

**TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS**

**PUBLIC HEARING**

**Tuesday, February 26, 2013**

600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The February 26, 2013 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:30 p.m. by Chairman E. Christopher Abruzzo.

**ROLL CALL**

*Supervisors Present:*

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

**Also Present:**

Charles E. Emerick, Director of Community Development  
James N. Negley, Township Manager/Township Treasurer

**Public Present:** Jeff Gelbaugh, Mike Moravetz, Kenny Hinebugh, Tim Lehr, Bill Fisher

**NEW BUSINESS:**

The purpose of the public hearing is to receive comment regarding Zoning Petition No. 2012-02 and a request to amend the Derry Township Comprehensive Plan as filed by The Hershey Company.

**Charles Emerick –Director of Community Development** – The petitioner requests that the zoning classification of the eastern 24.25 acre portion of the property located at 19 East Chocolate Avenue, Hershey, be changed from Industrial to Village Core. 7.07 acres of the site was rezoned from Industrial to Village Core last year. The petitioner also requests that the Comprehensive Plan be amended to include the Village Core zoning district as envisioned by the “Hershey Center” concept so that there is consistency between the Comprehensive Plan Future Land Use Plan and the Derry Township Zoning Map.

There are three properties that would be rezoned. One is owned by the Hershey Electric Company, now PPL, one is owned by Chocolate Reality DST, now Westwood H LLC, and one is owned by The Hershey Company.

The present zoning districts adjacent to this area are Industrial to the northwest, Commercial Golf to the east, Village Residential, Downtown Commercial, and Village Core to the south and west. The modification of the zoning to Village Core will provide uniformity to the permitted and developed uses to the west and to the south. It will also allow business and professional offices, residential, retail, restaurant and cultural uses. This rezoning will result in the area of the “Silo Tract” and the warehouse on East Derry Road remaining industrial.

This area was envisioned to support a healthy and vital pedestrian environment while maintaining the architectural integrity of the area. The reduced setbacks, increased densities, and permitted coverage of our Village Core zoning were developed to accomplish the Hershey Center goal. The frontage area of the tract is regulated by the Chocolate Avenue Preservation Overlay District and the Design Review Board. Mr. Emerick suggests the overlay district be extended to the southside of the railroad tracks to protect the integrity of the village.

**Discussion:** Supervisor Foley asked if there was any rationale behind the Silo tract. Mr. Emerick said one is the view shed from Chocolate Avenue and the silos because they stick high above everything else, and the Township would have some say in the appearance.

Mr. Emerick explained the buildings that exist on the 19 East tract that were used for industry do not lend themselves well to redevelopment as they stand. Changing this district will help promote the development, walkability, and livability. If the Board extends the Chocolate Avenue overlay oversight we could possibly retain some of the historic fabric in future construction.

**Kenny Hinebaugh, Evans Engineering** – Earlier last year, they came to the Board to rezone a small portion of the property. At that time, The Hershey Company was looking to lease back the western portion of the facility roughly 350,000 to 400,000 square feet of office space. The reason for the rezoning at the time was to bring the property into better compliance with the zoning ordinances. At that time, there were no plans for the eastern portion of the property. The property was being advertised for sale for redevelopment if the buildings could be used as is. Last year, The Hershey Company made the decision to no longer try to utilize the eastern portion of the building. It was in their best interest to demolish the eastern portion of the property. To help with the redevelopment and bring in more of the Hershey Village look, they thought it would be appropriate to take action on rezoning the rest of the property to the Village Core district.

Regarding the preservation district of Chocolate Avenue, it is in Hershey’s view that the Design Review Board (DRB), prior to any extension of the district, should have more direction into what it oversees. Mainly they are somewhat of an opinionated Board and don’t have many guidelines.

Supervisor Ballard, a member of the Design Review Board, agreed the design standards that are outlined in the ordinance should be requirements and not recommendations so that a business person knows what is required. Mr. Emerick said along with extending the district, he thinks it

does warrant a review of that section of the ordinance. He suggested making the Design Review Board an advisory board for ultimate approval by the Supervisors. They struggled with the power they were given on this property.

**Tim Lamb, The Hershey Company** – Mr. Lamb said they would welcome the opportunity to have these as requirements. They are working with a few key developers and it would be important to set the stage early and make sure they understand DRB's authority and making sure the requirements are known up front.

Chairman Abruzzo asked Mr. Emerick to provide the Board with a package of recommendations that address a number of issues including what rezoning should be taking effect, not just one parcel, but look holistically with the downtown to fill the objectives of the Comprehensive Plan. We want to move forward with some clarity and direction and be consistent and compliant with the Comprehensive Plan. He also asked for recommendations on how we could adjust the DRB's authority to reflect the nature of their Board.

**Brian Evans, Evans Engineering** – Mr. Evans said what they are discussing is really separate from this request for rezoning and the Board understood that.

**PUBLIC COMMENT** – There was no public comment.

#### **ADJOURNMENT**

Supervisor Foley moved to adjourn the meeting at 6:58 p.m. Supervisor Moyer seconded. ***The motion carried, 5-Yes 0-No.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary