

**PENN TOWNSHIP BOARD OF SUPERVISORS
1301 Centerville Road
Newville, PA 17241
Tel: 717-486-3104 Fax: 717-486-3522
Rezoning Public Hearing
March 27, 2013**

Chairman Martin called the meeting to order at 7:00 and led everyone present in the Pledge of Allegiance.

Those present: Chairman Gary Martin, Vice-Chairman Ken Sheaffer, Supervisor Amos Seiders, Solicitor Marcus McKnight, Engineer John Shambaugh and Secretary Vicki Knepp. Also present representing Penn Township was Jodie Evans, P.E., PTOE of McMahon Associates, Inc., traffic engineer.

Chairman Martin stated there would be a short break for an Executive Session to take care of a few administrative issues. The Solicitor stated they were legal and personnel matters and they would return shortly.

INTRODUCTIONS

Chairman Martin reconvened the meeting and introduced the new faces at the front table. He stated we would do the individual small lots first.

230 LEEDS ROAD – PARCEL #31-33-19190-023B 0.46 ACRES

This property is owned by Gregory Fisher and is currently zoned Conservation. All other parcels in this section are zoned Agriculture. The Planning Commission has requested that the property be rezoned. It was zoned incorrectly in the original zoning process. Solicitor McKnight asked if there was any public comment. Hearing none Chairman Martin stated Mr. Fisher was not here; however, he had spoken with him and he was in agreement with this. Vice-Chairman Sheaffer made a motion to approve the zoning change from Conservation to Agriculture for 230 Leeds Road. Supervisor Seiders seconded the motion. Motion approved.

110 SOUTH SIDE DRIVE – PARCEL#31-12-0330-23a 1.27 ACRES

This property is owned by Pete Holmes and currently zoned Conservation. All other parcels in this section are zoned Agriculture and the Planning Commission has requested the property be rezoned. It was zoned incorrectly to begin with. Mr. Holmes has agreed to this. Both these properties were approved for rezoning by the Cumberland County Planning Commission. Chairman Martin asked if there was any public comment on Mr. Holmes property. Hearing none, Vice-Chairman Sheaffer made a motion to rezone the property at 110 South Side Drive from Conservation to Agriculture. Supervisor Seiders seconded the motion. Motion approved.

2 IRISH GAP ROAD – CHARLES AND MARCIA LEEDS 2.62 ACRES

Chairman Martin stated this property is currently zoned Residential, all other parcels in this section are zoned Agriculture and the Planning Commission has requested the change. Property was incorrectly zoned originally. There were a few comments at the previous meeting; however, no one was really against it. Charles and Marcia Leeds approve the change. Cumberland County Planning Commission has recommended approval. Chairman Martin asked if there were any comments on the property. Hearing none Vice-Chairman Sheaffer made a motion to rezone the property at 2 Irish Gap Road from Residential to Agriculture. Supervisor Seiders seconded the motion. Motion approved.

22 CHURCH ROAD – PARCEL #31-11-0296-026E 4.49 ACRES

This property is owned by Edwin & Alma Reiff and is presently zoned residential. The Board of Supervisors has requested that this property be rezoned to Agriculture. They believe it is a more fitting zoning for the property which is abutted by property zoned Agriculture on two sides. This change has been approved by the Cumberland County Planning Commission. Chairman Martin called for public comment. Hearing none, Vice-Chairman Sheaffer made a motion to rezone 22 Church Road from Residential to Agriculture. Supervisor Seiders seconded the motion. Motion approved.

44 HAIR ROAD – PARCEL # 31-10-622-010 28.25 ACRES

This property is currently zoned Agriculture. The owner, Jeffrey E. Showaker, has requested the property be rezoned Commercial/Industrial. Cumberland County Planning Commission recommended against this change. Chairman Martin stated that the Supervisors have some issues with some of the commercial uses that could go in there. The Solicitor asked for public comments. There were none. Chairman Martin stated that we need to redo the Township Comprehensive Plan. In the process of doing this we will look at all the zones and realign some of the uses. The Supervisors believe that it would be better suited to deny the request at the present time and during the next few months work on tweaking the Zoning Ordinance and the Comprehensive Plan to be a little more conducive to what we want to do in the Township as a whole. Vice-Chairman Sheaffer made a motion to deny the rezoning request for 44 Hair Road. Supervisor Seiders seconded the motion. Motion approved.

Chairman Martin turned the floor over to Solicitor McKnight.

1899 WALNUT BOTTOM ROAD – PARCEL #31-11-0298-019 163 ACRES OF A 237.16 ACRE PARCEL

This property is presently owned by: John M.; Joyce D.; John M., II; and Joel Ickes and is zoned Agriculture. The request for rezoning to Commercial/Industrial has been made by the Ickes family and Industrial Developments International. Solicitor McKnight asked if there was any public comment that was new from what had been said at the public hearing on this request. He said we will give a chance for public comment after the Township states their position. He stated that as Solicitor of the Township it is his recommendation that the Board of Supervisors rezone the property. He then gave his reasons. Currently the Township has limited areas for warehousing that are designed to be very close to the interchange. Currently all of those are spoken for. If we deny this request at this point we run the risk of having an Amendment forced on the Township that we have far less input in than we currently have for the tract of land. If we

rezone the property as requested by the owner we have to change the Comprehensive Plan in conjunction with the rezoning, which he recommends we do. We also would expect the developer to do a very comprehensive traffic study of the region. We are very concerned about traffic with all the warehousing on the books to be developed for the interchange for the Newville exit of I-81. That is why the Township has hired their own traffic engineer so that we can review any traffic studies that are done by the developer and have input with PennDOT. We are not sure that developing this site as has been suggested is going to work traffic wise and we will be very proactive in making sure that we do everything possible to make sure that it does happen. It might be that eventually the interchange will require substantial work with federal dollars. Therefore his recommendation at this point is that we can't solve the interchange until we move forward with the rezoning. The Township would not have done this if the owners had not requested it, but now that they have done so we are going to redo the zoning for the area. One of the other issues is that in addition to the developers agreement there will be some changes coming up on the zoning that we will implement as we redo the Comprehensive Plan. We would expect that the developer would be comfortable with the changes that are coming up. We also have concerns about the site and entrance(s) to the site. There may be some specific recommendations traffic wise. What we are saying is, as a first step we have two choices: we can say no to the request and then have something forced on us; we can say yes to the request, but then have input in how it is ultimately developed; or we can say no at this time and do our Comprehensive Plan and tell the owners to wait. But they may not be as patient as we would like them to be, and we do not want to have something forced down our throat that we have less input in. That is his recommendation; the Supervisors have the final decision. The Solicitor asked Engineer Shambaugh for his recommendation. The Engineer stated that their recommendation follows the Solicitor's thought that the areas that are zoned Commercial are pretty much going to be taken up shortly. That leaves the Township void of commercial areas and possibly open to litigation, but certainly any of the professional planners would know that you have to have some land available for development and it has to be in whatever zone or capacity you are going to make it. The Solicitor asked the Traffic Engineer if she had any input for the Township. She stated that she wants to reiterate what may have been expressed at the last meeting about the PennDOT process. The developer will have to get a Highway Occupancy Permit from PennDOT. PennDOT will have the final say in what roadway improvements are necessary. They will be required to do a traffic study and have that approved before they get an HOP for access to the State road. We will be in touch with PennDOT making sure that they know that the Township wants input into that whole process so that when they submit to PennDOT they will ask for the municipalities input and we will give our input to that and PennDOT will take into consideration what our concerns are. We will review the traffic study in detail and give our comments to PennDOT to take into consideration the concerns we have. Once that is approved anything that is approved is required to be done before they open and we would have a chance to review those roadway improvements to make sure they are designed correctly. We will continually give PennDOT our input along every step and PennDOT will take those into consideration as part of their final decision as to what improvements are going to be required from the developer. Solicitor McKnight asked if there was anything new anyone would like to say in public comment. Marlene Spangler of 775 Centerville Road asked what comes first, the zoning or the traffic study. Solicitor McKnight stated that a "friendly" rezoning request is before us now. We have every right to say yes or no. But there are implications if we say no. They can come back in with an Amendment and litigation saying that we have to change it because there is nowhere else for

warehousing that is not already spoken for in the Township. We have to weigh that as an option. And, even though we rezone the tract as requested with the conditions that, if they are accepted by the Board that we talked about, that does not mean the project is going to work. Quite frankly, we do not know if the interchange will support the amount of traffic that is going to be generated. We have not seen the study yet, but we want to have input into that study. We want it to work if it comes. It may be that substantial work needs to be done to the exit, more than the developer wants to spend at this point. We don't know that and we can't get to the point where we will know until the property is rezoned so they can move forward with the planning. WE are aware of the issues and will not be wallflowers. Ms. Spangler asked if the County could force us to do it. Solicitor McKnight said not the County, the developer could force the issue on the basis that there is no more realistically available land for a warehouse development in the Township because we did not zone enough of it. Our initial plan was that we did not want to zone too much until we saw what kind of development was demanded by the developers and we never would have taken a farm and rezoned it on our own. But since the owner said I would like it rezoned we have to pay close attention to that. Cathy Cornman, 920 Centerville Road, said that after looking at the developer's plan and seeing where they want to put their driveway where they want to she will not be able to pull out of her driveway because the left hand turn lane is extended past her driveway and she will not be able to see to make a left turn out of her driveway. Solicitor McKnight stated that the Supervisors are concerned about entrances and they are not at this point in a position to accept the conceptual plans. We can't comment on plans we have not seen yet, these are just conceptual. Ms. Evans stated that PennDOT has a process where any driveway in an area where they want to widen a road, they have to verify that sight distances will be acceptable within the widened area. The resident should be protected by that. They should have to come to the resident for approval and that it is acceptable that she would not be able to make a left turn at certain times of the day. Solicitor McKnight asked for any additional public comments. There were none. Chairman Martin asked Vice-Chairman Sheaffer if he would like to make any comments. Vice-Chairman Sheaffer stated if he thought with his heart, he would try to keep Penn Township all agricultural, residential and conservation. Things change; people don't like change, including him. We envisioned that this would happen eventually. We have an exit off an interstate highway in our backyard, we could expect it. Hopefully we have learned lessons from the first warehouses built in the Township. We thought we had our i's dotted and our t's crossed. We thought we had it all figured out. And it turned out that we were not quite as diligent as we thought we were. Things happened that we did not expect. We have instituted zoning since those warehouses and hopefully learned a few lessons along the way to do a better job and protect our residents. Our primary goal is to protect our residents. We have also been made aware by our Solicitor and our Engineer that in some ways, if we did not allow development it could adversely affect the township from a legal standpoint and also financial. We have to look at the big picture, what is going to be in the best interest of the Township in the long run. Because of that, he has to agree with the Solicitor and Engineer and their evaluation. It has been discussed, it was not taken lightly and was not a quick decision, and they gave it a lot of serious thought and reflection. Supervisors Seiders did not have any comments. Chairman Martin stated that when the project first came to the Planning Commission and the Supervisors they identified all the concerns that our residents had. They were discussed at length. We know what needs to be done and we will do everything we can to protect our residents, especially the neighbors. We don't want this to be an imposition on anybody adjacent to that, but we want to minimize the inconvenience to the rest of the Township residents, also. PennDOT has the final say on this intersection.

Whenever they get done with their improvements it has to be the same type of traffic flow as there was before. Ms. Evans verified that the developers have to mitigate their impact, they are allowed a 10 second impact. Chairman Martin stated that his point is that with the other developments going in it might be more expensive than what they are willing to pay to do this. Just because we approve this, does not mean we automatically are going to have a warehouse. Everything starts here. The concept plan they provided is just an idea of what they may do in the future. When they get a tenant they may change the design and at that time everybody here will be back into a public hearing to discuss it all again. Vice-Chairman Sheaffer made a motion that we approve the zoning change for 163 acres ± of the Ickes property located at 1899 Walnut Bottom Road from Agriculture to Commercial. Supervisors Seiders seconded the motion. Motion approved.

Chairman Martin asked if there was any other business to discuss. The Solicitor asked the potential developer if they have any comments about the conditions that have been outlined in terms of the developer agreement if there is a project. Charles Suhr stated that everything that was put forth they understand. They heard all the concerns in working with the Planning Commission, they are trying to address them and understand the PennDOT process. They look forward to working with the Engineer and the Traffic Engineer. They understand that there will be a developer's agreement which will be part of the whole process to secure the improvements and deal with any unintended or unanticipated adverse affects, we understand that will be a process also. They look forward to working with residents to minimize the impact. They understand that change is difficult. They want to come into the Township and they want to be good neighbors. They want to try to exceed our ordinances. The concept plans are just ideas. They understand it is not a rush job and they look forward to working with the Township and addressing residents concerns as the project goes forward. Solicitor McKnight stated we have taken into consideration the County Planning Commission's comments; but we are in a situation where to not act may be more detrimental than to act. In acting to rezone this tract we are committing to redoing the Comprehensive Plan and making changes in some other districts which are designed to mitigate the impacts of the large warehouses and encourage lesser developments of a commercial nature that would be supportive and provide benefits to the greater region. We are going to try to be as forward thinking as we can in doing the planning necessary. People have to understand that sometimes in more rural townships you can't have all the planning set up the way you want it until there is a clear demand for change. That is what has happened.

Vice-Chairman Sheaffer made a motion to adjourn. Supervisor Seiders seconded the motion. Motion approved.

NEXT MEETING April 11, 2013

Respectfully submitted,

Vicki Knepp
Secretary