

Conservation/Preservation Related Comments

7/28/2020 - Email

Please do not destroy this rich farmland. We don't need any more restaurants or businesses or home development. There are empty buildings for restaurants and businesses along the Carlisle Pike - use them for these purposes. We don't want this beautiful land being destroyed by macadam and home dwellings. **I can't believe that Penn State Ag, Vo-tech Ag or another agriculture group can't take over this land and utilize it to provide more food, teach people about agriculture, develop areas of research for future farming, or provide resources of farming- having orchards and planting crops that the community and Food banks can use.** It would be a great area where youth could learn a different type of life. It could almost be like an **AG mini-college**. Maybe youth wouldn't get into so much trouble if they were involved in this. It would help in their development, self-esteem, interest in education, work, and a different type of life where they can learn to become leaders and providers. I hear kids and people say they want to help in the community, well, think about this. **Think outside the box and develop a new idea like the above.** The township and developers want to throw it away. I see land along businesses where farmers plant crops because they don't have enough land of their own. **Farming is hard work but this type of work improves peoples' lives because they feel productive, are humbled, and appreciate so much more of the world.** It has always been so relaxing to drive that road and see the horses, scenery, and quietness of the country. People need to see this - it helps their mental status because they can forget their problems and just relax before they have to return to problems at home, or what is broadcast on TV everyday & make better important decisions in their lives. I know you see it as taxes to support the township but then there is more work for the township workers taking care of the roads, police calls, and more disturbances plus developers become richer. **Think outside the box!!!!** [Thank you for your comments on the Hempt property.](#) [I will pass along your concerns to the Board of Supervisors.](#) [Appreciate your concern and interest.](#)

7/29/2020 - Email

Dear Supervisors, I strongly encourage you to keep Hempt Farm zoned Agricultural. And I also encourage the owners to accept the Silver Spring Township grant funded proposal to designate it as an open space for environmental and cultural heritage benefits. [Thank you for your email concerning the Hempt properties.](#) [Can you help me understand what is meant by "a Silver Spring Township grant funded proposal"?](#)

7/29/2020 - Email

Supervising Board I'm writing to implore you to **keep Hempt Farm zoned as agriculture.** We encourage the owners to accept the Silver Spring Township grant funded proposal to **designate as an open space** for environmental and cultural heritage benefits. Having more prime agricultural land become developed will further impair our waterways and take away a valuable agricultural resource. We can and should build up not out. Preserving land and water will sustain us for future generations but having more development will decrease these attributes and are short sighted. There are alternatives to development but not to nutrient soil and the community within that took hundreds and thousands of years to create. Be a good steward and vote to protect Hempt Farm (tract) by designating it for environmental and cultural heritage. [Thank you for your comment on the Hempt Tract.](#) [Would you please help clarify for me what is meant by the phrase, "We encourage the owners to accept the Silver Spring Township **grant funded proposal** to **designate as an open space** for environmental and cultural heritage benefits".](#) We appreciate your position on open space and farmland. Growing up in the area, I have an understanding of the Hempt properties. If you haven't already, I would suggest you take

a look at the video on our website that outlines the options the Board of Supervisors have in front of them. The owners filed a curative amendment which limits the choices in this situation. Thank you.

I was referring to the farmland preservation grants that are available through the Department of Agriculture. I know that that was a discussion with the landowner. [Thank you for the explanation.](#) My understanding is that the owners are interested in selling the property and are not considering farmland preservation grants. Appreciate your feedback.

7/29/2020 - Email

I respectfully request that the SST Board vote to **keep Hempt Farm zoned as agriculture.** We encourage the owners to accept the Silver Spring Township grant funded proposal to **designate as an open space** for environmental and cultural heritage benefits. [Thank you. We appreciate your interest in the Hempt Farm property. Would you please let me know what is meant by “We encourage the owners to accept the Silver Spring Township grant funded proposal to designate as an open space for environmental and cultural heritage benefits”?](#) I will certainly provide the Board with your comments.

08/01/2020 - Email

The land should be preserved. Adding more residential to our township anywhere at this point is so irresponsible. Our schools are already overflowing with No solution. Traffic on the Carlisle pike is already heavy. Adding even more traffic in front of the schools is a terrible idea. Enough is enough with the developing in Silver Spring Township. We need to save what is left of our wide open spaces. Hempt farms needs to be preserved or sold as agriculture only. [Thank you for your comments and concerns regarding the Hempt property development. I will provide the Board with your comments for their review and consideration.](#)

08/01/2020 - Email

Chairman Carl and Supervisors: This concerns the proposed conversion of the Hempt Farm property from Agriculture to some form of commercial and perhaps some residential development. Open Space Preservation: As zoned Agriculture, the Hempt property is currently open space, probably the top use of property. This area will be sacrificed to development as now planned. We would have less problem with the project IF steps could be taken to set aside currently undeveloped, but zoned Commercial, Industrial, or residential in the Township: the corporation could acquire development rights to an area equal to that of the project area, to those properties in perpetuity, and donate them to a conservation organization or the municipality. Or the value of such a transaction could be determined, and that amount donated to the County funds for Open Space Preservation, a currently highly successful activity of the County. Hogestown Run Restoration: We were appalled when viewing the developer video at the lack of concern for Hogestown Run. I'm sure they'd indicate "We will follow all laws and regulations." In this case it is not enough. For decades the Run has been degraded by poor construction practices and other abuses. Not only was there no recognition by the developer of its great environmental value, there was no recognition of what care would be taken to protect it during property development. The plan mentioned a "greenway" with no specifics of its dimensions, etc. or what the Riparian zone must be and how to protect and maintain it.

08/03/2020 – Email

To: Silver Spring Township Supervisors

Thank you for the opportunity to comment on the proposed Hempt Farm property zoning settlement. I am providing these comments as an individual and not as a representative of any of the conservation organizations to which I belong.

I don't believe that the developer has given up much in the proposed settlement. The current proposal is probably very close to what they actually intended. The original warehouse proposal was so objectionable that it appears that the Township is glad to get this more "reasonable" proposal. This is a common negotiating tactic, as is the threat of a lawsuit. While the proposal is far better than what was originally discussed, it should still not be accepted by the Township as is. The small portion of the property that will be the public open space is in the flood plain and could not be developed anyway. The proposed uses in the plan are probably more profitable to the developer than warehouse space, as there appears to be a glut of warehouse space already existing in the region. The same can be said for malls and other commercial space. This leads me to wonder just what they have given up in negotiations.

My primary concern is Hogestown Run, the limestone spring fed stream that flows through the property. The Department of Environmental Protection had identified Hogestown Run as the most impaired stream in Cumberland County on a previous report prepared as a requirement of the Federal Clean Water Act. Note that the watershed of Hogestown Run is located entirely within our township. The primary cause of impairment was identified as agricultural activities. There is a lack of effective vegetative buffers and livestock has access to much of the stream, causing bank erosion, habitat destruction, and nutrient pollution. While the activities at the Hempt property are not the only source, they do appear to be a major part of the problem. Keep in mind that what takes place on the Hogestown Run watershed affects Conodoguinet Creek, the Susquehanna River, and the Chesapeake Bay. This, in turn, affects what we Silver Spring Township residents pay for sewage treatment and storm water management. The costs will almost certainly escalate as the Township continues to develop. It also affects what makes the Township a desirable place to live.

While I would prefer to keep the zoning as agricultural, the water quality issues must be addressed. This should be a comprehensive watershed approach and include conservation easements involving farmland preservation, a greenway with a trail, agricultural best management practices, stream restoration, and public access. This could be accomplished by purchase or donation of conservation easements further upstream. The Township has an existing farmland preservation program and the voters have approved a funding source. Well planned development that considers public access, ecology, and the environment is preferable to poor agricultural practices. If the Township chooses to settle the matter rather than face a potential court case, they should demand more in the way of concessions from the developer. Specifically, as part of the settlement, the developer should purchase or otherwise obtain the easements referenced in the above paragraph for the Township.

Thank you again for the opportunity to provide these comments.

[Thank you for your email expressing your concerns with the Hempt property development. Throughout discussions we talked about the importance of the Hogestown Run. Greenway 2 will be conveyed to the township after the subdivision plans are approved on or before one year of the signing of the agreement. Greenway 1 shall be dedicated to the township on or before the 4th anniversary of the signing of the agreement. I will provide the Board of Supervisors with your comments and concerns. Appreciate your feedback.](#)

Development Plans (retail, warehouses, housing, school issues, tax, Twp. land, etc.)

7/26/2020 - Email

I will not be able to make the Zoom meeting on Tuesday; however, here are my questions. There is 104 acres set aside for residential development. Why is it high density and not instead single family homes? How many Townhomes and Apartments will be built? [Thank you for your comments on the Hempt property project. While the residual development has not been submitted and vetted, it was determine the units will be townhomes and 1 to 2 bedroom apartments. The township does not have adequate supply of this type of housing. I will add your question about the number of units to the list of questions for the Board of Supervisors to consider. Appreciate your interest.](#)

7/26/2020 - Email

Assuming the town anticipates building new town offices in this section what will be done to the old offices? Originally I questioned the budget calculations used by the engineers for MS4 and how they were determining how many people were being added to support these requirements. At that time they were using projections of additional engineers and consultants which was driving up the fees. This ends up being a huge fee added on to the taxpayers with no end in site. What is projected in terms of added headcount for the town that is requiring all the new offices that are needed and what will be done with the office spaces currently occupied by the town? [The land set aside for municipal use would be for all departments withing the township including public works and police. No formal plan has been developed, however a future need was identified.](#)

7/26/2020 - Email

The \$50M being received as added tax revenue by the school-is that assuming that all of these proposed businesses will be fully occupied. If so that may be an over projection. If you look around central PA there are numerous empty warehouses and there are even new ones that have not been occupied. [It was an estimate over ten years.](#)

7/26/2020 - Email

Which option provides a greater tax revenue? Is it the 'full warehouse' option or the mixed use proposal? [It depends on the mix use proposal.](#)

7/27/2020 - Email

Thank you for all you do to maintain the quality of life that we all enjoy here in Silver Spring Township. What is the Township's approach to the Hempt Farmstead? Before accepting this "generous gift" from the developers please consider: (1) the location of the farmhouse and barn in terms of projected surrounding development; (2) age and present condition of the structures; (3) architectural significance and integrity; (4) historical significance and use as a farmstead unique to the Cumberland Valley; (5) maintenance plans and commitments; (6) possible projected uses. In addition, a professional analysis and study to properly document and interpret present conditions plus address issues 1-6, an Historic Structures Report conducted by preservation architects and historians/researchers, will cost at least \$75,000 - \$100,000. A quick telephone call to the Director of the Cumberland County Historical Society should give you an idea of what the Township would be getting into here. [Thank you for your input on the Hempt Farmstead. We will add your concerns to the list of the Supervisors. At this time there have been no plans developed for the farmstead.](#)

7/27/2020 - Email

How long has HSS owned the property that is now being transitioned from agriculture to mixed use. Will they be paying the back taxes. [If the property is in clean and green they will be required to pay the additional taxes. Thank you for your input.](#)

7/27/2020 - Email

One point for clarification. You said no single family residential. Does that also mean no townhomes (my experience was single family includes townhomes) so that means likely condo or Apts? You use a phrase I'm not familiar with when you say "higher density". [There will be townhomes and apartments. Higher density means more can fit into an acre. Feel free to let me know if you have questions.](#)

7/27/2020 - Email

How long is it anticipated to complete this development? Obviously the timing critically impacts in a negative way the current property owners in and around property. [The developer has stated that the entire property will take 10 years to develop. We could see a plan within 6months of the approved dividing up of the parcels.](#)

7/27/2020 - Email

HSS Investors is the owner. Will they be the developer or will they sell off various pieces? [They have not said exactly but there is indication they will be selling some if not all the parcels.](#)

7/27/2020 - Email

In doing your diligence I'm thinking the Board reviewed HSS Investors and owners. Are the ultimate individuals who own/control HSS or entities above it local Central Pa residents? Am hoping so in that they would have a greater interest it seems in the appropriate development community-wise. [We only have the name of HSS and not all the principals.](#)

7/27/2020 - Email

Why are there 2 parcels for the Twp? [I do not understand the question. Can you clarify?](#)

7/27/2020 - Email

Do I see correctly that existing Fry Dr is private? The potential extension of that would not be? That extension dead ends into the residential area so it just for eventual resident access into that area? [Fry Drive is private](#)

7/27/2020 - Email

What is the residential area zoned and is that limited to single family dwellings? How many potential dwellings and can that be increased? Townhouses versus other single family? Is this anticipated to be a Walden type development and are there requirements as such? [The residential zone will be higher density and not single family dwellings. We do not know the actual numbers until we go through land development.](#)

7/27/2020 - Email

The yellow Technology /Office area: what is "technology" and what is envisioned to be located there? [The information is in the agreement.](#)

Permitted Uses. To provide for an opportunity to develop and use the Technology/Office Area for research and development uses, corporate headquarters, or other similar uses, until expiration of the Opportunity Deadline (as defined herein), the uses that are permitted by right in the Technology/Office Area shall be limited to the following uses:

- (1) Offices, as permitted in the I-1 Zone pursuant to Section 415-25.B(12) of the Zoning Ordinance;
- (2) Laboratories for medical, scientific or industrial research and development, as permitted in the I-1 Zone pursuant to Section 415-25.B(2) of the Zoning Ordinance;
- (3) Manufacturing, as permitted in the I-1 Zone pursuant to Section 415-25.B(3) of the Zoning Ordinance;
- (4) Health care campuses and hospitals, as permitted in the Interchange Zone pursuant to Section 415-28.C(5) of the Zoning Ordinance;
- (5) Shops for contractors, as permitted the Highway Commercial Zone pursuant to Section 415-23.B(8) of the Zoning Ordinance; and
- (6) Such other uses as may be deemed to be appropriate by the Township.

7/27/2020 - Email

The purple Retail/ Commercial area, what is the commercial part and what is envisioned? The information is from the agreement:

The uses that are permitted by right and by conditional use in the Community Commercial (C-2) Zone (the “C-2 Zone”) of the Township’s Zoning Ordinance in effect as of the date of this Agreement (the “Zoning Ordinance”) are permitted by right in the Retail/Commercial Core Area. In addition, a multiple family dwellings and such other uses as may be deemed to be appropriate by the Township shall be permitted in the Retail/Commercial Core Area.

7/27/2020 - Email

The green is shown as Business Park. Am assuming that would include industrial? If so, are there any restrictions on the industrial type (ie “light”)? Is it anticipated that most of green area will be distribution type buildings or more like Rossmoyne? It can be all I2 which is more intense use such as large scale warehouses but there are other options with I-1 uses. The information from the agreement:

Permitted Uses. The uses that are permitted by right and by conditional use in the Light Industrial (I-1) Zone (the “I-1 Zone”) and General Industrial (I-2) Zone (the “I-2 Zone) of the Zoning Ordinance are permitted by right in the Business Park Area, except that automobile sales shall be prohibited. In addition, such other uses as may be deemed to be appropriate by the Township shall be permitted in the Business Park Area.

7/27/2020 - Email

What is the difference between Greenway 1 and 2 other than topography? Is anything envisioned to be there? No difference, just a designation.

Am I correct that Hempt Rd will be widened from Carlisle Pike to existing Fry Dr or is it further? We are anticipating widening and a boulevard created. We will know more once the Traffic Study is completed

7/27/2020 - Email

Does the entire property lay north of Texaco Rd? [Yes](#)

7/28/2020 - Email

Since there's a projection of increased tax revenues for the whole of the development how many residential units were used for that projection ? I know they're estimates but would be helpful. I'm assuming the increased tax revenues were based on an "as developed" basis fully built out? [The projections were not based on number of units. The estimate was based on the real estate tax for the properties.](#)

7/28/2020 - Email

Was the projection segregated among the different property types, so residential, commercial ? What I'm wondering is then is the value they put onto the residential portion?

7/28/2020 – Email

I'm assuming the increased tax revenues were based on an "as developed" basis fully built out? [Based on the amount of acreage and the typical property tax per acre given the zone.](#)

7/28/2020 - Email

I wish that there would have been less warehouses and that more of the land would be preserved as green spaces. I am concerned about additional truck traffic, some trucks not stopping at red lights (on the Carlisle Pike) or not stopping at streets feeding onto extended Main Street, air pollution, the safety of Cumberland Valley students, etc.; however, seems like we don't have much choice than to go with the proposal at hand??? We presently have warehouses in the area that are not being used to capacity?? [Thank you for your comments on the plan. The choice in front of the Board is to agree with the plan as negotiated or go to court. It is difficult decision for the Board, given if we go to court there is no guarantee the judge will not allow more warehousing on the Hempt property. I will pass along your comments to the Board.](#)

7/31/2020 In-person meeting with some adjoining landowners:

Will public sewer and water be extended to current residential properties? [No, current properties will remain on well and septic.](#)

Will the fencing already in place along the southside be maintained? [Currently no definite plans for that tract, which will be Township property.](#)

Will the new development cause hardship for the current wastewater plant? Will the plant be able to handle new development and new residential units? [The Sewer Authority closely monitors need levels. Anticipated increased sewer levels will be discussed with developers as part of development plan.](#)

If approved, when will construction start? [Approximately 12-18 months.](#)

Concerns that existing wells will be damaged or contaminated from blasting during construction. [Often a developer will indemnify any damages and make restitution. May test well water prior to construction to determine if any contamination is present afterwards.](#)

Question about retention of current right of way between adjacent landowners' properties. [Currently no definite plans for this road.](#)

08-02-2020 – Email

T: Silver Spring Commissioners: Attached are my comments regarding the Hempt-HSS Project Please make my comments available to the Silver Spring Residents.

Re: Hempt / HSS Zoning Given the voluminous engineering design work completed for the “Settlement Agreement,” it appears that the end-result of this process is a foregone conclusion and my comments will be nothing more than a footnote. Given the attendance at the prior town-hall meeting, and conversations around the township, it appears that the wishes of the community are not of primary interest to the Commissioners. Given that, I would still appreciate my comments to be known after reviewing the “Settlement Agreement.” I submit the following concerns: Lot Standards, p.11 of the “Settlement Agreement” Maximum lot coverage shall be 80%. My understanding is that “Lot Coverage” is the space occupied by a building and impervious asphalt/concrete on the property. It relates to water drainage. Residents of Silver Spring are now taxed for this purpose, but the allowed lot coverage percentage is significantly less than 80% for Township residents. My question is why are Silver Spring residents paying more per square foot for lot coverage than HSS. The percentage that Silver Spring residents pay should be the same as what HSS will pay. A second issue under Lot Standards, p.11, involves building height. Maximum warehouse building height is 55 feet, but if the property is 400 feet from the Carlisle Pike and 400 feet from Hempt Road, the building height can be increased to 80 feet. The intent of the residents at the July meeting was to eliminate the warehouses. Now, we are not only getting warehouses, but the height of the warehouses has been increased. We don’t need “castles” in the sky. If we are going to be stuck with warehouses, why don’t we try to blend them in with the environment, not make them stick out. No warehouse should be higher than 55 feet. The other issue is that the Fire Department does not have a ladder fire truck that can be used to fight a fire in an 80-foot high building. The hotels recently (and still being) constructed on Route 114 had to reduce the height of their building for this reason. Now, HSS is going to be allowed to construct an 80- foot high building. New Kingstown Improvements, p.23 of the “Settlement Agreement” HSS will provide funding for a traffic light at the intersection of Dapp Road and the Carlisle Pike. HSS shall deliver \$100,000 to Silver Spring Township for the purpose of constructing improvements within New Kingstown Village. Any portion of the New Kingston Improvement Funds that have not been used for such purposes on or before the 1st anniversary of the date shall be refunded and returned to HSS. My understanding is that if the traffic light and road expansion costs exceed the \$100,000, Silver Spring (ie Township Residents) are responsible for paying the difference. If the traffic light and road expansion is delayed for any reason (by HSS or other contractors), Silver Spring has to reimburse HSS for the difference and pay the remainder of the construction out of Township finances (ie Township Residents). Bottom line: Silver Spring Township and the Residents should not have to pay a single penny for the construction of the roadway or the traffic light, regardless of when it is constructed. The total cost of this phase of the project should be paid entirely by HSS. Opportunity Deadline p. 13 of the “Settlement Agreement” Upon and after expiration of the Opportunity Deadline, the uses that are permitted by right and by conditional use in the I-1 Zone and I-2 Zone of the Zoning Ordinance are permitted by right in the Technology /Office area. Opportunity Deadline shall mean the date that is the 4th anniversary of the date of the agreement, plus 180 days. I-1 Zone is light industrial and I-2 Zone is the most intensive industrial. My understanding of this is that if HSS does not find Technology or Office occupancies for the designated section of land within 4 years plus 180 days, HSS can build more warehouses. Given the current state of affairs with COVID and the potential for a recession, it may be very difficult to find occupants for the Technology property within a 4-year time frame. But the last thing needed at this point are more warehouses. It took 10 years to come out of the 2008 recession.

Our current economic climate could be worse than the 2008 recession. I propose changing the time frame from 4 years and 180 days to 10 years and 180 days. Zoning My last item addresses the change in zoning by the Silver Spring Township Commissioners and the fear that the commissioners have of a law suit against the Township if HSS is not allowed to proceed with their project. I am not an attorney, but I am aware of a recent zoning case in West Pennsboro, near Newville. Allen Distribution wanted to open a large warehouse project and residences in the area opposed the project. The case went to the Zoning Board, then the Court of Common Pleas, and then Commonwealth Court. The end result was that the courts agreed with the residents and against Allen Distribution regarding the re-zoning of the property. Summary In summary, I feel that the residents of this township are being treated very unfairly. The residents voices are not being heard. The Zoning Board appears to be very strict on zoning issues involving small businesses and residents regarding pools, parking areas, concrete slabs, etc. But in the case of HSS, the zoning regulations seem to have been completely changed to accommodate their needs. I am also very concerned that residents will end up paying for various aspects of the HSS construction project through either increased taxes or a loss of municipal services. I would like to submit a summary of the key points of my response:

- The “maximum lot coverage” percentage for HSS should be the same as the percentage required of Silver Spring Residents. Our residents, the people who voted for you, should not be paying a higher rate.
- Maximum warehouse height should be set at 55 feet throughout the entire complex. No exceptions.
- The total cost of the traffic light and road improvements at the intersection of Dapp Road and the Carlisle Pike should be completely paid for by HSS. HSS can keep their \$100,000 and the subcontractors can bill HSS directly. The township Residents should not be responsible for providing any financial assistance or incurring a loss of municipal services as a result of this phase of the project. I was going to say “improvement” rather than “phase,” but I realize this is not an improvement.
- The timeframe for the Technology/Office land transfer to Warehouse space should be changed from 4 years and 180 days to 10 years and 180 days.
- In the case of Commissioners being concerned of a possible lawsuit if the project is not allowed to move forward, I would like to add that I know some very good attorneys that the Township can contact for assistance. I do not appreciate the intimidation of a potential lawsuit being used by HSS against the Township. The Commissioners should worry more about a possible lawsuit from the businesses along Route 114 who were denied the option to construct buildings higher than 55 feet.
- Other Silver Spring Residents may have other very good recommendations to present to the Township. I am not in favor of this project, but if the Commissioners feel this project must continue, I feel I have made a number of recommendations that would make this a better deal for Silver Spring Residents. I would recommend the Commissioners require all of the above points to be accepted by HSS. I recommend no negotiation regarding the above items. HSS can take it, or leave it, or see you in court.

Miscellaneous

07-27-2020 - Email

I also have concerns about the short time frame between when this information appeared on the Silver Spring Township website and the voting date of August. 3rd. Has there been any general notification in addition to that posting? With the pandemic and the court hearing not until August 18th it seems as if the date for the vote could be moved later so that people are aware of what's occurring. [We sought concurrence in a continuance to push the hearing out another month to allow a longer period of public scrutiny. Attorney Courtney was unable to gain that concurrence from his client. In an effort to minimize unnecessary legal expense for the township, we scheduled the vote when we did to allow us to do the bulk of our preparation if needed after the vote. The restrictions of the pandemic are unlikely to make public meetings any easier anytime soon. So, it seems unrealistic to delay the vote based upon that reason alone. It's important to keep this in context of HSS having filed their application in October 2018. While the timing and pressure is frustrating on our side of things, I can understand that HSS wants to get this moving knowing that we're likely to have meeting capacity restrictions for many months to come. It's also important to note the supervisors received public comment on the overall plan twice before \(December and January\). They have provided eleven days of notice with a full push on publicly available platforms \(news media and social media included\), and they are providing public comment access in writing, online via Zoom, and in-person \(to the greatest extent they can under the current public meeting restrictions\). The supervisors recognized there would be some who would not have ease of access online. They also wanted to provide more than the minimum public comment opportunities, which is why there are more opportunities than the night of the vote.](#)

7/29/2020 - Email

I think it is great you are working with Carlisle on the fireworks issue and the Supervisors to get a letter to State. This is definitely a problem for our citizens and the poor police. I just hate when law makers make laws that are not enforceable. I have no idea what they are thinking when they do that. As for TOA, I'm sure we all are concerned about a target date of mid-fall to start the install of the traffic light. Last fall the issue in delaying the start was the weather, hopefully that will not happen this year, and the asphalt plants will remain open. Also I thank and appreciate what the township and supervisors have accomplished in the negotiations with the Hempt Settlement. The current plan is much better than what was originally offered. I'm sure we'll all miss the peace, quiet, open land, horses and spring babies, but at least major improvements are in the new plan. [Thank you. We will continue to seek out options on the firework displays. We will keep everyone updated on the signal and will continue to have oversight on the construction progress. Appreciate your feedback on the Hempt properties plan. The Supervisors worked earnestly with the developer to come up with a plan that incorporated the suggestions made by our residents. I will pass along your words of appreciation. Stay Safe!](#)

7/29/2020 - Email

I was unable to attend yesterday's zoom meeting due to a prior commitment; however, I did want to express my opinion that the proposed settlement seems more than fair for the township and its residents. The proposed solutions that were put forth in the video gives the township the opportunity to direct the land usage, which wouldn't be guaranteed in a court hearing. Based on the information I have seen, the compromise settlement is a positive situation for the township. Thank you for your efforts in this matter on the residents' behalf. [Sorry I missed you yesterday. I appreciate you taking the time today to follow up with your feedback on the plan. Thank you for the acknowledgement of the hard work the Board has done to get the agreement to this point. Stay Safe!](#)

7/28/2020 - Email

Dear Supervisors: Thank you for giving me the opportunity to speak last night. Attached please find a copy of the Commonwealth Court Opinion in the case of Allen Distribution v West Pennsboro Township Zoning Hearing Board, 524 C.D. 2019. This is the case that I referred to last night. It was decided very recently, on 05/11/20. It is very relevant to the issue at hand. [Appreciate your willingness to comment last night. Thanks for forwarding this along \(I corrected a typo in Harry's e-mail here and for future reference - hkotzmoyer.\)](#)

7/31/2020 - In-person meeting with some adjoining landowners:

Whole family is supportive of settlement agreement and the way the Board has taken care of Township.

Happy with plan as presented. Other nei Much better than original warehouse plan.

Thanked Board for hard work for making this possible.

7/30/2020 - Letter from adjoining landowner

I would like to thank all of my supervisors for your time and sacrifice away from family and friends. I would also like to thank HSS Developers for the consideration of the people who live along Hempt Road. A few questions arise:

1. Sewage and water--will we the people be required to participate with the under-ground utilities?
2. Well water--fear of losing our well water. Example-blasting limestone or broken pipeline and in turn polluting the well water.
3. Roadway between Hallett and Archfield property. Will that come about?

8/01/2020 Email

I have attached a .pdf file with an issue I think the board should consider before approving the development of the Hemp Farmlands. I also sent a copy to Carl Machamer. You can contact me at _____ if needed.

PDF: During a town meeting, I asked the HSS lawyer if they determined the effect of urbanization/commercialization of the Hemp farm on the microclimate and human health. His answer was no. I suggested contacting the atmospheric science department at Penn State, one of the best atmospheric science departments in the United States, to consider doing a study on the effect of urbanization/commercialization. The HSS lawyer was noncommittal so I doubt he contacted Penn State. Most atmospheric research focuses on the global climate and urban heat island associated with large cities. However, researchers are now investigating the climatic effects of urbanization/commercialization on smaller spatial scales (regional scales). For example, a study in Australia found that methane released by sheep resulted in local adverse climate changes. Methane has a greater effect on atmospheric warming than carbon dioxide. We cannot, and should not dismiss the negative effects of urbanization/commercialization of

tracks of land the size of the proposed development of the Hemp farmlands. I will not go into any significant detail on the potential negative climatic effects of the items listed below. Not only will urbanization/commercialization effect the microclimate it effects the health of people living in this area. 1. Urbanization/commercialization will change the albedo and emissivity of the surface from the values associated with vegetation to the values associated with concrete/asphalt/building materials. In general, these changes will result in a small-scale urban heat island. 2. Urbanization/commercialization will reduce the evapotranspiration normally associated with vegetation. This will affect the moisture in the lower atmosphere. 3. Urbanization/commercialization will greatly reduce the uptake of carbon dioxide. Vegetation is a sink for carbon dioxide and a source of oxygen. One of the major concerns associated with global warming is the deforestation of the Amazon. The Amazon represents a huge sink for carbon dioxide. 4. Both vehicle and truck traffic negatively effect both the climate and human health. Historically carbon dioxide emission from vehicle has been widely publicized. However, emission from trucks burning diesel full has an even greater effect on the climate and public health than vehicle emissions. I have extracted information concerning the effects of “black aerosols”, a byproduct of burning diesel fuel, on the climate and health. Published by the World Bank Group in Aug 2014 In 2012, the World Health Organization (WHO) declared the emissions from diesel combustion to be carcinogenic. In 2014 the WHO released data showing that more than 7 million deaths are caused by indoor and outdoor air pollution. The black smoke from diesel engines is a part of outdoor air pollution contributed by buses and trucks. A study by a team of international scientists in 2013 noted that diesel smoke consists primarily of black carbon, which has a strong global warming impact on the climate; nearly 3,300 time more than that of carbon dioxide over a 20- year time period. The one simple and clear message from the triangulation of current scientific evidence is that reducing diesel emissions provides health and climate benefits. The article Global Climate and Human Health Effects of the Gasoline and Diesel Vehicle Fleet contains complex terminology and mathematical formulas so I decided to extracted only the Plain Language Summary from the article. Global Climate and Human Health Effects of the Gasoline and Diesel Vehicle Fleet. Yaoxian Huang, Nadine Unger, Kandice Harper, and Chris Heyes. Published in AGU Advancing Earth and Space Science Plain Language Summary Emissions from the global transportation system play an important role in affecting our air quality, climate change, and public health. We use an advanced chemistry-climate model to estimate the effects of tailpipe emissions from the gasoline and diesel vehicle fuel types on changes in Earth's energy budget, and premature deaths associated with respiratory and cardiovascular diseases. Our results show that the climatic effects of both gasoline and diesel vehicle fleets, including carbon dioxide, are warming. The fractional contributions from short-lived climate forcers (including aerosols, ozone, and methane) relative to the total radiative effects including carbon dioxide for the gasoline and diesel sectors on a 20-year time scale are 14.9% and 14.4%, respectively. Global annual total premature deaths of 115,000 and 122,100 are attributable to the gasoline and diesel sectors, respectively. We also analyze the regional premature death rates, which are calculated as ratios of annual total regional premature deaths to annual total regional vehicle distance traveled for each vehicle fuel type. Our study finds that there exists substantial regional variability of premature death rates for the diesel sector, with India showing the highest compared with other regions The effect of urbanization/commercialization on the global climate consists of the sum of its parts. That is to say, urbanization/commercialization of small areas will have some effect on the global climate and human health. More important is the effect on the local climate and human health. I do not believe HSS has even considered this issue. HSS must addresses this very important issue before developing the Hemp farmlands. [Thank you for sharing your concerns with the Hempt property development. I will provide your letter to the BoS for their review and consideration. Appreciate hearing from you.](#)

7/31/2020 - Email

Thank you for all the painstakingly hard work and time you have exerted thus far on attempting to find good solutions to the Hempt Agreement. Your time and efforts are not in vain, because as voiced time and time again, our community, your constituents, need this settlement to satisfactorily address our concerns. It was said in the video presented that public comments were considered and incorporated into the current plan. Truly that is an insult to our community because HSS Investors simply dressed up the old plan to make it look and sound flashy for approval. We are smarter than that. Any type of concessions added to the plan do not acceptably address any of our concerns which will negatively impact our township now and for future decades. This plan *will* cost us in so many ways. Please do not let the profit of one individual entity be the burden of our entire community. The decision you vote for is not only for the here and now, it will have great impact for generations to come. After the case is closed, be in a position where you won't have to look back and wish you would have fought harder. Once it's done, it's done, and the community will carry the burden of this loss. We need our community to be a safe, beautiful place that isn't just another mega metropolis touted with warehouses and commercial space. We need agricultural land. Please fight for us and our community. Vote **no** to the plan as proposed. It favors the developer in so many ways. We believe the property zoning can remain agricultural, but if there is a settlement the township should be demanding more open space and eliminate the warehousing. Ask for a continuance from the Cumberland County Court so that more time can be made available so these issues can be better vetted and favor the township and our community, not the developer! Your constituents and the community as a whole are entitled to more than a week to provide input. [Thank you for your comments and issues raised concerning the settlement agreement . I will provide the Board of Supervisors with your thoughtful comments for their review and consideration.](#)

08-01-2020 - EMail

I was just reading Sean's letter from January. Good letter by the way. Please pay careful attention to paragraph 3. Particularly, the options of the judge. Ask yourself these questions. Does reverse spot zoning really exist? Would a judge rule in total favor of the developer or the township?

Suggestions (connectivity, parks, etc.)

7/26/2020 - Email

While I am disappointed that SS Twp will lose all these natural acres, I support going ahead with the plans as shown rather than going to court. I don't see any areas dedicated to formal parks with playgrounds, sports fields, etc. I would suggest that a Public Path be included to connect Spring Meadow Reserve to the proposed Residential Townhouse Area. This path could run from between Lots 17 & 18 on Reserve Lane, across Hogestown Run and connect to the planned Public Path in the new proposed developed area. [Thank you for your comments on the Hempt Agreement. Connectivity is important and I will add your comments to the list for the Board of Supervisors to review and consider. Appreciate your feedback and interest in the project](#)

7/26/2020 - Email

The development of this property offers opportunities to increase connectivity between neighborhoods and businesses for using active transportation. It make sense to have a pathway connecting the proposed new residential area to Spring Meadows Reserve on Woods Drive. It also make sense to have a safe way for people, (including kids) in these neighborhoods to walk or bike to the new commercial area and to the CV campus. These features should be built into the Hempt Boulevard plans. [Thank you for your interest in the Hempt settlement. Great ideas on connectivity. There is a plan for a sidewalk along Hempt Road from the residential development to the Carlisle Pike. I will add your comments for the Board of Supervisors to review and consider.](#)

Traffic/Safety Comments

07/26/2020 - Email

There was a great deal of discussion about truck traffic and protecting Hempt road area for students and New Kingston so that trucks don't cause issues over there. However, there was very little if anything said about the continuation of traffic in either direction on Hempt/State road. The primary concern I have heard from residents and I will echo this as well-what will be done to manage traffic issues on this road and prevent trucks from using it. North and south bound trucks on State road cannot maneuver through the tight turns now as it is and have forced drivers off the road as they cut the corners. [The industrial use area does not have access to Hempt Road. Dapp Road will be the primary access point to the industrial zone.](#)

07/26/2020 - Email

I don't believe the road safety issue was adequately addressed in the video as it relates to TOA, our residents and residential properties.

07/26/2020 - Email

State Rd south of Texaco is NOT suitable for 18-wheeler traffic. I viewed no proposal in the presentation to prevent 18-wheelers from traveling south on State Rd. It will happen. What is proposed? Nor would I want to have an additional roadway bypass or road improvement for said issue. [The plan does call for no truck traffic on Hempt. Adding Dapp Road was the solution to the concern.](#)

07/26/2020 - Email

Thanks for providing the Zoom session. I have viewed the video and was also present at the township meeting at the end of December. In my estimation 'the train has left the station.' It is just the matter of which 'direction.' Unfortunately, the idyllic view of the Hempt farm areas will disappear. I wish the past township planners would have been more concerned with conservation and beauty than tax revenue. It is what it is. My concerns: 1. State Rd south of Texaco is NOT suitable for 18-wheeler traffic. I viewed no proposal in the presentation to prevent 18-wheelers from traveling south on State Rd. It will happen. What is proposed? Nor would I want to have an additional roadway bypass or road improvement for said issue. [The plan does call for no truck traffic on Hempt. Adding Dapp Road was the solution to the concern.](#)

07/27/2020 - Email

In the video concerning the proposed agreement with HSS, widening of the Hempt and Carlisle Pike intersection is addressed. Has there been any discussion about State Road between Texaco Road and Trindle Road? Currently there are at least three areas that have sharp 90-degree angle turns that are dangerous, especially with tracker-trailer trucks. Has there been any discussion about not allowing tractor-trailer traffic beyond Texaco Road, to avoid problems between Texaco and Trindle? Or has there been any discussion of improving State Road to remove the sharp turns in the Roads? Am very concerned about the anticipated traffic (both commercial and residential) to be using Carlisle Pike as primary ingress/egress. They can also use State Rd off of Trindle Rd but that's a country road which cannot handle much traffic. Can trucks at least be restricted from using State Rd? I would suggest a traffic light at a minimum would need to be added on State Rd where the Traditions development intersects. If Hempt/State Rd is only access for this entire property, it just does not seem to be sufficient. [A traffic study must be conducted to address the traffic concern; however, it is anticipated that Hempt will be widened at the Carlisle Pike through the residential development. A separate access point will be added off the Carlisle Pike for trucks. There will be no direct access to the business park off Hempt Road. State Road does have a](#)

great deal of sharp curves and would make truck traffic very challenging. Appreciate your concerns. I will add to the list for the Supervisors.

07/27/2020 – Email

I live in TOA at Silver Springs and I feel like I am taking my life in my hands every time I drive on State Road / Hempt Rd from Carlisle to Trindle. 8 years ago, when I first started to build, I was told that there would be an improved intersection at Texaco and State as well as a light at Trindle and State. Well neither of those things have happened, yet we have built over 400 more homes in the area and the traffic is much worse. Hempt development will only add the traffic problems. Also, State road is too narrow, curvy and hilly for the traffic it currently has. Every time I turn from Presidents drive on to State road or from State road on to Presidents, I pray I will not get hit because I can't see the oncoming traffic. We had the same problem in NY where I lived and the NY State flattened a seldom used intersection. State Road needs to be improved (widen, straighten out and flatten at intersection) before any more development happens. Even the process of developing the land at Hempt farm will only add to the traffic problems. My question is "Will improvements to State Road be made before any changes are stated to the Hempt farm area and exactly what improvement where there be? I appreciated having the opportunity to meet with you and to hear your concerns firsthand. Please know your comments and concern will be passed along to the Board. I understand traffic is a big concern. Thank you very much for reaching out to the township.

07/28/2020 - Email

I have a question. Will Hempt Road/ State Road be improved for more traffic during this developments progress? There will need to be a traffic study completed. A new access point off Carlisle Pike, Dapp Road, is anticipated. The thinking is most of the traffic will be coming off turnpike and 81 so the Carlisle Pike will be the road of choice. The plan does not show a connection between the business parks and Hempt Road. Therefore, there would be little value trying to access the business park from Hempt Road. There will be traffic study conducted as part of land development which will call out specific improvements on Hempt. We anticipated a widening of Hempt Road, from the Carlisle Pike to the residential development. We will add your comment to the list that will go to the Supervisors. Thank you for your interest.

07/29/2020 – Letter from adjoining property owner

My wife and I have lived at the drag strip called Hempt Rod for 56 years this December and never saw the speeding, heaving truck hauling, and no regard for other people backing out of heir driveways and onto the rod, since they recently lowered the speed limit to 35mph. My concern is for the safety of the residents along this racetrack. There are some areas very dangerous along this stretch of road. And with this in mind, will there be any improvement with the plan, that's already approved, for the safety of others?

8/3/2020 – Follow-up to 7/28/2020 EMail

I was going to just let this go but I think that my first comment to you may not have been taken correctly. I am not opposed to this development at all. I am concerned that the Traffic from Trindle road and Mechanicsburg will increase on State Road and Hempt road leading to this development. I believe that State road and Hempt road from Trindle road to the Carlisle pike will need to be improved to handle additional traffic going to this development. That was the point of my comment. Thank you. Thank you for your comments and concerns on the Hempt property. I will provide your comments to the Board of Supervisors. Appreciate your interest in the settlement agreement.

07/28/2020 - Email

Overall, the plans looks ok...sad to lose the horses, though! Obviously, there will be a large increase in traffic volume on State Road. The intersection at Presidents is a nightmare, as we know. The line of sight is terrible and we have already seen a large increase in volume ON Presidents and at that intersection as Danbury uses Presidents as a cut through. Add the additional volume from the Hempt project and it is very concerning. Then, the Personal Care home will be another addition of traffic. Can't we demand that one of them do an improvement of this intersection as part of the project as was done with TOA and Trindle/Sinclair? Trucks ARE going to use State Road -- let's face it. Is there an ability to restrict truck traffic on State?

[Thank you for your concerns. I grew up here, so I understand. Concerning traffic, if we have an agreement, my understanding is that we can request TOA intersection be included in the traffic study scope of work. There is no access to the business park off Hempt so it may prove to be more challenging for trucks to use State and Trindle. I will list the concern about truck use on State and Trindle.](#)

07/28/2020 - Email

Thank you for the opportunity to hear more about the Township agreement on the HSS development. One area of concern that needs to be considered is traffic. A long-standing concern to many in the TOA development is the sight distance looking to the north at the intersection of State Road and Presidents Drive. Combined with speed of traffic in both directions this raises concerns as the traffic moving towards Presidents Drive from the HSS area (and Texaco Road as well) can be expected to increase with added development. It is recognized that State Road is managed by the Commonwealth Department of Transportation. Can there be a review through a traffic study of this area, even though it is somewhat separated from the HSS development? As a suggestion, the construction of a traffic circle - a roundabout - at State Road and Presidents Drive may be a potential solution to ease the speed and reduce conflict caused by the perceived inadequate sight distance at the intersection. [Thank you for reaching out to me to express your concerns with the agreement. There will be a traffic study conducted and the township, given there is an agreement in place, can participate in the scope of the study. I will add your request to include TOA to whatever traffic study is conducted.](#)

07/28/2020 - Email

Similar to the requirement that the Twp. has with TOA pay for a traffic light at Trindle and State Rd might the Supervisors consider the same thing of HSS , that is, a traffic light at the intersection of State Rd and the TOA development (and our neighbor development across State Rd)? Am thinking that would go a long way to assuage the traffic concerns expressed today. [The traffic study will provide us information on whether a signal is warranted at that intersection. It may be challenging to me Penn Dot's requirement. For example, the signal at Mulberry and 114 barely made warrants. That was very hard to believe. We had to fight to get the signal approved.](#)

07/30/2020 - Email

I attended the zoom meeting last night regarding the Hempt Farm property. It is evident to me (even with the small numbers) that most of the residents of the Township are not interested in yet another warehouse which will lead to more truck traffic in the Township and especially on the Carlisle Pike. I would strongly urge you to fight for the Township's residents and reject this plan. It would be a fight worth taking on for your constituents. [Thank you for your comments and concerns on the Hempt Farm. I will provide your comments to the Board of Supervisors. We greatly appreciate your interest in the project.](#)

07/30/2020 - Letter from adjoining homeowner

A you continue to discuss the future of the Hempt Farms land, we would like to re-iterate our concerns. Of course, our first choice would be to keep it farmland, but we understand that is very unlikely. However, we do not agree with the need for more warehouse space in the township. We have concerns with more traffic on Hempt Road because of the following:

1. Main route for school traffic
2. Ongoing issues with the train crossing being blocked
3. Increased truck traffic from the trucks on Long Lane and the industrial park.

Thank you for your consideration.

8/01/2020 - Email

Has any consideration been given to the impact of increased tractor trailer and gas tanker traffic that will accompany the development of the Hess Tract? Although an extension of Dapp Road may alleviate traffic on the Carlisle Pike, has any study been initiated as to the potential increased traffic of commercial transport vehicles that will travel to and from the proposed facilities via State and Bare Roads as well as Texaco Road which are already heavily traveled? The bend in State Road is already hazardous as well as the intersection with Texaco Road. The increased commercial traffic will affect residents of Westfields, Evergreen, Traditions of America as well as the developments on Texaco Road. Perhaps some thought should be given to providing commercial vehicle access to the proposed warehouses and tank farms via Locust Point Road. Thank you for your consideration. [Thank you for your comments and concerns on the Hempt property. I have passed along your comments to the BoS for consideration. A traffic study must be conducted as part of the land development phase. This will help identify choke points, safety issues and required road improvements. Appreciate you identifying these issues.](#)

08/02/2020 - EMail

My name is _____ and I just recently moved to ____ Hempt RD. I am writing to express my concern over the proposed plans for this area and although I did miss the meeting of July 29th, I did listen to the audio. One of the reasons we moved here was the country feeling, especially with a cornfield behind us. My main concern is the increased traffic on Hempt RD. After living here for a couple of weeks, I realize the traffic is a little more heavy than I anticipated, so can only imagine how much more heavier the traffic will get if this proposal is approved. Thank you for considering my comments.

8/3/2020 – Follow-up to 7/28/2020 EMail

I was going to just let this go but I think that my first comment to you may not have been taken correctly. I am not opposed to this development at all. I am concerned that the Traffic from Trindle road and Mechanicsburg will increase on State Road and Hempt road leading to this development. I believe that State road and Hempt road from Trindle road to the Carlisle pike will need to be improved to handle additional traffic going to this development. That was the point of my comment. Thank you. [Thank you for your comments and concerns on the Hempt property. I will provide your comments to the Board of Supervisors. Appreciate your interest in the settlement agreement.](#)

Zoning (coverage, height, etc.)

I have reviewed some of the settlement agreement, the video and the SS Township zoning regulations for Light Industrial 1 and 2, and I have concerns about some sections of the agreement that I don't believe should be agreed to by Silver Spring. I reviewed Silver Spring Township's zoning document. Both under Light Industrial Zone 1 and 2 the maximum height allowed is 40 and 45 feet. Other appurtenances can't go above 75 feet (chimneys, flagpoles, water tanks and other mechanical appurtenances). Maximum lot coverage is to be no more than 60% unless section 317 comes into play. Greater than 60% (up to 80% requires Board approval and optional storm water management practices.) Mini Warehouses are permitted, but truck terminals are only permitted under conditional use. Reading this I'm not sure why Silver Spring Township Supervisors would approve a settlement that permits buildings as tall as 80 feet with 80% of ground coverage. Recognizing that the board wants to avoid the uncertainty of a court hearing, why would they decide to accept HSS' proposed settlement when it goes beyond the zoning restrictions set forth in their zoning regulations? The only industrial zones next to the Hempt Farms are L1 and L2 so they should only be able to get approval for those levels and not something more intensive.

Appreciate your comments concerning zoning. Just wanted to follow up on your questions on impervious coverage. Below is additional information:

1. Our current Ordinance in the C-2, C-3, O, I-1, I-2, & Int zones allows 60% impervious coverage. As mentioned below, you can go up to 80% by Conditional Use if you follow the guidelines set in Sec. 317. The agreement would allow the developer up to 80% without requiring Conditional Use . All of DEP's stormwater regulations will still need to be followed, they will just have one less step during the Land Development process.
2. Our current Ordinance has the height requirements outlined below. In I-2, all structures exceeding 35' from grade shall be setback a distance at least equal to their height from all property lines. Example: an 80' structure shall be a maximum of 80' from all property lines. We also have zones (O, & Int) that allow 60' provided that for each one (1) foot above 35', there shall be an additional two feet of required setback from all property lines. By our current ordinance, they would have a 50' front yard setback and would need an addition 50' (totaling 100') of setback to go to 60'. The agreement would allow a building greater than 55' but less than or equal to 80' with a substantial setback of 400' from both the Carlisle Pike and Hempt Road .

07/29/2020 – Evergreen HOA EMail

A big Thank You to our Board of Supervisors and Staff for working with HSSI Developers, to come up with a better plan for the Hempt Farms property. I think the revisions will offer a more attractive entrance to our residential areas on this side of the township off Carlisle PK and preserve more open spaces, while providing a myriad of business opportunities for HSSI. Thank you for producing a video to help visualize the differences between the plans.

I have spoken to the Board about truck traffic on State RD and I'm still apprehensive about the situation there. I understand that a dedicated entrance to the business park off Carlisle PK is planned and hope it works well. Plans for a long-term care facility, Sunrise Landing, have been approved for State RD also.

With concerns for more traffic and the possibility that tractor trailers may inadvertently use State RD, I'm asking again about restricting these very large trailers over 40 feet long from State RD. I've provided my concerns to Mr. Ray Palmer and will be asking PennDot to review the situation.

Ultimately, State RD should be widened and biking/walking paths provided so that residents in our growing neighborhoods bordering State RD can use the roadway for access to downtown Mechanicsburg and Pleasant View Park. A "Complete Streets" approach is consistent with PennDOT's Smart Transportation Initiative and the Plan for Sidewalks, as described in the SS Twp. 2019 Comprehensive Plan:

- Connecting neighborhoods to parks;
- Making interconnections between neighborhoods;
- Making pedestrian connections between bus stops

I hope to be working with you in the future to accomplish these goals and provide a richer living experience in our Township for all residents.

Resident Letter

July 31, 2020

Re: HHS Investors, LLC v Silver Spring Township Proposed Settlement Agreement

Dear Supervisors:

My wife, _____, and I have been Silver Spring Township residents for almost 30 years. We live at _____ which is on the hill next to Cumberland Valley High School, just across the Carlisle Pike from the Hempt tracts. I am an attorney, but not usually involved in land use cases. This letter is to express our opposition to the proposed Settlement Agreement with HHS Investors, LLC.

First, we object to the lack of notice of the opportunity for comment and the Board of Supervisors meeting to vote on the proposed Settlement Agreement. The only notice given was on the Silver Spring Township website. Township residents who do not subscribe to the website notifications have been given no notice about these meetings. There should be written notice to residents, perhaps by the Township Newsletter.

There also was not enough time between notice and the meetings. Notice of the meeting for commentary on 07/29/20 and the 08/03/20 meeting for the vote was posted on the Township website about 4:00 p.m. on 07/23/20. This is only 5 days notice of the commentary meeting and 10 days notice of the vote.

We also object to the discussion meeting and the Supervisors' vote being conducted by video conferencing. These do not constitute public meetings. Handling these matters by video conferencing unfairly suppresses participation and dissent. The 01/16/20 meeting was full to capacity with residents who opposed rezoning. As of 01/16/20, 993 residents had signed the online Change.org Petition opposing rezoning. As of 07/29/20, that number has risen to 1,575 in opposition. These people deserve a fair opportunity to be heard. Discussion and voting on this very important matter should be postponed until in-person meetings are possible. This matter has been ongoing since October, 2018. A delay of several more months is not unreasonable.

We object to the Settlement Agreement because we believe rezoning of the Hempt tracts will alter the essential character of the neighborhood, and will be detrimental to the public welfare. Our reasons are as follows:

Bad For The Neighboring Residents:

HHS's planned development of the Hempt tracts will greatly increase both truck and vehicle traffic on the Carlisle Pike and will increase vehicle traffic on Hempt Road. There is already too much truck traffic in the area, causing the danger of collisions, congestion, and air pollution, especially in Hogestown, New Kingstown and around Cumberland Valley High School.

The extent of the increase in traffic cannot be accurately determined without a traffic study. As a result, a traffic study should be performed before a vote is taken on the Settlement Agreement. While HHS should pay for the traffic study, they should not be permitted to submit

it. The only way you can be sure of an impartial traffic study is if you commission it. A traffic study would allow you to accurately consider what the impact on residents would be of a vote to approve the Agreement.

There is already significant light pollution in the area from existing warehouses. While the relocation of the warehouses away from Hempt Road may avoid the orange glow one resident talked about, the 24 hour lights from the townhouse/apartment complex can be expected to have significant impact on the residents along Hempt Road. Given that the warehouses can be 80 feet tall, their lights will be seen from far away. Vegetative screening only 20 feet tall will do little to mitigate that.

You should ask yourselves why the rights of HHS, an absentee developer, should be greater than those of your residents who live along Hempt Road and in New Kingstown and Hogestown.

Hardship To HHS:

HHS acquired the land from the Hempt family with full knowledge that it is zoned Agricultural. As a result, any financial hardship that HHS may suffer should their development project not being able to proceed is self-inflicted. Moreover, it is not as if HHS cannot make a profit by using the land as presently zoned. Indeed, HHS has not even tried to make that argument.

Tax Base:

The argument that HHS's development project will broaden the tax base is misleading, because it fails to consider the increased costs to Silver Spring Township associated with rezoning. At settlement, the Township would have to pay \$1,200,000 for the land for the public works building. There would be a very large additional expense to construct a public works building there. A new fire company truck will have to be purchased, with a ladder long enough to fight fires on 80 feet high buildings. Although HHS has agreed to pay \$100,000 toward highway and traffic improvements, Silver Spring Township will have to foot the rest of the expense. There will be significant expense associated with maintenance and preservation of the Hempt farmhouse and barn.

HHS's development project will require more police, more Township personnel, and more public works employees. Our volunteer fire companies are already stressed close to the breaking point because of a lack of volunteers. Fire protection for all of those warehouses, townhouses, and apartments is likely to require the need to create a paid fire department. The large volume of townhouses and apartments are sure to greatly increase the number of students in the Cumberland Valley School District. At the very least, this will cause the need to hire more teachers. There will be overcrowding of classes and schools. The construction of new schools may be required. You can be certain that all of this will require school taxes to rise.

From your experience, you know that every time development is sought, the argument is made that it will expand the tax base. Given all the development that has occurred in Silver Spring Township over the past 10 years, the Township should be sitting on a huge surplus. However, you know we are not.

Litigation:

Since the original application for curative amendment in October, 2018, the law has drastically changed, leveling the playing field in litigation with developers. There is no longer any need to be so afraid of a bad result in litigation should the request for curative amendment be denied. For example, please ask your Solicitor to explain the Commonwealth Court's holding in Allen Distribution v West Pennsboro Township, 524 C.D. 2019, decided 05/11/20. In that case, the West Pennsboro Township Zoning Hearing Board stood up to the developer, Allen Distribution. The Cumberland County Court backed them, as did the Commonwealth Court. As a result of their courageous stand, rezoning of farmland for warehouses was stopped.

Benefits of Settlement:

Ask yourselves, what benefits are we really getting from settlement? Would it be so bad if we lost? The Settlement Agreement supersedes all Zoning, Subdivision & Land Development, and Stormwater Management Ordinances to the extent that they conflict with the language and specifications in the Settlement Agreement. If there was no Settlement Agreement, at least you could insist that zoning requirements for building height and impervious coverage be followed. These requirements alone might force reduction in the density of development. You could also enforce regulations on traffic, light and noise pollution. The creek that crosses the Hempt property floods, so the green space being given to the Township is really land that HHS would have difficulty building on anyhow. The farmhouse and barn are not useful for the Township and have little historic significance.

Supervisors' Legacy:

Fair or not, your decision on the Hempt tracts is likely to be your legacy as Silver Spring Township Supervisors, one way or another. Your constituents, the Township residents, strongly oppose rezoning the Hempt property. On one hand, you can be known for standing with your residents and doing your best to defeat this re-zoning and preserve the essential character of the area. On the other, you can decide to side with an outside absentee developer, determined to squeeze every last nickle out of the property, and vote to approve the Settlement Agreement, to the detriment of the welfare of your constituents.

Thank you for your time in considering these comments, and in dealing with this important issue. Should you have questions, or desire additional information, please contact me.

8/3/2020 – Email Received 5:11pm

Elected Representatives of Silver Spring Township:

I will be unable to attend the August 3 Township ZOOM meeting. This email is intended to express our feelings on the HSS transaction. We object to the settlement arrangement that has been negotiated by the Township elected officials and HSS.

1. Having read the ordinance and the curative amendment procedure undertaken by HSS, it appears that the Township has simply decided that it does not want to stand its ground on the foundation of the ordinance that it has enacted pursuant to public discussion in the past. It appears that the Township is unwilling to maintain the Agricultural atmosphere and permitted uses that Township residents have come to enjoy so much in the past. These uses are the reason why most township residents moved to Silver Spring Township.
2. The 60+ page settlement agreement gives the feeling of a prospectus more than a settlement agreement. It is couched in language which is trying to sell its product rather than settle a case.
3. The Agricultural zone is not reverse spot zoning, and Cumberland County Court would likely agree that it is not. Authority from the Commonwealth Court would not likely rule it was spot zoning either. The Township elected officials do not want to stand by the terms of the Township's own ordinance, and instead they have been pushed to avoid the burden of litigation as the simpler way out of this impasse.
4. One of the larger concerns is the apparent likely waivers that will be granted to the HSS developers without the opportunity for public input. There appear to be instances where existing height and ground cover restrictions will be waived without the opportunity for public opposition or even a hearing. This appears to be a "concession" to developers' interests with the apparent exchange being the so-called new mixed-use and clustered uses being offered as a so-called attractive introduction to new real estate uses in the township. I disagree that the waivers are proper, and if public hearings are to be disregarded, this flies in the face of respect for public opinion about what is in the public health, safety and welfare.

Respectfully submitted,

8/3/2020 – Email Received 4:06pm

I am a property owner and taxpayer in Silver Spring township, and would like to share my views on the proposed rezoning of the Hempt Farm tract.

There is no justification for rezoning the Hempt Farm parcel from its current “agricultural” zoning. The claims made by HSS can seem to be summarized as follows:

1. The current zoning is incompatible with planning documents
2. The current zoning is an example of “reverse spot zoning”
3. There would be economic hardships if the rezoning is not allowed (that’s not a claim that I’ve seen publicly made yet, but it’s inevitable and deserves preemptive comment)

It does not appear that the appellants have advanced any arguments above and beyond those advanced previously. They still have no hope for success in this suit, and so I wonder why this proposal is still being put forward.

Zoning ordinance in conflict with “Master plan”:

The courts in PA have held that in cases where a plan conflicts with a zoning ordinance, the zoning ordinance prevails.

“Inconsistency with a comprehensive plan is not a proper basis for denying a land development plan. Similarly, it cannot be a basis for a substantive challenge to a zoning ordinance.”

“Unlike a specific and regulatory zoning ordinance, a comprehensive plan is, by its nature, an abstract recommendation as to desirable approaches to land utilization and development of the community. “ Michaels Development Co. v. Benzinger Township Board of Supervisors, 50 Pa.Cmwlth. 281, 413 A.2d 743 (1980). See also Section 303(c) of the MPC, 53 P.S. § 10303(c) (“[n]otwithstanding any other provision of this act, ***no action by the governing body of a municipality shall be invalid nor shall the same be subject to challenge or appeal on the basis that such action is inconsistent with, or fails to comply with, the provision of a comprehensive plan***”).

“With regard to Atherton's reference to recommendations by the Centre County and Ferguson Township Planning Commissions, this Court previously stated a planning commission is no more than an advisory body whose recommendations have no binding effect on the governing body. Takacs v. Indian Lake Borough Zoning Hearing Bd., 11 A.3d 587 (Pa.Cmwlth.2010); Blue Ridge Realty & Dev. Corp. v. L. Paxton Twp., 414 A.2d 737 (Pa.Cmwlth.1980). Thus, the Supervisors were not bound by planning commission recommendations.” Atherton Development Company v. Township of Ferguson, (Pa.Cmwlth2011)

“Reverse spot zoning”:

The only PA case that I’m aware of where courts have held “Reverse spot zoning” to be a valid objection to a zoning ordinance was the Realen Valley Forge Greens case in Montgomery County. The circumstances of that case are not at all comparable to the Hempt Farm tract.

In Realen, the agriculturally zoned tract was an island completely surrounded by much higher density development. As the PA Supreme court noted, **“We granted allowance of appeal to consider the validity of the agricultural zoning of a tract located in the heart of one of the most highly developed areas in the region, entirely surrounded by an urban landscape, and immediately adjacent to what is currently the world’s largest shopping complex at one discrete location: the Court and the Plaza at King of Prussia.”** This is not at all the case with the Hempt Farm tract; it is not an island completely circumscribed by land with different zoning, it is not surrounded by an urban landscape, it is not in the heart of one of the most highly developed areas in the region, and is not adjacent to the world’s largest shopping complex. Instead, it is simply the northernmost edge of a broad swath of agriculturally zoned land extending all the way through adjacent Monroe township.

The Hempt Farm tract is not an “island”, it is a “peninsula”. It was noted by the Commonwealth Court that **“Of further note, as recognized by the trial court: While Pennsylvania case law clearly demonstrates that a peninsula, in addition to an island, may constitute spot zoning in the appropriate case, [see Knight; C.L. Assocs.], the law is silent as to whether or not a peninsula may form the basis for a claim of reverse spot zoning. [T]he cases cited by Atherton to support its claim that reverse spot zoning may involve a peninsula were cases where the parcel had been subjected to spot zoning—and not reverse spot zoning.** Atherton Development Company v. Township of Ferguson, (Pa.Cmwth2011).

That the Hempt Farm tract is not an island “entirely surrounded” by alternate zoning, much less an “urban landscape”, is evidenced by the fact that it abuts other Agriculturally zoned land to the Southwest, and that that agriculturally-zoned land extends for miles to the south and southwest.

From the foregoing, it appears that there’s no court precedent that would suggest that HSS would prevail in this matter.

Appropriate comparable precedent:

This case of a peninsula of land is much more comparable to the Pennsy v Silver Spring case (where Silver Spring prevailed), and the Atherton v Township of Ferguson in Centre county (above), where Ferguson prevailed. In fact, the Silver Spring township attorney(s) appealed to the Atherton precedent in arguing the Pennsy case.

Economic hardship/"taking":

I have every sympathy for property owners who are first subjected to zoning restrictions on land they already own. When a zoning ordinance is first enacted, one person's land might be zoned commercial, while a similar property across the street is zoned Agricultural. The value of one owner's land is increased, while the value of the others is diminished.

Once the zoning is in place, however, any subsequent purchasers know exactly what they're buying.

Any "hardship" which HSS encounters as a result of the Ag zoning being upheld is "self-inflicted" in the sense that they were aware of the zoning when they acquired the property. As the Commonwealth Court noted in *Campbell v Zon. H. Bd. Of Plymouth Township (1973)*, where a party bought a property knowing its zoning was inconsistent with the desired use, "self-inflicted economic hardship is not a justification for a grant of a variance". (Whether Hempt family members are principals in HSS is irrelevant; HSS from a legal and economic standpoint is separate and distinct from its owner(s)).

The zoning ordinance of Silver Spring has been in existence for decades. The land in question has been zoned Agricultural from the beginning, and any party that buys the land on the assumption that they can get the zoning changed is (or should be) aware that they are taking an economic risk. The presumption is that zoning ordinances are valid, and the burden of proof is on the appellant to prove otherwise. HSS made an economic decision in the hopes of being able to effect a change in the ordinance. Changing the ordinance to accommodate HSS results in a windfall for them; the value of the parcel is materially increased. Not changing the ordinance leaves the parcel in its current status, which means no change in its economic value (aside from the speculative value that existed prior to applying for zoning changes).

In contrast, many township residents have moved to the township or acquired property in the township based on the perfectly reasonable expectation that the zoning ordinance as it exists will be adhered to. Changing the zoning of the HSS parcel results in what to them is a material loss in welfare. Rejecting the zoning change leaves them in their current position.

What this amounts to is:

1. Changing the zoning generates a gain for HSS and a loss for township residents;
2. Not changing the zoning results in no gain or loss for either party.

It seems that this is nothing more than a case of HSS “rolling the dice” in hopes of being able to intimidate the township into making a decision which will generate a large windfall.

People (and businesses) don't like uncertainty. They want to be able to make decisions based on known rules, and to be able to rely on those rules not being changed after the fact. (There's a long history of economic literature on the effects of political uncertainty on investment decisions).

As the PA Supreme Court noted in another case, “...re-zoning of certain parcels results in the disintegration of protections afforded to landowners who purchase residential property in reliance upon the zoning district.”

If the HSS agreement is approved, the adversely affected residents of Silver Spring will in fact suffer a material loss in their wellbeing, and that loss is only coming about because the Township has decided to “change the rules in the middle of the game”.

If the Township has always planned on rezoning the land, or feels that the zoning ordinance can be set aside at will, that should be made perfectly clear in the zoning ordinance so that people aren't misled about the degree to which the zoning ordinance is meant to be taken seriously and the level of reliance that can be placed on it.

IF (and that's a big “if”) it is determined that the parcel does merit rezoning, there is absolutely no justification for including high-density R2 housing (apartments and townhomes) on the parcel. The adjoining land is zoned Ag, R1, C3, I1, and I2. Claims of “incompatible zoning” would suggest a remedy of some combination of the adjacent zoning categories. Putting in high density housing – with its substantially increased burden on schools, roads, water and sewer, police, fire, and other infrastructure – is completely unjustified.

8/3/2020 – Email Received 1:17pm

HSS and Silver Spring Township Settlement Agreement 1. Continuances can be requested without agreement from the other party. 2. The notice given was insufficient to allow the majority of Silver Spring Township residents to review the materials and respond. Silver Spring residents have not only an aesthetic concern as to what occurs with the Hempt Farm property, but if the settlement agreement is executed as written, Township residents will be responsible for payment of \$1.2 million for the Municipal Use Area and costs related to maintaining the Farmstead Property. 3. The case that Rick Maffet provided to the Board – Allen Distribution v West Pennsboro – has applicability to the current situation, and the Cumberland County Common Pleas Court held in favor of the Zoning Hearing Board to keep the land in question zoned as Residential High Density rather than permit the switch to Industrial Zoning made by the West Pennsboro Township Supervisors. This decision was upheld by the Commonwealth Court in May 2020. Did the Board of Supervisors consider this case before making the decision to avoid litigation? 4. There are numerous areas in the settlement agreement which are in abrogation of the current zoning regulations. While I understand that concessions were made to HSS to enable the entire package of the settlement, this creates precedent that could be harmful if other developers wish to also go outside of the current regulations. a. As discussed previously, in the Business Park area, Light Industrial 1 and 2 are only permitted to be 40 or 45 feet tall other than flagpoles, chimneys or mechanical appurtenances which can be as tall as 75 feet. Despite this, HSS is permitted to build structures as tall as 80 feet. While ground cover is usually only permitted up to 60%, the Board of Supervisors have granted conditional approval which increases that percentage to 80%. b. Under the settlement agreement, buildings in the retail area may be as tall as 60 feet with ground cover of 75%. In both C1 and C1 the zoning regulations only permit buildings of 35 feet though Professional Offices can be 60 feet in height. c. In High Density Residential, maximum height is 60 feet as opposed to 35 feet in the current zoning regulations. d. In the Technology/Office area the permitted height is 55 feet with a ground cover of 80%. This area has an “Opportunity Deadline” of only 4 and ½ years after which HSS may include this 25 acres in the Business Park. As was discussed at the zoom meeting on July 29th, the Board also felt this was a short time frame particularly with the pandemic, the Chairman noted that HSS refused to extend that deadline. e. In the documents I have included with this, an 80 feet tall warehouse was being constructed in south Jersey in 2007. The fact that buildings over the height permitted in the current zoning regulations have to be set back further from the road doesn’t diminish the aesthetic unpleasantness of having warehouses more than twice the height of a normal warehouse nor an apartment complex that can be 5 stories tall because the height has been changed from 35 feet to 60 feet. I believe a continuance should be requested to receive additional feedback from residents as well as to speak with Nathan Wolf, the attorney who represented the objectors in the Allen Distribution case, to see whether the fact pattern is similar enough to that in HSS v Silver Spring Township that, at a minimum, the agreement could be re-written so that it would not go beyond the current zoning regulations. Despite the above comments, I applaud the Township Supervisors for working with HSS to obtain this agreement as it is far superior to the one presented.