

West Hanover Township Planning Commission
7171 Allentown Blvd, Harrisburg, PA 17112
Minutes from October 28, 2021

Members Present

Richard Mula
Tom Stewart
Alan Williamson
Debra Packer

Stacey Connors
Kyle Miller
Elizabeth Bezsytko

Staff Present

Janet Hardman, Zoning & Planning Administrator
Sharmaine Harman, Administrative Assistant
Mike Gossert – Manager
Lee Stinnett, Salzman & Hughes, Township Solicitor
Jake Hoffman – HRG
Alex Greenly – HRG

Others Present

Judd Dayton- Snyder, Secury & Assoc.
Charles Courtney – Attorney for Prologis
Craig Mellott – Traffic Study

I. CALL TO ORDER

The meeting was called to order at 7:00 pm

II. Roll Call

All members present.

III. Approval of Minutes – Motion passed to approve July 22, 2021 minutes.

Mr. Stewart made the motion. The motion seconded by Mr. Williamson.

Ms. Connors abstained she was absent on July 22, 2021

Motion passed unanimously

IV. New Business

Mr. Mula before public comment we need to have a motion to the New Business docket 20.009 Gary Herman before Old Business. Do I have a motion?

Mr. Miller made the 1st motion

Mr. Stewart 2nd the motion

Motion passed unanimously.

Mr. Mula docket # 21.009 Gary Herman is anyone present to represent Mr. Herman?

Mr. Newmyer(?) – Mr. Herman the owner of the real property located on Devonshire Heights Road. The applicant proposes to consolidate lot 6b with Lot 4 (lot 6b will be removed from Lot 6) Lot 4 will then become 23.78 acres. Lot 6 will then become 6 acres.

Mr. Mula – any comments from Zoning?

Ms. Hardman stated no comments. There are 8 waivers you need to take into consideration.

Mr. Greenly (HRG) – stated there were only administration minor comments

Mr. Mula does the Board have any comments or questions? If not do I have a motion?

Mr. Stewart made the motion to approve all waivers requested.

Mr. Williamson 2nd the motion to approve the waivers.

Motion passed unanimously

Mr. Mula do I have a motion to now approve the plan for Gary Herman?

Mr. Stewart made the motion.

Mr. Miller 2nd the motion

Motion passed unanimously.

V. Public Comment

Mr. Mula – Now public comments. Before we get started I'd like to make a statement. At all times public and Planning Commission members are to show mutual respect of the quorum. All participants can offer comments during the public comments period. Members of the public are asked to not speak outside of the public comments period or engage each other or the Planning Commission. We ask members of the public to be considerate of other members of the public this will provide a speaking opportunity to those who wish to participate. Each person will be allotted 3 minutes of uninterrupted comments due to the national limitation of time and tension. Please stay organized and refrain from repeating previous comments. Doing so will allow all who wish to provide public comments to all who wishes to participate in this meeting. With that beginning said we will start the public meeting comments. You need to give your name and address for the public record.

Erich Bair 7629 Moyer Road, I meant with Mike Gossert, Lee Stinnett, Janet Hardman, Charles Courtney, Jim Snyder, and Prologis Representative on October 13, 2021 to have a meeting to discuss my concerns as neighbor property owner. In short of the project going away. None of my concerns seem to matter to them. They didn't seem willing to change the plans. They did agree to construct an earthen berm on the northeast of the property boundary in addition to level 3 screening. I appreciate that. I have that they will honor that I have not seen anything in writing. In the 2015 Comprehensive Plan it states the comp. plan was responsible for the growth and keep the township

rural heritage. The word mega did not go along with that. The environmental overlay district was created to preserve and protect environmentally sensitive area. My argument since it came to planning was for t to meet the Township Ordinance. I feel it doesn't according to Section: 195.80 Hillside slope overlay district. This project impacts may steep slope areas which are environmental sensitive areas. As a member of the Zoning Hearing Board, I feel that a Variance is required and needs to be taken into consideration. I don't feel the definition is vague as stated by Mr. Courtney. I don't think this project is a win for the township.

Rick Shiffler, 600 Early Mill Road, Hummelstown, my concerns are the safety and the future of our organization Twin Brook Horse Association. We have children from the ages of 15 and younger riding. The zoning allows 50 foot from property lone. Our jumping ring comes right up to the edge of our property line. So, if you have a young child coming up to the jump and a backup alarm from a truck goes off or some other loud noise and the horse spooks the rider may get dumped and hurt. There is a cross county course that goes right along property line to top of hill the proposed site will excavate the hill on the other side and there could be a 50 foot drop off. I would like to invite the board to our award banquet for us to show you our grounds.

Brian Walborn- 3250 White Pine. What is the property currently zoned?

Mr. Mula- The property is zoned as Industrial

Brian Walborn- what was it before that?

Mr. Gossert – Portions were agriculture and portions of it industrial.

Brian Walborn- When was it changed?

Mr. Gossert- February 16, 2021.

Brian Walborn- Why have a zoning ordinance when you can change it at will?

Jessica Berman – 770 Piketown Road. December 7, Dauphin County Planning Committee wrote the West Hanover Township Board of 'Supervisors regarding this project. The number 1 point of the summary said, given the height of this building the township should talk to local fire officials to make sur they have the necessary fire equipment. Can anyone tell me if this was done?

Mr. Gossert – The applicant did come to the Public Safety Advisory Committee meeting presented the plan there was dialogue between the Fire Co. and Public Safety.

Jessica Berman – So you're telling me the township is 100% guaranteeing the residents and their employees of will be safe? Injection wells are planned for the facility you do put them in I ask that you require all of us to have a pre-construction well testing and post construction well testing. On tonight's agenda under old business the applicant requested to construct a 1 story building. On February 7, 2021 the Township Supervisors changed this from 1 story and a 5-story building. The fact you can't say what type of proposal you have this raises questions.

Tara O'Malley 8104 Kelly Drive – From all the talk no one realized everything that was proposed until after the meeting and zoning changed. It was posted in the Hummelstown Sun. How many residents get the Hummelstown Sun? I feel this was shady.

Patrick Connolly 240 N. Fairville Ave – Have any of you been to a mega warehouse head all the noise, the lights and pollution?

Mr. Mula – I have.

Patrick Connolly – did you find it disruptive do you think it would be disruptive to the high school 1.5 miles away?

Mr. Mula – I couldn't say.

Bart Wagner 7407 View Crest Drive – I live west of the horse farm. I have a 8-year-old. What if the building catches fire? What leaks from there that will pollute my home? You zoned for me to build a house here I pay taxes here I don't want my daughter to be injected with toxins that we don't know what's there. The traffic coming from the warehouse south from the road have a center turn lane they don't block traffic. Your saying trucks from this warehouse turning left while the other trucks are turning right there won't be a problem. I appreciate you all volunteering your time.

Erik Hernandez 7416 View Crest – In February the rezoning there was a discussion among Prologis that a typical warehouse is 35 feet tall. The zoning has changed to 55 feet tall. There was a lack of a complete impact study that was done. This was all done under the idea that the building was 35 foot tall not 55 foot tall. It's the Board of Supervisors and this groups responsibility to the residents did you ask any of the township residents what do they want? This is the final draft plan we the residents put you here. What are we here for tonight? What are the next steps?

Mr. Stinnett – The purpose of the Planning Commission is to listen to the applicant then make a recommendation to the Board of Supervisors to deny or approve the plan based on the compliance of the township subdivision/land development ordinance and township zoning ordinance.

Erik Hernandez - Thank you. Many of us are concerned about what is the impact of the toxicity for a building this size. Like light pollution, air pollution and noise, what happens to our environment land and water. This has not been a transparent process

Mary Ann Yahn, 325 Picketown Road - The intent of limiting of the slope removal was to preserve. I live on Picketown and the trucks on Picketown Road have increased.

Keith Camilli, 7720 Sleepy Hollow Road – As many said there will be more traffic I have been to large warehouses and when you get semi traffic normal road will have erosion, an increase in accidents. We spent \$60,000.00 to have zoning rewritten why did we not then change for different projects that are being planned?

Tim O’Kum, 684 N. Fairville Ave – Where are headed with this? We live in an industrial park now. There is truck this and truck that. You are trying to grow with hotels, high schools, developments. That will just add more traffic. It’s a safety concern.

Julie Brady, 7345 Manor Drive – The picture behind you are you going to add the warehouse to that? I am concerned about our wells. I don’t know what the runoff of this place will be and you’re going to inject it into the ground?

Louise Champagne, 546 N. Fairville Ave – I own the farm that borders the warehouse property line on the east side. My parents bought the farm in 1955. My parents named the farm “West Hanover Hills” because of the hills and mountains. I want to talk about the steep slope overlay protection. There is a large hill elevation about 600 ft of steep slopes and big hills. Prologis has approached me a few times to sell the property. I will never sell. The zoning code on steep slopes wasn’t written clearly. I understand just this week I got information that there was a meeting between the township and Prologis attorney and that they all agreed that the code wasn’t written clearly I will be consulting an attorney that specializes in Planning and zoning. A new formula was agreed upon I do not believe the Planning Commission or Township Administration have the right to. There is a specific formula that is to be used. rewrite or ignore the code as written. I am asking you to deny the request for this waiver. It should not be rushed. Please deny the plan. The code requires preliminary plans later followed by the final plan.

Patty Smith, Susquehanna Township, I am here on behalf of Erik Epstein of Rock the Capital. If you don’t know who we are we fight corruption and waste on state and local levels. I have questions on the rezoning in February. The rezoning and text amendment in Pa. The consideration you must make prior to rezoning is the proposed ordinance consist with the municipalities comprehensive plan. Was this done? No. Will the proposed zoning constitute spot zoning? Possibility. Will the rezoning of the property have effect on traffic or environmental condition? Absolutely. You may be asking why I am bringing this up. The 30 days has expired. The reason is how the meeting was conducted. It was done in a way to make sure few people knew it was happening. That was a problem then and now. This is a rural residential area. How many trucks will be coming in and out of this facility? Do you know it an important question? When 81 backs up these trucks will skip over to Rt. 39, down Piketown Road passed the high school where there are 2000 or more students. What will that number be in 5 years. With all this traffic on these roads it will affect the buses which in turns effect the kids with special needs. Just this year Central Dauphin School Board issued letters to parents stating this year compounded with personnel shortage has caused delays that hinder our goal of timely transportation for students. Additional 500 trucks are going to seriously hinder that ability. This project is not preserving the rural characteristics of this township. A serious blight in our area where tons of empty warehouses that sit off 81 and 83. Why? Why don’t Prologis build there? There

is no need to have it here. One change lead to another. County records show this property has not been purchased yet its only under contract. As I seen with developers they come in with their high-priced attorneys and threaten to sue you if they don't get what they want. Be warned that residents, local businesses, and other stakeholders can sue you as well. Using your own Comprehensive Plan and previous actions against you. The residents are not mandated to sit aside the promises that have been made to them. They choose to live, work, and run businesses and go to school here based on your long-term promise to preserve their rural neighborhood. So, you sit that aside so a few out-of-town developers who don't live here can profit from the destruction this project will cause. You would not only open the township up for litigation from residents and business owners you'd be risking your elected office. I am positive the residents of West Hanover will not forget you turned your back on them despite the plea for help should this development moves forward. I am sure they will remember it on your election day. There is a simple solution you can reject the project ; you can table it for the Route 39 study that will be released shortly, or you can put it in your own neighborhoods. It's not your responsibility to change zoning or your Comprehensive Plan so one developer can make a profit. Prologis has choses also. They can find another piece of property that can fit their development, they can redo their plan to fit what's available or they can go somewhere else. The residents should not suffer so Prologis can profit. There is a change in the Sunshine Law so after Prologis is done with their presentation the residents have another chance for public comments.

Tyler Scott 7020 Linglestown Road, I was born and raised in this community. You have a chance to make this community amazing because the growth is only coming down Linglestown Road toward Rt 39 and putting a big ass warehouse excuse my language you are ruining the essence of this neighborhood and shy people want to live out here. Everyone takes their kids to school now taking your kids to school is a mess. Our community is not built for a 1 million square ft warehouse.

Mr. Mula Anyone else want to comment? We are going to move into old business 21.005 Prologis.

Mr. Dayton – This project started in the middle of 2019, when we approached the township about rezoning request and whether or not there was infracture here like the interchange of I81. The front part of the parcel was zoned industrial over 18 months the township took to consider this project to extend the zoning request including the front part of the property back to the rear part of the property. These 2 parcels roughly split up in the middle. The project will combine the bulk of the 2 parcels and leave a small piece for Houck parcel. On the lower left. This is a 1.1 million square foot warehouse with single access off Linglestown Road. This has been under scrutiny by the township and PennDOT due to truck traffic. There is a stormwater management that is spread through out the sight. It meets the requirements of the township, state, and federal regulations. Someone brought up about injection wells. The project does not include injection wells. This project has a variety of

stormwater management this is customary here in PA. As far as fire. This building will be constructed with the latest building codes. It will have a water storage tanks with pumps and full sprinklers. The material used will be in accordance with all current fire's standards. As far a hazard material there are state requirements that do allot storage on site but there are no storage tanks on site. Mr. Bair said there is a request for berm and landscaping on the northeast side of the parcel. I was directed by Prologis to do that. At the northeast area of construction, we will have a mound of topsoil where we will maintain it and leave it there for a buffer. East and west side has existing woodlands that will not be cleared we will keep as much as possible. Little more on the right side there are wetlands and environmental features that DEP and Federal Government want to keep and protect. The building is 55 feet in height at the center the highest point of the building will be the back approximately 60 ft above the cart way. So as far as the visual from the northside of the property which have no impact. We have been working with the State and Federal agencies. There are some waivers one previously requested customary for a plan that meets both elements of pre-liminary final plan and doesn't propose public improvements or new streets. We are adding a new waiver. The ordinance required plans to be 24" x2"x3ft in size. We are asking for ours to be larger to maintain level or clarity to the plan details.

Mr. Stinnett – Could you give the section number of the 2nd waiver?

Mr. Judd - Section 173-15.A

Mr. Mula - can you tell us what this waiver is for?

Mr. Dayton - The county courthouse didn't have electronic ability to documents plans so they specific they shouldn't use a sheet size large that 24'x36, your ordinance still holds that specification. The waiver would allow us to increase the size to 30' tall c 42" wide.

Mr. Mula – Any zoning comments?

Ms. Hardman – Just one the dumpster location there was just a note that they would provide dumpster but needs to shown on the plan.

Mr. Greenly - Comments not have gotten to the pint where they are all routine in nature. Some administrative comments, location of no idling signs, no parking signs, additional screening, structural fill design and keo-technicial engineers on site during major earth moving, minor stormwater comments and seeking approval of regulatory permit approvals.

Mr. Mula – Does the Board have any question?

Mr. Stewart – We don't have a traffic impact study.

Mr. Greenly – We did review HOP application on behalf of the township mostly minor house keeping comments. Our traffic engineer is continuing to work with developers and PennDOT traffic engineers

Mr. Mula – We have heard a lot of testimony here could you please address the slopes.

Mr. Courtney – We looked at the slope divisions. We prepared a letter to the township and did a follow up with the township about what our interpretation of the ordinance was. If you looked up 10 different ordinances some are preservation and protection, some are about protection of erosion and sediment control. When we reviewed the ordinance the ordinance clearly requires an average in calculation, but the ordinance doesn't define the area that you suppose to be including. If you look at your definition the steep slope references the site as in the whole site another part of the formula references area of the parcel. The ordinance is ambiguous and prior court decisions following this same ordinance. We are in compliance . We calculated in a way that gives the effect to the language that's in the ordinance. We didn't calculate on the whole site.

Mr. Stinnett – Township sites protection overlay district provides that the new establishment district boundaries. The HSPOD consist of all land which as 25% slope or more. The township ordinance has been challenged at Dauphin County Court of Common Pleas then taken to Commonwealth Court. The Commonwealth Court held that the term land is no where defined in our ordinance. The problem with that is the court said quote “The provision is so vague and to surrender an applicant burden to comply impossible. Generally speaking, when a zoning ordinance is ambiguous the developer is entitled to free rein in that regards so here however taking the broadest possible definition of a term that courts define impossibility vague. They have the right to do the narrowest calculation meaning the disturbed are rather than the full area of the site. We are faced with a position of forcing clients with this ordinance that courts already deemed impossible to comply with or finding a way to define land in a way that is the going to get the township sued. That's where we are at. So, with the definition of land its defined in the ordinance to the Commonwealth Court of PA already stated that provision in our ordinance is not favorable to the township as it relates to this application. I cannot recommend a denial of the plan to the Planning Commission. When the Board of Supervisors ask the same question to me my advice is going to be I would be very cautious in denying the Land Development Plan based on the interpretation of this ordinance. That the Commonwealth Court already deemed unreasonable.

Mr. Bair – Why hasn't the ordinance been updated if it was challenged in 2014?

Mr. Stinnett – I was not here in 2014. I don't know how to answer that question. I have been here since 2019. I generally am tasked to review the plans as they come through. I believe the township is doing a complete overhaul on the zoning ordinance. I would recommend that we hold any further public comments.

Mr. Courtney - Anything site plan related I think we reviewed all the comments.

Mr. Mula – The surrounding buffer areas and what is being reserved.

Mr. Dayton – Along the property line and eastern property line the screen requirement from the ordinance requires a 50 ft buffer, along residential 50 ft, along the entire north side 50 ft. maintaining

the woodland along the eastern side, continue the buffer close to Linglestown Road, coming back north to west, north side of property there will be a gap of stormwater and screening along Linglestown Road and landscaping in the front. There are wetlands the largest is in front parcel. There are a few more pockets on the west, in the woodland on the east side. The impacts are in consideration for permitting for both DEP and Army Corp of engineers.

Mr. Mula – Board do you have any questions.

Ms. O’Kum – what about lights?

Mr. Dayton - The lighting in the auto and truck on all 4 sides of the building. The lighting plan has been submitted to the township. It will meet minimum levels for safety and limit lighting levels from reaching property line.

Mr. Stinnett – Mr. Courtney would you allow additional public comments addressing anything that comes up? We would like to ask to take public comments as a batch. To help run a little more smoothly. We will need your name a address was you come up.

Erik Hernandez , 7416 View Crest – What about the visual impact from other direction including the west where there is a large neighborhood?

Jessica Berman, 770 Piketown Road – If you’re not doing injection wells how are you handling the stormwater runoff? How about the contamination ?

Bart Wagner 7407 View Crest – How high will it be? How will the base ground be to the existing structure?

Rick Shiffler, 600 Early Mill road, Hummelstown - There could be a 6-foot drop from the top to down where the building is.

Tara O’Malley, 8104 Kelly Drive - Are the plans going to protect the trees? Are you planning on getting rid of them down the road?

Mr. Mula – We will take time now to answer the questions already asked.

Mr. Dayton – On the elevations. The road out front is the low spot. The building will sit higher than the road and continues up the back of the property. Off the sides is the 60 ft form the back down to the truck court. There is a wetland existing grade that is higher. There’s a gully that does back up 40 ft. There is a natural slope that is not being changed on the eastern side. That vegetation is being maintained, earth won’t be disturbed, trees won’t be disturbed.

Mr. Courtney – What about the injection wells? Where will the water go?

Mr. Dayton – Stormwater is spread over the site base on DEP requirements. Three things you must do with the water 1. How much water comes off 2? How fast does it come off? 3. How clean it comes off after a development is complete. Our systems are intended to capture the water, hold on to it and allow some water to seep into the ground. It’s intended to hold back the water and let it release without causing erosion. So, stormwater is treated by these BMP’s. The water after

construction should be similar or better than before construction. DEP is saying the water that can seep into the ground will be treated by the ground. The runoff in the truck area that goes to a BP we have a water quality insert that sits in the boxes that catch water that helps capture oils and other things.

Mr. Courtney – Visual impact to the west.

Mr. Dayton – On the west we are trying to keep as much woodlands as we can. That area will be higher than truck court. You would have to see over the hill through the trees to see it.

Mr. Stinnett – Its very difficult with all the folks commenting at the same time. We ask everyone to ask questions at the podium. They are trying to address your concerns and we don't know who's speaking.

Mr. Courtney – You talked about the lighting lets talk about the heights of the light fixtures.

Mr. Dayton – Fixtures are required by the ordinance to have shields and cutoffs that the amount of spill over from the light fixtures doesn't go sideways. It is directed into the area that are intended to be lite. The light fixtures will not be higher than the building roughly 30 ft.

Mr. Courtney – That was all the questions for conditional approval.

Tim O'Kum, 684 N. Fairville Ave – The amount of traffic we are going o see and how is that being handled? I am concerned about safety.

Mr. Greenly – That is part of the traffic impact study. Its being worked on through PennDOT, the developer's engineers. HRG is doing the study.

Mr. Stinnett – That is a condition the engineers report requires an improved traffic study involves PennDOT's approval so that an outside agency approval is part of the conditions so it will be part of the final plan.

Patty Smith, Susquehanna Township – It's been said 500 trips a day is that accurate? How many are tractor trailers? How many passengers' cars? Do they have a tenant? If the answer is no you are approving something your have no information on. If it is yes what if the sell the building what's next? You must keep that in consideration. How will the developer prevent the trucks from going down Rt. 39 or Picketown? When was the traffic study done? If it was done during pandemic is not correct.

Richard Enck, 7112 Hillside Road – I don't understand on the stormwater management. How that water building can get 2' of rain which is 466,00 gallons of water to fit into the ponds? I want to make sure you did the calculations correct. The tree lines the leaves fall over in the fall you will then see this warehouse.

Mr. Mula – Lets answer these questions.

Mr. Dayton – The state requirements the increase in a 2-year storm totally kept on site. As far as how fast it come off we are required to limit after construction the amount that comes off

preconstruction for a variety of storm events. From every day storm events up through larger events 1 to 10, 25 to 100 storm events. As far as leaves coming down the stream buffer requirements that required by ordinance requires a percentage of evergreen trees to try to maintain visual barrier 365 days a year.

Mr. Mula – There was a question regarding traffic study.

Mr. Mellott, Traffic Planning Design – The study was done the last 6 months with HRG and PennDOT. When the count was done in the winter of 2019. Pre-pandemic. PennDOT does not allow us to use counts during the pandemic. It's a study of peak hours we get the busiest 1-hour period in the morning and in the evening. Your ordinance references its based on actual counts. The statistics PennDOT makes us use. During the a.m. peak hours total of 22 trucks, that's a total 11 in and 11 out. The evening peak hours total of 34 truck 17 in and 17 out.

? – **no name given** – How will they prevent trucks from going down Rt. 39?

Mr. Mellott – PennDOT was concerned about this also. Your engineer recommended to install signage coming out of the driveway. To use smaller radii so its obvious as visual. PennDOT has prohibited truck west bound on Rt. 39 starting at the Houck Property and is part of the scoping process. Some of the signing PennDOT recommended the township sent a letter to PennDOT to evaluate the sign upgrade.

Tim. O'Kum – Does Lower Paxton know about the possible traffic?

Dave Wheatley 211 Berkstone – What about at Pilot? We put jersey barriers up and they are still climbing the wall down there. Where is the runoff going/ do you have tank underground to catch the water?

Mr. Dayton – There are stormwater practice underground. There are 9 separate stormwater facilities implemented. The blue dots on the plan show up. There is additional underground system in the north east corner. The surface basin on the west side also has a sizeable underground component under the truck loop on the south. The designs are reviewed by the township and DEP we are meeting all the requirements.

? you said sizeable tanks. What is your definition of sizeable?

Mr. Dayton - I don't work in gallons we work in cubic feet so roughly 200,000 cubic feet.

Mr. Greenly – So there's about 7 1/2 gallons in a cubic foot take 200,000 x 7 1/2. The stormwater management design is efficient its does disperse stormwater discharge throughout the site. There's efficient storage, rate controls are efficient as required.

Jessica Berman, 770 Piketown Road – Am I correct you have been hired since 2019 to work with Prologis? One of your own Supervisors Kyle Miller works for the same company. Isn't that a conflict of interest to vote on these issues?

Mr. Miller – I knew nothing about it.

Mr. Stinnett – There will be a vote tonight we Mr. Miller will not participate. There will be no conflict of interest. We heard Mr. Mellott say the engagement started after the rezoning.

Mr. Mellott – It was after the rezoning.

Mr. Stinnett – No the counts were from 2019. The study was after. Counts are not the engagement.

Mrs. O' Kum 684 Fairville Ave – We see the amount of people here this plan is from probably 2 years or more. Why weren't we informed of this?

Erik Hernandez, 7416 View Crest – You mentioned that there would be a vote tonight. I don't think its clear to any of us what the intent of this decision was . If there is a vote what will the action be?

Mr. Stinnett – You can't know the action before the meeting. On the agenda is Prologis plan there are comments the applicant going through this presentation its now up to the Board to consider an action. To recommend an approval with conditions or denial to the Board of Supervisors for their meeting later. The time for action by the Board of Supervisors are governed by Municipal Planning Code, the advertisement requirements are governed by the MCP .You cannot cooperate outside of those or Mr. Courtney and Prologis will be entitled to deemed approval.

Erik Hernandez – Is this preliminary plan or will it come back to for a second meeting? Are you approving a waiver?

Mr. Stinnett – There is a waiver on the agenda there's a waiver in the packet they will consider the waivers and act on that.

Brian Hoover, 757 Piketown Road - What I hear 100% of the public is against it.

? **No name or address given** – I disagree.

Brian Hoover – Why are we here 97% don't won't the warehouse?

Mr. Mula – We hare embarking on a process by which we are here tonight to review what the applicant presented. We are all volunteers here.

Brian Hoover – We have all kind of studies up here. Anyone can make a study.

Mr. Mula – I can't speak about the process that takes place that is what's required.

Tim O'Kum, 654 Fairville Ave – The traffic study is outdated. What is West Hanover getting out of this? What are the residents getting out of it?

Carol Gerber, 757 Piketown Road – How many trucks are going to be coming into this facility. I am questioning the things that were done. To even think about building a top 10 in the country size building in West Hanover.

Mr. Mula – Can we get an answer on how many trucks

Mr. Mellott – PennDOT's standard is peak hours. Traffic is mitigated in a 1-hour period morning and evening. So, the static PennDOT's makes us use show 22 trucks in the a.m. and 34 trucks in the p.m.

Carol Gerber – So you are saying 1.1 million warehouse and there would be 20 trucks in the a.m, and 35 in the p.m.

Mr., Mula – we are going to stop here. I don't want to get into a back-and-forth debate. The traffic study is going to reveal the count.

Carol Gerber – That should be looked at.

Mr. Mellott – The transportation study has been approved by PennDOT. The truck traffic is 335 per day by what PennDOT stats states.

Mr. Mula – I am going to allow 5 more minutes for questions.

Dave Wheatley, 211 Berkstone – How many doors are on the building for trucks.

Mr. Dayton – Garage doors roughly 200.

Mr. Wheatley -If you have this many doors you want to turn over trucks quickly. If they sit an hour to lad and then out. How many trucks are moving out of there? You can't have 22 trucks a day.

Mr. Courtney – To be clear 22 trucks was a peak hour basis. This is not a truck terminal. Truck terminals is based on no storage. Truck in truck out. This building is meant for storage. Its not to the operator's advantage trucks sitting at every dock. You can't look at the number of doors to estimate the number of trucks. Based on the projects that we've done when you start a project like this we start a meeting with the township engineers and PennDOT. We did that. After the process if PennDOT is ok with everything then you put the study together. We can sit here and talk about observation on the streets but that's not the data that PennDOT requires us to use. The data that PennDOT requires us to use on project-to-project basis requires we overestimate number of trips. We are over estimating employee trips and truck trips. There is a lot of traffic, but part of the study is to ensure that the intersection is operating at a satisfactory level are determined by PennDOT

Mr. Mellott – PennDOT requires we study all the major signal intersections from the interchange, Route 39 and Fairville Ave was the only one on the right that had no signal.

Mr. Mula – So PennDOT did not require to do Jonestown Road & N. Fairville Ave.

Mr. Mellott – That is correct.

?? – no name or address given – Was it PennDOT or was it the Township?

Mr. Courtney – Its PennDOT that controls access to their roadways.

Mr. Mula – Route 39 is a state road.

Scott, Linglestown Road -Does the township have the ability to inspect the warehouse as its being built. I don't think Light-Heigel is able to keep up with the demand. Is this township equipped to handle the speed of construction? Will the warehouse be inspected for safety and will the township sign off it properly?

?? **No name or address** – What is going to be stored there?

Mr. Mula – I don't know if we know at this point. All we know is non-hazardous materials.

Julie Brady, 7345 Manor Drive – I don't like the direction this township is going. The people we elected are not working for us. Money is talking.

Mr. Mula – There is another forum for that. Its not here unfortunately. I would like to mention something on my own personal behalf. The comments we don't care. I am a resident I live close to where this building is being proposed I do care. We volunteer to do a job and most of us served many years and do our best. We have criteria we have to follow and there are forms for opposition or forms to speak,. What we are here to do tonight is the applicant's presentation and compliance within the municipal codes. With that I am going to turn final thought and questions to the Board. The waiver request to the preliminary plan is one waiter there is a second one Plan sheet size.

Mr. Stinnett - Make a motion to amend the agenda to include both waivers.

?? no name or address – The agenda is to be posted 24 hours ahead on the meeting.

Mr. Mula – I'd like to make a motion to add the waiver 173-15.A Plan size to the agenda and waiver request 173-11 the waiver of the Preliminary Plan to the agenda.

Mr. Stewart – We listened to everything we have no reason to turn this plan down.

Mr. Stinnett – Within compliance with the Saldo/Zoning ordinance it would be my recommendation not to recommend the denial of the plan. If there's a violation with the Saldo or zoning that would be a basis for a denial to the Board of Supervisors.

?? – no name or address given – Is it a option to amend the agenda or to let it die and make no motion?

?? – no name or address given – Open records require the agendas to be published online with 24 hours in advance.

Mr. Stinnett – MCP timing still governs the approval of the plan at the end of the day.

Mr. Williamson – I want to ask the administration if there is an issue with going to a larger plan size?

Ms. Hardman – No

Mr. Williamson – I'll make the motion to adjust the agenda to include the waivers for preliminary plan and waiver for the increase in paper size.

Mr. Stewart – I will second the motion.

Mr. Mula – All in favor?

Motion passed – 6 yes and 1- abstained (Mr. Miller)

Ms. Packer - The actual letters that are dated October 12 and October 22 are those include all the comments zoning, stormwater, subdivision land development those are all conditions that must be meant correct?

Ms. Hardman – Yes they are all conditions for plan approval. At this time, they have not been meant.

Ms. Packer – So if the plan would be approved with the conditions they would meet all the conditions?

Ms. Hardman – Yes

Ms. Packer – It might be helpful for everyone if they knew what the conditions were. There are a lot of things that must be meant to get this approved.

Ms. Hardman – You typically make a motion that all staff comments and engineer comments must be addressed. PennDOT approval, DEP approval, wetlands, sewage module, developer's agreement, security agreement and improvement guarantee all must be meant.

Ms. Packer – I think everyone should know what they are. If we approve with conditions what are those conditions?

Ms. Hardman – We went over all our comments, all HRG comments. There were 10 zoning comments, 9 stormwater, 8 subdivision land development and 14 administrative. Then there are outside agencies.

Ms. Packer – if we approve with condition that doesn't mean the plan is approved.

Ms. Hardman – Approved with conditions. Once all conditions are meant that's when its approved. ?? no name or address given – Why can't you wait until all conditions are meant for approval?

Mr. Stinnett – You can't condition approval on outside agencies. Secondly, this is just a recommendation to the Board of Supervisors to recommend approval or deny. So, recommending to the Board of Supervisors additional approval based on all the conditions outlined here. Board of Supervisors according to MCP time frame to act on the plan. Plans are often approved with conditions. I am hearing these are minor alternations some are just changing the notes on the plan. If you attempt to stall the plans and not act cause of those terms we owe a good faith duty to the developers. We are working toward these things that are reasonable conditions to approve the plan. The risk is by not moving forward it would be deemed approved. Which means none of these conditions would apply it would be approved with no conditions. The plan will not get recorded until each and every item is satisfied.

Ms. Packer – This still has to be approved by the Board of Supervisors?

Mr. Stinnett – That will likely still be conditioned on some minor things.

?? – no name or address given – The last Board of Supervisor meeting we were told this is the forum to address comments. There is no real capability here to have that addressed now we are being redirected to the Board of Supervisors?

Mr. Stinnett – We have a motion and a second on the table.

Mr. Mula - just for the amendment of the agenda.

Ms. Hardman – We had a bot and Mr. Miller abstained

Mr. Mula now a motion to approve the Preliminary

Mr. Stinnett – If we could start with the motion for approval of waivers.

Mr. Stewart – I'll make the motion to recommend the approval of the waivers.

Mr. Stinnett – You are waiving the requirements for submission of the Preliminary Plan.

Mr. Mula – Do we have a second?

Mr. Williamson – I'll second the motion for the approval of the waivers for the Preliminary Plan and the larger size of the plans.

Mr. Mula – All in favor

Motion passed: 6 yes and I abstain (Mr. Miller)

Mr. Mula – Do I have a motion to recommend the approval of the plan with all conditions from HRG and township staff are meant.

Mr. Stewart – I'll approve the plan on the condition that all comment are addressed before the plan is fully approved.

Mr. Mula – Is there a second?

Mr. Williamson – I will second that motion to approve with all conditions are meant.

Mr. Mula – All in favor

Motion: Passed 6 -Yes 1 - abstained (Mr. Miller)

Ms. Hardman – We have one more thing. In November and December, we must move our time to 6:00 p.m. The Board of Supervisors has a meeting those nights also. So fi our meeting is 6:00 p.m. they can have their meeting at 7:00 p.m.

Mr. Mula – Do we have to vote on it?

Ms. Hardman – Yes we must advertise it.

Mr. Williamson – I'll make a motion to approve the time change of meeting to 6:00 p.m. in November and December.

Mr. Stewart – Seconded the motion.

Mr. Mula – All in favor

Motion passed unanimously.

Mr. Gossert – At the Board of Supervisors meeting I presented a proposal to rewrite our zoning ordinance. It was last updated in 1995. This process will begin shortly. Board of Supervisors did approve the \$60,000.00 to rewrite our zoning Ordinance. Planning Commission will be involved in that process.

Mr. Mula – Any other comments from the Board?

Joseph Walter, 7423 View Crest – **What would be the next step for the public to make additional comments?** What is the next forum before the project moves forward?

Mr. Mula – Once the conditions as part of the approval are meant by applicant then it will go to the Board of Supervisors for approval.

Mr. Stinnett – Yes the next step is the Board of Supervisors for action on the plan.

?? – no name or address given – On what date?

Ms. Hardman – Depends on when they meet the conditions. Once they meet the conditions then it will go on the Board of Supervisors agenda.

Mr. Gossert – Right now the next meeting is November 18. Prologis will have until November 18 unless they give us an extension for more time to address the comments. If they don't ask for an extension then it will automatically be place on the agenda.

Erik Hernandez, 7416 View Crest – If this happens in the future we would kike to be made aware. Maybe a town hall to help you set the direction of our community.

Mr. Stewart – I have a comment. This is going to happen and people need to pay attention. Things comes up and we are going to yell and scream. Nobody pays attention what is going on in the Township. We have low volume of volunteers and no one come to the meetings. The only time they come out to say we were blind sided by this we knew nothing about it. If more people were involved in the process. There are many boards to serve on. You would then understand what goes on. You come tonight and the process is already down the road.

?? no name or address comments coming from the audience:

The Hummelstown Sun doesn't serve our area

Use to be the Paxton Herald

We have social media and the internet. There are many ways this information can be made more available.

There was no transparency in this process. Many of us feel the decision made tonight was pre determined many months ago.

V. Adjournment

Mr. Mula – I can tell you that is not true. I am going to conclude the comments. Do I have a motion to adjourn?

Ms. Connors – I'll make the motion

Mr. Mula – do I have a second?

Mr. Williamson – I will second the motion.

Motion passed unanimous

