

From: [Richard Wilford-Hunt](#)
To: rojevin@pa.gov; [Daniel Ahn](#)
Subject: 303 Demi Rd PAD480132 A-1
Date: Wednesday, July 21, 2021 4:30:38 PM
Attachments: [Comment on NPDES Permit by 303 Demi Rd LLC.pdf](#)

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Please see attached PDF concerning NPDES Permit Application by 303 Demi Rd. LLC.

Thank you.

Richard Wilford-Hunt
2012 Shady Lane
Mt. Bethel, PA 18343

Comments to PA DEP
RENEWAL, MAJOR AMENDMENT
NEW 303 Demi Road LLC Stormwater Discharge NPDES Permit
PAD480132 A-1

To Whom it May Concern:

I am one of many residents here in Upper Mount Bethel Township concerned with the potential environmental impacts from the present 303 Demi Rd. LLC plan submissions. The Lehigh Valley Planning Commission has also responded with a strongly worded letter back to the township about the deficiencies of the planned submission. Below is an excerpt from that letter dated May 28, 2021.

Here is the link –

<https://lvpc.org/pdf/2021/commission/May%20Full%20Commission%20Committee%20Packet.pdf>

to the Lehigh Valley Planning Commission letter dated May 28, 2021 to Robert Teel (Chairman of the UMBT Planning Commission AND a supervisor on the UMBT Board of Supervisors).

Thank you for your time.

Sincerely,

Richard Wilford-Hunt

2012 Shady Lane

Mt. Bethel, PA 18343

610-599-1063

Environmental Impacts and Stormwater

The project is located in an area containing an abundance of natural features including wetlands, riparian buffers, steep slopes and woodlands. The LVPC strongly recommends that the Township ensure any impacts to the environment generated by the development are scrutinized to 'minimize environmental impacts of development' (Policy 3.2).

Additionally, the project site is located in proximity to the Delaware River, a federally designated Wild and Scenic River. To assess what impact the development will have on the watershed from the river, the LVPC recommends that the Township require clear renderings of the development from critical viewing points for consideration, to 'promote development that complements the unique history, environment, culture and needs of the Valley' (Policy 5.4). Renderings of the development should be required from:

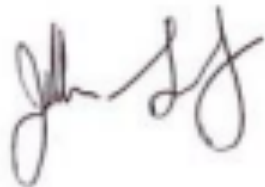
- The development towards the river
- The New Jersey side of the river towards the development
 - The river directly in front of the development looking up
 - The river at locations north and south of the development
- The Portland-Columbia Toll Bridge facing the development

The project site is located within the Martins/Jacoby Creeks Watershed. This watershed has a fully implemented Act 167 Stormwater Management Ordinance. Comments relative to our review of the project's stormwater management plan are included as Attachment 1.

Municipalities, when considering subdivision/land developments, should reasonably attempt to be consistent with *FutureLV: The Reg6*

The LVPC has copied appropriate representatives from the Slate Belt Multi-Municipal Plan to further 'coordinate land use decisions across municipal boundaries' (Policy 1.4).

Sincerely,



Jillian Seitz
Senior Community Planner

cc: Justin Coyle, PE, Upper Mount Bethel Township Engineer; Ed Nelson, Upper Mount Bethel Township Manager; Cindy Beck, Upper Mount Bethel Township Secretary; Tina Smith, Northampton County Director of Community and Economic Development; Mark Hartney, Deputy Director of Community and Economic Development; Stephanie Steele, Portland Borough Council President; Kay Bucci, Portland Borough Council Vice President; Lance Prator, Portland Borough Mayor; Joseph Resta, Delaware River Joint Toll Bridge Commission; Michael Sodl, PE, VerTek Construction Management, LLC; Brooke Kerzner, Bangor Borough Mayor; Nathaniel Dysard, Bangor Borough Manager; John Couch, East Bangor Borough Council; Jennifer Smethers, Lower Mount Bethel Township Manager; Robin Zmoda, Pen Argyl Borough Manager; Paul Levits, Plainfield Township Planning Commission Chair; Thomas Petrucci, Plainfield Township Manager; Dan Wilkins, Portland Borough Planning Commission Chair; Cathy Martino, Roseto Borough Manager; Charles Dertinger, Washington Township Planning Commission Chair; Louise Firestone, Wind Gap Borough Administrator; Tina Serfass, East Bangor, Portland, Wind Gap Boroughs + Washington Township Zoning Officer; Molly Wood, LANTA Planner/Land Use Specialist; Derrick Herrmann, PennDOT District 5 Traffic Engineer;

Maryann Carroll, Delaware Greenway Partnership Executive Director; Daniel Ahn,
Northampton County Conservation District Engineer; Geoffrey Reese, LVPC Director of
Environmental Planning

7

ATTACHMENT 1

Act 167 Drainage Plan Review

May 28, 2021

Re: 303 Demi Road Planned Industrial Park
Plans Revised April 28, 2021
Upper Mt. Bethel Township
Northampton County

The proposed storm drainage concept presented in the plans and storm drainage calculations revised April 28, 2021 has been reviewed for consistency with the *Martins/Jacoby Creeks Watershed and Delaware River Sub-basin 1 Act 167 Storm Water Management Ordinance*, February 1996. A checklist of the Act 167 review items is attached for your information. As indicated on the checklist, each item of the Drainage Plan has been reviewed for consistency with the Act 167 Ordinance. A brief narrative of the review findings is as follows:

The proposed development is located within drainage district 143 of the Martins/Jacoby Creeks Watershed as delineated in the Act 167 Plan. As such, the runoff control criterion for the site is Conditional No Detention II. If downstream capacity exists to the stream channel, additional impervious may be discharged without detention. If downstream capacity does not exist, the applicant may apply a 100% Release Rate for the 2-, 10-, 25- and 100-year return period

storms. Based on review of the plans and calculations, the following deficiencies are noted. The pre- and post-development mapping needs to clearly identify the land cover as used in the calculations. The runoff curve number used for gravel is not correct for most drainage areas. The 8-foot weir elevation associated with both underground basins should be raised above the 100-year water surface elevation to provide a safety factor for the release rate design. Surface basin 1B should be provided with an emergency spillway. Outlet structure 3 for basin 1B is not included in the routing calculations and no detail is provided. The freeboard requirements for basin 1B are not met. Therefore, the Drainage Plan has been found to be inconsistent with the Act 167 requirements.

Note that only those details of the Drainage Plan included on the checklist have been covered by this review. **Therefore, notable portions of the Drainage Plan not reviewed include any aspect of the post construction storm water management plan concerning water quality, the details and design of any proposed water quality BMPs, the Erosion and Sedimentation Control Plan and the details of the runoff collection system (piping).** These items are reviewed by the municipal engineer and/or others, as applicable.

Once the outlined issues have been addressed, the revised plans, completed application and appropriate review fee will need to be resubmitted to our office. Please call me with any questions regarding these comments.

Sincerely yours,



Geoffrey A. Reese, PE
Director of Environmental Planning

From: [Richard Wilford-Hunt](#)
To: jojevin@pa.gov; [Daniel Ahn](#)
Subject: PAD480132 A-1
Date: Thursday, July 22, 2021 9:05:46 AM
Attachments: [2nd Comment on NPDES Permit by 303 Demi Rd LLC.pdf](#)

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To Whom it may Concern,

Please see my public comment concerning the 303 Demi Rd NPDES permit. Thank you.

Richard Wilford-Hunt
UMBT concerned citizen

Comments to PA DEP
RENEWAL, MAJOR AMENDMENT
NEW 303 Demi Road LLC Stormwater Discharge NPDES Permit
PAD480132 A-1

To Whom it May Concern:

Yesterday July 21, 2021, I attended the Upper Mount Bethel Township Planning Commission meeting where for the FIRST time the public had a chance to see the plans for 303 Demi Rd LLC. During the review of the plan by the townships engineer Mr. Justin Coyle mentioned he was pleased to see the developer has now added an oil/water separator coming off the truck parking areas to which Mr. Frank Kline (planning commissioner) commented “but what about the bio-fuels that are now being used more and more by the trucking industry. They are more water soluble and the proposed oil/water separator may not be up to the task”. Furthermore Mr. Kline was concerned that this supposedly clean water effluent downstream of the oil/water separator dumped into the bog turtle habitat.

Thank you for your time.

Sincerely,
Richard Wilford-Hunt
2012 Shady Lane
Mt. Bethel, PA 18343
610-599-1063

From: [Cole, Charles Arlington](#)
To: [Jevin, Robert](#)
Cc: [Daniel Ahn](#)
Subject: Comment for PAD480132 A-1
Date: Tuesday, July 20, 2021 2:31:34 PM
Attachments: [NPDES Comments to PA DEP for 303 Demi.docx](#)

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Robert,

Please consider these attached comments related to the application for a permit to discharge stormwater for the 303 Demi Road.

Charles A. Cole

Comments to PA DEP
RENEWAL, MAJOR AMENDMENT
NEW (303) Demi Road Stormwater Discharge NPDES Permit
PAD480132 A-1
Charles A. Cole, PhD, PE, 7/20/21

The development of this property at this scale is a major mistake in UMBT. The only reason that you are looking at this Permit Application is because of what Concerned Citizens of UMBT feel is an illegal arrangement between the Township Supervisors and the Developer, RPL. A Text Amendment (TA) changing our Zoning allowed the developer to even attempt “shoe-horning” into an unsuitable location a 420,000 square foot warehouse. The passage of the TA is now being litigated. By the Township’s old zoning ordinance, the building would not be allowed. Only because of the TA allowing construction on slopes greater than 15 %, now approaching 25% and reducing setback from wetlands containing bog turtles have they been able to place an oversized building. The site is not a place where a large building should be put. Plans show there are three stormwater retention features needed to handle the runoff, and two are underground because of lack of surface area for placement. Added to that is limestone underlying the adjacent area which may develop channels with introduction of the stormwater. And I am guessing that there will be shallow groundwater moving around and below the facility which will compromise building footers and roads.

This site will require an excessive amount of disturbance to place a ten-acre warehouse in a wooded area on steep slopes bordered by an important wetland. Even constructing the facility requires clearcutting which violates our Township tree harvest ordinance. Both the construction phase, which may require blasting and the post construction phase, will have their own set of problems. Erosion control during construction at this cramped site will be a major problem. I cannot think of many worse places in the Township to attempt to build a ten-acre warehouse. If it were not for the land being zoned for industry, one would not attempt such an ill-conceived project.

The developer has stated that they will sell the site as soon as possible, so the new owner will be tasked with long-term maintenance of SWM. This then brings to the new owner, spill containment problems which are directed to infiltration chambers under buildings. The Township in future is also possibly left with management of MS4 stormwater management requirements.

From: [Daniel Ahn](#)
To: ["Jevin, Robert"; Cole, Charles Arlington](#)
Subject: RE: [External] Fw: PA Bulletin
Date: Thursday, July 15, 2021 8:27:58 AM
Attachments: [image001.png](#)

Our 1st tech review is due on/about 8/17. Since the application is in the review process, NCCD will continue unless the applicant contacts us. As of this email, we haven't received a withdrawal request or other notification from the applicant.

Thanks,

Daniel Ahn, P.E.

District Engineer
Northampton County Conservation District
14 Gracedale Ave.
Greystone Building
Nazareth, PA 18064
Office: 610-829-6277
Mobile: 484-239-9964
dahn@northamptoncounty.org

From: Jevin, Robert
Sent: Wednesday, July 14, 2021 11:35 PM
To: Cole, Charles Arlington
Cc: Daniel Ahn
Subject: Re: [External] Fw: PA Bulletin

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I have not heard anything to that affect, but the conservation district would be more familiar than I would with the situation currently, as I'm on leave at the moment.

The comment period is 30 calendar days from the date posted in the bulletin (I believe that was June 26th, but double check the link I sent you).

Comments can be sent to myself and Dan Ahn, District Engineer (copied). A PDF letter would be preferred. Note that these comments will be forwarded on to the applicant and design consultant during our technical review for comment.

Thanks,

-Bob

From: Cole, Charles Arlington <cac7@psu.edu>
Sent: Wednesday, July 14, 2021 3:37:04 PM
To: Jevin, Robert <rojevin@pa.gov>
Subject: [External] Fw: PA Bulletin

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Robert

Has RPL pulled back this DEP Permit Request? They have notified the Township that the UMBT Plan Submission for 303 Demi should be tabled. Northampton County Conservation District was unaware of any changes and were going to contact RPL to see if they should proceed.

If we are to Comment on PAD480132 A-1, to whom and where should we direct the comments? What is the date by which comments must be received by DEP?

Charles A. Cole

From: Cole, Charles Arlington <cac7@psu.edu>
Sent: Thursday, July 1, 2021 19:01
To: Samantha Smith <ssmith@lvpc.org>
Cc: Geoffrey Reese <GReese@lvpc.org>
Subject: Re: PA Bulletin

Samantha
Thank you for info.
Charlie

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From: Samantha Smith <ssmith@lvpc.org>
Sent: Thursday, July 1, 2021 2:13:37 PM
To: Cole, Charles Arlington <cac7@psu.edu>
Cc: Geoffrey Reese <GReese@lvpc.org>
Subject: RE: PA Bulletin

Good afternoon Mr. Cole,

These are for the conservation districts and DEP. The LVPC is not involved in this particular area of permitting.

Thanks,

Samantha Smith
Chief Community Planner



Planning for the Future of Lehigh + Northampton Counties

961 Marcon Boulevard, Suite 310
Allentown, PA 18109
T: 610.264.4544
E: ssmith@lvpc.org
W: www.lvpc.org

From: Cole, Charles Arlington <cac7@psu.edu>
Sent: Wednesday, June 30, 2021 1:24 PM
To: Samantha Smith <ssmith@lvpc.org>
Subject: Fwd: PA Bulletin

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Samantha,
Is LVPC part of the review of this storm water permit application to Pa DEP?

Charlie

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From: Jevin, Robert <rojevin@pa.gov>
Sent: Monday, June 28, 2021 2:26 PM
To: Cole, Charles Arlington
Subject: PA Bulletin

<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-26/995.html&search=1&searchunitkeywords=pad480132>

Scroll down to section "III" near the bottom, or use "Cntl+F" to search for PAD480132 A-1.

-Bob

Robert J. Jevin III, P.E. | Environmental Group Manager
Waterways & Wetlands Program | Permitting Section
Department of Environmental Protection | Northeast Regional Office
2 Public Square | Wilkes-Barre, PA 18701
Phone: 570.830.3093 | Fax: 570.830.3017
rojevin@pa.gov
www.dep.pa.gov

****DEP has launched an Online Electronic permitting (ePermit) for Chapter 105 Wetland and Waterway Obstruction and Encroachment General Permits and PAG-02 NPDES Construction Stormwater General Permits. Before Registering, It is strongly recommended to view the Walkthrough Videos and guides found on our website: <https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx>**

E-PERMITTING IS THE PREFERRED MEANS OF SUBMITTAL FOR ALL GENERAL PERMIT APPLICATIONS

****DEP is now accepting permit and authorization applications electronically through the OnBase Electronic Forms Upload tool.** This provides the public with a streamlined and expedient process for the submission of permit applications and documents for which ePermitting options do not currently exist. Please use this link to access the feature: <https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx> Guidance for the new permit application tool and instructions for applicants to submit permit fees are also found on this page.

In order to prevent the further spread of COVID-19, all DEP offices will remain closed until restrictions are lifted. In the meantime, I will be working remotely to continue the mission of the Pennsylvania Department of Environmental Protection and frequently retrieving emails. Thank you for your patience. For more information on COVID-19, please visit the [PA Department of Health page](#).

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From: [Mark Mezger](#)
To: [Jevin, Robert](#)
Cc: [Daniel Ahn](#)
Subject: Public Comment for PA Bulletin, NPDES Permit Application for 303 Demi Road Stormwater Discharge Permit
Date: Wednesday, July 21, 2021 9:24:36 PM
Attachments: [NPDES Comments to PA DEP for 303 Demi.pdf](#)

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Messrs, Jevin and Ahn,

I would like to have the attached comment posted in the PA Bulletin in regard to the subject permit.

Thanks

Mark J. Mezger
UMBT Concerned Citizen

Comments to PA DEP
RENEWAL, MAJOR AMENDMENT
NEW (303) Demi Road Stormwater Discharge NPDES Permit
PAD480132 A-1

It is not clear why the developer has submitted an application for an NPDES Permit. First, the Land Use Plan for this project has been submitted and withdrawn two times before the Mt Bethel Planning Commission. Care must be taken to ensure that the NPDES permit application corresponds to the correct land use plan. Second, the building's size is 420,000 square feet and 45' high and can only be built if the law suit brought against the Upper Mount Bethel Supervisors to Repeal the text amendment is decided in favor of the Supervisors. Lastly, the building is too big for the plot of ground that they want to put it on and the Lehigh Valley Planning Commission has reviewed the plans and noted several deficiencies that must be corrected. Any decisions or tax payer monies to be expended on processing this application should be held in obedience until such time as this law suit is decided and appeals are settled. To move forward now may mean the process has to be repeated. What a waste of people's time and taxpayer's dollars. As a sworn steward of the taxpayer's dollars, I would advise the PA DEP to exercise prudence and wait.

Mark J. Mezger
114 Scenic Ct.
Mt. Bethel, PA 18343

From: [sharon.duffield](#)
To: rojevin@pa.gov; Daniel Ahn
Subject: Public Comment, NPDES Permit Application for 303 Demi Road Stormwater Discharge Permit
Date: Thursday, July 22, 2021 10:55:58 PM

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Comment to PA DEP requesting consideration

RENEWAL, MAJOR AMENDMENT

NEW 303 Demi Road Storm water Discharge NPDES Permit PAD480132 A-1

Dear Mr. Jevin and Mr. Ahn,

As a resident who lives in UMBT I have learned through a recent Twp meeting that a developer wants to build a, now, expanded 420,000 square foot warehouse upon land that was not zoned for a building of this size and scope at this location. Only via a text amendment, which is already being challenged in court, has the likes of this building been approached and, therefore, the permit application been submitted. This building location is on steep slopes over 15% and now closing on 25%. The developer is attempting to compromise a location which borders the Delaware River in an area the locals know well for the wooded area, slopes and bordering area containing bog turtles (which, now, the developer wants the set back reduced for). The amount of runoff that will be generated after clear cutting this land, paving, and covering with a huge structure not meant to be built on such land and the slopes which will have to be reconfigured and large amounts of dirt and rock moved and blasting involved will not be insubstantial. There are going to be three storm water retention areas needed to handle the runoff and there is not even room to fit them all above ground. We have seen, first hand, what limestone erosion can do having watched the continued problems along Route 33 and we know this lurks below the surface of this area as well.

The amount of trucks that will be traversing this once wooded land, now being paved and built upon with a huge warehouse structure, and the numerous vehicles and trucks being parked and loading and unloading will be leaving behind further contaminants that will enter the runoff. The stream and river border this sloped land and with the new biofuels being used the risk and challenges to our Wild and Scenic Delaware River due to the runoff are even further expanded.

We know what the Chesapeake Bay area has faced. Further, research has shown that industrial buildings, such as warehouses, likely pose a larger threat to storm water quality than any other development. A new study done by Virginia Tech shows very current evidence of that problem. A research team monitored storm water for one year at six catchments in

Virginia Beach, each of which was dominated by a single land use: an industrial area with immense rooftops and large asphalt areas, suburban landscapes, commercial center, highway strip, park, low and high density housing zones. Of the areas the industry-dominated area had the highest concentration of nitrate and large amounts of sediment in its storm water. This study was just published in June of this year. Vulnerable species can be destroyed in our streams and our river and the hydrology affected and changed.

I am hoping PADEP will deeply consider the impact of what is being requested. Our state is under tremendous environmental pressure and we count on such review to protect our most precious water supply, our Wild & Scenic designated river in the heart of the Delaware Water Gap and our valued environment. The rapid sprawl of massive warehouses needs to be very critically and carefully assessed before the areas of our State bordering our rivers and water supplies are tragically affected.

Thank you for your time and attention.

Sharon Duffield 554 Potomac St Mount Bethel, PA 18343

From: sharon.duffield
To: rojevin@pa.gov; [Daniel Ahn](#)
Subject: Re: Public Comment, NDPEs Permit Application for 303 Demi Road Stormwater Discharge Permit
Date: Thursday, July 22, 2021 11:09:41 PM
Attachments: [Comment to PA DEP requesting consideration.pdf](#)

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I apologize, I also meant to attach a PDF of my Public Comment for the Bulleting and for consideration. It is now attached.

Sharon Duffield
Mt Bethel PA 1343

On Thu, Jul 22, 2021 at 7:55 PM sharon duffield <sharonduffield@gmail.com> wrote:

Comment to PA DEP requesting consideration

RENEWAL, MAJOR AMENDMENT

NEW 303 Demi Road Storm water Discharge NPDES Permit PAD480132 A-1

Dear Mr. Jevin and Mr. Ahn,

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used the risk and challenges to our Wild and Scenic Delaware River due to the runoff are even further expanded.

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Thank you for your time and attention.

Sharon Duffield 554 Potomac St Mount Bethel, PA 18343

Comment to PA DEP requesting consideration

RENEWAL, MAJOR AMENDMENT:

NEW 303 Demi Road Storm water Discharge NPDES Permit PAD480132 A-1

July 22, 2021

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Thank you for your time and attention.

Sharon Duffield 554 Potomac St Mount Bethel, PA 18343

From: [Cori Eckman](#)
To: rojevin@pa.gov
Cc: [Daniel Ahn](#)
Subject: PAD480132 A-1
Date: Thursday, July 22, 2021 1:05:33 PM

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Gentlemen,

I am writing to express my deepest concerns with the newly proposed 303 Demi Road Stormwater Discharge NPDES Permit PAD480132 A-1.

I am a lifelong resident of Upper Mt. Bethel Township and grew up fishing the streams and enjoying the Delaware River that lines this project. The breadth and scope of this project in our rural community based on the Text Amendment that permits such a huge over-development of the property must be viewed as destructive to flora, fauna and humans living in the region.

Primary issues, as I presume you are aware, include the reduction of setbacks as well as permission to build on significantly deeper slopes than our original zoning permits. Not only does there need to be strict oversight of the development of this magnitude, but the overall disturbance to the region is a threat to the area.

I am in no way an engineer of any kind, but I do know that rivers are dependent on their surrounding lands (teh watershed) for a consistent supply of clean water. Altering a watershed does many things; one of the most significant is to alter the way stormwater soaks into the ground or flows to the local river, in this case, the Delaware. I do not believe that the developer has the community's best interests at the forefront in terms of their stormwater management and unprecedented flooding as well as contaminating our local waters (and wells) with pollutants that they cannot even guesstimate on, will damage the entirety of our small, rural community.

I am also deeply concerned with the consequences of the loss of groundwater recharge, reduced base flows in streams and lower water quality.

I beg of the DEP to look carefully and consider NOT granting the applicant's permit for this project.

Sincerely,

Courtney Eckman
1108 Potomac St
Mt. Bethel Pa 18343

From: [Cole, Charles Arlington](#)
To: [Daniel Ahn](#)
Cc: [Jevin, Robert](#)
Subject: PAD480132 A-1, 303 Demi Road Planned Industrial Park, NPDES Permit Applicatio
Date: Friday, July 23, 2021 5:45:41 PM
Attachments: [Document_2021-07-23_173750.pdf](#)

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Daniel,

Demi Road Planned Industrial Park was again submitted to UMBT PC as a Revised Plan on June 30, 2021. The Township Engineer is actively working with the developer.

It seems that you are reviewing an old version of the Plan.

Charlie



Upper Mount Bethel Township
387 Ye Olde Highway
P.O. Box 520
Mount Bethel, PA 18343-5220
Phone: (570) 897-6127 Fax: (570)897-0108

UPPER MOUNT BETHEL TOWNSHIP
PLANNING COMMISSION MEETING AGENDA
WEDNESDAY, JULY 21, 2020 – 7PM

↑
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I.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
PUBLIC COMMENT

II.

APPROVE THE MINUTES- June 16, 2021

III.

PLANNING MODULES-None

IV.

SUBDIVISIONS

- a. 2785 N. Delaware Dr.-Lot Line Adjustment Plan
-Revised plan submitted June 29, 2021
-Official Action expires on September 27, 2021

303 Demi Rd. Property
related
for August BOS

- b. Steven B. Ott 905-907 Sunset Dr. "accepted for review/information only"
-Official Action expires on October 19, 2021

Tabled

V.

LAND DEVELOPMENT

- a. 303 Demi Rd. Planned Industrial Park
-Revised plan submitted June 30, 2021
-Official Action expires on September 28, 2021

VI.

SITE/SKETCH PLANS-None

VII.

ADJOURNMENT