

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
JULY 27, 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:

Mark Stanley, UPS	Ron Paul, resident
Ovidio Irizarry, UPS	John Barto, resident
Tom LeBlanc, UPS	Louise Barto, resident
Norm Frye, resident	Cheryl Dechant, resident
Tom & Tiz Williams, resident	Bill Dechant, resident
Dave Getz, Wix, Wenger & Weidner	Rick Howard, resident
Sheryl Cyphert, resident	Alice Mallick, resident
Denise Yost, resident	Mike Mallick, resident
Dave Feidt	Chet Hartz, resident
Laurie Castagna, resident	Marjie Hartz, resident
Ed Halpern, resident	Chris Hartz, resident
Mark Kresho, resident	Staci Hartz, resident
Joanne Artman, resident	Patrick Ribec, resident
Stephen Artman, resident	Laura Ribec, resident
Anthony Cairns, Pennsy Supply	Chris DeHart, resident
Jane Zulli, resident	Donna High, resident
Mark Allshouse, resident	Kane High, resident
Randy Breon, resident	Eric Reneive (sp?)
Dan Magaro, resident	Jane McGarrity, resident
Brianna Clark, resident	Jim McGarrity, resident
Thomas Clark, resident	Norma Wagner, resident

APPROVAL OF MINUTES:

Mr. Knopp asked if there was a motion to approve June 22, 2017 meeting minutes. Motion was made by Mr. Fausey to approve the minutes and seconded by Mr. Wagner. All were in favor. Minutes were approved.

OLD BUSINESS:

None.

NEW 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 he was here to represent BT-NEWYO LLC. He explained that BT-NEWYO LLC is an affiliate of UPS, so they will simply be referring to the applicant as UPS. He then introduced Ovidio Irizarry, the East Region Project Manager for UPS; and Ron Secary of Snyder, Secary and Associates, the Project Engineer.

Mr. Stanley went on to discuss how the relief request presented tonight was two-fold. First, they are asking the Township to define the use for the proposed site as a “Parcel Delivery Distribution facility” and they are asking the Township to allow that as a use permitted by right in the Mineral Recovery District. The second component of the request is to reclassify certain portions of the Conservation District that basically ring the back portion of the site.

Mr. Stanley advised that they had an informal meeting with the Board of Commissioners on June 21, 2017. At that point in time, they went into a fairly detailed explanation of who and what UPS is and what they are proposing for this site. Essentially, it is a 935,000 square foot regional hub but for them to construct and operate that facility, they would need the zoning requests that they are seeking. They submitted the request on July 13, 2017 and when they initially had their informational presentation, the Board of Commissioners asked them to have a Fire Hall Meeting, which they did on July 20, 2017. Tonight, they are in front of the Planning Commission, which is part of the formal meeting process required both by LST Ordinance and the enabling legislation. At the end of this meeting and after they answer all of the questions from the Planning Commission, they will be asking for the Planning Commission’s recommendation so they can continue with the process. This is essentially the first step. If the Board looks favorably upon this, the next steps would be to enter into final engineering and full engineering of not only the site but the review of the traffic impact study and analysis of the traffic impacts, submittal to the Township, and submittal to PennDOT. Through those processes, both the Land Development process and the PennDOT HOP (Highway Occupancy Permit) process, the Planning Commission will be involved with review of Plans and the Board of

Commissioners will be involved providing input both to LST's Solicitor and Engineer to discuss solutions for any impacts with respect to the proposed project.

Mr. Stanley went on to discuss the timing perspective. He said that Mr. Getz (counsel to the Hartzes) indicates, and they acknowledge, that both under LST Ordinance and under the Municipality's Planning Code, there is no specific time period associated with a petition such as this. They understand that is purely and solely within the Township's purview. Steve Slifer (the UPS representative who made the primary presentation to the Board of Commissioners and at the Fire Hall Meeting) has emphasized that the project does have a specific timeline. One of their key components with respect to the project and site selection is how quickly they can get into the ground and can get this type of project and facility up and operating. Mr. Stanley stated that while he understands Mr. Getz's position, they are asking the Township to look at this and see that if this is something looked favorably upon, we move forward with this deliberately but also on a timely basis because the expeditious review and approval of the zoning will then allow them to proceed forward with the full engineering and the full analysis of the traffic and other potential impacts. He went on to say that tonight their intent is to discuss this, hopefully answer any questions, and then ask for the Planning Commission's recommendation.

Mr. Stanley brought up the first request, that the use be put into the Mineral Recovery District as a use permitted by right. He said that when they were looking at this as a potential site, they looked at the Zoning Ordinance and they undertook an analysis of that; they spoke to LST staff; and they were aware of other projects that proceeded them last year with respect to much bigger proposals with respect to warehousing and additional ground. So one option is to ask the Township to re-zone the tract and that would be to re-zone this to an Industrial classification so they could move forward with a use that they are proposing. He said that they would still need to define that use and refine the specific criteria but when they do this type of request in front of the township, they always try to put themselves in the township's shoes to look at the unanticipated consequences and their thinking is, if we were solely looking at re-zoning to Industrial, that potentially puts the Township into a difficult situation because someone on the other side of N. Union Street could come in and say since UPS got in there, they should be able as well. By keeping it Mineral Recovery and simply asking that we amend the Use section of the Mineral Recovery District, they feel that this puts the Township in a much better position because it hasn't been re-zoned.

Mr. Stanley went on to their second request, the reclassification and reshaping of the Conservation District. For a greater explanation and review of the steps that they took and the request that they have in connection with this petition, he introduced Ron Secary.

Mr. Secary of Snyder, Secary and Associates introduced himself and his firm as the civil engineers for this project. He went on to discuss the text amendment they are proposing. (At this

time, he offered a visual board presentation to both the Planning Commission and the audience depicting the concept plan for the property.) The property is essentially 192 acres located on the east side of N. Union Street north of Longview Drive. The topography of the site is such that the center portion is relatively flat, the higher ground and currently farmed. Everything else in the north, south and east directions falls off toward Swatara Creek. Swatara Creek forms a boundary on three sides of this property. The other side is shared by the quarry operation. He went on to say that Swatara Creek is a warm water fishery and not a high-quality or exceptional value watershed, so it is not a protected stream, but they will have to advance an NPDES permit when they get to the Land Development stage for earth moving on this property to ensure that they meet the stormwater and pollution control requirements of DEP and the Township. Mr. Secary said that one of the items of importance is the wetland. The wetland areas basically follow Swatara Creek in a fairly regular band around the creek. When they looked at a reclassification of the zoning districts, he said they tried to intelligently figure out why the Conservation District is the shape that it is now. It is a very irregular shape that doesn't seem to have any rhyme or reason. It doesn't correspond to the floodplain or any other physical feature that they can discern. When they looked at doing the reclassification of the Conservation Zone, they wanted to look at what the intent of the zone was and the intent of the zone as stated in the Ordinance is to protect sensitive environmental features. He went on to say that they looked at what those were and they determined them to be 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. So to try to meet the intent of the Ordinance, they propose to create 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 and strike the line. That way even more of the environmental features would be protected and give a little bit more of a buffer between the potential development and the floodplain and wetland areas inside that Conservation Zone.

Mr. Breon asked how much additional property is going to be lost out of the Conservation District.

Mrs. Letavic responded that we don't know. One of her comments is that it may make sense to quantify how many acres we are really talking about from undevelopable land to developable land.

Mr. Breon added that he sees that HRG is suggesting to find other places to increase Conservation District.

Mrs. Letavic said that this is something to think about because there is value to that land.

Mr. Henninger discussed the erratic lines with the Conservation District. He said that we honestly do not know why it is like that. Last year or so, HRG, LST Staff, and he went through the process of trying to update the Zoning Map, not redo it. But there were issues there that needed to be changed. One of the things they were looking at was to try to figure out why it varies so much in size and depth; he said they couldn't find anything as to why it was shaped the way it is. Mr. Henninger then asked Mr. Secary if he could give an estimate of the size of the proposed new lines.

Mr. Secary said he thinks it will be 36.9 acres going from Conservation to Mineral Recovery and 2.2 acres going from Mineral Recovery to Conservation.

Mr. Breon asked for confirmation that none of the loss goes into the floodplain.

Mr. Secary said that is correct, they used the floodplain to set this boundary and then added another 50 feet. He said they took the FEMA Map and the elevations from the study and projected them onto their topography they had surveyed and it agreed surprisingly well. Any discrepancy was on the inside so they feel not only is the line accurate but elevations that are provided in this study correlate very well with it.

Mr. Breon clarified for the audience that 100 year floodplain is set off of Hurricane Agnes from 1972. So for those that have lived around here during that flood, they get the idea of just how bad that flood was.

Mrs. Letavic agreed that is one correlation. It is not the basis of it but it is a good example of what it is like.

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

There were none at this time.

Mr. Stanley came back to the microphone and explained that their petition not only asks to create the definition and make it a use permitted, but it also establishes certain criteria for this type of use. Some of those comments will be referenced in Erin Letavic's letter.

Ovidio Irizarry came to the microphone at this time. Mr. Irizarry is a UPS East Regional Product Engineer and he will be in charge of this project if it comes to fruition. He said his intent tonight was to give an overview of what they envisioned for this development site and also some information on how they would operate the site when it was built. The actual facility is proposed to be a 935,000 square foot facility. There would be a fully automated sortation system capable of sorting 87,000 packages per hour at this facility. They would operate 4 sorts. The first sort

being the Sunrise Sort in the morning from 4am to 9am. During the Sunrise Sort is when trailers come in from other facilities. The core of this facility would have 87 input doors (43 trailers on one side, 44 trailers on the other), these trailers would get unloaded on the Sunrise Sort. The Day Sort would run from 1pm to 4pm and basically the same as the morning sort. Primarily, the Day Sort is volume that comes in from territories out 2 or 3 days (like from the Midwest or West Coast). The third sort is the Twilight Sort from 7pm to 10pm. With this sort not only would the trailers be unloaded but also the volume that the package cars bring back at the end of the day. The last sort of the day is the Night Sort which is from 12am to 3am. This sort would again be trailers from other areas of the country and would be loaded on to the brown vehicles for local delivery.

Mr. Irizarry then went on to explain the different areas of the proposed site like where the employee parking would be, the vehicle maintenance shop in the northeast part of the property, where the fuel islands would be, the employment/customer service center, the wash bays (where the water would be recycled), etc. They envision two driveways, one on the north end and one south on/off N. Union Street. The north driveway would be for customers and employees, the south driveway would be for the trucks and trailers. Their plans are for all of their tractor-trailer traffic to head south on N. Union Street directly to Route 283.

Mr. Knopp asked how they would be able to control that traffic. He reminded everyone that FedEx said the same, that they would control where the trucks would travel. But that has not happened and the trucks are using many of the Township's residential roads.

Mr. Irizarry assured that UPS's operating model is much different than FedEx's being that FedEx employees for the most part are contracted employees, so once they leave the property, they use their own navigation. All of UPS's employees are Teamsters. They are bargaining employees and UPS has direct control over what they do, so UPS would dictate to them the route they would take. He feels it would be easier to deal with those concerns when they are brought to UPS's attention on a one-to-one basis with the drivers. Because of the technology they employ on their vehicles, they are able to physically go in and look at the route the driver took. If the driver goes off the assigned route, they would address with that driver internally. He feels they have better control over their employees because of that.

Mr. Fausey stated that he would prefer that none of the truck traffic would head north when exiting the property. He feels they could just as easily head south to 283, go one exit east to Middletown/Hummelstown Road and go north that way. He feels that the whole area of Fiddlers Elbow Road is just not designed for truck traffic.

Mr. Irizarry said they feel there will not be any more traffic going up through Fiddlers Elbow than what is currently going through there now.

Mr. Irizarry went on to discuss the proposed lighting. They use all LED lighting on the exterior of the facility so it will all be directional lighting projected down. They only light their exterior to the light level that is required for the employees to do their job safely.

Mr. Fausey asked if the vehicles had back-up beepers.

Mr. Irizarry said that 99% of their vehicles did not have the beepers. The only vehicles that have the beepers are what they call their jockey wagons.

Mr. Stanley came back to the microphone at this time. He said they could give the Township certain assurances and then they would abide by those assurances.

Mr. Knopp asked if they received input back from the Dauphin County Planning Commission.

Mr. Stanley said no.

Mr. Knopp asked Mr. Stanley to explain what a parcel delivery distribution center is versus a trucking facility.

Mr. Stanley said if you look at the definitions in LST's Ordinance, there are a lot of the same characteristics. What happens when a "use" is defined is to allow, from a Zoning and Planning perspective, to say we want this here and not some other place. So, generally, you can define such things as warehousing but the specific will override the general. The intent of this is to define this as to what they are proposing to do on this site and then put criteria to it to eliminate the questions of whether it is a warehouse or a truck terminal. Mr. Stanley said they do not look at themselves as either one or the other because of what they do. They obtain, process, and deliver packages on a timely basis.

Mr. Latsha asked what the difference was between UPS and Federal Express.

Mr. Stanley said they are very comparable from a use but not necessarily an operational standpoint. This is what they feel separates UPS from FedEx.

Mr. Wagner asked how their Plan would affect the Railroad. He asked if they were purchasing the Railroad property or would that still be a separate entity.

Mr. Stanley said it doesn't affect the Railroad in any way. He explained that when you purchase property, you take under and subject to matters that are of record. When the Railroad

obtained a right-of-way, it not only crosses their site but others; so, if they do purchase this property, after they obtain permits and approvals, they would take under and subject to the Railroad rights to use that right-of-way for their railroad purposes.

Mr. Breon asked if there is anything the Township could get from UPS stating that rather than LST policing their drivers, UPS would police their own drivers instead.

Mr. Irizarry said a lot of what they do is based around their safety guidelines and they do go out and do spot-checks. So they do take into account the routes they are taking as well as how they are driving.

Mr. Breon said he was looking for something a little more substantive relative to UPS just spot-checking. He said he would like something more than that to ensure the drivers not deviate from their routes.

Mr. Irizarry responded that once a driver leaves in the morning, he is pretty much pre-dispatched. The technology he has on the vehicle tells him what route to take, what package to deliver, where the route stop is, how many packages he has for that stop, so we know how many miles a driver should have driven when he comes back at the end of the day. There are reports that the operators look at in the mornings and if they see any issues where drivers are driving more miles than projected, it will be looked at and addressed.

Mr. Henninger asked Mr. Stanley if UPS would be successful in getting this amendment, would UPS be willing to enter into a Developer's Agreement to address certain issues just like this, over and above the certain requirements of what the Zoning/Subdivision/Land Development Ordinances would require. Mr. Henninger stated that it is not unusual for a project of this magnitude to have certain additional agreements over and above the requirements of an ordinance.

Mr. Stanley replied that it would be something that UPS would be very willing to discuss with the Township. He explained the reason he said it that way is because they have a Collective Bargaining Agreement so for him to commit, there would be a Union person that would be protesting and upset that he made a commitment without going through the proper channels. But he said that LST does have UPS's commitment to work with them to address all issues.

Mr. Knopp asked what UPS would do to Union Street to handle all the truck traffic.

Mr. Irizarry explained that they looked at traffic but just at a very preliminary basis right now. They are nowhere near being able to make a decision, but he said he can say they have looked at different alternatives (the issues with the interchanges off of 283 and N. Union Street,

the bridge itself, the width of the roadway of N. Union, the intersection of Fulling Mill and N. Union) and with the preliminary analysis that they have done, they have budgeted \$20 Million for this project in infrastructure improvements. They feel that would take them to the point where they would be able to mitigate any concerns that would come up once they do a full traffic impact study. They would, at least, bring the levels of service at those intersections to where they are today but hopefully improve them, as well.

Mr. Knopp asked if they would plan on widening N. Union Street.

Mr. Irizarry said that if that is what the Engineering Study showed was required, they would be prepared to do it. He said they would work with PennDOT and the Township engineers to determine that.

Mr. Fausey asked how much container traffic is UPS involved in with Norfolk Southern.

Mr. Irizarry said he could not answer that question as he was really not sure.

Mr. Fausey asked Mr. Henninger why an amendment to Zoning being presented before the Planning Commission.

Mr. Henninger explained that procedurally under the Municipality's Planning Code that is how it goes. Any proposed change to the Zoning Ordinance must go through a certain process set forth in the Municipality's Planning Code. The first step was for the Board of Commissioners to refer it to the County Planning Commission and the Township Planning Commission for review and recommendation. The next step procedurally is the Board of Commissioners has to have at least one public hearing pursuant to public notice, but they could have multiple. That public notice will involve advertising at least twice in the newspaper, and also because of the proposed Zoning change, the property must be posted, and LST ordinance requires specific notice to all adjoining property owners.

Mr. Knopp asked Mrs. Hursh if she had any comments from the Township.

Mrs. Hursh said she just had some general comments:

- The applicant states that the Zoning Ordinance doesn't currently contain a defined use category for what they are looking to do. We do have that in our Industrial District where it does permit "distribution plants, parcel delivery and service industries." Mr. Henninger pointed out that it does not define them, it just permits them.
- The current Mineral Recovery District is permitted at 30%. Petitioner is requesting total coverage not to exceed 60% with not less than 20% landscaped. The current Industrial District coverage is permitted at 70% with no less than 30% landscaped.

- The Petitioner suggest a minimum lot area of 100 acres. Currently the Mineral Recovery District requires a minimum lot area of 5 acres and the Industrial District requires a minimum of 2 acres.
- The Petitioner recommends that the front, side and rear yards be provided in accordance with the regulations of the Mineral Recovery District. That zone requires a front yard of 50 feet, side yard of 50 feet, and rear yard of 50 feet. In the Industrial District, where this is currently permitted, it requires a larger front yard setback of 75 feet, but the side and rear yards would be the same as the M-R District. The Petitioner is recommending that the parcel delivery facility building shall not be located within 100 feet of a residential use or district. So they are also being more restrictive on that.
- The applicant is requesting that the existing Conservation District be rezoned to Mineral Recovery. Although the applicant is recommending a 50 foot flood limit offset from the 100-year floodplain, a considerable amount of Conservation District would be lost in some areas along the Swatara Creek. That's not to say what they are proposing is good or bad, it's just a note.
- They are proposing an anti-idling policy which would be over and above anything we have in our ordinance.
- And, of course, a land development plan would be required before anything is permitted.

Mr. Knopp asked Mrs. Letavic to go over her comments.

Mrs. Letavic said that she also feels that her comments can be addressed through the land development plan being that her questions are basically all engineering.

- She feels the Planning Commission should consider what the value of the land is. There may be some other developers' agreements that may be able to provide some relief there.
- She said that 60% lot coverage is greater than the current maximum but they would have to accommodate that in the stormwater design and we don't disagree that this will be a challenging site to design stormwater in.
- Same thing for landscape coverage, the cover would have to be accommodated for in their stormwater design.
- A minimum of 100 acres is proposed. For sake of the definition that is proposed, that appears to be a reasonable restriction which may protect the Township in other ways yet unseen.
- There are two sections within in the proposed ordinance that refer to vehicle (truck and passenger) stacking. Specifically, in the areas of the driveways along N. Union Street. They are in an odd order so her only comment is that the ordinance subsections should be reordered such that one follows the other. She feels the rationale makes sense but will be studied if there is success with the text amendment.
- Her last item is an environmental point. Section 6.30.H provides for the outdoor storage of "parts, equipment, lubricants, fuels, or other materials....". Being that they will be

outside of the 100-yr floodplain and will have that buffer, we still recommend that proposed outdoor storage of any fluids should be indoors or have secondary containment and provisions to reduce the risk of a release to the environment. With the exception of the fuel storage that is regulated separately, we wouldn't want to see large quantities of fluids stored outdoors especially when building a facility of this sort.

Mr. Breon asked if there was fuel storage on the Quarry site, as well.

Mrs. Letavic did not know that but said that would have to be regulated by the Mining Office of DEP. She said she was sure they had rules of their own.

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

Mr. Duke said he did not have any specific comments until after August 7th when the County holds their meeting; however, he pointed out that there is one item that is time-frame related. The Township does not have a set time-frame but once forwarded to the County, the County then has 45 days to make a comment. As the process gets going, you may find yourself going back and forth. Again, with no time-frame, the only thing Dauphin County Planning Commission asks for is when we have good recommendation that the Planning Commission wants to send on to the Board of Commissioners and it is set up for the Public Hearing, then give the Dauphin County Planning Commission that one. In terms of the County review, one of the things is that they look at it against their County Comprehensive Plan which has just been recently updated. He said they also look at it in terms of regional aspects. They also look at LST Ordinances and give clarification as to things they feel would be important to the Township and the applicant. But the focus will be from a regional standpoint. Mr. Duke also informed the commission members that one of the things while dealing with zoning, is that this is not guaranteed what they will build. In Pennsylvania, there is no such thing as "contract zoning", so what they present may not end up being what you are looking at. What you are seeing here in this presentation is a conceptual type thing that anybody can do and they are showing the parameters of what could possibly be built, but you are not going to get into the details until you get into the land development phase. You have to remember that you are imagining this as if anyone could come in, even though UPS is the one who made the petition, but tomorrow it could be someone else. So just remember that it will be changing for almost anybody. Another thing he wanted to remind was that once the actual verbiage was changed, it would also be changed for other districts that have the same type of use. So, it would not just be changing for this site, it would then change elsewhere; this is something that has to be looked at before actually changing.

Mr. Latsha asked if there was any correlation between the County oversight of a Conservation area and the Township's efforts to do that. He asked because there is talk in this proposal to eliminate some Conservation land.

Mr. Duke said no but there is some documentation out there that we would have to look at as to what the importance of Swatara Creek is. He said that he saw that the Manada Conservancy has indicated something. That is something that they will take a look at as a Regional standpoint.

Mr. Wagner offered some insight as to why he feels the Conservation District is where it is. He said during the 1972 flood, the water was up to where the buildings were, so he is sure that is why the zoning was done the way it was.

Mr. Duke agreed and said he is sure that is where the Wetlands are, as well. So it gets back to the question of what are we trying to conserve. The Wetlands are probably good agriculturally, but you wouldn't want to build there.

Mr. Knopp asked Mr. Henninger if he had any comments.

Mr. Henninger said that he didn't have any specific comments. One of the positives is that it gives a definition to something that is not defined among other things. It seems to be fairly restrictive as to what could be if it were approved. One of the concerns is what if UPS pulls out and someone else could come in, they would pretty much have to do the same thing the way it is defined, as strictly as it has been defined as far as the use. Legally, they are following the process. He said he will have some other comments or questions that could come up further down the line. He said he had some people at previous meetings ask him if this was "spot-zoning". He responded no, it is not spot-zoning, they are not proposing to re-zone. They are not saying they are going to take that little area back there by itself and zone it different use than what is surrounding it. It is not spot-zoning because it is adding a permitted use to the existing zone and it would cover the entire zone.

Mr. Latsha reiterated that they are adding a use to an area that is currently not permitted.

Mr. Knopp opened the floor for discussion from the public at this time.

Rick Howard of Old Reliance came to the microphone. He was there representing a group of constituents from LST. He said that while this is not considered spot-zoning, it has a lot of its characteristics of spot-carve out for its usage; not that it is bad or indifferent, but it does require a higher level of due diligence to make sure we've accommodated and understand all of the impacts and risks. The assessment would need to include more than just the pure incremental

tax and economic benefits, it needs to include the health, quality of life, traffic, infrastructure, property value, environmental impacts, and the associated risks. The constituents would expect that the results and analysis be generated by the due diligence process and would be provided to the citizens of the Township for them to voice their objections as the impact will be significant and extends across decades. The reason they are asking for this is to help preserve the negotiation leverage and to avoid a reversal of negative decisions arrived at. Mr. Howard went on to bring up some concerns the group of constituents have:

- Has a health impact assessment been completed regarding the impact of the physical plant and the increase of 600+ tractor trailer units and equal or greater amount of local delivery units and employee vehicles?
- ***(Answer from the Planning Commission was no.)
- The Township should have specific concerns related to the air quality impact and more specifically the increase of carcinogens and particularly emissions from both diesel and standard internal combustion gas powered vehicles. He added that Dauphin County has the fourth highest level of diesel contaminants in the State and in the top 300 in the country according to the Clean Air Task Force website. It is obvious that this would generate an increase in the level of these contaminants and would impact the health of the surrounding communities, and especially those with respiratory illnesses and the elderly.

***Mr. Breon interjected at this point and explained that when the Planning Commission answered “no” it was because we are not there yet in the process. At the Fire House meeting last week, he said he heard concerns about lighting and things of that nature. He went on to explain that the Planning Process occurs at the Township on a routine basis and all of those things get addressed during the plan development process after it gets submitted. The lighting is just one thing the Planning Commission members are very concerned about and they take it very seriously. So, he tried to make it clear that when they said “no” to Mr. Howard’s question, he doesn’t want anyone to think that they are not concerned with that and they are dismissing it; it just means that it hasn’t been looked at yet because we are not at that stage yet. Mr. Howard said he understood that and did not take it any other way.

- Mr. Howard asked if in the process Mr. Breon described, does that assessment occur before or after you have made the approvals for this text amendment change.

Mr. Breon answered that the things he has asked about so far would occur after the Planning Commission would give their recommendation for approval.

- Mr. Howard said if the decision has already been made, it is very hard to reverse it in the State of Pennsylvania. He went on to say that he did not have the opportunity to speak at length with counsel but he did get a brief education that again once one of these decisions are made it is almost impossible to reverse especially for a citizen constituency trying to

fight it. So the point they are making here is that they would want to see some evidence that consideration for that impact has occurred prior to the approval of the amendment.

Mr. Henninger responded to Mr. Howard's last comment. He said there is nothing in the Municipality's Planning Code, nothing in the Township Code, nothing in any Municipal Code that he is aware of that requires that type of information. It doesn't mean you don't ask for it and it doesn't mean that sometimes it's not provided, he was just saying it is not part of any required process under the law as it currently exists.

Mr. Howard said he understands it is not legally binding but it is at the discretion of the leadership to make a mandate that it be done prior to execution of the decision.

Mr. Henninger said that as we have stated, there is no specific time frame and the Board of Commissioners can ask for whatever additional information that they think is necessary prior to making a decision.

Mr. Latsha added that there is no required mandate for the Township to pay for any such study.

Mr. Howard said that this is not meant to ask the Township to go out and spend \$500,000 on a Comprehensive Medical Study; there are widely published white papers and research documentation that other states have conducted that the Township can leverage off of and not have to repay for that information that would provide the Township with very specific details on what the levels of carcinogens are or what increment you could expect to see and what the ultimate health impact is. But as part of the decision making process, there has to be some consideration. We are already in one of the most polluted areas in the country and we are looking at a significant increment. Mr. Howard said he is trying to reflect to this Planning Commission the emotions from the group he is acting as proxy for.

Mr. Latsha said he would be very interested in seeing any of this information Mr. Howard feels is appropriate for making a decision. Mr. Howard said that he was going to provide this information to the Township.

Mr. Howard went on say that the assessment that has been conducted estimates an increase in noise, tenor, and light exposure that will be generated by the physical plant and the increased traffic generated by this facility. He went on to say that he has high regards for UPS, but there is some accountability that needs to be. They would like to see some contractual obligations for commitments for sound mitigation of the physical plant: however, UPS cannot do anything about the traffic noise. What the group is concerned about is whether there is a formal

process that UPS is going through to keep the trucks off the residential areas. Does UPS have a remediation plan?

Mr. Henninger responded by reminding Mr. Howard that UPS had gone over that by discussing what control they can have over their drivers' routes. One of the things the citizens are concerned about is traffic. The Township has zero control over both the Interstate, Fulling Mill Road, and 441 because they are state roads and the Turnpike is the Turnpike Commission road. So the level of control and the ability to control is somewhat minimized on those roads. Powderhorn? Absolutely, got control. Fiddlers Elbow? Got control. Longview? Got control. North Union? Got control.

Mr. Howard said he thinks the intent here is binary; if you cannot control the noise and the noise is so obnoxious and invasive that it becomes a detrimental aspect of the decision to go ahead with this, it shouldn't be done at all.

Mr. Henninger explained that correspondence with District 8-0 over the years about truck traffic on 441 comes up every few years and the answer is always no, nothing can be done about the truck traffic. The Township can control their roads, but even though UPS said they can control their drivers, certain things would always be beyond because we cannot do anything about the existing traffic on those interstates.

Mr. Howard refuted that in this case, the Township can make a decision in the negative that would prevent this incremental traffic from occurring at all.

Mr. Henninger assured that in the end, the Board of Commissioners will make a decision that they feel is the best for Lower Swatara Township.

Mr. Breon reminded the audience that they need to understand that the Planning Commission is a recommending body, it is not a legislative body, and we cannot approve a single thing. We can only recommend what we think is best for the Township.

Mr. Howard said that is what they are looking for right now. He said they are asking that the Planning Commission consider these concerns and make them a component of the recommendation to the Board of Commissioners.

Mr. Knopp added that we make the recommendation but the Board of Commissioners make the final decision.

Mr. Howard said he understood the process. He asked has a study been completed that identifies the impact of the increased traffic in the township to include projected accidents and

injury increases due to the increased traffic, an increase in the police force required to monitor the traffic, and the cost associated with that increased staffing? This project is being promoted as having tremendous financial benefit with \$1 million in tax increase, but the citizens are looking for the offsets on the cost-side that mitigate that increase. The question they have is if there is a recommended part of the analysis that we understand what those costs are and any costs associated with any other infrastructure maintenance that is incremental based on this development.

Mr. Henninger replied that there has not been a traffic impact study completed at this point. It is a requirement at the Planning stage but that is assuming they would get the ability under the Zoning to do what they want to do.

Mr. Howard said that once again, it is like a Catch 22, because once it gets to that stage, it is hard to reverse. The primary concerns from the citizens are:

- The health issues.
- The traffic issues.
- Will an assessment be completed as part of the decision making process that identifies the impact to existing residential and commercial property values due to this development and the increased related traffic?

Mr. Howard went on to say that he looked at five national studies from five major universities and all were unanimous in the indication that this type of incremental exposure to trucking traffic does have a negative impact on residential properties' values. He feels the negative equity impact on the residential home owners far exceeds the one million dollar tax benefit.

- Is there going to be a third party validation of the geological concerns? Instead of vested-interest parties' reports, they would like to hear from a non-bias third party as to if there will be any environmental risks.

Mr. Breon answered no, but our Township Engineer is looking into it.

Mrs. Letavic said that is correct and that type of report would be submitted with the Land Development process.

Mr. Howard explained that he is not familiar with the process so he was just offering the generic questions that have arisen from the meetings with the residents.

Mr. Henninger asked Mr. Howard who he is referring to as a "third party".

Mr. Howard answered that it would be a hired engineer that is not related to the project.

Mr. Fausey asked who would pay for that.

Mr. Howard said if the Township did it internally with their own engineer and it is not somebody from the petitioning party, he feels that would be fine.

- Are we incorporating in the review process all the incremental expenses for maintenance and additional Township staff for any of the impact points that would be generated by the development project?

Mr. Howard concluded his presentation at this time and asked if there were any questions from the Planning Commission and/or staff. He said his intent was to give the Planning Commission a very proactive overview of the concerns, what is believed to be necessary as part of the due diligence process to come to an educated decision on whether or not this is a benefit, and how this is going to impact the residents from quality of life, physical health, and financial perspectives.

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

Kane High of Powderhorn Road came to the microphone. First, he agreed with everything Mr. Howard said. Mr. High said that one area of traffic that hasn't been discussed is that of the workers when they are not in their trucks. There is going to be up to 200 workers, four times a day, including sorters, cafeteria workers, car washers, truck washers, going in and out in any direction they want to. You will not be able to stop them from going up Fiddlers Elbow, N. Union, Powderhorn, Longview, or wherever. With that kind of traffic increase on some of those roads, they are going to need some significant upgrades. He asked who will be paying for that.

Mr. Knopp asked for any other comments from the public.

Lois Barto of Powderhorn Road came to the microphone. She said that as she understands it there will be 600 trucks a day and it was stated that there are 87 bays. She feels that is a lot of trucks for 87 bays. She asked where the trucks will be idling while waiting on a bay.

Mr. Irizarry responded to Mrs. Barto's question. He said the way their facility is designed, the trailers as they come in and if there is an available bay, it will be positioned there to get unloaded. If there is not an available bay, there is a staging area where the trailer would come into one of those staging positions, unhook the trailer and then the tractor would be put in the staging position and turned off so it would not be idling. That trailer would then sit there until there is an available bay. At that time, a jockey-wagon would hook-up to the trailer and take it there. So the intent is not to have anything backed up to the entrance of the facility, everything will come in straight into a position.

Mr. Breon reminded the residents that UPS did mention that they would have an anti-idling policy.

Marjie Hartz of N. Union Street came to the microphone. She had many concerns regarding the proposed text amendment to the Mineral Recovery District. Letters have been sent, letters have been received, and positions have changed but the facts remain the

same that the proposed site is on karst terrain. Karst terrain is prone to sinkholes. There are two open sinkholes on the site right now. There is an increased risk of new sinkholes opened from stormwater runoff; Phoenix Contact had a new 25 foot sinkhole that opened in the holding pond just from last week. She went on to ask what is going to happen injecting that much stormwater into the karst terrain. Other concerns were: Infrastructure failure due to sinkholes; increased post-development runoff when land is paved. Underground karst features are hard to detect and vary greatly just over just a few feet. So, although they have done core-boring, but just because they core-bored one place doesn't mean it will be the same a few feet away. Runoff groundwater interaction makes it hard to understand flow and drainage patterns. Polluted runoff greatly increases risks of groundwater contamination. A recent hydrology study was conducted and a solution cavity runs through the entire property. A \$2 million grout curtain was installed on a neighboring property to contain that solution cavity which is very fragile.

Mrs. Hartz went on to her next concern which is the altering of the Conservation buffer. These buffers are designed to protect soils, improve air and water quality, enhance fish and wildlife habitats, and beautify the landscape. Buffers help to slow water runoff, remove pollutants, remove up to 75% or more of sediment runoff, and most important with this proposed site is reduction of downstream flooding.

Mrs. Hartz handed out informal booklets to each of the Planning Commission members at this time which she walked the members through at this time. She felt the information in this packet would show how environmentally fragile this piece of ground is as well as the brute force that occurs due to being surrounded on three sides by the Swatara Creek. Mrs. Hartz then explained each picture in her booklet presentation which showed how the creek floods and the extreme force when this happens. She also pointed out that the locks from the Union Canal were built in 1827 and they are located on this property. Nine of the top historic crests on the Swatara Creek at Harpers Ferry were less than 100 years apart and eight of those were in the last fifty years. UPS is proposing to build a 935,000 square foot structure, nearly 21.5 acres under roof, that is larger than sixteen football fields, not to mention all the parking areas, which she reminds is on karst terrain and surrounded on three sides by the Swatara Creek. To quote the Dauphin County Comprehensive Plan: The impacts associated with flooding are directly related to development patterns and the intensity of development, as periodic flooding is a natural process that only directly impacts structures within the natural floodplain. But increases in impervious surfaces associated with development causes rise and flood elevations often impacting structures well outside the defined floodplain boundary. Mrs. Hartz then asked the LST Planning Commission members if they wanted to facilitate the possibility of increasing flood elevations by recommending the UPS text amendment proceed to the Board of Commissioners. She went on to say that their predecessors on the Planning

Commission had the wisdom and the foresight to preserve this special area from development which is good for the environment and can save lives and property. She asked for them to please uphold their wisdom. In conclusion, having representatives at the Dauphin Economic Development at the UPS Public meeting leads one to believe that our Township is getting pressured from the County-level and beyond. She pleaded with the Planning Commission to not let our Township be a pawn in a political game and the Residents of Lower Swatara Township be the losers.

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

Mr. Latsha wanted to make it clear that if people want to submit something, they are encouraged to do that. He applauded the two residents tonight who put a lot of time and effort into their presentations and added that it is worthwhile and their points were well taken. So anyone who has concerns or comments, please get it to the Planning Commission in some format that can be read and understood based on something relatively concrete.

Mr. Breon asked Mr. Henninger if we had to take action tonight.

Mr. Henninger responded that no, action was not needed tonight, even though the UPS representatives would like for an action to be made tonight. We are under no time constraints.

Mr. Breon asked if we had to wait for comments from the Dauphin County Planning Commission.

Mr. Henninger said that the County's comments and recommendation are to the Board of Commissioners so it is not necessary to wait for them.

Mr. Knopp added that he doesn't remember ever having taking action without the County's input.

Mr. Latsha said he would be in favor of putting forth a motion to defer any vote on this to allow anyone to offer anything additional. He said he is looking at some of these things for the very first time and he would like to see more and learn more before he makes a vote. He would like to know more about the Conservation District lines and why it was done that way in the first place.

Mr. Knopp said, based on all the information we have received tonight, what is the recommendation of the Planning Commission on what they would like to do with this proposal.

Mr. Latsha made the motion to table this proposal and reconsider it after we have received comments from the County and any additional comments that may be submitted to us.

Mr. Wagner seconded that motion.

All were in favor.

The plan has been tabled to at least the next meeting.

Mr. Stanley asked if the Planning Commission had a preferred deadline on when they would like anything else submitted to them.

Mr. Latsha said he didn't like getting things at the last minute, but sometimes he liked being "walked through" the information. But anything they can get to us that our staff could review in a reasonable amount of time would be appreciated.

Mr. Breon asked if a week before the meeting would suffice.

Mr. Stanley said they would ask if any new information could get to them at least 10 days in advance so everyone has a chance to look at it.

Mr. Henninger advised everyone that the date to have things in by for next meeting was Monday, August 14th.

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

Mr. Fausey stated that we are looking at an amendment here, so even if we would recommend it to the Commissioners, we would still have a ton of work to do at the Planning stages. So this is just the beginning, so we could talk about setbacks and Conservation and anything else as it comes up then.

Mrs. Hursh asked everyone to submit their information to her so that it is all going to the same place.

Thomas Clark of Longview Drive came to the microphone at this time. Mr. Clark stated that he hopes the exchange of information works both ways. He said that you are requesting information from the citizens' side, he would also like to hear from the petitioner's side. He went on to say that one of the major concerns here is the traffic impact and we hear nothing from you to this point relative to what you are planning on doing to N. Union Street for improvements. He continued with asking that if they are core-boring at this point, you should have some kind of an idea how many lanes there will be. He asked Mr. Secary if he was handling the traffic study (Mr. Secary responded no.) Mr. Clark then asked if Michael Baker was handling it (Mr. Secary responded that Mr. Baker's firm are the traffic consultants.)

Mr. Stanley interjected that they will not, now or prior to the vote, have the traffic impact study done.

Mr. Clark asked to confirm that there could not be any indication what the conceptual configuration of N. Union Street will look like from 283 to that site.

Mr. Stanley said that they have looked at alternatives as to the 283 bridge, they have looked at alternatives with respect to the off-ramp, but until the full study is done and they look at the peak hour analysis, the level of service analysis and what improvements need to be done, they would not have that conceptual drawing.

Mr. Clark replied that he cannot believe that at this point in time they cannot give an idea of whether it would be 3, 4, or 6 lanes on Union Street. He asked if a representative from Michael Baker's firm could give an opinion.

Mr. Secary said not at this point.

Mr. Breon responded that he feels it does not seem to be an unreasonable request for some kind of an idea of what is going to happen. The reason he says that is because in their budget planning they gave a number of \$20 million for infrastructure improvements. So for the average person, it is hard for us to grasp what that means. Is it 500 feet of road? Is it 5 miles of road? We have no idea. He went on to say that we are not looking for them to give us a specific, detailed report that cannot be deviated from, he just wants to know what the reasoning behind \$20 million was. He felt they had to come up with that figure somehow.

Mr. Knopp agreed with that. He said he would like to know how they propose the traffic is going to get from their site out to 283. He said he knows a 2 lane road is not going to work.

Mr. Knopp and Mr. Breon both feel that Michael Baker should be able to come up with some kind of informal plan.

Mr. Wagner had a final question. He asked for confirmation that the site was currently zoned Mineral Recovery. (The answer was yes.) He then asked if the project would go through, does that mean that the present quarry's days are numbered?

Mr. Henninger said that he did not know the answer to that, we would have to ask the Hartzes and Pennsy. As far as the other quarry, you would have to ask the other folks.

Mr. Wagner said that according to the map, it is all surrounded.

Mr. Latsha said that since it is the Mineral Recovery Zone, if they wanted to continue to quarry, they could. But he feels allowing UPS in there could not possibly be a permitted use. We are getting into a lot of planning issues tonight, but he feels the bigger question is are we changing the use? That would be re-zoning. So he doesn't think we should get into too much detail on planning because if it is change, there is no planning. He said he would like to know more about the Conservation area and the other issues that were raised tonight that might have an impact on whether we rezone that area to allow a use that is currently not permitted.

OTHER BUSINESS:

None

ADJOURN:

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

Meeting adjourned at 9:08 P.M.

Respectfully Submitted,

Ann M. Hursh
Planning and Zoning Coordinator