



Silver Spring Township

SUBURBAN SERENITY WITH URBAN PROXIMITY

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After a year of negotiation with litigation pending over the future of the 450 acres of property known as the Hempt Tract, the Silver Spring Township Board of Supervisors will vote on a settlement agreement with HSS Investors, LLC, the current owner of the properties. The Supervisors will vote at a meeting dedicated to the issue on August 3, 2020 at 6:30 p.m. by video conference on Zoom due to restrictions caused by the COVID-19 pandemic. A video produced by HSS Investors with input from the Township outlining the background of the litigation and an overview of the agreement is available at www.sstwp.org.

Recognizing the importance of the property to the community, the Township will conduct several public comment opportunities via Zoom and in limited groups in person at the Township Building for those who do not have ease of access online. Residents are strongly encouraged to provide comment prior to August 3 either in writing to sstinfo@sstwp.org or at the public comment meetings to be held prior to the evening of the vote. Small group public comment meetings will be held at the Silver Spring Township Administration Building on July 28 and July 29 (as needed) for those with limited internet access. To sign up for the in-person meetings, residents should call the Township at (717) 766-0178. A public comment meeting by Zoom will be held on July 29, 2020, at 6:30 pm. The agreement and exhibits along with instructions on how to attend the meetings can be found at www.sstwp.org.

In October 2018, HSS Investors applied to the Township for a curative amendment requesting the Township to revise its zoning of the Hempt Tract. A curative amendment application allows a municipality to fix a claimed illegality in its zoning ordinance. In this case, HSS investors asserted that the property had been improperly reverse spot zoned. HSS Investors argued that the Hempt Tract had been encircled by development, had been downzoned, and that the Township has plans to permit development of the property in its recently approved comprehensive plan. The proposal in the application would have converted the zoning completely to heavy industrial, which could have included as much as five million square feet of distribution centers. Through the publicly vetted vision of the recent comprehensive plan, the goal for the eventual development of the Hempt Tract was a mix of uses ranging from industrial to commercial and retail to residential and open space. The Township Supervisors rejected the application, and the litigation later ensued. A court hearing is scheduled before the county court on August 18, 2020, if the Township and HSS Investors cannot reach a settlement.

Litigation placed in the hands of a judge comes with uncertainty for all parties, and the Township would not achieve in litigation the full scope of benefits it could achieve through settlement. Over the last year, HSS Investors and the Township have worked in good faith to find common ground. This included the Board of Supervisors receiving public comment in December 2019 and this past January on an earlier draft of the plan for settlement submitted by HSS Investors. The Supervisors and the public were opposed to the over-proliferation of industrial development that was proposed in the curative amendment application. The Board was concerned about traffic in the area, particularly truck traffic. They also saw the need to preserve the historic farmstead and barn on the tract. Additionally, the Township has been in a decade-long search for land to provide a municipal administrative complex adequate to serve the

residents of what has been one of the fastest growing townships in Pennsylvania over that period. The Township's dedication to preserving open space drove a desire to secure the opportunity to set aside open space where possible in a settlement.

The proposed agreement seeks to address each of those needs of the Township and its residents. First, the proposal reduces the industrial area to a significantly smaller area adjacent to current industrial development. This compromise also reduces the potential impact of truck traffic. HSS Investors would be agreeing to implement traffic improvements to minimize impact on the area by directing truck traffic to the Carlisle Pike, including a \$100,000 contribution for improvements to protect New Kingstown and an extension of Dapp Drive through the site.

The agreement preserves the historic farmstead and puts it in the ownership of the Township. It also preserves at least forty-eight acres and potentially as much as sixty-five acres as open space, protecting Hogestown Run and buffering residents from the development.

In the settlement, the Township would be conveyed more than 135 acres of land at a cost significantly less than the fair market value of the land, saving taxpayer dollars. A portion of the conveyed land will be used to meet the need for adequate township administrative and public works facilities.

Understanding the risk of litigation, the Board of Supervisors continues to weigh the pros and cons of the potential settlement and development that would come with it. Growth comes with a tradeoff that has weighed heavily upon the Supervisors with the potential burden on residents and local infrastructure and increased traffic and pollution chief among them. At the same time, the development will bring controlled growth that will broaden the tax base and help manage future Township budgets without tax increases or drastic cuts in services. It potentially expands distribution centers on one hand while it gives the opportunity to preserve open space and local history in perpetuity on the other. It is a search for the right balance of long-term benefits to the Township while recognizing there are potential detriments to be mitigated or avoided.