer to, if you'd  
5 like, a little bit more -- I can go into the intent?

6 Q Let's just make clear for the benefit of the  
7 record and the public how the property is currently  
8 zoned.

9 A The property right now is currently zoned R-1  
10 and the property has been before this board under  
11 various design scenarios. You may be familiar with  
12 what was referred to previously as a planned  
13 residential development that was proposed by a prior  
14 developer that got conditional use approval for the  
15 property. That tract was around -- just under a  
16 thousand residential units, about 65,000 square feet of  
17 retail, and then office and other components that were  
18 part of that mixed use development and that's what  
19 basically encompassed the majority of the property  
20 beyond even what we're asking to be rezoned here and  
21 is, basically, the entire 400-plus acres of the overall  
22 property that the Scotts had represented that time for  
23 that application.

24 Q And, Mr. Cote, you had experience with that  
25 prior project, did you not?



1           A     Right. We were the traffic engineers and  
2     part design engineers for the project. We did,  
3     actually, the traffic for this particular corridor as  
4     well as Route 209 and 447 under that engagement.

5           Q     And that project, fair to say, was  
6     preliminarily plan approved?

7           A     Yes.

8           Q     And currently has the approvals.

9           A     For historical context, yes.

10          Q     So --

11          A     I can refer to that a little bit further as  
12     we go along just for comparative sake.

13          Q     Yes, please, and take us now to what's  
14     proposed.

15          A     So, keep in mind this is a concept for the  
16     purposes of what the property could yield relative to  
17     its overall size and the ability to look at how it  
18     would interact with the adjacent roads and highway and  
19     this is a warehouse, distribution center type warehouse  
20     shown basically more or less orientated east-west.

21                 It has parking fields provided at both ends,  
22     an access point out to Route 209. This access point  
23     would be subject to DOT, so right now we're showing it  
24     on our property, but the likelihood is that access will  
25     move somewhere along Route 209.

1           But, the idea behind this plan was basically  
2 to focus the development back behind 209. You know,  
3 the parcel is separated from 209 by other tracts.

4           The overall parcel itself encompasses,  
5 basically, 120 acres worth of land here. There'd be  
6 elements of stormwater management and other components  
7 of the infrastructure associated with it.

8           The idea here would be that all the truck  
9 traffic associated with it and the employee traffic  
10 would focus out to the 209 intersection, be a  
11 signalized intersection subject to DOT's approval and  
12 their standards in terms of what would need to be  
13 required.

14           The site itself for this particular case,  
15 this is a million square foot warehouse. It's showing  
16 about 1144 parking spaces and the idea behind it,  
17 again, this is basically the layout that connects this  
18 to 209 and allows the site -- this particular develop-  
19 ment to be set back from 209 based on where we're at.

20           So, this is just, again, a concept, but the  
21 idea is a test fit for Mr. Herman's looking at what the  
22 possibility is with the tract and it'll be subject to  
23 all the different approvals that were just discussed  
24 earlier in addition to the county's approval, the  
25 conservation district's approval, DEP approval. So,

1 what you see here, again, is just conceptual to get an  
2 order of magnitude of what could be done with the  
3 property. So, representing that.

4 So, to the discussion a moment ago, I want to  
5 flip back to basically what was previously proposed on  
6 the site. In the past the development that was looked  
7 at was a mixed use center, so I brought up, basically,  
8 a prior concept plan, basically a rendering of the old  
9 plan, and this basically shows the layout of what was  
10 previously proposed on the overall tract including not  
11 only what we're talking about along the portion -- the  
12 120 acres or 124 total acres we were talking about  
13 before, but the entire 400 acres and the east side of  
14 Marshalls Creek Road being developed as well as the  
15 north end of the property.

16 So, this site was a site with about -- again,  
17 I think it was like 991 residential units and, again,  
18 back to the numbers of the retail, office, 65,000  
19 square feet of retail, about 100-plus thousand square  
20 foot of office, and then other uses throughout the  
21 site.

22 So, one of the things I think a lot of people  
23 come here, I gather, from a concern point of view is  
24 what's the nature of the traffic associated with a  
25 project like this. You have a warehouse versus what

1 you see as a residential type development.

2 So, to kind of give you just a quick order of  
3 magnitude, the daily trips of a site like this  
4 warehouse would be in the range of around 1700 cars a  
5 day on a daily count. The daily traffic associated  
6 with this would be 14,000-plus cars a day to the area.  
7 So, you're looking at different orders of magnitude  
8 between residential and multi-use, multi-use  
9 residential and commercial, versus the warehouse.

10 So, there's a lot of different things that  
11 people want to understand about traffic and I'll just  
12 do a little bit just to kind of give the order of  
13 magnitude of what people are looking at as far as  
14 issues.

15 The primary issue when you look at the peak  
16 times, you have peak AM and peak PM times that people  
17 are concerned about. "What happens during that time in  
18 the morning when I'm trying to get through, that time  
19 of the evening when I'm trying to come back?" depending  
20 on what your commute is and where you're trying to  
21 traverse.

22 The difference of a warehouse in terms of its  
23 actual peak AM and PM type traffic compared to a mixed  
24 use development like this is -- order of magnitude is  
25 roughly a about a quarter of what you would get volume

1 wise on the road looking at a warehouse versus this  
2 type of mixed use.

3 So, I realize that most people don't  
4 recognize that because what a lot of people don't think  
5 about is a warehouse is over the course of a day.  
6 It's not over these two peak -- their peak times are  
7 not your peak times when you're trying to traverse the  
8 road and go on with your commute. So, the idea behind  
9 it -- I don't know how questions will be answered, so I  
10 apologize. I'll let Mr. Karasek --

11 VOICE: You're not mentioning tractor  
12 trailers.

13 MR. MATERGIA: Ma'am, you'll have an  
14 opportunity to speak and question.

15 VOICE: But he's telling how many cars. I  
16 would like to know --

17 MR. MATERGIA: Ladies and Gentlemen --

18 VOICE: Excuse me. We can't see the  
19 presentation.

20 MR. MATERGIA: -- you'll have an  
21 opportunity --

22 VOICE: Excuse me. Can you hear me on Zoom?  
23 Because we cannot see the presentation. It's  
24 absolutely unintelligible to us.

25 A So, orientation wise the only way I can do it

1 is to put it in front of the Owl at some point to find  
2 a place where possibly you can see it on the board,  
3 but, again, looking at the size of this image here I'm  
4 not sure what --

5 MR. PRIDE: Documents are made available on  
6 the website.

7 MR. KARASEK: Can we put it back behind you?

8 A I realize the question was not meant to be  
9 asked during this session, but I'll clarify. I am  
10 talking about total vehicle trips which includes both  
11 trucks and cars when I mentioned the numbers.

12 MR. KARASEK: And just so the audience is  
13 aware, the stenographer can't take down two people  
14 talking and not knowing who they are, et cetera. So,  
15 that's why we ask that everyone wait until their turn  
16 and then state their name. And they're welcome to  
17 speak.

18 So, let's see if that's any better.

19 A So, what I'll do for the audience that's on  
20 the Zoom call, I'm going to really quickly recap what I  
21 said a moment ago relative to the two portions of the  
22 property.

23 So, just quickly again, and I don't know  
24 orientation wise whether people in the back will be  
25 able to see this better, but this first board, Exhibit

1 B2, represents the bulk of the property that's involved  
2 north of Business 209, west of Marshalls Creek Road,  
3 east of Craigs Meadow Road showing the areas that are  
4 being requested to be rezoned to the ED zone. And  
5 that's roughly about 144 acres. If you're looking at  
6 the map, it's basically -- the exhibits that have been  
7 provided to the township have the area hatched in red.

8 VOICE: What do you mean by tract?

9 A The overall tract is a combination of 10  
10 parcels. There are tracts that are -- a tract meaning  
11 parcels that are combined together for this exercise,  
12 but they are individual parcels owned by the owners  
13 that are represented here tonight.

14 So, portions of land east of Marshalls Creek  
15 Road are basically -- I'll call it a sliver for the  
16 discussion. It's around 19 acres on the east side of  
17 Marshalls Creek Road that runs parallel to the road and  
18 then there's a portion that's unhatched here that's  
19 represented by the same ownership and that portion will  
20 be discussed a little bit further in the hearing.

21 That 19 acres on this side, there's no  
22 proposed development from our side of it in terms of  
23 the intent. There's other opportunities as to what  
24 could be done with that, but the prominent conversation  
25 tonight is about the main tract and in the main tract

1 what I was putting up on the screen before, on the  
2 board, was a concept plan that represents a warehouse  
3 showing its development along the east-west access of  
4 the overall property. There's areas designated  
5 northwest, southeast, and along a portion of it in the  
6 south that are for stormwater management.

7 The idea would be that this site would be  
8 supported by a primary access connection point to  
9 Route 209, Business 209, and, ultimately, this is  
10 the -- kind of a test fit for the property with the  
11 idea the ED zone being the adopted ordinance under that  
12 scenario.

13 For comparison purposes, because I was asked  
14 to look at -- people will question a warehouse, traffic  
15 associated with the warehouse. This plan that has  
16 approval on the property is a plan that was previously,  
17 again, proposed by a prior developer. That property,  
18 mixed use, in the order and magnitude of 991 units of  
19 residential, 65,000 square foot of retail, about  
20 100,000-plus of office, and various other elements  
21 within it in terms of the total mixed use community,  
22 planned residential development.

23 What I was trying to illustrate was that when  
24 people talk about total vehicles on the road this has a  
25 generation -- and when I talk about generation I'm



1 talking about the Institute of Traffic Engineering's  
2 standards for how do you determine traffic generated by  
3 a use if you look at the different uses, whether it's  
4 retail, office, warehouse, whatever it might be, and  
5 then you generate numbers based on the square footages  
6 of the number of units.

7 So, the numbers I was referring to earlier in  
8 terms of -- to clarify, the total vehicle trips for a  
9 development like this is over 14,000 vehicles a day  
10 traversing the network of roadway around the site.

11 When you look at a warehouse, and, again,  
12 understanding the same idea that within a given day's  
13 time frame this would be 1700 or so, plus or minus,  
14 trips a day relative to this size warehouse.

15 The idea behind that is to understand where  
16 are those trips occurring, when, time wise. So, this  
17 design would only permit trucks to come out to Route  
18 Business 209. The only purpose of connections for the  
19 Craigs Meadow Road and Marshalls Creek Road are for  
20 either passenger vehicles or for emergency vehicles.  
21 Emergency ambulances, fire could also use that route.  
22 And the idea behind this is that this generation of  
23 traffic occurs over the course of an entire day. It's  
24 not the AM peak and the PM peak that you see for your  
25 purposes of rush hour in the morning and rush hour at

1 night. They're a quarter of the volume of traffic  
2 compared to the residential mixed use development I was  
3 referring to earlier.

4 Now, I know there's a lot of questions about  
5 that, but the purpose behind that is just to give you  
6 some order of magnitude. People think we're asking to  
7 generate volumes of traffic well beyond anything you  
8 can think of, other uses, and that's not the case.  
9 It's the opposite in this particular case.

10 So, when you look at it from a comparison  
11 point of view, the idea behind it would be this use  
12 based on its connection, trucks coming out Business  
13 209, passenger vehicles also using Business 209 with  
14 options to use Craigs Meadow Road and Marshalls Creek  
15 Road, no trucks on those two roads, and from a  
16 development point of view it's got to be approved  
17 through all the different layers that were discussed  
18 earlier; not only local, but county, state, and the  
19 state levels, multiple levels in terms of DEP as well  
20 as PennDOT as well.

21 MR. LOVENHEIM: John, you're an engineer.  
22 You're usually very precise. You keep using the word  
23 warehouse. What do you define as a warehouse?

24 A If you want to use the term warehouse as a  
25 distribution center --

1 MR. LOVENHEIM: That's a different thing,  
2 isn't it?

3 A No, it's actually a subset of warehouse. So,  
4 the range of different uses --

5 MR. LOVENHEIM: I'm just asking, what is  
6 your --

7 A I'm giving you --

8 MR. LOVENHEIM: As an engineer what's your  
9 definition?

10 A Yeah. So, a distribution warehouse is a  
11 facility that has a combination of automated and labor-  
12 based operations within it to manage materials that  
13 come into the building and then go back out.

14 Think of your common, everyday practice when  
15 you're ordering something on line. You click for a  
16 particular object, you're asking for something, you're  
17 purchasing something that typically is going through  
18 being processed by a distribution center.

19 MR. LOVENHEIM: Thank you. That's good.  
20 I'm glad you clarified that.

21 A So, presentation wise, I think that's the  
22 heart of it.

23 Q Mr. Cote, we know that there are residents  
24 who live near or access Craigs Meadow Road and perhaps  
25 even Marshalls Creek Road as well that will have

1 concerns about everyday traffic and, so, although we're  
2 not in a planning stage with a project in land  
3 development how can those concerns be handled if and  
4 when you get to that point in terms of directing  
5 traffic?

6 A Sure. So, the primary function will be the  
7 DOT process in terms of how we distribute traffic.  
8 The idea behind the layout is to support traffic going  
9 to Business 209 as the primary feed. So, that's one  
10 element that you'll be looking for in a land  
11 development process and the access component with DOT  
12 to confirm that that's what's happening.

13 Looking at other components of emergency  
14 access off of the side roads is a safety-related issue  
15 that I think is a primary need, but the primary goal of  
16 the traffic flow from here is to use Business 209.

17 Now, I can go back a little bit in history  
18 if people would like about -- so, when the original  
19 development that was proposed here back in the day was  
20 up and running, was considering to be built and being  
21 approved by the board, the DOT had an issue with the  
22 bypass. The bypass -- ran out of money to be able to  
23 complete the bypass.

24 So, one of the things that DOT reached out to  
25 was the business community to find out what's going on

1 in the area. There was a recognition that the DOT's  
2 project had inflated the background traffic. They kept  
3 every year showing increases in traffic, but  
4 development never occurred in the region to justify  
5 that particular increase, and they basically were  
6 building a roadway that was much bigger than the actual  
7 traffic they thought was being generated over the years  
8 and making it happen.

9 So, the DOT actually took traffic studies  
10 that we had prepared for the region. We did a Business  
11 209, 447, and Route 209 overall traffic study that  
12 actually when they re-did the bypass they utilized  
13 those numbers and put this project in its built  
14 condition in the background traffic of that bypass.  
15 So, as it's built today it actually has the background  
16 numbers from the original proposal, project, that was  
17 on the books at the time.

18 So, that's just a piece of, I'll say, history  
19 there relative to how when the bypass had to become --  
20 be put to a project that could be built based on the  
21 money available they based it on that background data.

22 Q Address, if you would, the extent to which  
23 development of this nature will be visible to the  
24 residents and passer-bys?

25 A So, there's two components of the visibility.

1 If you were driving through here there's actually a  
2 grade change that makes it way through the site.

3 There's a physical --

4 Q For the record, driving from where?

5 A Driving on Business 209, heading what would  
6 be considered south on Business 209.

7 This site -- this is set back from 209. I  
8 can measure here, but off the top of my head -- I don't  
9 know if it's -- you know, roughly about 800, 900 feet  
10 back from Business 209.

11 The idea behind this would be that you'd have  
12 not only the physical ground itself as a barrier from  
13 visualizing or seeing the warehouse, but, also, you --  
14 and I would expect the board here to also ask for  
15 buffering and plantings to also assist in that  
16 particular layout.

17 Q And what's the height of a warehouse building  
18 that's permitted in the ED zone?

19 A The height required would be around 40 feet,  
20 permitted, and then the market's anywhere between 40 to  
21 45 feet in its general size.

22 Q How about visibility from the two roads,  
23 Craigs Meadow and Marshalls Creek?

24 A Yeah. They would be set back from the two  
25 roads approximately 4 to 500 feet based on the layouts

1 that are here and then at the same time, again, these  
2 areas here would be used for screening that particular  
3 area, the areas adjacent to Craigs Meadow Road and the  
4 areas adjacent to Marshalls Creek Road. The gap in  
5 between there would be used for screening.

6 Q Fair to say that it's subject to buffering,  
7 but that development in that area -- in terms of the  
8 topography, buildings will be visible regardless of  
9 what's built there.

10 A Yes.

11 Q In terms of your experience with the traffic  
12 planning that went into the prior project and your  
13 ability to project the traffic planning for a proposed  
14 project were this zoning amendment to be adopted, can  
15 you tell us whether the artery roads, in fact, can  
16 handle the traffic that this project would -- as  
17 proposed would generate?

18 A So, the primary access to -- that ultimately  
19 would end up on Route 209 again carries that background  
20 traffic. The area for Business 209 would take -- would  
21 require off-site improvements, lane widening,  
22 accel-decel lanes onto the roadway, to permit this  
23 connection of what would basically be a fully  
24 signalized intersection.

25 Q Can the round-about handle the traffic that

1 would be generated from a project like this?

2 A Yeah. The round-about was actually designed  
3 with the higher level of traffic that was previously  
4 proposed with the prior development, so this would be  
5 less traffic going into that round-about. Relative to  
6 the DOT's project.

7 MR. KARASEK: May I interrupt for one moment?  
8 I don't mean to tell you how to present your case,  
9 Mr. Matergia, by any means, but this is almost like a  
10 conditional use hearing on the warehouse. That's not  
11 what we're here for. We're here simply to determine  
12 whether or not the board wants to add these parcels to  
13 the Economic Development district. We can be here with  
14 50 concept plans; hotels, motels, warehouses, mixed  
15 use, incentivized options.

16 That's not what we're here to do. We're  
17 simply here to advise the board and the public as to  
18 what you are requesting be done in this matter. And I  
19 understand that this is a concept plan, it's not  
20 necessarily what you are going to do, but we may be  
21 starting to get a bit far beyond what tonight's hearing  
22 is as opposed to a conditional use hearing later on a  
23 warehouse or distribution center that may be proposed  
24 because. We don't even know if that's proposed yet.

25 MR. MATERGIA: Point taken, Mr. Karasek,



1 but, by the same token, we'd like some transparency.  
2 We recognize that this application, sought to increase  
3 the extent of the ED zone, will invite development.  
4 That's the purpose. We're not trying to, you know --  
5 we should be completely transparent about that.

6 I would open Mr. Cote up to questions if the  
7 board has questions.

8 MR. PRIDE: Robert, do you have any  
9 questions?

10 MR. LOVENHEIM: I have no questions.

11 MR. KARASEK: See if Brian can hear and  
12 see if --

13 MR. PRIDE: Brian, do you have any questions  
14 for Mr. Cote?

15 - - -

16 BY MR. BARRETT:

17 Q Only that we mentioned the round-about and  
18 then traffic would -- their traffic would be routed  
19 towards Route 80. Is that correct?

20 A Correct.

21 Q Do you know that there's some restrictions on  
22 some of the bridges on that road?

23 A Yeah, any type of truck route would be  
24 subject to PennDOT's regulations in terms of the route  
25 that they take. So, from a truck route point of view

1 they have to honor any of the State's or, for that  
2 matter, locate or county restrictions on their routes.

3 Q I understand that, but if they cannot do  
4 that, comply with those restrictions, do you have an  
5 alternate route or do they have an alternate route in  
6 mind?

7 A Again, the route would have to be based on  
8 only where it's allowed to go. So, from a layout --  
9 from a route point of view they would have to pick the  
10 route that's permissible. Otherwise, they wouldn't be  
11 allowed to do it, period.

12 So, from that point of view if you're looking  
13 at -- I can't tell you what specific element you're  
14 referring to in terms of the restriction -- I  
15 apologize. I feel like I'm talking to the ceiling  
16 here.

17 Q Several of the bridges on 209 have  
18 restrictions, weight restrictions on them.

19 A Sure.

20 Q And we've run into it before and you may  
21 have -- I would look into that before I go too much  
22 further.

23 A Yeah.

24 MR. LOVENHEIM: Just as a point of  
25 information, and what Brian is talking about, is there

1 is, was, will be a plan to replace a small bridge on  
2 Hollow Road and the school buses that use Hollow Road  
3 have to make a detour onto Milford Road going down to  
4 the Weis Market, making the turn, then coming back on  
5 Independence Road because the bridges on 209 are not,  
6 you know, re-enforced enough for the weight of a  
7 school bus.

8 MR. PRIDE: They're not rated for that.  
9 Correct.

10 MR. LOVENHEIM: So, that may be what Brian is  
11 talking about, but it's a real concern.

12 MR. PRIDE: Okay.

13 MR. MATERGIA: If there are no other  
14 questions of Mr. Cote, we'd offer our next witness.

15 MR. KARASEK: Okay. We'll save the comments  
16 for the end so that everyone can hear everything and  
17 then make comment.

18 MR. PRIDE: Correct.

19 VOICE: I have a question. Is now the time  
20 for it?

21 MR. PRIDE: We'll have public comment after  
22 the presentation has been made, but we'll certainly  
23 make sure you're heard. Thank you.

24 MR. COTE: I'll leave the board up for east  
25 of Marshalls Creek.

1                   MR. MATERGIA: Mr. Albert Murray, Jr. is  
2 assisting me. He is counsel to Russell Scott and his  
3 brother, Craig Scott, and he wants to present Mr. Scott  
4 as a witness.

5                   MR. MURRAY: Blessings to everyone. My name  
6 is Albert Murray. Yes, I am, unfortunately, an  
7 attorney. Just to say this, I'm kind of assisting  
8 Ralph. Ralph is on his own. He represents the  
9 potential buyer. I represent Russ and Craig in the  
10 event that the supervisors expand the ED zone and do  
11 all of that and, then, what I will do when Russ and  
12 Craig then decide to do a deal, a formal deal with  
13 Mr. Herman, I will help them do that. So, basically,  
14 I'm here just in case. If it's denied, then I'm out;  
15 if it's granted then I'm going to help Russ and Craig.

16                   I might just mention, too, that I've been in  
17 the Poconos since I was five years old from the  
18 standpoint that my family used to own the Hillside Inn,  
19 which is located in East Stroudsburg, and I was a  
20 lawyer -- I'm still one -- lawyer here. I was a public  
21 defender here, I was an assistant district attorney  
22 here, and then in 1979 I became a United States  
23 attorney for the Department of Justice and I worked out  
24 of Harrisburg, Scranton, and all over and I left in  
25 1988.

1 I'm going to get to the point, though. I  
2 left in 1988 and because we built a new Hillside Inn,  
3 which, ultimately, I shut down in 2009, but I sold it  
4 to Pyramid Health Care, if you know where that is in  
5 East Stroudsburg, and now they own it and my mother --  
6 my mother and father, basically, owned it. My father  
7 was a judge in criminal court.

8 But, what's more important, I remember when  
9 209 was Ho Chi Minh Trail, if y'all remember that. It  
10 was like "What?" It was so many cars and trucks up and  
11 down and, fortunately, that all got changed and I,  
12 personally -- and, please, nobody go to my house and  
13 beat me up and hurt me. I live on Marshalls Creek Road  
14 thanks to -- where's the guy -- where is Pat Forney?  
15 He's in here somewhere. He sold me my cabin. I live  
16 in a log cabin down Marshalls Creek Road and I've been  
17 there for 44 years and I go right past Mountain Manor.

18 And I met Craig and Russ because Mountain  
19 Manor -- I'm getting a little emotional here. Their  
20 family were the only ones that treated us with respect  
21 back in the day when we had Hillside Inn. They helped  
22 us and they helped my family and I love them and that's  
23 why.

24 But, you know what I did? When I found out  
25 that they were selling it or something to somebody that

1 might put a distribution center or even a big thing I  
2 said "What? I go up and down that road. I've been  
3 going up and down for 44 years." And trucks --  
4 "I don't want to have trucks around. I don't want to  
5 have all this around. What is all this about? Come  
6 on. Try something else. Go see somebody else," and  
7 then when I heard about 850 units and all that I was  
8 like "Huh? What?"

9           And, then, finally I sat down and said,  
10 "Well, you need to tell me about who's the person that  
11 wants to try to develop this property and who you're  
12 selling it to," and when they did that and they told me  
13 about Mr. Herman and his organization and who he was  
14 and then I wanted to know all about that I then said to  
15 myself -- I did the research and said, "Well, okay,  
16 I'm cool with that. I'm cool with that, but I want to  
17 make sure that what you do, if it's approved," which I  
18 hope it is, "that it be done correctly so that me, as a  
19 property owner and a person who's up and down that road  
20 all the time, it's not going to be anything of  
21 inconvenience." And now there's Bulldog and all kinds  
22 of other developments. And they said that they would,  
23 they'd make sure.

24           So, I said, "Well, how can you do that?" I  
25 said, you know, "How can you make sure? Well, I want

1 to see and go over your engineering, I want to go over  
2 everything you're doing, and I want to -- Mr. Cote,  
3 everybody," and I have and I've read all the stuff,  
4 I've looked at it, and talked to Mr. Matergia, who I've  
5 known since 1974 when I became an attorney with Ralph  
6 years ago, that I think it's something that can be done  
7 and that in the future, depending on what happens here  
8 tonight or whatever, will depend on whether or not I  
9 continue to represent Craig and Russ.

10 And with that, what I would like to do is  
11 introduce Russ Scott and he has a little handout for  
12 everybody here to explain why he's selling this  
13 property. Okay?

14 - - -

15 RUSSELL D. SCOTT, III, having been duly sworn  
16 according to law, testified as follows:

17 - - -

18 MR. R. SCOTT: Brian, I'll say hello to you  
19 before I get started. I hope you're doing well and I'm  
20 glad you joined us.

21 MR. BARRETT: Thank you.

22 MR. R. SCOTT: Gentlemen, thanks for your  
23 time and I see congratulations are in order for our  
24 chairman here tonight. He has now taken on a new  
25 position where he is now the Chief of Staff for

1 Representative Maureen Madden. Congratulations and  
2 you're going to get busy, I'm sure.

3 MR. PRIDE: Absolutely.

4 MR. R. SCOTT: All set, Ralph?

5 - - -

6 DIRECT EXAMINATION BY MR. MATERGIA:

7 Q Please.

8 A What this handout is about is explaining  
9 exactly what our arrangement with Mr. Herman is. It's  
10 something you haven't heard yet tonight. It relates to  
11 the map that's up there right now and we'll answer any  
12 questions as we go forward.

13 Tonight, gentlemen, you're in charge of  
14 Smithfield's future. I am here to present the future  
15 of Smithfield Township and the possible affects on its  
16 residents.

17 Two largest land events will be discussed  
18 tonight. How this came about was Mr. Herman wanted to  
19 purchase land between Marshalls Creek Road and Craigs  
20 Meadows Road. We refused indicating we would sell all  
21 the land between Route 402 and Craigs Meadows Road.  
22 Mr. Herman had no need for all that land, but agreed to  
23 purchase it and he said he would gift the land to the  
24 township and the beauty of all this is that there's no  
25 tax impact on the East Stroudsburg School District.



1 There are no children.

2 First, the largest economic project in the  
3 history of Smithfield Township, the project would sit  
4 on 147 acres. You're hearing some other numbers, but,  
5 ballpark, that's based on my projections. Once --  
6 which is about 75 percent of impact. The project will  
7 produce 3 million dollars of tax revenue yearly. To  
8 match the 3 million dollar annual income, 800 homes  
9 will need to be built. This event will produce 2.5  
10 children at \$16,000.00 a child and this totals out to a  
11 negative 32 million dollars a year to the East  
12 Stroudsburg taxpayer to educate that population.

13 Also, East Stroudsburg School District has a  
14 ratio of 14 to 1, students to teachers. To maintain  
15 that ratio, an additional 70 teachers would need to be  
16 hired at 4.6 million dollars per year. I estimate that  
17 our millage, tax millage, today is 187 mills would  
18 probably have to go to 197 mills in a 10 year period.  
19 Can you afford to stay in your home at that rate?

20 The second phase of this project is 100 acres  
21 of property, which is owned by -- which at one time was  
22 owned by Mountain Lake House starting in 1902. They  
23 built eight log cabins in the 1930s which became  
24 seasonal rentals. The owner of Mountain Lake House at  
25 the time in the '50s and '60s was an outdoorsman.

1 Mr. Elwood Huffman. He was also the head of the  
2 Pennsylvania Game Commission and that hundred acres was  
3 his private hunting preserve stocked with quail,  
4 pheasant, turkey, and ducks.

5 In 1981 Mountain Manor Resort acquired this  
6 property and continued to rent the log cabins.

7 In 1983 construction was started to expand  
8 Mountain Manor's golf course to 54 golf holes. The  
9 environmental impact for that construction stands  
10 today. The land was cleared, filled, graded, drained,  
11 topsoil hauled in, seeded and mowed to a golf quality  
12 turf.

13 When we opened the golf holes, 6000 feet of  
14 paved cart paths were installed and still the next day  
15 two steel bridges and concrete bridges over the  
16 Marshalls Creek meet the hundred year flood  
17 requirements near the parking lot at which I discussed  
18 in the paper I've handed out to you is grandfathered  
19 and an HOP is a Highway Occupancy Permit -- you'll see  
20 that definition -- and this is grandfathered in and  
21 allows the township, should they own that, to  
22 immediately have access to that parking lot, this  
23 public access to the Marshalls Falls plus an additional  
24 access off of Route 402.

25 To suggest this property cannot be built on

1 I would defer to the township engineer and as the land  
2 has already been environmentally impacted the housing  
3 subdivision would only need to manage the impervious  
4 stormwater impact. Also now known as the land has been  
5 timbered twice in my lifetime and, the point is,  
6 total earth disturbance has happened. The federal term  
7 for this is made over.

8 As the Marshalls Creek flows from Marshalls  
9 Falls Park to the bridge on Route 402 on the western  
10 boundary of this hundred acres, a rare high quality  
11 cold water fishery considered in the 1920s to be one of  
12 the top trout streams in the entire State of  
13 Pennsylvania. The beauty of this trout stream is that  
14 it's mowed right up to the edge of the stream allowing  
15 young people to have easy access to the water to fish.  
16 Plus, there is no danger or impact from the warehouse  
17 project.

18 To conclude, Smithfield Township is part of a  
19 case study called Municipal Action to Protect and  
20 Improve Water Quality in the Delaware River Watershed.  
21 This happened when Brian Barrett was chairman and the  
22 study -- in the study the township agrees to protect  
23 water quality and this is a chance for them to do that.

24 Also in the case study in 2016 the voter  
25 approved 2 million dollars referendum to buy open

1 space. Mr. Chairman, this 2 million dollars referendum  
2 can purchase property only if it appraises for the  
3 value of the 2 million or less. In other words,  
4 appraisal won't let you buy it beyond that point.

5 The benefit of the completed project and the  
6 2 million dollar gift is a huge advantage to Smithfield  
7 Township and the taxpayer as the township can continue  
8 to mow, build athletic fields, add restrooms and  
9 pavilions.

10 All the utilities are on the property;  
11 electric, phone, Blue Ridge cable, and a modern drilled  
12 well.

13 This land would be the largest addition to  
14 Smithfield's parks in the future and would extend their  
15 park system into the next hundred years.

16 Finally, like you, my brother and I are here  
17 for the future. We hope you consider all the options.  
18 Thank you.

19 Q Mr. Scott, who is Holly Scott?

20 A That's my oldest daughter.

21 Q And did you speak to her about your interest  
22 in rezoning her property?

23 A Yes.

24 Q And did she consent to that?

25 A She did.

1                   (*AGREEMENT* marked for identification as  
2                   Petitioner Exhibit No. 1.)

3                   Q     And would you have identify what we've marked  
4                   as Petition 1?

5                   A     Yes. This is a written agreement that she  
6                   has signed indicating that she would allow her property  
7                   to be part of it.

8                   Q     Thank you. So, in summary, in addition to  
9                   benefiting, of course, the sale of your property as  
10                  proposed for commercial development should the zoning  
11                  amendment be adopted, there is a component in this deal  
12                  with Mr. Herman to donate the land that you refer to to  
13                  the township.

14                  A     That's what the deal is, yes.

15                  MR. MATERGIA: Questions from the board?

16                  MR. PRIDE: Robert, any questions? Brian?

17                  MR. BARRETT: Yes.

18                  MR. PRIDE: Do you have any questions?

19                  MR. BARRETT: Hello?

20                  MR. PRIDE: Can you hear us, Brian?

21                  MS. HEILAKKA: Is someone else on Zoom?

22                  Are you still able to hear us in the meeting room?

23                  VOICE: Yes, we can hear you.

24                  MS. HEILAKKA: Thank you.

25                  MR. PRIDE: Brian, can you hear us?

1 MS. HEILAKKA: Brian, are you there? Can you  
2 hear us?

3 MR. BARRETT: Now I can, yeah. There was a  
4 total blank.

5 MS. HEILAKKA: Got it. Okay. Jacob is  
6 wondering if you have any questions for Mr. Scott.

7 MR. BARRETT: And you're going away again.

8 VOICE: That was a little faint from the  
9 room.

10 MS. HEILAKKA: My apologies. Brian, do you  
11 have any questions for Mr. Scott?

12 MR. BARRETT: Questions of Russell?

13 MR. PRIDE: Correct.

14 - - -

15 BY MR. BARRETT:

16 Q One question that I guess I'm concerned about  
17 is will this be the only structure, business, built on  
18 this parcel or would there be opportunity for others?

19 A To my knowledge, Brian, it's the only  
20 structure. Mr. Herman can answer that better.

21 Q Okay. Mr. Herman?

22 A Well, he'll testify in a minute, Brian.

23 MR. PRIDE: I don't have any further  
24 questions.

25 MR. MATERGIA: Then we're prepared to offer

1 the next witness.

2 MR. PRIDE: Please proceed.

3 MR. MATERGIA: I call Mr. John Herman.

4 - - -

5 JOHN HERMAN, having been duly sworn according  
6 to law, testified as follows:

7 DIRECT EXAMINATION BY MR. MATERGIA:

8 Q Mr. Herman, for the record and the benefit of  
9 the public, would you tell us who you are here and what  
10 you do?

11 A Okay. I am John Herman. I'm a lawyer by  
12 training. Haven't practiced in, like, 35 years.  
13 That's why I need people like Ralph.

14 I own several real estate companies. I own  
15 the largest Century 21 office in the northeast and a  
16 commercial brokerage company and we also have a  
17 management company. We manage maybe 5 million square  
18 feet of office and warehouse space and my primary  
19 business is real estate development.

20 Q And what is your interest in the Scott and  
21 M. Manor Holding properties?

22 A My interest in their property is to develop  
23 it for a warehouse distribution facility.

24 Q And in concept is that in keeping with the  
25 concept that Mr. Cote presented?

1           A     That is correct.

2           Q     And you've worked with Mr. Cote to develop  
3     that concept.

4           A     Yes, we worked together in concert to develop  
5     that layout.

6           Q     And what is your experience with large scale  
7     warehouse development?

8           A     I've developed several million square foot  
9     warehouses in the past let alone of smaller sizes.  
10    I just did a 400,000 square footer in Coolbaugh  
11    Township and have a 300 that is on the way and I've  
12    developed from Hagerstown, Maryland up through across  
13    78 in Pennsylvania and up here.

14          Q     And in so doing are you familiar with the  
15    fiscal as well as the economic benefits of those types  
16    of projects?

17          A     I am.

18          Q     Did you prepare a schedule for us for the  
19    board this evening?

20          A     I did.

21                    (*COMPARATIVE SUMMARY* marked for  
22    identification as Petitioner's Exhibit No. 2.)

23          Q     And, if you would, please, I'm handing you  
24    what is Petitioner's Exhibit 2 and ask you if you would  
25    simply identify what that is.



1           A       That is a -- basically an outline of some of  
2           the economic impact of both the alternative use here,  
3           which would be 800 homes, versus the impact of a  
4           warehouse.

5           Q       Would you hand these to Mr. Karasek? He can  
6           pass those down.

7           A       I have some more if you need them.

8           MR. BARRETT: Hello?

9           MS. HEILAKKA: Brian, can you still hear us?

10          A       Here's a couple more.

11          Q       So, Mr. Herman, having this experience,  
12          have you studied specifically with respect to this  
13          property and your concept for this property what the  
14          fiscal impacts would be to the community?

15          A       Yes. Surely, I'm not an economist, but a  
16          warehouse project like this would probably about around  
17          150 million dollar project and 800 homes at \$200,000.00  
18          a home would be close to that value. It would be  
19          160 million dollars.

20                    Resulting real estate taxes for the two are  
21          about the same. County tax would be 293,000, township  
22          tax would be 73,000, and school taxes would be  
23          2.8 million with a total of over 3.1 million dollars  
24          worth of taxes generated by both homes and the  
25          warehouse.

1           The difference is is that there's very little  
2 detrimental tax impact on the community through a  
3 warehouse. There are no students, additional students  
4 in the school. There are -- usually the roads are not  
5 dedicated. In a residential development, the roads are  
6 dedicated and the municipality has to maintain those  
7 and snowplow them and do all that stuff. There's  
8 usually no increase in need for police or hospitaliza-  
9 tion. So, the impact on the community is much less.

10           I know currently the budget, the school  
11 budget, this year was \$179,500,000.00 with a projected  
12 loss of over 6 million dollars and the cost per student  
13 is with I guess -- my research showed that there were  
14 6,307 students in the school system, 10 schools, six  
15 elementary, two intermediate, two high schools, with  
16 504 teachers. So, the cost per student is \$29,491.00  
17 and if we assumed only a thousand new students, which  
18 is probably a low estimate, that's 29 million 491 more  
19 dollars needed to run the school system and, as Russ  
20 mentioned, the current student-teacher ratio is 14 to 1  
21 and if you wanted to maintain that ratio you'd need 70  
22 new teachers. And average salary is \$80,000.00 per  
23 teacher which would be an additional \$5,600,000.00.

24           So, that would be the impact of having a  
25 housing development there as opposed to a distribution

1 facility let alone we didn't talk -- John talked about  
2 traffic and how, actually, a housing development has at  
3 least four times or more total traffic impact than a  
4 warehouse would have.

5 I have here, in addition, the U.S. Chamber of  
6 Commerce did a study in 2022, which I have to hand out.

7 (*COMMUNITY ECONOMIC IMPACT* marked for  
8 identification as Petitioner's Exhibit No. 3.)

9 Q So, let me, just for the record, have you  
10 identify what we've marked as Petitioner's No. 3 and,  
11 while you're doing that, maybe you could pass a few of  
12 these out to the board members.

13 A So, the U.S. Chamber of Commerce --

14 Q Excuse me. For the record, just identify the  
15 exhibit, if you would.

16 A Oh. The exhibit is a Community Economic  
17 Impact of New Distribution Center by the U.S. Chamber  
18 of Commerce.

19 Q Thank you.

20 A So, the U.S. Chamber of Commerce did an  
21 economic impact study of distribution facilities and  
22 the interesting part -- it was done in 2022 and they  
23 used 30 -- they took 30 communities across the country  
24 with million square foot warehouses that -- the  
25 communities ran in size from 100,000 people to

1 20 million. Obviously, 20 million doesn't apply here;  
2 it's closer to the smaller end.

3 The smaller the community, the higher the  
4 impact was to the economic development of the community  
5 to the plus. The average worker made \$3,000.00 more  
6 per year after the facility came in and over a 20 year  
7 period that adds up to a lot.

8 For every job created in the warehouse .7 new  
9 jobs were created in the community because of the  
10 warehouse being brought in because of community  
11 services, people having more money to spend, and the  
12 type of jobs that are created in these facilities are  
13 not just packers and people that drive tow trucks and  
14 things like that. They're very high tech, so they have  
15 different types of engineers, mechanical engineers,  
16 technical engineers 'cause, as we know, there's -- the  
17 demand for these facilities is such that -- you see  
18 them growing all over the place and that's the reason  
19 why. 16 percent of all retail sales are now done  
20 through the internet and, so, this is a facility that  
21 supports that.

22 Q And, Mr. Herman, you listened to Mr. Scott's  
23 testimony concerning a portion of the property that's  
24 proposed to be gift to the municipality. Can you  
25 identify what that is and confirm your intentions?

1           A     Do you want me to go up to the map?

2           Q     Yes, I think that would be appropriate.

3           Thank you.

4           A     This is Marshalls Creek Road here. So, the  
5           warehouse was on the west side of Marshalls Creek and  
6           this 90 to a hundred acres to the east of Marshalls  
7           Creek itself I would be donating to the community for  
8           a -- whatever their park system, whatever their  
9           intended use might be.

10                    It's unfortunate. I had an expert to come to  
11           testify as to the value of this tonight. Dr. Hugh  
12           Archer was supposed to be here. He was Deputy Director  
13           of DEP and was president of the waters of the Delaware  
14           watershed and he was going to come testify to that,  
15           but at 12 o'clock today I got a text from him that he  
16           had COVID and went to the hospital.

17           Q     Did you have him visit the site with you?

18           A     I did not have him visit the site, but he's  
19           been up here his whole life. He knows it intimately  
20           and he knew the stream very well about the high quality  
21           waters, but he was not on site with me.

22           Q     Had he been here -- you've discussed his  
23           testimony with him. Had he been here what would he  
24           say?

25           A     He would have -- he volunteered this would

1 make a wonderful park because of the nature of the  
2 topography and -- he's an expert at that, I'm not,  
3 but he was talking about the high quality water stream  
4 and how that's integral to the Delaware watershed  
5 system. He thought it was a wonderful idea and great  
6 to keep it in perpetuity.

7 Q So, why is it that you're proposing to do  
8 that in your deal with the Scotts?

9 A Because I don't need it for my use.

10 Q And they're requiring you to purchase it  
11 nevertheless --

12 A Yes.

13 Q -- and make this offer.

14 A Yes. The deal that I made was either  
15 purchase it or no deal and I thought it would be a good  
16 thing to do.

17 Q Now, you were at the planning commission  
18 presentation several weeks ago?

19 A I was.

20 Q And did you hear comment made that there was  
21 other adequate ED-zoned properties in Smithfield  
22 Township that would be available or suitable for the  
23 type of use that you're proposing?

24 A I did hear that.

25 Q And what did you do as a result of that?

1 A I called Commercial Realtor Spiros ....

2 Q Bilianis?

3 A ... Bilianis and asked him if he was  
4 knowledgeable about the area, which he said he was,  
5 and whether he would do a study to see whether or not  
6 there was other land in the ED zone that would be  
7 suitable for this type of project.

8 Q And did he generate a report for you?

9 A He did. He generated a report. He said he  
10 would have testify in person, but he's on vacation.

11 ( *BILIANIS REPORT* marked for identification as  
12 Petitioner Exhibit No. 4.)

13 Q Can I hand you what we've marked as your  
14 Petitioner No. 4?

15 A Yes. That's the report.

16 Q That's the report that Mr. Bilianis prepared?

17 A Correct.

18 Q And are you familiar with it?

19 A I am.

20 Q And, essentially, what does it provide?

21 A It says that the Scott site is the only  
22 suitable site for a warehouse development of this sort.

23 Q And for the benefit of the board and the  
24 public, did you, in fact, examine and tour other parts  
25 of Smithfield Township with the idea of finding

1 alternate locations?

2 A I have. I've looked all over the area.  
3 That's why I have some in Coolbaugh and here.

4 Q And are there properties that are either  
5 accessible from the standpoint of highway access or  
6 topography or both that might be suitable?

7 A None that I came across.

8 Q Right. In fact, most of the ED zone  
9 properties are in sloped areas where there's --

10 A Sloped areas and they're smaller parcels  
11 owned by multiple people that don't have the width or  
12 the depth to allow for this type of development.

13 Q As well as being accommodating for highway  
14 access.

15 A Correct. Access is paramount.

16 MR. MATERGIA: I would offer the witness to  
17 the board if the board has any questions of the  
18 witness.

19 MR. LOVENHEIM: No questions.

20 MR. PRIDE: No questions. Brian, do you have  
21 any questions for Mr. Herman?

22 MR. BARRETT: No. It was really broken up,  
23 though.

24 MR. HERMAN: Do you want me to repeat it?

25 MR. BARRETT: For one reason or another, I



1 didn't really get much of it. But no questions.

2 MR. MATERGIA: That being the case, we're not  
3 in a formal proceeding, but I'd like the board to  
4 accept the exhibits that we've marked, 1 through 4,  
5 and I think we should probably also mark the handout  
6 that Mr. Scott gave.

7 So, if somebody has one of those we can mark  
8 that No. 5 and that would essentially conclude the  
9 record exhibits from the petitioner.

10 MR. PRIDE: Ron, I don't have any issue with  
11 the exhibits.

12 MR. KARASEK: I don't, either. I'm just  
13 going to just review them. We'll be off the record and  
14 then we'll go back on if we need to.

15 (*SCOTT HANDOUT* marked for identification as  
16 Petitioner Exhibit No. 5.)

17 MR. KARASEK: This is off the record.

18 (Off record.)

19 MR. MATERGIA: May we go back on the record?

20 So, that concludes our formal presentation  
21 before the board this evening. I know you want to hear  
22 comments from the public and you, of course, may do  
23 that.

24 MR. KARASEK: And let me just say to the  
25 public, so you are aware, that this is a public comment

1 period. It is not a question and answer period, it's a  
2 public comment period and, generally, under the PA Open  
3 Meeting Law only individuals who live in the township  
4 or pay taxes in the township can comment. Now, that's  
5 not saying the township would not allow others to  
6 comment because they have generally been very free in  
7 that regard, but keep that in mind.

8 So, that being said, we would ask whoever  
9 would want to comment to please stand, state your name  
10 and your address and, of course, make your comment.

11 MR. O'MERLE: Carl O'Merle, Browning Road in  
12 East Stroudsburg. I think I understood, referring to  
13 the map in the front of the room, that there's going to  
14 be this beautiful scenic park that was described by  
15 Mr. Herman and I don't understand how that would be a  
16 beautiful, scenic, peaceful park if it's a next door  
17 neighbor to this 45 foot gigantic warehouse. I mean,  
18 that's, like, ludicrous.

19 MS. BOOTH: My name is Tammy Booth. My  
20 address is 490 Tailor Drive.

21 I just want to say that we were aware of  
22 this. I know this is the first stage. I was quite  
23 surprised all this came out. The neighbors -- and I  
24 can probably get more signatures. I've collected 109  
25 signatures concerning this project and it says, "The

1 undersigned owners of property affected by the  
2 requested zoning change described above do hereby  
3 protest against any changes which would rezone the  
4 property from R-1. The property directly adjoins  
5 residential property and we oppose any zoning that  
6 would increase the noise, the traffic that would  
7 detrimentally affect peaceful enjoyment of our homes  
8 and we also feel that any change in zoning of this  
9 property would negatively affect the value of our  
10 homes, safety of our children, and esthetics to the  
11 environment and the wildlife." I'd like to present  
12 this to the people.

13 MR. PRIDE: Sure.

14 MS. BOOTH: I'd also -- I raised my hand  
15 before because I can't see real good and I wanted to  
16 see exactly where they were proposing these lines if I  
17 could go and look because it just so happens that three  
18 sides of my property are Mountain Manor and I'm a  
19 little worried here.

20 So, I'm not going with this one. This is  
21 where ....

22 MR. R. SCOTT: She's not on any one of them.

23 MS. BOOTH: I'm on Craigs Meadow Road and I'm  
24 up here and my property abuts ....

25 MR. R. SCOTT: You're up on the far left

1 corner beyond the map.

2 VOICE: You're off the map.

3 MS. BOOTH: Okay. So, over here is where the  
4 pond is?

5 MR. R. SCOTT: No, no, no, no. The pond's  
6 there where that gentleman's hand is. Beyond that.  
7 Over there. Right. Look at where Craigs Meadows Road  
8 is over here on the left. Follow that up. The pond is  
9 right where your hand is and you're beyond that a half  
10 a mile.

11 MR. SCHRYVER: Tailor Drive.

12 MS. BOOTH: Are you getting that? Because  
13 I'm not getting that. But you're saying that these  
14 maps are on the sites, the township sites.

15 MR. PRIDE: Correct.

16 MS. BOOTH: So everybody knows that.

17 MR. PRIDE: All of the maps are available.

18 MS. BOOTH: You know, I have one -- we're not  
19 allowed to ask questions, but --

20 MR. PRIDE: You can -- I want to be clear,  
21 you can ask questions. It's just going to be if they  
22 are able to answer.

23 MS. BOOTH: I want to know about taxes and  
24 all that. Do you have anything written in there where  
25 you're not required to do taxes for the first 10 years?

1 Anything like that if you would bring a warehouse in?  
2 I'm just curious. I didn't see anything. I'd like to  
3 know.

4 MR. R. SCOTT: Are you familiar with the  
5 LERTA zone?

6 MR. MATERGIA: No, I think what she's  
7 referring to is tax anticipation financing and there's  
8 no tax anticipation or impact financing proposed.

9 MS. BOOTH: Okay. So, I'm coming to the  
10 township asking for the neighbors who live around there  
11 who have lived there their whole lives, okay? I  
12 understand you're giving this other part of the  
13 property. And I know the Scotts, I know them. I'm  
14 kind of surprised. Maybe not. But I know they're  
15 giving this little thing here. The township's going to  
16 get this little piece of property. I want you to think  
17 of the impact it has on these people.

18 MR. R. SCOTT: Define little.

19 MS. BOOTH: The impact that it has on the  
20 environment. And I also want you to think if the  
21 warehouse does come through what the emissions does as  
22 far as the air quality and everything.

23 So, thanks for letting me talk.

24 MR. PRIDE: Thank you.

25 MS. TALLADA: Yeah, I just want to say the

1 same thing. I live up Craigs Meadow Road, 252 Orchard  
2 Road.

3 MR. KARASEK: You need to identify yourself.

4 MS. TALLADA: I'm Deborah Tallada. I live on  
5 Orchard Road off Craigs Meadow and when we turn into No  
6 Outlet Road we all live back up in there and it meets  
7 the golf course. The golf course is below us and we're  
8 above it, so we're going to see all these bright lights  
9 from a warehouse, we're going to hear trucks beeping  
10 all night long and during the day, you're going to have  
11 diesel smell. The round-about is so bad now with just  
12 cars. I mean, ask people. They'll tell you. I mean,  
13 I even talked to one of our representatives, state  
14 representatives, and they said the same thing, that  
15 that was the worst thing that was ever built, okay?  
16 So, that's personally I know that.

17 But, then, the animals, too. You're pushing  
18 more animals out all over the place. My yard looks  
19 like I own a deer field because they have no place to  
20 go, which I don't mind, but, still, the environment,  
21 the pollution from the trucks. I can't stand the smell  
22 of diesel personally, but that's just me and, like I  
23 said, the traffic, you know, our kids. We have young  
24 children now live up in there. So, that's my concern.

25 Also, the water for the animals and stuff and

1 going into the Delaware or wherever the water goes to  
2 I'm concerned about for the environment for that  
3 reason, also, and public health.

4 MR. PRIDE: Thank you.

5 MS. BARRETT: One thing, Russ, I want to ask  
6 you about. The Marshalls Falls property. You've  
7 promised the township to give us parking and when it  
8 came time that we needed it -- and I think Robert knows  
9 this -- you wouldn't answer the phone. So, it was  
10 never -- Robert had to buy property so we'd have  
11 parking.

12 MR. R. SCOTT: Okay. You're Pam?

13 MS. BARRETT: Yes.

14 MR. R. SCOTT: Brian wanted an easement to  
15 the park, using the parking lot.

16 MS. BARRETT: And you agreed to it.

17 MR. R. SCOTT: Now listen to me. At this  
18 time we were selling the property to Dee Rake. Dee  
19 Rake did not want the easement because he was going to  
20 use some of the golf course to expand his project.

21 MS. BARRETT: But you wouldn't answer any of  
22 us.

23 MR. R. SCOTT: Answer you?

24 MS. BARRETT: No. You wouldn't answer  
25 Robert, you wouldn't answer Brian. In fact --

1           MR. R. SCOTT: Frankly, I have no idea what  
2 you're talking about on the answering because I pick up  
3 my phone. So, the point is the deal was not conducive  
4 to the owner who wanted to buy it and he's since  
5 deceased and that project is gone.

6           MS. BARRETT: Okay, another thing. The only  
7 place to build a warehouse. Are you guys aware that  
8 Mr. DePetris has plans to build a warehouse behind the  
9 Dairy Queen?

10          MR. R. SCOTT: I have no idea.

11          MS. BARRETT: And Frank's having a fit.  
12 Fortunately, Frank had it in his -- when he sold the  
13 property --

14          MR. R. SCOTT: How is that --

15          MS. BARRETT: Well, you're saying there's no  
16 other place to build a warehouse.

17          MR. R. SCOTT: What? No, no, no. You missed  
18 the point.

19          MR. HERMAN: My understanding is there's a  
20 restrictive covenant on that property, so they can't do  
21 it and the warehouse is one-fifth the size.

22          MS. BARRETT: But they own property across  
23 the street. Anyway. I'm asking you -- and I tried to  
24 send you things. This has gotten to be a plague  
25 everywhere. You go over in New Jersey. There's



1 beautiful farmland on the other side of the river.  
2 Every house has a sign on it. No Warehouse. I mean,  
3 I guess I can't say truck, but I know the Ho Chi Minh  
4 Trail? I know four people personally that were killed  
5 by trucks.

6 MR. R. SCOTT: Most of the people in this  
7 room don't know those days, so you'll have to remind  
8 them of that.

9 MS. BARRETT: A little girl over here,  
10 second grade, went to get on the bus and she got  
11 killed. It's just not --

12 MR. R. SCOTT: But did you hear the  
13 engineer's traffic study comments?

14 MS. BARRETT: I know I can't say truck.

15 MR. R. SCOTT: It's trips per day.

16 MS. BARRETT: Russell, I read. I'm not  
17 stupid. I know -- it just is not something -- and  
18 we're a vacation area, we're not a warehouse area.  
19 Everybody is having a fit. Nobody wants these damn  
20 things. Excuse me.

21 MS. TALLADA: Come vacation in the Poconos.  
22 Boom, get off 209, there's a warehouse.

23 MS. BARRETT: And you can say, Russ, that  
24 you're giving that property. I've got 550 acres with  
25 our township. I think that was a pretty good chunk of

1 property we have. And it's nice that we have lots of  
2 parks, but they cost money to keep them up. Somebody's  
3 got to take care of them. So, it's not really a great  
4 thing. Thank you.

5 MR. PRIDE: Thank you.

6 MR. SCHRYVER: Doug Schryver, planning  
7 commission. Formerly chairman, now just a rank and  
8 file member, and I'm here with my colleague, Mitch  
9 Boyer, and all I'm here to do is just a little  
10 housekeeping is to say that after the meeting with  
11 these fine gentlemen at the planning commission two  
12 other of our members voiced their opposition via e-mail  
13 to the board and, so, you should -- all I wanted to do  
14 is mention that, that both Mitch and David Strunk  
15 voiced their opposition. So, that kind of raises the  
16 against/for ratio to 4-2.

17 MR. LOVENHEIM: We received those letters.

18 MR. SCHRYVER: So, you got those letters?  
19 I just wanted to make sure and that's my housekeeping.

20 And our decision was based on the rezoning  
21 only, no consideration as to the warehouse situation or  
22 truck traffic or anything else. However, there's been  
23 an awful lot of talk about it tonight from the  
24 applicant, so it sounds like the warehouse deal and the  
25 truck traffic and all that is part and parcel of this

1 and that's what I said at the planning commission  
2 meeting and I'll say it again now. So, thank you.

3 MR. PRIDE: Thank you.

4 MS. O'MERLE: Hi. I'm Mary Jane O'Merle.  
5 Red Fox Road. First, I'd like to say we loved it when  
6 the Scotts had the golf course. I mean, it was just  
7 heavenly. So, I'm so sorry that that's not still there  
8 and a viable economic thing. I just -- we loved it.  
9 We went to dinner all the time at the -- it was just a  
10 wonderful place to be. So, my heart is just so sorry  
11 for that.

12 Now, I am not in favor of moving this to  
13 residential -- I like the residential. I certainly do  
14 not want to go to a warehouse and rezone it.

15 I've lived here 50 -- the 50 years that I've  
16 lived right here on -- right in this area, Red Fox  
17 Road, I remember when the trucks did go by. I lived  
18 here then and my bedroom just heard it on and on and on  
19 and on and they used to gear up to get -- so, it went  
20 on and on and I cannot imagine 14,000 of them running  
21 by. I just cannot imagine that to the peace and quiet.  
22 And I can't imagine them trying to get to Route 80.

23 I mean, what happens to the Dairy Queen,  
24 Odd Lot, all those places? I will never go on that  
25 road again. I mean, we all know the back roads, so

1 we'll have to go that way. We will never go that way.  
2 We will never go that way.

3 And what about the tourists who are coming up  
4 here to go to Shawnee and to go to the ski places, to  
5 go -- they want to go by 14,000 trucks? I mean, I know  
6 they come all hours. It's all hours of the night and  
7 day.

8 MR. COTE: I apologize. You're misquoting  
9 the 14,000. That's the residential trips. The  
10 truck --

11 MS. O'MERLE: How many -- I'm writing numbers  
12 down.

13 VOICE: 1700.

14 MS. O'MERLE: Let's go to the residential.  
15 I'd much rather that. I think he said 991 units.  
16 How many years do you think it would take them to get  
17 991 houses in there? So, we might have 20 years or  
18 25 years where there might be 150 houses. That's okay  
19 with me, you know, rather than all this truck traffic  
20 going.

21 And we talked about the parks. We're talking  
22 about -- what about this little park over here? How  
23 about Waterfront Park? So, you know -- that's a nice  
24 park. What about coming in from Alaska Pete's and now  
25 the 14 -- 1700 trucks are coming in and the kids are

1 coming in there for soccer every night? You know,  
2 it's going -- why don't we take care of that park and  
3 love that park. You know -- can I finish? You guys  
4 had a lot of time --

5 MR. COTE: I'm just going to give you some  
6 context 'cause you're speaking out of turn and I just  
7 really want to clarify. Of the 1700 vehicles a day,  
8 1100 of those are passenger vehicles, 600 are trucks.

9 MS. O'MERLE: You didn't say that.

10 MR. COTE: So, just -- yeah, when I was  
11 talking about the overall numbers --

12 MS. O'MERLE: Well, 600 of those -- I  
13 remember when it was going that way, I lived it.

14 MR. COTE: 14,000-plus are vehicles from  
15 residential. That's --

16 MS. O'MERLE: Okay, residential, but I'd  
17 rather the residential. I would rather that.

18 The other thing is -- oh, they talked about  
19 all these careers that we're going have. Engineers are  
20 going to come and they're going to get all this money.  
21 I have friends -- do you have friends in here that work  
22 for Amazon? They haven't been making that big money,  
23 they're running those -- what are those tractor things  
24 that they go and they have to get so many things and  
25 put them up on the charts, up on the --

1 MR. KARASEK: Gentlemen, this is a little too  
2 loud. The steno cannot take people all talking over  
3 one another, so would you please keep it down so that  
4 the steno can hear whoever is speaking?

5 MR. BARRETT: Thank you.

6 MS. O'MERLE: So, I think that -- there are  
7 going to be engineers, there are going to be some good  
8 jobs, but I don't think the vast majority of them.

9 And, then, the environment. I totally --  
10 my yard has deer in it and I worry about that, too.

11 The only thing -- I had a question. I did  
12 not understand the red. If somebody could explain what  
13 is the red going all around.

14 MR. BARRETT: Hello? Hello?

15 VOICE: Yeah, we cannot hear the room  
16 anymore.

17 MS. HEILAKKA: Ma'am, hold on.

18 MR. BARRETT: I'm really ....

19 MS. HEILAKKA: Someone on Zoom, can you hear  
20 me? It looks like we're having a little bit of a  
21 technical issue. It looks like kind of they're frozen.

22 MR. BARRETT: Well, maybe we should continue  
23 with the public comment.

24 MR. PRIDE: Okay.

25 VOICE: We lost visual of the room, but there

1 are at least two people on Zoom who have comments to  
2 make and it seems like you can hear us.

3 MR. PRIDE: We can hear you. We're certainly  
4 going to get to Zoom after we complete those that are  
5 in person.

6 MS. O'MERLE: So, the red is what? That was  
7 my question. What is the red?

8 MR. COTE: It's the --

9 MR. PRIDE: It's the commercial zone.

10 MS. O'MERLE: Commercial zone. What -- the  
11 warehouse is in the middle and then what's all around  
12 the outside?

13 MR. PRIDE: The outside is zoned residential  
14 at the moment.

15 MS. O'MERLE: So, they're going to put houses  
16 there.

17 MR. PRIDE: No, no, no.

18 MS. O'MERLE: Oh, that's residential.

19 MR. PRIDE: Their proposal is to rezone 140-  
20 some acres from R-1, low density residential, to  
21 Economic Development, which is a commercial zone.

22 MS. O'MERLE: And would somebody -- that  
23 drawing that's there, are they parking lots by Craigs  
24 Meadow? Is that a parking lot?

25 MR. PRIDE: That's correct. On this

1 left-hand side.

2 MS. O'MERLE: Is that a parking lot? Yes.  
3 So, that's the parking lot and, then, where is the  
4 actual warehouse? Is that in the middle?

5 VOICE: That's the middle.

6 MS. O'MERLE: That's the whole area in the  
7 middle. And what's going along the outside? Is that  
8 more parking or is that --

9 MR. COTE: North and south of the building  
10 are the truck courts and --

11 MS. O'MERLE: Truck courts, okay.

12 MR. COTE: -- east and west are the employee  
13 parking.

14 MS. O'MERLE: Okay, now I've got it. I  
15 didn't understand that. Thank you very much. I  
16 remember when the trucks went by and I remember the day  
17 they stopped. That's -- I can remember the day they  
18 stopped and I could sleep without having trucks with  
19 the windows -- thank you very much for listening.

20 MR. PRIDE: Sir?

21 MR. KELLY: My name is Wayne Kelly. I was  
22 born in Monroe County and now I reside in Craigs  
23 Meadow -- or Birch Acres and, you know, for the way our  
24 community has been -- you know, like ... what I'm  
25 trying to say is that these great engineering jobs and



1 hi-tech jobs, maybe we could have the residential part  
2 here and they can go to the Lehigh Valley to have their  
3 jobs.

4 MR. PRIDE: Thank you. Ma'am?

5 MS. ACKERMAN: Jessica Ackerman. I live on  
6 Wayne Avenue, so I understand the purpose we're here is  
7 for the rezoning. I feel that regardless of what goes  
8 in there if it is rezoned something -- a door opens for  
9 anything to go in there whether it's a warehouse,  
10 whether it's another waterpark, whether it's whatever  
11 anybody with enough money or getting enough money will  
12 want to put in there. It doesn't matter what we want.  
13 Doesn't matter what any of us want.

14 I grew up on 402 at White Heron Lake and for  
15 the longest time there was no tractor trailer traffic.  
16 All of a sudden they were allowed. That road is  
17 destroyed. They redo it every couple years or so, I  
18 get a few chipped windshields, and right back to  
19 normal.

20 Trash. Route 209? Everybody keeps  
21 mentioning the Ho Chi Minh Trail. If anybody here  
22 drives any road in this township or this county they  
23 all feel just like that. They are horrible. Gap View  
24 Drive was my back road to get to -- closer to the end  
25 of 209. I now need back roads for my back roads

1 between the traffic and even just regular RVs coming  
2 through, people who don't belong there, people who  
3 don't know where they're going. It's a nightmare.

4 I don't care if it's 10 tractor trailers.  
5 If this zoning goes through, a warehouse is built and I  
6 can enjoy my cup of coffee on my back porch staring at  
7 a four, five story building -- I don't know how many  
8 trees you're going to put up. I'm still going to see  
9 it and hear it.

10 My kid walks down the road to get to his bus  
11 stop. The truck traffic. Ten trucks, 20 trucks, 600  
12 trucks? And it's not going to be AM/PM rush hour, it  
13 will be all day and night. The lights will be on all  
14 day and night and the noise will be there and the roads  
15 will continue to get destroyed because that's not a  
16 priority in this town.

17 And that's it.

18 MR. PRIDE: Thank you.

19 MR. MAUL: I'm Jimmy Maul. I live up  
20 Marshalls Creek Road. I want to just question a little  
21 bit of what I heard about taxes.

22 900 houses plus. I just wonder how far along  
23 that preliminary was actually taken. We made a lot of  
24 references to it, a lot of comparisons. This gentleman  
25 said that 200K per house, 900 houses.

1 VOICE: Eight hundred houses.

2 MR. MAUL: Eight hundred houses and he was  
3 giving us taxation bill of about --

4 VOICE: A hundred sixty million.

5 MR. MAUL: Yeah, right.

6 MR. COTE: It's all based on current millages  
7 off public --

8 MR. MAUL: Today's houses are being built at  
9 roughly \$200.00 a square foot. If they were \$2,000.00  
10 assessment that would mean that all these 800 houses  
11 were going to be approximately 1,000 square foot homes.

12 The other thing I would like to know is we  
13 talked about the exceptional water quality. When all  
14 of this was preliminarily done, how far along was that?  
15 Was there a plan submitted for these 800 houses? Was  
16 it going to be on-site septic? Was there going to be a  
17 septic plant that was going to send their effluent into  
18 this high quality creek? Where is all of the water  
19 runoff because in that plan I really don't see, with  
20 all the square footage of these parking lots, where  
21 it's going to go.

22 We're not going to put it across the street  
23 because we're going to have a park over there. Okay.  
24 Where is the effluent water going to go?

25 I'm just -- I'm thoroughly confused. I'm

1 just confused by how the taxes are being figured out,  
2 how the benefits are going to come to Monroe County  
3 residents. I'm confused by the fact that --

4 MR. R. SCOTT: I'll address your statements,  
5 if you'd like.

6 MR. MAUL: Sure.

7 MR. R. SCOTT: Can you pop that map back up,  
8 please?

9 MS. HEILAKKA: The one with the warehouse?

10 MR. R. SCOTT: Yeah, that's good.

11 Sir, you see the ponds there just north of  
12 the warehouse? Up there. Right here? See these  
13 ponds? The level of those ponds are 8-foot below the  
14 Marshalls Creek. Understand that? That will be the  
15 area of stormwater drainage. The entire valley from  
16 Craigs Meadows Road -- actually, all the way to East  
17 Stroudsburg, but Craigs Meadows Road to Marshalls Creek  
18 is a glaciated valley. In the center it's roughly  
19 60 feet to bedrock and it's all gravel and glaciated.

20 All of the -- and the engineer can speak to  
21 this better than I can, but he will tell you that we  
22 have to slow down the stormwater runoff because it  
23 seeps into the ground so quickly that the DEP does not  
24 like that. They want it slowed down. So, the  
25 retention basins would be part of that stormwater right

1       there.

2               The other aspect of your tax comment, I  
3       didn't quite follow your numbers exactly, but let me  
4       share with you our problem. We would still be in the  
5       golf business today. In 1990 the millage on this  
6       property was 38 mills. Today it's 187 mills and the  
7       township treated all the resorts in the township well  
8       giving us residential permits to expand the resort  
9       umbrella. However, the county is the one who charges  
10      us accordingly and the rateable on the tax is four  
11      times so that if I had a house on there instead of  
12      paying residential like most of the folks living in  
13      their house we were paying four times that rateable.  
14      They considered us commercial. The town wanted us to  
15      stay open space, meaning Smithfield, and that's what  
16      happened and they finally put us out of business by  
17      property tax because we always took the capital that we  
18      made that year -- and our margins are always small --  
19      but put it back in to capitalize the business and  
20      expand such as you heard my conversation related to  
21      golf holes and all.

22              And I also will share with you that we were  
23      second largest amount of golf rounds in the entire  
24      State of Pennsylvania annually and, with that being  
25      said, our market was New Jersey and New York, all of

1 that, and all these resorts that are gone today had the  
2 same problem. And I can ask my attorney here -- he was  
3 in the resort business -- to speak to the tax numbers,  
4 too, but that's what basically happened and that's  
5 what's put us in this position today where we're trying  
6 to find what we feel is a good answer for the  
7 community, but based on the ratables, and also the open  
8 space, which you environmentally made comment about,  
9 I agree with. That's kind of why we're trying to do  
10 what we're doing. If that answers your question.

11 Oh, yeah, about the sewer. I spent 22 years  
12 on the sewer authority and chaired it most of the time.  
13 In Craigs Meadow there's a sewer plant, a pump station  
14 that runs to Lake Valhalla sewer plant. There's a  
15 thousand EDUs. An EDU is an Equivalent Dwelling Unit.  
16 That constitutes 200 gallons per EDU and there's a  
17 thousand.

18 We also have an agreement with the East  
19 Stroudsburg Borough to expand their system, so we could  
20 put a thousand, 2000 units on that property if the  
21 permits would allow it. There's enough sewer  
22 available.

23 Also, as the people in Craigs Meadows know,  
24 they were brought in under the Pennsylvania American  
25 Water use because their water system was so poor, but

1 Brodhead Water Authority is the preferred user in  
2 Smithfield Township and they would have plans to bring  
3 in water if it's needed which then reduces your lot  
4 size to accommodate more buildings.

5 Does that take care of most of it?

6 MR. MAUL: Yeah, except I was just wondering  
7 how far along because of the constant references to the  
8 housing, the R-1 residential, how far along was that  
9 actually --

10 MR. R. SCOTT: Okay. I would -- John, can  
11 you answer that? You were the engineer on that. How  
12 far along was the preliminary plan for LTS?

13 MR. COTE: Conditional use approval under the  
14 planned residential development rules, guidelines of  
15 the town.

16 VOICE: What was the date?

17 MR. COTE: The date? I don't know the date  
18 off the top of my head.

19 MRS. BARRETT: It was like 16 years ago.

20 MR. R. SCOTT: 2007?

21 MR. PRIDE: It's no longer a current  
22 approval.

23 MR. COTE: If a developer was willing to pick  
24 up and use that approval they could build what I was  
25 referring to earlier.

1           MRS. BARRETT: I just have one thing I want  
2 to say. Maybe as supervisors it's something you ought  
3 to think about. I hate to bring it up, but you know  
4 the Mosier's development. We're all talking about  
5 taxes and how much it costs to put a kid through  
6 school. They got a TIF, so they won't be paying any  
7 money to the school district. And they're making it  
8 all housing. They approved it for a shopping center,  
9 which we all knew nobody goes to brick and mortar  
10 stores.

11           I just read an article where hospitals are  
12 over building just like we're getting down here and  
13 what's happening with the medical profession. So,  
14 there you sit with a big block of land that's pretty  
15 much flat and it doesn't have restrictions on it like  
16 Frankie's did. If you really want a warehouse and  
17 you're right there at 80 and 209 put it there.

18           MR. MATERGIA: It's not available.

19           MR. BARRETT: Sheriff's sale.

20           MR. MATERGIA: Pam, it's not available.

21 I represent the owner of the property. It's not  
22 available.

23           MRS. BARRETT: How long is it going to sit  
24 there with it empty?

25           MR. MATERGIA: It's nice to say, "Put it



1 there," but it's not available.

2 MR. MURRAY: If you don't mind, can I make a  
3 quick comment? And this is involving Middle Smithfield  
4 Township because my Hillside was in Middle Smithfield  
5 and Jimmy -- that's my buddy here 'cause we're both in  
6 Middle Smithfield and we always want PennDOT or  
7 whatever to fix the Marshalls Creek Road because it's  
8 nasty. It's 2.6 miles and more accidents and them  
9 always having to fix it and all.

10 Okay, but I just want to go back just a bit.  
11 One of the things that -- Hillside was the oldest  
12 African American Jewish hotel in the country, in the  
13 United States, and one of the problems we had -- and as  
14 I said, I'm originally from Brooklyn and New York,  
15 but, we -- I was concerned when I saw -- and Russ told  
16 me, forgive me, that if this doesn't happen you may  
17 have this huge residential facility there, huge.  
18 That's what put Hillside out of business, I'm just  
19 going to say to you. When the school taxes went up we  
20 were paying something like -- I don't know, I can't  
21 totally remember, but we were paying something like  
22 50,000 a year and it went to like 150,000, plus they  
23 had room taxes and we had to pay room taxes, too, to  
24 the point that we couldn't pay school taxes on all the  
25 people that were coming from New York and New Jersey

1 because all of a sudden their kids stayed here and it  
2 was no longer Hillside, the resort, but it was  
3 Hillside -- we have Murray Pocono Estates around it  
4 and the schools all of a sudden started building and  
5 building and the next thing you know they're taxing us  
6 and they taxed us out of business and that's kind of --  
7 even though mine was Middle Smithfield, you know, it's  
8 where Frutchey Drive is, Russ is -- the same thing  
9 happened to him and all the other resorts in the  
10 Poconos, I hate to say, like the Ahnerts and all of us  
11 because of the school taxes.

12 So, when I saw that a person that I know,  
13 LTS, was going to do 800 and something houses? I mean,  
14 residential? I believe, unless I'm totally off the  
15 mark, that those people are going to bring their  
16 children and the cost on schools are going to go up and  
17 up and I just say, well, God bless you, Smithfield,  
18 'cause --

19 VOICE: But aren't they building residential  
20 in Smithfield Gateway?

21 MRS. BARRETT: Yeah, 990 units and they won't  
22 be paying any real estate taxes.

23 MR. MURRAY: I was just saying --

24 MR. PRIDE: Yes, they have approval for some  
25 tentatively and it's in a totally separate zone and the

1 way the TIF works is there's a ratio that pays off the  
2 debt for the road improvements over the course of that  
3 20 years and at the mid point of that 20 years, which  
4 the previous board had approved, the ratio flips and it  
5 pays the local taxes.

6 So, there is a difference, but, that said,  
7 I want to entertain more public comments on this matter  
8 before we proceed to a vote.

9 So, sir, you've been standing up.

10 MR. GARR: My name is Tom Garr. Our property  
11 is on Milford Road which adjoins this property and it's  
12 private.

13 I understand that sooner or later that  
14 property will be developed and that's going to happen.  
15 My biggest concern is through changing the zoning and  
16 opening the door to projects of this nature -- I'm  
17 hearing a lot of talk about the number of truck trips  
18 and things like that. My biggest concern is  
19 infrastructure. You know, the infrastructure is poorly  
20 able to handle the vehicle traffic that it has right  
21 now. Talk about the roundabout. I couldn't imagine  
22 seeing 600 tractor trailers move through that  
23 roundabout in the course of a day.

24 So, I just want -- my concern is about the  
25 zoning change, opening the door to other projects like

1 this.

2 And when you consider -- talk about the one  
3 million square foot warehouse logistical space, you see  
4 where all these projects are going down along 33.  
5 They're right next to major infrastructure that's  
6 already there or they just built an interchange at  
7 Tatamy to accommodate that. They're not in residential  
8 areas that I can see.

9 MR. PRIDE: Thank you.

10 MS. KATZ: Maria Katz. I live on 402 as  
11 well. The thing I want to know is that that stretch of  
12 209 that you're going to have to use to get to  
13 Interstate 80 right now is a main artery that tourists  
14 use to come into our area, especially to, like, Shawnee  
15 resort.

16 I'm kind of curious. Does Shawnee resort  
17 know about this? Because if you start putting 600  
18 trucks on that two lane road -- it's already jampacked  
19 now with tourists. If you don't make that into a five  
20 lane road or four lane road that road is going to be  
21 impossible for the tourists to get in and that can  
22 actually really hurt Shawnee and all the resorts here.

23 So, I'm just kind of curious. Does Shawnee  
24 know about all this? Do all these resorts know about  
25 it?

1 MS. BARRETT: Shawnee knows about it.

2 MR. PRIDE: To our knowledge, yes.

3 MS. KATZ: And you're not going to have any  
4 plans to improve that road by putting 600 trucks --

5 MR. PRIDE: That would be -- that's a PennDOT  
6 road, so that wouldn't be the township.

7 MS. KATZ: What?

8 MR. PRIDE: That would be a PennDOT road,  
9 it's a state road, so the township does not --

10 MS. KATZ: So, you don't care. You're just  
11 going to say put it here and PennDOT --

12 MR. PRIDE: No, no, that's not what we're  
13 saying. What I'm saying is I have no ability to  
14 influence what PennDOT is going to do. I don't think  
15 any supervisor asked for the roundabout and they built  
16 it anyway. So, that's what I'm saying. From our  
17 perspective.

18 MS. KATZ: So, if we build that and PennDOT  
19 says, "Eh, we're not going to do anything on this  
20 road," what we'll have now is a huge mess.

21 MR. PRIDE: That's what we all have to  
22 consider.

23 Vince?

24 MR. DELLA FERA: My name is Vince Della Fera  
25 and I live on Mount Nebo Road. I have a few questions.

1 And I realize this is not a Q and A session, but I'd  
2 just like to put them out there.

3 First of all, I'd like to know -- I'm  
4 presuming that the trucks will be arriving and leaving  
5 for 24 -- for a full 24 hour cycle. They won't be --  
6 or will they be -- would you anticipate more trips  
7 during the day as opposed to overnight?

8 I also would like to know exactly how many  
9 acres you are planning to dedicate, which I think is  
10 a -- it would be a good thing, the open space, and how  
11 much of that open space -- as I recall, the original  
12 plan had considerable open space on it and how much of  
13 that new open space is going to be -- I'm sorry, the  
14 original plan had a lot of steep slopes that they were  
15 going to build on and I'd like to know how many of the  
16 steep slopes are going to be in the open space.

17 And I just had a number -- a quick question  
18 about how many EDUs would you require for the factory?

19 MR. MATERGIA: Can you try to address those?

20 MR. COTE: So, big picture wise -- I'll just  
21 try to recount each thing, so you can correct me if I  
22 miss one of them.

23 On the steep slope side, the intent of this  
24 development is to actually stay off those steep slopes.  
25 That's why it's all focused down at the bottom of the

1 hill. Steep slopes, pretty much what you see, as soon  
2 as you make your way up the aisle where the  
3 development's shown on there --

4 MR. DELLA FERA: So, to clarify, the open  
5 space will contain the steep slopes, the existing steep  
6 slopes.

7 MR. COTE: So, the open space isn't really  
8 the properties north of where the development's shown.  
9 The open space is actually the lands east of the  
10 Marshalls Creek Road. So, it is those slope  
11 embankments that bring you down to the creek, but,  
12 ultimately, it's that low lying land that is where the  
13 creek is now, not all the steep slopes on top of the  
14 hill.

15 MR. KARASEK: Everyone just hold on for a  
16 moment. We've been going two hours. Do you need a  
17 break?

18 MR. PRIDE: My intention is to conclude this  
19 tonight, so I'd like to entertain a couple more  
20 comments and then we also have Zoom.

21 MR. KARASEK: So, maybe we should take a five  
22 minute break or so to give Donna a chance to --

23 MR. LOVENHEIM: Let's keep going.

24 MR. KARASEK: You want to keep going? She's  
25 the one that's taking this down. If she's not being

1 able to do it -- okay, it's your choice.

2 MR. DELLA FERA: I also have a question as to  
3 how much land is in the open space.

4 MR. COTE: So, approximately a hundred acres  
5 is dedicated to open space. Ten acres of that is a  
6 parking lot that basically we understand will be of  
7 interest to the town that's on the north side.

8 MR. MURRAY: Excuse me. Could you do that  
9 again? We'll have the dog and the pony. Move your  
10 butt over here.

11 MR. COTE: So, if you're looking at this  
12 entire tract here, right, 402 on the east side,  
13 Marshalls Creek on the west side, basically this  
14 stretch of land here is 90 acres outside of the ED zone  
15 that we're referring to tonight. Ten acres of that  
16 will also be dedicated, which is, basically, to allow  
17 for a parking field to service this particular area as  
18 open space.

19 MR. DELLA FERA: And Marshalls Falls.

20 MR. COTE: And Marshalls Falls. So,  
21 basically, you're looking at about a hundred acres  
22 worth of dedication.

23 MR. SCHRYVER: John, show the lake along ....

24 MR. COTE: You're talking about the creek or  
25 the ...?



1 MR. SCHRYVER: The lake part.

2 MR. COTE: Oh, this part here you mean?

3 MR. PRIDE: Okay. Once you've concluded this  
4 exercise I'm going to entertain --

5 MR. SCHRYVER: Isn't there a lake up in here?

6 MR. COTE: No.

7 MR. R. SCOTT: There are four ponds.

8 MS. HEILAKKA: Brian, that was your  
9 microphone providing feedback. So we're going to give  
10 you a couple minutes to fix whatever just happened and  
11 we're going to unmute you. I know you're on a land  
12 line right now.

13 MR. PRIDE: He can press the button just like  
14 he normally would.

15 We have two people on Zoom. We have two  
16 individuals on Zoom that would like to make a comment.  
17 So, one of you has raised a yellow hand, so I'll --  
18 the walrus, I think, was your photo, so please identify  
19 yourself and then make your comment.

20 MR. DEPAUL: First of all, can you hear me  
21 okay?

22 MR. KARASEK: Yes.

23 MR. DEPAUL: My name is Adam Waterbear  
24 DePaul. I am the Chief of Education and the tribal  
25 story keeper for the Lenape Nation of Pennsylvania,

1 the indigenous community of these lands.

2 I am not here to offer an official position  
3 from Council because our Council has not been contacted  
4 by any of the parties who have spoken today or by any  
5 other party involved, but I am here to raise concerns  
6 about the environmental impacts of rezoning this area  
7 that resonate throughout the indigenous community and  
8 other communities that watch over the environments of  
9 Monroe County.

10 I have lived in the county for my full 41  
11 years as had my ancestors before me since time  
12 immemorial and we have taken care of these lands for  
13 time immemorial.

14 Now, I have heard that I am not allowed to  
15 ask questions, so I will phrase my concerns in the form  
16 of comments. I have noted that the speakers seem able  
17 to reply, which seems a bit lopsided if we are not  
18 allowed to question them, but given this structure my  
19 comments are this.

20 The numbers that the speakers are offering  
21 seem intentionally misleading in order to show a bias  
22 to rezone this project. They mention that there will  
23 be a greater number of vehicles if this is a  
24 residential area, but they say nothing about the fact  
25 that each commercial vehicle that would come in as a

1 result of the warehouse would emit something like 50  
2 times more emissions than any of the residential  
3 vehicles that would be here.

4 The speakers say that they are making deals  
5 with other agencies to help increase and expand their  
6 systems, but they have offered nothing about the  
7 environmental or ecological impacts of those expansive  
8 construction projects.

9 The speakers have said, for instance, each  
10 job created by this warehouse would, in turn, create  
11 something more -- something like, I believe the speaker  
12 said, seven more jobs throughout the community.

13 MR. HERMAN: Point seven.

14 MR. DEPAUL: That seems to me like a direct  
15 admission that rezoning this property will be a gateway  
16 to exponential commercial increase throughout the  
17 county and area. If every one job in the warehouse  
18 leads to seven more jobs throughout the community that  
19 means more commercial growth for each one of those jobs  
20 and more traffic.

21 MR. MATERGIA: That's a misstatement.  
22 It's .7.

23 MR. DEPAUL: The speakers have mentioned  
24 that there will be a number of people. They mention  
25 the number of people involved with there being

1 residential and they have focused on taxes, right?

2 We hear a lot about how school taxes will go up, be  
3 higher if this is residential. God forbid we give more  
4 money to our schools. We know we don't want to do that  
5 or have more teachers. However, they have not offered  
6 any information to the effect that residents who live  
7 here pay taxes to the state, contribute to those taxes,  
8 contribute to our community, and the more people that  
9 are contributing to those taxes are reducing the number  
10 of taxes that each member has to pay. I have taught in  
11 the middle school, in the high schools, and in the  
12 colleges of these areas.

13 They -- and, lastly, in addition to these  
14 numbers, just to bring up how these numbers can be  
15 manipulated towards a purpose, the speaker on the table  
16 with the blue, long-sleeved shirt and the glasses, he  
17 said, quote, "We," I assume he -- you, meaning the  
18 council, "We have no influence over what PennDOT will  
19 do." He said this in response to another concern that  
20 was raised that trucks mean that PennDOT's going to  
21 turn two lane roads into four lane roads and just  
22 increase construction exponentially throughout the  
23 community. He said that you have no influence over  
24 what PennDOT will do. I disagree. You have every  
25 influence over what PennDOT will do in the future and

1 the way you influence whether or not PennDOT will make  
2 these incredibly huge construction projects is whether  
3 you choose to vote yes or no on this. Voting yes will  
4 open the door to this increased traffic and will give  
5 PennDOT a reason to have these expansive construction  
6 projects. Voting no will mitigate that before it  
7 becomes an issue.

8 So, the last part of my comment is that you  
9 do, in fact, have a very strong influence over what  
10 PennDOT and what commercialization and construction in  
11 general happens in your township. Thank you.

12 MR. PRIDE: Thank you. And I also have one  
13 other on Zoom, Rebecca August, and then I'll resume in  
14 person.

15 MS. AUGUST: Hi. Well, first I'm going to  
16 say that I am so honored to speak after Mr. DePaul and,  
17 then, I want to say my name is Rebecca August. I've  
18 been part of this community for 45 years. I used to  
19 live on Marshalls Creek Road for a very short time and  
20 now I own property and pay taxes in White Heron Lake.

21 I want to say that I agree with all the  
22 concerns of the different speakers that have spoken  
23 and, actually, I'm going to save time because my  
24 comment was also about the trucks. Diesel trucks emit  
25 223 metric tons of carbon dioxide per year, so that is

1 about 50 times the pollution of a car which -- so 600  
2 trucks, as was said would be part of this project,  
3 equals roughly 30,000 cars. So, the comparison is --  
4 and that doesn't even account for highway wear and all  
5 the other impacts that trucks have.

6 So, that's my -- that's all I have to say,  
7 but I appreciate all the other speakers and I agree  
8 with much of what has been said.

9 MR. PRIDE: Thank you. Debbie Kulick?

10 MS. KULICK: Debbie Kulick. I'm president  
11 of Bushkill Emergency Corps and one of the things,  
12 I just want to say, which is in ancillary project  
13 connected to this one is an independent donation of  
14 property to the ambulance corps on the 402 side and it  
15 will require in the future somewhat of a zoning change  
16 because it is not allowed to have an ambulance building  
17 there. So, I guess maybe heads up and I'm sorry we  
18 have diesel ambulances.

19 MR. PRIDE: Who needs ambulances, right,  
20 Debbie?

21 MS. KULICK: Right.

22 MR. PRIDE: Thank you, Debbie. Are there any  
23 final comments?

24 MR. BOYER: I'm Mitch Boyer. I'm here to  
25 comment as a resident in Sunrise Village off Mount Nebo

1 Road and also as a member of the planning commission.

2 The first thing I would like to request is to  
3 have the e-mail that I wrote to all members of this  
4 group and the planning commission on December 13th  
5 entered into the public record. Is that possible?

6 MR. PRIDE: Sure. I don't see why it  
7 wouldn't be.

8 MR. BOYER: Great. So, this group represents  
9 a very, very small percentage of the 7,500 people that  
10 live in this township that will be affected by zoning  
11 changes and I'm not sure that we handle those in  
12 exactly the right way.

13 I don't know much about being on the planning  
14 commission because I'm very new there, but when I got  
15 on I attended a course that was put on by the State of  
16 Pennsylvania that says what it takes to be a good  
17 planning group and commission and what I found out is  
18 that what the state says is that we're supposed to have  
19 a comprehensive plan and the last time we did a  
20 comprehensive plan for Smithfield Township -- all  
21 municipalities in the state, all townships, are  
22 supposed to have that -- was in 2001. When I bring  
23 that up people say, "Well, that doesn't apply anymore  
24 because it's too old."

25 So, I was around here in 2001. I didn't get

1 part of the survey that went out, but I agree with the  
2 results of the survey. So, just so you know, and I've  
3 commented on it, I want to say a couple of things.  
4 What that training course said is that the planning  
5 agency shall prepare the comprehensive plan for the  
6 development of the municipality -- in our case, that's  
7 the township -- and present it for consideration to the  
8 governing body, which is this group right here.

9 It is the governing -- this comprehensive  
10 plan is supposed to be the governing body's adopted  
11 developmental policy. It is future oriented. It is  
12 the basis for the land use regulations, which I believe  
13 means zoning, and provides the rationale for regulating  
14 private property.

15 When you look at what that plan said in 2001,  
16 and what it said was important to the people of this  
17 township, it said what the results of a large group  
18 that analyzed this, their conclusion was, goals  
19 include, amongst others, maintaining the distinctive  
20 character of the municipality, upgrading the image of  
21 the Poconos, and promoting the historic character of  
22 area communities.

23 So, when we think about zoning changes those  
24 are things that I can look back in history and say  
25 that's what the people of the township -- many of you



1 were probably here in 2000. How many of you were here?

2 Okay.

3 So, then you can look at some of the specific  
4 comments that were made in the conclusion of that  
5 comprehensive plan and there are several of them here.  
6 It says that the residents of Smithfield value the  
7 township's predominantly rural atmosphere. I'm not  
8 sure that that is taken into consideration in 2022 as  
9 we look at all the things that come before the  
10 supervisors.

11 It also said survey respondents thought  
12 regulation of land development in general was extremely  
13 important giving the highest priority to the density of  
14 the development, proximity to commercial development,  
15 and the proximity of that commercial to residents and  
16 impact on streams, many of the things that you've  
17 commented on already.

18 It says specifically small office buildings,  
19 woodcraft manufacturing, research facilities, other  
20 light manufacturing were also encouraged while shopping  
21 centers, large office buildings, corporate parks,  
22 motels, hotels, wood processing, metal fabrication,  
23 warehouse/distribution facilities, printing companies,  
24 and trucking terminals were discouraged.

25 I don't know that that has changed since

1 2001 when this very comprehensive plan was put  
2 together.

3 My comment is it's time to do another  
4 comprehensive plan. I don't care what the cost and I  
5 don't care what the --

6 MR. LOVENHEIM: I care about the cost.  
7 It's somewhere around \$50,000.00. We can spend it on  
8 better things.

9 MR. BOYER: I'm only commenting from my  
10 personal point of view. I just think it's time to do  
11 another comprehensive plan and ask the 7,500 residents  
12 of this township what they want the development to be,  
13 not what we --

14 MR. LOVENHEIM: I think it's time for a  
15 motion.

16 MR. PRIDE: All right.

17 MS. BARRETT: Send a message to these two  
18 that I think it's time that we put a group of citizens  
19 together and sit down and talk what we see of the  
20 future of Smithfield Township.

21 Robert's been rewriting our ordinances,  
22 God bless him. We need a professional. He can't  
23 just do things -- it's like me practicing medicine.  
24 And I know you got the e-mail when I said, "Let's get  
25 together people from all walks of life." I know years

1 ago we did it with the sign ordinance. And sit down  
2 and work it out. It shouldn't just be in Robert's  
3 hands, it shouldn't -- we all live here. We all --  
4 I think we'd gladly give our time to sit down together  
5 and decide what we want to see for Smithfield Township.

6 MR. PRIDE: That's absolutely our intention.  
7 So, that said --

8 MR. MATERGIA: Excuse me. Given that this is  
9 our petition, may I make a simple close?

10 MR. PRIDE: Sure. You can be the last  
11 comment and then Attorney Matergia --

12 MS. GARR: I'm sorry. My name is Tammy Garr.  
13 I live across the street here on Milford Road. We're  
14 on Birch Lane. And I was just wondering with the  
15 picture of the warehouse what part of 209 are you going  
16 onto the property? Like, between the traffic light and  
17 Dollar General. Is that how -- is that how you're  
18 entering on that part of 209 or is it on Creek Road?

19 MR. COTE: It would be on Business 209  
20 proper. The location is shown right now where the  
21 properties are currently under control, but the  
22 likelihood is that it would have to be shifted to be  
23 about a thousand feet away from the other intersection  
24 of Marshalls Creek Road --

25 Well, just to give you a quick perspective

1 on it, this is -- again, the reason I put together this  
2 concept is because right now this is shown as the  
3 entrance drive here, but -- the entrance to the east  
4 here would likely have to be shifted to the west, but  
5 that property is not under control right now. Part of  
6 that is in discussion with the developer for control,  
7 but ultimately PennDOT --

8 MS. GARR: Where is Country Kettle? I'm too  
9 far, honestly to -- where is Craigs Meadow Road?

10 MR. COTE: So, Craigs Meadow Road is the  
11 western boundary.

12 MR. SCHRYVER: Country Kettle is here.

13 MS. GARR: Here.

14 MR. SCHRYVER: Actually, here.

15 MR. COTE: This is Craigs Meadow here.

16 MS. GARR: And what is this?

17 MR. COTE: That's property that's not held,  
18 that's other properties that are adjacent --

19 MS. GARR: So, that's my house. Okay. I  
20 just wanted to see --

21 MR. SCHRYVER: They're talking about this.

22 MR. COTE: Somewhere adjacent. About a  
23 thousand away from the Seven Bridges Road intersection.

24 MR. PRIDE: All right. So, the final word on  
25 the petition is going to be given by Attorney Matergia

1 to make a closing statement.

2 MR. MATERGIA: Thank you. You've been very  
3 patient and that's appreciated.

4 I think what you can clearly say in a  
5 proceeding like this is that our request for a zoning  
6 change is often not popular and these matters are not  
7 designed by nature to be popularity contests.

8 What these matters require is for the  
9 supervisors to do what you're elected to do and that is  
10 exercise your best judgment to do the most good for the  
11 most people in your community. Sometimes that's not  
12 popular.

13 Now, this zoning amendment will welcome  
14 commercial economic development, that's a given, and  
15 economic development projects are a window in time.  
16 They can't be chased down the road and you oftentimes  
17 cannot go back to capture them. Opportunity presents  
18 itself. You have to make a wisdomed decision as to  
19 whether or not this is something that you want to do  
20 and want to take an opportunity to capture in the  
21 community.

22 Thank you for the opportunity to present  
23 this.

24 MR. PRIDE: Thank you. At this point since  
25 we've heard all the comment I'll entertain a motion to

1 close the hearing, but we'll remain on the record so we  
2 can make a decision.

3 MR. KEMPER: I had my hands up and I haven't  
4 got to make my comment.

5 MR. PRIDE: I'm sorry. You can make your  
6 final comment, sir.

7 MR. KEMPER: My name is Steve Kemper. I live  
8 on 3147 Pine Ridge Road. My concern is I have three  
9 parcels of land. I'm afraid -- concerned with my  
10 property values, that I'll be overlooking a million  
11 square foot warehouse.

12 I don't think that the comparisons are fair.  
13 Everybody keeps saying this 800 residential units.  
14 It doesn't seem like a fair comparison. If we're  
15 talking -- if the property involved is roughly  
16 150 acres and it's zoned R-1 low density right now  
17 that requires a 50,000 square foot lot area. So,  
18 for 150 acres you can only put 125 lots on that.

19 MR. MATERGIA: It's a planned residential  
20 development. It's a different animal.

21 MR. COTE: A Planned Residential Development  
22 goes by different guidelines, so the density for the  
23 units, the individual properties, are much smaller than  
24 what you're referencing. You're referencing a standard  
25 subdivision. A Planned Residential Development under

1 the township ordinance is a whole different program in  
2 terms of how -- and that's how the other development  
3 was governed, based on those -- and approved lot sizes.

4 MR. KEMPER: So, how big could a lot size be?

5 MR. COTE: Four thousand square feet, 5000  
6 square feet for the smallest and some are maybe as big  
7 as -- I think the biggest might be 10,000 off the top  
8 of my head. I just don't have all the numbers --

9 MR. KEMPER: Well, it's still not a fair  
10 comparison 'cause when you're talking about 800  
11 properties you're talking about all the property he  
12 owns not just the 147 acres that we're dealing with.

13 MR. COTE: Right. And that included  
14 development on the land that's being dedicated as well.  
15 So, for the comparison you lose that as well. In other  
16 words, that tract of land --

17 MR. KEMPER: Okay, but all of the other  
18 property that's not involved, there's nothing to say  
19 that those homes can't be developed anyway.

20 MR. COTE: Not to the -- yeah, not that  
21 density because that's all steep slopes. That would  
22 change -- everything north of that is steep slopes.

23 MR. KEMPER: But it still could be  
24 developed --

25 MR. COTE: Be developed at a much smaller --

1       yeah.  If you actually look at the --

2               MR. KEMPER:  So, you're not eliminating --  
3       by doing this, you're not eliminating 800 homes.  They  
4       could still ....

5               MR. COTE:  Actually --

6               MR. KEMPER:  They could still build --

7               MR. COTE:  Yeah, the --

8               MR. KEMPER:  -- homes on the rest of the  
9       property.

10              MR. COTE:  The 991 that were previously  
11       approved, the majority of those are in the low lying  
12       land where the warehouse is.  If you look at the  
13       concept that's out here on the board, if you get a  
14       chance, you can look at that and you can see that those  
15       are all the larger residential --

16              MR. KEMPER:  No, at the top --

17              MR. COTE:  So, the answer to your question is  
18       the density -- so, the Planned Residential Development  
19       is higher density down below.

20              MR. KEMPER:  Okay.

21              MR. PRIDE:  So, this is the last person and  
22       then one more on Zoom.

23              VOICE:  The lots that are on the north end  
24       are the larger lots, the lower density, and then the  
25       higher density are the ones that are in the -- reach



1 down below where the warehouse is proposed. Just to  
2 give you a perspective. I'm not trying to --

3 MR. KEMPER: My point is that just because  
4 this is happening, this gets rezoned doesn't mean that  
5 they're still not going to build a couple hundred  
6 houses --

7 VOICE: Right, but 200 houses at the north  
8 side is different than 991 residences on the --

9 MR. KEMPER: I just don't agree with the  
10 comparison. I don't get the whole comparison of taking  
11 that whole scope of this when we're only dealing with  
12 147 acres.

13 VOICE: This goes away as dedicated land  
14 east of Marshalls Creek Road. Only the slope, the  
15 higher slope, the lower density, lower volume of homes  
16 built on the higher sloped areas here would be  
17 remaining. Everything else that we were talking about  
18 before was down here, down along Marshalls Creek Road  
19 and now along 209, higher density, where the majority  
20 of those homes are proposed. It took 700 off the  
21 books -- I'm sorry. If you take 700 off the books  
22 versus the 200 that are remaining. I'm just trying to  
23 give you a perspective.

24 MR. PRIDE: Thank you.

25 MR. KEMPER: My other comment is if this

1 warehouse -- if it does get rezoned, this warehouse  
2 doesn't go as planned, then we could be -- anything  
3 could be done there that's approved commercially.  
4 We could have cell towers built there.

5 VOICE: This is also part of your Route 209  
6 corridor. Keep that in mind. I don't want to lose  
7 sight of that. When you look at the red, somebody  
8 asked about the red that's outlined in the overall  
9 zoning map, the township is looking to -- adopted  
10 economic development components along these commercial  
11 corridors. That's really where all the focus was.  
12 This is the gap in that today from prior zoning.

13 MR. PRIDE: Thank you.

14 VOICE: For anybody who didn't get a chance  
15 to talk, whoever is against it should stand up so if  
16 you didn't get an opportunity to talk at least we know  
17 how many people are against it.

18 MR. PRIDE: All right. Vicky, you're the  
19 last comment before we close the hearing.

20 Okay, I'll take that as a no.

21 So, at this point I'll entertain a motion to  
22 close the hearing.

23 MR. LOVENHEIM: I'll make that motion to  
24 close the hearing.

25 MR. PRIDE: Motion by Mr. Lovenheim to close.

1 I'll second. All in favor?

2 MR. LOVENHEIM: Aye.

3 MR. PRIDE: Aye. Brian, are you there?  
4 Brian?

5 The hearing is closed. And, hopefully, we  
6 hear from Mr. Barrett. Do I hear a motion on the  
7 petition?

8 MR. LOVENHEIM: I would like to make a motion  
9 on the petition and also statement with the motion.  
10 Attorney Karasek --

11 MS. OZGUN: Jacob?

12 MR. PRIDE: Yes, Vicky.

13 MS. OZGUN: I'm sorry, I had a technical  
14 issue here with the microphone.

15 MR. LOVENHEIM: The hearing was closed.

16 MS. OZGUN: Can I address my comment if it's  
17 not late?

18 MR. PRIDE: Yes, it will be on the record, so  
19 please be brief.

20 MS. OZGUN: People that don't know me, my  
21 name is Vicky Ozgun and I live in the Lake Valhalla  
22 area, the nearby community.

23 A lot of people don't know that dealing with  
24 this warehouse issue Lake Valhalla is also dealing with  
25 a similar situation, a company who bought the airport,

1 Black Buffalo, that wants to put a 3D printing company  
2 in there. So, my concern is that you already have one  
3 that wants to be built there and then a line, according  
4 to the GPS coordination [sic] you have another  
5 warehouse proposal. So, like, we're all stuck in these  
6 warehouse areas and you have residential. You're never  
7 thinking about the pollution, the drainage, the  
8 wildlife. It will impact everybody.

9 So, right now Lake Valhalla is impacted  
10 because it's already considered light life industrial,  
11 but the company that wants to come is not light  
12 industrial.

13 So, I prefer the residentials there to fight  
14 for the R-1 zoning because, otherwise, they're going to  
15 be in the same situation like Lake Valhalla is and  
16 that's what I have to say.

17 MR. PRIDE: Thank you, Vicky.

18 MR. LOVENHEIM: I'll continue with my  
19 statement and motion. As I was saying, Attorney  
20 Karasek said at the beginning of this session that this  
21 was about a zoning change, it wasn't about the use,  
22 but the petitioners have chosen to confuse the use with  
23 the zoning change and I think probably that's a good  
24 thing because this is a very important parcel of land  
25 here.

1           There are only two parcels of land in  
2 Smithfield that are available that are this size for a  
3 future use. One is Gary Swartz's farm on Fawn Road,  
4 which is about 250 acres, and my hope, at least, is  
5 some day that's a nature park.

6           And then there's Mountain Manor. I think  
7 Mountain Manor has great potential for something. In  
8 2016 we had a comprehensive plan done of that area and  
9 the planner from Philadelphia suggested sort of a  
10 walkable village center in the area with an overlay of  
11 the R-1 district. That's possible, but it seems from  
12 this discussion that quality of life is what we're all  
13 interested in and the use of this land is very  
14 important to all of us.

15           I have great respect for Russ and Craig Scott  
16 and for John Herman, but I'm going to say that I'm  
17 voting to deny this use.

18           MR. PRIDE: Robert, is that a motion to deny  
19 the motion?

20           MR. LOVENHEIM: Motion to deny the motion.

21           MR. PRIDE: Motion by Mr. Lovenheim. I will  
22 second. All in favor? Aye.

23           MR. LOVENHEIM: Aye.

24           MR. PRIDE: Mr. Barrett, do you have any --  
25 do you have a vote? I assume you're still on with us?

1 MRS. BARRETT: Can I vote for him?

2 MR. PRIDE: No, you can't vote for him,  
3 but I'm sure that's what he would do.

4 MR. KARASEK: If you can't hear him or if he  
5 is not able to get -- right now it's -- it would be --  
6 let's say he would be for it, it's two to one, so it  
7 would be denied in any event.

8 MR. PRIDE: Correct.

9 - - -

10 (Whereupon, the above concluded at 8:35 p.m.  
11 on Wednesday, January 11, 2023.)

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C E R T I F I C A T I O N

I, Donna G. Kenderdine, R.P.R.,  
do hereby certify that the foregoing was taken  
stenographically by me on January 11, 2023, and that  
this transcript is a true and correct transcript of the  
same, fully transcribed under my direction, to the  
best of my ability and skill.

I further certify that I am not a  
relative or employee of any of the parties in this  
action; that I am not a relative or employee of any  
attorney in this action; and that I am not financially  
interested in the event of this action.

