

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
SEPTEMBER 21, 2022 6:00 PM

CALL TO ORDER

Vice Chairwoman Nutt called the September 21, 2022 Public Hearing of the Township of Derry Board of Supervisors to order at 6:08 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. After the pledge of Allegiance, a role call was completed.

IN ATTENDANCE:

SUPERVISORS

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

ALSO PRESENT:

Peter Nelson, Township Solicitor
Chuck Emerick Director of Community Development
Eric Stump, HRG Engineer
Maria O'Donnell, Stenographer
Julie Echterling, Recording Secretary

PUBLIC IN ATTENDANCE:

See pages 4-7.

INTRODUCTION:

Vice Chairwoman Nutt stated this is a Public hearing regarding Conditional Use Application No. 2022-06 (Plat 1359), as filed by equitable owner Linlo Governor Crossing, LLC ("Applicant") and Sheetz, Inc. ("Co-Applicant"), 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 series of nonresidential and residential uses consisting of a convenience store with fuel service; a mixed-use building with ground floor food service (i.e., restaurant) and small-scale retail and two upper floors containing multifamily apartment dwellings; a dialysis center; and a group child care facility. She noted Chairman Abruzzo was on his way and turned the hearing over to Solicitor Nelson.

Solicitor Nelson stated the hearing was open. He noted that there would be no testimonies or evidence presented tonight. He spoke about how conditional use hearings are held differently than regular meetings, and how the Board acts like judges. He stated there were three ways to participate in the hearing. First is to attend and listen to the hearing. Second is to participate in public comment after the applicant has presented their case. Last would be to have party status. He explained in detail that party status allowed them to ask questions of the witnesses, present their own testimony, present the evidence, and appeal the decision of the Board to the courts if needed. He asked if anyone would like to have party status. The following requested party status:

1. Jonathan Crist, Attorney, requested party status for his client Mary Beth Backenstose. He stated her address is 218 West Governor and is across from the development. He believes her property will be impacted the most. Mr. James Strong, attorney for the applicant, stated he does not have any objections and thinks it will be best to see who all the parties are before questioning or objecting which can wait until the next hearing.
2. Mr. Michael Miller, 441 Elm Avenue, lives two blocks away and noted there are several residents here who will be impacted by the traffic. Solicitor Nelson asked if he received written notification of this meeting from the applicant or the Township. Mr. Miller said not to his knowledge. Mr. James Strong wants to wait and reserve objections until the next hearing. Solicitor Nelson stated the Board would make a ruling on his request at the next hearing.

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3. Ms. Annette Means owns 721, 725, and 739 Fishburn Road properties. She has not seen the plan and is not sure how it will affect her property. During this conversation, Chairman Abruzzo arrived. Solicitor Nelson stated they would make a ruling at the next hearing.
4. Mr. Ronald Blumberg, 637 Fishburn Road, owns a business at this property. He wants this done the right way and spoke of people using his business to do U turns. Solicitor Nelson stated he would have an opportunity to speak at the next hearing. He asked if he received any written notification from the applicant or Township about this meeting. He answered no. Solicitor Nelson stated they would make a ruling at the next hearing.
5. Ms. Anne Newman, 533 Elm Avenue, wanted to be a party to this. Solicitor Nelson asked if she received any written notification from the applicant or Township about this meeting. She answered no.
6. Ms. Ellen Stoudt stated she is here on behalf of the resident who lives at 117 Governor Road. Solicitor Nelson asked if she was an attorney representing them. She said no that he could not be here. He stated the resident needs to be here and he will have another opportunity to attend a hearing.
7. Mr. Doug Ednie, 47 Peach Ave. owns the property at 716 Fishburn Road which he rents to his daughter. He has questions about the plan. Solicitor Nelson asked if he received any written notification from the applicant or Township about this meeting. He answered no. Solicitor Nelson stated they would make a ruling at the next hearing.
8. Ssree Baija, 709 Fishburn Road. Solicitor Nelson asked if he received any written notification from the applicant or Township about this meeting. He answered yes. Solicitor Nelson stated they would make a ruling at the next hearing.
9. Mr. Douglas Miller, who is a tenant and occupies 721, 725, and 739 Fishburn Road. Solicitor Nelson asked if he received any written notification from the applicant or Township about this meeting. He answered no. Solicitor Nelson stated they would make a ruling at the next hearing.

Mr. Crist said he does not think anyone was notified of this hearing from the Township. He does not believe the affected neighbors were notified as they are required. He noted most of the residents he has spoken to have not received official notice from the Township. He spoke of the 600 foot notification requirement for zoning.

Solicitor Nelson asked the following documents to be put into the record for this hearing:

1. Board Exhibit (B) 1=Three page conditional use application signed March 2, 2022
2. B2=Letter from Mr. Strong to the Board of Supervisors (BOS) dated June 7, 2022
3. B3=Letter from Mr. Strong to the BOS dated June 30, 2022
4. B4=Letter from Mr. Strong to the BOS dated July 15, 2022
5. B5=Letter from Mr. Strong to the BOS dated September 9, 2022
6. B6=HRG Review Letter of the Master Plan Conditional Use July 2, 2022
7. B7=HRG Transportation Impact Study letter dated August 22, 2022
8. B8=Letter from Jenelle Stumpf to Lowell Gates & Steven Linchuck dated July 25, 2022 regarding the Planning Commission Review.
9. B9=March 29, 2022 Memo from Thomas Clark regarding the Shade Tree Commission Review
10. B10=Dauphin County Review Subdivision/Land Development Review Report for Master Plan for Governor Crossing dated June 21, 2022
11. B11=Affidavit for proof of advertising issued by the Sun
12. B12=List of abutting properties & notice and proof of mailing concerning these properties

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13. B13=Proof of posting of the property consisting of six pages

He turned the hearing over to Mr. Strong for any comments. Mr. Strong, attorney for applicant, stated they learned today that there was a snafu with the public notice (advertising) in the public paper. The Township code requires that public notice of the hearing that the notice be published once a week for two consecutive weeks up to the hearing. It was determined that the public notice did not contain all the properties that are actually part of the project. This is a critical issue and we would like to continue this hearing and work with the Township to update the public notice to include all the properties. This would also include a property that has gone under agreement since the application was filed.

Solicitor Nelson asked that this hearing go off the record so the Board can consider this request and get new dates for the public hearing. If granted, the Township will work to ensure the proper notice is completed and advertised. He said they are legally required to describe the plan and the properties that are part of the application, so they will need to advertise it properly. He stated they are going to work out a date for the next hearing. The meeting went off the record while the Board, Mr. Emerick, and Mr. Strong discussed the advertising and potential days for the next hearing.

Solicitor Nelson went back on the record to state they have set two hearing dates, October 24 and October 26. He asked Mr. Strong if those dates are good for him. He stated they are good provided an extension letter be done. Solicitor Nelson asked if they would grant an extension until October 31. Mr. Strong said yes and agreed. He noted that both hearings will be held at 6 p.m. Solicitor Nelson stated that exhibit 12 is a list of properties that received notice. He stated unlike zoning notifications of 500 feet, the requirement for this application is abutting properties. He stated they would be doing another mailing and would ensure all the required property owners are notified.

Chairman Abruzzo asked that these dates go out to the weekly eNews from the Township. He thanked everyone for coming out to the hearing and how important their feedback is to the Board. He stated they normally put a time limit on people's comments. He asked the public to think about the points to be able to express them in 3-4 minutes. He stated they want to be transparent and want to hear from the community. Chairman Abruzzo stated there would be two hearings to ensure everyone has a chance to speak. Solicitor Nelson stated they may want to limit the first meeting to four hours.

Vice Chairwoman Nutt asked if someone could not make either meeting, can a resident submit a written testimony or comments for the hearing. Solicitor Nelson stated they could. Mr. Miller asked when they would be notified if they would be permitted about being a party. Solicitor Nelson stated it would be at the next hearing and must be done in a public setting. He recommended Mr. Miller come to the meeting and come prepared to ask questions.

ADJOURNMENT:

Chairman Abruzzo closed the hearing at 6:56 p.m. until October 24, 2022 at 6:00 p.m.

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary

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PLEASE SIGN IN

Derry Township Board of Supervisors Public Hearing
September 21, 2022, 6:00 p.m.
Conditional Use Application No. 2022-06 for Governor Crossing

<u>Name</u>	<u>Address or Company</u>
Anne Newman	533 Elm Ave Hershey
Steven Lee	530 Maple Ave Hershey
David Brewin	105 Almond Dr Hershey
M. B. Bunkerrose	218 W. Governor Rd. Hershey
Janet Ruschel	28 Peach Ave Hershey
James Stray	Mamas Waller : Dunkle
Shree P. Paise	Khana Indian Bistro
Douglas Miller	SEEDLINGS ACADEMY
Beverly Kertright	130 W Gov Rd
Janice Kertright	130 W Gov Rd
Kelly O'Neill	9121 Chambers Hill Rd, HARRISBURG
DENNIS & TAMMY LEWIS	80 LEEAR DEN RD
Scott Martin	seedling Academy

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*Derry Township Board of Supervisors Public Hearing
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Conditional Use Application No. 2022-06 for Governor Crossing*

Name

Address or Company

Douglas Ednie

47 Beach Ave. Hershey

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<u>Name</u>	<u>Address or Company</u>
<u>Olivia Lewis</u>	<u>The Sun Newspaper</u>
<u>Larry + Sue Demers</u>	<u>1175 Stonegate Rd</u>
<u>Sue + Ken Gordon</u>	<u>11 Edge Hill</u>
<u>Brandon Groff</u>	<u>408 Elm Ave</u>
<u>David Runyon</u>	<u>34 Forest Ave.</u>
<u>Kathy Cantore</u>	<u>420 Elm Ave</u>
<u>Christine Stickler</u>	<u>43 Locust Ave.</u>
<u>Math B. Jones</u>	<u>110 Peach Ave</u>
<u>Ellen Stoute</u>	<u>2146 Southpoint Dr.</u>
<u>Jeannie Kollar-Harvey</u>	<u>Sunnyside Rd,</u>
<u>Jann Miller</u>	<u>329 Cocon Ave</u>
<u>Mike Moravetz</u>	<u>111 Forest Ave.</u>
<u>Matt Caples</u>	<u>425 Elm Ave.</u>

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<u>Name</u>	<u>Address or Company</u>
<u>Jonathan M. Clout</u>	<u>Represented by May Belle Bachman</u>
<u>Geoffrey Clout</u>	<u>319R Beech AVE Hershey</u>
<u>Angela Bannic</u>	<u>371 Elm Ave Hershey</u>
<u>Sharon + Michael Miller</u>	<u>441 ELM AVE Hershey</u>
<u>Richard Cook</u>	<u>1540 Brookline Dr</u>
<u>Emily Cook</u>	<u>1540 Brookline Dr</u>
<u>Kathryn Byrnes</u>	<u>20 W Governor Rd</u>
<u>Ronald Blumberg</u>	<u>637 FISHBURN RD</u>
<u>Rich Gamble</u>	<u>39 Hookersville Rd.</u>
<u>PHIL JURUS</u>	<u>58 LOCUST AVE</u>
<u>JUE KELLNER</u>	<u>58 LOCUST AVE</u>
<u>Jim Gould</u>	
<u>Annette Means</u>	<u>34 Shetland Dr.</u>