

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
MARCH 28, 2023

CALL TO ORDER

Chairman Abruzzo called the March 28, 2023 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:04 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded to provide accurate minutes. After the pledge of Allegiance, a role call was performed. The Board met in executive session to discuss legal and land issues.

IN ATTENDANCE:

SUPERVISORS

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

ALSO PRESENT:

Christopher Christman, Township Manager
Patrick Armstrong, Township Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Lt. Robert Demmel, Police Department
David Sassaman, Hershey Volunteer Fire Company
Alison Jacobine, Director of Hershey Public Library
Zach Jackson, Director of Parks & Recreation
Eric Stumpf, HRG Engineer
Becky Sweigart, Public Outreach Coordinator
Julie Echterling, Recording Secretary

Public in Attendance:

Ken Gall, Zac Sivertsen, Craig Smith, Bill Rehkop, Mike Callahan, Susan Fotos, Lori & Bruno Bellucci

VISITOR/PUBLIC COMMENTS:

Mrs. Laura Bellucci, 354 Chocolate Ave., thanked the Board for the traffic study and the letter they received about the study. They agree with some of the study and would like an opportunity to discuss the letter. She spoke about the pedestrian crossing and some of the merging issues with traffic. Chairman Abruzzo asked Mr. Christman to follow-up with them and to include Mr. Stumpf.

Ms. Susan Fotos, 3 Spring Creek Lane, received the letter and spoke to the Board about the speeding that continues in their neighborhood. Some drivers are going 65 mph and some cars pass each other. She believes something needs to be done before something happens. She spoke about traffic and left turns at Mansion Road. Chairman Abruzzo asked the Police about a detail in the area. He spoke about several areas in the Township where enforcement is needed. He noted they have been adding officers and hope to have the ability to add more specifically for traffic and speeding.

CONSENT CALENDAR:

Supervisor Wyckoff made a motion to approve action on the following items on the consent calendar:

1. Adoption of the Board of Supervisors Meeting Minutes for the March 14, 2023 Regular meeting and March 21, 2023 6 p.m. Public Hearing Minutes.
2. Authorize the release of \$76,662 from the performance security provided as Truist Bank Letter of Credit No. 9600073904-00002 for the Preliminary/Final Lot Add-On and Land Development Plan for Goddard School of Hershey Expansion, Plat 1318, resulting in a new balance of \$67,435.

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3. Authorize the release of \$5,850 from the cash financial security provided for the Stormwater Management Site Plan for 50 Laurel Ridge Road, S-2021-017, resulting in a new balance of \$2,190.
4. Approve the March 28, 2023 Accounts Payable of \$177,065.86 and March 17, 2023 Payroll of \$315,173.93.

Supervisor Corado seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

DTMA UPDATE:

Mr. Rehkop provided a quarterly update to the Board. He spoke of the following items:

- Organization Updates:
 - Appointment of new Board members: Kelly Heffner-Means, Bob Cerminara
 - DC Gaming Grant Local Share Award – Debt Service for Spring Creek Interceptor Upgrade & Ridge Road Drainage Improvement Projects
 - Stormwater Program Manager position
- Wastewater Project Updates / Capital Improvement Planning:
 - Energy Enhancements – Start-up and commissioning
 - Biosolids dryer and gasification project
 - High Meadow Pump Station Upgrade
- Stormwater Program Update:
 - Bullfrog Valley Stream and Deer Run Stream Restorations
 - Forest Avenue Basin Retrofit o Oakmont Stormwater Swale and Basin Project
 - Shank Park Entrance Culvert Replacement
 - Ridge Road Drainage Improvement Project

In addition, he spoke about the upcoming Stormwater ordinance for the Solicitor and Board to review. He spoke about the Dauphin County Program where 20 municipalities are working together and how they are looking to be a stakeholder in this program. Chairman Abruzzo asked about the EPA's concern with fire foam. Mr. Rehkop spoke about the chemical and the sampling. Mr. Rehkop spoke of a June community open house that will be taking place.

PLAN FOR HERSHEY SQUARE PROPOSED OUTPARCEL DEVELOPMENT, PLAT 1353:

Mr. Emerick stated the Board, in December 2022, granted conditional approval for Plat 1353, but deferred action on the final plan due to concerns about traffic. During that meeting, the applicant's requested waiver to provide a fee in lieu of a traffic study was denied. The Applicant has since completed a traffic study which has been reviewed by HRG. The Applicant is seeking the Board's direction regarding timing for PennDOT permits and associated intersection improvements as related to Final Plan approval and site construction.

Mr. Stumpf spoke about the study and the proposed additional left lane turn onto Hersheypark Drive and the split phased light needed for the intersection. He noted the Applicant controls the right of way. The Applicant needs an HOP for the proposed traffic improvements and a Signal Permit. He stated PennDOT has not seen the proposed traffic study. He spoke about the cueing issues with Mae Drive and how the through lane will backup past the driveway. The sidewalks were officially waived on Hersheypark Drive and stated there would be pedestrian traffic and concerns.

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The applicant's attorney, Charles Sur of Stevens & Lee, spoke about Hershey Square being sold and how the current owner is obligated to complete the proposed improvements. He was here tonight to see how they can move forward. He provided a history of this plan going back to March 2022 where a traffic study was not required. He spoke about the steps to get this project completed including engineering, PennDOT, Township approval, and construction for the tenants they have lined up for this development. He spoke of a timeline that would include potential approval of the plan in May. They would like to submit their HOP to PennDOT in April with the anticipated comments from PennDOT in July. He noted once those comments are received, they will need to see what PennDOT proposes and what is the Developer's or Township's responsibility. Mr. Medeira, Hershey Square, spoke of the good relationship they have had with the Township and how they have sold the property and want to ensure they leave on a good note.

Chairman Abruzzo spoke about the concerns with traffic and Starbucks. He spoke of the backlog of trying to make a right on Hersheypark Drive out of the driveway and having three lanes of traffic to cross to get into the right lane. Attorney Sur noted that PennDOT could come back and kill the project. He stated there would be an Aspen Dental and a European Wax as additional tenants. Vice Chairwoman Nutt asked if any changes are being made to the plaza traffic flow.

Mr. Greg Creasy, Grove Miller, spoke about the signage plans including do not block intersections and additional stop signs. He stated they will work with Mr. Stumpf on the improvements. He spoke about making the right lane longer onto Hersheypark Drive. Chairman Abruzzo raised concerns for public safety with the line of cars and spoke of the traffic issues with the Starbucks at the outlets. Extensive discussion ensued.

Solicitor Armstrong spoke of the timeline needed for the project including a June 30 deadline the applicant has for a final plan for their potential tenants. He spoke about the steps to get the HOP and plans submitted and approved, with the understanding that going to occupancy will require substantial improvements to be completed. He spoke of the plan possibly being on the agenda for the second meeting in April.

ZONING ORDINANCE TEXT AMENDMENT-DWELLING FOR EMPLOYEES & STUDENTS:

Mr. Emerick asked for the Board's direction for a proposed Zoning Ordinance text amendment as requested by the Milton Hershey School, the Hershey Trust Company, and HE&R. The text amendment would allow dwelling for employees and students in the downtown core 9.1 overlay of the Hershey mixed-use zoning district. Dwelling for these students and employees are presently permitted under the Plan Campus South and the Medical Campus Central Zoning. He discussed the following changes:

1. The use would only be permitted as a Conditional Use in the 9.1 Overlay district in the Hershey Mixed Use zoning district. This would limit the use to the more intensely developed areas of the Hershey Mixed Use zoning district.
2. The minimum lot area for Dwellings for Employees and Students must be 3 acres. This limits the number of properties within the 9.1 Overlay that could be developed for this use.
3. The dwelling units would allow for no more than 2 occupants per bedroom.
4. Building height is limited to 65 feet. By comparison, the Hershey Plaza apartment building is 89 feet, 7 inches high, according to the Final Site Plan, Plat 140. Also, the Hershey Community Center is approximately 90 feet tall.
5. The Board of Supervisors is given the discretion to allow up to 25 percent of the units to be developed without kitchens to accommodate short stays.

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6. All units would be subject to the Subdivision and Land Development Ordinance's regulations regarding park, recreation, and open space dedication or fee in lieu thereof.
7. Occupancy of the units is restricted to existing and prospective students, employees, and their family members, and alumni under the age of 26.
8. A recorded declaration is required, restricting occupancy as noted in Item '7', above. The declaration will require written notice to the Board of Supervisors of any change in ownership of the facility.
9. The use must have a pedestrian sidewalk network, shuttle service, bike share, and/or mass transit service available to it. It is also required that the design of the facility shall be done in a manner to promote such use.
10. When the building is within 25 feet of Chocolate Avenue, it must provide a minimum of 25 percent of the ground floor area as space to engage the general public. There is an allowance for the Board of Supervisors to require up to 50% of commercial space, if deemed beneficial to the Township.
11. Buildings further than 25 feet from Chocolate Avenue are also required to contain some non-residential space, at the discretion of the Board of Supervisors. The minimum amount of non-residential space is based on a sliding scale determined by the number of units proposed for building.
12. Parking at a ratio of one space per unit, in addition to parking required for nonresidential uses, is required.
13. The building and site are subject to the requirements of the Downtown Core Design Standards.
14. The applicant must provide a cost-benefit analysis for the proposed development with the application.
15. A maximum development density of 49 units per net developable acre is permitted. This is the same density permitted for apartments and mixed-use buildings in the 9.1 Overlay.
16. Any building awning must be setback a minimum of five feet from the adjacent right-of-way.
17. Any modification to the Dwellings for Employees and Students use will require a new Conditional Use hearing/approval.

Attorney Zach Sivertsen, representing Benchmark Real Estate, spoke about a sliding scale request that would be based on the number of units. He noted the Board may consider 25% but they would like to use the sliding scale. Mr. Emerick spoke of conditional use and how the Board has discretion on this issue. Attorney Sivertsen gave an example of 50 units having 400 square feet of commercial space all the way up to 2,000 square feet for over 200 residential units. Chairman Abruzzo spoke of the goal of the text amendment and not wanting to have apartment buildings on Chocolate Avenue. Discussion ensued.

The Board was okay with the proposed changes going to the Planning Commissions and asked Solicitor Armstrong and Mr. Emerick to work toward that goal.

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Vice Chairwoman Nutt and Supervisor Zmuda attended the Transportation meeting. She stated they discussed the summer concert schedule, DTMA projects, grant awards, updates on projects, new grant options and sidewalks. Chairman Abruzzo spoke about grant funding and Representative Mehaffie attending the next meeting. He spoke about the upcoming changes to the zoning ordinance with growth and master planning. He would like to see this come forward sooner versus later.

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REPORTS:

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| <u>Public Works:</u> | Mr. Clark stated their focus is on landscaping and getting the parks in shape. They are preparing to pave in the spring. Chairman Abruzzo asked for the list of projects so that the public can be made aware. |
| <u>Library</u> | Mrs. Jacobine stated the library will be closed on April 8. |
| <u>Recreation:</u> | Mr. Jackson spoke about the Easter Egg Hunt in Shank Park. He thanked the donors, volunteers who stuffed the eggs, and the Fire Company for the VIP transportation for the Easter bunny. |
| <u>Engineer:</u> | Mr. Stumpf spoke about \$1 million in grants (two \$500,000 grants) which do not require a match. He spoke of pedestrian improvements, 422 at Orchard and Mansion/Homestead, 2024-2025 construction, new funding from Dauphin County for transportation and infrastructure due in June, and lowering the curbing at Hockersville Rd. Supervisor Zmuda and Chairman Abruzzo asked if he could provide a list of all the improvements that have been made recently to show the public. This can be shared online for residents to see. |
| <u>Community Development</u> | Mr. Emerick stated he is working on the Stormwater ordinance which will go to Solicitor Armstrong to review. |
| <u>Manager:</u> | Mr. Christman spoke of the reopening of Waltonville Road depending upon the construction being completed in July. He spoke of the smooth transition with the tax office and will provide a financial update once the first quarter is over. He spoke of Bill 459 allowing radar for municipality police departments and a chance it may move forward, which would greatly help the Township. |

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 9:22 p.m. Supervisor Corado seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary