

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

CALL TO ORDER

Chairman Abruzzo called the November 21, 2022 Public Hearing of the Township of Derry Board of Supervisors to order at 6:05 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
Michael P. Corado

ALSO PRESENT:

Peter Nelson, Township Solicitor
Chuck Emerick Director of Community Development
Eric Stump, HRG Engineer
Nancy Baker, Stenographer
Julie Echterling, Recording Secretary

PUBLIC IN ATTENDANCE:

See attached pages.

INTRODUCTION:

Chairman Abruzzo stated this is the reconvened public hearing regarding Conditional Use Application No. 2022-06 (Plat 1359), as filed by equitable owner Linlo Governor Crossing, LLC and Sheetz, Inc., regarding a Master Plan Development. He noted they would continue to have hearings until all the testimony has been received. He asked those with party status, to stand if they had an objection.

Solicitor Nelson submitted the following exhibits into the record:

18. Board Exhibit #18-Mr. Crist's Motion
19. Board Exhibit #19 – A 11-20-22 letter from the Cocoa Townes Association received by the Board.

He noted the letter would be forwarded to the attorneys electronically. He then asked Supervisor Zmuda a series of questions to see if he can listen to the evidence and make an unbiased decision, as he had done with the other four Supervisors at the last hearing. He asked the following questions:

- Do you have any personal financial interest in this project? Supervisor Zmuda answered no.
- Have you ever publicly expressed a predisposition against or for this matter? Supervisor Zmuda answered no.
- Have you ever participated as an advocate for or against this project? Supervisor Zmuda answered no.
- Can you listen to the evidence presented and decide on this issue in an unbiased manner applying the law as instructed? Supervisor Zmuda answered yes.
- Have you read the transcript from the last hearing? Supervisor Zmuda answered yes.

He said there is a court stenographer here and asked that the witness be allowed to speak without being interrupted or spoken over. He stated there would be public comment time once all the testimony is over.

He stated Mr. Lowell Gates is on the stand and the Township had finished their questions. Attorney Jonathan Crist, attorney for Mary Beth Backenstose, asked Mr. Gates questions.

Attorney Getz went next and asked Mr. Gates questions. He provided exhibit FSC#1 concept improvement plan of the Greater Hershey Transportation Study of June 2020.

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Attorney Greenberg, Ward Greenberg out of Philadelphia, asked Mr. Gates questions.

Attorney Mark Winters stated he is representing himself as a resident and Mr. Blumberg of Ron's Barber Shop. He asked Mr. Gates questions. He provided exhibit W1 Original Meeting Minutes dated 10/22/21 Governor Crossing with PennDOT. He provided exhibit W2 Revised Meeting Minutes dated 10/21/2021-revised October 28, 2021 Governor Crossing with PennDOT.

RECESS:

The public hearing recessed for a break at 7:31p.m.

RECONVENMENT:

Chairman Abruzzo reconvened the hearing at 7:40 p.m. Solicitor Nelson reminded those with party status, that may ask questions of Mr. Gates. They will have time to testify at a later date.

Mr. Michael Miller asked Mr. Gates questions.

Ms. Annette Means, A to Z Realty, asked Mr. Gates questions.

Ms. Anne Newman, 533 Elm Avenue, asked Mr. Gates questions.

Mr. Douglas Miller, 721 Fishburn Road, asked Mr. Gates questions.

Mr. Robert Smith, 101 Almond Drive, asked Mr. Gates questions.

Attorney Greenburg asked Mr. Gates additional questions.

Mr. Doug Miller asked Mr. Gates additional questions.

The Board asked a few questions and presented concerns about traffic flow.

Several parties asked and discussed the October 19 letter from PennDOT. Attorney Strong will provide the letter to Solicitor Nelson for distribution.

Solicitor Nelson stated this was a good breaking point. He stated testimony was over for tonight with the next hearing scheduled for November 29 at 6 p.m.

ADJOURNMENT:

Chairman Abruzzo adjourned the hearing at 8:51 p.m. until November 29 at 6:00 p.m.

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary

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PLEASE SIGN IN

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

<u>Name</u>	<u>Address or Company</u>
<u>Annetta Meaus</u>	<u>Seedlings/A to Z</u>
<u>Ed Greenberg</u>	<u>Ward Greenberg for KindCare</u>
<u>Shun Wukin</u>	<u>194 W. Governor Rd.</u>
<u>Aime Korman</u>	<u>533 Elm Ave</u>
<u>Dave Getz</u>	<u>Wix Wenger & Weber</u>
<u>Doug Miller</u>	<u>SEEDLINGS ACADEMY</u>
<u>James Barnhart</u>	<u>274 Crescent Pr.</u>
<u>M.B. Brakenstose.</u>	<u>218 W. Governor Rd.</u>
<u>Dave Fack</u>	<u>767 Zurich</u>
<u>Ronald Blumberg</u>	<u>637 FISHBURN RD</u>
<u>Mel Blumberg</u>	<u>357 Lamp Post Ln</u>
<u>Eric Kozak</u>	<u>918 Hill Church Rd</u>
<u>MARK WINTER</u>	<u>JSDC LAW OFFICES</u>

