

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**FEBRUARY 22, 2022 5:30PM**

**CALL TO ORDER**

Chairman Abruzzo called the February 22, 2022 Public Hearing of the Township of Derry Board of Supervisors to order at 5:36 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for providing accurate notes. A roll call was performed after the pledge of allegiance.

**IN ATTENDANCE:**

**SUPERVISORS**

E. Christopher Abruzzo, Chairman  
Natalie L. Nutt, Vice Chairwoman  
Carter E. Wyckoff, Secretary  
Richard D. Zmuda  
Michael P. Corado

**ALSO PRESENT:**

Patrick Armstrong, Township Solicitor  
Chuck Emerick, Director of Community Development  
Maria O'Donnell, Stenographer  
Julie Echterling, Recording Secretary

**PUBLIC IN ATTENDANCE:**

Ken Gall (Hershey Trust), Craig Mellot (TPD-Harrisburg), William Fredericks (RGS), Anita Mentzer (1181 Wicklow Ct, Hummelstown), John Foley (238 Mine Road), Dale Holte (2279 Southpoint Dr), Carline Raske (593 Lovell Ct, Hummelstown), Linda Eyers (2321 Raleigh Road)

**INTRODUCTION:**

Chairman Abruzzo stated this a public hearing regarding Conditional Use Application No. 2022-01, as filed by Hershey Trust Company, Trustee for Milton Hershey School, amending previously approved Conditional Use Application No. 2018-01 for the Hershey West End Master Plan.

Solicitor Armstrong stated this public hearing is from a Hershey Trust request for an amendment for the Hershey West End Master Plan with an address of 214 Research Boulevard, Hummelstown. It contains the following Dauphin County tax parcel numbers:

- 24-051-102 (Unit A)
- 24-051-103 (Unit B)
- 24-051-104 (Unit C)
- 24-051-105 (Unit D)
- 24-051-106 (Unit E)
- 24-051-107 (Unit F)
- 24-051-108 (Withdrawable/Convertible Real Estate Tract 1)
- 24-051-109 (Withdrawable/Convertible Real Estate Tract 2)
- 24-051-110 (Withdrawable/Convertible Real Estate Tract 3)
- 24-051-111 (Withdrawable/Convertible Real Estate Tract 4)
- 24-051-112 (Withdrawable/Convertible Real Estate Tract 5)
- 24-051-113 (Withdrawable/Convertible Real Estate Tract 6)

He noted they are looking to amend an already approved master plan. He noted it has been advertised. He asked if anyone would be seeking party status. He noted Attorney David Tshudy was in the audience and would be representing the applicant. He explained what party status was and asked if anyone would be seeking party status. There were no requests for party status. Solicitor Armstrong marked the Township exhibits:

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1. Township Exhibit One=Two Page Conditional Use Application dated 1/24/22
2. Township Exhibit Two=Copy of proof of advertising exhibiting the hearing was advertised correctly
3. Township Exhibit Three=Copy of a list of abutting properties of the subject property
4. Township Exhibit Four=Five-page document with photographs to show the property was posted.
5. Township Exhibit Five=Copy of Dauphin County Planning Commission Review letter dated 2/8/22.

He asked if there were any objections to these five exhibits. There were no objections noted and Township Exhibits One through Five were admitted into the record.

Mr. Emerick provided an overview of the application. He noted this is located on 288 acres within the Township's Planned Campus West zoning District. Existing development on the east end of the site consists of the Cocoa Beanery Restaurant and Café, Hershey Center for Applied Research (HCAR), the U-Gro Early Childhood Learning Center building, the Englewood restaurant and brewery, and expanded parking for a future medical office building. There is also an existing homestead and barn located at the southwest corner of the property, which will remain. The first final plan filed after the approval of the Conditional Use Application No. 2018-01 approval was the Final Lot Consolidation and Land Development Plan for Hershey West End – Streets and Infrastructure Phase, Plat 1330 which is presently under construction. This present application and plan propose modifications to the Conditional Use Application No. 2018-01 approval. The modifications propose to re-assign the phasing, both in phase number/letter and site area. He showed the Board the property on the maps. This modification also focuses on the first residential phase of the development and proposes 146 townhouses to 84 townhouses. In addition, the first Application proposed 462 apartment units and now proposes 524 apartment units. The economic impact report, form of ownership for the development, transportation study, and parking calculations have also been revised as part of this submission. The remainder of the roads are unchanged from the approved Master Plan, as are the pattern book, wayfinding signage, and landscaping portions of the project. The Derry Township Planning Commission recommended approval subject to conditions at their February 2022 meeting. He asked the applicant to seek for a waiver for public lighting. He also noted, there has been a modification in the timelines for the traffic study versus the previous timeline. The Board has 45 days to render a written decision after the last hearing. If the hearing is closed tonight, a decision will need to be rendered no later than April 8, 2022, keeping in mind that the closest regular meeting to that date is March 22, 2022.

Solicitor Armstrong noted this application is a requested amendment to the January 2019 conditional use decision and should be included in the exhibits. He referenced the Township's zoning section 225-501-58 Development approval requirements for master plans.

Mr. David Tshudy, Attorney for Hershey Trust, stated who was with him and who is represented here tonight. He has exhibit books that were provided later in the meeting. He stated the booklets would include the following applicant exhibits:

1. Exhibit 1=Recorded Consolidation Deed
2. Exhibit 2=Recorded Memorandum of Conditional Approval
3. Exhibit 3=Recorded Master Plan (Sheets 1, 2, 11,15, and 17)
4. Exhibit 4=Conditional Use Application dated January 4, 2022
5. Exhibit 5=Derry Township Staff Comment Letter dated January 11, 2022
6. Exhibit 6=HRG Review Letter dated January 11, 2022
7. Exhibit 7=DTMA letter dated January 25, 2022
8. Exhibit 8=Derry Township Planning Commission Letter dated February 9, 2022

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9. Exhibit 9=Dauphin County Planning Commission Review Letters dated January 26,2022 and February 9, 2022.
10. Exhibit 10= Follow-up letter from Traffic Planning and Design Letter dated February 7, 2022
11. Exhibit 11= HRG Letter regarding Traffic dated February 18, 2022
12. Exhibit 12= Resubmission and Response Letter submitted today-dated February 22, 2022
13. Exhibit 13= Hearing Presentation
14. Exhibit 14=Curriculum Vitae of Neal Fisher, PE
15. Exhibit 15=Curriculum Vitae of Bill Fredericks, PE
16. Exhibit 16=Curriculum Vitae of Craig Mellott, PE, PTOE

He asked that he be able call Fisher, Fredericks and Mellott as expert witnesses. He stated they are here tonight to request the Board's approval on a handful of modifications of the approved conditional use plan for the master plan. Hershey West End consists of 245 acres of mixed use and will have 600,000 square feet of commercial development and 919 dwelling units of varying sizes. The master plan allows for flexibility for the site plans. He stated 225-501-58A-10-E & F states certain changes require Board of Supervisor approval because the site or footprint changed and/or adding 1,000 square feet must be approved. He noted the changes are minor in nature and do not negatively affect the site and surrounding area. The number of housing units of 919 will stay the same with an increase in apartments (462 to 528) and reduction in the number of townhomes (146 to 84). He noted all 919 units will be rentals. Units J and K will be moved closer to the street and Street D will be removed. If approved the applicant will be bound by the conditions of the 2019 conditional use decision in addition to other outstanding conditions from the Planning Commissions. The packets arrived and he noted that exhibits 14-16 provided the background of his three expert witnesses and asked the Board to recognize them as expert witnesses. Solicitor Armstrong asked that this be addressed when the witnesses testify.

Mr. Ken Gall, Hershey Trust, was sworn in by Ms. Marie O'Donnell, Stenographer. He provided a history of the development and a timeline. He showed the Board a timeline on the screen. He stated it started in 2004. He spoke about it being a Research Park with 2 million square feet and how plans changed as times changed. In 2007, they opened Cocoa Beanery and then in 2008 the recession hit. In 2011, U-Gro, first phase was built. In 2017, the Township's Zoning was updated and U-Gro expanded. He spoke about the process of the Hershey Center for Applied Research, West End mixed use concept and looking at the market. They received public comments through meetings and had 500 come through and provide their input. He spoke about the changes in the market with millennials not driving and looking for walkable communities. He noted during these public meetings, traffic was a concern. The mixed-use concept allows a "town/main street" feeling with a walkable community, enhanced trails, which could cut down in the amount of traffic. He spoke about going to the Planning Commission meetings and answering questions and having some that were opposed to the plan, becoming friends of the plan. He stated there are many opportunities and believes it will be positive for the community.

He discussed the modifications to the plan and how they were not shy about getting input on the plan. Once Covid hit, they stepped back and saw what was happening to the market. He noted the retail side was hit the hardest, so they made modifications in late 2020. He spoke about other changes including the thoughts of owning versus renting, people working from home vs. an office, senior living, assisting living, parks, and other such market changes.

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Vice Chairwoman Nutt thanked him for the history as many on the Board are new. She talked about master plans and how they allow the Board to see the whole project and how hard it is for them when changes are requested. Mr. Gall stated the principles of the project with street feel has not changed. She believes the plan looks different with more apartments versus more townhomes.

Solicitor Armstrong asked Mr. Gall's title for the record. Mr. Gall stated he is the Director of Real Estate. Solicitor Armstrong asked him about the relationship with the Hershey Trust. Mr. Gall stated the Hershey Trust will have ownership and control with land leases. He stated it will be a joint venture. Solicitor Armstrong asked him to speak about the proposed changes. Vice Chairwoman Nutt did not know that all the units would be rentals before tonight. She spoke about the impact of the transfer tax on the Township. She asked how many of the 919 units would be rented versus owned. She understands that many cannot own because there are not a lot of options for ownership. Mr. Gall spoke about the additional residents who will move here and pay taxes based on their income which will be bigger than the transfer tax.

Solicitor Armstrong asked if he was familiar and agreeable to the conditions in the January decision and additional conditions for the plan. Mr. Gall stated yes. Solicitor Armstrong asked Mr. Gall to discuss the modifications requested. Mr. Gall stated from the original plan, the buildings that are apartments are shifted toward the street. Solicitor Armstrong asked Mr. Gall if page three of Applicant Exhibit five shows Street D going along the townhomes. Mr. Gall was not sure if they were townhomes. Solicitor Armstrong asked if the bottom page of three is the new plan and the CA (apartments) and there is no longer a street D. Mr. Gall stated that is his understanding.

Mr. Gall stated there would be minor tweaks without changing the character or enhancing the plan. They worked hard to find someone who not only builds a project but owns it. They were looking for someone to be involved in the long term versus building and selling. He stated this is a legacy project. Solicitor Armstrong asked if other witnesses would testify to the changes. Mr. Gall stated they would. Solicitor Armstrong asked Mr. Gall to testify to why they are requesting these changes. Mr. Gall stated it improved the project and is market/demand driven, post Covid.

Solicitor Armstrong asked if he was aware if all the conditions from the January 2019 conditional use have been addressed. He asked about two intersections with a bypass road and asked about the status. Mr. Gall stated they created some alternatives and is west of Waltonville when that side of the property is developed. Things have shifted to connecting to other roads and is not part of this specific plan.

Mr. Gall stated as they have discussed with Staff and Solicitor Armstrong on what they would need to see. They filed the plan in January to go to the Planning Commissions and would like to see this continue. He spoke about the collaborative effort and how we are all in this together.

Solicitor Armstrong believes this hearing will need to be continued until the next Board meeting. He asked if the Board members had questions or if anyone in the audience would like to ask a question. There was a person who would like to make a statement. Mr. Emerick stated there is not a hearing at the next meeting. Solicitor Armstrong stated this hearing will be continued on March 8 at 5:30 p.m. Solicitor Armstrong stated the hearing is continued until then. He asked that they still be on the record for the resident to make a comment.

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**PUBLIC COMMENT:**

Ms. Anita Mentzer, 1181 Whipple Court, stated she is here tonight representing the Oakmont Five Homeowner's Association. They are concerned about the proposed amendment to the original plan. They are concerned with the increasing number of apartments and believe they should keep to the original plan. They agree with Vice Chairwoman Nutt about the transfer tax that helps the Township, School and State. She spoke about the loss of the transfer tax. They believe the Board has an obligation to understand the impact of this change and asked that they defer action on this until this is understood. She stated they are providing the Board a detailed letter of their concerns and thanked them for considering their concerns.

Solicitor Armstrong told her that this hearing is continued and suggested they come back to the next public hearing on March 8 at 5:30 p.m. Chairman Abruzzo asked if there was anyone else who would like to make a public comment and noted there is an additional hearing on March 8.

Mr. Tshudy noted that Exhibit Two in the book is not the exhibit he thought it would be and will correct it with emails to Mr. Emerick and Solicitor Armstrong. It will be cleaned up for the next meeting. Chairman Abruzzo asked that the March 8 hearing be opened with Mr. Emerick to provide the standards a master plan needs to meet. He believes it will set the expectations and help. Mr. Tshudy volunteered to do this at the next meeting.

**ADJOURNMENT:**

Chairman Abruzzo, at 6:43 p.m., continued the hearing until March 8 at 5:30 pm.

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary