

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
DECEMBER 12, 2022 6:00 PM

CALL TO ORDER

Chairman Abruzzo called the December 12, 2022 Public Hearing of the Township of Derry Board of Supervisors to order at 6:07 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. Mr. Emerick noted that all the Board members were present.

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
Becky Sweigart, Public Outreach Coordinator
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 asked that everyone identify themselves when they speak at the podium. He thanked everyone for coming tonight.

Solicitor Nelson spoke about the requirement of hearings being held within a certain timeframe and having to ask for waivers at each time period. He asked if the parties were willing to waive the requirement in 908.1.2 regarding the timing of the hearings. He asked each party present and each one agreed. The following parties agreed to the waiver: Applicant (Attorney Strong), Township (Attorney MacNair), Attorneys Crist, Getz, Greenberg and Winters, Mr. Mike Miller, Ms. Means, Ms. Newman, Mr. Doug Miller, and Mr. Smith.

Mr. Thomas Stang, 76 Almond Drive, requested party status. Attorney Strong asked why he was requesting so late. Mr. Stang stated he did not know the impact and found out through his association. Attorney Strong had no objections but asked that parties streamline their questioning on cross examination. Solicitor Nelson asked the Board if they approved his party status request and all the members of the Board agreed.

Mr. Kerry & Madelyn Twyman, 117 Almond Drive, requested party status as their back yard is an alley at Fishburn Road. Attorney Strong had no objection.

Solicitor Nelson asked Mr. Stang and Mr. & Mrs. Twyman if they would agree to waive the time period with the hearings and they all stated yes.

Mr. Michael Miller asked Mr. Greg Rogalski, Pennoni Associates, questions.

Ms. Annette Means asked Mr. Rogalski questions.

Ms. Ann Newman asked Mr. Rogalski questions.

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Mr. Bob Smith asked if the letter from their association was entered and Solicitor Nelson stated it was. Mr. Smith asked Mr. Rogalski questions.

Mr. Stang and Mr. & Mrs. Twyman had no questions for Mr. Rogalski.

Vice Chairwoman Nutt, Solicitor Nelson and Chairman Abruzzo asked Mr. Rogalski questions. Attorney Strong had no redirect for Mr. Rogalski.

Attorney Strong called Mr. Gregory Creasy, Grove Miller Engineering, Inc, as the next applicant witness. Mr. Creasey is the traffic engineer for the project.

Applicant Exhibit #18 was entered as the resume of Mr. Creasy. After Attorney Strong asked his questions, he offered Mr. Creasey as an expert witness in traffic planning and studies. All the parties were asked if they had objections. All the parties present at the meeting had no objections to Mr. Creasy being an expert witness. Solicitor Nelson asked the Board and they also agreed.

Attorney Strong asked Mr. Creasy questions. During his questions, Attorney Ed Greenberg objected to the leading questions and Solicitor Nelson asked Attorney Strong to ask a question instead of leading the witness. Attorney Strong noted that the MPC formal evidence rules do not apply. Attorney Greenberg noted that his objections are that he is not asking him questions but rather making statements. Solicitor Nelson asked if Attorney Greenberg wanted a continued objection and Attorney Greenberg stated yes.

Mr. Doug Miller had an objection. He asked why Mr. Creasy was discussing Hope Drive if it is not part of the plan. Solicitor Nelson overruled his objection because this has been discussed prior. Hope Drive is not part of their plan.

Attorney Strong continued to question Mr. Creasy about traffic. He noted A29 is the revised updated final version of the traffic study of September 2022. He referenced A28, which is the PennDOT approval letter.

RECESS:

The public hearing recessed for a break at 7:35 p.m.

RECONVENEMENT:

Chairman Abruzzo reconvened the hearing at 7:47pm.

Attorney Strong continued to ask Mr. Creasy questions.

Township Attorney MacNair asked questions of Mr. Creasy. During his questioning of the Traffic Study, Attorney Strong objected to some of the deep questions about the traffic study. He stated the study was reviewed by the Township's Traffic Engineer and approved by PennDOT. Solicitor Nelson denied his objection and stated it is relevant to be questioned even though PennDOT approved it. He noted it is looked at for different reasons. He noted that part of PennDOT's approval process is the Township's approval. Attorney MacNair continued to ask questions of Mr. Creasy.

Solicitor Nelson noted the time and stated they would need to stop and determine additional hearing dates. Attorney MacNair had not completed his questioning of Mr. Creasy. Solicitor Nelson will send out dates for

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additional hearings in February to the attorneys and parties (pending receiving their email). He noted parties can raise objections to dates, and they will try, but cannot guarantee a date.

ADJOURNMENT:

Solicitor Nelson adjourned the hearing at 8:54 p.m. until January 31 at 6:00 p.m.

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary

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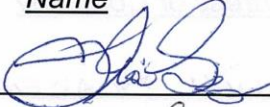
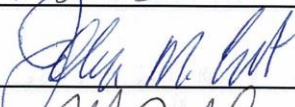
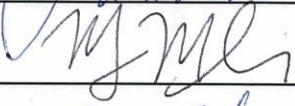

Derry Township Board of Supervisors Reconvened Public Hearing
December 12, 2022, 6:00 p.m.
Conditional Use Application No. 2022-06 for Governor Crossing

<u>Name</u>	<u>Address or Company</u>
<u>Doug Miller</u>	<u>SEEDLINGS ACADEMY</u>
<u>Anne Newman</u>	<u>533 Elm Ave</u>
<u>Steven Lee</u>	<u>530 Maple Ave</u>
<u>J Dave Getz</u>	
<u>Ed Greenberg</u>	<u>Ward Greenberg Philadelphia</u>
<u>Ron Blumberg</u>	<u>637 First Burn RD Hershey</u>
<u>MARK WINTER</u>	<u>JSAC LAW OFFICES</u>
<u>James DeAngelis</u>	<u>564 Beech Ave.</u>
<u>Stephanie Detmors</u>	<u>16 Almonds</u>
<u>LARI KARKAWAY</u>	<u>11 Almond</u>
<u>Annette Meaus/Scott Manto</u>	<u>A to Z Realty</u>
<u>M.B. Bynkers</u>	<u>218 W. Gov. Rd.</u>
<u>David Hopman, Jr.</u>	<u>G. N. Mearns</u>

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<u>Name</u>	<u>Address or Company</u>
	The Sign
Robert Smith	101 ALMOND
	MRS
	441 ELM
Tom Stang	76 Almond Ave
	28 Rock Pine
Madelyn Geyman	117 Almond