



## TOWNSHIP OF DERRY

Board of Supervisors Public Hearing Minutes  
Thursday, September 7, 2023

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### CALL TO ORDER

Chairman Abruzzo called the September 7, 2023, Public Hearing of the Township of Derry Board of Supervisors to order at 6:02 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:

Patrick Armstrong, Township Solicitor  
Chuck Emerick, Director of Community Development  
Julie Echterling, Recording Secretary  
Becky Sweigart, Public Outreach Coordinator  
Eric Stump, HRG Engineer

### Public in Attendance:

Ken Gall, Hershey Trust, Erin Mariano, Hershey Trust, Diane & Mike Leonard, 337 W. Chocolate Ave, Rich Gamble 39 Hockersville Road, Craig Mellott, TPD, Drake Lenker, TPD

### NEW BUSINESS

**Reconvened public hearing regarding Conditional Use Application No. 2023-01, as filed by Hershey Lumberyard, LLC (“Applicant”) for the property located at 267 and 339 West Chocolate Avenue, consisting of Dauphin County Parcel Nos. 24-014-018, 24-009-014, and 24-009-071, and owned by Hershey Trust Company, as Trustee of Milton Hershey School Trust. The Applicant is proposing a Dwellings for Employees and Students use on the above-referenced property.**

Chairman Abruzzo took care of the housekeeping items for the meeting and turned the meeting over to Solicitor Armstrong. Solicitor Armstrong stated this is the reconvened hearing for the Hershey Lumberyard and noted the applicant and Leonard party are here tonight.

Stenographer O'Donnell swore in Craig Mellott from Traffic Planning and Design, Inc. Attorney Sivertsen, applicant's attorney, provided the history of the hearings and those testifying prior to tonight's meeting. Tonight they would be providing testimony about traffic and then rest their case. He provided the Board with Exhibit A-5, which had tabs 8-11 in the document.

Attorney Sivertsen asked Mr. Mellott a series of questions about his education, work experience, and certifications which he answered and a resume was provided in Exhibit A-5. He offered Mr. Mellott as an expert witness. The Board and the Leonards' had no questions. He was accepted as an expert

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witness.

Attorney Sivertsen asked Mr. Mellott questions about the site and traffic for the proposed plans for the site. Mr. Mellott spoke about the development process, which can change during the land development process. Tab 9 of Exhibit A-5 provided a summary of the traffic study. Solicitor Armstrong was provided the full detail of the study, which was entered as exhibit A-5-A.

Mr. Mellott discussed the site, the scoping process, and TIS's role in the study. The traffic study was conducted in June 2023. He detailed the methodology used for this traffic study counts and noted that the proposed use is unique. He discussed the new trips generated by this plan and how the level of services would stay the same with the recommended traffic improvements. He stated they have spoken with the Hershey Plaza Apartments and the road connecting their site. They would like a gate installed that would only be accessible by emergency response vehicles.

Mr. Mellott outlined the traffic improvements to L street including widening it, its access for this plan, and the neighboring businesses. They are recommending, based on their findings, that L street have left turns restricted during PM peak hours (3-6 p.m.) because of the traffic. He spoke of widening 1st Street to make it two ways. He spoke of M street and converting it to a one-way street. He discussed the Bike program and sidewalks.

After his testimony on the proposed site improvements and traffic study, Attorney Armstrong asked the Leonards' if they had any questions for Mr. Mellott. They did not have any questions. Chairman Abruzzo asked questions about the peak hours and the manual used for the study. Mr. Mellott stated the peak hours were 7:30 to 8:30 a.m. and 4:45 to 5:45 p.m. He noted the manual was updated in 2022. Chairman Abruzzo asked questions about the prohibited turns. Mr. Mellott explained the street changes and potential changes to prohibiting turns which would be up to the Board to decide.

Vice Chairwoman Nutt asked about the poles on 1st street and the Plaza Apartments traffic. Mr. Mellott stated the poles would be moved and the residents with garages facing the street would not be affected. He noted the Plaza Apartments do not want traffic between their sites and spoke about how it could be accessible for emergency vehicles. Solicitor Armstrong asked Mr. Mellott questions about the study with the type of use, which he answered. Solicitor Armstrong asked about the potential cut through with Rite Aid. Mr. Mellott spoke about the cameras and noted that they observed that there was not much cut through. He discussed the L and West Chocolate Street improvements for the shuttle busses. He stated they did not do a formal look at pedestrian safety and will look at HRG's comments.

Mr. Eric Stump, HRG Engineer, discussed the levels of service and L street, and how they could be redirected if there is a need to make a left turn out of the site. The Board, Solicitor Armstrong, Mr. Stump, and Mr. Mellott discussed L street and the impact of a right in, right out restrictions with re-routing left turns out of the site. Mr. Mellott answered the questions about the traffic study. They discussed the sidewalks and pedestrian safety.

Solicitor Armstrong asked Mr. Mellott questions about traffic flow with one way versus two ways into the property. Solicitor Armstrong asked about the level of service with the requested improvements and if the requested improvements were not approved. He asked the Leonards' if they had any questions and they did not have any. He asked about the ownership of the proposed sidewalk which

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Mr. Gall answered that they own it. Attorney Sivertsen rested his case and asked that their exhibits be admitted. Solicitor Armstrong asked the Leonards' if they had any objections and they had none. The exhibits were accepted.

Solicitor Armstrong stated they had no evidence to enter.

### **VISITOR/PUBLIC COMMENTS**

Mrs. Diane Leonard, 37 West Chocolate Avenue, stated they have been in communication with the parties. She stated they are working with them about their concerns with sidewalks, the widening of the alley, and as a property owner.

There were no other public comments offered.

### **ADJOURNMENT**

Solicitor Armstrong stated this hearing will be closed. The Board will have 45 days to issue a written decision.

Vice Chairwoman Nutt made a motion to adjourn the meeting at 7:40 p.m. Supervisor Zmuda seconded the motion. **Motion carried. 5-0.**

### **SUBMITTED BY:**

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Carter E. Wyckoff, Township Secretary