



TOWNSHIP OF DERRY

Board of Supervisors Public Hearing Minutes Thursday, August 24, 2023

CALL TO ORDER

Chairman Abruzzo called the August 24, 2023 Public Hearing of the Township of Derry Board of Supervisors to order at 6:17 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. A roll call was conducted.

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
Eric Stump, HRG Engineer
Maria O'Donnell, Stenographer
Scott MacNair, Township Solicitor - Special Counsel
Peter Nelson, Township Solicitor

Public in Attendance:

See attached sign in sheets.

[Aug 24th 6pm sign in sheet-Gov Cross_20230901](#)

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 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.

Chairman Abruzzo opened the hearing noting that there will be time for public comment. You must be a resident of Derry Township and will be limited to three minutes. Solicitor Nelson explained how the hearing would take place. He stated they want to hear from the public and they can just say they support what someone else said and it will have the same impact. He noted that only residents could comment. This is allowed by the PA Sunshine Act. He noted the applicant and parties could cross examine or provide rebuttal.

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Attorney Jamie Strong, applicant's attorney, asked to present an exhibit of A-31 which was a Staff memo and wanted to ask Mr. Emerick a few questions. Mr. Emerick was sworn in by Stenographer O'Donnell and he answered Attorney Strong's questions. A-31 was a Staff review and comments of the Conditional Use Application.

Solicitor Nelson asked Township Special Counsel Attorney MacNair if he had any questions. He did not. Attorney Crist stated he has not seen the document and asked for a copy. He had no questions. Attorney Getz had no questions. Attorney Greenberg objected as he cannot provide a cross examination on something he has not seen. Attorney Winter and parties Miller, Means, Newman, Stang, and Hitchcock all agreed to Attorney Greenberg's objections. Solicitor Nelson asked Mr. Emerick questions about the document. Attorney Strong noted this is like other exhibits which are not provided prior to the hearing and was obtained by a Right to Know request. Attorney Greenberg asked that the Board keep the evidence portion open so they can cross examine the witness. Attorney Strong had copies and provided them to the parties. Solicitor Nelson stated he would hold open the motion of objection until after public comments.

Mr. Michael Miller, 441 Elm Avenue, provided public comments about the project.

Mrs. Christine Stickler, 43 Locust Avenue, provided public comments about the project.

Mr. Jim Cichelli, 131 Almond Drive, provided public comments about the project.

Mrs. Madelyn Twyman, 117 Almond Drive, provided public comments against the project.

Mr. Thomas Stang, 76 Almond Drive, provided public comments about the project.

Mr. Erin Gattens, 716 Fishburn Road, provided public comments about the project.

Solicitor Nelson realized the above residents were not sworn in and Stenographer O'Donnell swore them all in. Solicitor Nelson then asked if their public comments would change since they were sworn in and they answered no.

Ms. Heather Perry, 726 Fishburn Road, provided public comments about the project.

Mr. Frank Etchberger, 125 Almond Drive, provided comments about the project.

Ms. Linda Eng, 23 Almond Drive, provided comments about the project.

Mr. Greg Starr, 1603 Church Road, provided comments about the project.

Mr. Eric Williams, 40 Almond Drive, provided comments about the project.

Mr. Robert Wolff, 630 Appenzell, provided comments about the project.

Mr. Kevin Ferguson, 1338 Quail Hollow Road, provided comments about the project.

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Mr. Rich Barley, 29 Maple Avenue, provided comments about the project.

Ms. Serna DiMagno, 514 Hockersville Road, provided comments about the project.

RECESS and RECONVENMENT

The public hearing recessed at 7:32 p.m. and reconvened at 7:48 p.m.

Ms. Kristen Shaub, 92 JMR Circle, provided comments about the project.

Mr. Dennis Phillipy, 20 Maple Avenue, provided comments about the project.

Mr. Mike Davies, 1524 Church Road, provided comments about the project.

Mr. Greg Kadel, 133 Goodbar Court, provided comments about the project.

