

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, June 25, 2013
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The June 25, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL

Supervisors Present:

E. Christopher Abruzzo, Chairman
Sandy A. Ballard
Kelly C. Fedeli, Vice-Chairman
John Foley, Jr.
Marc A. Moyer, Secretary

Also Present:

Matt Bonanno, HRG Engineer
Barbara S. Ellis, Director of Hershey Public Library
Charles Emerick, Director of Community Development
Jill Henry, Assistant Township Manager
Zack Jackson, Assistant Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Robert Piccolo, Assistant Director of Public Works
Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Matt Weir, Donald Hack, Ruth Hack, Elvira Ebling, Dale Holte, Mate Nagy, Pat Leonard, Susan Foxx, Jonathan Crist, Steve Todd, Randy Wright, Gary G., Craig Sharnetzka, Joe Clark, Keith Heigel, Charleton Zimmerman, Rich Gamble

Chairman Abruzzo advised that all public meetings are recorded for providing accurate minutes.

Chairman Abruzzo announced that the Board of Supervisors met in executive session to discuss land, legal, and personnel matters.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Jonathan Crist, 226 West Chocolate – Mr. Crist addressed the following as a final plea to the Board before they vote on the Chipotle plan tonight.

1. This property is still basically a residential property in a residential neighborhood and butting it up to a residential neighborhood does not fit.

2. The use of the alley no matter how they expand it was never intended to be an exit driveway for a major fast food restaurant or fast casual. It is going to impact the ability for the people to enter and exit their properties which is what the alley was designed for.
3. He sent an in-depth traffic report to the Zoning Board and the Planning Commission and will give a copy to Mr. Emerick. It will become part of the record for the appeal.
4. Mr. Crist referred to Dr. DeLeo's building noting that each one of those windows is a separate apartment. As you vote tonight, ask yourself if you would want to live 20 feet of a dumpster without any screening or setbacks. Mr. Crist believes not having any screening is a legal issue, but even if it wasn't, he would be asking for it.

Charleton Zimmerman, 119 N. Roosevelt Avenue, Palmdale – Mr. Zimmerman said he does not see much progress along N. Lingle Avenue with tractor trailers. They are still parking there.

Rich Gamble, Hockersville Road – Mr. Gamble thanked the Board for the presentation on the proposed Park Boulevard realignment that Hershey is introducing. He is concerned about the term "if you build it they will come" and about the information on getting federal and state highway funding. He does not see a \$20 million dollar project being funded by taxpayers for the benefit of an entity that basically is to their advantage. He does not believe this project will improve safety because the realignment of the road will result in greater speed. He does not know what percentage is going to be incorporated in the residents' expense, but he asked the Board if it is really worth the investment for one entity versus many people. If they want it, they should build it themselves, not at the expense of the Hershey taxpayers or state and federal funding.

Bill Fisher, 1354 Shopes Church Road – Mr. Fisher provided positive feedback to the Board regarding the ball field and this season. The response from everyone was it was a tremendous season and the improvements that were made to this field were well noted and appreciated.

Mr. Fisher questioned Ordinance 629 proposal as it relates to restoring an antique vehicle because it could take several junk vehicles to restore one vehicle, as well as taking years to complete. He is concerned with how many vehicles could be parked in the garage or yard because of the language in the Ordinance. Mr. Emerick referred to Item #4 under Section C that says the Storage of a Single Personal Junk Vehicle in a Residentially-Used Property that is awaiting the making of repairs of said vehicles shall not remain there for more than 90 days. He said storing the vehicle in a garage is perfectly okay. Mr. Fisher asked if you could have the one you are working on inside and the parts vehicles outside. Mr. Emerick said you can have as many vehicles you want inside, but only one vehicle outside screened behind a fence. Mr. Fisher asked if you don't have the means to have more than one vehicle inside, can you address it through a zoning permit. Mr. Emerick said you would have to appeal to the Zoning Hearing Board for relief to store more vehicles than would be allowed.

Mr. Fisher asked about trailers and recreational vehicles if they are taller than the 6 foot fence. Mr. Emerick said you could store them off the property or 10 feet from the sideline behind the front. The fence is only applicable if you are going to be closer than 10 feet to a rear alley, side alley or lot line then it would have to cover it completely.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the June 11, 2013, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no.***

NEW BUSINESS

Derry Township Performance Awards:

Chairman Abruzzo thanked the following individuals for their exceptional performance to the Township. Derry Township has the finest public service employees who are a positive reflection of our community.

Mitch Bell, Parks and Recreation – Mitch began three years ago as a seasonal life guard. He stayed on throughout his school year while studying physical therapy at Lebanon Valley. He has taken on many responsibilities including teaching swimming lessons and is one of the duty supervisors in the summer. Mitch is instrumental in keeping these operations going during the summer months.

Rebecca Kessler, Police Department – Rebecca has been with the Derry Township Police Department since September 1999. She has spent many years in traffic patrol, criminal investigation, and now in the community services section. She does an outstanding job for all the work she does with community services.

Todd Hack, Public Works – Todd has been with Public Works for 25 years and will be recognized for his 25-years of service tonight. He is also retiring this year in September. He is a crew leader and most of his work is broad across the board with landscaping, roadwork, etc. Todd will be greatly missed.

Julie Brnik, Library – Julie began as a library assistant 8 years ago. A couple of years ago she took the position of programming. She designed two very different programs and continues to do things that have never been done before to make these programs exceptional.

Jodi Hasbrouck, Community Development – Jodi was employed with the Township previously as a building code inspector and has returned. Since then she gained the majority of her commercial credentials. She helps wherever is needed and was very helpful during Tropical Storm Lee. Jodi was very instrumental in obtaining a new software program.

Mate Nagy, Hershey Volunteer Fire Company – Mate has been a volunteer with the Fire Company for a number of years. They vote amongst themselves for employee of the year and it was without any hesitation Mate was given this honor. He has taken on a lot of responsibilities this year with computers and working with the County as a Dispatcher.

Chairman Abruzzo acknowledged Chief Leonard from the Fire Company and former Police Chief Hack were received with a round of applause.

Derry Township Service Awards

Chairman Abruzzo acknowledged and thanked the following individuals for their years of service to the Township of Derry:

5 Years of Service:

Library: Bonnie Rhoads, Jacquelyn Sisco

Parks & Recreation: Barbara Dry, Kelly Jo O'Brien

Police Department: Rian Bell

Recycling/Public Works: William Pringle

10 Years of Service:

Administration: Donna Sweitzer, Karen Tropp

Library: Barbara Ellis, Louise Speicher

Parks & Recreation: Karene Robinson, Kurt Roth, Theresa Searer

Police Department: Janice Mesair

15 Years of Service:

Community Development: Jenelle Stumpf

Police Department: Darren Cotten, Gregory Day, Robert Demmel, Michael Henry, Timothy Roche

20 Years of Service:

Police Department: Marygrace Kepple, Brian Henise, Eric Singiser, Laura Pavone

25 Years of Service:

Police Department: Garth Warner

Public Works Department: Todd Hack

30 Years of Service:

Chief of Police: Patrick O'Rourke

A1-15 The Preliminary/Final Land Development Plan for Apple Retail Properties (Chipotle), Plat No. 1233.

Charles Emerick, Director of Community Development – Plat No. 1233 was submitted by Apple Retail Properties for a Chipotle Restaurant. It proposes the development of 4 parcels of property. The three to the west are fee simple properties and there was a vacation of Ridge Road that creates one of the tracts. The net lot area of the property is .5 acres and is located in the Downtown Commercial, Chocolate Avenue Preservation Overlay, and Downtown Commercial Sign Overlay district.

There are improvements of access and grading proposed on the other portion of the vacated right of way of Ridge Road that is presently owned by the Township of Derry. These improvements are permitted by an agreement that was signed December 31, 2009 with the Hershey Trust Company. This agreement also allows that portion of the property to be included within the calculations for the dimensional requirements for the development of the property.

The plan proposes a 2,300 square foot building supported by 27 regular parking spaces, 2 handicap accessible spaces, and 1 loading/unloading space. The plan also proposes to widen South First Street to provide an entrance on the Southside of the property. It will also allow a right in only from Ridge Road.

The site was granted relief by the Zoning Hearing Board which extended certain nonconformities and it was also granted relief for seating in the front yard, and for four parking spaces located in the front yard setback. The current grant of relief from the Zoning Hearing Board is under appeal, but has not hit the court system as present. There was a traffic study provided with the submission at the Zoning Hearing Board level when the use variance was sought. The traffic study would not be required under our Subdivision and Land Development Ordinance as the property does not propose in excess of 100 peak hour trips, although it may have been otherwise proposed by staff or the supervisors. The use does propose 34 new weekday PM peak hour trips and 80 new Saturday PM peak hour trips. The traffic study was reviewed by HRG and they noted there is no change in the level of service proposed as a result of these

improvements. A review of the traffic study did recommend that since there are many things happening at the intersection of Ridge and Chocolate that the applicant provide a contribution towards future improvements and they have agreed to do so.

The site also required approval from the Design Review Board as it is in the Chocolate Avenue Preservation Overlay District. At present they do have approval for the general site layout and for the building. These proposed improvements comply with the goals of our Comprehensive Plan in that it will bring a variety to the downtown. Since the Township is party to this plan with regard to some grading, sidewalk, etc., the Board would be acknowledging and accepting these improvements as part of approving the plan.

Mr. Emerick reviewed the waivers and suggested a condition to Waiver (i) addressing maximum sidewalk from the street curb – that the developer will replace any and all sidewalks in the area of the improvements as may be directed by PennDot.

Mr. Emerick is recommending approval of Plat 1233 subject to conditions a - h and with reference to item i. that applicant either obtain an unappealable decision on the zoning variance prior to the recording to the plan or in the alternative at the Board's discretion that the applicant enter into an agreement with the Township prior to the recording of the plan to remove 4 parking spaces and 12 seats from the proposal if an unappealable decision on the zoning variance is not obtained prior to the construction of the site. He is also recommending that the waivers be granted as he outlined including the condition placed on item i. The applicant's attorney, Craig Sharnetzka spoke to Mr. Emerick and Solicitor Yost about a third option.

Craig Sharnetzka, Attorney on behalf of Apple Retail Properties - Attorney Sharnetzka said his client would enter into an agreement with the Township so that they can move forward even with the appeal currently pending under the options as stated by Mr. Emerick. Attorney Sharnetzka referred to Mr. Crist's comments regarding screening. Mr. Crist has never appealed that decision to the Zoning Hearing Board itself, which is a requirement. We do not think it is even appealable regardless if Mr. Crist intends to appeal the decision. It should not play into the Township's judgment in this case. We ask the Board to consider an agreement where we could submit a bond or letter of credit to make sure that if there was ever anything not in compliance down the road as a result of the appeal, those improvements would be removed and the property would then be in compliance. The improvements are basically some parking spaces and outdoor seating and wouldn't affect the building itself. The appeal really has a minor impact on the total project development. Supervisor Ballard noted that the Design Review Board felt the outdoor seating was a key to promote a more walkable downtown.

Vice-Chairman Fedeli asked why the ingress and egress of the restaurant couldn't be designed like the CVS Store. CVS is designed so you can go into it from 422 and also in and out from Hockersville Road. Why isn't this designed so you can go into it from Chocolate Avenue? Mr. Keith Heigel said initially they met with staff and the Design Review Board. One of the items from the Comprehensive Plan is to not have additional curb cuts on to Chocolate Avenue and to have rear access and preserve the corridor. He is not sure where the Overlay District ends but it is probably very close to the CVS.

Vice-Chairman Fedeli asked the representative from Apple Retail Properties if they currently have any other locations where people exit into an alley way. They said they did not. She asked if the alley would be a two way alley. Mr. Emerick said the alley is currently an unrestricted alley but will be widened from Ridge to their driveway to make it more suitable for two-lanes and to keep a lot of business traffic out of the residential alleys as they go to the west. There was discussion regarding the traffic movements and

striping of the road. There will be striping at the cross walk, a section going back to the alley, and along the center line of the alley to indicate the two lanes.

Supervisor Moyer asked if there was going to be a fence around the dumpster pad. They are looking at a facade around the dumpster that would match the color of the building. It will be approximately six feet and enclosed on four sides. It was noted the trash is dumped on a regular basis. Supervisor Moyer asked if the size of the entrance and egress is sufficient enough to allow fire apparatus. The applicant responded that it was large enough and the turning radiuses for delivery trucks as well as the engine truck were submitted along with their request.

Discussion regarding amendment: Supervisor Foley asked Solicitor Yost if there are any negatives if we adopt their proposed Option C. Solicitor Yost said the details of the agreement will have to be worked out, but the risk is on the applicant.

Motion: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the Preliminary/Final Land Development Plan for Apple Retail Properties (Chipotle), Plat No. 1233, is approved subject to the following conditions itemized as A through I and with I being that the developer is allowed to proceed subject to the outcome of the appeal process with the Township being bonded and indemnified moving forward at their risk with regard to the parking spaces and seats pursuant to an agreement agreed to by all parties; and the further waivers that have been granted for the Subdivision Land Development Ordinance and Stormwater Management Ordinance with the condition to "i", are also hereby approved.

Motion carried, 5-Yes 0-No.

B1-8 The Preliminary/Final Subdivision Plan for Gabriel J. Plebani, Plat No. 1231.

Charles Emerick, Director of Community Development – This plan represents the subdivision of 11.02 acres located in the southeast corner of the Township. The property is about 700 feet west of the Lebanon County line and about 900 feet north of the Conewago Township/Derry Township boundary. It is located within our Agricultural/Conservation district. The lot proposes one new dwelling unit and would require dedication of park land but due to the remoteness of the property, Mr. Emerick is recommending the fee in lieu of the dedication be provided.

This parcel is a landlocked parcel and over the years the easement grew to be 33' feet wide to serve the 5 or so properties that were created along it. Any future development here is restricted by deed. The new lot will be served by private wells and on lot septic areas as are the other lots in this area. This plan also required relief from the Zoning Hearing Board as the Zoning Ordinance requires all lots to front on a public road and this doesn't. Mr. Emerick reviewed the waivers and the recommendations.

Motion: A motion made by Supervisor Ballard seconded by Supervisor Foley that the Preliminary/Final Subdivision Plan for Gabriel J. Plebani, Plat No. 1231, is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than July 25, 2013.
- b. That performance security be provided to guarantee the completion of required improvements, and that the accompanying agreement be signed no later than December 25, 2013.
- c. That a fee in-lieu of dedication of land for park, recreation, and open space be provided no later than December 25, 2013.
- d. That a letter from the Dauphin County Conservation District approving the erosion and sedimentation control plan be provided no later than December 25, 2013.

- e. That a digital file of the final version of the plan be provided in AutoCAD or DXF format no later than December 25, 2013.
- f. That the access agreement for the private street be in a format approved by the Township Solicitor and recorded concurrently with the plan.
- g. That the Stormwater Best Management Practices Operation and Maintenance agreement and a revised property deed, listing the stormwater BMPs as a restrictive covenant, be recorded concurrently with the plan.

It is further moved that the following waivers are granted from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance:

- a. From Section 185-30.A regarding new lots being required to abut a publicly-owned street.
- b. From Section 185-18.C regarding monuments at perimeter corners, provided that a concrete monument is placed on the rear lot line between the lots.
- c. From Section 185-13.E.(3) regarding plan scale.
- d. From Section 174-17.A.(6) regarding limiting zone separation.

Motion carried, 5-Yes 0-No.

C1-7 Consideration of adoption of Ordinance No. 629, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry regarding outdoor storage of junk and vehicles.

This was the subject of a Public Hearing held at 6:45 this evening.

Motion: A motion made by Supervisor Foley seconded by Supervisor Ballard that the consideration of adoption of Ordinance No. 629, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry regarding outdoor storage of junk and vehicles, is hereby approved. ***Motion carried, 5-Yes 0-No.***

D1-2 Consideration of appointment of the Zoning Hearing Board’s solicitor as special counsel for defense of the Zoning Hearing Board’s decision in Case No. 2012-54.

Charles Emerick, Director of Community Development –Since the Solicitor for the Zoning Hearing Board is most familiar with the case, it is suggested that the Board of Supervisors appoint him as special counsel. In Case 2012-54, the Zoning Hearing Board granted relief to 202-214 West Chocolate Avenue, LP, for parking and to allow food sales and services in the required front yard area. In addition, the appeal of Mr. Emerick’s interpretation of what adjacent is for screening was included. The appeal has been filed by the Yi’s and DeLeo’s on this matter. While we expect that legal counsel for the property owner and the applicant will take a leave in the defense of this relief, it is to the Township’s advantage to remain a party to this appeal. Solicitor Yost explained that we did this to enter an appearance so that we have the right to appeal if it goes beyond the Court of Common Pleas. The Zoning Hearing Board has no right of appeal to an appellate level.

Motion: A motion made by Supervisor Foley seconded by Vice-Chairman Fedeli that the Zoning Hearing Board’s solicitor is appointed as special counsel for the Land Use Appeal of the Zoning Hearing Board’s decision in Case No. 2012-54, is hereby approved. ***Motion carried, 5-Yes 0-No.***

E1-3 Approval of Ordinance No. 636, amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-38: *Parking prohibited at all times in certain locations by establishing “no*

parking” restrictions on both sides of N. Lingle Avenue from a point 1100 feet north of SR0422 (East Chocolate Avenue) to the intersection with SR0743 (Laudermilch Road).

It was noted that it will take some time before this Ordinance can be enforced because the signs have to be ordered and installed.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that Ordinance No. 636, amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-38: **Parking prohibited at all times in certain locations by establishing “no parking” restrictions** on both sides of N. Lingle Avenue from a point 1100 feet north of SR0422 (East Chocolate Avenue) to the intersection with SR0743 (Laudermilch Road), is hereby approved. ***Motion carried, 5-Yes 0-No.***

F1 The preliminary support to participate in a joint effort in seeking funds through the Regional Connections Grant for bike trail connections.

Charles Emerick, Director of Community Development – This is the same Tri-County Regional Planning Commission funding that the Township sought for the Walton Avenue study. An ad-hoc committee consisting of members both in and outside of Derry Township was formed to take a look at a regional bike route and trail connections not only through our Township, but also leading into other areas. At present, we are thinking there is going to be cooperation from Hummelstown Borough, Swatara Township, Palmyra Borough, and South Londonderry Township. The source of the federal transportation funds is through PennDOT and administered by Tri-County Regional Planning Commission. It is possible the funds can be extended to Lebanon County if the County would grant this. It would certainly exemplify the Tri-County Regional Planning Commission’s goal of multi-municipal collaboration and meet the Regional Growth Management Plan goals. The Township is in the center of the planning area and would be the lead sponsor of the application as was required with our joint venture with Hummelstown Borough for the Walton Avenue project. The sponsor would proceed with the commitment of other municipalities in support of the project in any way they can including sharing the 20% match for the funding. Nobody knows what the costs will be at this time, but we are asking for the ad hoc committee to pursue pulling this together with a cap not to exceed \$4,000. This could possibly be put in next year’s budget.

Motion: A motion made by Supervisor Moyer and seconded by Supervisor Foley that the Board authorize staff and the ad-hoc committee to continue to pursue cooperation and funding for this joint effort in seeking funds through the Regional Connections Grant for bike trail connections, with a cap not to exceed \$4,000.00 as Derry Township’s portion, is hereby approved. ***Motion carried, 5-Yes 0-No.***

G1 Permission to hold a small Fireworks Display at 1276 Auburn Avenue on July 4th, or a rain date of July 5th 2013.

James N. Negley, Township Manager/Township Treasurer – Craig Erwin requested permission for a small fireworks display at his residence on July 4th. This will be the sixth year the Board has approved this request. The Township has been named as an additional insured on the Certificate of Liability Policy.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Moyer that permission to hold a small Fireworks Display at 1276 Auburn Avenue on July 4th, or a rain date of July 5th 2013, is hereby approved. ***Motion carried, 5-Yes 0-No.***

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION – Supervisor Foley reported that he continues to meet with the respective parties that are working on our Township roadways to keep the project moving along. He and Manager Negley met with the stormwater contractor and they are seeing progress. Cocoa Avenue should be finished by the end of the week and hopefully we will start to see some improvements on Old West Chocolate Avenue in the next two or three weeks. In the next three and four weeks, we should see work on Mill Street.

Supervisor Ballard asked if the contractors will take care of any reseeding or trees that were planted that didn't take once they are finished with the project. Mr. Bonanno said there is a correction period of one year from when they stop/substantial completion. Supervisor Ballard asked if that is something that can be communicated to the homeowners. Mr. Bonanno said they could do that especially for the 50 people that we have easements with. HRG and Public Works are in touch with the people on a regular basis.

Vice-Chairman Fedeli asked about Mrs. Leo's property. Mr. Bonanno said some curb and sidewalk were installed yesterday and her property is about fully restored. They are continuing on to the neighboring property to install more curb and sidewalk.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke commended members of the Police Department for their time and effort in some of the challenging investigations taking place and for bringing a successful resolution to each one of the investigations.

Robert Piccolo, Assistant Director of Public Works – Mr. Piccolo reported the Cold and Replace recycling project in the Mansion, Areba, and Linden areas is complete. Public Works has moved their equipment into the Mansion area and will start putting top in that area and then proceed into the town area.

Barbara Ellis, Hershey Public Library – Mrs. Ellis reported the summer reading programs have an enrollment of about 350 adults and 400 children. Last week she attended a luncheon sponsored by the AARP where they gave a donation in recognition of the 100 year anniversary. Also, the local Civil War Roundtable wanted to make a donation. Last week, she collected \$250 from local groups that wanted to recognize the Library this year.

Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable – Ms. Weinhold reported that expenditures and revenues are under budget with revenues exceeding expenses. The 2012 audit should be completed by the end of this week.

Chuck Emerick, Director of Community Development – Mr. Emerick reminded the Board that on July 9th at 6:30 the Board will be hearing the appeal from the Design Review Board's determination for a billboard in the Chocolate Avenue Preservation Overlay district. Also, the Walton Avenue study is underway.

Jill Henry, Assistant Township Manager – Mrs. Henry submitted an application for the Automated Red Light Enforcement Grant for the traffic signal at 743 and Homestead. She thanked Chris Bauer at HRG for pulling the information together for the grant.

James Negley, Township Manager – Manager Negley reported the Healthcare RFPs were sent out in preparation for the 2014 budget.

APPROVAL OF ACCOUNTS PAYABLE (\$527,429.82) AND PAYROLL (\$319,433.06).

Motion: Supervisor Foley moved to approve accounts payable in the amount of \$527,429.82 and payroll in the amount of \$319,433.06. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Jonathan Crist – Mr. Crist said he believes that by the Board passing the Chipotle plan, we are violating our own zoning ordinances because the screening is not there. Mr. Crist is going to file his appeal tomorrow and will also be asking the court for an immediate stay of all building prohibiting Mr. Emerick from issuing a building permit. He believes the Court will grant that.

Rich Gamble, Hockersville Road – Mr. Gamble stated that some of the problems the Township has encountered are from our fervent desire to accomplish something that has cost our Township in the over development of our natural watersheds resulting in natural disasters and floods. Other examples include the trouble in the development at the old municipal building resulting in going to court and the development of the Hershey Square and looking at the road issues. The safety issue that Chipotle is presenting is turning an alley or a private use road into a major thoroughfare for businesses that puts everyone at risk. Mr. Gamble thinks the traffic study should be reviewed again. There are more than 30 extra cars or they couldn't stay in business if that was the case. You have to wonder how many more Chipotles are going to be built because of Hershey being the major property owner. How many more variances and waivers are we going to grant?

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:45 p.m. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary