

PENNSYLVANIA'S BEST HOMEPAGE

## Opponents ready to fight warehouse decision

12 HOURS AGO • BY TAMMIE GITT, THE SENTINEL

DICKINSON TWP. — Opponents of a proposed warehouse in the township may have been caught off guard by Monday night's decision to rezone a key piece of land, but they aren't finished with the fight.

"I think that relief in the court is far more likely an outcome than sitting back and letting this happen," said Nathan Wolf, a Carlisle attorney and leading opponent of the project.

Wolf said he was driving home from a vacation Monday night when he received a text message telling him township supervisors Jonathan Reisinger and J.R. Barrett had approved a request to change the zoning at the site along Allen Road from business recreational to business industrial. Supervisor Bob Wrightstone was absent from the meeting, but had previously indicated he would abstain from voting on the zoning changes due to a potential future conflict of interest.

Wolf said he wants to look into what happened at Monday night's meeting and review the whole process before filing an appeal of the decision. Land use appeals must be made within 30 days.

Developer Goodman Birtcher plans to build a 2-million-square-foot logistics center near the Exit 44 interchange of Interstate 81 that would sit on three municipalities — Carlisle borough, Dickinson and South Middleton townships. In early March, Goodman Birtcher withdrew plans for an additional warehouse across Ritner Highway in West Pennsboro Township, due to concerns from the Dickinson Township board of supervisors about truck access to that road.

The question about road access is exactly what the opposition thought would delay a decision on the zoning request because the supervisors indicated at their March 3 meeting that they needed more information about access to the site, and about traffic volumes, Wolf said.

Though the developer made promises at that meeting that they would not use Ritner Highway to access the property, the township can't count on that promise because there is nothing binding on the part of the developer, Wolf said.

"The decisions are made without condition. No matter how one looks at it, the township has put themselves in an untenable position, if the supervisors were serious when they said they did not want access to truck traffic on Ritner Highway," he said.

The supervisors say they don't want truck traffic on Ritner Highway, but it would be "very difficult" for the supervisors to prevent the owner from having some sort of access should Carlisle be successful in blocking access to the warehouse across borough land, Wolf said.

"Without having that access issue resolved, it is absolutely like having a brand new car but not giving them the keys," Wolf said.

## Ordinance

The supervisors' decision comes days after Carlisle borough council directed its solicitor to draft an ordinance that would prohibit a driveway or private access road from being built across borough land into an adjoining municipality when the uses of land between the municipalities are incompatible.

Councilman Sean Shultz said he was prepared to move ahead with the amendment he proposed because it "would more effectively discourage incompatible zoning across municipalities."

"Despite erroneous statements to the contrary, it is not special legislation for this project," Shultz said. "It applies to all zoning districts along the municipal boundary."

It's not too late in the game for the borough to propose such an amendment, as long as it follows municipal planning codes, said Jonathan Hugg, a partner with Clark Hill law firm in Philadelphia who represents municipalities and people in disputes with municipalities.

"You can change the law," he said. "You may make people upset at your timing."

The language of the council's instructions to its solicitor, however, "almost sounds meaningless," Hugg said. He questioned what constitutes an incompatible use, and asked if people will know what the measure means when they look at the plain meaning of the language.

The law has to be defined so that people know what to do and how to enforce it. The language in the council's directive sounds as if they are trying to make the amendment unobjectionable, Hugg said.

"The result is that there's something that's too vague to follow and too vague to enforce," he said.

The council has scheduled a public hearing for 6 p.m. May 8 on the driveway access amendment, but a date has yet to be scheduled for a special meeting at which the council would decide if warehousing would be added as a permitted use to the industrial-commercial district. However, Shultz said he believes rezoning is the wrong decision for Carlisle since the borough is likely to be looking at its comprehensive plan and zoning over the next few years.

Shultz said the decision in Dickinson Township doesn't affect his decision making process.

"The bottom line question to both municipalities is whether the properties should be rezoned. Dickinson Township decided that the answer to that question was yes," he said.

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