Ms. Joan May, 88 JMR Circle, provided comments about the project.

Mr. Rich Gamble, 39 Hockersville Road, provided comments about the project.

Mr. Robert Smith, 101 Almond Drive, provided comments about the project.

Chairman Abruzzo thanked all the residents for coming and speaking.

Solicitor Nelson asked if the parties had any questions about Exhibit A-31. Attorneys MacNair and Crist had no questions. Attorneys Getz, Greenberg and Winter asked questions of Mr. Emerick. Mr. Mark Miller had no questions. Mr. Doug Miller asked Mr. Emerick questions. Mrs. Means asked questions. Parties Newman, Smith, Stang, Twyman, and Hitchcock had no questions because they had not received a copy of the document. Solicitor Nelson asked Mr. Emerick questions. Attorney Strong asked Mr. Emerick questions on rebuttal. Solicitor Nelson asked all the parties if they had any other questions. They all answered no.

Solicitor Nelson stated he would not close the evidence. He spoke about the process and how all the transcripts are available. He stated he would like to give all the parties 30 days to prepare their document and provide 45 days for the review and deliberation for the Board once they are received. Based on this schedule, October 1 would be the deadline with the Board rendering a decision at their November 14 Board meeting and a written decision the next day. Attorney Strong noted he needed to consult with his client about this request. He asked the parties about this request. Attorney Crist and Attorney Winter objected and would like to have closing arguments and talk about the issue. Mr. Smith and Mr. Stang agreed with the objection. Solicitor Nelson spoke about the 15 hearings and asked for written arguments instead of oral arguments.

Attorney Crist spoke about obtaining a document from PennDOT regarding the HOP for the site. He noted there were two different numbers associated with the application. He spoke about the document and the possible easements with construction. Attorney Strong objected and spoke about the traffic impact study that was submitted and how the HOP received a different number. He noted the HOP is

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not part of the master plan and is irrelevant. Township Engineer Stump spoke about the process. Solicitor Nelson agreed and sustained the objection because the HOP is a separate process.

RECESS and RECONVENMENT

The Board of Supervisors recessed into executive session at 8:58 p.m. and reconvened at 9:09 p.m.

Solicitor Nelson discussed having another public hearing to allow arguments, closing remarks and conclusion of law. The parties who cannot be in attendance for the hearing, can submit their closing documents. After discussion, it was scheduled for September 26 at 5:30 p.m. He asked that their writings be submitted by October 1. He stated November 14 would be the vote on the application with a written decision being issued the next day.

Attorney Strong stated the Applicant agrees to an extension of 45 days for November 14. He asked where their closing arguments should be submitted and he stated an email to Solicitor Nelson. Solicitor Nelson stated the Board will accept A-31 and dismissed the objections of the parties. Attorney Strong asked that A1-A31 are part of the record and Solicitor Nelson stated they are admitted. Solicitor Nelson stated they have been admitted into the record.

Attorney Strong stated they agree on the dates and waiving the MPC time requirements. Solicitor Nelson asked the parties if they were in agreement with the schedule presented tonight. The parties agreed to the proposed schedule. Attorney Crist and Winter still objected to the inclusion of Exhibit A-31. Solicitor Nelson stated that he is closing the evidentiary portion of the hearing.

ADJOURNMENT

The hearing was continued at 9:24 p.m. until the September hearing.

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary

PLEASE SIGN IN

Derry Township Board of Supervisors Reconvened Public Hearing

August 24, 2023, 6:00 p.m.

Conditional Use Application No. 2022-06 for Governor Crossing

<u>Name</u>	<u>Address or Company</u>
Tim	1150 Stony Kn Rd
Brenda Berman	H-Town 1002 Peggy Drive
Sue Tellner	58 Locust Ave, Hershey
Phil Jervis	58 Locust Ave Hershey
Joan May	Cocoa Townes
Anita Fugate	"
Janese Barnes	"
Gregory J. Under	"
SERENA DIMAGNO	514 Hockers Vlt Rd.
John Fugate	137 Goodbar Ct
Jim & Laurie Berner	143 Goodbar Ct
PHIL JURUS	58 LOCUST AVE Hershey
Anne Newman	533 Elm Ave Hershey
Kate Toczok	349 Cedar Ave.

PLEASE SIGN IN

Derry Township Board of Supervisors Reconvened Public Hearing

August 24, 2023, 6:00 p.m.

Conditional Use Application No. 2022-06 for Governor Crossing

Name

Address or Company

Michael Miller

441 ELM AVE

Brenda Peters

107 Almond Dr.
COCOA TOWNES

Don + Cindy Stang

76 Almond Drive

JAMES CICHELLI

131 Almond Dr.

Colleen Kadel

826 Glen Road

Greg Kadel

133 Goodbar Court

Sue Myers

1248 Harding Ave.

Frank Achberger

125 Almond Drive

Linda Eng

23 Almond Drive

Dave Gett

Wt Wenger

Doug Myther

Seedlings Academy

Edward Greenberg

Ward Jewell Philadelphia

ERIC WILLIAMS

40 ALMOND DR HERSHEY

David Brewin

105 Almond Dr
Hershey

Audrey Brewer

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Name	Address / Company
Madelyn Twyman	117 Almond Dr
Cary Twyman	
Mary Hinkle	122 Almond Dr
James Hinkle	115 Almond Dr.
Rich Barley	20 MAPLE AVE.
MARK WINTER	29 Maple Ave.
Cary Twyman	JSDC LAW
Deb Haken	117 Almond Dr
Paul Haken	2105 Sand Hill Rd
MOIRA CULLEN	2105 Sand Hill Rd
Vicki Stever	675 HEIDEN COURT.
Jim Krah	128 Almond Dr.
STEPHANIE DEDONATS	108 Almond Dr.
LOU HARKIN	16 Almond Dr Hershe
Douglas Ednie	11 Almond Dr
Erin Gattens	47 Peach Ave. Hershe
Heather Perry	716 Fishburn Rd. Hershe
MATT HITCHCOCK	726 Fishburn Rd. Hershe
James M. Cunt	110 Peach Ave
BOB WHITE	2865 Church Road
STEPHEN W. SMITH	630 Appenzel Drive
Stephen R. Sexsmith	Cocoa Townes HOA
Judy Novise	35 Locust Ave
Ron Dumberger	35 Locust Ave.
Tracey Brown	637 Fishburn Rd
Lisa Kurcha	319 Park Ave.
	424E Main St. Hummelstown

NAME

ADDRESS

Bob Warr

421 Hilltop Rd

Francine + Kevin Walker

1166 Sand Hill Rd

M Emuric

1038 Hillview

April + JJ Sease

46 Union Crest Dr Annville, PA

Kashin + Bryan Shaw

92 SMP Circle Hershey, PA

Rich Gynble

39 Hockersville Rd

Juliet Waldron

1241 Coolidge Ave, PA

Joseph Penesi

341 Cedar Ave Hershey

Robert Smith

101 ALMOND DR. HERSHEY

Way Smith

101 ALMOND DR HERSHEY

Lindsey Drew

73 Caravel Circle Hershey

Bob Cravenor

Glenn Acres

Annette Means

A to Z Realty

Scott Marto

A to Z Realty

Christine Stickler

43 Loust Ave

Mary Beth Bailewicz

218 W. Gov. Rd

Vic Cini

218 W. Gov. Rd.

James A Carter

2092 Raleigh Rd

Charlotte E. Zimmerman

119 N. Roosevelt Ave.

Kerr Ferguson

1338 Oak Hollow Rd

Greg Starr

1603 Church Rd. Hershey

Rebecca Will

730 Zermatt Dr. H'town

Michael Drees

1524 Church Rd Hershey PA

Josephine Pritchard

81 Locust Ave Hershey