

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**APRIL 7, 2022 5:30PM**

**CALL TO ORDER**

Chairman Abruzzo called the April 7, 2022 Public Hearing of the Township of Derry Board of Supervisors to order at 5:32 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.

**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  
Tammy Baker, Stenographer  
Julie Echterling, Recording Secretary

**PUBLIC IN ATTENDANCE:**

Ken Gall (Hershey Trust), Craig Mellot (TPD-Harrisburg), Bill Fredericks (RGS), Mark Hackenburg (RGS), Mike & Nancy Erdman (Hummelstown), Rick Russell (the Englewood).

**INTRODUCTION:**

Chairman Abruzzo stated this is a reconvened 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 Township Exhibit Seven would be the proof of publication for this meeting. He reminded Mr. Fisher he was still under oath. Mr. Tshudy, attorney for the Hershey Trust, was running late. Mr. Neil Fisher, Hankin Group, went over a PowerPoint presentation. He provided a brief review of the progress of this plan and the approval from 2019. He spoke about the partnership between Hankin Group and the Hershey Trust for this project. He reminded the Board that Hankin Group provides not just construction of the plan but ownership. He noted there was a modification to the plan tonight dated April 2022.

Mr. Tshudy provided the following exhibits:

20. Applicant Exhibit #20 is the PowerPoint presentation to be reviewed tonight.
21. Applicant Exhibit #21 is the revised site plan which is an amendment to the Master Plan.
22. Applicant Exhibit #22 is an updated shared parking analysis based on the revised site plan.
23. Applicant Exhibit #23 is a revision to the phase schedule.

Solicitor Armstrong asked if these new exhibits had been provided to the Township for review. Mr. Tshudy stated they had not. Solicitor Armstrong noted that the references in the PowerPoint presentation to April and January 2023 should be April and January 2022.

Mr. Fisher showed the Board the original and revised plan on the screen. He spoke about how they evaluated J and K and the impact and transition to the other phases. He spoke about the higher density being in the main street area with lower density as you transitioned to the traditional neighborhood. He noted they eliminated Street D since it will function as an alley, and they did not see a need for it. He spoke about planning for Unit K and for all the streetscapes to knit together. He spoke about 3A's green space

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being a muse with the buildings fronts facing each other and the beautiful area it creates. There is a park planned in the later phases. Access points have shifted to accommodate changes and the elimination of Street D. He went over the height requirements from the zoning ordinance and pattern book. The heights of the building would be a three-story building and walk-ups would be 35 feet. The two-story buildings will be 26 feet, and the corridor apartments would be 38 feet. He showed the Board the images for Units J & K and the corridor apartments. He went on to summarize the changes of the plan to include: no change in the density, taking from K to J to create a Main Street, shift of driveways and eliminating Street D.

Vice Chairwoman Nutt asked about Unit K as it seems like the hearings focused on Unit J. He noted that the Unit J & Unit K were in the original application. Solicitor Armstrong noted that the latest revision shows additional revisions for Unit K. Mr. Tshudy stated in the original application, unit K was not designed. He noted the prior change requested to move 61 townhouses to 61 apartments is no longer being requested now that Unit K has been designed. Solicitor Armstrong stated that the Board would want the revisions to be reviewed by Township Staff and this hearing will be continued. Mr. Tshudy spoke of submitting evidence during the hearing versus through the Township. Solicitor Armstrong noted he sees changes from the original and they should be reviewed by the Township. Mr. Gall asked that if there is another hearing, would this be an agenda item for approval at the meeting after the hearing. Solicitor Armstrong noted that it is up to the Board to decide. Mr. Emerick noted there are public hearings scheduled for the April 26 meeting. Vice Chairwoman Nutt noted to the residents that this is the first time they are seeing these changes. Mr. Fisher noted that there are things that will be reviewed at the development plan like driveways versus conditional use approvals. Solicitor Armstrong noted that the outline of parking areas is on the Master Plans.

Chairman Abruzzo stated the last two hearings focused on the swapping of the number of townhouses to apartments while tonight, they are saying they are going back to the original design. Vice Chairwoman Nutt asked about the 19 phases since there were 5 in the original. She asked how many times they would be asking for changes. Mr. Fisher spoke about the Master Plan being a guide for a vision of the plan. He spoke about the conditional use requests as being an opportunity for the community to have a voice. Mr. Tshudy discussed the changes to the phases and there are five phases and they changed the numbers to letters. He spoke about changes that can be handled in the development plan versus the master plan. Chairman Abruzzo asked if they could commit, prior to submitting a conditional use application, to sit down with the Township, which would allow input. Mr. Tshudy answered absolutely. Mr. Gall, who Solicitor Armstrong noted is still sworn in, showed the Board the dog park in the open space closer to Waltonville Road. Mr. Tshudy committed to contact the Township early to discuss any changes.

Solicitor Armstrong asked a series of questions to Mr. Fisher, about Exhibit #20 and the differences between what was originally submitted and being proposed tonight, which he answered. Solicitor Armstrong asked about Exhibit #21 with a revision date of April 1, 2022 if that is the current plan being presented to the Board and he answered yes. Solicitor Armstrong asked if he prepared the plans and he stated they were prepared under his direction. Solicitor Armstrong asked about the changes in Exhibit #21 to parking layout and access from roadways for just Units J & K and he answered yes. Solicitor Armstrong asked if the ownership of these units J & K will be the same and he answered yes. Solicitor Armstrong asked if he would be willing to come back and answer questions at another hearing and he answered yes.

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Mr. Tshudy said Mr. William Fredericks, RGS will testify. Mrs. Baker swore him in. He introduced himself and stated he is a registered engineer in the state of Pennsylvania. Mr. Tshudy asked him the following questions and below are Mr. Fredericks answers:

- How long he has been a professional engineer? 14 years.
- Has he only worked for RGS? He previously worked for a firm in Allentown.
- What type of projects he works on? Commercial, residential and retirement typically land development projects.
- Does he prepare and supervise land development plans? Yes.
- Has the Hershey Trust retained him to prepare the site plans for this entire project? Yes.
- Has he ever testified as an expert in civil engineering and land development? Yes.
- Is he up to date on his continuing education? Yes.

After answering these questions, Mr. Tshudy asked that he be recognized as an expert in civil engineering and land development. Solicitor Armstrong agreed to accept his testimony.

Mr. Tshudy asked Mr. Fredericks the following questions and below are his answers:

- Did he prepare Exhibit #21? Yes.
- How does it differ from what was previously submitted? He stated it goes back to the original master plan with the number of apartments and townhouses with Units J & K.
- Any changes in the Master plan since January 2019? He stated there are two revised logs, elimination of Street D and the phasing plan has changed.
- Does this match Mr. Fisher's plan? Yes.
- Exhibit #22 shows parking - does it differ from previous plans? He stated it was refined based on the changes to the plan. He spoke about the parking and how off street parking spaces are not used in the calculations of total parking spaces.
- Will the parking meet the ordinance requirements? Yes.
- Is there a change in the shared parking with the change of the number of apartments and townhouses? He stated yes, the calculation changes are based on apartments versus townhouse. He noted the same method and analysis was used in both numbers.
- Is the phasing in Exhibit #23 correct? Yes. He stated the Master Plan included an estimate as construction and tenants determine phasing.
- He was asked about street trees and compliance with the ordinance - with the changes. He stated they would be in compliance with the ordinance. He spoke about fitting trees to space them differently with the intersections.
- Does the development as revised, will the use not adversely affect the health or safety of residents in the neighborhood or district in which the use is located. It will not.
- Will the use, as modified by this application, not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements. It will not.
- Does the impervious cover materially change from the original plan? It slightly decreases on Unit J & K. He spoke about the master plan and changes.
- Will the use, as modified, not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. It will not in his opinion.
- Will modifications requested have any adverse effects on the impact of noise, dust, light, or odor, and adequacy of parking? It will not in his opinion.
- Does the plan, as modified, meet all other requirements of the performance requirements as modified and zoning ordinances? Yes.

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Solicitor Armstrong asked about Exhibit #21 the current plan on page one. The density for the single family, apartments, townhouses should be the same and be consistent with the 2019 master plan. Mr. Fredericks stated that was correct. Mr. Fredericks stated it went back to the original master plan and noted that the LWU (large walk-up buildings) provided clarification for Unit J with a reduction from 24 to 20 units. He also noted the phasing process changed. Solicitor Armstrong asked about other modifications. Mr. Fredericks noted they are requesting a modification for street lighting. He spoke about the issue with PPL and maintaining ownership of the lights which would be reflected on the exhibits. He noted the parking tables have changed and there is a street ledger included now versus the 2019 approved plan. Solicitor Armstrong asked him to explain page five to the Board. Chairman Abruzzo asked that there be a recess.

**RECESS OF THE PUBLIC HEARING:**

The hearing was recessed at 7:00 p.m. for a break.

**RECONVENING OF THE PUBLIC HEARING:**

The hearing was reconvened at 7:20 p.m.

Solicitor Armstrong asked Mr. Fredericks to walk the Board through the changes on page five of the Exhibit #21 and the approved 2019 master plan. Mr. Fredericks stated the changes are in Unit J & K and the parking lots have been adjusted. He showed the changes to the Board between both plans. He noted this shared parking meets the requirements of the ordinance and does not include the on-street parking spaces. The streets would be dedicated and be Township streets. Vice Chairwoman Nutt asked about parking on West End Avenue. He stated there would be parking on both sides of the Avenue. Below are the substantial changes in the Units between the 2019 approved Master Plan and the new plan changes proposed:

<b><i>ITEM</i></b>	<b><i>2019 Master Plan</i></b>	<b><i>Proposed Changes</i></b>	
Unit J Parking Spaces	582	602	This is due to the change in housing units.
Unit K Parking Spaces	488	456	
Unit J Corridor buildings	0	5	
Unit J Large Walkups	1	3	
Unit J small Walkups	14	7	
Unit J townhomes		62 fewer proposed	
Unit K townhomes		62 more proposed	
Street D	A street	Eliminated this street	
Green spaces		Added in plan	
Clubhouse	Was on K	Now on Unit J	

Solicitor Armstrong asked about additional changes in the parking lots between the plans. Mr. Fredericks explained the changes and parking lots with the elimination of Street D and West End Avenue. Solicitor Armstrong asked about the entrance to the parking lots for 4D, 4E, and 4A are all being aligned and were in the 2019 plan. Mr. Fredericks agreed. Solicitor Armstrong asked if there were any other changes to access. Mr. Fredericks does not believe there are any other changes. Solicitor Armstrong asked about the outdoor areas of the townhomes. Mr. Fredericks discussed the grassy areas, pavements, muse, and sidewalks for the townhomes. Solicitor Armstrong asked about page 6 changes between the new and 2019 plan. Mr. Fredericks spoke about the street trees, revisions to the streets and noted each development plan would address the street trees and the requirements. Solicitor Armstrong asked him if he was involved with the development of Exhibit #21. He stated yes. Vice Chairwoman Nutt spoke about concerns with residents

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crossing West End Avenue with the apartments and the issue they have with pedestrian crossing between cars downtown. Mr. Fredericks spoke about the crosswalks and how pedestrians would have a grassy area between the street and sidewalks. He spoke about the main pedestrian area would be parking which is further down the road. The Board discussed some of their concerns about the issue downtown they have and talked about pedestrian concerns on this new road. Mr. Fredericks spoke about the differences between Chocolate Avenue and West End with the locations of businesses and how it should help the situation. Solicitor Armstrong asked if there would be a decrease in the impervious coverage. Mr. Fredericks stated yes.

Mr. Craig Mellott, Traffic Planning & Design, was sworn in by Mrs. Baker, Stenographer. Mr. Tshudy asked Mr. Craig Mellott a series of questions which he answered the following way:

- Position: Vice President overseeing the Harrisburg Office.
- Education: Bachelor of Science in Civil Engineering, Professional Engineer registered in the state of Pennsylvania and Professional Traffic Operation Engineer, which is a national certificate. He is a licensed engineer in PA, VA, and MD.
- Continued Education: He is up to date on his continuing education.
- As a Traffic Engineer do you prepare traffic studies: Yes
- Does he prepare land development plans: Yes.
- Have you ever testified as an expert before a Zoning Hearing Board or Board of Supervisors: Yes over 200 times in 20 years.
- Is he familiar with Exhibit #16 and is it true and correct: He said yes to both questions.

Mr. Tshudy asked that he be accepted as an expert witness in traffic engineering. Mr. Tshudy continued to ask Mr. Mellott questions and below are his answers:

- Was an updated traffic impact study done: Yes. He stated they did an analysis of the change in housing units proposed and it did not change their analysis. He noted he does not see any traffic flow issues with the change.
- Impact of access points into the parking lots being aligned and why it is important. He spoke about the increased safety for aligning parking lot access which can decrease accidents.
- Discuss his opinion on West End Avenue Pedestrian Safety with the elimination of Street D. He stated they designed it to have slower traffic on West end Avenue - with a speed of 25 mph.

Chairman Abruzzo asked if there would be streetlights (signal) on West End Ave and a potential for a flashing pedestrian crossing light. Mr. Mellot stated there would not be a signal as they spoke about the flow of traffic. In addition, there would not be stop signs except for the side streets accessing West End Avenue. As for the flashing pedestrian light, that could be a future installation. Supervisor Zmuda asked about speed bumps on the street. Mr. Mellot stated they could be added to the street if needed. Vice Chairwoman Nutt asked about accessing the traffic circle to pick up the trail. He spoke about the pedestrian and biking crossing and showed her on the plan.

Solicitor Armstrong asked if the correspondence of 12/27/2021 is from your office. Mr. Tshudy stated it was part of the applicant's Exhibit #10 dated 2/7/2022. Solicitor Armstrong asked about the trip generation and comparing traffic phasing if they were the two main topics in the letter and if they were the same for the 2019 approval. Mr. Mellott spoke about the phasing and using trip numbers as suggested by Mr. Emerick. He stated there would be a traffic study done in phase two, which would be based on the peak numbers for comparison. Solicitor Armstrong asked him if he reviewed the April 1 revised plan and asked if he was

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comfortable with the safety. He stated he was. Solicitor Armstrong asked about traffic calming. Mr. Mellott spoke about speed bumps, roundabouts, curbs, shoulders, curves and stated there are others. He does not have concerns with West End Ave not having stop signs since they thoroughly reviewed the design. He stated he does not have any concerns with the layout of Unit K with parking.

Solicitor Armstrong asked about the condition of the 2019 master plan approval traffic signal may not be needed if a connector is secured. Mr. Mellott spoke about the connector road with Middletown and Wood Roads. He spoke about some of the property needed for the connector not being Hershey Trust property and showed on the map the area in question. He does not believe the traffic signal will be needed if there is a bypass/connector road. He spoke about discussions with the Township and PennDOT. Vice Chairwoman Nutt noted that this access/connector road has been discussed during the Transportation meeting and they are looking at different options including a light at Wood Road.

Solicitor Armstrong asked about the 2019 master plan approval included 47 sheets and the amendment has 5 pages and asked about other potential documents. Mr. Mellott stated the amendment is for Units J & K and is the focused change. He noted other documents would come in with the development plan. Solicitor Armstrong stated the 2019 master plan has been recorded and asked if this amendment would be recorded with the conditional use. He asked if the amendment could refer that the other sheets in the recorded 2019 master plan are unchanged. Mr. Tshudy was agreeable to that condition.

Vice Chairwoman Nutt asked about the economic analysis in January for the prior plan and asked if there was a new one with the proposed changes. Mr. Gall stated the 2018 analysis would be the same. Mr. Tshudy stated the new economic analysis provided to the Board was based on the changes which have been reverted back. Vice Chairwoman Nutt stated the previous economic analysis stated the townhouses were to be purchased instead of being rented. Mr. Gall will be glad to provide an update but is not part of this approval process. Vice Chair asked if they have spoken to the School District about this change. Mr. Gall stated they met with them last week and sent them information today.

Solicitor Armstrong asked the consultants if they can attend the next hearing. Mr. Tshudy stated they would return. The Board and Mr. Emerick discussed another date for a hearing. They agreed to move the cell tower public hearing to another time and continue this hearing on April 26 at 6 p.m. Mr. Tshudy asked that the conditions for the decision be available for that meeting so they can move forward. Solicitor Armstrong will reach out to him about this request. Mr. Tshudy asked that all the applicants' exhibits up to Exhibit 23 be admitted into the record, reserve the right for rebuttal, and close the applicant's case. Mr. Tshudy noted that no one has requested party status. Solicitor Armstrong noted he has not received any party status requests.

**ADJOURNMENT:**

Solicitor Armstrong, at 8:41p.m., continued the hearing until April 26 at 6:00 p.m.

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary