

MINUTES

PUBLIC HEARING – OCTOBER 16, 2017

A Public Hearing of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Fire Department, 1350 Fulling Mill Road, was called to order at 7:00 P.M. President Jon G. Wilt.

Roll call was taken with the following officials in attendance:

- Jon G. Wilt, President
- Laddie J. Springer, Vice President
- Michael J. Davies, Assistant Secretary
- Todd F. Truntz, Commissioner
- Benjamin C. Hall, Commissioner
- Frank Lynch, Interim Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Ann Hursh, Planning and Zoning Coordinator

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

President Wilt stated that the purpose of this evening's Public Hearing is to receive public comment on a proposed ordinance that would amend the Code of Ordinances of the Township of Lower Swatara, Dauphin County, Pennsylvania, No. 448, as amended and supplemented, Chapter 27, Zoning, to define and permit parcel delivery distribution facilities in the Mineral Recovery District, subject to specific use criteria, and to rezone a portion of the properties identified as tax parcel number 36-003-009 and 36-006-001 from Conservation District to the Mineral Recovery District. President Wilt then turned the floor over to Solicitor Henninger, who addressed the procedural matters.

Solicitor Henninger explained the process to-date. On July 13, 2017, the applicant filed an application for a text change to the Mineral Recovery District and a zoning map change with regards to the Conservation District and included a proposed ordinance as part of the application packet. The Board of Commissioners, at its meeting on July 19, 2017, referred this application to the Township Planning Commission and the Dauphin County Planning Commission for comment as required by the Municipalities Planning Code (MPC). The Township Planning Commission met

on July 27 and again on August 24 to review the application, and at the August 24 meeting recommended approval of the application by a 2-1 vote. The minutes reflecting this action have not yet been approved by the Township Planning Commission, but will be acted on later this month. The record of that action will be made part of the official record at the Township. The County Planning Commission met on August 7, 2017 and issued a letter on that same date recommending approval of both the text change and the zoning map change with a couple of minor comments, including one regarding parking as far as the text change is concerned and the other with regards to the Conservation District and the possibility of setting a township-wide policy that the Conservation District be defined as the 100 year floodplain plus 50 feet. The County review letter is maintained at the Township and is part of the official records.

The Board of Commissioners, at its meeting on September 6, 2017, scheduled the public hearing on the proposed text amendment and zoning map change for October 16 at 7:00 P.M. here at the Fire Department. As required by the MPC, notice of this hearing was published in the Press and Journal, which is a newspaper of general circulation in the Township, on September 20 and September 27. Proof of Publication was issued by the Press and Journal and it is maintained in the official records of the Township. A copy of the complete proposed ordinance was provided to the Press and Journal and a certified copy of the complete proposed ordinance was filed with the County law library, as required by the MPC. Solicitor Henninger turned the floor over to Ann Hursh, the Township Planning and Zoning Coordinator, to talk about the additional notices that were required by the MPC.

Ms. Hursh reported that on September 15, 2017, she had mailed two notices to SP Middletown Land Holdings LP, the owner of the two tax parcels effected by the zoning map change. Copies of the letters are maintained at the Township as part of the official records. On October 5, she posted notices at eleven locations around the perimeter of the property. Notices reads as follows:

PUBLIC NOTICE
THIS PROPERTY AND PROPERTIES IN
THIS AREA ARE SUBJECT TO A
PROPOSED ZONING AMENDMENT AND REZONING

Public Hearing: October 16, 2017 at 7:00 p.m.
Lower Swatara Fire Department
1350 Fulling Mill Road
Middletown, PA 17057

NOTICE IS HEREBY GIVEN that the Board of Commissioners of Lower Swatara Township, Dauphin County, Pennsylvania, shall hold a public hearing on an ordinance amending the Lower Swatara Township Zoning Ordinance and Zoning Map (the "Proposed Ordinance") on October 16, 2017, to commence at 7:00 p.m., prevailing time, at the Lower Swatara Fire Department, 1350 Fulling Mill Road, Middletown, Pennsylvania 17507. The Board of Commissioners shall consider the Proposed Ordinance for adoption and enactment and, if approved by formal action, adopt and enact the Proposed Ordinance at their regularly scheduled meeting to be held at 7:00 p.m. on October 18, 2017, at the Township Building located at 1499 Spring Garden Drive, Middletown, Pennsylvania 17507.

Copies of the full text of the proposed Ordinance are available for public inspection and may be examined without charge at the Township Building, 1499 Spring Garden Drive, Middletown, Pennsylvania 17507, during Lower Swatara Township's normal business hours between 8:00 a.m. and 4:00 p.m., Monday through Friday. This notice is given pursuant to Sections 609, 610 and 107 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10609, 53 P.S. § 10610 and 53 P.S. § 10107.

Ms. Hursh added that she did have to go back on October 12 to replace one of the signs that had fallen down. The map and the notice posted are on file with the Township as part of the official records. The Township has received multiple items of correspondence regarding this proposed project, both for and against:

In opposition:

McGarrity, 1781 Lamplight Circle (2 letters)

Manada Conservancy

David Getz of Wix, Wenger & Weidner on behalf of the Hartz family

Marjie Hartz, 2142 N. Union St. (2 letters)

Dennis Yost, 1111 Strites Road

Mark Allshouse and Shelly Cunningham, 201 Fiddlers Elbow Rd.

Rick Howard on behalf of Lower Swatara Township Citizens Action Group (3 letters)

In support:

David Tolen, Pennsy Supply

Joan DeHart, Old Reliance Farm

Bruce Harter, 1134 Strites Rd.

Dauphin County Commissioners

Chris Lauck, 805 Butler Dr.

Linda Mehaffie, 921 Ebenezer Road

Middletown Area School District

The Office of the Governor

Senator Mike Folmer

Representative Thomas Mehaffie

All correspondence is maintained at the Township as part of the official records.

Solicitor Henninger informed the audience that a Public Hearing is not a question and answer session; several of those have already been held. Under the MPC, a Public Hearing is a formal meeting held pursuant to public notice by the governing body intended to inform and obtain public comment prior to taking action. The applicant will be providing its presentation, and then the public will then have an opportunity to comment. This is not an opportunity to cross-examine anyone that speaks on behalf of the applicant or to question the Board. Rather, it is an opportunity for the Board to hear the proposal and to hear from the public on its feelings.

President Wilt called on the applicant, BT-NEWYO, LLC. Mark Stanley of McNees, Wallace & Nurich, LLC , explained that he represents BT-NEWYO LLC, which he will refer to as UPS. The Board members were provided with a tabbed exhibit entitled “Petition to Amend the Township Zoning Exhibit Packet”. Tabs include: A – Letters of support (Governor Wolf, Senator Folmer, Representative Mehaffie, Dauphin County Commissioners, Middletown Area School District); B – Dauphin County Planning Commission Letter dated August 7, 2017 recommending approval; C – Excerpts from 2017 Update to Township Comprehensive Plan; D – Conceptual Site Plan; E – Supplemental Exhibit – Proposed Conservation District; F – Manada Conservancy – 100 foot buffer Narrative; and G – Conceptual Traffic Improvement Plan.

Mr. Stanley explained that the petition has two components. The first is to rezone portions of the 192-acre site currently zoned Mineral Recovery and Conservation District from Mineral Recovery to Conservation District, and certain portions from Conservation District to Mineral Recovery. The second component of the request sets and identifies a specific definition for a parcel delivery distribution facility and proposes to make that use a use permitted by right in the Mineral Recovery District, subject to specific criteria.

Mr. Stanley stated that in addition to the meetings referenced by Solicitor Henninger, there were two other meetings held outside the MPC process. UPS came to the Board on June 21, 2017 to introduce itself and the project. At that meeting, the Board asked that UPS also have a public meeting, and one was held here at the Fire Department on July 20. A full presentation was made and questions that were presented were answered.

Mr. Stanley discussed the proposed zoning boundary adjustment which will rezone certain portions of the tract from Mineral Recovery to Conservation and also rezone certain portions from Conservation to Mineral Recovery. Before UPS submitted its application, it met with Township

staff to discuss the configuration and dimensions of the Conservation District for this site. It was agreed that the configuration is irregularly shaped with no rationale for that specific shape. What is being suggested is to set the Conservation District tied to the 100 year floodplain plus 50', which is felt to be consistent with the intent of the Conservation District. The second component of the request is to establish the definition of the parcel delivery distribution facility, to utilize that term as a use permitted by right in the Mineral Recovery District, and to establish certain specific criteria under which that use can be conducted.

Mr. Stanley explained that before they prepared the petition, they were aware of certain companies that preceded them, specifically Hillwood, and the approach that they took with regard to some ground along North Union Street. Therefore, UPS tried to put themselves in the shoes of the Township Commissioners. While they could have asked that the property and some of the surrounding properties be rezoned as Industrial, they felt it would not put the Township in the best position as far as others wanting to come in afterwards and asking for the same consideration. The alternative considered, and ultimately decided on, was to look at the proposed use and the ordinance already in place, create a definition for a parcel delivery distribution facility, and then put that into the ordinance as a permitted use in the Mineral Recovery district. Mr. Stanley explained that they felt this would put the Township in a better position than seeking an Industrial rezoning, but this decision is ultimately for the Board to make. He added that UPS feels the site is a logical and reasonable location for the proposed use for several reasons. It is adjacent to the interchange, and the ground subject to the application is behind an active quarry which is industrial in nature with truck traffic, noise, dust, etc. They also believe it is consistent and envisioned in the 2017 update of the Township Comprehensive Plan. He added that they also tried to be specific with regards to the definition of parcel delivery distribution facility. Some of the components of the definition include the requirement that it be operated by a specific entity and that it be used solely for the purpose of parcel delivery service providers. In addition, the property is required to be a minimum of 100 acres, have a minimum lot frontage of 200', and be permitted to have an impervious coverage of 60%. HRG completed a zoning review dated July 26, 2107, and that review indicated that the lot coverage, landscape coverage and minimum lot size is reasonable. As referenced by Solicitor Henninger, both the Township Planning Commission and County Planning Commission have recommended approval of the petition as submitted, and UPS does feel that the Township Comprehensive Plan supports the request. Economics were referenced in some of the letters of

support. As mentioned at the informal public presentation, the budget for the facility is \$400,000,000 and there is a commitment to budget \$20,000,000 for purposes of roadway infrastructure. If the Board looks favorably on the request, this is the first step in the process. UPS will then move into full engineering of the site, preparation of a land development plan, conducting of traffic studies, and submission of a highway occupancy permit to PennDOT. The Township will be involved during the entire process.

Ovidio Irizarry, UPS East Regional Product Engineer, stated that he will be project manager for this plan. UPS will manage and occupy the facility when built; it plans to be here for the long term. He presented a conceptual site plan for the 935,000 square foot facility which will include a fully automated sortation system, a vehicle maintenance shop in the northeast part of the property, an employment/customer service building, and a vehicle wash facility. Two driveways are planned, one on the north end and one at the south on/off N. Union Street. The north driveway will be for customers and employees, and the south driveway will be for the trucks and trailers. Plans are for all of their tractor-trailer traffic to exit south on N. Union Street directly to Route 283. Mr. Irizarry noted that they realize there are concerns about traffic, which is why a significant amount -- \$20,000,000 -- is budgeted for infrastructure improvements.

Ron Secary of Snyder, Secary and Associates explained that his firm is the civil engineer for this project. He referenced the Supplemental Exhibit – Proposed Conservation District and explained the 100 foot buffer. As mentioned earlier, the shape of the Conservation District is a very irregular one that doesn't seem to correspond to the floodplain. The intent of the zone is to protect sensitive environmental features such as the floodplain line and the wetlands. The wetlands are inside the floodplain line, so the 100-year floodplain line became the most restrictive physical feature of the site. Again, what is proposed is creation of a new line between the Mineral Recovery Zone and the Conservation Zone that would follow the exact outline of the floodplain line but give another 50 feet in addition to that. By doing so, more of the environmental features will be protected, and it will give more of a buffer between the potential development and the floodplain and wetland areas inside that Conservation Zone.

Mr. Secary referenced tab G of the handout – the Conceptual Traffic Improvement Plan -- and discussed the \$20,000,000 which has been budgeted for highway improvements, all of which are off-site improvements. Again, this is a conceptual plan since nothing has been engineered at this point. Estimates are as follows: \$2,400,000 - \$3,100,000 for frontage improvements;

\$850,000 - \$1,500,000 for North Union Street improvements; and \$7,700,000 - \$14,200,000 for interchange improvements.

Mr. Stanley stated that this concludes the UPS presentation. He added that, if approved, the anticipated timeline would be to initiate construction in the fall of 2018 or spring of 2019. UPS requests that the Board look favorably on the petition, and thanked everyone for their time during this process.

PUBLIC COMMENTS:

President Wilt stated that the floor will now be open for public comment. Due to the size of the crowd here and in the interest of affording everyone an opportunity to be heard, he asked that the public limit comments to three or four minutes and do its best to not be repetitive. As Solicitor Henninger stated, the public does not have the right to cross-examine the applicant or any of their presenters, although questions may be asked, which they may or may not answer. Again, the purpose of this Public Hearing is to afford the Board the opportunity to gauge public opinion in advance of consideration of this ordinance, the first consideration of which could occur as early as this coming Wednesday during the Board's regularly scheduled monthly meeting.

Ed Halpern, 804 Nissley Drive, stated that he has several concerns. He heard tonight that UPS does not have any specifics on the road improvements. During the vote at the Township Planning Commission meeting, one of the members left before a vote was even taken. On Candidates' Night, two of the candidates did not show up. He also expressed concern about the fiscal figures being used. He asked if they came from an independent review, a neutral review, UPS, Dauphin County, or Lower Swatara Township. He noted that at the UPS public presentation here at the fire house, the meeting was cut short in order for some of these gentlemen to catch a plane. What about the constituents that were there? He added that the former Township manager has left; Mr. Halpern wondered whether he left on his own or was opposed to the project.

Barbara Florence, 1874 O'Hara Lane, stated her concern is about traffic and road infrastructure. She has not yet heard anything about Route 441 or Longview Drive. During her 25 years here, she has noticed more and more truck traffic on Route 441. She questioned how the roads will handle more trucks with UPS, since the possibility does exist that these trucks will make wrong turns.

Tina Rinehart, 300 Gina Lane, stated that she has seen this area grow and be revitalized. Township and County officials have worked diligently to bring businesses to the area. She agreed that North Union Street, with its blind spots and twists and turns, is dangerous and trucks from the quarry use this road daily. The upgrades by UPS would help make this road safer for all drivers. Ms. Rinehart stated that she loves the idea of it becoming a hub. As far as pollutant concerns, the trucking industry is rapidly changing from diesel to natural gas products. She stated that currently, the largest polluter in the area is the chicken farm. UPS would bring in hundreds of jobs, and benefit those who lost jobs as a result of the closing of Three Mile Island. UPS is a great company. Ms. Rinehart stated that she loves that Lower Swatara Township is growing, and she loves living here.

Marjie Hartz, 2142 N. Union Street, stated her family has many concerns. She noted that the zoning is Mineral Recovery for a reason – there is stone to be mined. She questioned why a warehouse would be placed in the middle of a Mineral Recovery District. Mr. Stanley had discussed the irregularities of the line of the Conservation District. She explained the Conservation District line is set that way because it is a floodplain – the water comes up that high. Ms. Hartz passed out a copy of a FEMA map to the Board, and presented photos of some of the flooding that has occurred over the years. She stated that this Board has an obligation. If it allows this request to happen, water is going to get pushed either upstream or downstream. The Board has a responsibility as leaders in this community to protect people's homes and businesses. She referenced the minutes of the Planning Commission, and asked that the Board study them, including the comments from Mr. Duke of the Dauphin County Planning Commission who had stated that what UPS is presenting now is just conceptual, and it may not be what the Township gets. Ms. Hartz asked how the Board can approve something when it is not sure what it is getting. She suggested that the public has been presented with a well-orchestrated proposal, the first step being in January with the realignment of the Planning Commission and subsequently with Mr. Fausey of the Planning Commission standing up and applauding a 15-minute presentation by UPS. Ms. Hartz added that she had requested he be recused from the vote because of this. She also questioned how many people are aware that the Dauphin County Planning Commission actually had 45 days to give a recommendation; it is evident that the UPS project got pushed through. Ms. Hartz stated that her husband, as a member of the Municipal Authority, was counseled not to give any public comment on the UPS request, yet another Municipal Authority member spoke openly about it at the Board's

August 16 legislative meeting. She added that personal and business relationships are also suffering because of the potential project. Ms. Hartz asked that the Board not be influenced by letters from officials; the residents are the ones who live here. If the Board opens this corridor for UPS, the entire north side of the Township will change forever. She asked that the Commissioners say “no” to the text amendment and the rezoning of the Conservation District.

Andrea Spigelmeyer, 480 Longview Drive, showed the Board photos of her son’s truck which was totaled after the July flooding. This occurred when he was driving between Longview Drive and Fulling Mill Road. She expressed concern that this will worsen if UPS is added and there is more impervious surface. She also questioned why the Board would pass an updated Comprehensive Plan just a few months ago, and want to change it immediately. Ms. Spigelmeyer added that she was personally offended tonight to hear comments from these gentlemen about UPS creating its own definition in order to allow them to come in and operate. She expressed opposition to this text amendment, which will clearly open the door for the possibility of mega warehouses. She stated that some people, like her two sons, still do farm.

Joe Lawruk, 1434 Old Reliance Road, stated that the benefit he is hearing tonight is a contribution by UPS of \$20,000,000 for road construction. He remarked that it seems that the \$20,000,000 will just enhance the prospect of the Township becoming a trucking hub.

Sue Lawruk, 1434 Old Reliance Road, stated she is concerned that there was no mention about how much tax revenue this will bring to the Township. She stated she would like to know that UPS will be a good neighbor, and asked what it will provide to the Township for the inconvenience. Will it provide hiking trails, green space, etc.?

Chet Hartz, 2142 North Union Street, read an excerpt from the minutes of the September 6 non-legislative meeting of the Board of Commissioners: *Vice President Springer commented that he was elected to serve all constituents in this Township – there are some people for the UPS project, and some people against it. His decision will not be based on rhetoric and promises; his decision will be based on facts. He noted that at the July 27 Planning Commission meeting, both members Breon and Knopp asked what that mile stretch would look like. The question was not addressed. At the August 24 meeting, this question was again brought up. Vice President Springer stated that what he would personally like to see at the Public Hearing is an idea of what that mile stretch will look like. He agreed that \$20,000,000 is a lot, but when you have two lanes to four lanes, eventually the Township residents are going to be responsible for that, so he would like an*

idea of what it is going to look like. Mr. Stanley explained that it was indicated to the Planning Commission that they have not done full engineering. They did, however, follow up with the question of what that \$20,000,000 would be allocated to and how it will potentially affect the different components as far as a breakdown of bridges, ramps, intersections and frontage improvements to that stretch between Fulling Mill Road and North Union Street. Mr. Stanley stated that he is acknowledging Vice President Springer's request, and will make that part of the presentation at the Public Hearing." Mr. Hartz stated that from what he has heard here tonight, he questions what is being shown here as far as detail on that stretch of road, and if Vice President Springer's request was even addressed.

Linda Mehaffie, 921 Ebenezer Road, stated that the project would be in the Mineral Recovery District, and asked what else the citizens would want in there. There is already blasting, stone, and about 200 – 300 dump trucks coming in and out of there daily. She stressed that the Township needs to bring in businesses to help with taxes. There are more children coming into the Township and School District, and future residential developments will mean more kids. The schools are already near capacity. She referenced discussions about oppositions to warehouses; they are not Fortune 500 companies like UPS. UPS will have control of the drivers, and will give back to the community if just given a chance.

Sheryl Cyphert, 1435 Candlewycke Dr., expressed her opposition to the hub, which will have negative effects as far as traffic and the environment. She added that \$20,000,000 seems like a drop in the bucket for what it will take to do the road completion. Ms. Cyphert expressed her doubts that the project will result in taxes going down, and stated there has to be a better way for responsible growth than a 495,000 square foot hub.

Lauren Clark, Longview Drive, stated that she served the Township over fourteen years as an elected official, during which time the Board's major concern was responsible growth. She agreed that UPS is a very good company, but passing this text amendment will open up the corridor from Fiddler's Elbow Road to Route 283, and everyone knows where that will lead. Other warehouses will come in, and the Board will not legally be able to deny them since the infrastructure will be in place. The Township will turn into a trucking hub. Ms. Clark also addressed the previous comments about more children coming into the School District and the need for tax revenues. She stated that this is not the responsibility of the Lower Swatara residents, who will have to deal with truck traffic 24/7, lights, noise, emissions, etc. It is the responsibility of the

School District to budget its money and not pass this on the residents of Lower Swatara Township. She added that she is not impressed with the letters of support from the legislature, Governor, Senator, and Representative. Representative Mehaffie's wife is President of the School Board, and the County is losing money because of the failed Incinerator and Three Mile Island closing. If the Board allows UPS to come in, truck terminals will keep coming in, and the Township will be forever ruined.

Bill Martz stated he has seen the Township grow, but taxes keep increasing. He noted he would rather have warehouses here in this country area of the Township than in other locations.


JoAnn Coleman, 1332 Spring House Road, stated her concern is the impact of this on school children and bus safety. She also expressed concern about keeping greenspace in the Township.

Dan Magaro, 1315 Pheasant Run Road, stated that he realizes this is a tough decision for the Board due to the reputation of UPS and the creation of jobs. He stated, however, that he is concerned that there was not nearly enough time to do a full study on this whole proposal. He moved here because of the residential neighborhood and because of the quiet and serenity, and quality of life. Mr. Magaro stated that he is concerned that these constant solicitations from businesses will keep coming. The Board will have the opportunity this Wednesday to vote or take more time to think about it. This amendment will impact present and future generations. He added that some of the residents have supported individuals on this Board of Commissioners and School Board because of their stances against additional warehouses. Mr. Magaro expressed hope that the Commissioners make their decisions based on their own merit, and not based on any outside political forces or parties.

CLOSE:

Hearing no other questions or comments, a motion was made by Commissioner Hall, seconded by Commissioner Truntz, to close the Public Hearing. The motion was unanimously approved, and the Public Hearing was closed at 8:33 P.M.

ATTEST:


Jean R. Arroyo, Township Secretary

PLEASE PRINT NAME CLEARLY
OCTOBER 16 (7 PM) PUBLIC HEARING

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Name/Organization	Address/Contact Information
Margie K. Hartz	2142 W. Union St
CHESTER G HARTZ	2142 N. Union St
Dave Ferdt	763 Zurich Dr. Hummelstown PA
Staci + Chris Hartz	2134 N. Union St.
Dave Getz	
Jeanette Bloss	1900 O'Hara Lane
Lisa Orignale	1460 Woodridge Dr.
J Ann Coleman	1332 Spring House Rd. M-Town
marion webster	1328 Spring House Rd M-TOWN
MARILYN DEMEY	1462 DBERLIN RD, HBG
SAM DEMEY JR	1462 DBERLIN RD, HBG
Lisa M. Ripehard	300 Gina Ln., Middletown
Nancy Avolesse	1451 N Union
Don + Hilda Kreiser	2655 N Union ST
Sally Zarno	manada conservancy
DAW Miller	Prosser Towner
Glinda McRobbie	941 Ebenezer
Julie Wilt	Longview
Mark Sester	Wellington Drive
J M. Maroty	Lamplight Circle

PLEASE PRINT NAME CLEARLY

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Name/Organization	Address/Contact Information
Don Fuhrman	1501 Heritage Sq M. Town 17057 ^{717 821-3316}
Sheryl Cyphert	1435 Canluneycke
Jim Hernjak	1309 Spring House Pond
PAT Hernjak	" " " "
Ar George Spahn	126 Spiral Rd. Hurdons
Joe Hyslop	2096 Powderhorn Rd.
Donna High	2096 Powderhorn Rd
Denise Yost	1111 Strodes Rd
SUE LAWRUK	1434 OLD Reliance Rd
Lavonne Ackerman	1438 Old Reliance Rd
JOE LAWRUK	1434 Old Reliance Rd
CHRIS DELAN	1506 OLD Reliance Rd
Melinda Lora	1500 N. Union St.
Kathy Gottshall	Hearts Tower Ln. M-Town
Julie Leonard	Fullinghill Rd.
A Rindigman	Bruceville Ln
Harold J Paul	Richard Ave
T.A.A. Sam	Vicinity 17057
Tom Clark	509 Longview
Leanna Clark	" "

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