

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**July 18, 2017**

**CALL TO ORDER**

The Tuesday, July 18, 2017 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Chairman Glenn Rowe.

**ROLL CALL**

Commission Members Present: Glenn Rowe, Chairman; Don Santostefano, Vice Chairman; Joyce St. John, Secretary; Matt Tunnell

Commission Member Absent: Ned Wehler

Also Present: Chuck Emerick, Director of Community Development; Randy Watts, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: Steve Dayton and Ed Fetter, RVG; Kenny Hinebaugh, Evans Engineering, Inc.; Charles Huth, *The Sun*; Bill Pauza; Ed Kaylor, Reiber Associates; Keith Heigel, Light-Heigel & Associates; Tom Polczynski, Tanger Outlets; Brian Link

**APPROVAL OF MINUTES**

On a motion made by Secretary St. John and seconded by Vice Chairman Santostefano, the Planning Commission unanimously approved the minutes from the June 6, 2017 meeting, as written.

**OLD BUSINESS**

**A. Report of the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan and Stormwater Management Site Plan for the Hershey Wastewater Treatment Plant Relocation, Plat #1273**

Chuck Emerick stated that the Board approved the plan, with conditions.

**B. Report of the Board of Supervisors' action regarding the Township's Official Map and Ordinance No. 689, adding Chapter 126 (Official Map) to the Code of the Township of Derry**

Chuck Emerick stated that the Board adopted the Official Map and accompanying ordinance.

**C. Review and recommendation of the Preliminary/Final Subdivision/Land Development and Stormwater Management Site Plan for Hershey Towne Square, Plat #1275**

Mr. Emerick explained that the subject property is located along West Chocolate Avenue and is commonly referred to as the 'Post Office tract.' This plan proposes three new 1-story buildings along

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West Chocolate Avenue, a new two-level parking structure, and the addition of a third floor to the existing stone structure on the property, as well as street and sidewalk improvements. Access to the site will be provided by way of one driveway on Ridge Road, and a connection to Linden Road. Mr. Emerick reviewed the waivers that have been requested from the Subdivision and Land Development Ordinance.

Mr. Emerick and Randy Watts, HRG, went over their plan review comments. Mr. Emerick also referenced DTMA's review comments. Diane Myers-Krug, Dauphin County Planning Commission representative, stated that the County's outstanding comments have been addressed.

Chairman Rowe asked how close the developer is to providing the minimum required number of parking spaces. Mr. Emerick explained that if this project was not part of the Shared Parking Agreement, the developer would be required to provide 502 on-site parking spaces. However, because of the Shared Parking Agreement and the surplus spaces that exist throughout the other parking facilities that are also part of the Agreement, the developer is providing 356 spaces, which is adequate.

In response to a question from Member Tunnell, Mr. Emerick stated that Plat #1275 supersedes all previous plans that were submitted for this site.

Vice Chairman Santostefano asked if there are any conflicts with the construction on the existing building, given that the work was done in conjunction with a previous plan for the site. Mr. Emerick responded that the Township issued a demolition permit to the previous developer to allow them to get started on the existing building so that they could stay within their timelines. Part of the demolition involved the removal of the roof of the second floor, and through a Hold Harmless Agreement the previous developer was able to partially construct the third floor of the building, but no occupancy was permitted in any area that did not already exist.

Secretary St. John noted that this plan removed the residential aspect of the mixed use and asked if there are any future plans for the inclusion of residential uses. Ed Fetter of Hershey DTC, LP (the developer) stated that there is no plan to expand once the construction depicted on Plat #1275 is complete.

Chairman Rowe suggested that the two parking spaces proposed near Ridge Road should be eliminated because they could create a conflict between vehicles trying to back out of the spaces and vehicles accessing the site from Ridge Road. Mr. Emerick explained that the Post Office will remain on this property, and they required the spaces for their loading/unloading zone. Kenny Hinebaugh, Evans Engineering, added the Post Office has requested that their drop boxes be located in this area. One of the loading spaces depicted on the plan is a dock that was also requested by the Post Office.

Chairman Rowe commented that the traffic flow through the site has been well-designed, and he likes that there will be parking on West Chocolate Avenue.

Mr. Emerick noted that the parking structure's two floors will not be interconnected, which will allow for an additional 8-12 parking spaces within the structure. It is a great design for getting as much parking as possible on a small footprint.

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Public comment: Brian Link, Township resident, believes there will be a lot more traffic on the secondary roads and asked if the timing of the traffic signals at Linden Road and Ridge Road will be adjusted accordingly. Mr. Hinebaugh responded that as part of this project's traffic study and the Township's streetscape project, right turn lanes will be added from West Chocolate Avenue onto Ridge Road and Linden Road which will help to alleviate the stacking that occurs on West Chocolate Avenue. There will also be timing adjustments to both intersections and the addition of left turn phases.

Secretary St. John stated it is unfortunate that the economics of the situation have resulted in the removal of the residential use on the property.

MOTION ON WAIVERS

On a motion made by Member Tunnell, seconded by Secretary St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers be granted from the Subdivision and Land Development Ordinance:

- a. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds of street rights-of-way, centerlines, and easements.
- b. From Section 185-12.D.(3).(a).[9] regarding providing features within 200 feet of the subject tract.
- c. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing profiles for existing stormwater facilities that will not be affected by the project.
- d. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing profiles for existing sanitary sewer facilities that will not be affected by the project.
- e. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing profiles for existing utilities that will not be affected by the project.
- f. From Section 185-22.D.(3) regarding additional street right-of-way.

MOTION ON PLAT #1275

On a motion made by Member Tunnell, seconded by Vice Chairman Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1275 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the July 6, 2017 HRG letter.
- c. Comment 1 (regarding Sheet C10.2) in the July 13, 2017 DTMA letter.

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**NEW BUSINESS**

**A. Review and recommendation of the Preliminary/Final Land Development Plan for 102 Reese Avenue, Plat #1278**

Mr. Emerick stated that Plat #1278 represents the construction of a new two-story, mixed-use building containing an 889-square-foot personal service establishment (day spa and beauty salon) on the first floor, and a 2,120-square-foot apartment dwelling on the second floor. The existing single-family dwelling and storage barn will be demolished to make room for the new building. The Zoning Hearing Board granted relief for multiple aspects of this project. This plan is being reviewed under the 1993 Zoning Ordinance since that was the Ordinance in effect at the time of the Zoning Hearing Board approvals.

The applicant is proposing sidewalk improvements to provide pedestrians easier access to the crosswalk at the intersection of Hockersville Road and West Chocolate Avenue. A fee-in-lieu of sidewalk and curbing construction along West Chocolate Avenue is proposed, and a deferment of sidewalk and curbing construction along Reese Avenue has been requested by the applicant. Upon review of the plans, Chris Brown, the Township Planning Consultant, has provided a recommendation that the sidewalk be extended along a portion of Reese Avenue westward to the entrance of the building. Mr. Emerick noted that if the Planning Commission would view this option as preferable, the remaining portion of curbing and sidewalk construction along Reese Avenue to the western property line would need to be approved as a fee-in-lieu of construction or deferment situation.

Mr. Emerick reviewed the waivers and deferments that have been requested from the Subdivision and Land Development Ordinance.

Mr. Emerick; Randy Watts, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments. Mr. Emerick also referenced DTMA's review comments.

Chairman Rowe commented that he initially agreed with Mr. Brown's recommendation regarding the extension of the curb and sidewalks along a portion of Reese Avenue because that will help to define the location of the driveways. Vice Chairman Santostefano inquired how people get to the crosswalk without sidewalks. Mr. Emerick stated that he is undecided about the connectivity of the sidewalks, other than to get to the crosswalk, because of the prohibitive grades and difficulty walking in this area. There was discussion about why there are only 3 crosswalk legs at the intersection of West Chocolate Avenue and Hockersville Road. Chairman Rowe stated that PennDOT may require the installation of the fourth crosswalk leg as part of their approval of this project.

The Commission discussed the merits of requiring the installation of curbing and sidewalk along Reese Avenue per Chris Brown's recommendation, and the requested deferments and waivers for the installation of sidewalk along West Chocolate Avenue and Reese Avenue.

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Secretary St. John asked if landscaping could be used instead of curbing to further define the property's entrance and exit. Chairman Rowe commented that landscaping is problematic for the Township to regulate; it is easier to require curbing.

Public Comment: Brian Link, Township resident, stated that there are pedestrians who use Reese Avenue to walk to The Hershey Company Technical Center parking lot and back down to Chocolate Avenue, so he thinks the installation of more sidewalk would be beneficial. He assumes that PennDOT will not require the installation of the fourth crosswalk leg because of potential conflicts with vehicles making turning movements.

Member Tunnell asked if the Township could use some of the funds that have been collected in lieu of sidewalk installation to assist with the pedestrian improvements at this intersection. Mr. Emerick responded that it is a possibility.

Ed Kaylor, D. L. Reiber and Associates, stated that the applicant would prefer to not install curbing and sidewalk along Reese Avenue and instead enter into a deferment agreement with the Township.

MOTION ON WAIVERS

On a motion made by Vice Chairman Santostefano, seconded by Secretary St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers and deferments be granted from the Subdivision and Land Development Ordinance:

- a. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding stormwater plans and profiles for existing systems, with the stipulation that the applicant profiles all proposed and existing pipe runs in the areas where grading will be modified.
- b. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary sewer plans and profiles for existing systems, with the stipulation that the applicant profiles all proposed and existing sewer pipe runs in the areas where grading will be modified, including the proposed sanitary sewer connection line within the public right-of-way of Reese Avenue and extending south to the proposed building.
- c. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding utility plans and profiles for existing systems, with the stipulation that the applicant profiles all proposed and existing gas and water pipe runs in the areas where grading will be modified, including the proposed natural gas and public water connection lines extending from the public right-of-way of Reese Avenue and extending south to the proposed building. The proposed valve systems shall also be profiled.
- d. As a deferment from Section 185-22.E.(5) regarding installing curbing along West Chocolate Avenue and Reese Avenue, with the stipulation that the owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future. However, if PennDOT requires the addition of a crosswalk on West Chocolate Avenue from the northwest corner to the southwest corner of the intersection of West Chocolate Avenue and Hockersville Road, the Planning Commission's

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recommendation is that the deferment be granted only for those portions of Reese Avenue located to the west of the eastern building face, and that curbing be installed east of that point as recommended by Derck & Edson.

- e. From Section 185-25.A regarding the driveway location being less than 60 feet from the point of intersection of the nearest street rights-of-way.
- f. From Section 185-34.A.(1) regarding sidewalk installation. It was recommended that a waiver be granted for the installation of sidewalks along West Chocolate Avenue, subject to the applicant paying a fee-in-lieu of sidewalk installation. The fee shall be determined by the applicant, using the RSMMeans' Construction Cost Data in accordance with Section 185-34.A.(4).(b).

It was also recommended that a deferment be granted for the installation of sidewalk along Reese Avenue, with the stipulation that the owner enter into an agreement with the Township that would allow the Township to require the installation of sidewalk along Reese Avenue in the future. However, if PennDOT requires the addition of a crosswalk on West Chocolate Avenue from the northwest corner to the southwest corner of the intersection of West Chocolate Avenue and Hockersville Road, the Planning Commission's recommendation is that the deferment be granted only for those portions of Reese Avenue located to the west of the eastern building face, and that sidewalk be installed east of that point as recommended by Derck & Edson.

- g. From Section 185-22.D.(3) regarding right-of-way dedication and roadway widening.
- h. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] to provide profiles for stormwater systems at a horizontal scale of 1" – 10' and a vertical scale of 1" = 2'.
- i. From Section 185-24.A to omit the planting strip located between the curb and sidewalks.

**MOTION ON PLAT #1278**

On a motion made by Vice Chairman Santostefano, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1278 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Items 2 and 3 of the Township staff report.
- b. The comments in the June 24, 2017 HRG letter.
- c. Comment 1 (regarding Sheet 3) in the July 13, 2017 DTMA letter.
- d. If PennDOT requires the addition of a crosswalk on West Chocolate Avenue from the northwest corner to the southwest corner of the intersection of West Chocolate Avenue and Hockersville Road, provide curbing and sidewalks along Reese Avenue on the north side of the subject property as recommended by Derck & Edson.

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The Commission also made a recommendation to the Board of Supervisors that sidewalk installation in-lieu funds be used for the Township to add a concrete landing/sidewalk area on the northeast corner of the intersection of Hockersville Road and West Chocolate Avenue.

**B. Review and recommendation of the Preliminary/Final Subdivision Plan for 880 Stauffers Church Road, Plat #1279**

Mr. Emerick explained that this plan represents 9.247 acres of land located on the southeast side of Stauffers Church Road, Derry Township and South Londonderry Township, Lebanon County. The applicants propose to subdivide the property into two lots, one containing an existing dwelling unit and the other as a lot reserved for future development. Mr. Emerick reviewed the waivers that have been requested from the Subdivision and Land Development Ordinance.

Mr. Emerick; Randy Watts, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments.

Secretary St. John asked if Lot 2 could be further subdivided in the future. Mr. Emerick answered no, because of the residential density permitted in the Conservation zoning district (1 unit per 5 acres). Secretary St. John asked if the fee in lieu of open space dedication will be charged in both townships. Keith Heigel, Light-Heigel and Associates, stated his understanding is that South Londonderry Township is not asking for such a fee. Secretary St. John questioned if a deferment of sidewalk installation could be granted instead of a waiver (which would require the applicants to pay a fee in lieu of sidewalk installation), since this is only a two-lot subdivision and the resulting lot will not be sold. Mr. Emerick responded that the intent of the Township's regulations is if there is an area in the Township where there will never be a need for sidewalks, the waiver should be granted and the fee in lieu of installation required.

Chairman Rowe inquired if the fee in lieu of sidewalk installation can be negotiated to be lower than required calculated amount. Mr. Emerick responded that the Commission can make that recommendation to the Board of Supervisors for their consideration.

Member Tunnell thought that if there was ever a site in the Township where sidewalk installation should be deferred or waived, this is it. It does not seem fair to require the applicants to pay the fee in lieu of installation.

*Public Comment:*

- Bill Pauza, adjacent property owner at 850 Stauffers Church Road, commented that there is a significant slope in this area of Stauffers Church Road. All the stormwater from the subject property runs onto Mr. Pauza's property and he has had issues with water in the basement of his dwelling. He has a problem with a waiver being granted for stormwater management because of the potential for further damage to his property. Mr. Emerick clarified that it is not a waiver; rather, the regulations do not require stormwater management for the driveway apron because of the small amount of impervious coverage. Mr. Heigel stated that when the rest of the driveway is paved and a dwelling is constructed on the lot, stormwater management will be required.

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- Brian Link, Township resident, commented that it would be crazy to build a sidewalk on this road because of the grades, rural nature, and lack of connectivity or pedestrian generators.

MOTION ON WAIVERS

On a motion made by Member Tunnell, seconded by Secretary St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers and deferments be granted from the Subdivision and Land Development Ordinance:

- a. From Section 185-22.D.(2) regarding street widening along Stauffers Church Road.
- b. From Section 185-13.E.(4).(a).[22] regarding providing a Dauphin County Conservation District approval letter.
- c. From Section 185-22.E.(5) regarding the installation of curbing, subject to the owners entering into an agreement with the Township that allows the Township to require the installation of curbing in the future.
- d. From Section 185-34 regarding the installation of sidewalks, walkways, and bicycle paths, subject to the owners entering into an agreement with the Township that allows the Township to require the installation of sidewalks, walkways, and bicycle paths in the future.

MOTION ON PLAT #1279

On a motion made by Member Tunnell, seconded by Vice Chairman Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1279 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the June 23, 2017 HRG letter.

**C. Review and recommendation of the Preliminary/Final Land Development Plan for Tanger Outlets, Plat #1280**

Mr. Emerick stated that the purpose of this plan is to depict the construction of a 2,196-square-foot freestanding restaurant with a drive-through, and a 3,600-square-foot addition to the west end of Building A of the Outlets. Reconfiguration of the parking in the project area is also proposed. Although Starbucks presently exists on the site, this plan proposes to relocate it and also provide drive-through services. This will also allow the former Starbucks space to revert to retail space in addition to the 3,600 square feet of new space.

Mr. Emerick reviewed the waivers that have been requested from the Subdivision and Land Development Ordinance.



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Mr. Emerick; Randy Watts, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments. Mr. Emerick also referenced DTMA's review comments.

Mr. Emerick noted that the applicant considered several locations on the site for the proposed freestanding restaurant, and he thinks this plan represents the best location. Chairman Rowe stated that he had the opposite opinion about the proposed location. The drive through stacking is a bad idea because the exiting traffic will be coming out at an already busy location in the parking lot. It would make more sense to put the freestanding restaurant in the center of the parking area so that it is further away from driving lane intersections.

Tom Polczynski, construction project manager, stated that they are restricted on the location of the freestanding restaurant because many of the Outlet's tenants have lease restrictions based visibility to shoppers, and the proposed building cannot block another tenant. Also, a drive-through restaurant in the middle of the parking lot would create more of a public safety hazard instead of mitigating traffic. The applicant looked at several locations on the site for the standalone building, and Mr. Polczynski thinks what is proposed is the best option for lessening the impact on the public and pedestrians. Regarding stacking in the drive-through lane, a Starbucks representative has stated that they only need room for stacking a maximum of 6 vehicles. This plan will allow stacking for approximately 15-18 vehicles so that there is less of an impact to the surrounding area. Additionally, Mr. Polczynski believes the availability of the drive-through lane will help lessen the amount of pedestrian traffic to and from the building. Chairman Rowe commented that the proposed addition to Building A will further restrict the area. Mr. Polczynski explained the proposed traffic flow in the area of the freestanding restaurant.

Chairman Rowe reiterated that the addition to Building A reduces the applicant's ability to improve traffic flow in this area of the site. He also noted that tenants come and go, and it is important to consider the proposed freestanding building in terms of sustainability. The needs of this particular tenant (Starbucks) are driving the redesign of this area of the site. Mr. Polczynski stated that he will inform his board of Chairman Rowe's concerns.

Vice Chairman Santostefano stated he does not agree with Chris Brown's suggestion that vehicles exiting the drive-through should be restricted to left turns only.

Public Comment: Brian Link, Township resident, suggested a one-way drive into the freestanding building parking area and angled spaces. Mr. Polczynski responded that Starbucks has a requirement for standard parking spaces.

MOTION ON WAIVERS

On a motion made by Secretary St. John, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers be granted from the Subdivision and Land Development Ordinance:

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- a. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing stormwater profiles, for unaffected facilities only.
- b. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing sanitary sewer profiles, for unaffected facilities only.
- c. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing water and gas profiles, for unaffected facilities only.
- d. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding plan scale.
- e. From Section 185-34.A.(1) regarding the installation of sidewalks along Hersheypark Drive and Northeast Drive, in the form of a deferment for Hersheypark Drive and the north side of Northeast Drive, with the stipulation that the owner enters into a new deferment agreement with the Township; and in the form of a waiver for the south side of Northeast Drive, with the stipulation that the applicant offers a fee in lieu of sidewalk installation along the south side of Northeast Drive.
- f. From Section 185-18.F regarding concrete monumentation.
- g. From Section 185-22.D.(2) regarding additional right-of-way and cartway widths along Northeast Drive.
- h. From Sections 185-12.D.(3).(a).[9], [35] and 185-13.E.(4).(a).[9], [36] regarding showing topography and existing features within 200' and 50', respectively, of the land to be developed.
- i. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale.

**MOTION ON PLAT #1280**

Vice Chairman Santostefano made a motion that the Planning Commission make a recommendation to the Board of Supervisors that Plat #1280 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the July 3, 2017 HRG letter.
- c. Comment 1 (regarding Sheet 16) in the July 13, 2017 DTMA letter.

**Discussion:** Chairman Rowe suggested that the applicant reconsider the design and what can be done to improve traffic flow if the addition to Building A is not included. He is not comfortable with the design as proposed.

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Member Tunnell seconded the motion made by Vice Chairman Santostefano, which was passed by a majority vote (Vice Chairman Santostefano, Secretary St. John, and Member Tunnell voted in favor; Chairman Rowe voted in opposition).

**OTHER BUSINESS**

Chairman Rowe commented that when Park Boulevard was relocated, there was a lot of consternation about the increase in walking distance for pedestrians going to the Hersheypark or Chocolate World. The increased distance is making enough of a difference that people no longer want to walk from the downtown area to the Park. Chairman Rowe suggested that, in conjunction with Hershey Entertainment and Resorts' plan to expand Hersheypark across Park Boulevard, the Township should approach HE&R about making their properties more accessible for pedestrians from the downtown area.

**ADJOURNMENT**

On a motion made by Vice Chairman Santostefano, seconded by Secretary St. John, and a unanimous vote, the meeting adjourned at 8:29 p.m.

Respectfully submitted,

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Joyce St. John  
Planning Commission Secretary

Submitted by:

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Jenelle Stumpf  
Community Development Secretary (*stenographer*)