

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
October 7, 2014**

CALL TO ORDER

The Tuesday, October 7, 2014 Derry Township Planning Commission meeting was called to order at 6:17 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Chairman Matt Tunnell.

ROLL CALL

Commission Members Present: Matt Tunnell, Chairman; Joyce St. John, Vice Chairwoman; Gregg Mangione

Commission Members Absent: Glenn Rowe, Secretary; Ned Wehler

Also Present: Chuck Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Matt Bonanno, HRG; Diane Myers-Krug, Dauphin County Planning Commission representative; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: Kendra Mohr, attorney for Deer Run Homeowners Association; Richard Hasz, Dale Holte – Deer Run Homeowners Association; Charles Huth, *The Sun*; Matt Weir, Church Road; Craig Smith, RGS Associates; Sandy Ballard, 650 Cocoa Avenue; Steve Yingst, Yingst Engineers & Associates; Lou Mione, 309 Cocoa Avenue; G. Garver, Hummelstown; Mark Hackenburg, RGS Associates

APPROVAL OF MINUTES

On a motion made by Vice Chairwoman St. John and seconded by Member Mangione, the Planning Commission unanimously approved the minutes of the September 2, 2014 meeting as written.

OLD BUSINESS

None.

NEW BUSINESS

A. Review and recommendation of the 4th Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat #1245

Chuck Emerick stated that the initial Deer Run Commons plan, which was approved in 2006, represented 92 apartment units and 25 townhouses. The revisions between then and the last recorded plan made changes to density by downsizing the units and adding more, virtually within the same footprints as were first submitted. The effects of that approach were that

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impervious/vegetative coverages and stormwater management facilities were not impacted. Mr. Emerick summarized the revisions regarding the number of units as follows:

- a. Revised Preliminary/Final Land Development Plan, approved February 23, 2009 for 136 apartment units and 25 townhouses.
- b. The 2nd Revised Preliminary/Final Land Development Plan, approved August 17, 2010, proposing 136 apartment units and 35 townhouses.
- c. The 3rd Revised Preliminary/Final Land Development Plan, approved October 7, 2010, proposing 138 apartment units and 35 townhouses.
- d. The 4th Revised Preliminary/Final Land Development Plan, presently under review, proposing 78 apartment units and 77 townhouses.

A rezoning request, which has not yet been approved by the Board of Supervisors, was necessary to enable the present proposal; however, lot areas remain as before. The plan design remains as was previously reviewed as to building placement, parking layout, and stormwater controls for the most part. There are two proposed 5-unit townhouses that have a slightly larger footprint. The 4-unit townhouse buildings occupy virtually the same footprint as the 6-unit apartment buildings they replace.

The proposed reduction of 18 units will also lessen traffic impacts that were projected. Another consideration is that of the fee in-lieu of park land dedication. In addition to tendering Lot 2 to the Township, the developer had paid \$197,779.03 as a fee in-lieu of park land dedication with the previous approvals. It would be most appropriate to calculate the fee in today's dollars for the reimbursement for the 18 units no longer being constructed. This calculation results in a per-unit reimbursement of \$1,316.21 per unit, or \$23,691.78 total. Finally, a traffic contribution of \$641.00/unit was offered under the initial submission in 2006. It was to be paid in three equal payments, 1 payment with the approval of each of the 3 phases then proposed. To date, the Township has only received the first payment of \$25,000.00. Based on the previous fee and the 155 units now proposed, the total traffic contribution would be \$99,355.00, with \$74,355.00 yet outstanding.

Mr. Emerick suggested that the applicant request waivers regarding plan scale (for the overall plan views to fit on one sheet); and stormwater management (to allow the stormwater design to be in compliance with Chapter 174, prior to the December 21, 2010 amendment).

Mr. Emerick and Matt Bonanno, HRG, went over their plan review comments.

Craig Smith, RGS Associates, represented the project. Mr. Smith stated that regarding the stormwater waiver request to use the previous ordinance, the applicant went through an NPDES renewal in 2013 which proposed new infiltration areas to meet the water quality requirements. Mr. Smith formally requested the waivers suggested by Mr. Emerick.

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MOTION ON WAIVERS

On a motion made by Member Mangione, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that waivers from the Subdivision and Land Development Ordinance be granted as follows:

- a. From Sections 185-12.D.(2) and 185-13.E.(3) to allow a plan scale of 1" = 100' for the overall plan views to fit on one sheet.
- b. From Section 185-26 to allow stormwater design in compliance with Chapter 174 prior to the December 21, 2010 amendment.

MOTION ON PLAT #1245

On a motion made by Vice Chairwoman St. John, seconded by Member Mangione, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1245 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report (with the addition of a deed/exhibit being provided as part of the comment regarding the dedication of right-of-way at Lot 3's connection to Middletown Road).
- b. The comments in the September 17, 2014 HRG letter.
- c. The comments in the September 25, 2014 DTMA letter.
- d. The rezoning enabling Plat #1245 is adopted by the Board of Supervisors.

B. Review and recommendation of Conditional Use Request No. 2014-02, as filed by DSG Development Corporation, to allow the development of residential units under the cluster option design provisions of the Zoning Ordinance

Chuck Emerick explained that the land which is the subject of this matter has been referred to as the Camp Stoverdale and Stover Farmhouse tracts. The Camp Stoverdale tract contains approximately 21.6 acres of area and is located between the Deer Run and Deer Run Commons developments and the Swatara Creek. The Stover Farmhouse tract contains approximately 2.3 acres of area and is located along Middletown Road, adjacent to lands of the Deer Run of Hershey PA Homeowners Association, near Deer Run Drive. DSG Development Corporation is the equitable owner of the lands due to the Corporation having a sales agreement to purchase the land. Both tracts carry an Attached Residential zoning classification.

This conditional use request seeks authorization to cluster 81 dwelling units. These dwelling units are comprised of 23 single family detached dwellings and 58 attached residential units (townhouses). The cluster development is proposed on two separate lots, but all units will be

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part of “The Point” condominium and homeowners association even though separated by more than 2,500 feet.

The applicant has indicated 3 waivers from the Subdivision and Land Development Ordinance that they feel are necessary to develop this property as proposed. Mr. Emerick stated that while it is not appropriate for the Planning Commission to take formal action on the waivers at this time, the applicant seeks some preliminary feedback. The requested waivers are from Section 185-25.A regarding driveway separation; from Section 185-22.D.(2) regarding minor street right-of-way width; and from Section 185-22.G.(3) regarding alley centerline radii.

Chairman Tunnell asked why the properties are represented under one conditional use request instead of two. Mr. Emerick responded that currently the properties are on the same deed, and as long as they will be part of the same homeowners association, the ordinance does not have any restrictions against presenting them together. If the properties were represented on two requests, single family dwellings would not be permitted on the farmhouse tract as part of the cluster option because that property contains less than 20 acres.

Craig Smith, RGS Associates, represented the proposal. He stated that the purpose of the plan is to minimize disturbance to the property and preserve the maximum amount of open space. The Camp Stoverdale property is unique because it contains a fairly significant amount of tree cover as well as steep slopes, which will restrict the development of the property. Another purpose of the plan is to develop 3 types of housing units: standard townhouse units; rear-loaded townhouses, which would be accessed from driveways behind the units to provide the “front door” appeal to the streetscape or the open green; and single family dwellings, which are proposed in the back section because it seems appropriate in the context of the site. Chairman Tunnell asked if, without the conditional use approval, the applicant would not meet the 113 townhouses that a cluster approval could allow as a maximum. Mr. Smith responded that doing so would mean they would have to disturb more of the site.

Mr. Smith stated that all of the units proposed, as well as the existing farmhouse, will be developed under the Planned Community Act in the same manner as Deer Run Commons and Southpoint Meadows 2 have been developed. The units will be under one homeowners association.

Vice Chairwoman St. John questioned how the open area behind the proposed single family dwellings will be used. Mr. Smith replied that it will be used as stormwater management.

Member Mangione asked what the square footage of the single family homes will be. Mr. Smith thinks the building footprints will be 60 feet by 70 feet. There will be 20 feet of separation in between the single family dwellings, as per the cluster regulations of the Zoning Ordinance even though the units will be developed under the Planned Community Act.

Mr. Smith itemized how the applicant is addressing the cluster option criteria as follows:

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- *Preservation of open space:* The applicant is proposing more open space than what is required, in addition to the 3 acres of park property that is proposed for dedication to the Township.
- *Lack of disturbance of sensitive environmental areas:* The plan proposes to minimize the amount of disturbance on the site.
- *Lower housing costs:* The plan proposes to minimize infrastructure. It could be argued that providing only townhouse units would minimize housing costs; however, it is the desire of the applicant to offer a mix of housing types. There is a need for single family dwellings in the Township.
- *Lower road maintenance costs:* The alley configuration is being proposed for a more unique unit, and it allows the 22 rear-loaded homes to back onto the alley instead of the street. The applicant is trying to maximize the density in this area as it relates to street cost. The streets are proposed to be public, at 34 feet wide with a 54-foot right-of-way. The applicant would also consider having private streets to be allowed the lesser width.
- *Efficiency of traffic pattern:* The plan proposes to connect the proposed streets to the existing stubs from Deer Run, Phase 5, and to provide a cul-de-sac for the single family dwellings.
- *Efficiency of utility systems:* There is existing infrastructure in Buck Drive and Red Fox Drive. The alley configuration also helps to maximize the utilities.

Vice Chairwoman St. John asked if the alleys will be maintained by the homeowners association. Mr. Smith answered yes. Vice Chairwoman St. John asked how the proposal to reduce the street width will affect on-street parking. Mr. Smith stated that the proposed 34-foot width accommodates on-street parking. An option would be to restrict parking to one side of the street. All of the units are proposed with a parking space in the driveway and one in the garage.

Member Mangione asked if reducing the street width would solve the setback issue for the trees. Mr. Smith stated that it would reduce the amount of impervious cover, slow traffic, and increase the amount of tree lawn. The plan does not work with a 60-foot right-of-way – it is too expansive and the slopes are too steep. Member Mangione is concerned that the streets will get congested after a while, knowing how close the units are.

Chairman Tunnell asked what would happen if a waiver was not granted regarding right-of-way width – would the design have to be modified to push all of the properties back on either side of the street, or could a waiver be granted regarding the setbacks? Mr. Emerick clarified that setbacks would require a variance from the Zoning Ordinance, whereas the road width would be a waiver from the Subdivision and Land Development Ordinance. Chairman Tunnell asked if the only other option would be to locate the sidewalks on private property and provide easements. Mr. Emerick noted that this option would still push the units back by 5 additional

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feet. Chairman Tunnell questioned if the street width could be reduced to 54 feet and the sidewalk located outside of the right-of-way. Mr. Emerick responded that this would provide the same result.

Doug Gelder, applicant, stated that this is the third time he has done a mixed-use community in an Attached Residential zoning district in the Township. Each time he ran into the same problem – there is no way to demonstrate the by-right use of single family dwellings and townhouses together in the Attached Residential zoning district because it is not permitted as a by-right use. He can develop the property with only townhouses, but it does not make any sense because it would have a huge impact on an environmentally-sensitive area. Regarding the 54-foot right-of-way width versus the 60-foot right-of-way width to increase the tree lawn, it would be more logical to plant trees that only grow to be 25 feet tall and do not lift the sidewalk. Mr. Gelder would prefer a more narrow right-of-way width to slow traffic and also because it will have less of an impact on the area.

Mr. Gelder noted that Mr. Emerick referred to the alley configuration as driveways, but Mr. Gelder believes they are alleys. He can easily remove the alley configuration to save money, and rotate the units so that they are front loaded with driveways, but that does not provide any creativity in an environmentally-sensitive area.

Chairman Tunnell's opinion on the proposed waiver to reduce the right-of-way width from 60 feet to 54 feet is that he would like to see if there is a way to achieve some common ground on the matter. He thinks the 60-foot width would provide the Township with extra room if needed, but he cannot see that occurring in the future in this situation. He could be supportive of this waiver. Member Mangione agreed with Chairman Tunnell. Mr. Emerick had suggested to the applicant that they propose trees that will not lift the sidewalks to support their waiver request for reduced right-of-way width. Mr. Smith confirmed that they will do so as part of the land development plan submission.

Vice Chairwoman St. John commented that she likes seeing the mix of uses and styles and the proposed rear-loading units. She appreciates the developer trying to use the land in an attractive way.

Chairman Tunnell stated that he had voted in favor of the applicant's waiver request regarding driveway separation a previous sketch plan submitted for the Stover Farmhouse tract, and does not think he would change his position on the matter with this plan. Mr. Smith noted that they would be willing to go to an 18-foot width for the driveway to allow for better alignment with Deer Run Drive. Mr. Gelder added that he has not finished approaching the Deer Run Homeowners Association, and he would ask them again for permission to widen the street in order to square the intersection. Chairman Tunnell commented that with only 4 units now proposed on the Stover Farmhouse tract, the impact would decrease from the 12 units that were proposed on the previous sketch plan.

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MOTION

On a motion made by Member Mangione, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Conditional Use Request No. 2014-02 be granted.

C. Review and recommendation of a waiver from filing a land development plan as requested by Derry Presbyterian Church, regarding the demolition of a residence and garage located at 245 East Derry Road and the construction of a building for business uses of the church ministry

Brandon Williams stated that the subject property contains 7,500 square feet of area. As a result of a recent rezoning of the property, it is located within the Neighborhood Commercial zoning district. The applicant proposes to demolish the existing dwelling and detached garage and construct a two-story office building and detached garage. The office building is proposed to be occupied by Love, Inc., a community ministry operated by the Church.

A land development plan is generally processed to look at development zoning criteria like intensity of development, impervious areas, and parking requirements, as well as stormwater management facilities and traffic impact; however, in this case Mr. Williams believes that such criteria can be reviewed during the building/zoning permit process.

Diane Myers-Krug, Dauphin County Planning Commission representative, stated that in addition to the definition of 'subdivision and land development', the other modification provision discusses one or more provisions and the County does not interpret that as the complete waiver of all of the provisions of the Subdivision and Land Development Ordinance. The Township and the County have consistently had different opinions on this interpretation.

Steve Yingst, Yingst Engineers and Associates, represented the request. He stated that when the Church purchased the house it was in rough shape, and they decided that the best use of the property would be for a small office and detached garage. The parcel will be improved because impervious coverage and the number of nonconformities will be reduced. There will not be much traffic to the office, and there will only be 1 or 2 employees. The intention is to make the office look like a house so that it blends in with the surrounding buildings.

Member Mangione asked if a building permit will be required. Brandon Williams responded yes, and that because the disturbance will be less than one acre, approval of the erosion and sedimentation control plan by the Dauphin County Conservation District will not be required.

Member Mangione asked if the 2 adjacent properties are residential. Mr. Yingst answered yes, and that they have talked to the neighbors, who are supportive of the proposed use. Mr. Emerick added that zoning of the subject property was changed earlier in the year to enable this use.

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MOTION

On a motion made by Vice Chairwoman St. John, seconded by Member Mangione, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the waiver of processing a land development plan be granted as requested.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairwoman St. John, seconded by Member Mangione, and a unanimous vote, the meeting adjourned at 7:51 p.m.

Respectfully submitted,

Glenn Rowe
Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary