



TOWNSHIP OF DERRY

Board of Supervisors Public Hearing Minutes
Wednesday, June 21, 2023

CALL TO ORDER

Chairman Abruzzo called the June 21, 2023 Public Hearing of the Township of Derry Board of Supervisors to order at 6:06 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 for providing accurate notes.

ROLL CALL

SUPERVISORS PRESENT:

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

ALSO PRESENT:

Christopher S. Christman, Township Manager
Chuck Emerick, Director of Community Development
Julie Echterling, Recording Secretary
Becky Sweigart, Public Outreach Coordinator
Eric Stump, HRG Engineer
Peter Nelson, Township Solicitor
Scott MacNair, Township Solicitor - Special Counsel

Public in Attendance:

Mrs. Nancy Baker, Stenographer. See attached list of attendances.

[6-21-23 Sign in sheet 20230622](#)

[6-21-23 Sign in sheet 20230622\(1\)](#)

NEW BUSINESS

Reconvened 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 land generally located in the southwestern quadrant of the intersection of West Governor Road and Fishburn Road.

Chairman Abruzzo opened the hearing. He turned the meeting over to Solicitor Nelson. Solicitor Nelson asked Attorney Jamie Strong about the two exhibits from the Seedling Academy, Exhibits SA1 and SA 2. Attorney Strong had no objections to them being part of the record.

Township Special Counsel Attorney Scott MacNair asked Township Engineer Mr. Eric Stump questions.

Attorney Strong asked Mr. Stump questions on redirect.

Attorneys Crist, Getz and Greenberg had no questions for Mr. Stump on redirect.

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Attorney Winter asked Mr. Stump questions on redirect. Attorney Jamie Strong objected when Mr. Stump was asked who owns the alley. Solicitor Nelson agreed with his objection.

Ms. Annette Means asked Mr. Stump questions on redirect.

Mr. Doug Miller asked Mr. Stump questions on redirect.

Ms. Anne Newman and Mr. Matt Hitchcock had no questions on redirect.

Supervisor Zmuda, Chairman Abruzzo, and Solicitor Nelson asked Mr. Stump questions on redirect. After this line of questioning, Attorney MacNair rested, and had no other witnesses. He did confirm that he provided exhibits T1-T7 of which there were no objections.

Solicitor Nelson asked Attorney Crist to proceed, at which time, he gave his time to Attorney Greenberg who had a witness who traveled to the hearing tonight to testify.

Attorney Greenberg, representing Kindercare, had Ms. Lori Neff, Kindercare sworn in by Stenographer Baker. He asked her questions about the Hershey Kindercare location. When he asked her what the parents' reaction to the plan that included a road through part of the Kindercare property, Attorney Strong objected. Attorney Strong stated since there is no road to go through their center on the plan and it is not relevant, it would be hearsay. Attorney Greenberg stated the applicant has provided a map showing the road through the center and said it is not hearsay to the fact people have acted. Solicitor Nelson overruled the objection and stated the road is not on the applicant's plan and that hearsay does not apply to zoning. The Board will weigh the evidence.

Attorney Strong asked Ms. Neff questions. No other party or attorney had questions for her.

Attorney Greenberg asked to call Mr. Gates, at which time, Attorney Strong objected stating he testified for six hours for two meetings and the attorneys had time to ask questions then. Attorney Greenberg noted the hours of additional testimony by others and exhibits and would like to ask questions. Solicitor Nelson overruled the objection but asked Attorney Greenberg to limit his questions to matters since Mr. Gates testified. Stenographer Baker swore in Mr. Gates. Attorney Greenberg asked Mr. Gates questions about his prior testimony. Attorney Strong objected. Solicitor Nelson asked Attorney Greenberg to move past his prior testimony. During the questioning, Attorney Strong objected to questions about the cost of the project, which were already asked. Solicitor Nelson overruled the objection and asked him to tie in his questions. When Attorney Greenberg asked Mr. Gates about building fewer buildings, after lease questions, Attorney Strong objected to these questions. Solicitor Nelson overruled the objection and stated the Board would recognize Attorney Strong's objections.

Attorney Greenberg asked Mr. Gates to go through the economic analysis and Attorney Strong objected. Solicitor Nelson agreed. Attorney Greenberg rested and stated all his exhibits had already been recorded as part of the record.

Attorneys Strong, MacNair and Crist had no questions of Mr. Gates.

Attorney Dave Getz questioned Mr. Gates.

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Attorney Winter questioned Mr. Gates.

Ms. Annette Means questioned Mr. Gates.

Mr. Miller, Mrs. Newman, and Mr. Hitchcock had no questions of Mr. Gates. Mr. Gates was excused.

RECESS AND RECONVENEMENT OF HEARING:

The public hearing recessed for a break at 7:32 p.m. The hearing reconvened at 7:52 p.m.

Attorney Crist presented Ms. Mary Backenstose, 218 W. Governor Road, as his client. She was sworn in by Stenographer Baker. He asked her questions. He provided the following exhibits: Backenstose #8 as the historical status of her home, Backenstose #9 Fishburn Average Daily Car Calculations, and Backenstose #10 a booklet of pictures.

Attorney Strong asked Ms. Backenstose questions.

Attorney MacNair asked Ms. Backenstose questions.

The other parties and attorneys had no questions for Ms. Backenstose.

Chairman Abruzzo asked her questions.

Attorney Crist asked if he could testify and Attorney Strong objected. Solicitor Nelson agreed.

Attorney Getz provided SFC#3, which is a deed to show his client owns the business and the value. There were no objections to this exhibit becoming part of the record.

Attorney Crist asked that his exhibits provided tonight be part of the record. Attorney Strong questioned exhibit 8 because he was not sure they had testimony about it. Solicitor Nelson stated she did testify and overruled his objection. Attorney Strong objected to exhibit 9 and the numbers on this report. Solicitor Nelson overruled his objection and stated they came from the TIS and the Board will give weight to it. Attorney Strong was okay with A and B of Exhibit 10 which was reviewed during the questioning. However the other attachments were not discussed. Attorney Crist noted that the other pages in the exhibit were part of the pretrial motion for the conflict of interest. Solicitor Nelson allowed pages 1-15 (A and B) into the record.

Attorney Winters stated he will have his client at the next meeting and may testify himself also. Ms. Means will not be at the next meeting. Solicitor Nelson discussed with the parties and the Board about having another meeting so that everything can be wrapped up at the August hearing. Attorney Crist noted that he has several people who want to attend when the hearings are open to public to comment. Discussion ensued

Solicitor Nelson stated at the July 18th meeting, they will have testimony and have public comment time. There would an additional hearing on July 31 for testimony and public comments. He noted the August hearing would be for closing arguments. Attorney Winter asked about obtaining the

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transcripts. Solicitor Nelson stated that it is up to the Board to order them to be transcribed. There is an expense for the transcripts and he will talk to the Board. Attorney MacNair noted he would not be at the July 31 hearing.

ADJOURNMENT

Solicitor Nelson adjourned the public hearing at 9:13 p.m.

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary

PLEASE SIGN IN

Derry Township Board of Supervisors Reconvened Public Hearing
June 21, 2023, 6:00 p.m.

Conditional Use Application No. 2022-06 for Governor Crossing

<u>Name</u>	<u>Address or Company</u>
John Gardiner	137 Highland Rd Hershey
Jack Gardiner	137 Highland Rd. Hershey Pa
Anne Newman	531 Elm Ave Hershey
Dave Getz	FSC
LORI NEFF	KINDER CARE
A to Z Annette Meas	A to Z
Doug Miller	Seedlings Academy
John Mc Cast	Representing Mary Bell Bachelder
MARK WINTER	JSDC LAW
IAN PRESTON	KCI TECHNOLOGIES
Zach Krenzel	HRG
Ron Blumberg	637 FISHBURN RD
Mary Bell Bachelder	218 W. Governor Rd.

PLEASE SIGN IN

Derry Township Board of Supervisors Reconvened Public Hearing
June 21, 2023, 6:00 p.m.

Conditional Use Application No. 2022-06 for Governor Crossing

Name

Address or Company

Edward A. Greenberg

Ward Gueberg Philadelphia

Olivia Lewis

The Sun

David Hopmann

G N Management

Karen Ferguson

Colbee Vannatta

CC

Angelica Gibbs

CC

Matt Hitchcock

110 Peach Ave