

COVINGTON TOWNSHIP BOARD OF SUPERVISORS
PUBLIC HEARING for NORTHPOINT DEVELOPMENT ZONING CHANGE APPLICATION
MONDAY MARCH 22, 2021 AT 4:30 PM

The Covington Township Board of Supervisors held a Public Hearing on Monday, March 22, 2021 at 4:30 p.m., at the Covington Township Municipal Building, 20 Moffit Drive, Covington Township, PA 18444 to consider a zoning change request submitted by NorthPoint Development .

There were present: Thomas M. Yerke, Chairman; Joseph Setta, Vice-Chairman; John Brostoski, Supervisor; Melissa Kearney, Supervisor; Marshall Peirce, Supervisor; Douglas A. Hein, Secretary / Treasurer; and Joel M. Wolff, Esquire. Present for the developer were Attorney Brian Stahl, Max Breitmayer, Development Manager for NorthPoint Development and Eric Britz, PE of Bohler Engineering. Also present was Michelle Smolskis, Court Reporter.

Chairman Yerke called the hearing to order with the Pledge of Allegiance at 4:30 pm. Chairman Yerke stated the purpose of the hearing was to hear evidence regarding NorthPoint Development wanting to build a 730,000 square foot building on the RGM Hardwoods property. Chairman Yerke turned the hearing over to Solicitor Wolff.

Solicitor Wolff entered the following exhibits into the record: T1 – February 4, 2021 cover letter and application from NorthPoint Development for a change in zoning district; T2 – Lackawanna County Planning Commission comments; T3 – Covington Township Planning Commission meeting minutes; T4 – March 4, 2021 letter from Covington Township to Attorney Brian Stahl notifying him of the hearing; T5 – Copies of letters sent to property owners in the area notifying them of the hearing and the purpose of it; T6 – Affidavit of Posting from Ken Comcowich along with pictures of the postings; T7 – March 8, 2021 email from Doug Hein on behalf of the Township requesting the proposed ordinance be available for viewing; T8 – request from Doug Hein on behalf of the Township for the advertisement, a copy of the actual advertisement and proof of publication on March 11 and 18. Solicitor Wolff informed those present that if anyone wanted to speak, the court reporter would swear them in and they would have to give their name and address. He then turned the hearing over to NorthPoint.

Attorney Brian Stahl introduced himself and the two representatives of NorthPoint Development, who were sworn in by Ms. Smolskis. Mr. Breitmayer introduced himself and gave a brief history of NorthPoint Development. He stated they are requesting a rezoning from C2 to M1 for manufacturing and warehousing on the 79 RGM Drive site. They plan to develop the facility on a speculative basis, class A, tilt up construction including parking, landscaping conforming to local and state ordinances. He turned it over to Eric Britz, the lead civil engineer on the project.

Attorney Stahl asked several questions of Mr. Britz to qualify him as an expert witness in professional engineering and land development. This was granted by Solicitor Wolff. Mr. Britz reviewed the project site noting they wish to rezone part of the R2 lot and all of the C2 lot to M1. He presented an updated concept with an 883,000 square foot building which would not affect the rezoning. He explained where the lot lines would be for M1 and R2. Chairman Yerke asked what their plans were for the R2. Mr. Britz said it would be mainly for stormwater mitigation and buffering for the project. There will also be an access drive to the property. Mr. Yerke asked if there were any plans to sell part of the undeveloped property in the future; he was told there was not. Chairman Yerke said he was concerned they would expand with a truck stop onto the property. Supervisor Brostoski stated there was a pond on the property but was told it is wetlands. Mr. Breitmayer said the wetlands would go through the NPDES and land development process. Attorney Stahl asked Mr. Britz if the sawmill on the property was a permitted use now; he said it was not but would be in and M1 district.

Attorney Stahl said there would be a portion of R2 retained on the western part of the property as a buffer that NorthPoint has no intention of developing at this point. He asked Mr. Britz to clarify access to the property and what the expected truck traffic to and from the property would be. Mr. Britz said trucks would enter the property from Route 307 onto RGM Drive and said the driveway needed an updated PennDOT permit from a low volume driveway to a medium volume driveway. Attorney Stahl asked if he expected truck traffic entering and leaving the property would utilize Route 380 north and south; he said he did. Attorney Stahl asked Mr. Britz to clarify what the surrounding properties were zoned and to describe the properties of the land to be developed. He said there was some C2 properties, and their property was wooded with some steep slopes other than the existing sawmill site. Attorney Stahl asked Mr. Britz if he thought this rezoning would create spot zoning, to which he answered no. He said the change in zoning is actually bringing the zoning up to date with what the property has been used for. There will be buffers to the residential areas.

Attorney Stahl asked Mr. Britz if in his professional opinion he believed the rezoning would have an adverse impact on public health, safety, morals, or general welfare; Mr. Britz said no. Attorney Stahl asked him in his professional opinion if he believed the rezoning was consistent with other uses that are permitted in the general vicinity; Mr. Britz said yes.

Chairman Yerke asked if, once the development was complete, they had any interest in donating the undeveloped land to the Township for conservation purposes. Mr. Breitmayer said it would be something they could consider but had not thought of it.

Gail Schank was sworn in. Solicitor Wolff asked her where she lived. She said right next door to the proposed development. She asked what the building would be and what the truck traffic would be. Mr. Breitmayer said it would be a 40 foot tall building, the portion facing her property being architectural glass because that is the office side of the building. He said there would be screening and landscaping to block the view. He said the medium volume driveway standards would be 500-1000 trips per day according to PennDOT. It was clarified that one trip is the truck going in, so it would be 250-500 trucks a day, although they did not expect it to be that high. She asked if they were aware of the water problems; he stated he was and would be addressed in the land development process. Solicitor Wolff asked Mr. Breitmayer to explain tilt up construction. He said the wall slabs are formed on the ground and a crane tilts them up into place. Mr. Yerke asked about fire suppression and Mr. Breitmayer said that would be addressed in the land development process, but they would have an on-site 25,000-50,000 gallon fire suppression tank. Vice Chairman Setta asked if the trucks would be coming early and sitting with their air conditioning or heat running; he said that would have to be discussed.

Solicitor Wolff said to those in attendance that the hearing was for the zoning change only. If it was approved, NorthPoint still has to go through the land development process and all their questions relating to that can be asked then. For now, they are only addressing the zoning issue. If approved, they have to go before the Planning Commission then the Board of Supervisors.

Kimberly Antosh was sworn in. She said she lives next to Mrs. Schank and asked about a potential truck stop on the property. Mr. Breitmayer said their application is separate and does not know anything about an application for a truck stop or fueling station. He explained the truck traffic into and out of their property would circle the building in one direction and would not be backing out onto Route 307. Ms. Antosh asked about sewer for the development and if it would obligate the homeowners in the area to hook up to the sewer. Mr. Breitmayer said it would not, they can stay on their septic systems because NorthPoint is running a public line that wouldn't affect others.

Solicitor Wolff asked Attorney Stahl the last known operating date of RGM Hardwoods. He said he believed it was 2019. Solicitor Wolff asked Ms. Schank if she agreed, and she said it was earlier than that.

Bruce Balish was sworn in. He said that NorthPoint seemed to have a lot of information on how the building would be built and where trucks would park without knowing who the tenant would be. Mr. Breitmayer said NorthPoint has built over 300 of these buildings throughout the country and has a good footprint in Northeast Pennsylvania. They use this as a standard building design for their company. Mr. Balish said the mill was defunct because the owner got enough money to sell and there was a lot going on that didn't make sense. He asked what would be done with the property in the front. Mr. Breitmayer said NorthPoint did not own the land. Mr. Balish asked how much water the facility would be drawing in addition to the 50,000 gallon tank because there is an issue with chloride in the water. Mr. Breitmayer said they would be drilling a new well. This would be part of the land development process. Mr. Britz said all of the stormwater and sewer issues will be scrutinized by DEP and the Township.

Roz Davis was sworn in. Solicitor Wolff asked her how far she lived from the site; she stated a mile or two. She asked if they knew what would be going in the warehouse; Mr. Breitmayer said they do not have a tenant at this point. Roz asked if the plans included putting in a fast food restaurant or truck stop. Mr. Breitmayer said they do not. She asked if this development was similar to what they were trying to do in Jefferson Township; Mr. Breitmayer said it was.

Ms. Schank asked what kind of tenants they have. Mr. Breitmayer said they have over eighty different tenants such as Chewy, Patagonia, TrueValue, Amazon and Home Depot.

Supervisor Kearney asked what the main purpose was to make the property M1 as opposed to R2. Mr. Breitmayer said the stormwater basins and other site development are directly related to the building. Mr. Britz said it makes it cleaner to have it all in one zoning district on one lot.

Ms. Schank asked if they were planning any kind of sound barrier. Mr. Breitmayer said it would be tree buffering.

Mr. Balish asked what kind of tax break they are looking for. Mr. Breitmayer said they would be addressing that in 10 minutes in the next hearing. Mr. Balish was concerned that they would leave at the end of a ten year tax break.

Chairman Yerke said the industrial park had tax breaks and the only thing that the Township had to fight was reassessment to a lower value, which they did and were successful. Mr. Balish asked if any company left; Mr. Yerke said no, some were acquired by others.

Vice Chairman Setta asked what kind of time frame they were looking at. Mr. Yerke believed within six months. Solicitor Wolff said it was a good question, they are prepared, and they have a good team together. He said time is money so the quicker they get it built the quicker they get it occupied. Mr. Breitmayer said they will go through the Township land development process at the same time as the PennDOT permitting process. They hope to have everything in hand by the 4th quarter of 2021, starting the eight to nine month construction period, looking at opening in August 2022. Solicitor Wolff asked if they are successful in this hearing, when they expected to have the land development application submitted. Mr. Breitmayer said within a month to a month and a half.

Supervisor Brostoski said this was just to have the land rezoned. The points brought up by the residents were valid and would be addressed. Chairman Yerke said it is not the intention of the Board to harm the surrounding residents; he would like the change but will be watching the development closely. He said the Board's obligation is to the constituents and they will make sure they are OK. Vice Chairman Setta said he researched NorthPoint, and they are reputable.

Mr. Balish said he wanted to be on record opposing the development. Solicitor Wolff asked if there was anyone else opposed. Kimberly Antosh, Jeff Antosh, Michelle Balish and Ching Ruszowska also went on record as opposing the development. Ms. Ruszowska was concerned about the truck traffic.

Supervisor Kearney noted the opposition to this change and asked what else could go there if the zoning was not changed. Mr. Breitmayer said their development will be a similar use, it is just making it allowable in the zone.

ON MOTION duly made (Yerke), seconded (Brostoski), and carried 5-0 to approve NorthPoint Development's request to change the C2 and a portion of the R2 zoning designation on their property to M1.

ON MOTION duly made (Kearney), seconded (Peirce), and carried 5-0 to adjourn the hearing at 5:25 pm.

*Respectfully submitted,
Douglas A. Hein
Secretary / Treasurer*