

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
APRIL 26, 2022 6:00 PM

CALL TO ORDER

Chairman Abruzzo called the April 26, 2022 Public Hearing of the Township of Derry Board of Supervisors to order at 6:00 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA.

IN ATTENDANCE:

SUPERVISORS

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

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), William Fredericks (RGS), Mason McClellan (HTC), Linda Eyer (Raleigh Road), Tom Fowlston (Forest Ave), Mike Moravefc (111 Forest Ave), Nora Campanella (D&D REI, LLC), Amanda Krall, Kevin Wiest, Garrett Gallia (HE&R)

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.

Mr. Emerick stated the plan being considered is the plan that reverts back to the original conditional use application 2019-01. He noted the plan shows 84 townhouses and 524 apartments consistent with the prior approval. A portion of Street D is still being removed and the access to parking areas have been modified. He provided the Board a list of modifications made to the plans by sheet for the Board to review. He highlighted the following changes:

- The conditional use approval is granted subject to either:
 1. A new traffic impact study is reviewed and approved by the Township and PennDOT prior to approvals/development of phases that exceed the number of peak hour trips indicated in traffic phase 1 as identified in the approved 1/28/2019 transportation impact study (TIS); **or**
 2. The recommended improvements noted in the approved 1/28/2019 TIS for traffic phase 2 are implemented.
- Impervious cover: a reduction of 72,533 square feet.
- Total parking spaces: increase of 25 spaces.
- Shade trees: a reduction of 1
- Dwelling units: now conform to the original approval.

He stated his only technical comments on the plan presented at the April 7, 2022 hearing are:

1. The plan modification resulted in the inclusion of one Single-family Semi-detached Dwelling in Block 4D. Section 225-501.4.C of the Zoning Ordinance requires a minimum of 10% of any dwelling type.
2. The driveways from Block 4D and Block 3B do not intersect Street E at 90 degree angles as required by Section 225-402.2.F of the Zoning Ordinance.

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He notified the applicant of these two items and they were modified. They will be providing an updated plan tonight that he has looked at which contain the modifications he discussed. After the changes made by the applicant, he and HRG have no technical comments. He noted HRG reviewed the proposal and the April 19, 2022 Master Plan revision and have no engineering comments. The Dauphin County Planning Commission reviewed the original proposal as did DTMA and had no technical comments. The Derry Township Police Department's Traffic Safety Division reviewed the original proposal, and they have no comments at this time. He stated the Board is required to render a written decision within 45 days after the last hearing before the Board is concluded unless the applicant grants an extension of time. If the hearing is closed tonight, a decision will need to be rendered no later than June 10, 2022, keeping in mind the closest regular meeting to that date is May 24, 2022.

Mr. Tshudy, Applicant attorney, stated that everything Mr. Emerick said was true and correct. He submitted into evidence Applicant Exhibit #24 which is an amendment to the master plan to address Mr. Emerick's comments. For the traffic impact study, on the first sheet, paragraph 5 has the specific language that Mr. Emerick stated tonight. He noted on sheet 5 block 4D in the upper right hand quarter NE corner shows 3 townhouses not 2 townhouses, numbered 39, 40 and 41. He noted five units 23-27 on applicant Exhibit #21. He noted that the units were renumbered. He stated there is now a 90% degree entrance to E block 4B & 4E. He asked for admission of Applicant Exhibit #24. He noted at the last hearing they closed their presentation, giving the Staff an opportunity to review the new plan. The consultants are here tonight as requested. He stated they have nothing further for the record and are here to answer questions.

Vice Chairwoman Nutt asked about the timing of the next traffic study to be done. Mr. Mellott was reminded by Solicitor Armstrong that he is still under oath. He stated it is driven by market demand and by the number of trips. He stated it would depend on the timing of the phases. He stated after phases A,C,D,E,B,F,J, and K there would be the potential for another study. Solicitor Armstrong asked if a traffic study would be anticipated after the phases. Mr. Mellott spoke about the two options. Mr. Tshudy stated once they get to the threshold number of trips, after those phases, then either the Phase 2 improvements or another traffic study, to see if the improvements are necessary, is the option of the developer. She asked what is the restaurant in 2A which shows 948 indoor seating and 400 outdoor seating. Mr. William Fredericks, RGS, stated there is not a tenant chosen, but they wanted to plan for a large building to ensure there is enough parking to accommodate who may occupy the building.

Solicitor Armstrong asked if the Applicant Exhibit #24 is the current plan. Mr. Tshudy said yes and stated it should be the plan that is recorded. Solicitor Armstrong asked if there are any other requested changes and Mr. Tshudy said no. Solicitor Armstrong asked if the applicant is agreeable to the 2019 conditions in the approval. Mr. Tshudy stated yes for those that have not already been met.

PUBLIC COMMENT:

Mr. Dave Weaver, 1177 Wicklow Court, stated he has been at the last three hearings. He said there were changes made at the last hearing that the Township did not know about. He said no one knew the changes for the biggest project in the Township before the meeting. He said no one knows the details until 24 hours before the hearing. He thinks that is ludicrous that something like that can happen.

Solicitor Armstrong said, for the record, at the last hearing there was a plan submitted that changed from the original master plan. The hearing was continued to allow Staff to review the changes. He stated Applicant Exhibit #24 was submitted this evening. He believes this was submitted to Staff to review prior to this

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evening. The Applicant Exhibit #24 is the same except for the changes discussed tonight. Mr. Tshudy agreed and stated he kept all the exhibits for the hearing. Chairman Abruzzo stated they could not conclude the last hearing since the changes needed to be reviewed.

Solicitor Armstrong asked to submit Township Exhibit #8 which is the Proof of publication and asked if there was an objection. No objections were heard. Chairman Abruzzo thanked everyone for their testimony and for coming tonight. Mr. Gall thanked the Board and stated the questions asked were well received.

ADJOURNMENT:

Chairman Abruzzo closed the public hearing at 6:35 p.m.

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary