

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**July 14, 2022**

**CALL TO ORDER**

The Thursday, July 14, 2022 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the main meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA, by Chairman Tom Wilson.

*MOTION*

On a motion made by Member Santostefano, seconded by Secretary Tunnell, and a unanimous vote, the Planning Commission approved the addition of an item to the agenda under Other Business regarding a grant application for the Multimodal Transportation Fund Program.

**ROLL CALL**

Commission Members Present: Tom Wilson, Chairman; Matt Tunnell, Secretary; Don Santostefano

Commission Members Absent: Glenn Rowe, Vice Chairman; Mike Guntrum

Township Staff and Review Agency Representatives Present: Chuck Emerick, Director of Community Development; Matt Bonanno, Eric Stump – HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative

Public Registering Attendance: Jim Snyder, Snyder, Secary & Associates/Pennoni; Michael Ford; Brian Pomercy, Carpenters Local 43; Teresa Peschel, 48 Half Street, Hershey; Olivia Lewis, *The Sun*; James Strong, McNees Wallace & Nurick; Greg Creasy, Grove Miller Engineering; David Hoppman, Grandview Corp.; David Feidt, 763 Zurich Drive; Mary Beth Backenstose; Julie A. Steckbeck; Rich Gamble; Sue Gleiter, *Penn Live*; Jonathan M. Crist; R. Zmuda

**APPROVAL OF MINUTES**

On a motion made by Secretary Tunnell, seconded by Member Santostefano, and a unanimous vote, the Planning Commission approved the minutes from the June 7, 2022 meeting, as written.

**OLD BUSINESS**

- A. Report on the Board of Supervisors' action 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**

Chuck Emerick reported that the Board granted the Conditional Use.

- B. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for PA State Police Academy and BESO – Modernization, Plat 1352**

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Chuck Emerick reported that the Board approved the plan.

- C. Report on the Board of Supervisors' action regarding Conditional Use Application No. 2022-04 for 971 Bullfrog Valley Road and 1550 Sand Hill Road, as filed by Mary Driscoll**

Chuck Emerick reported that the Board granted the Conditional Use.

- D. Report on the Board of Supervisors' action regarding Conditional Use Application No. 2022-05 for 524 Park Avenue, as filed by Jose M. Manjon, M.D.**

Chuck Emerick reported that the Board granted the Conditional Use.

**NEW BUSINESS**

- A. Review and recommendation of Conditional Use Application No. 2022-06, as filed by Linlo Governor Crossing, LLC and Sheetz, Inc. regarding a Master Plan Development for redevelopment of approximately 7.42 acres of land generally located in the southwestern quadrant of the intersection of West Governor Road and Fishburn Road to include a: (i) convenience store with fuel service - major; (ii) 3-story mixed use building with ground floor food service (i.e., restaurant) and retail - small scale and upper floors multifamily apartment dwellings; (iii) dialysis center; and (iv) group child care facility**

James Strong of McNees Wallace & Nurick represented the applicants. He noted that a Sketch Plan of the project was presented to the Planning Commission and Board of Supervisors in 2021. A significant change that has been made to the project since the Sketch Plan phase is that the locations of the proposed mixed-use building and the Sheetz convenience store have been switched. One of the concerns in the feedback that the applicants have received relative to the mixed-use building was its height and its location relative to the intersection of Governor Road and Fishburn Road. The mixed-use building has now been reduced in height from four stories to three stories and has been moved to the rear of the site.

Mr. Strong stated that four different uses are proposed: a Sheetz convenience store and fuel service; a mixed-use building that will contain a restaurant, apartments, and retail space; a medical office building (dialysis center); and a daycare center (Kiddie Academy). The applicants are seeking approval for five Conditional Use requests, as follows:

- The Master Plan development approval process. Mr. Strong explained that a number of smaller lots have been purchased and are being assembled to provide the area for the proposed development.
- Multifamily apartment dwellings in the Hershey Mixed Use zoning district.

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- “Fuel Service – Major” in the Hershey Mixed Use zoning district, regarding the Sheetz convenience store.
- A group childcare facility in the Hershey Mixed Use zoning district.
- The dialysis center as a use similar to other uses permitted in the Hershey Mixed Use zoning district. Mr. Strong stated that the dialysis center use is most similar to a Healthcare Practitioners Office, which is a permitted use in this district.

Jim Snyder of Snyder Secary & Associates stated that the subject property contains approximately seven acres and represents the consolidation of about 23 properties. Sand Hill Road is proposed to be relocated to intersect with Fishburn Road further to the south of its current intersection. Mr. Snyder explained the features of the site plan and the proposed traffic flow into and out of the site.

Doug Tilley of TKS Architects summarized the architectural design of the site. In response to a question from Chairman Wilson, Mr. Tilley stated that the mixed-use building will have rooftop mechanical units. Member Santostefano inquired if the footprint of the mixed-use building increased when the height decreased. Mr. Tilley said no. Member Santostefano asked how many apartments were originally proposed. Mr. Tilley responded that 60 apartment units were proposed initially, and 40 are currently proposed.

Member Santostefano commented that the proposed traffic pattern into and out of the site will be awkward for westbound drivers on Route 322 to get to Sheetz and for eastbound and westbound drivers to get back onto Route 322.

Chuck Emerick confirmed with Mr. Tilley that Sheetz is replacing their standard brick with the brick that is going to be used throughout the rest of the development. Mr. Emerick inquired if the stone base on the Sheetz building will match the rest of the development, because he did not see stone on any of the other buildings. Mr. Tilley said they have not yet selected the stone that will be used for the other buildings; however, they think Sheetz will mimic that skirting.

Lowell Gates of Linlo Properties stated that they started this process about a year and a half ago. He thanked the Township for their helpful input in revising the design. Mr. Gates said they have seen a lot of leasing activity, so he thinks the general community is really receiving this project well.

Greg Creasy with Grove Miller Engineering, the traffic consultant for the project, commented that he understands Member Santostefano’s concern. Access into and out of the site is challenging and the applicants would like to have more full-access intersections, but they are limited to the right-in-only movement on Route 322. PennDOT will not approve a right-in/right-out movement at that location. The applicants tried very hard to get a connection to the Karns shopping center, but they were unsuccessful.

Chairman Wilson asked how the extension of Hope Drive factors into this project. Mr. Gates responded that their goal is to help facilitate the Hope Drive extension, although how the extension

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will occur has not yet been determined. Linlo is in the process of receiving funding to help pay for the extension. Mr. Emerick added that the first sketch plan showed Sand Hill Road being relocated to more of a T intersection with Fishburn Road. During that review, the Township asked that the alignment start to get closer to what would be necessary if Hope Drive could be extended.

Chairman Wilson asked how the potential extension of Hope Drive would impact this project's traffic distribution and if there is any way to get approval for a right-turn-only movement from the site onto Route 322. Mr. Creasy's opinion is that the Hope Drive extension is going to allow drivers who already travel to the Medical Center by way of Sand Hill Road to go straight across to Hope Drive instead of going from Sand Hill Road to Cherry Drive and then to Hope Drive. He does not think the extension is going to attract a lot of additional traffic. He added that it would be beneficial to both tenants and patrons to have a right-turn-out movement from the site onto Route 322, but it is not likely that PennDOT will allow that to happen because of the amount of existing traffic queuing on Route 322.

Eric Stump of HRG, Inc., commented that the proposed improvements will probably add more traffic to Sand Hill Road because of the relocation of Sand Hill Road and the proposed traffic signal at the intersection of Fishburn Road and Sand Hill Road, not necessarily because of the Hope Drive extension. Regarding the access from the site to Route 322, Mr. Stump thinks PennDOT is already having concerns about the right-in/right-out movement along Fishburn Road. Mr. Creasy responded that they are in the process of addressing PennDOT's concerns.

Mr. Emerick asked what other improvements are proposed on Fishburn Road, in addition to the right-in/right-out movement to and from the site. Mr. Creasy explained that the original traffic impact study proposed the installation of a two-foot mountable concrete median along the west edge of the westbound left turn lane from Fishburn Road onto Route 322 to address PennDOT's concerns with illegal movements in and out of the site's Fishburn Road driveway. The applicants are now working on alternatives to reduce the length and location of that median because as initially proposed, the median would restrict left turns from Fishburn Road to the properties on the east side of Fishburn Road. Mr. Creasy stated that the proposed traffic improvements are still a work in progress.

Chris Commarota of Kiddie Academy said that the company was established in 1981 as family-owned childcare. They have grown to over 300 locations in 37 states, including 18 locations in Pennsylvania. Their focus is educating children and providing a safe environment for children on a daily basis. Their commitment is to nurture, educate, and inspire children for the future.

At the request of Chairman Wilson, Mr. Snyder summarized the list of waivers from the Subdivision and Land Development Ordinance that the applicants will be asking for in conjunction with the submission of a formal land development plan.

Mr. Emerick went over his plan review comments and asked that Linlo Governor Crossing, LLC verbally confirm that they are complying with all standards for each of the requested Conditional Uses, without the need for relief from the requirements. Mr. Gates made this confirmation. Matt

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Bonanno and Eric Stump of HRG, Inc., and Diane Myers-Krug, Dauphin County Planning Commission representative, also went over their review comments.

In response to a question from Chairman Wilson, Mr. Strong stated that the applicants do not have any questions regarding the review comments.

Public comment

Jonathan Crist, an attorney residing on Church Road, stated that he is representing Mary Beth Backenstose and her building located at the southeast corner of West Governor Road and Fishburn Road, which was constructed in 1906. Mr. Crist's presentation contained the following elements:

- Exhibit A – Traffic pictures taken at the corner of Route 322 and Fishburn Road on March 25, 2022, between 11:00 AM and 11:45 AM. Mr. Crist said that the proposed project does not fit well at this intersection because of the existing traffic issues. The applicants are proposing to install a barrier on Fishburn Road from its intersection with Route 322 to its proposed intersection with relocated Sand Hill Road.
- Exhibit B – Memorandum of Understanding Between the Pennsylvania State Historic Preservation Officer and the Pennsylvania Department of Transportation Regarding Consultation on State-Funded Transportation Projects in Pennsylvania. Mr. Crist stated that in 2011 PennDOT signed a Memorandum of Understanding regarding taking steps to protect historic buildings, and Ms. Backenstose's building qualifies as historical and is entitled to the protection referenced in the Memorandum of Understanding.
- Exhibit C – Derry Township Conditional Use and Master Plan Traffic Standards; PennDOT Publication 282 (July 2017) – Highway Occupancy Permit Manual. Mr. Crist referenced Sections 225-501.K.1 (“*That the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located*”) and 225-501.K.2 (“*That the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements*”) of the Zoning Ordinance regarding conditions that have to be addressed for Conditional Use approval, and stated that the roads are already overburdened. Mr. Crist also referenced Section 225-501.58.A.2.iv of the Zoning Ordinance regarding property requirements for the Master Plan approval process: “*The lot must provide for direct points of ingress and egress in a manner to assure convenient and safe access, which will not cause undue congestion or hazards on local roads.*” Mr. Crist noted that if barriers are required that restrict access to the properties on the east side of Fishburn Road, that is a hazard and it is unacceptable.
- Exhibit D – PennDOT Publication 46, Traffic Engineering Manual, Section 4.5 Traffic Signal Spacing. Mr. Crist noted that the Manual requires a minimum spacing of one-quarter mile (1,320 feet) between traffic signals. The proposed distance between the Route 322/Fishburn Road and Fishburn Road/Sand Hill Road traffic signals is 603 feet.

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- Exhibit E – Derry Township Subdivision and Land Development Ordinance, Chapter VI – Traffic Study Requirements. Mr. Crist stated that Section 185-43.J.(4) says that a study must include “*projected traffic counts from approved nearby developments not yet fully occupied.*” An Amazon warehouse is under construction in Londonderry Township that is not mentioned in the applicants’ traffic impact study.

**MOTION ON WAIVERS AND DEFERMENT**

A motion was made by Secretary Tunnell that the Planning Commission make a recommendation to the Board of Supervisors that the following waivers and deferment be granted from the Subdivision and Land Development Ordinance:

- a. Waivers from Sections 185-22.D.(2) and 185-22.D.(3) regarding street right-of-way dedication for Parcel No. 24-044-058.
- b. Deferment from Section 185-34.A regarding road widening and sidewalk construction for Parcel No. 24-044-058.
- c. Waiver from Section 185-34.A regarding proposed sidewalk along relocated Sand Hill Road, provided the applicant offers a fee in lieu of the sidewalk installation.
- d. Waiver from Section 185-44 regarding park, recreation, and open space dedication, with the consideration that the applicant will pay the fee in lieu of dedication.
- e. Waiver from Section 185-22.G.(2) regarding intersection alignment for relocated Sand Hill Road, provided the intersection can be better aligned to 90 degrees.

Chairman Wilson proposed an amendment to the motion to clarify that waiver ‘c’ is particular to the south side of Sand Hill Road. Secretary Tunnell accepted the amendment to his motion. Member Santostefano seconded the amended motion, which was passed by a unanimous vote.

**MOTION ON CONDITIONAL USE APPLICATION NO. 2022-06 (PLAT 1359)**

On a motion made by Member Santostefano, seconded by Secretary Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Conditional Use Application No. 2022-06 (Plat 1359) be approved, subject to applicants agreeing to satisfactorily address the review comments noted in Item 2 of the June 21, 2022 Township staff report; the July 5, 2022 HRG, Inc. letter; and the June 21, 2022 Dauphin County Planning Commission review report.

**B. Review and recommendation of the Sketch Plan for Project Milton, Plat 1358**

Chuck Emerick explained that this plan, filed by The Hershey Company, represents the further development of a 55.24-acre tract of land fronting on Reese Avenue (although there is a small portion of the tract fronting on Route 422). The site is located in the Industrial zoning district. The plan proposes the retention of the existing Reese manufacturing plant, the demolition of the former

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Friendly's Restaurant, and the construction of a 248,594-square-foot manufacturing/warehouse facility. Access to the site is from Reese Avenue and from a private driveway to the west of the intersection of Route 422 and University Drive. The plan proposes three entrances to the plant. Two of the entrances are primarily for tractor trailer use, and the center driveway is to serve visitors and employees. It is proposed that this parking area will be pervious pavement. The tract also is adjacent to Norfolk Southern rail lines and the plan proposes a future rail spur. The project will be served by public sewer and water facilities and will require the relocation of a DTMA sanitary sewer line. The plan shows two stormwater management basins, one on each side of the building, and indicates a storm sewer crossing under Norfolk Southern rail lines to the west of the site. Mr. Emerick understand that is to address an existing stormwater flow issue. He is not sure if that feature will be included as part of this development. No information has been provided related to the impacts of this development on adjacent roadways. A traffic study may be required with the preliminary or final plan submission.

Mr. Emerick and Matt Bonanno, HRG, Inc., went over their plan review comments.

Ron Secary of Snyder Secary & Associates (a division of Pennoni) and Kenny Hinebaugh of The Hershey Company were present to answer questions regarding the Sketch Plan.

Chairman Wilson asked why the Driveway A entrance is skewed and if there is a way to shift the site around to line up that access drive. Mr. Secary answered that they are looking at the alignment in order to achieve better separation and cleaner movements, but they are not able to get it to line up with this extension of University Drive within the space available to do the development. The proposed use is not expected to generate a large amount of truck traffic, so Mr. Secary does not think the skewed intersection is going to present a problem. Additionally, that portion of Reese Avenue is a private drive.

Chairman Wilson inquired about the anticipated size of the pipes for the storm sewer crossing under the Norfolk Southern rail lines. Mr. Secary said the size is unknown at this point because the project is early in the design process. He noted that they have not found any evidence of an existing culvert under the rail lines. Chairman Wilson asked if there is room there to put in a stormwater management facility in advance of the crossing under the rail lines in order to protect downstream properties. Mr. Secary responded they are currently looking at that. The stormwater management system design will be part of the formal land development plan submission. Chairman Wilson asked if The Hershey Company owns the land upstream and downstream of that area. Mr. Secary answered yes.

Public comment

Teresa Peschel, 48 Half Street, Hershey, stated that about a year ago, Mr. Hinebaugh spoke to residents in the neighborhood about potentially closing Reese Avenue and at that time there was no mention of a huge factory being constructed on the subject property. Ms. Peschel asked if Reese Avenue is still going to be left open to the public. She also wants to know about the proposed amount of traffic because her neighborhood has enough problems with the existing traffic coming in

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and out of the Reese factory and the factory on Old West Chocolate Avenue. This larger facility is going to bring additional traffic through Ms. Peschel's neighborhood unless there is rigorous enforce against it. She wants to make sure that the stormwater management system for the proposed facility is properly designed so that the additional runoff resulting from the development does not affect her neighborhood. She also mentioned that she is now surrounded by short-term rentals and wonders what the renters will think of the new facility. Additionally, there is a surprising amount of tourist traffic on Reese Avenue.

In response to Ms. Peschel's comments, Mr. Secary stated that the restriction of traffic on Reese Avenue is not contemplated at all by this plan. The applicant is performing a traffic impact study per Township requirements that will be part of the land development plan submission. Ms. Peschel inquired if the results of the traffic impact study will be enforced by the applicant. Mr. Secary said he cannot answer that question because the conclusions of the traffic impact study are not yet known. Chairman Wilson asked if the applicant will take Ms. Peschel's concern into account in the traffic impact study and take any measures possible to prohibit traffic from traveling through Ms. Peschel's neighborhood when leaving the new facility. Mr. Secary answered yes.

Mr. Secary stated that all of the runoff from the new facility will be directed to the west, so no negative stormwater impacts are anticipated for Ms. Peschel's neighborhood.

**OTHER BUSINESS**

**A. Review and recommendation of Multimodal Transportation Fund Program Grant Application for Downtown Hershey Gateway Improvements Project**

Chuck Emerick explained that a recommendation from the Township's Planning Commission is a required component of the grant application, which is due at the end of July. The Township received grants for and completed construction on two streetscape improvement projects on West Chocolate Avenue. This grant application is for some elements of the first phase of improvements that never made it to the completed budget.

**MOTION**

On a motion made by Member Santostefano, seconded by Secretary Tunnell, and a unanimous vote, the Planning Commission authorized Chairman Tom Wilson to sign a letter of support on behalf of the Planning Commission for the Commonwealth Financing Authority Multimodal Transportation Fund Program grant application for the Downtown Hershey Gateway Improvements Project.



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**ADJOURNMENT**

On a motion made by Secretary Tunnell, seconded by Member Santostefano, and a unanimous vote, the meeting was adjourned at 8:09 p.m.

Respectfully submitted,

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Matthew Tunnell  
Planning Commission Secretary

Submitted by:

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Jenelle Stumpf  
Planning/Zoning Coordinator (*acting as stenographer*)