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OLD FORGE BOROUGH COUNCIL
OLD FORGE, PENNSYLVANIA

IN RE: REGULAR MEETING OF COUNCIL

APRIL 18, 2023

7:00 P.M.

OLD FORGE MUNICIPAL BUILDING

314 SOUTH MAIN STREET

OLD FORGE, PENNSYLVANIA

COUNCIL MEMBERS:

- RUSSELL RINALDI, PRESIDENT
- RICK NOTARI
- LOUIS FEBBO
- MICHELLE AVVISATO
- JAMES HOOVER
- ANDREW BUTLER
- WILLIAM RINALDI, ESQUIRE, SOLICITOR
- ROBERT LEGG, MAYOR
- MARYLYNN BARTOLETTI

Mark Wozniak
Official Court Reporter

1 MR. RUSSELL RINALDI: Good evening,
2 everyone. I'd like to call the meeting to
3 order with the Pledge of Allegiance, please.

4 (The Pledge of Allegiance was
5 recited.)

6 MR. RUSSELL RINALDI: Roll call,
7 please, Marylynn.

8 MS. BARTOLETTI: Councilwoman
9 Avvisato?

10 MS. AVVISATO: Here.

11 MS. BARTOLETTI: Councilman Butler?

12 MR. BUTLER: Here.

13 MS. BARTOLETTI: Councilman Febbo?

14 MR. FEBBO: Here.

15 MS. BARTOLETTI: Councilman Hoover?

16 MR. HOOVER: Present.

17 MS. BARTOLETTI: Councilman Lettieri
18 is absent. Councilman Notari?

19 MR. NOTARI: Present.

20 MS. BARTOLETTI: Councilman Rinaldi?

21 MR. RUSSELL RINALDI: Here. Once
22 again, ladies and gentlemen, welcome.

23 Tonight is the Tuesday, April 18, 2023

24 regular meeting of the Old Forge Borough.

25 We're going to go through some housekeeping

1 motions, we'll hear from our department
2 heads, we'll hear from our council, our
3 mayor, our solicitor and our borough
4 manager.

5 There is a public sign-in sheet. If
6 anyone would like to address us with any
7 concerns or questions, at the end of the
8 meeting we'll give you a few minutes.

9 Once we get through our regular
10 housekeeping we're going to go right into
11 our first public comment, and that's going
12 to be Mr. Gress' associates. They have a
13 PowerPoint set up. They're going to explain
14 to us a little bit about the project, the
15 proposed building.

16 Council's going to have some
17 questions for them first, then after we're
18 finished with our questions if anybody from
19 the audience would like to address
20 Mr. Gress, his associates or us we'll ask
21 you to sign on the sheet. You'll have to
22 step up to the podium. Our stenographer
23 will swear you in with your name and your
24 address and then you're allowed to ask your
25 questions.

1 We have a lot of people in the room
2 this evening. This is probably one of our
3 biggest meetings I've been to in a while.
4 If everyone would please remain quiet,
5 respectful. We'll give everyone a chance to
6 speak. Please don't speak out of turn.
7 There's a lot of people here. We want to
8 make sure we get everybody on the record and
9 we can hear and understand everyone clearly.
10 Any questions, please ask me.

11 With that said, we're going to move
12 to our first housekeeping motion, and that's
13 a motion to approve the prior minutes.

14 MR. NOTARI: I'll make that motion.

15 MR. RUSSELL RINALDI: By Councilman
16 Notari.

17 MR. FEBBO: I'll second it.

18 MR. RUSSELL RINALDI: Seconded by
19 Councilman Febbo. On the question? Public
20 input? Roll call, please.

21 MS. BARTOLETTI: Councilwoman
22 Avvisato?

23 MS. AVVISATO: Yes.

24 MS. BARTOLETTI: Councilman Febbo?

25 MR. FEBBO: Yes.

1 MS. BARTOLETTI: Councilman Butler?

2 MR. BUTLER: Yes.

3 MS. BARTOLETTI: Councilman Hoover?

4 MR. HOOVER: Yes.

5 MS. BARTOLETTI: Councilman Notari?

6 MR. NOTARI: Yes.

7 MS. BARTOLETTI: Councilman Rinaldi?

8 MR. RUSSELL RINALDI: Yes. The
9 second item is motion to approve treasurer's
10 report. Please note this does not include
11 the sewer account.

12 MS. AVVISATO: I'll make that
13 motion.

14 MR. RUSSELL RINALDI: Buy
15 Councilwoman Avvisato.

16 MR. BUTLER: I'll second it.

17 MR. RUSSELL RINALDI: Seconded by
18 Councilman Butler. On the question? Public
19 input? Roll call, please.

20 MS. BARTOLETTI: Councilwoman
21 Avvisato?

22 MS. AVVISATO: Yes.

23 MS. BARTOLETTI: Councilman Febbo?

24 MR. FEBBO: Yes.

25 MS. BARTOLETTI: Councilman Butler?

1 MR. BUTLER: Yes.

2 MS. BARTOLETTI: Councilman Hoover?

3 MR. HOOVER: Yes.

4 MS. BARTOLETTI: Councilman Notari?

5 MR. NOTARI: Yes.

6 MS. BARTOLETTI: Councilman Rinaldi?

7 MR. RUSSELL RINALDI: Yes. The next

8 item is motion to approve invoices for

9 payment. Once again, please note this does

10 not include the sewer account.

11 MR. BUTLER: I'll make that motion.

12 MR. RUSSELL RINALDI: By Councilman

13 Butler.

14 MR. HOOVER: I'll second it.

15 MR. RUSSELL RINALDI: Seconded by
16 Councilman Hoover. On the question? Public
17 input? Roll call, please.

18 MS. BARTOLETTI: Councilwoman

19 Avvisato?

20 MS. AVVISATO: Yes.

21 MS. BARTOLETTI: Councilman Febbo?

22 MR. FEBBO: Yes.

23 MS. BARTOLETTI: Councilman Butler?

24 MR. BUTLER: Yes.

25 MS. BARTOLETTI: Councilman Hoover?

1 MR. HOOVER: Yes.

2 MS. BARTOLETTI: Councilman Notari?

3 MR. NOTARI: Yes.

4 MS. BARTOLETTI: Councilman Rinaldi?

5 MR. RUSSELL RINALDI: Yes. The
6 fourth item is motion to approve treasurer's
7 report/sewer financial report.

8 MR. NOTARI: I'll make that motion.

9 MR. RUSSELL RINALDI: By Councilman
10 Notari.

11 MS. AVVISATO: I'll second that
12 motion.

13 MR. RUSSELL RINALDI: Seconded by
14 Councilwoman Avvisato. On the question?
15 Public input? Roll call, please.

16 MS. BARTOLETTI: Councilwoman
17 Avvisato?

18 MS. AVVISATO: Yes.

19 MS. BARTOLETTI: Councilman Febbo?

20 MR. FEBBO: Yes.

21 MS. BARTOLETTI: Councilman Butler?

22 MR. BUTLER: Yes.

23 MS. BARTOLETTI: Councilman Hoover?

24 MR. HOOVER: Yes.

25 MS. BARTOLETTI: Councilman Notari?

1 MR. NOTARI: Yes.

2 MS. BARTOLETTI: Councilman Rinaldi?

3 MR. RUSSELL RINALDI: Yes. The last
4 item under housekeeping will be a motion to
5 approve sewer department invoices for
6 payment.

7 MR. NOTARI: I'll make that motion.

8 MR. RUSSELL RINALDI: By Councilman
9 Notari.

10 MR. HOOVER: I'll second it.

11 MR. RUSSELL RINALDI: Seconded by
12 Councilman Hoover. On the question? Public
13 input? Roll call, please.

14 MS. BARTOLETTI: Councilwoman
15 Avvisato?

16 MS. AVVISATO: Yes.

17 MS. BARTOLETTI: Councilman Febbo?

18 MR. FEBBO: Yes.

19 MS. BARTOLETTI: Councilman Butler?

20 MR. BUTLER: Yes.

21 MS. BARTOLETTI: Councilman Hoover?

22 MR. HOOVER: Yes.

23 MS. BARTOLETTI: Councilman Notari?

24 MR. NOTARI: Yes.

25 MS. BARTOLETTI: Councilman Rinaldi?

1 MR. RUSSELL RINALDI: Yes. First
2 department head is Joseph Lenceski, DPW
3 manager. We have Joe's report. Does
4 anybody have any questions for Joe?

5 MR. HOOVER: Joe, Apache Drive,
6 what's the status?

7 MR. LENCESKI: They brought
8 equipment there today.

9 MR. HOOVER: I talked to Dave about
10 the issue we had and we need to get that
11 straightened out.

12 MR. LOPATKA: We'll get it done. We
13 can justify it.

14 MR. HOOVER: Soon. Thank you, Joe.

15 MR. RUSSELL RINALDI: Anyone else
16 have any questions for Joe? Thanks, Joe.

17 Mike Sokolowski, code
18 enforcement/zoning officer. We know it's
19 your first meeting. We know you've only
20 been here for two weeks. So we asked you
21 not to do a report for this month, but if
22 anyone has any questions for Mike. Anything
23 for us, Mike?

24 MR. SOKOLOWSKI: No, I'm good.

25 MR. RUSSELL RINALDI: Thank you.

1 Dave Lopatka, engineer report?

2 MR. LOPATKA: You have my report.
3 There are two items, I guess, that council
4 needs to approve. One is the paving project
5 to go out to bid. Everything's ready to go.
6 And the Casper Street culvert replacement
7 project. That's going to have to go out to
8 bid because it will definitely be over the
9 minimum threshold for bidding purposes.

10 MR. HOOVER: Do you need approval
11 for that paving program to go out?

12 MR. LOPATKA: You guys need to
13 approve it.

14 MR. HOOVER: Can we add that to the
15 list tonight?

16 MR. LOPATKA: Same as Casper Street.

17 MR. FEBBO: Is Casper an add on?

18 MR. HOOVER: Yeah, that's that pipe
19 that's bad.

20 MR. RUSSELL RINALDI: Bill, two
21 separate motions?

22 ATTY. RINALDI: Yes.

23 MR. RUSSELL RINALDI: Dave, first
24 one is the street paving bid package, and
25 the Casper Street bid package?

1 MR. LOPATKA: Yes.

2 MR. HOOVER: If you look at Sonny
3 Drive this week.

4 MR. LOPATKA: Give me a call. I
5 also have a meeting tomorrow morning with
6 Joe and Pioneer.

7 MR. FEBBO: Are you going to add
8 signs to the street? Sonny Drive.

9 MR. HOOVER: We have to decide what
10 has to be done with Sonny Drive. We're
11 either going to have the utility pave it and
12 do the permanent restoration or they're
13 going to give us the money for it. It's
14 about \$80,000. I don't think it's enough to
15 do both because there's no base in that
16 road. So we're going to have to put a
17 little bit of extra base in there. That's
18 what I want to talk to Dave about to see
19 where we stand, see if there's enough money
20 there to cover it.

21 Our paving program is about a
22 million dollars this year. It does about
23 seven streets. I was hoping for more, but
24 with the price of oil and gas we can't do
25 any more than that this year. We'll

1 continue to do paving every year now. We
2 skipped a couple years, three years because
3 of the gas prices. But we're going to do
4 seven streets. That's it.

5 MR. RUSSELL RINALDI: Dave, anything
6 else?

7 MR. LOPATKA: That's all I have.

8 MR. RUSSELL RINALDI: Questions for
9 the engineer?

10 MR. NOTARI: Dave, the senior
11 center, it says final plans scheduled for
12 completion by April 10th. Do we have copies
13 of those yet?

14 MR. LOPATKA: We don't. I have a
15 call in to the architect. I'll stay on her.

16 MR. NOTARI: The senior citizens are
17 on us. We need to find a reliable
18 architect.

19 MR. LOPATKA: Everybody is busy. I
20 have a call in to her but I'll call her
21 every day to get it moving.

22 MR. RUSSELL RINALDI: Any other
23 questions for Dave? Thank you, Dave.

24 Chief Dubernas, police report?
25 Anybody have any questions for the chief?

1 CHIEF DUBERNAS: Nothing.

2 MR. NOTARI: How is the training
3 going for the new officers?

4 CHIEF DUBERNAS: Fine. The third
5 week of May they should be on the schedule
6 by themselves.

7 MR. RUSSELL RINALDI: Thanks, Chief.
8 Assistant Fire Chief Bill Stull, anything
9 for the meeting?

10 MR. STULL: No, nothing at all.

11 MR. RUSSELL RINALDI: Anybody have
12 any questions for the assistant fire chief?
13 Thank you, Bill.

14 Attorney Rinaldi, solicitor's
15 report, please.

16 ATTY. RINALDI: You have four items
17 on the agenda. You need to prepare bid
18 packages. If anybody has any questions.

19 MR. RUSSELL RINALDI: Anybody have
20 any questions for the solicitor? Thanks,
21 Bill.

22 Marylynn Bartoletti, borough
23 manager's report, please.

24 MS. BARTOLETTI: Everyone has my
25 financial report. Do any of you have any

1 questions on it? Okay. That's all I have
2 for the meeting tonight.

3 MR. RUSSELL RINALDI: Anybody have
4 any questions for the borough manager?

5 MR. NOTARI: May of 2024 is going to
6 be the borough's 125 birthday. Should we
7 begin thinking about putting a committee
8 together or something to kind of plan a
9 little --

10 MS. BARTOLETTI: We could.

11 MR. NOTARI: -- celebration? 1899.
12 I was going through some newspaper stuff
13 from 1999 and I saw it was 100 years.

14 MS. BARTOLETTI: We can talk about
15 it, see what we can do. Just a reminder,
16 the comprehensive plan meeting Thursday at
17 6:30, and then also we're going to have to
18 move the May public meeting because of
19 primary election day. Maybe at the end of
20 the meeting we can pick a date to move it
21 to.

22 MR. RUSSELL RINALDI: Anybody else
23 have any questions for Marylynn? Thanks,
24 Marylynn.

25 Before we go into new business we're

1 going to go into public comment. Like I
2 said at the beginning, we going to let
3 Mr. Gress' associates come forward. They
4 have a PowerPoint set up for us. I know we
5 have a big list of public comment. For
6 right now the public comment will only be to
7 address Mr. Gress and his proposed project.
8 After he's finished we'll continue with
9 public comment for anybody who has any
10 questions regarding the borough and any
11 other matters.

12 Like I asked in the beginning, if
13 you're looking to speak or ask any questions
14 you can ask them. If you like to stop them
15 during the presentation, by all means, but I
16 just ask that you raise your hand, I'll call
17 you up, come forward to the podium, be sworn
18 in, state your name and address, ask your
19 questions.

20 Mr. Gress, you guys can come
21 forward.

22 MR. PERRY: Good evening, borough
23 council, borough citizens. Thank you for
24 having us. My name is Matthew Perry. I'm
25 an attorney. I represent Mr. Gress along

1 with attorney Mariotti.

2 The reason we're here tonight, as
3 everyone knows, it's on the agenda, it was
4 advertised in the paper, we're here to ask
5 that council vote in favor of the rezone of
6 the property from a C-3 to a C-2. It's a
7 property that Mr. Gress and his associates
8 intend to purchase. This is the first step
9 along the way. In order to make that
10 purchase it's one of the things that would
11 need to happen in order to do that.

12 There's a beautiful rendering that
13 is up on the wall over there which shows
14 what the cold storage facility will actually
15 look like. He's going to give a short
16 presentation, a PowerPoint presentation, and
17 talk about what benefits that this cold
18 storage facility is going to bring to the
19 Old Forge community. He's very excited
20 about it.

21 He did say that the main reason that
22 he's coming to Old Forge is because it's a
23 good excuse to come to all the great
24 restaurants. So with that I'll leave it to
25 Glenn to start his presentation.

1 MR. GRESS: Good evening, Council.
2 I'm here tonight because we're seeking our
3 application for a rezone, like Matt
4 mentioned. Like many of you, I have social
5 media and I've seen the concerns out there,
6 and hopefully tonight after this
7 presentation we can put some of them to
8 rest.

9 The Gress family has operated on
10 Keyser Avenue for three generation about
11 five miles down the road, in Scranton. When
12 it came time to grow our business and expand
13 we identified a spot on Keyser Avenue, where
14 we've done business forever, right next to
15 the Pennsylvania turnpike that we think is a
16 great place to open another warehouse
17 facility. There's also many other highways
18 in the area.

19 The new facility will be about
20 200,000 square feet, 30,000 pallet
21 positions. We expect around 40 new jobs and
22 to inject \$650,000 in annual taxes into the
23 area, not to mention people who will be
24 building and will all be from out of town.
25 Contractors from Atlanta, different areas

1 will be spending money, staying here on
2 Montage Mountain, eating at your
3 restaurants.

4 When we do open up the warehouse I
5 plan on bringing all of my associates,
6 customers, et cetera in Old Forge. I really
7 feel strong about being a part of this
8 community. We've been on Keyser Avenue, as
9 I said, for nearly a hundred years and
10 Keyser Valley's been our home and we want to
11 continue that.

12 It's designed for a medium-sized
13 footprint with a focus on providing
14 exceptional customer service. Something
15 that's not offered by our competitors.
16 We're a small family business. We started
17 as a poultry processing plant in West
18 Scranton nearly a hundred years ago. We
19 have that in our hearts to this day. We're
20 not some big corporation trying to come in
21 and be the bad guy in a small borough. We
22 just want to grow our business the best we
23 can and we think Old Forge is the right
24 place to do that.

25 With those job creations, they're

1 really good paying jobs. We think there's
2 40 total jobs that will average about \$20 an
3 hour indirectly. We'll have annual salary,
4 average pay around \$65,000. You can see all
5 the positions on your sheets, and that's
6 only for this warehouse as we fill it up.
7 That's just an estimate. We may continue to
8 grow more. There may be more jobs, there
9 may be more money involved in it. But for
10 right now that's what we're comfortable
11 advertising to you.

12 Truck flows and conceptual design.
13 One of the complaints I saw is that people
14 think there's going to be trucks on Sibley
15 Ave or Oak Street. That's not going to be
16 the case. We will funnel in and out of
17 Keyser Avenue onto the turnpike and various
18 other highways in the area. We're strictly
19 going to be on Keyser Avenue.

20 That's all I've got right now, and
21 I'm just asking that you please welcome us
22 to your community and just partner together
23 and continue to grow our relationship as
24 we've grown our business over the years. I
25 come in peace. I have no ill intentions. I

1 think some of our intentions have been
2 misconstrued and hopefully after everything
3 I've said we've put some of that to rest.

4 MR. RUSSELL RINALDI: Glenn, my
5 first question would be the back of your
6 building, the driveway that goes around
7 right there around the back part, how far is
8 that driveway to the property line that
9 butts up against Forge Estates?

10 MR. OSTERLOH: Brian Osterloh. I
11 would say it's approximately 75, but it can
12 be adjusted if it needed to.

13 MR. GRESS: The Back side of the
14 building.

15 MR. OSTERLOH: I don't know. That
16 dimension is --

17 MR. GRESS: It's more than 75 feet.

18 MR. OSTERLOH: To put it in
19 perspective, this potential future
20 expansion, that's 400 feet. So whoever is
21 concerned, this property, this is a wetland
22 stream. This road would have to be 100 feet
23 off of that by code.

24 MR. GRESS: So you're looking at 500
25 feet, minimum.

1 MR. HOOVER: You're saying you have
2 to stay 100 feet away from where the creek
3 is?

4 MR. OSTERLOH: Yes, sir. There is a
5 buffer from the creek.

6 MR. HOOVER: That's about 500 feet,
7 you're guessing, from -- 600 feet from --

8 MR. GRESS: The minimum would be 600
9 feet.

10 MR. HOOVER: Including the buffer
11 from your building.

12 MR. GRESS: Correct.

13 MR. HOOVER: And we don't know how
14 high the building is going to be yet, do we?

15 MR. OSTERLOH: Yes, I do. The
16 maximum will be 55 feet.

17 MR. HOOVER: I think the zoning
18 ordinance is 40. So you're going to be
19 going for a variance of 15 feet?

20 MR. GRESS: Yes.

21 MR. NOTARI: What do you expect the
22 traffic to be at this building? I noticed
23 in the report you have daytime hours. What
24 exactly are daytime hours?

25 MR. GRESS: Daytime hours would be

1 probably 5 a.m. to 9 p.m. That's the
2 current hours of our operation.

3 MR. NOTARI: And how many trucks a
4 day do you expect or are you hoping for?

5 MR. GRESS: Thirty, 40.

6 MR. HOOVER: The bays for the trucks
7 to back in, they're going to be off Keyser
8 Avenue. Are they going to be facing Keyser
9 Avenue? They're not going to be --

10 MR. OSTERLOH: The truck port is
11 going to face north of the building where
12 you see that black asphalt. The white part
13 would be the roof of the building.

14 MR. FEBBO: What about a traffic
15 study on that road? Because you have
16 tractor-trailers pulling out on Keyser
17 Avenue at the crest of that hill coming up
18 from the Sunoco gas station, cars fly up
19 that hill.

20 MR. GRESS: We plan on excavating
21 that and making it not really much of an
22 uphill --

23 MR. FEBBO: I don't see how you're
24 going to make that available.

25 MR. OSTERLOH: From the curb off of

1 Keyser Avenue?

2 MR. FEBBO: You're going to be up
3 high on the hill. The road there above the
4 Sunoco gas station, that's a blind spot. A
5 few years ago we had a bad accident there.

6 MR. GRESS: We currently at our
7 building four on Keyser Avenue, across from
8 RJ Walker, we have a little bit of a hill
9 coming out of there and we haven't had --

10 MR. FEBBO: I'm talking about
11 traffic coming up over the hill. You have
12 tractor-trailers coming out of your property
13 line it's not going to be going 15, 20 miles
14 an hour.

15 MR. MARIOTTI: But there were
16 tractor-tailers coming out of that property
17 for a hundred years when Gilchrist was
18 there.

19 MR. FEBBO: He's down lower. I'm
20 talking about over the top of that hill.
21 That's a blind spot.

22 MR. MARIOTTI: They're going to
23 excavate that.

24 MR. OSTERLOH: We'd be open as to
25 whatever public safety is concerned.

1 MR. FEBBO: I would be concerned
2 about public safety.

3 MR. OSTERLOH: And we would, too.
4 We obviously wouldn't put anything in front
5 of the board that would be unsafe for
6 anybody.

7 MR. FEBBO: I think we should review
8 that.

9 MR. OSTERLOH: This is all
10 preliminary. These are preliminary --

11 MR. RUSSELL RINALDI: I think
12 they're misunderstanding you. What
13 Councilman Febbo is saying is it's not on
14 your property. If you're coming north up
15 Keyser Avenue, going past the Sunoco on your
16 left, Gilchrist Trucking on your right. At
17 the top of that hill where the Gilchrist
18 Trucking property meets the Diamond Club
19 property, that's the crest he's speaking of.

20 He's saying a lot of cars do come
21 over that crest and they should travel the
22 speed limit. Some don't and they come over
23 the top of it, and with trucks entering and
24 existing from their main entrance -- a
25 tractor-trailer usually enters and exits

1 slow, and with a car coming over there, the
2 traffic study he's asking about would be
3 from that time frame at the top of the crest
4 to the entrance of your proposed property.
5 God forbid if a trailer was turning in or
6 out and somebody was speeding or even if
7 they were driving the speed limit, whatever
8 the traffic study would show, would they
9 have enough time to brake and stop.

10 MR. MARIOTTI: PennDOT requires a
11 traffic study analysis for approval.

12 MR. RUSSELL RINALDI: I'm just
13 explaining to you because I think you
14 thought he was talking about cutting the
15 crest of your property.

16 MR. GRESS: We would be willing to
17 do a traffic study. Again, we do have four
18 buildings that exist on Keyser Avenue now,
19 so we're not a stranger to truck --

20 MR. FEBBO: Yeah, but you're not on
21 the level down there. You're a down slope,
22 a hill.

23 MR. GRESS: Not at all buildings.
24 Some of them are not a down slope.

25 MR. FEBBO: Mr. Gress, you did say

1 you would be willing to maybe flip the
2 building?

3 MR. GRESS: If that's something that
4 would be a deal breaker for you guys it's
5 something we can explore. Yes, absolutely.
6 The parking lot could be on this side and
7 the road can come in on the other side where
8 the lot is if that's something that you feel
9 is safer.

10 MR. NOTARI: So in my eyes, looking
11 at it, I think one of the problems that has
12 been voiced to me, a concern, is the noise
13 from the loading dock. So if the loading
14 dock was away from one of the neighborhoods
15 and was on the side of where the Diamond
16 Club is, I think that would alleviate some
17 concerns that some of the neighbors have
18 voiced.

19 MR. GRESS: There's natural
20 vegetation and we're also open to putting in
21 more vegetation. Also, I don't anticipate
22 it being any louder than the operation
23 that's back there operating heavy equipment
24 all day as it is.

25 MR. PERRY: Brian can speak to the

1 noise concerns.

2 MR. OSTERLOH: Normally a diagram
3 like this is kind of intimidating, but
4 normally the concerns that we hear are how
5 loud is the refrigeration equipment going to
6 be. This is a modern refrigeration system.
7 It is state of the art, 82 decibels. In
8 comparison that's about as loud as your
9 condenser unit outside your house right now.
10 So you wouldn't hear it because it's going
11 to be 55 foot on top of the build, over 250
12 feet from the nearest residence. You
13 wouldn't hear it over your own.

14 (Audience member speaking.)

15 MR. RUSSELL RINALDI: Gentlemen,
16 address us. We're going to address you with
17 our questions. Then when we're finished
18 we're going to let the audience address you.

19 MR. HOOVER: The building is going
20 to be 55 feet high. How much higher is it
21 going to be with the fans on top of the roof
22 like the one on Ferdinand Street in
23 Scranton?

24 MR. OSTERLOH: About six feet. You
25 wouldn't be able to see it from the street.

1 MR. HOOVER: You wouldn't be able to
2 see the fans from the street?

3 MR. OSTERLOH: No. It looks the
4 same as the building. It's kind of like
5 this rendering right here. If you're
6 standing here the units are going to be in
7 the center of the building. From a bird's
8 eye view you wouldn't be able to see it.
9 They're enclosed.

10 MR. HOOVER: Future expansion. If
11 the first building's 55 feet high, future
12 expansion is going to be another 55 feet
13 high?

14 MR. GRESS: If we get there. We
15 have to fill this warehouse first and then
16 re-apply to build that one. We're taking
17 baby steps, looking forward to this one
18 first.

19 MR. FEBBO: Where would that second
20 building be?

21 MR. GRESS: It would be attached.

22 MR. FEBBO: The back part?

23 MR. GRESS: Yes, but we would have
24 to apply for that.

25 MR. FEBBO: We need to look to the

1 future.

2 MR. HOOVER: That land that goes to
3 Sibley Avenue, the little piece, that's not
4 going to be used for anything? No regular
5 car traffic?

6 MR. OSTERLOH: Flagged area for
7 wetlands.

8 MR. NOTARI: Would you be willing to
9 donate that piece of property to the
10 borough? We own a piece of property right
11 next to it. Make a nice parking lot for the
12 soccer field across the street.

13 MR. GRESS: We can have another
14 conversation about that.

15 MR. NOTARI: All right. There's
16 been a lot of questions about the
17 refrigerant. What kind of refrigerant is
18 going to be used in this building? I've
19 been told -- and you can tell me I'm
20 wrong -- that a business of your size and
21 capacity would need to use ammonia. You
22 have told us already that you will not be
23 using ammonia. I want you to tell everybody
24 again.

25 MR. GRESS: I have no idea where

1 that came from. It would be freon or CO2.
2 It hasn't been decided yet, but ammonia is
3 absolutely out of the question. You have my
4 word on it.

5 MR. RUSSELL RINALDI: Folks, please.

6 MR. GRESS: I'm on record there's
7 absolutely not going to be ammonia.

8 MR. BUTLER: Do you know how many
9 truck bays are going to be there?

10 MR. OSTERLOH: Approximately 18 to
11 21.

12 MAYOR LEGG: This might be a dumb
13 question, but what exactly do you do?

14 MR. GRESS: To put it in a nutshell,
15 we're the middleman for the frozen food
16 section in the grocery store. The producers
17 that make the food, they bringing it to us
18 and we hold it in our inventory to be
19 shipped out to various distribution and
20 storage that provides food to the area.

21 MR. NOTARI: What's the ballpark
22 figure on the cost of this project?

23 MR. GRESS: It's 46,000,000 bucks.
24 Lets go 50.

25 MR. FEBBO: I'm good.

1 MAYOR LEGG: How many of these
2 facilities do you guys have?

3 MR. GRESS: Four.

4 MAYOR LEGG: Who are the main
5 buyers?

6 MR. GRESS: Our customers?

7 ATTY. MARIOTTI: Bob, that's
8 confidential. He doesn't want to give up
9 his customers, but he can address it in a
10 certain way.

11 MR. GRESS: If you want to come and
12 take a visit I'd be more than happy to take
13 you for a walk.

14 MR. OSTERLOH: I can speak
15 generally. It could be anybody from a
16 poultry producer to a yogurt producer to ice
17 cream to anything. If you went to the
18 grocery store and you looked at the freezer
19 isle that could be in one of these
20 buildings.

21 MR. RUSSELL RINALDI: Councilman
22 Butler?

23 MR. BUTLER: I'm good.

24 MS. AVVISATO: He answered me.

25 MR. HOOVER: I'm good for now.

1 MAYOR LEGG: I don't.

2 ATTY. RINALDI: No.

3 MR. RUSSELL RINALDI: We're going to
4 go to the public. We're going to take one
5 person at a time. We're going to need your
6 name and address before you ask the
7 question. If you have a question for us,
8 address us. If you have it for Mr. Gress
9 and his associates you can address him.

10 (Party sworn.)

11 MS. BUTTRIM: Debra Buttrim. You
12 said the cost would be \$46 million and the
13 tax revenue back to the city is \$650,000.
14 That doesn't make sense to me. Can you
15 explain that a little bit better?

16 MR. GRESS: That's what our analyst
17 came back with.

18 MS. BUTTRIM: That's your answer?
19 That's it?

20 MR. LOPATKA: That's a yearly
21 figure.

22 MS. BUTTRIM: Is there somewhere I
23 can pull that information so I can look at
24 it? I'd like to analyze it.

25 MR. GRESS: It's not public

1 knowledge. We don't even own the land yet.

2 MR. RUSSELL RINALDI: Any other
3 questions? Because once we let people ask
4 we're going to --

5 MS. BUTTRIM: I don't think so.

6 MR. RUSSELL RINALDI: Anyone else?

7 (Party sworn.)

8 MR. BLEDSOE: Mike Bledsoe, 328
9 Flower Street, Old Forge. The other four
10 warehouses, what is the refrigerant that you
11 use?

12 MR. GRESS: Building four is
13 ammonia, the rest are all freon.

14 MR. BLEDSOE: So my experience
15 briefly is that most of those older
16 refrigerated buildings need ammonia to be
17 cold.

18 MR. GRESS: Building four was built
19 in 1997, so that's our most recent build.
20 So times have changed tremendously. The
21 capabilities of the refrigerants and the
22 systems are much greater than they were.

23 MR. BLEDSOE: The CO2 or the freon,
24 what's the lowest temperature you can go?

25 MR. OSTERLOH: We've got the freon

1 to minus 20.

2 MR. BLEDSOE: And what's poultry
3 refrigeration at?

4 MR. GRESS: Zero.

5 MR. RUSSELL RINALDI: Thank you.
6 Anyone else?

7 (Party sworn.)

8 MS. SOPP: Kathleen Sopp, 219 Keyser
9 Avenue. My concern right now is my property
10 is right next to where you want to build. I
11 have a hard time getting out of my driveway
12 the way it is now with all the traffic
13 speeding and truck traffic. So we had a red
14 light up the road, we have all these trucks
15 coming now that are backing up to my
16 driveway. So if you get this through this
17 traffic is going to be idling, all his
18 trucks are going to be idling more in front
19 of my property.

20 MR. OSTERLOH: Part of the intent of
21 having a loop road and having the truck port
22 where it is is to get the trucks off the
23 road so they're que'd on the property. You
24 can see the length of this road. It's
25 stacked to make sure you'd never see it off

1 the main road.

2 MR. GRESS: There's is spot across
3 the road also.

4 MS. SOPP: In other words, I'm not
5 going to have all this traffic backed up in
6 front of my house?

7 MR. GRESS: Absolutely not.

8 MR. OSTERLOH: Typically what you're
9 going to see is three truck trailers, so
10 you're not going to see a line of trucks. I
11 understand your concern, and our intent is
12 always to get them off the road as soon as
13 possible. It's the safest thing. I also
14 understand your concern, but typically
15 you're not going to see a hundred trailers
16 waiting to get in.

17 MS. SOPP: But there's an awful lot
18 of trucks now.

19 MR. GRESS: We're not a first come,
20 first serve facility. They'll be spread out
21 accordingly.

22 MS. SOPP: How many days a week is
23 this going to be?

24 MR. GRESS: Five with a light six.

25 MS. SOPP: And from what time in the

1 morning?

2 MR. GRESS: At 5 a.m. we open.

3 MS. SOPP: Until nine at night?

4 MR. GRESS: Yes.

5 MR. RUSSELL RINALDI: Anything else?

6 (Party sworn.)

7 MR. FINK: James Fink, 921 Sibley
8 Ave. I have two questions. Will the value
9 of my house go down because I have, like, a
10 trucking place? It's turning into, like,
11 Keyser Avenue where there's all trucks. All
12 my neighbors plus myself have kids. So you
13 have a whole bunch of traffic already.
14 There's already been two fatalities where
15 you plan to do the thing at, and that was
16 several years ago. People are still hurting
17 from that.

18 And coming up from Oak Street, where
19 the gas station is, you have trucks pulling
20 in. What are they, 53 foot, 48 foot reefer
21 trailers? They're going three miles per
22 hour to get into your plant -- proposed
23 plant. You got someone going up there -- I
24 ride motorcycles, too. There's going to be
25 problems.

1 The other part is if my property
2 values go down because now I have a --

3 MR. GRESS: I believe it would be
4 quite the opposite. I think it will go up.
5 I think putting a state-of-the-art facility
6 that's this expensive would be much better
7 for your property value than what's
8 currently in place there.

9 MR. FINK: Our whole community,
10 which is about nine or 11 houses in the area
11 of where you're at, all have kids. Now we
12 have trucks up and down. We were told
13 you're going to come out on Sibley. That's
14 a ten ton road.

15 MR. GRESS: There will be no trucks
16 on Sibley. Our trucks won't be on Sibley.

17 MR. FINK: That's all.

18 (Party sworn.)

19 MS. MORALES: Katrina Morales. I
20 live at 313 South Keyser. You said in your
21 proposal that you are not the bad guy coming
22 into a small neighborhood trying to take
23 over. Every single one of the neighbors,
24 that's exactly how we feel. You said that
25 there's about 40 to 60, was it, trucks, more

1 traffic coming into the neighborhood?

2 MR. GRESS: I think around 40.

3 MS. MORALES: We already have a few
4 that barrel down our road. Now, I'm right
5 on Keyser. So I'm about three houses before
6 Gaughan, where the turnpike comes off. The
7 damage that these trucks are going to do to
8 the road, what do you propose you're going
9 to do about that? Because eventually there
10 will be a lot of damage.

11 MR. GRESS: If I'm not mistaken
12 Keyser Avenue is state road, not a borough
13 road. That would be a question better for
14 the state. It's not my responsibility. I
15 can't help what trucks do. It is right next
16 to an interstate.

17 MS. MORALES: Right in front of my
18 house the state has worked on the road and
19 left a massive pothole that these trucks
20 come 40, 50, 60, 70 miles down the road and
21 plow into that, rocking every single house
22 on that street. So with more trucks coming
23 through you say we're not going to hear it.

24 MR. GRESS: I understand 40 trucks
25 is a wow factor, but that really averages

1 out to, like, three trucks an hour. Keyser
2 Avenue's not the only street in the area
3 that has pothole issues. We don't have the
4 best roads. You're not going to help that.
5 It's illegal to repair roads on your own.

6 MS. MORALES: But you said we won't
7 hear it any more than what we already hear,
8 but you will hear it ten times more than
9 what we already hear. Our children ride
10 their bikes around this neighborhood. It is
11 dangerous enough with the traffic and with
12 the blind spot without going into the town
13 of Old Forge. All of our neighbors have
14 children in that neighborhood. How is it
15 that you propose it's going to be safe?
16 It's not going to be safe.

17 MR. GRESS: I can't control the
18 traffic on a state road.

19 MS. MORALES: You are controlling
20 traffic.

21 MR. GRESS: They're coming from my
22 warehouse, but there's also the Stauffer
23 Industrial Park and various other businesses
24 all along the Keyser Avenue corridor. It's
25 not just us.

1 MS. MORALES: But it is adding
2 content. You're proposing that it's not
3 going to be much more than what we already
4 have but it is.

5 MR. GRESS: I can't deny our traffic
6 or the condition of the road. That's a
7 fact. And I understand your concern as a
8 father of two small children myself.

9 MS. MORALES: How is it beneficial
10 for the people who live in that
11 neighborhood?

12 MR. GRESS: That's a great question.
13 I mentioned the tax dollars that will
14 benefit your school district.

15 MS. MORALES: But not us.

16 MR. GRESS: It will benefit your
17 children.

18 MR. RUSSELL RINALDI: Audience,
19 please keep it down.

20 MR. GRESS: I think it would benefit
21 the school district. Better schools, better
22 education for your children. The influx of
23 tax dollars can better the community for
24 your children to grow up in.

25 MS. MORALES: Well, my children

1 already have --

2 (Audience outburst.)

3 MS. MORALES: Another thing, if
4 there was ever a leak or accident in your
5 building how does that affect our
6 neighborhood? Do you guys have a plan if
7 anything were to go wrong?

8 MR. OSTERLOH: There's always safety
9 plans, but it's not an ammonia facility so
10 there's not a hazard --

11 MS. MORALES: Chemicals are
12 chemicals. They're hazardous regardless,
13 especially at high levels like that. So if
14 there was an issue or something that damaged
15 your building detrimentally we are right
16 next to it.

17 MR. OSTERLOH: Understood.

18 MS. MORALES: We are directly
19 affected. How would you guys go about
20 keeping us safe?

21 MR. OSTERLOH: I think this question
22 would be more relevant if it was an ammonia
23 facility. This isn't an ammonia facility.

24 MS. MORALES: It's relevant no
25 matter what facility it is.

1 MR. OSTERLOH: There's no chemicals
2 in this building that's not in your home
3 right now.

4 MS. MORALES: Okay. Property
5 values.

6 MR. OSTERLOH: The refrigerant is
7 the same thing -- you have an air
8 conditioner in your house, in your car.
9 It's same the refrigerant.

10 MS. MORALES: You said this would
11 help our property values go up. So three
12 years from now I want to sell my home. You
13 think I'm going to get better offers because
14 I have a giant warehouse --

15 MR. GRESS: Versus what's in place
16 there now, I don't --

17 MS. MORALES: It's wooded.
18 Everybody loves the woods.

19 MR. GRESS: The vegetation around
20 our property will remain the same.

21 MS. MORALES: What does your back
22 yard look like?

23 MR. GRESS: I have a state road
24 going right behind my house.

25 ATTY. MARIOTTI: This facility is

1 going to replace a scrap yard that's there
2 now that's an environment -- potentially
3 environmental --

4 MR. GRESS: There's a scrap yard
5 that --

6 ATTY. MARIOTTI: The Diamond Club
7 will be blocked out from most of the
8 residents by the building.

9 MS. MORALES: What about privacy?
10 That building is so big and so much more
11 traffic. How does that affect our privacy?
12 Are you guys going to pay for privacy fences
13 to go up and cover ourselves and our
14 children from how we would like to hang out
15 in our back yards?

16 MR. GRESS: We promise to do what it
17 takes.

18 MR. OSTERLOH: We're going to have
19 to have fencing anyway for safety, so
20 there's landscaping going to be done by the
21 local jurisdiction. We'll certainly comply
22 with and honor whatever those are. I think
23 if you want to discuss anything in addition
24 to that, it's not my decision but I'm
25 telling you we're capable of doing it.

1 But from a safety standpoint this
2 property will be fenced in.

3 MS. MORALES: My kids are on that
4 corner for the bus stop.

5 MR. GRESS: What corner is that?

6 MS. MORALES: Right on Sibley and
7 Keyser. We step out in the middle of the
8 road. I can't tell you how many times we
9 have almost gotten hit. We've had the
10 police monitor that area. There's been
11 times where we're standing on the side and
12 people are so impatient because semi trucks
13 are taking too long to make the turn that
14 they go on the curb and go around them.
15 This is just going to make it ten times more
16 dangerous for us as parents to get our kids
17 off the bus. Me and my neighbor Tina have
18 our own setup to where we walk on the road
19 with our bodies and still doesn't happen.
20 We have people pushing us off the road with
21 their vehicles, impatient because of the
22 trucks that are already going through there
23 and making the turn. How is this helping
24 that situation? It's actually making it far
25 worse.

1 MR. PERRY: There will be a PennDOT
2 traffic study before this project will be
3 approved. So that's something that has to
4 happen in order for this project to go
5 through.

6 MS. MORALES: And what is that study
7 going to do?

8 ATTY. MARIOTTI: Every project
9 PennDOT -- especially on a state road.
10 PennDOT has to come and see and approve the
11 access and egress for the vehicles and they
12 have to approve the number of vehicles that
13 are being increased.

14 If you look at Moosic Road, there's
15 way more truck traffic on Moosic Road than
16 there will be created by this. So each of
17 the warehouse developments on Moosic Road
18 had to have approval by PennDOT. One is
19 1987, when Mariotti did theirs, then
20 Verrastro did theirs, I think, 20 years ago.

21 So PennDOT comes and they approve --
22 they'll take this plan -- it will be much
23 more detailed than that. They'll say where
24 the in and out have to be. They may require
25 a third lane on Keyser Avenue. So every

1 time that -- this project won't go through
2 without PennDOT engineers looking at it and
3 saying this is an acceptable amount of
4 traffic for the road, this is an acceptable
5 amount of ingress and egress.

6 MS. MORALES: That goes back to the
7 traffic. That's not going to the safety at
8 the school bus stop.

9 ATTY. MARIOTTI: The school bus stop
10 can be moved by the school if necessary.
11 There's a lot that can be done and the
12 PennDOT study could address that to the
13 developers as the project is going through.
14 This is just a preliminary phase. This is
15 not like okay, Mr. Gress is here, let's get
16 this approved in two weeks and build a giant
17 building. It has to go through a variety of
18 steps, and this is like a check and balance
19 we have with council here, zoning and
20 everybody here to make sure that this thing
21 is done the way it's said it's going to be
22 done.

23 This is a much different situation
24 than was dealt with with the landfill.
25 There were so many lies told, and a lot of

1 the misinformation came from the borough.
2 The people on the borough were promising
3 we're going to fight -- and I was the school
4 solicitor at the time and I told the school
5 district you're never going to beat that.
6 So the fact that they didn't take the
7 economic opportunity was ludicrous. They
8 were saying we're going to fight, we're
9 going to fight. And what were they going to
10 do, fight Waste Management.

11 Mr. Gress is here as a small
12 business operator telling you that he's
13 playing by the rules. They're here playing
14 by the rules today and he'll continue to as
15 his development progresses. This will not
16 be okay, the borough approved it today and
17 next thing you know they'll be digging --

18 MS. MORALES: Why this space,
19 though? Why so close to a neighborhood?

20 ATTY. MARIOTTI: That's a question
21 the developer can answer.

22 (Audience outburst.)

23 MR. RUSSELL RINALDI: Nobody from
24 the audience is allowed to speak.

25 MS. MORALES: So you didn't answer

1 my question, at least I couldn't hear it,
2 why this location? Why not go somewhere
3 where it's not surrounded by neighborhoods?

4 MR. GRESS: We've identified it as
5 close to our existing operation and close to
6 the interstate turnpike.

7 MS. MORALES: I have no more
8 questions.

9 MR. RUSSELL RINALDI: Thank you.
10 Anyone else?

11 (Party sworn.)

12 MS. WENZLER: Danielle Wenzler. So
13 you said that the current situation that's
14 already there, this will be no louder than
15 what's there as far as, like, Stocki's. You
16 do understand that that has been an issue,
17 that we had to stand in front of this board?
18 So trying to put lipstick on a pig, it's
19 still a pig. So don't try to convince us
20 that it's taxpayer dollars and a great thing
21 for our community.

22 I look on that map and I see my
23 house. You don't have that in your back
24 yard. You give us these nice big pamphlets
25 and these beautiful architectural buildings.

1 They're not in your neighborhood. I don't
2 see houses around them. I don't see that.
3 Do you? Does anybody see houses? These are
4 not residential, these are industrial parks.
5 It is an insult for you to say oh, I want to
6 come to your business, I want to come to
7 bring my family into your town. I don't
8 want your family in my town if this is what
9 it's going to bring.

10 Anybody that votes for this, this is
11 absolutely ludicrous that anybody would
12 think that -- when anybody takes an oath to
13 give council members -- and the ordinances
14 and the zoning that we have in this town are
15 to protect ourselves from something like
16 this, not to put it in my back yard. Shame
17 on you. It's upsetting. There are so many
18 people that can't be here because they
19 couldn't make it.

20 MR. RUSSELL RINALDI: But you don't
21 use the word shame on you or anything like
22 that.

23 MS. WENZLER: Well, I am.

24 MR. RUSSELL RINALDI: I'm just
25 asking you not to. This is a public forum.

1 MS. WENZLER: I'm frustrated. I
2 suffered for years with Stocki and now you
3 want to put this in my back yard. Ambiguous
4 terms where you may smell, it might sound
5 like. What does that mean? You're not
6 giving us anything to say you won't smell
7 anything, you won't hear anything. You
8 can't determine that. I'm not going to sit
9 in my back yard and have a decibel meter and
10 say oh, it's over the ordinances, because
11 nothing's going to happen once that big
12 monstrosity is there.

13 It's an insult to anybody in this
14 community to say we want to make it look
15 better and curb appeal. Curb appeal?

16 MR. MARIOTTI: Mr. President, I
17 think this is becoming personal and there's
18 no reason for --

19 (Audience outburst.)

20 MR. NOTARI: Excuse me. Mr. Gress
21 is here to pursue a business opportunity.
22 Listen. Please let me finish. If you need
23 to ask questions of Mr. Gress' associates of
24 the building, that's fine. If you need to
25 make a statement that you do not want it

1 here please address it to council.

2 AUDIENCE MEMBER: You told us we
3 weren't allowed to speak to you before.

4 MR. NOTARI: No, we didn't.

5 MR. RUSSELL RINALDI: Hold on, hold
6 on, hold on. What I meant by it was we
7 would address him first, let council get
8 their questions. Anybody from the public
9 could address us at any given time they
10 want.

11 MS. WENZLER: I will address you
12 guys and ignore them.

13 MR. RUSSELL RINALDI: If you
14 misunderstood me I apologize.

15 (Audience outburst.)

16 MR. NOTARI: Mr. Dunbar, you're
17 again out of order.

18 (Audience outburst.)

19 MR. RUSSELL RINALDI: You could
20 address us and anyone in this room could
21 address us at any time. I do not think --
22 and I'll go back and I'll check the words in
23 the minutes. I never said you couldn't
24 address us.

25 MS WENZLER: Every one of you are

1 elected officials. You take an oath to sit
2 here and do the best for this community to
3 make it prosper, to make it grow. This is
4 not our idea of growing and making it
5 prosper. I didn't come to you for years
6 over the monstrosity that's back there and
7 the violations that have occurred over the
8 years, and this is your idea of putting
9 lipstick on a pig, is to make us think we're
10 going to get rid of the (inaudible.) We're
11 going to put a 350,000 square foot in my
12 back yard. When I look out my bedroom
13 window this is what I'm going to see.

14 MR. RUSSELL RINALDI: We're not
15 looking to put --

16 MS. WENZLER: I'm telling you right
17 now if you care about this town and if you
18 truly are representatives of this town your
19 vote needs to be for the people of this
20 town. There are people who couldn't be
21 here. Think about that. Not about the
22 money and \$650,000. I don't want it. I
23 like our town the way it is. Okay? We
24 don't need this in our back yard. Go to an
25 industrial park where it belongs.

1 It's appalling to look in any of
2 your faces. I sat in front of you talking
3 to you for years now, telling you how
4 disgusted I am to live and have to look,
5 sleep, eat and breathe everything from
6 Stocki's property. You're going to put this
7 in my back yard? I had to sit here and
8 listen to you oh, we feel your pain. We're
9 so sorry.

10 You know what? That's B.S. at this
11 point. If you vote yes you cannot care
12 about my back yard nor anybody else's nor my
13 kids or anybody else's kids that have to
14 live right there on top of it, plain and
15 simple, and shame on you for voting that.

16 (Party sworn.)

17 MR. SMITH: Joel Smith, 891 Sibley
18 Avenue. My question is for you. My house
19 sits right there at the top of the park.
20 Right? What about my son and his friends
21 riding their bikes, they play in those
22 woods? I did see you're going to have a
23 fence. Right? They're kids, young kids.
24 Young kids do what? They explore. They get
25 into things. What's to say my son -- not

1 saying it would happen -- or Mike's son gets
2 a pair of wire clippers and snips the fence
3 and goes into the facility? Right? Not
4 saying that would happen, but if it did?

5 Not only that, but what about the
6 fumes that may present off that with our
7 kids in the neighborhood? They already
8 smelled the whole wasteland of machinery
9 that's back there. What if we have to worry
10 about that? And then I already smelled the
11 crap from the landfill coming down on the
12 house. I don't want any other smells there.
13 I don't want any other things that can cause
14 safety for my kids, I don't want a
15 tractor-trailer to get lost and taking
16 Sibley Avenue. I don't want any of that
17 next to me.

18 I mean, I respect that you're a
19 family owned business. I get that. But
20 there's a far section of land on the other
21 side of the turnpike where there's no houses
22 and you can happily build your facility.

23 MR. RUSSELL RINALDI: Anyone else?

24 (Party sworn.)

25 MR. PANUSKY: Mark Panusky. Mr.

1 Gress, you have three facilities back in
2 Keyser Valley?

3 MR. GRESS: There's four.

4 MR. PANUSKY: None of them border a
5 residential area like you're proposing down
6 here.

7 MR. GRESS: The one in South
8 Scranton absolutely does.

9 MR. PANUSKY: Which one is that?
10 Your parking lot now where your trucks are
11 going to be turning around I'm going to be
12 breathing their fumes sitting by the pool.

13 MR. GRESS: We mentioned earlier
14 that we can flip that around. There's a lot
15 of things we can do.

16 MR. PANUSKY: There's just a whole
17 row of houses there. How far off Sibley
18 Avenue are you --

19 MR. GRESS: As Joe mentioned, this
20 isn't final. We're not going to put a
21 shovel in the ground tomorrow and have a
22 building in a couple weeks.

23 MR. PANUSKY: I'm formerly from
24 Keyser Valley. The one across from RJ
25 Walker, their docks ain't on the side of

1 residential. They border the scrap yard.

2 MR. GRESS: Correct. The building
3 itself, is that Ferdinand Street? There's a
4 neighborhood around the whole property.

5 MR. PANUSKY: That's all different
6 than 21 tractor-trailers backed up during
7 the winter, I come out to take out the
8 garbage and smell all these fumes up in the
9 air because all these trucks 200 feet, 60
10 feet away from my house.

11 MR. GRESS: Again, the entry into
12 the parking lot is not final. I understand
13 your concern, respect it, but I don't
14 have --

15 MR. PANUSKY: You're pushing your
16 way in and right off the bat you're going
17 from 40 to 50, 60, and then you have so
18 much room for addition off of that.

19 MR. GRESS: The addition, if that
20 ever happens we'll be back in here again
21 doing the same thing. It's not like once
22 the building is full you can add on.

23 MR. PANUSKY: Too many industrial
24 parks in the area and you're too close to
25 residential people. Are you going to pay

1 everybody else's property taxes for them
2 with all this revenue coming in? Property
3 taxes as you --

4 MR. GRESS: No.

5 MR. PANUSKY: Just trying to ram it
6 into a residential area. Right?

7 MR. GRESS: That's your opinion.

8 (Party sworn.)

9 MR. BEILMAN: Jeff Beilman, 210
10 Amity Avenue. One of my concerns -- and you
11 addressed it earlier -- to the south of this
12 facility you have this right here, the
13 bottom of the picture you have shown, is the
14 Stocki property, which has been a major
15 nuisance for several years.

16 ATTY. MARIOTTI: This is part --
17 this is the Stocki property.

18 MR. BEILMAN: I wanted to address
19 it. It's part of it.

20 MR. FEBBO: No, it's not.

21 MR. BEILMAN: So my house is next --
22 I can see it on the map and I know what I
23 view from my back yard, and 95 percent of
24 what I see does not rest on that property.
25 It rests to the south. So you mentioned

1 earlier that you'll raise our values of
2 property but most of it doesn't actually
3 land on the proposed site.

4 ATTY. MARIOTTI: All I was saying
5 was, again, it was buffer to that, and with
6 any luck as time goes on it adds value to
7 that commercial area next to it.

8 A perfect example, in 1987, I was a
9 kid, Mariotti's developed lower Moosic Road.
10 It was a strip mine, and my father brought
11 in -- it was a huge project at the time.
12 Noting like this. They brought in -- and
13 they had to take all the culm off and pull
14 it out and it was left with the rest of
15 the -- the development was all that culm.
16 Lo and behold, it made it more accessible
17 and made it better to bring in more business
18 into the community like Verrastro.

19 So I'd go back to what I said.
20 They're good neighbors and I feel -- and
21 again, I'm representing the Gresses. I feel
22 the Gresses are good neighbors, they're
23 local people, and the Mariottis and the
24 Verrastro are good neighbors. There's no
25 complaints. I don't think this board, this

1 council ever gets any complaint with
2 anything that's going on on Moosic Road.
3 All the property on the right side of Moosic
4 Road didn't really change. All the families
5 are in good shape. There was a question, I
6 will admit, and it was Charlie Terminy
7 called my brother when they were parking
8 cars there to help out with the Montage
9 festival. That was done strictly as a favor
10 to one of the people running the festival.
11 They weren't even being paid. My brother
12 said no good deed goes unpunished for doing
13 somebody a favor. That stopped.

14 So I think that's the point, that
15 the Gresses are good neighbors and they're
16 saying they will do the things to fit into
17 the community. They're from West Side
18 originally. They're not, like, coming in
19 here from New York City or some big city and
20 dumping on us. And the Verrastros are the
21 same way. The Verrastros are from Dunmore
22 and they play by the rules of the town. I
23 think Mr. Gress is here saying I'll play by
24 the rules of the town. That's all I can say
25 for him.

1 MR. BEILMAN: We appreciate that.
2 One thing I want to address to council is
3 when I was first introduced to this proposed
4 project about a year ago now it was
5 mentioned to me that this was going to be
6 partially used to get rid of Stocki's
7 property. I don't see how it's going to be
8 the case. So now what I'm looking at in my
9 back yard is Gilchrist, Stocki, and now a
10 giant 350,000 square foot facility.

11 And I know you said earlier it's
12 going to increase my property value.
13 There's no way in hell. And I'm not the
14 only neighbor that said this tonight. If it
15 does get approved I'm out. My kid's got one
16 more year left in the school. After that I
17 have no reason to stick around. I like this
18 town. I've been here for over 20 years now.
19 I don't see any reason to stay if this is
20 what I have to look at in my back yard.

21 ATTY. MARIOTTI: So as we were
22 saying before, this is a stepping stone.
23 This project can't go on if there's an
24 environmental disaster over there. Right
25 now these guys have not done borings, as far

1 as I know. There will be civil engineers.

2 MR. OSTERLOH: Yes. The first thing
3 is to get the geophysical report and we're
4 going to figure out what's underneath there.
5 Stage one environmental assessment. That
6 might lead to phase two. So if there are
7 environmental considerations over there it's
8 all going to have to be remediated.

9 ATTY. MARIOTTI: There's scrapping
10 going on over there and had been going on
11 for years which could just put the kibosh
12 right to the project.

13 MR. GRESS: I don't want that.

14 MR. BEILMAN: We've been told for
15 several years now that that's being cleaned
16 up because it's an environmental hazard.

17 ATTY. MARIOTTI: His hands are tied.
18 (Party sworn.)

19 MR. ZUPON: Mike Zupon. What he was
20 just finishing, if there's a problem with
21 remediation and cleanup there, which there
22 is equipment where they're buying the
23 property, who's going to pay for this? I
24 mean, the ball's been dropped by the borough
25 with the Stocki property. Who's going to

1 clean this up? You going to buy the
2 property? You going to pay to clean it up?
3 Is the borough going to end up footing the
4 bill? Stocki seems to get away with
5 everything.

6 MR. NOTARI: It's not our property.
7 We wouldn't be stuck with the cleanup.

8 MR. ZUPON: We should be enforcing
9 it.

10 MR. NOTARI: We're trying to. We
11 have been told by the courts to follow the
12 court order, and that's what -- believe me.
13 We are waiting on the court.

14 MR. FEBBO: I can hear about Stocki
15 all night long. If seven years ago, when we
16 got involved with Stocki, if half the people
17 in this room showed up at the hearings we
18 would have had -- I was at every single one.
19 We had no support.

20 (Audience outburst.)

21 MR. RUSSELL RINALDI: Public,
22 please. I don't want to speak out of turn.
23 I think what Mr. Febbo is saying -- and just
24 so you know, the Stocki case, we're in court
25 with him. We've been in court with him.

1 We're before a judge. We don't have any say
2 what the judge does, recommends or rules.
3 That's up to the judge. I could say this,
4 that I believe everybody sitting at this
5 table wants the same result that everybody
6 sitting out there wants. We would love to
7 see Mr. Stocki shut down and gone from there
8 for good. In all of our proceedings, when
9 we've written the judge, when we were in the
10 courtroom, when we spoke on the telephone,
11 that's always been our case from the
12 beginning.

13 Again, what he appeals, doesn't
14 appeal, what he fights, doesn't fight, what
15 the judge rules, doesn't rule, that's not in
16 our hands. I'm just explaining to you. You
17 said council dropped the ball. Council did
18 not drop the ball. Council has been on
19 this.

20 MR. ZUPON: How come there's more
21 equipment next to --

22 MR. RUSSELL RINALDI: Are you asking
23 about Walter Stocki right now or Glenn
24 Gress?

25 MR. ZUPON: Where they're buying the

1 property, why is there more equipment there
2 now?

3 MR. RUSSELL RINALDI: Are you asking
4 about Walter Stocki or Glenn Gress?

5 MR. ZUPON: The property they want
6 to buy.

7 MR. RUSSELL RINALDI: The property
8 they want to buy is not owned by Mr. Stocki.
9 Am I correct?

10 MR. GRESS: Yes.

11 MR. ZUPON: There's still equipment
12 parked on it.

13 ATTY. RINALDI: That's Mr.
14 Gilchrist. All the Stocki equipment is off.
15 He was ordered by the court to remove it in
16 two different cases. I can also tell you
17 that DEP has taken action against Mr.
18 Stocki. They cited him, fined him and
19 liened him -- that's pending -- for 80-some
20 thousand dollars for cleanup. He chose not
21 to pay it and let the lien sit there. But
22 DEP took action. The borough's done
23 everything we've done, DEP has taken action.
24 But DEP doesn't seize property and he has no
25 permits that DEP issued that they can

1 revoke. The most they can do is they went
2 up and they constantly monitor him and fine
3 him and put the lien on the property. So
4 they get paid to clean up if it's ever sold
5 or it goes to sheriff's sale or foreclosure
6 action. That sits there.

7 MR. FEBBO: We on council have done
8 everything we possibly can but the court has
9 it stifled. It's the court, not us.

10 (Audience outburst.)

11 MR. RUSSELL RINALDI: Let's get back
12 to Mr. Gress.

13 MR. ZUPON: Mr. Gress, you're
14 planning on putting a food facility in that
15 spot right there. I mean, everybody in this
16 room knows what has been dumped on the
17 ground all over. You're going to put a food
18 facility there? I wouldn't. Anyone else
19 eat their food?

20 MR. GRESS: There's environmental
21 that's been done on it, as Mr. Rinaldi said.

22 (Party sworn.)

23 ATTY. MCSHEA: My name is john
24 McShea. I'm an attorney from the law firm
25 of Eastburn & Gray. I'm here tonight on

1 behalf of George Dunbar, who resides in the
2 Pine Crest Estates, Forge Estates
3 development immediately behind this
4 property.

5 I'm here tonight to voice our
6 objections and echo a lot of the concerns
7 that have already been raised here tonight
8 by residents.

9 I would note, first, that the agenda
10 for tonight's meeting was not posted on the
11 borough's website last night. I'm sure
12 you're aware the Pennsylvania Sunshine Act
13 requires that an agenda be posted 24 hours
14 before a meeting on the website, so I'm not
15 even sure if council is permitted to act
16 here tonight where you run the risk of a
17 court finding that not all requirements were
18 met here tonight, and under section 13 of
19 the Sunshine Act the court would be
20 permitted, within it's discretion, to
21 invalidate any action that was taken by
22 council without that agenda being posted 24
23 hours before the meeting.

24 But beyond that, I would like to
25 address some of the concerns my client has

1 with the proposed zoning amendment.
2 Notably, this application was first
3 presented at the borough planning commission
4 meeting on January 10th. At that time the
5 application requested rezoning from the C-3
6 district to an industrial district, an I-1
7 district, and from review of the minutes or
8 the transcript of that meeting attorney
9 Rinaldi advised that the better path forward
10 would be to instead go with what is proposed
11 here tonight, rezoning from a C-3 to a C-2
12 district and allowing a warehouse
13 self-storage use as a conditional use in the
14 C-2 district. The talk was there that that
15 would be a proper method to move forward
16 here, as a conditional use would give
17 council the authority to review an
18 application, placing conditions on any
19 warehouse for any approvals, to put
20 safeguards on any warehouse use that might
21 be approved within a C-2 district.

22 It is our position that that is poor
23 land use planning. The biggest issue is
24 that, as you know, a conditional use,
25 similar to a special exception, is a

1 permitted use within the C-2 district. The
2 only difference there is the body that the
3 application comes before. The zoning
4 hearing board hears a special exception.
5 You as borough council hear conditional
6 uses.

7 So long as an applicant meets the
8 specific and general standards of the zoning
9 ordinance that are applicable to the use
10 that use must be granted as a conditional
11 use, subject to any reasonable conditions
12 that council would put on it.

13 The issue there is if you look at
14 the zoning ordinance, there are extremely
15 few standards, specific and general
16 standards that are applicable to a warehouse
17 and it is extremely easy to meet those
18 standards. I have it with me tonight. I
19 have copies for you if you'd like. It's
20 section 350-43 and 350-44 of the zoning
21 ordinance are the specific standards that a
22 warehouse use must meet. You can find the
23 general standards at section 350-57. Would
24 you like me to provide copies?

25 MR. RUSSELL RINALDI: Sure.

1 ATTY. MCSHEA: So as you can see
2 before you, if you look at section 350-43
3 and 350-44 the only specific standards that
4 a warehouse would need to meet is
5 essentially that the property is fenced or
6 controlled access. All storage contained
7 within the building, lighting is directed
8 away from adjacent properties. There's
9 certain distances that need to be 25 feet
10 between buildings, traffic circulation, and
11 that's about it. That means that any
12 applicant that wants to open a warehouse in
13 the C-2 district -- not just the applicant
14 that's here before you tonight, but any
15 applicant, they could open a warehouse.

16 You're opening a door to allowing
17 additional warehouses, 200,000 foot
18 warehouses, five acres of roof and building
19 within the C-2 district. A district that
20 the purpose for -- and I'll quote from the
21 zoning ordinance. "The purpose of a C-2
22 district is to provide regional commercial
23 facilities which supply goods and services
24 to residents of the borough as well as those
25 from the region and those passing through

1 the area."

2 In no way, shape or form is a
3 warehouse for self-storage regional
4 commercial facilities to supply goods and
5 services to the residents of this borough.
6 So the implication of adopting this
7 amendment is allowing -- opening the door to
8 a conditional -- to a warehouse as
9 conditional uses anywhere within in the C-2
10 district, which is completely incompatible
11 with the stated purpose of the C-2 district,
12 not to mention it's incompatible with the
13 surrounding area.

14 You've heard plenty of concerns from
15 residents here tonight. You are inserting
16 an industrial use into a residential area.
17 You are putting a 200,00 square foot
18 industrial building in neighborhoods.
19 You're putting it 500 feet from the back
20 yard of the residents. You're putting it
21 directly across Keyser Avenue from
22 residential uses. It borders the C-3
23 district, I believe, on one side. The
24 borough zoning map is only available within
25 the wall, I believe, the borough hall here.

1 It's not available online. But from our
2 review it borders on all sides. Three sides
3 a residential use and another side a C-3
4 use.

5 It's completely incompatible with
6 the current zoning, it's completely
7 incompatible with the stated purpose of a
8 C-2 district, and it is, most importantly,
9 opening the door to allowing not just this
10 applicant to open up a warehouse but open up
11 additional warehouses anywhere within the
12 C-2.

13 ATTY. RINALDI: If you're going to
14 video tape, please ask permission from
15 everybody in the room. You can't do it
16 unless everybody agrees to it. You have to
17 announce to everybody in the room if you're
18 videotaping.

19 (Audience outburst.)

20 ATTY. RINALDI: I'm not saying you
21 can't. You have to let people know.

22 (Audience outburst.)

23 MR. RUSSELL RINALDI: We're going to
24 let John continue.

25 ATTY. MCSHEA: I'll wrap up. I'd

1 like to point out that I mentioned that the
2 January 10th planning commission meeting, if
3 you review that transcript, that was three
4 months ago. At the time of that hearing the
5 testimony was that the applicant was not
6 sure at that point if the refrigerant would
7 be ammonia or freon. Now, three months
8 later, they are sure. I find that hard to
9 believe.

10 MR. GRESS: We were sure at the
11 March meeting, too.

12 ATTY. MCSHEA: Well, after the
13 January 10th meeting -- two months after the
14 January 10th meeting, after hearing some
15 concerns they're now able to refrigerate a
16 200,000 square foot building with freon.

17 So with that, council, I appreciate
18 your time. I would again just ask you to
19 not adopt this amendment on the basis of the
20 concerns raised here tonight as far as
21 danger, incompatibility with the surrounding
22 area, but also an ill-advised sound land use
23 plan.

24 (Party sworn.)

25 MR. GNALL: James Gnall, 324 Flower

1 Street. I have just one question of Mr.
2 Gress. When these trucks come in -- you say
3 you're open at 5:00 in the morning. All
4 these reefers are running. So if there's
5 three trucks that are sitting in line, that
6 means all trucks run all night long waiting
7 to get in and all the reefers run all night
8 long, because as you know and I know, guys
9 that come in knowing that they have a 5:00
10 appointment or 6:00 appointment, they're
11 coming in the day before.

12 MR. GRESS: No necessarily.

13 MR. GNALL: So they're going to be
14 sitting on your lot running all night long.
15 That's three trucks that people in this back
16 yard is going to sit and listen to all
17 night. How are you going to stop that? I
18 know every trucking company -- I work for a
19 trucking company. They all come in at night
20 because everybody knows truck drivers like
21 to drive at night. So they're going to be
22 sitting there waiting to come in. So if you
23 have enough room for ten trucks in that yard
24 and all the reefers are running, that's ten
25 trucks that are going to run all night long.

1 When is anybody going to get peace? When's
2 anybody going to sleep? What are you going
3 to tell them, shut it down? I don't
4 understand that.

5 MR. RUSSELL RINALDI: Anyone else?

6 MS. WENZLER: There is a noise
7 ordinance, and according to the reviews even
8 on their website the complaints come from
9 the truckers and was specifically that they
10 have a 5 a.m. appointment and here they were
11 eight and a half hours later still in the
12 parking lot. Another review said hey,
13 you're allowed to park there overnight also.
14 So that is on their site. If that was
15 untrue I would assume that as a business
16 they would want to remove an untrue
17 statement.

18 So 5:00 in the morning do I call the
19 cops because trucks are running at 5 a.m.?
20 Because you know you're going to hear from
21 me at 5 a.m. So 7 a.m. is the noise
22 ordinance and you open at 5 am. So what
23 about they're only getting out three trucks
24 per hour. So the reviews on their website,
25 are they false reviews or true reviews?

1 MR. GRESS: On our website? That
2 would not be on our site.

3 MS. WENZLER: It specifically states
4 that a truck driver, don't go in this place.
5 You sit there. You have a 5:00 appointment,
6 I check in at 4:00, and here I wait. It's
7 1:30 in the afternoon, eight and a half
8 hours later. So I would assume -- Mr.
9 Rinaldi, you have a business. Do you leave
10 reviews up if they're untrue?

11 MR. RUSSELL RINALDI: Reviews where?

12 MS. WENZLER: Just anywhere.

13 Wouldn't you reach out to make a comment?

14 MR. RUSSELL RINALDI: On my place?

15 MS. WENZLER: Yeah. Wouldn't you
16 leave a comment back and say I apologize --

17 MR. RUSSELL RINALDI: I do try to
18 get back to everybody who --

19 MS. WENZLER: He's aware of the fact
20 that this is happening in his business. So
21 is this going to happen in our back yard?

22 MR. GRESS: The amount of negative
23 reviews relative to the amount of trucks
24 that come into our warehouse --

25 MS. WENZEL: It doesn't matter. I

1 am just telling you if one person says that
2 this is what's happening how are you --
3 you're going to tell me we may have
4 problems. So that's frustrating for me that
5 there's a 5:00 ordinance. So they're going
6 to be open at 5 a.m. and we're going to have
7 to hear the truck traffic then? Diesel, if
8 you don't let it run in the wintertime what
9 happens to that? It has to run because it
10 will jell up. So what are they going to do,
11 turn of their trucks?

12 (Party sworn.)

13 MS. GRIMES: Leona Grimes. This
14 will be very brief because I think most of
15 everyone has said what I'm feeling. But I
16 do have another question. The ventilation
17 into the environment from the plant, what
18 will it be putting out into the air I'm
19 breathing?

20 MR. OSTERLOH: There is no
21 ventilation. That's actually
22 counter-productive for a freezer.

23 MS. GRIMES: There won't be any
24 ventilation? But we will have the trucks.
25 Now, this gentleman here said that we are

1 taking this personal. Of course it's
2 personal because this is in our back yard.
3 Our lives are invested in our homes and you
4 are right behind my home, because looking at
5 this little map you are right behind my
6 home. You said the noise won't be any more
7 than Scrap Enterprises, but this is what we
8 wanted to do away with. We want to do away
9 with the Scrap Enterprise noise. We don't
10 want to just say oh, we're going to swap
11 Scrap Enterprise for this warehouse.

12 You said you're going to bring all
13 this business into Old Forge while this
14 plant is being built, and that's wonderful.
15 But then when the plant is being built where
16 is that business? It's not with us any
17 longer. You're going to do 40 jobs. Does
18 that mean 40 people from Old Forge or 40
19 people from Old Forge, Scranton, Taylor,
20 Clarks Summit? I mean, there's not a lot of
21 jobs.

22 MR. GRESS: The money that the
23 people spend that are building it that is
24 injected into your community, that will
25 transition to the employees. They still