-----  
Donna G. Kenderdine, R.P.R.  
Notary Public

<p><b>BY MR. BARRETT: [2]</b> 33/15 46/14 <b>MR. BARRETT: [13]</b> 39/20 45/16 45/18 46/2 46/6 46/11 49/7 56/21 56/24 70/4 70/17 70/21 80/18 <b>MR. BOYER: [1]</b> 95/7 <b>MR. COTE: [12]</b> 69/4 71/7 72/8 79/22 86/19 88/10 88/23 89/5 99/18 100/9 100/14 102/20 <b>MR. DELLA FERA: [2]</b> 85/23 87/3 <b>MR. HERMAN: [2]</b> 64/18 91/12 <b>MR. KARASEK: [13]</b> 5/11 22/6 22/11 32/6 33/10 35/14 57/11 57/23 69/25 87/14 87/23 89/21 110/3 <b>MR. LOVENHEIM: [8]</b> 26/20 33/9 35/9 56/18 66/16 87/22 107/7 109/19 <b>MR. MATERGIA: [17]</b> 8/4 21/16 32/24 35/12 46/24 47/2 57/1 57/18 61/5 80/17 80/19 80/24 86/18 91/20 99/7 101/1 102/18 <b>MR. PRIDE: [61]</b> 4/3 4/20 22/4 33/7 33/12 35/7 35/11 35/17 35/20 40/2 45/15 45/17 45/19 45/24 46/12 47/1 56/19 57/9 59/12 60/16 60/19 61/23 63/3 67/2 70/23 71/2 71/8 71/12 71/16 71/18 71/24 73/3 74/17 79/20 82/23 84/8 85/4 85/11 85/20 87/17 89/2 93/11 94/8 94/18 94/21 95/5 98/15 99/5 99/9 100/23 101/23 104/20 105/23 106/12 106/17 107/17 108/16 109/17 109/20 110/1 110/7 <b>MR. R. SCOTT: [16]</b> 39/17 39/21 40/3 59/21 59/24 60/4 61/3 61/17 63/11 65/5 65/11 76/3 76/9 79/9 79/19 89/6 <b>MR. SCHRYVER: [8]</b> 60/10 66/5 66/17 88/25 89/4 100/11 100/13 100/20 <b>MS. BARRETT: [1]</b></p>	<p>84/25 <b>MS. GARR: [1]</b> 100/12 <b>MS. HEILAKKA: [9]</b> 45/23 45/25 46/4 46/9 49/8 70/16 70/18 76/8 89/7 <b>VOICE: [4]</b> 21/10 23/7 70/14 70/24</p> <hr/> <p><b>\$</b> <b>\$16,000.00 [1]</b> 41/10 <b>\$179,500,000.00 [1]</b> 50/11 <b>\$2,000.00 [1]</b> 75/9 <b>\$200,000.00 [1]</b> 49/17 <b>\$200.00 [1]</b> 75/9 <b>\$29,491.00 [1]</b> 50/16 <b>\$3,000.00 [1]</b> 52/5 <b>\$5,600,000.00 [1]</b> 50/23 <b>\$50,000.00 [1]</b> 98/7 <b>\$80,000.00 [1]</b> 50/22</p> <hr/> <p><b>'50s [1]</b> 41/25 <b>'60s [1]</b> 41/25 <b>'cause [6]</b> 15/4 52/16 69/6 81/5 82/18 103/10</p> <hr/> <p><b>.7 [2]</b> 52/8 91/22</p> <hr/> <p><b>1</b> <b>1,000 [1]</b> 75/11 <b>10 [7]</b> 2/17 13/20 23/9 41/18 50/14 60/25 74/4 <b>10,000 [1]</b> 103/7 <b>100 acres [1]</b> 41/20 <b>100,000 [1]</b> 51/25 <b>100,000-plus [1]</b> 24/20 <b>100-plus [1]</b> 19/19 <b>102 [1]</b> 2/21 <b>107 [1]</b> 2/22 <b>109 [1]</b> 58/24 <b>11 [6]</b> 1/8 2/5 2/18 4/2 110/11 111/5 <b>1100 [1]</b> 69/8 <b>1144 [1]</b> 18/16 <b>1155 [1]</b> 1/7 <b>12 [1]</b> 2/18 <b>12 o'clock [1]</b> 53/15 <b>120 [2]</b> 14/10 19/12 <b>120 acres [1]</b> 18/5 <b>124 [1]</b> 19/12 <b>125 [1]</b> 102/18 <b>13 [1]</b> 2/19 <b>13th [1]</b> 95/4 <b>14 [5]</b> 2/19 5/15 41/14 50/20 68/25 <b>14,000 [4]</b> 25/9 67/20 68/5 68/9</p>	<p><b>14,000-plus [2]</b> 20/6 69/14 <b>140 [1]</b> 71/19 <b>144 [1]</b> 14/18 <b>144 acres [2]</b> 14/9 23/5 <b>147 [1]</b> 105/12 <b>147 acres [2]</b> 41/4 103/12 <b>15 [1]</b> 2/20 <b>150 [2]</b> 49/17 68/18 <b>150 acres [2]</b> 102/16 102/18 <b>150,000 [1]</b> 81/22 <b>16 [2]</b> 2/20 79/19 <b>16 percent [1]</b> 52/19 <b>160 million [1]</b> 49/19 <b>17 [1]</b> 2/21 <b>1700 [5]</b> 20/4 25/13 68/13 68/25 69/7 <b>18 [1]</b> 2/21 <b>18302 [1]</b> 1/22 <b>18360 [2]</b> 1/18 1/24 <b>187 [2]</b> 41/17 77/6 <b>19 [1]</b> 2/22 <b>19 acres [3]</b> 14/20 23/16 23/21 <b>19-plus [1]</b> 15/9 <b>1902 [1]</b> 41/22 <b>1920s [1]</b> 43/11 <b>1930s [1]</b> 41/23 <b>197 [1]</b> 41/18 <b>1974 [1]</b> 39/5 <b>1979 [1]</b> 36/22 <b>1981 [1]</b> 42/5 <b>1983 [1]</b> 42/7 <b>1988 [2]</b> 36/25 37/2 <b>1990 [1]</b> 77/5</p> <hr/> <p><b>2</b> <b>2 million [3]</b> 43/25 44/1 44/3 <b>2.5 [1]</b> 41/9 <b>2.6 miles [1]</b> 81/8 <b>2.8 million [1]</b> 49/23 <b>20 [5]</b> 52/6 68/17 74/11 83/3 83/3 <b>20 million [2]</b> 52/1 52/1 <b>200 [2]</b> 105/7 105/22 <b>200 gallons [1]</b> 78/16 <b>2000 [2]</b> 78/20 97/1 <b>2001 [4]</b> 95/22 95/25 96/15 98/1 <b>2007 [1]</b> 79/20 <b>2009 [1]</b> 37/3 <b>200K [1]</b> 74/25 <b>2016 [2]</b> 43/24 109/8 <b>2022 [4]</b> 5/15 51/6 51/22 97/8 <b>2023 [4]</b> 1/9 4/2 110/11 68/5 68/9</p>	<p>111/5 <b>209 [51]</b> 12/12 12/12 12/22 12/23 13/1 13/2 13/3 13/10 13/10 13/15 13/16 13/23 14/4 14/7 17/4 17/22 17/25 18/2 18/3 18/10 18/18 18/19 23/2 24/9 24/9 25/18 26/13 26/13 28/9 28/16 29/11 29/11 30/5 30/6 30/7 30/10 31/19 31/20 34/17 35/5 37/9 65/22 73/20 73/25 80/17 84/12 99/15 99/18 99/19 105/19 106/5 <b>21 [1]</b> 47/15 <b>22 [1]</b> 78/11 <b>223 [1]</b> 93/25 <b>24 [2]</b> 86/5 86/5 <b>24 acres [1]</b> 14/12 <b>25 [1]</b> 68/18 <b>250 acres [1]</b> 109/4 <b>252 [1]</b> 62/1 <b>28 [1]</b> 12/7 <b>29 [1]</b> 50/18 <b>293,000 [1]</b> 49/21</p> <hr/> <p><b>3</b> <b>3 million [1]</b> 41/7 <b>3.1 million [1]</b> 49/23 <b>30 [2]</b> 51/23 51/23 <b>30,000 [1]</b> 94/3 <b>300 [1]</b> 48/11 <b>31 [1]</b> 1/18 <b>3147 [1]</b> 102/8 <b>32 million [1]</b> 41/11 <b>33 [2]</b> 2/5 84/4 <b>35 [1]</b> 47/12 <b>38 [1]</b> 77/6 <b>3D [1]</b> 108/1</p> <hr/> <p><b>4</b> <b>4-2 [1]</b> 66/16 <b>4.6 million [1]</b> 41/16 <b>40 [2]</b> 2/7 30/20 <b>40 feet [1]</b> 30/19 <b>400 acres [1]</b> 19/13 <b>400,000 [1]</b> 48/10 <b>400-plus [1]</b> 16/21 <b>402 [7]</b> 40/21 42/24 43/9 73/14 84/10 88/12 94/14 <b>41 [1]</b> 90/10 <b>44 [2]</b> 37/17 38/3 <b>447 [6]</b> 12/5 12/12 13/2 13/10 17/4 29/11 <b>45 [2]</b> 58/17 93/18 <b>45 feet [1]</b> 30/21 <b>45/57 [1]</b> 3/5 <b>46 [1]</b> 2/8 <b>47 [1]</b> 2/10</p>	<p><b>48/57 [1]</b> 3/6 <b>490 [1]</b> 58/20 <b>491 [1]</b> 50/18</p> <hr/> <p><b>5</b> <b>5 million [1]</b> 47/17 <b>50 [5]</b> 32/14 67/15 67/15 91/1 94/1 <b>50,000 [2]</b> 81/22 102/17 <b>500 feet [1]</b> 30/25 <b>5000 [1]</b> 103/5 <b>504 [1]</b> 50/16 <b>509 [1]</b> 1/24 <b>51/57 [1]</b> 3/7 <b>54 [1]</b> 42/8 <b>55/57 [1]</b> 3/8 <b>550 acres [1]</b> 65/24 <b>57 [5]</b> 3/5 3/6 3/7 3/8 3/9 <b>570 [1]</b> 1/25 <b>58 [2]</b> 2/13 2/13</p> <hr/> <p><b>6</b> <b>6 million [1]</b> 50/12 <b>6,307 [1]</b> 50/14 <b>60 feet [1]</b> 76/19 <b>600 [7]</b> 69/8 69/12 74/11 83/22 84/17 85/4 94/1 <b>6000 [1]</b> 42/13 <b>62 [1]</b> 2/14 <b>630 [1]</b> 1/21 <b>65,000 [3]</b> 16/16 19/18 24/19 <b>66 [1]</b> 2/14 <b>67 [1]</b> 2/15 <b>6:05 [2]</b> 1/9 4/4</p> <hr/> <p><b>7</b> <b>7,500 [2]</b> 95/9 98/11 <b>70 [2]</b> 41/15 50/21 <b>700 [2]</b> 105/20 105/21 <b>72 [1]</b> 2/15 <b>73 [1]</b> 2/16 <b>73,000 [1]</b> 49/22 <b>74 [1]</b> 2/16 <b>75 percent [1]</b> 41/6 <b>7766 [1]</b> 1/25 <b>78 [1]</b> 48/13</p> <hr/> <p><b>8</b> <b>8-foot [1]</b> 76/13 <b>80 [5]</b> 2/17 33/19 67/22 80/17 84/13 <b>800 [10]</b> 30/9 41/8 49/3 49/17 75/10 75/15 82/13 102/13 103/10 104/3 <b>83 [1]</b> 2/17 <b>84 [1]</b> 2/18 <b>85 [1]</b> 2/18 <b>850 [1]</b> 38/7 <b>89 [1]</b> 2/19</p>
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<p><b>8</b></p> <p><b>8:35 [1]</b> 110/10</p> <p><b>9</b></p> <p><b>90 [1]</b> 53/6</p> <p><b>90 acres [2]</b> 15/13 88/14</p> <p><b>900 [2]</b> 74/22 74/25</p> <p><b>900 feet [1]</b> 30/9</p> <p><b>93 [1]</b> 2/19</p> <p><b>94 [2]</b> 2/20 2/20</p> <p><b>99 [1]</b> 2/21</p> <p><b>990 [1]</b> 82/21</p> <p><b>991 [6]</b> 19/17 24/18 68/15 68/17 104/10 105/8</p> <p><b>992-7766 [1]</b> 1/25</p>	<p><b>accept [1]</b> 57/4</p> <p><b>access [16]</b> 17/22 17/22 17/24 24/3 24/8 27/24 28/11 28/14 31/18 42/22 42/23 42/24 43/15 56/5 56/14 56/15</p> <p><b>accessible [1]</b> 56/5</p> <p><b>accidents [1]</b> 81/8</p> <p><b>accommodate [2]</b> 79/4 84/7</p> <p><b>accommodating [1]</b> 56/13</p> <p><b>according [4]</b> 11/4 39/16 47/5 108/3</p> <p><b>accordingly [1]</b> 77/10</p> <p><b>account [1]</b> 94/4</p> <p><b>Ackerman [3]</b> 2/16 73/5 73/5</p>	<p><b>adjust [1]</b> 11/12</p> <p><b>admission [1]</b> 91/15</p> <p><b>adopted [6]</b> 13/11 24/11 31/14 45/11 96/10 106/9</p> <p><b>advantage [1]</b> 44/6</p> <p><b>advise [1]</b> 32/17</p> <p><b>affect [2]</b> 59/7 59/9</p> <p><b>affected [2]</b> 59/1 95/10</p> <p><b>affects [1]</b> 40/15</p> <p><b>afford [1]</b> 41/19</p> <p><b>afraid [1]</b> 102/9</p> <p><b>African [1]</b> 81/12</p> <p><b>after [5]</b> 35/21 52/6 66/10 71/4 93/16</p> <p><b>again [23]</b> 6/15 7/11 7/23 10/19 11/21 15/25 18/17 18/20 19/1 19/16 19/17 22/3 22/23 24/17 25/11 31/1 31/19 34/7 46/7 67/2 67/25 88/9 100/1</p> <p><b>against [4]</b> 59/3 66/16 106/15 106/17</p> <p><b>against/for [1]</b> 66/16</p> <p><b>agencies [1]</b> 91/5</p> <p><b>agency [1]</b> 96/5</p> <p><b>agenda [1]</b> 4/18</p> <p><b>ago [7]</b> 8/10 19/4 22/21 39/6 54/18 79/19 99/1</p> <p><b>agree [5]</b> 78/9 93/21 94/7 96/1 105/9</p> <p><b>agreed [2]</b> 40/22 63/16</p> <p><b>agreement [4]</b> 3/5 45/1 45/5 78/18</p> <p><b>agrees [1]</b> 43/22</p> <p><b>Ahnerts [1]</b> 82/10</p> <p><b>air [1]</b> 61/22</p> <p><b>airport [1]</b> 107/25</p> <p><b>aisle [1]</b> 87/2</p> <p><b>Alaska [1]</b> 68/24</p> <p><b>ALBERT [3]</b> 1/21 36/1 36/6</p>	<p>82/4 82/9 82/10 84/4 84/22 84/24 84/24 85/21 86/3 86/25 87/13 89/20 93/21 94/4 94/6 94/7 95/3 95/20 95/21 97/9 98/16 98/25 99/3 99/3 100/24 101/25 103/8 103/11 103/17 103/21 104/15 106/11 106/18 107/1 108/5 109/12 109/14 109/22</p> <p><b>allegiance [1]</b> 4/7</p> <p><b>allow [5]</b> 45/6 56/12 58/5 78/21 88/16</p> <p><b>allowed [7]</b> 34/8 34/11 60/19 73/16 90/14 90/18 94/16</p> <p><b>allowing [1]</b> 43/14</p> <p><b>allows [2]</b> 18/18 42/21</p> <p><b>almost [1]</b> 32/9</p> <p><b>alone [2]</b> 48/9 51/1</p> <p><b>along [22]</b> 11/13 12/5 13/12 13/15 14/3 14/25 17/12 17/25 19/11 24/3 24/5 72/7 74/22 75/14 79/7 79/8 79/12 84/4 88/23 105/18 105/19 106/10</p> <p><b>already [6]</b> 43/2 84/6 84/18 97/17 108/2 108/10</p>	<p>94/18 94/19</p> <p><b>amended [1]</b> 9/14</p> <p><b>amendment [5]</b> 9/7 10/17 31/14 45/11 101/13</p> <p><b>American [2]</b> 78/24 81/12</p> <p><b>amongst [1]</b> 96/19</p> <p><b>amount [1]</b> 77/23</p> <p><b>AMY [2]</b> 1/14 4/16</p> <p><b>analyzed [1]</b> 96/18</p> <p><b>ancestors [1]</b> 90/11</p> <p><b>ancillary [1]</b> 94/12</p> <p><b>animal [1]</b> 102/20</p> <p><b>animals [3]</b> 62/17 62/18 62/25</p> <p><b>announcements [1]</b> 4/17</p> <p><b>annual [1]</b> 41/8</p> <p><b>annually [1]</b> 77/24</p> <p><b>another [10]</b> 14/19 15/13 56/25 64/6 70/3 73/10 92/19 98/3 98/11 108/4</p> <p><b>answer [12]</b> 40/11 46/20 58/1 60/22 63/9 63/21 63/23 63/24 63/25 78/6 79/11 104/17</p> <p><b>answered [1]</b> 21/9</p> <p><b>answering [1]</b> 64/2</p> <p><b>answers [1]</b> 78/10</p> <p><b>anticipate [1]</b> 86/6</p> <p><b>anticipation [2]</b> 61/7 61/8</p>
<p><b>A</b></p> <p><b>ability [4]</b> 17/17 31/13 85/13 111/8</p> <p><b>able [9]</b> 6/16 22/25 28/22 45/22 60/22 83/20 88/1 90/16 110/5</p> <p><b>about [103]</b> 1/9 10/23 11/11 12/7 14/19 16/16 18/16 19/11 19/12 19/16 19/19 20/11 20/17 20/25 21/5 22/10 23/5 23/25 24/19 24/24 24/25 25/1 26/4 28/1 28/18 30/9 30/22 31/25 32/2 32/5 33/5 33/17 34/25 35/11 38/5 38/7 38/10 38/13 38/14 40/8 40/18 41/6 44/21 46/16 49/16 49/21 51/1 53/20 54/3 55/4 60/23 62/11 63/2 63/6 64/2 66/23 68/3 68/21 68/22 68/22 68/23 68/24 69/11 69/18 70/10 74/21 75/3 75/13 78/8 78/11 80/3 80/4 83/17 83/21 83/24 84/2 84/17 84/24 84/24 85/1 86/18 88/21 88/24 90/6 90/24 91/6 92/2 93/24 94/1 95/13 96/23 98/6 99/23 100/21 100/22 103/10 103/11 105/17 106/8 108/7 108/21 108/21 109/4</p> <p><b>above [4]</b> 1/6 59/2 62/8 110/10</p> <p><b>above-captioned [1]</b> 1/6</p> <p><b>absolutely [4]</b> 11/21 21/24 40/3 99/6</p> <p><b>abuts [1]</b> 59/24</p> <p><b>accel [1]</b> 31/22</p> <p><b>accel-decel [1]</b> 31/22</p>	<p><b>acquired [1]</b> 42/5</p> <p><b>acreage [1]</b> 14/17</p> <p><b>acres [32]</b> 14/9 14/12 14/20 15/9 15/13 16/21 18/5 19/12 19/12 19/13 23/5 23/16 23/21 41/4 41/20 42/2 43/10 53/6 65/24 71/20 72/23 86/9 88/4 88/5 88/14 88/15 88/21 102/16 102/18 103/12 105/12 109/4</p> <p><b>across [7]</b> 15/4 48/12 51/23 56/7 64/22 75/22 99/13</p> <p><b>action [4]</b> 43/19 111/11 111/12 111/13</p> <p><b>actual [4]</b> 12/21 20/23 29/6 72/4</p> <p><b>actually [20]</b> 15/3 15/6 17/3 27/3 29/9 29/12 29/15 30/1 32/2 51/2 74/23 76/16 79/9 84/22 86/24 87/9 93/23 100/14 104/1 104/5</p> <p><b>Adam [2]</b> 2/19 89/23</p> <p><b>add [2]</b> 32/12 44/8</p> <p><b>added [2]</b> 6/10 7/2</p> <p><b>addition [6]</b> 10/7 18/24 44/13 45/8 51/5 92/13</p> <p><b>additional [8]</b> 4/18 6/10 7/1 8/1 41/15 42/23 50/3 50/23</p> <p><b>address [6]</b> 29/22 58/10 58/20 76/4 86/19 107/16</p> <p><b>adds [1]</b> 52/7</p> <p><b>adequate [1]</b> 54/21</p> <p><b>adieux [1]</b> 5/10</p> <p><b>adjacent [9]</b> 12/25 14/6 14/7 15/10 17/18 31/3 31/4 100/18 100/22</p> <p><b>adjoins [2]</b> 59/4 83/11</p>	<p><b>all [104]</b> 18/8 18/23 26/17 36/11 36/24 37/11 38/5 38/5 38/7 38/14 38/20 38/21 39/3 40/4 40/20 40/22 40/24 44/10 44/17 50/7 52/18 52/19 56/2 58/23 60/17 60/24 62/6 62/8 62/10 62/18 66/9 66/13 66/25 67/9 67/24 67/25 68/6 68/6 68/19 69/19 69/20 70/2 70/13 71/11 73/16 73/23 74/13 74/13 75/6 75/10 75/13 75/18 75/20 76/16 76/19 76/20 77/7 77/21 77/25 78/1 80/4 80/8 80/9 81/9 81/24 82/1</p>	<p>15/11 15/17 25/21 26/13 30/13 30/14 30/15 41/13 42/1 43/4 43/24 47/16 57/5 59/8 59/14 61/20 62/25 63/3 77/22 78/7 78/18 78/23 86/8 87/20 88/2 88/16 93/12 93/24 95/1 97/11 97/20 106/5 107/9 107/24</p> <p><b>also [37]</b> 1/16 1/20 7/10 15/11 15/17 25/21 26/13 30/13 30/14 30/15 41/13 42/1 43/4 43/24 47/16 57/5 59/8 59/14 61/20 62/25 63/3 77/22 78/7 78/18 78/23 86/8 87/20 88/2 88/16 93/12 93/24 95/1 97/11 97/20 106/5 107/9 107/24</p> <p><b>alternately [3]</b> 34/5 34/5 56/1</p> <p><b>alternative [1]</b> 49/2</p> <p><b>although [3]</b> 6/6 10/10 28/1</p> <p><b>always [5]</b> 13/6 77/17 77/18 81/6 81/9</p> <p><b>am [19]</b> 20/16 20/23 22/9 25/24 36/6 40/14 47/11 48/17 55/19 67/12 74/12 89/24 90/2 90/5 90/14 93/16 111/9 111/11 111/12</p> <p><b>AM/PM [1]</b> 74/12</p> <p><b>Amazon [1]</b> 69/22</p> <p><b>ambulance [2]</b> 94/14 94/16</p> <p><b>ambulances [3]</b> 25/21</p>	<p>62/25</p> <p><b>announcements [1]</b> 4/17</p> <p><b>annual [1]</b> 41/8</p> <p><b>annually [1]</b> 77/24</p> <p><b>another [10]</b> 14/19 15/13 56/25 64/6 70/3 73/10 92/19 98/3 98/11 108/4</p> <p><b>answer [12]</b> 40/11 46/20 58/1 60/22 63/9 63/21 63/23 63/24 63/25 78/6 79/11 104/17</p> <p><b>answered [1]</b> 21/9</p> <p><b>answering [1]</b> 64/2</p> <p><b>answers [1]</b> 78/10</p> <p><b>anticipate [1]</b> 86/6</p> <p><b>anticipation [2]</b> 61/7 61/8</p> <p><b>any [35]</b> 22/18 32/9 33/8 33/13 33/23 34/1 40/11 45/16 45/18 46/6 46/11 46/23 56/17 56/21 57/10 59/3 59/5 59/8 59/22 63/21 73/13 73/22 80/6 82/22 85/3 85/15 90/4 90/4 91/2 92/6 94/22 109/24 110/7 111/10 111/11</p> <p><b>anybody [3]</b> 73/11 73/21 106/14</p> <p><b>anymore [2]</b> 70/16 95/23</p> <p><b>anything [9]</b> 26/7 38/20 60/24 61/1 61/2 66/22 73/9 85/19 106/2</p> <p><b>anyway [3]</b> 64/23 85/16 103/19</p> <p><b>anywhere [1]</b> 30/20</p> <p><b>apologies [1]</b> 46/10</p> <p><b>apologize [3]</b> 21/10 34/15 68/8</p> <p><b>appear [1]</b> 8/18</p> <p><b>applicant [7]</b> 2/3 5/17</p>

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