

**TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS  
PUBLIC HEARING (PART 2 OF 2)  
Tuesday, December 4, 2018, 5:30 PM  
(continued from November 27, 2018)**

**CALL TO ORDER**

The Tuesday, December 4, 2018 Derry Township Board of Supervisors public hearing was called to order at 5:38 p.m. by Chairman Marc Moyer in the meeting room of the Administration Building in the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

**ROLL CALL**

***Supervisors Present:***

Marc A. Moyer, Chairman  
Matthew A. Weir, Vice Chairman  
Justin C. Engle, Secretary  
Susan M. Cort  
Richard D. Zmuda

***Supervisors Absent:***

None

***Also Present:***

Chuck Emerick, Director of Community Development  
Christopher Christman, Township Manager  
Jon A. Yost, Township Solicitor  
Jill Henry, Assistant Township Manager  
Lauren Zumbun, Economic Development Manager  
Eric Stump, HRG  
Jenelle Stumpf, Community Development Secretary (*stenographer*)

***Public Registering Attendance:*** David Tshudy, Pepper Hamilton, LLP; Alic Tahir, 240 Beech Ave., Hershey; Jim Ingalzo, 325 Vesper Rd.; Ken Gall, Hershey Trust Company; Bill Fredericks, Mark Hackenburg ó RGS Associates; Greg Koussis, Capital Construction Management; Kevin Schafer; John Schaefer; Teresa Peschel, 48 Half St., Hershey; Jay Ziegler, 971 Bullfrog Valley Rd.; Marvin Smith, Penn State Hershey

**OLD BUSINESS**

**A. Continuance in the public hearing regarding Conditional Use Application No. 2018-01 as filed by Hershey Trust Company, Trustee for Milton Hershey School, for Hershey West End**

Chuck Emerick, Director of Community Development, reported that the applicant's presentation was completed on November 27, 2018. He commented that if the hearing is concluded this evening, the Board will have 45 days in which to render a Decision on the Conditional Use application. Because of the holidays and the reorganization meeting at the beginning of January (at which the Board typically does not consider other business), the applicant has offered an

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS**  
**PUBLIC HEARING (PART 2 OF 2)**  
**Tuesday, December 4, 2018, 5:30 PM**  
*(continued from November 27, 2018)*

extension of time if the Board feels it necessary to delay taking action until the January 22, 2019 meeting.

Ken Gall, Hershey Trust Company, recapped the following points from the November 27<sup>th</sup> hearing:

- Planning and public input for Hershey West End began in 2011 at the start of the Township's Comprehensive Plan update.
- Full buildout of the project is anticipated to take 12 years.
- There will be net positive annual economic impacts to the Township and the School District.
- The project will create the longest and most costly section of key linkage between Bullfrog Valley Road and Middletown Road (i.e., West End Avenue and the roundabout).
- The proposed roundabout at Waltonville Road and West End Avenue will greatly enhance safety.
- The project will create a townlike mixed-use setting, and it is expected that this will achieve the objectives of making Derry Township attractive to the younger generation of workers and to residents of all ages.

**BOARD OF SUPERVISORS COMMENTS**

Supervisor Zmuda inquired if the applicant is planning for the larger, two-lane roundabout or the single-lane design. Craig Mellott, Traffic Planning and Design (TPD), responded that the applicant is proposing a single-lane roundabout for the first two phases of the development. Based on PennDOT's standards, there is some debate on whether an additional lane may be needed in the roundabout in the future, specifically in the northbound lane. The applicant is proposing to construct a roundabout that has the necessary diameter to easily accommodate an additional lane in the future.

Secretary Engle asked Mr. Mellott to explain how TPD initially started with a smaller diameter design for the roundabout. Chairman Moyer added that his understanding is that the National Traffic Safety Commission examines various sizes of roundabouts, some of which are safer and some of which are not safer, and Mr. Mellott has not touched on the category the roundabout falls in or who will pay for the expansion. Mr. Mellott responded that the two categories of roundabouts are single-lane and multi-lane. The statistics he conveyed at the November 27<sup>th</sup> hearing regarding no fatalities being reported and a 50% reduction in crashes relate to single-lane roundabouts. Multi-lane roundabouts are safe, they can be designed in a way to meet standards,

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS**  
**PUBLIC HEARING (PART 2 OF 2)**  
**Tuesday, December 4, 2018, 5:30 PM**  
*(continued from November 27, 2018)*

but the crash instances increase because multi-lane roundabouts are more complex. The additional lane will not be added to the Hershey West End roundabout unless there is a direct need due to additional capacity. As far as who is responsible for the expansion, as the third phase of the development occurs, TPD will re-evaluate the development and see how it is generating trips relative to the assumptions made in the Traffic Impact Study. If there is a direct, immediate need for the additional lane, Hershey Trust Company will fund the expansion. Secretary Engle noted that speeds at which people will travel through the roundabout will be slightly higher because the diameter will be a little larger than a typical single-lane roundabout. However, if the additional lane needs to be added, the cost to do so will be lower because of the larger diameter.

Chairman Moyer commented that the people who are potentially going to be affected by the relocated frontage road and new roundabout are the people on Waltonville Road and asked how much longer the trip will take. Mr. Mellott stated that the relocated frontage road and roundabout result in approximately 300 feet of additional travel for people heading south on Waltonville Road. At a speed of 45 mph, that would add 4 seconds of travel time. For people heading north on Waltonville Road from Route 322, the relocated frontage road and roundabout add approximately 600 feet and 15 seconds of travel time. However, when considering the wait time for a traffic signal at the intersection of the frontage road and Waltonville Road versus the additional travel time for the relocated frontage road and the roundabout, having the roundabout is more beneficial because it reduces the amount of stop delay that is typically experienced at a signal. Additionally, the safety benefits and the overall efficiency of the roundabout justify the proposal. Secretary Engle inquired if the travel time has been determined for the future connector road from Waltonville Road to Middletown Road. Mr. Mellott responded that TPD has not yet figured that out, but it will not be difficult to do.

Secretary Engle asked if the applicant is proposing the second roundabout with Phase 1. Mr. Mellott said no and explained that part of this project advancing involves testing the feasibility of the second roundabout. TPD has to make sure that having two roundabouts will work and will meet PennDOT's standards for delay and separation distance. Secretary Engle clarified that the second roundabout is not part of the PennDOT scope and is not something the applicant has committed to. It is depicted on the renderings for conceptual purposes only.

Regarding stormwater runoff, Supervisor Zmuda inquired if the pink lines on the Overall Stormwater Approach sheet of the applicant's Powerpoint presentation indicate where the water will be discharged to. Bill Fredericks, RGS Associates, responded that the two yellow stars on the Overall Stormwater Approach sheet symbolize existing discharge points. The pink lines are the proposed drainage divides. Supervisor Zmuda asked for confirmation that this project will not cause any stormwater issues with Lower Dauphin High School. Mr. Fredericks answered that it will not, and the applicant has had meetings with Hummelstown Borough about the overall stormwater strategy. Mr. Emerick added it is important to note that the stormwater management system was designed with the understanding that the applicant cannot increase the size of the existing pipes going under Route 322.

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS**  
**PUBLIC HEARING (PART 2 OF 2)**  
**Tuesday, December 4, 2018, 5:30 PM**  
*(continued from November 27, 2018)*

Secretary Engle asked where the stormwater runoff from the two existing discharge points goes. Mr. Fredericks responded that Study Point 4 discharges to an existing swale. Mark Hackenburg, RGS Associates, added that Study Point 4 discharges through lands still owned by Hershey Trust Company on the opposite site of Route 322 to a storm system that goes behind Goldø Gym and that commercial development. It ultimately discharges into the same stream channel that is adjacent to Bob Evans, but it is downstream at the point of discharge. The other Study Point discharges through Hummelstown Borough.

Vice Chairman Weir asked if Route 322 is built to be a dam if those catchment areas fill up or if upgrades to the catchment areas are necessary. Mr. Fredericks responded that by the technical DEP definition of the term, Route 322 is not a dam. Per the improvements that are proposed on the site, the development will handle the stormwater as it discharges through the culverts under Route 322. The applicant is essentially over-detaining, when considering pre-development rates, to make sure they can meet the capacity of those pipes. In response to an inquiry from Secretary Engle, Mr. Fredericks stated that the stormwater management system is designed for up to the 100-year flood, per Township requirements.

Chairman Moyer referenced the stream bed that parallels Bullfrog Valley Road and asked where the stormwater from the east end of the development will discharge. Mr. Fredericks explained that it is currently close to an existing drainage divide. It discharges to Bullfrog Valley Creek and will continue to do so. There are some existing basins that were installed as part of the Hershey Center for Applied Research and the U-GRO project, and facilities are being installed in conjunction with the Englewood Barn project.

Secretary Engle commented that major flooding has occurred in the area of Bob Evans, and stormwater runoff from the construction that Mr. Fredericks just mentioned still discharges there. Mr. Fredericks concurred and stated that the off-site discharge to Study Point 4 are fairly limited. The discharge to Study Point 1 is a little bigger.

Vice Chairman Weir stated that there have been storms in the Township that have greatly exceeded the 100-year flood and asked what will happen if that occurs again. Mr. Fredericks stated that per the Townshipø and DEPø requirements, the facilities are designed for 1-year to 100-year floods. There are also emergency spillways and outlets for those storms that exceed the 100-year flood. There are provisions within the design of the facilities to allow the flow to discharge and dissipate.

In response to an inquiry from Vice Chairman Weir, Mr. Fredericks stated that the applicant will provide all of the street trees required by the Zoning Ordinance on site; however, the separation distances of the trees may vary.

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS**  
**PUBLIC HEARING (PART 2 OF 2)**  
**Tuesday, December 4, 2018, 5:30 PM**  
*(continued from November 27, 2018)*

Secretary Engle asked if the commercial buildings will be designed to match the pictures provided in the pattern book. Mr. Gall explained that the intent is not for a building to match the picture but to follow the pattern provided. Secretary Engle commented that, using the proposed hotel as an example, he thought the picture in the pattern book was beautiful, but the materials looked expensive. He inquired what types of things are mandated in the pattern book. Mr. Gall responded that a project architect from Urban Design Associates will be assigned to review proposals. There is a list of materials that are permitted and if the material is not on the list, it is not permitted. The pattern book is meant to provide guides and standards to follow, but it will be enforced through the Declaration of Condominium instead of the Township. Mr. Emerick noted that the Board of Supervisors is approving the pattern book as part of the Conditional Use application, but future enforcement will be done by the condominium association.

Secretary Engle asked for confirmation that the signage will follow the regulations of the Township Zoning Ordinance and not the pattern book. Mr. Emerick stated that the on-site signage will be regulated by the Zoning Ordinance; however, the Master Plan process allows for the wayfinding signage to be at the discretion of the developer. Secretary Engle commented that it seems like it might be difficult for someone to put together great architectural plans based on the requirements of the pattern book but then have to go to the Zoning Ordinance for sign approval. Mr. Gall does not think the pattern book and the Zoning Ordinance are too dissimilar in terms of intent. Mr. Emerick noted that the real discrepancy between the pattern book's signage and the Township Zoning Ordinance is temporary yard signs are permitted by the pattern book and prohibited by the Zoning Ordinance.

Supervisor Cort asked for an explanation of what will happen with this development if the direction and intent of Hershey Trust Company's board changes in the future. Mr. Gall replied that it is the Trust Company's intent to hold this as a long-term investment. The parameters of the Conditional Use Decision are going to keep future Trust Company board members from substantially changing the Master Plan without further approval from the Township. Mr. Emerick added that within the Zoning Ordinance, under the Master Plan section, there are permitted and prohibited modifications that the developer is bound by, such as the building footprint, minimum parking requirements, and increases in traffic. Also, no additional dwelling units may be proposed beyond the initial approval. Chairman Moyer asked if the developer could change the type of dwelling units as long as the total number of units does not change. Mr. Emerick stated that the pattern book is part of the Master Plan approval so if the developer substantially changes the look of the development, that would constitute a zoning violation.

Vice Chairman Weir inquired if Hershey Trust Company will be taking over maintenance of the two miles of Jonathan Eshenour Memorial Trail that will be located within the development. Mr. Gall responded that he had not thought about it. Secretary Engle commented that it might make sense for Hershey Trust Company to consider maintaining that portion of the trail for the convenience of the residents nearby.

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS**  
**PUBLIC HEARING (PART 2 OF 2)**  
**Tuesday, December 4, 2018, 5:30 PM**  
*(continued from November 27, 2018)*

Supervisor Cort inquired about the economic impact of the project on Dauphin County. Amy Kronenburg, GMS Funding Solutions (GMS), stated that they researched the property taxes for the County and it appears as though the County will receive \$2,259,816 in estimated annual revenue at full buildout of the development.

Secretary Engle commented that an advantage of creating housing like this in the Township is that there are currently a lot of people who work in the Township but live elsewhere, so their earned income tax is being paid elsewhere. He asked how Ms. Kronenberg estimated the impact on earned income tax. Ms. Kronenberg replied that GMS was extremely conservative on earned income taxes, but in speaking with local realtors and factoring in absorption rates, GMS estimated that approximately 50% of the West End residents will work at the Medical Center or elsewhere in Derry Township. That 50% is what GMS used to calculate the new earned income tax. They used the 2016 per capita income, which is also a conservative estimate because it is only \$46,000. It is expected that the new residents will be at higher wages than that. There is also the infill development, so one might argue about how people are moving to West End but they might be vacating other residences in the Township. That may be true; however, Derry Township's absorption rates are very high. There are not many houses that just sit on the market.

Vice Chairman Weir inquired if the Economic Impact Report factors in the value of environmental services. He noticed that Appendix E of the Zoning Ordinance does not address the loss of agricultural land and the impact it will have on the character of the town. Mr. Gall believes they will be improving the environmental impact with the addition of trees, parks, and open spaces. A cornfield is nice to look at, but it can be improved if done properly. Vice Chairman Weir responded that it is very hard to put a value on something like that. Ms. Kronenberg stated that her expertise is in quantitative. Vice Chairman Weir's questions tend to refer to qualitative value. Secretary Engle asked if the Zoning Ordinance specifies what size trees are required to be when they are planted. Mr. Emerick responded that parking lot trees have to start at a 2-inch caliper, which is a pretty decent size tree. There are also requirements for street trees per the Subdivision and Land Development Ordinance.

Supervisor Zmuda asked what type of retail shops are anticipated and how confident Hershey Trust Company is in getting reliable tenants. Mr. Gall responded that they are fairly confident but it will depend on the economy, which is one of the benefits of having a phased project. Supervisor Zmuda asked if there has been any serious interest yet. Mr. Gall answered yes, there have been discussions. The key to retail is finding the right grocer.

Vice Chairman Weir asked if some of the parking areas will be pervious. Mr. Fredericks answered no, based on the way the initial stormwater concept was designed; however, it is one of the BMP options that can be evaluated for certain uses. Vice Chairman Weir noted that approximately 5.5 miles of new roadway is proposed to be dedicated to the Township and asked for an estimate of what it will cost 20 years from now to resurface a mile of road. Eric Stump, HRG, responded that a rough estimate is \$10 per square yard for basic resurfacing.

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS**  
**PUBLIC HEARING (PART 2 OF 2)**  
**Tuesday, December 4, 2018, 5:30 PM**  
*(continued from November 27, 2018)*

**PUBLIC COMMENTS**

**Theresa Peschel, 48 Half Street**, commented that there is no connection from the development to Wood Road and asked if there a plan to connect to Wood Road in the future. Mr. Gall responded that they do not have any intention of connecting to Wood Road so as not to increase the amount of traffic on Wood Road.

Ms. Peschel stated that she frequently uses the off-ramp from Route 322 onto Waltonville Road and she regularly sees pedestrians and bicyclists crossing the overpass. She asked if any accommodations will be made for those pedestrians and bicyclists using the overpass. Mr. Mellott explained that a traffic signal is proposed at the westbound off-ramp. The intersection will be improved with crosswalks, curb ramps, and pedestrian signal crossings. In conjunction with the roundabout, there will be a trail on the west side of Waltonville Road that will connect to the sidewalk on the west side of Waltonville Road. Additionally, the roundabout will be designed to accommodate bicyclists.

Ms. Peschel commented that there are rare Neapolitan Maple trees in the median strips adjacent to the intersection of Route 322 and Quarry Road and asked if those trees will be retained. Mr. Gall responded that he does not think any improvements related to Hershey West End would impact those trees. He noted that PennDOT has some improvement plans in that area and if they have to remove any trees on Hershey Trust Company property, they will reimburse the Trust Company for the cost of the trees. The Trust Company is committed to using that money to plant more trees.

**Jay Ziegler, 971 Bullfrog Valley Road**, asked if any improvements to Bullfrog Valley Road are proposed as part of this project. Mr. Mellott responded that there will be right-of-way dedication to the Township towards the southern end of the property, but no widening of Bullfrog Valley Road is proposed by the developer. There will also be timing changes to the two existing signals on Bullfrog Valley Road. Mr. Ziegler asked if Traffic Planning and Design estimated how many vehicles will be using Waltonville Road and Bullfrog Valley Road after the construction of West End Avenue. Mr. Mellott answered yes, there are extensive calculations that were reviewed and approved by PennDOT and HRG, but it is not an easy answer because the number of vehicles on either road varies between the morning, evening, and weekend peak hours. Mr. Ziegler noted that he is concerned about the increase in rush hour traffic on Bullfrog Valley Road as a result of the new employees and customers that will be traveling to the site from outside of the Township.

Chairman Moyer asked Mr. Ziegler if he is worried about the rush hour backlogs at the intersection of Wood Road and Bullfrog Valley Road. Mr. Ziegler answered yes and stated that the three-way stop sign at the intersection is not working. Mr. Gall commented that the idea of West End Avenue is based in part on relieving the traffic congestion on Wood Road and

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS**  
**PUBLIC HEARING (PART 2 OF 2)**  
**Tuesday, December 4, 2018, 5:30 PM**  
*(continued from November 27, 2018)*

Waltonville Road because there are no stop signs or traffic signals on West End Avenue. Secretary Engle stated that it would be helpful to know how many people are turning right onto Wood Road from Bullfrog Valley Road and leaving the Township. Mr. Mellott stated that TPD conducted license plate surveys in order to get a sense of where people are traveling to and from and whether they are going to the Medical Center. This helped in calculating how much traffic would be displaced from Wood Road and Bullfrog Valley Road onto West End Avenue. Chairman Moyer agreed with Mr. Ziegler that the Township needs to remain aware of the status of the Wood Road/Bullfrog Valley Road intersection during peak hours.

Secretary Engle inquired if the PennDOT scoping process identified Township roads that are in need of improvements. Mr. Mellott responded that PennDOT will offer comments but they do not have purview. Mr. Gall commented that there is very little opportunity for improvements at the intersection of Waltonville Road and Wood Road because of wetlands and existing residences. Mr. Mellott stated that there is a commitment from Hershey Trust Company to evaluate whether traffic calming measures are needed on Wood Road after the construction of West End Avenue.

Chris Christman, Township Manager, asked if the applicant is planning to add preemption devices for emergency vehicles to the existing traffic signals in conjunction with the proposed upgrades. Mr. Mellott answered that is a design detail and they have not gotten that far yet.

**Janet Nicholson, 215 Mine Road**, commented that she is concerned about the increase of students in the school system and asked how the applicant is accounting for that. Mr. Gall responded that GMS Funding Solutions research in the Economic Impact Report anticipated the number of new students, and that was factored into the revenue projections. The applicant has also met with representatives of the School District. Secretary Engle inquired if the school district currently has extra capacity. Mr. Gall responded that there is extra capacity in some grades but other grades are increasing in numbers. The School District representatives initial opinion is that they do not need to plan for new construction based on the West End development.

Mr. Gall noted that the public can view the applicant's Powerpoint presentation at [www.htcrealestate.com](http://www.htcrealestate.com).

**TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS  
PUBLIC HEARING (PART 2 OF 2)  
Tuesday, December 4, 2018, 5:30 PM**  
*(continued from November 27, 2018)*

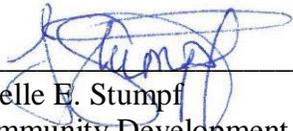
**ADJOURNMENT**

On a motion by Chairman Moyer, seconded by Secretary Engle, and a unanimous vote, the hearing adjourned at 6:55 p.m.

SUBMITTED BY:

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Justin C. Engle  
Township Secretary



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Jenelle E. Stumpf  
Community Development Secretary  
*(stenographer)*