

## **MINUTES**

### **LOWER SWATARA TOWNSHIP PLANNING COMMISSION**

**REGULAR MEETING  
AUGUST 24, 2017 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present:

Chauncey Knopp, Chairman  
Eric Breon, Vice Chairman  
Paul Wagner  
Kimber Latsha  
Dennis Fausey  
Peter Henninger, Solicitor  
Erin Letavic, HRG  
Jerry Duke, DCPC  
Ann Hursh, LST Planning & Zoning Coordinator  
Tonya Condran, Recording Secretary

Others in attendance:

Cole Boyer, SSE/Phoenix Contact	Greg Holtzman, SSA
Mark Stanley, UPS	Doug Ferguson, Phoenix Contact
Ovidio Irizarry, UPS	Andrea Spigelmeyer, resident
Tom LeBlanc, UPS	Seth Spigelmeyer, resident
David Feidt, UPS	Tina Rinehart, resident
Alexa Korber, TRCPC	Ron Paul, resident
Dr. Edward Swartz, Indian Echo Caves	Dennis (Rick) Howard, resident
Sheryl Cyphert, resident	Alice Mallick, resident
Denise Yost, resident	Mike Mallick, resident
Bill Leonard, resident	Chet Hartz, resident
David Zavoda, resident	Marjie Hartz, resident
Ed Halpern, resident	Chris Hartz, resident
Mark Kresho, resident	Staci Hartz, resident
Jim Rodgers, resident	Larry Shope, resident
Stephen Artman, resident	Nancy Avolese, resident
Darlene Almquist, resident	Carolyn Lutz, resident
Jane Zulli, resident	Donna High, resident
Mark Allshouse, resident	Kane High, resident
Shelley Cunningham, resident	Eric Revene, resident
Bruce & Joanne Hart, residents	Helen Fuhrman, resident
Jane McGarrity, resident	James McGarrity, resident
Raymond Persinski, resident	K. Gotshall, resident
N. Pendergrass, resident	C. Fritz, resident
D.A. Altemore, resident	Joe Clark
Gary Stewart	John & Stephany Davidson
Kurt Smith	

## **APPROVAL OF MINUTES:**

Mr. Knopp asked if there was a motion to approve July 27, 2017 meeting minutes. Motion was made by Mr. Fausey to approve the minutes and seconded by Mr. Latsha. All were in favor. Minutes were approved.

## **NEW BUSINESS:**

### **PHOENIX CONTACT, INC. – Application for Alteration of Requirements –**

Review and discuss the request to obtain an easement on the neighboring property for an emergency spillway as submitted by Stahl Sheaffer Engineering on behalf of Phoenix Contact Inc.

Cole Boyer of Stahl Sheaffer Engineering introduced himself. He gave a quick update on where they were at with the project since he was last here on June 22, 2017. On July 6, they were in front of the Zoning Hearing Board and were granted the parking variance that was discussed at that June 22 PC Meeting and they received conditional approval from the Board. During that time, discussion was raised on the previous emergency spillway. The way it was originally designed is that it would discharge if the primary output structure would fail. It would discharge onto the FedEx property. One of the conditions was that they could obtain an easement from FedEx or to come up with an alternative to that emergency spillway. Taking that back to Mr. Ferguson, part owner of Phoenix, it was his desire that instead of obtaining an easement, was to look at an alternative design, because of potential liability with the FedEx property. So what they came up with is they put a little bump-out area in the same elevation that would have been with the emergency spillway, and within that bump-out area put an additional inlet box that would only be used if the primary control function of that basin is to fail; then that would see water. Otherwise, the only water it should ever see is what falls from the sky and drops in there. The intent then is to pipe the water to the same point as where the basin will discharge. When they were looking at the overall design of that, holding that elevation working back into the basin, they ran into a lot of construction constraints. The biggest one was how to make the boxes; so they ended up looking at instead of using regular circular pipe, they will use arch pipe. Instead of using the 1 foot thick top slabs, they will just bolt the frame onto it. Doing all that, it still couldn't get the box to sit low enough, so they are asking for a waiver of pipe slope. That will allow them to set the box down to the elevation they need so that if it ever needs to be used, the water will still flow out of that basin. Mr. Boyer went on to say that during the process, they were in contact with the Township's engineer and they did give her supplemental information. They finished up the design and updated the narrative and supplied all the necessary information with the Waiver Request.

Mr. Knopp asked if there were any questions.

Mr. Fausey asked for Mrs. Letavic's thoughts on this.

Mrs. Letavic said that she now recommends it for approval. The statement from a memo generated on August 22, 2017 says that sufficient design details and calculations have been provided to demonstrate that the designed slope will not negatively affect the functionality of the storm-sewer facility. The property owner will be required to maintain it. So HRG recommends that the LST Planning Commission recommends the waiver for this Plan.

Mr. Knopp asked for any other questions.

Mr. Breon asked Mrs. Hursh if she had any other comments.

Mrs. Hursh said no, Mrs. Letavic covered everything.

Mr. Knopp asked Mr. Duke if Dauphin County Planning Commission had any comments.

Mr. Duke had no comments.

Mr. Knopp asked Mr. Henninger from his comments.

Mr. Henninger said that this design would function much better than if they didn't have it, so we have a recommendation from the Township's Engineer that the waiver would work.

Mr. Boyer said there were a couple more things he wanted to discuss before they voted on a recommendation. He said that after he had submitted all this information, the architect for the actual job came back afterwards and wanted to relocate the proposed water tank.

Mr. Latsha asked Mrs. Letavic if she had seen any of this prior to now.

Mrs. Letavic said yes.

Mr. Boyer went on to point out on his map where the original water tank was positioned (along the tree line). He then showed where the architect wanted to relocate the water tower to over behind the maintenance shed. The reason was that once the building was constructed, it would be tall enough that the water tower would not be able to be seen from the road so it would save the vast majority of the trees from the originally position of the water tower.

Mr. Knopp asked Mrs. Letavic for her comments on this.

Mrs. Letavic said that his question is that with that type of plan change, is it required of the Township to bring it back to the Planning Commission before it goes back to the Board of Commissioners for recording.

Mr. Henninger asked Mrs. Letavic if with the moving of the water tower, are any waivers or variances or anything required.

Mrs. Letavic said there is nothing to date because it is not fully designed.

Mr. Boyer stated that they are going to try to make sure they do not need any waivers or variances.

Mr. Henninger then said that his opinion would be that if there are no waivers or variances necessary, it would be a minimum change to the plan that has already been reviewed; however, he feels we should make a recommendation to the Board that we are ok with the re-siting of that assuming that the design doesn't involve any waivers or variance requirements.

Mr. Wagner asked if it would have the same capacity.

Mr. Boyer said yes, it is the same size tank. It is basically just moving from one area to another.

Mr. Breon asked for confirmation that this is just a plan change in terms of location and nothing else.

Mr. Boyer said that is correct.

Mr. Knopp asked Mrs. Hursh for any comments.

Mrs. Hursh said that they had brought it up to her last week, and she asked the same questions that were asked tonight. She feels that it doesn't seem to be anything that would need a waiver or variance.

Mr. Henninger suggested that the Planning Commission approve the waiver for recommendation before anything else.

Mr. Knopp asked if there was a motion to recommend approval for the waiver for easement on the neighboring property for the emergency spillway.

Mr. Latsha made the motion to approve. Mr. Fausey seconded. All were in favor.

Waiver was approved.

Mr. Henninger then added that we should just make a motion that states that the Planning Commission is ok with the relocation of the water tower provided that there is no change in size, function, capacity and that no waivers and no zoning variances are required.

Mr. Knopp asked for that motion.

Mr. Fausey made the motion. Mr. Latsha seconded the motion. All were in favor.

Approved for recommendation to the Board of Commissioners.

Mr. Knopp asked for a motion to approve the alteration of requirements for the alternate design on the Plan for eliminating the emergency spillway that was originally on the approved plan.

Mr. Latsha made the motion. Mr. Fausey seconded the motion. All were in favor.

Motion unanimously approved.

## **OLD BUSINESS:**

**BT-NEWYO, LLC – Petition to Amend Zoning Ordinance** – Review and discuss for recommendation the application for Zoning Text Amendment and Zoning Map Amendment as submitted by McNees, Wallace & Nurick LLC on behalf of BT-NEWYO, LLC for a proposed regional hub facility (UPS) to be located in Lower Swatara Township.

Mark Stanley of McNees, Wallace & Nurich, LLC introduced himself and explained that they were here last month to make a full presentation to the Planning Commission with respect to their request for the text amendment and the reconfiguration of the Conservation District. At that time, the Planning Commission advised that they were waiting to receive the County comments before any action would be taken. Also, it was suggested to anyone in attendance at that meeting, that if they wanted to submit any additional information for the Planning Commission's consideration, that they should do so in anticipation of tonight's meeting. After last month's meeting, UPS made a presentation to the County Planning Commission and they recommend approval of the proposed text amendment subject to certain considerations. He said they also took the opportunity, because there were several requests to reconfigure the Conservation

District, to submit a letter to the Planning Commission. An 8 ½" x 11" sheet of a supplemental exhibit was provided to each of the Planning Commission members. This addresses two things: The width of the proposed Conservation District; and also addresses a few concerns that were raised by the Manada Conservancy. One of the questions that the Planning Commission raised was if there was a standard or suggestion with respect to the width and if it is appropriate what they are suggesting. Mr. Stanley said that they actually went to the Manada Conservancy's website, and on their website, they indicate that there is a desired width that they would like to see on the Swatara Creek greenway. It is three different phases. Twenty feet for the first phase; approximately sixty for the second; and twenty for the third. They would like to consistently see a minimum of 100 feet from the top of the bank. Mr. Stanley said that what they did was take the prior exhibit that was attached to their origin petition and looked at the dimensions. What this exhibit shows is that what they are proposing creates, at a minimum, 110 foot separation from the top of the bank of the Swatara Creek to what they are suggesting for the reconfiguration up to at its widest point, 550 feet. It was also mentioned in the Manada Conservancy letter that there are facilities adjacent to the creek that could be impacted by their request. One is some remnants of the Locks that were adjacent to the creek. The second is a cave. Mr. Stanley went on to say that in doing some additional research, they found out that the cave has a very interesting name; it is actually known as the Horse Thieves Cave. So he stated that Lower Swatara Township has some really interesting history with respect to this area. Both of those remain within the Conservation District, they are outside anything they are suggesting so they would not be impacted by their proposal.

Mr. Stanley went on to say that tonight when he arrived, he was handed a packet of some additional letters; letters of support that had been submitted to the Township with respect to this project. Some of those letters are from the Governor's Office, Senator Folmar, Representative Mehaffie, the School District, and the County Commissioners voicing their support of this project.

Mr. Stanley then shared an additional exhibit that was not part of their original presentation last month. This addresses the question of whether the width is appropriate and what they are suggesting is the 100-year floodplain plus 50 feet to be certain of the aspects that were raised by the Manada Conservancy. He said they also have reached out to the Manada Conservancy, they are the type of group they have worked with on other projects and they will see if they can work with them as they move forward during the land development if the Township looks favorably upon their request.

Mr. Knopp asked if there were any comments from the Planning Commission.

Mr. Breon asked Mrs. Letavic if she agreed with everything Mr. Stanley just said.

Mrs. Letavic replied that she has not reviewed the Manada Conservancy letter in a while because it was one of the early on letters that were submitted. One hundred feet is not an unreasonable greenway width. The floodplain boundary plus that 50 foot buffer that was described was well documented on the exhibit that was provided tonight. The 100 foot width is maintained throughout and in some places, like the lower end, is 550+ feet. So certainly that width is protected. She went on to say that in the past whenever she reviewed this, her understanding was that entire conservation area would not receive any disturbance. She then said she would like the applicant to confirm that so she knows she has that right. By not disturbing that conservation area, it would remain intact as it currently is today. She feels this is important to understand.

Mr. Stanley confirmed that there would be no disturbance to the conservation area.

Mrs. Letavic added that by zoning it is allowed. It is her understanding that intent for this project is not to disturb the Conservation Zoning area at all.

Mr. Latsha asked if we ever found out why the dimensions of the Conservation Zone were established as they were.

Mrs. Letavic said no.

Mr. Henninger added that when they were making corrections to the zoning map, they looked at that hard and long before this project (UPS) was ever known about, as to why it was shaped the way it was. They could not figure it out. They could find nothing looking back at zoning maps or plans.

Mr. Latsha asked if the floodplain has anything to do with the recommended dimensions (the width of the Conservation Zone).

Mrs. Letavic answered that the existing line does not correlate at all to the 100 year floodplain or the buffer attached to it. The proposal does. It ties exactly to the currently modelled 100 year flood and adds an additional 50 foot width to it.

Mr. Latsha asked if it followed the floodplain.

Mrs. Letavic said yes, it does.

Mr. Henninger reminded about the extra 50 feet. He also added that we have provisions in our Zoning Ordinance that says what you can and cannot do in the 100 year floodplain anyway. They can disturb the Conservation District but their intention is NOT to disturb it.

Mr. Stanley said if they do disturb it in anyway, it will be whatever is agreed to with the Manada Conservancy. They do suggest, potentially, a walkway or trailway. And if that is agreed upon between UPS, the Township, and the Conservancy, that may be something but that would have to be consistent with what is permitted in that district.

Mr. Wagner shared that in his lifetime, he can remember when there was water in that house there at one time. The buildings are not in the Conservation District right now so he feels that may influence where the line is.

Mr. Henninger agreed that it could be an old map thing. But we just don't know at this time why it is the way it is.

Mr. Knopp asked for any other questions or comments from the Planning Commission or staff members. There were none.

Mr. Knopp now opened the floor up to the public.

Rick Howard, resident of Old Reliance Farms, stated that he was going to go over some follow ups of topics discussed at the last meeting and he would answer any questions regarding the information that he forwarded to the Planning Commission.

The first item is that he would be conferring with his counsel as to whether or not this would be determined as "spot zoning". His counsel could not be here tonight but he will be engaged in the future sessions. His indication is that if it is not spot zoning, it certainly is on the periphery.

Also he feels there are specific direct conflicts with the Comprehensive Plan as it relates to citizenry objection to increased trucking exposure and related traffic.

He then went over the documentation he delivered to the Planning Commission regarding the detrimental effects of the increase of 600 tractor trailers, a greater number of local delivery vehicles, and an even greater number of employee private vehicles being added to the existing traffic flows. In a letter from Mark McNeese of UPS, it states that the air quality in Dauphin County does meet EPA standards. Mr. Howard feels that while that may be true, he is concerned about the incremental particulate contaminates that will be dispersed in Lower Swatara Township due to the excess in traffic and the negative health consequences thereof. He also asked LST to reach out to UPS and ask them to voluntarily produce their emission rates. He asked the Planning Commission if any request to the matter has been made and if a response has been received.

Mr. Knopp and Mr. Breon advised that no request has been made.

Mr. Howard replied that in his correspondence to the Planning Commission, he asked that they make the request. He stated that in order for a prudent decision to be made, these are some of the more material consequences that can occur, they should be fully vetted and if they are not, the Township should not be in a position to actually pass a judgement on whether or not the petition should be approved.

He said one of the things they did learn in their research is that a major area of concern for many urban and suburban communities is the generating of hotspots (areas where congestion of vehicles causes the traffic to stay in one place as opposed to free moving traffic). The traffic that will be generated by the new hub will travel onto Route 283, the Turnpike, and the Eisenhower interchanges which are not adequately engineered to accommodate current traffic levels so this will create ongoing hotspots which in turn will generate a concentration of pollution and exaggerate the impact that will occur specifically as it relates to health.

Mr. Howard went on to say that it is universally confirmed from every medical organization that they reached out to that vehicle emissions contain carcinogens that are directly linked to a wide variety of respiratory illnesses and cardiopulmonary diseases.

In the response letter from UPS, they did provide information where they reference their Green Initiative where they are targeting conversion to alternative fuels. The goal is having 40% of their ground fuels using alternative fuels by 2025. Mr. Howard feels this is admirable however it doesn't change the fact that up to 80% of the vehicles will be using traditional fuels, and even by 2025, 60% will still be using traditional fuels. There is a reduction of approximately 50% of emissions when using CNG powered vehicles but they also do still generate contaminates.

Mr. Howard then asked the UPS representatives if they anticipate any increased air traffic with this location of a regional hub.

Ovidio Irizarry of UPS responded that this facility would be primarily a ground transportation facility so he doesn't feel there will be any additional air traffic as a result of the facility being built here.

Mr. Howard feels that until estimated impact studies have been made, no decision should be made.

He then went onto the topic of sound pollution. Noise pollution adversely affects the lives of millions of people; studies have shown direct links between noise and health problems including stress-related illness, high blood pressure, speech interference, hearing, sleep loss, and lost productivity.

Mr. Howard asked Marjie Hartz to explain the geology of the land at this time.

Marjie Hartz of 2142 N. Union Street came to the microphone. She asked for confirmation that the Conservation buffer would not be disturbed. She went on to say that they are requesting to shrink the Conservation buffer considerably and wanted to know if the Planning Commission was aware of that.

The answer was yes, they were aware.

Mrs. Hartz then addressed the follow up of the text amendment to the Mineral Recovery (M-R) District. She said there is nothing in the purpose or permitted uses of the M-R District close to allowing construction of a just under one million square foot building. The rock in the M-R District is a non-renewable resource. She went on to list the many benefits of rock. She informed that the issuance of mining permits are down due to Federal regulations as well as lack of viable sites. According to the Pennsylvania Dept. of Conservation and Natural Resources, the limestone in Pennsylvania should be recognized as a valuable mineral resource and land use planners should take this into consideration. When an area of suitable and mineable rock is swallowed up by urban growth, or when mining becomes prohibited by legislation or zoning, the result is called Resource Sterilization. Limestone is a mineral of national importance and Resource Sterilization can result in longer haul and higher costs from quarry to consumer. Mrs. Hartz then went on to discuss the map that UPS gave each of the Planning Commission members that showed the proposed realignment of the Conservation District. She also discussed the 2012 FEMA map that she handed out. She said that she lived on the farm that neighbors this site all her life. She has seen the flood water the whole way up to the buildings in the middle of that property. So she said it has to be kept in mind that this is a floodplain. If this Conservation District is altered, through clearing or developing, run-off characteristics will change. For example, if a forested area is cleared and replaced with a parking lot, the amount of run-off produced in any given rainfall will increase. Generally the result of these alterations is that more run-off is produced and delivered to the receiving stream in greater quantities and more quickly. The result is less water being retained and larger stream flows occurring more often; we are seeing that with the more frequent flooding in the area. She asked the Planning Commission members to look at the entire picture. She then gave a scenario: if this Conservation District is reduced, which will allow some sort of development to encroach on that Conservation District, it will constrict the flow of the creek during high waters. On the 145 acre piece of ground, 67% or 80 acres will be impervious surround on three sides by the Swatara Creek. There is a one hour storm event that results in 1 inch of rain which would produce approximately 2 million, 362 gallons of water or the equivalent of 3 ½ Olympic size swimming pools that need to be infiltrated into the ground. The property that they will infiltrate is karst. The stormwater drainage is karst areas is compounded by the fact that development reduces the surface area available for rainwater to infiltrate naturally into the ground; consequently, many sinkholes form due to the collapse of surface sediments.

Mrs. Hartz then discussed the environmental impacts. Altering the Conservation Buffer with development, more water needs to go either upstream or downstream. She said it was mentioned the Swatara Creek Woods and Fiddlers Elbow Bluffs are not on this property. With the alteration of this Conservation Buffer, they will certainly be affected. Polluted run-off greatly increases the risk of ground water contamination. According to the PA Dept. of Conservation

and Natural Resources, their Sinkholes in Pennsylvania brochure, water moves readily from the earth's surface down through solution cavities and undergoes very little infiltration. Ground water in limestone is easily polluted, it's similar to pouring waste down our drains in our home. The waste enters the drain and is essentially untouched as it enters the sewer line. Similarly, as waste enters the karst terrains, it follows the pipes to the water table. If the waste happens to be an organic chemical that does not mix well with water (such as oil or gasoline), contamination can be widespread and the contaminating substance can remain in the ground water for a long time. The environmental impact will not only be on this site, but will be far-reaching.

Mrs. Hartz said that it was important to repeat again that the predecessors on the Boards for Lower Swatara Township had the wisdom to develop a Mineral-Recovery District and protect that area. They also gave a generous Conservation Buffer in a flood-prone area.

Mr. Howard came back to the microphone to discuss his last topic. He strongly feels there should be some type of independent assessment, not conducted by UPS, as to the geological suitability of this site. It was recommended that we could use LST's internal engineer. He then asked if any progress has been made with that or if a review has been conducted.

The answer was no, a review has not been conducted at this time.

Mrs. Letavic said they had not received a geologic report to review.

Mr. Howard asked what the plan to accomplish that was or is it not going to be done.

Mr. Henninger clarified that it was not the Board's recommendation, but he was not sure whose recommendation it actually was.

Mr. Howard said it was the Planning Commission's recommendation to use inside engineering knowledge for this request. But the actual request is coming from the constituents the Mr. Howard represents.

Mr. Breon replied that yes, we do have internal talent for that; however, it is not done at this stage, that is what we said the last time.

Mr. Howard added that their concern is that if it is done post approval of the petition, in Pennsylvania the state law and the limitations make it extremely difficult to reverse the approval, which is why they would like the due diligence done before approval. He feels because this is not just a typical approval of a project done within the existing zoning requirements, this is an exception bordering on a special treatment for a zoning, that an additional due diligence should be done and the results of that due diligence should be reported out to the citizenry so that they

can give educated feedback as to whether or not they are aligned with the development of this project.

Mr. Henninger explained that sort of expenditure would have to be approved by the Board of Commissioners. It would be their determination as to whether any internal studies would be done as part of the process of a request for a zoning text amendment. This has not been raised to the Board of Commissioners at this time. At this point, it is just here at the Planning Commission level for recommendation.

Mr. Howard said that it will be addressed to the Board of Commissioners. He then asked if the citizens of Lower Swatara Township have ever been polled to see how they feel about this proposed project.

Mr. Knopp and Mr. Breon said that they have only heard from the citizens by what they receive in here (this meeting) and what they hear at home or outside of the township building.

Mr. Howard said the problem is that most of the citizenry are either unaware or not in the loop or are not comfortable coming to these kinds of meetings and when he speaks to people individually out in the neighborhoods, there is a fairly large portion of the constituency that is not interested in seeing an additional truck terminal developed that impacts their neighborhood. He feels that in order to fulfill the whole goal of the Comprehensive Plan is to have the development aligned with the wishes of the citizenry and order to do that, the Township needs to poll them and ask them.

Mr. Breon added that there is another large group of citizens who the Planning Commission hear from as well, and that is those citizens who are in favor of this. There are considerable numbers of people who are for this.

Mr. Howard's next item was the impact on property values. He said he could only make a general statement on this topic as the analytics and the formula used in calculating the proximity between commercial and residential values because he couldn't figure it out, nor could the analytic people at his bank. He said he could have tried to crank out a number for tonight, but he said he knew he could not promise it would be anywhere near accurate. He did say that the studies that they read, probably 30 different studies on the impact that commercial sites had on residential, and he was guessing that the results were dependent on who paid for the research. The range was from a no-impact to a -20% impact but he had no way to substantiate how that impact would occur here in Lower Swatara Township.

Mr. Howard said, in conclusion, at looking at other municipalities and levels of due diligence that has been conducted in projects of this size, from a health, environmental, traffic, and economic impact perspective, have been substantial and typically are backed by a

professional review. So what he is concerned about here is that there has not been confirmation results especially on the health issues since we do not even have the emissions data. To make an educated decision on the approval, he expects that would be needed.

Mr. Knopp asked if anyone else had any questions or comments.

Tina Rhinehart of Gina Lane came to the microphone. She explained that her husband, Scott Weistling, has worked for Mack Truck for 35 years here in Lower Swatara Township. She said that as a resident who has lived here since 1996, she has seen the area go from no growth to a revitalization that she thought she would never see in her lifetime. She went on to say that our township officials, county commissioners, and other local people have worked diligently to bring business to our area. UPS is an international company who is willing to invest a half a billion dollars into Lower Swatara Township. She sees them as a great community supporter. As an individual who works in sales, Ms. Rhinehart uses Union Street on a regular basis. UPS would much improve needed road safety on Union Street. They are willing to invest twenty million dollars to upgrade this present dangerous road. UPS would bring 1200 great new full and part time jobs with benefits which she feels would help all of us. This includes seniors who find they are working longer than planned, local folks, and college students. It would also inject money back into the community. UPS would bring a great infusion of real estate. New homes will be built and current property values would increase. She went on to say that the revenue from the tax base would assist in school taxes and would be well invested in our children attending the Middletown Area School District and those kids are our future. The potential closing of TMI is scary to many citizens because it is a large employer; UPS can fill that void. As a volunteer at her church, she feels she will see an increase in attendance, new and exciting ideas occurring; and as a marketing volunteer at the Middletown Home, she knows firsthand that the administrators of the Middletown Home are excited about UPS coming to Lower Swatara Township in many capacities. They see transformation of the independent living community, personal care, and the excitement of the addition of a new physical therapy wing which is currently under construction. UPS could help make that happen. She feels we would be very fortunate to have UPS as our neighbor.

Dr. Edward Swartz, owner of Indian Echo Caverns, came to the microphone. He mentioned that Mr. Wagner had cited that flood waters were in the farm house on the property. Dr. Swartz said that he has multiple photographs of that farm during various floods that can confirm those high waters up to the farm house. He said that he was raised on the Indian Echo Caverns property so he feels he knows more about the farm across the creek from him than a lot of people there do. He said the home is historical because it was the home of one of the founding fathers of the River Brethren Church; the last child born in that home was born there in the 1960's delivered by Dr. Swartz of Middletown (distant cousin of Dr. Edward Swartz). There is an old wire foot-bridge north of the trestle that used to go from Lower Swatara Township to

Derry Township side of the creek. The “Engle Fjord”, before the railroad was in, was just north of the trestle. When the railroad came, the Engle Fjord was abandoned. He went on to tell of other historical facts about that specific area: the Engle Cemetery, being one. He asked if any of the UPS gentlemen knew where the cemetery was located on the property.

Mr. Stanley said they performed an Alta survey of the site and there was no indication of a cemetery on the property.

Dr. Swartz said that he has historical documents that tell otherwise. He said he also has a cemetery on his property at Indian Echo Caverns, but you cannot find it anywhere on any documentation. He said he personally does not know where the cemetery is located on the subject property but he does have documentation about it. He said there were Indian artifacts found on the floodplain also.

Dr. Swartz went on to say that he was here tonight to oppose this or to at least object to certain things because they (Indian Echo Caverns) have millions of visitors coming to the caverns and they have many reunions. These visitors look across the creek to the farmland and they comment on the beautiful farm and he tells them they have the Commissioners of Lower Swatara Township to thank for not allowing that to be built on. He went on to say that it is quiet there, no noise and no trucks there, just fields. So of these millions of people who visit the caverns, most of them look over and see the property and comment how pretty it is over there. He also explained that they have night-time events at the caverns that sometimes require darkness, so they object to the lights that would come with the UPS facility. They object to the noise. He said that 80 to 100 foot cliff that is right there will act like a sound amplifier and it will ruin some of the effects that Indian Echo Caverns try to portray as being a natural-type of tourist entity.

Dr. Swartz did mention that he farmed the area across the creek from the area and sinkholes opened every year. He reaffirmed that it is a karst area, so that really needs to be looked into. He also brought up that the three or four times it has flooded since Agnes (1972 hurricane), the train tracks have washed away down over the bank. He also has pictures of that. With Lee (2011 tropical storm) it even deteriorated underneath the tracks on his side of the creek.

Bill Leonard of Heritage Square in Old Reliance Farms came to the microphone. He has been a Lower Swatara resident since 1979 and was on the Board of Commissioners for 14 years and on the Planning Commission for 3 years. He was also LST Fire Chief for 8 years and he is currently on the SARAA (Susquehanna Area Regional Airport Authority) Board as a representative for the Township. He informed that there was an extremely good meeting about this at the fire house about 3 or 4 weeks ago and a lot of the people in this room were there. There were a lot of concerns raised at that point that he feels are legitimate and need to be answered. He stated that as he found out by being on the Board and with the Fire Dept., anything

that is big has both pros and cons to it. Some people are for it, some against it, and there are a lot of people that don't know what is going on. He said he would like to give his opinion on it tonight, and he is only representing himself, not his former employer, not Old Reliance Farms. He said he heard a lot of comments about truck traffic. In particular, he has seen signs on Fulling Mill Road about trucks. When he was on this board, the area between Union Street and the west-bound on-ramp of Route 283 near the fire house and the Lottery building, was built out in order to be a commercial corridor paralleling Rte. 283 to get the truck traffic out of the neighborhoods so people wouldn't be calling and complaining about trucks in Old Reliance or down in the flats. Likewise, the ramps at N. Union Street, when they were first put in, there were only two: one off ramp coming from E-town, going west, and there was an east-bound ramp going towards E-town on the other side. The Township pursued the completion of that interchange with PennDOT to get the other two ramps in order to get the truck traffic and the business traffic off of more roads. He pointed out that we are close to many major transportation routes: Route 283, Route 441, Routes 83 & 81, the PA Turnpike, Harrisburg International Airport. He went on to say that, like it or not, we are in an area that is a transportation hub of the Northeast. We are going to see more truck traffic. Even without anything else being built out on N. Union Street. If we focus just on N. Union Street between Fulling Mill Road and the creek, there are facilities on the right hand side for about a quarter mile and there are also facilities on the left. If you drive out there you will see a residential area that used to be owned by the Messicks. Mr. Leonard said that as far as he knows, that is the only residential area on N. Union Street that we are talking about. If we would measure the distance between Fulling Mill Road and the proposed entrance to UPS, it's about a mile. On the Township website, it says we have 40 miles of road in this municipality. That one mile equals about 2 ½% of the roads that could be impacted by this facility. Mr. Leonard went on to state that he is not at all in favor of any kind of development on the west side of N. Union Street. But the east side, between N. Union Street and the Swatara Creek, makes sense to him to develop. About three weeks ago, the Board of Commissioners approved to spend 12 to 15 thousand dollars to make repairs to N. Union Street. North Union Street is a collector road just like Powderhorn is, just like 441 is; it is meant to get traffic north and south in the township. Fulling Mill Road and Route 283 are meant to get the traffic east and west. That traffic erodes the roads. The Township ended up paying that 12 to 15 thousand dollars out of its own pocket. That means we all paid for that. The proposed tenant for this site indicated that they would spend approximately 20 million dollars in infrastructure improvements on N. Union Street. Mr. Leonard then went on to say that the site is in the far northeast corner of the township, furthest away from our residents than anybody else, bounded on the west and southwest by two quarries. There are a significant amount of trucks that go back and forth from the active quarry every day and they have been good neighbors to us. He said when he looked at the size of the two quarries in comparison to the UPS site, they (the quarries) are almost twice the size of the UPS facility. He said if he looks at the economics of this, it is his understanding that we get typical tax revenues from a land owner that owns a quarry. He said we do not get tax revenues from the hole in the ground, we don't get tax revenues from the rock and the dirt pile sitting on

the right side of the road, we don't get tax revenues from temporary buildings. So we do not get tax revenues from either quarry. But with UPS, the township would get tax revenues. He says the option here is to go forward with this text amendment and make it an additional use by putting a facility there that can be used even if UPS would eventually pull out. So by the tax revenue standpoint, it makes sense to do something like this. It will help Lower Swatara Township, the Middletown School District, Dauphin County, the State Government, and everyone else.

Mr. Leonard said he feels the thing that will impact us the most with this is delaying decisions. He said we could wait and make a decision on this next year, if the Planning Commission wanted that, but UPS may move across the Swatara Creek to Londonderry Township and Lower Dauphin School District or Derry Township School District would get the revenues. If they move to Cumberland County or up to Allentown, we get nothing. So he feels this is an opportunity to take advantage of the property that is here in our township. Minimally impact the people of Lower Swatara Township, minimally impact overall truck traffic and direct it to an area that it was designed for in the first place, and provide some economic benefits to the school district, the Township, and the County.

(Mr. Wagner, member of Planning Commission, left the meeting around this time.)

Jim Rodgers of Highland Street in the Township came to the floor. He said he lives next to one of the only undeveloped Industrial Zone pieces of ground in the Township and he works for a land development engineering firm which is not in any way connected to this project. He doesn't feel that it is common for people who are in favor of or not opposed to a project to come to public meetings. He feels this is a project that has plusses and minuses to it. It certainly will have an impact. This process gives the Township the ability to dictate how and if this project will come to fruition and how to maximize the investment that a developer is going to make in a township. He said he himself is concerned about property values. His concern has mostly to do with the tax base in this township and the millage rate that we pay in this school district. An investment like this is going to make a profound impact. He feels that if we should not oppose every potential project that comes before a board like this. We need to trust boards like this to make the correct decisions for the Township. There are always going to be folks who like next door to it or have some other vested interest that they are opposed to. It is up to the Commission to make a difficult decision and up to the Board to act on that decision. And then it is up to all of us as citizens to trust professionals who work in this field to make sure they do what is right, what is best practice, what is required by regulation to mitigate impacts of a large development like this. He said that he looks at this map and sees an area that is zoned in a way that is restricted to development in an industrial use. He feels it is in a part of the Township that has a limited impact on the traffic flow to the nearby highway. He says he also sees an owner who is interested in making an investment in improving infrastructure, listening to the concerns of the residents of the Township and everyone they need to work with, and that they are going to make a profound investment in improving things to make sure that they do the best they can to mitigate

that kind of impact. Mr. Rodgers said that he is here speaking in favor of the project because he feels it is important to the future of Lower Swatara Township.

Chet Hartz of 2142 N. Union Street came to the floor. He said he just wanted to shed a little light on some comments that were made this evening. He said that Bill Leonard made the comment that it will only affect the two houses (the Messick homes) on N. Union Street but he lives there right next to this project so they will be affected. He also said that he remembers the Planning Commission asking UPS to show us what improvements would be made with the \$20 million they were proposing. He spoke directly to the Planning Commission at this time and said they specifically asked for that before tabling it last month. A whole month has passed and there still is no information. He went on to say that a little over two years ago, a company from Texas wanted to put five mega-warehouses out there. At that time, he said there were almost 1200 signatures from our township residents who did not want those warehouses. This is one, but when this infrastructure is improved, they will be back. He feels the door will be opened for the mega-warehouses to move onto the west side of N. Union Street as well.

Mr. Hartz also brought up the Liquid Fuel Tax. He said Lower Swatara Township just in the last two years received over a half a million dollars from that Liquid Fuel Tax to make improvements on the road.

Mr. Hartz also informed that he was at the Dauphin County Planning Commission Meeting last month. There was a member on that board that wanted to table this and take a harder look at it. Mr. Hartz said the Chairman at the time stated that if they did not act on this tonight, until the next meeting they would not be able to take any action on that motion. The motion passed after that vote was taken.

Mr. Hartz feels this will have a huge impact on our community, not just a couple homes along N. Union Street, it will open the whole corridor on N. Union Street from Fulling Mill up to the creek on both sides of the road. The area out there will be changed forever. The next area will be Longview Drive because of the open green space. He asked the Planning Commission members to take a look at everything and decide how they want the Township to grow before making a decision.

Mr. Duke made a comment about the Dauphin County Planning Commission procedure. Under the NPC, the County has 45 days to respond. If the County had not made comments, under the rules then they would not have any right to make comments.

Some people in the audience said it was 30 days.

Mr. Duke said he would look into that but he was certain it was 45 days. Any application that comes to them must be acted upon in a timely manner.

Bruce Harter of Strites Road came to the microphone. He said he agrees with most of the comments that have been made here tonight. He said there will be truck traffic on 283 regardless of whether the facility is built on this side of the Swatara Creek or the other side. So the particulates like the air quality concerns will always be there. He went on to say that Route 441 and Route 230 are traffic routes. Traffic routes were designed and built as collector routes to get traffic to the big roads. They were built to help grow the economy and this area is growing and growing rapidly. He said he is not too happy about the taxes in this township today, but he feels that UPS will help improve that along with improving N. Union Street. He feels that Lower Swatara Township could use the additional funding.

He brought up sinkholes. He said that this company has many professionals. He saw them out there doing some core-boring and he is sure that if they find that this site is not suitable to support their operation, they will pack their bags and leave.

Mr. Harter said the economic impact of the entire community is at stake here; not just the few who live out there, he said that he lives out in that area too. He admitted he was happier before the newer developments were built but we are growing because this is a transportation hub. The US Government built interstates for that purpose. He said that people don't want truck traffic but like the old Teamster saying "If you got it, a truck brought it!" And he is sure everyone in this room tonight wants their packages delivered on time in a small truck, but that small truck did not bring it long distance.

Kane High of Powderhorn Road came to the microphone. He said from his point of view, he doesn't have any doubt that UPS can control where their trucks go; but what they cannot control is all their employees coming to and from work. They will be coming down Fiddlers Elbow Road, Strites Road, Longview Drive, as well as N. Union Street. This will be happening several times a day and night.

Mr. High wanted to know why UPS did not offer up any proposed fixes for N. Union Street. He said they had two months and he knows they have a lot of engineers that could have got something ready for this meeting.

Mr. Knopp advised Mr. High that they would ask UPS again what their plans were for improvements on N. Union Street. But they would wait until after the Public Comments period was finished.

Joe Miller, resident of Lower Swatara Township and alumni of Middletown Area School District, took the floor. He asked the gentlemen from UPS if they were going to fill the quarry in.

Mr. Stanley informed Mr. Miller that it wasn't their property.

Mr. Miller went on to say that if he was the owner of the chicken houses, after this was approved, he would have 16 lawyer firms descending on them and there would be truck stops all the way up to Old Reliance.

Mr. Knopp asked if anyone else had any comments. There were none.

Mr. Knopp then directed the question about road improvements to the UPS team. He asked where they came up with the figure of \$20 million and what that would cover.

Mr. Stanley replied that they have not undertaken the engineering yet. He said it is their intent to do the engineering of the roads as part of the Land Development process and it is their intent to work with both the Township and PennDOT. To provide preliminary drawings at this time is not good for the Township or them. For part of their project, they would need to work with the Township, HRG, PennDOT and PennDOT's engineers. To do something and just look at one component isn't going to give the entire picture. He said they give their commitment that the impacts that they are going to have on N. Union Street will be addressed.

Mr. Breon responded with that although we do not expect UPS to have every elevation laid out or a pile of documents, we would have liked at least a relative estimate of how the figure of \$20 million was decided upon.

Mr. Irizarry explained that the \$20 million is basically an internal UPS estimate. UPS has their own internal estimating programs that they use that are based on previous projects that were completed around the country that have similar issues to be mitigated. They then apply a factor to that depending on where they are in the country. That is how they came up with the \$20 million estimate. They feel that will be more than adequate but they are also prepared to increase that amount if it is necessary. Mr. Irizarry said that they do not have it broken down, as Mr. Breon asked, but they did figure into it all that something will have to be done with the bridge over 283, the on/off ramps, the intersection of N. Union and Fulling Mill, road improvements from Fulling Mill up to the entrance to the site, and improvements at the proposed entranceways to the facility. More detailed and specific improvements will be calculated when the traffic counts are done.

Mr. Breon reiterated to the audience that this is just Step 1 of a many level process to get this project started. So no matter what the outcome is here tonight, he strongly suggested that everyone stay involved throughout the entire process. He went on to say that something is going to happen out there; there is no way around it, you've got to be prepared for this. He said there is no way you are going to maintain that property out there. Look around the Longview Drive corridor. How many farms were there versus how many farms are there today? There were a

number of places that were farms that are not anymore. He said in his mind, something will be happening out there.

Andrea Speiglemeyer of Longview Drive came to the microphone. She stated that the Comprehensive Plan does not at all address Longview Drive. She felt that Mr. Breon was telling them that something was going to be done on Longview Drive.

Mr. Breon explained that the Comp Plan is a guide as to what can happen over the next ten years. He said that in the time that he has been there, lots of things have changed. Change is inevitable, things are going to happen. Does it agree with the Comp Plan? He says he hopes so.

Ms. Speiglemeyer said it should agree, the Township has spent a lot of time and money on the Comp Plan.

Mr. Breon said he agrees.

Ms. Speiglemeyer felt that Mr. Breon was telling them that they will just have to accept that something commercial or industrial will be going into the Agricultural zone.

Mr. Breon rebutted that he did not say that. He specified that it is an R-A (Residential Agricultural) District so they could put houses in there. He stated that all he is saying is that something is going to happen.

Ms. Speiglemeyer said that is what it should be, but she feels he opened the door by stating that basically the residents need to understand that if this project does not come through, that something is going to come through there and if that is the case, then she feels the time and money that was spent on the Comp Plan should reflect that is the Township's 10-year intention. She feels they should also show where we are in this Township as far as keeping Agricultural Zoning. Where are the farms going to stay? She said her son purchased the property at 480 Longview Drive in order to do farming and have had people thank them for keeping the farm going. So she feels the Township is opening the door by allowing UPS to bring in their hub without showing the research that the Planning Commission specifically asked them to bring, and will allow the Kreiders to bring in five mega-warehouses.

Mr. Henninger interjected that the Board of Commissioners approved the Comprehensive Plan last Wednesday night. The Comp Plan does not make any proposed changes in the Longview Drive corridor.

Ms. Speiglemeyer claimed that Mr. Breon specifically opened the door.

Mr. Breon again denied this and Mr. Henninger said he felt she mistook what Mr. Breon was saying. He said that Mr. Breon's opinion is that there is going to be pressure.

Ms. Speiglemeyer said that her background is 26+ years in developing and real estate, so she does understand that. But the Township has a responsibility to spend the tax payer's money on a Comp Plan that shows how to do smart growth in the area and if it does not reflect it that way, a text amendment that will open the door to completely wipe out the time and money spent on that Comp Plan. And she said you certainly don't say that there aren't farmers left in this area.

Mr. Breon said that the fact is that all he said was to look at the corridor to see how many farms are still active versus what they were even 10 years ago; so things have already changed along that corridor and he said he expects continued change and we should be ready for that, whether it is houses or any other approved uses. He said that the Planning Commission has taken every step possible to encourage Agricultural development in the Township.

Ms. Speiglemeyer asked where the Agriculture is going to be in our community. She asked why Lower Swatara Township is trying to get rid of that. And asked Mr. Breon why he is stating that we should basically just accept the fact that something is going to come there. She stated that she is not just going to accept the fact that five mega-warehouses are going to come onto Longview Drive.

Mr. Henninger said that in the Comprehensive Plan that was adopted, the only change over the last Comp Plan in the existing Agricultural zoning is a portion of the Williams' farm over along Fulling Mill Road. There is no other change in the Agricultural districts. The other thing is that the site we are discussing tonight is not zoning Agricultural.

Ms. Speiglemeyer said she realizes that but when that text amendment goes through, she feels Hillwood is moving in.

Mr. Knopp asked if there were any other questions or comments from anybody.

Mr. Howard asked if they would pose the questions to UPS that they requested:

1. The emissions.
2. Will the Commissioners be pressured to do the geological evaluation with internal engineering resources?

Mr. Henninger said the Planning Commission's job is to review the application and to make a recommendation to the Board of Commissioners. They have heard two nights of opinions and presentations. The Planning Commission can make additional recommendations on top of whether they recommend the approval of the text amendment or for it not to be approved.

Mr. Howard said that he would gladly recommend the geological evaluation to the Board of Commissioners, if they would prefer that. He said he wants them to have all the information before a vote is made because he feels some of the information is critical before an educated decision can be made.

Mr. Knopp asked for any other questions or comments. None at this time.

Mr. Knopp asked the Planning Commission what they would like to do about this recommendation.

Mr. Breon had a question. He asked Mr. Henninger if we were recommending (or not recommending) the text amendment at this time.

Mr. Henninger confirmed that was the question before them: whether they wanted to recommend approval for the text amendment to the Board of Commissioners. When it reaches the Board of Commissioners and procedurally they will hold at least one Public Hearing before they made a decision. The Public Hearing will be pursuant to public notice which involves written notification to the property owner and all adjoining property owners, property then must be posted, and published twice in the local newspaper which at the present time is the Middletown Press & Journal. We also post it on the door out front and it will be on the Township website.

Helen Fuhrman of Heritage Square asked if she could make a quick point. She wanted to bring to everyone's attention the flooding situation. She says that will be a lot of runoff.

Mr. Henninger said that if the Board of Commissioners were to approve this text change, the next step would be for the applicant to prepare a land development plan and with part of that they would have to do a storm-water plan. The regulations today are a lot stricter than they were when Old Reliance was done and they are getting stricter every year, specifically with the Chesapeake Bay Area. So those issues will have to be addressed if it gets to that point.

Mr. Fausey said that he would like to add one thing. He said with all the information they as the Planning Commission received, there was one letter that stood out to him. It was from David Toolan, the Deputy General Counsel for Old Castle Law Group, which represents Pennsy Supply. (Mr. Fausey then read the letter aloud. Letter is attached.) Mr. Fausey then said that just hearing that Pennsy Supply has absolutely no objections to UPS being there and would want to help UPS in any endeavor they may need help with, including Stormwater Management, that letter grabbed him more than anybody else's.

Ms. Speiglemeyer wanted to know if they were going to read any of the letters that were opposed to it or just the ones that are for it.

Mr. Fausey told her he was only reading the letter because it was from an existing operational neighbor. He said they cannot read all of the letters.

Ms. Speiglemeyer replied that she doesn't feel he should have chosen just that one.

Mr. Knopp asked if there were any other questions or comments.

Mr. Hartz said he just had one more comment. He said they are in a direct relationship with Pennsy Supply. He said they did sit down at their kitchen table and had discussions on this subject. At that time, that was not their view. But Mr. Hartz feels that pressure was applied to Pennsy from somewhere along the line.

Mr. Knopp asked for any other questions or comments. There were none at this time.

Mr. Knopp asked what the Planning Commission would like to do with this request.

Mr. Fausey made the motion to recommend approval to the Board of Commissioners.

Mr. Knopp asked if there was a second.

Mr. Latsha was opposed.

Mr. Wagner was absent at the time of the vote.

Mr. Breon seconded the motion.

Motion was approved.

### **OTHER BUSINESS:**

None

### **ADJOURN:**

A motion was made by Mr. Fausey and seconded by Mr. Latsha to adjourn the meeting. Motion unanimously approved.

Meeting adjourned at 9:08 P.M.

Respectfully Submitted,

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Ann M. Hursh  
Planning and Zoning Coordinator