

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS**

PUBLIC HEARING

Tuesday, January 22, 2008
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The January 22, 2008 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:15 p.m. by Chairman, Michael H.W. Pries.

ROLL CALL

Supervisors Present:

E. Christopher Abruzzo, Township Secretary
August (Skip) T. Memmi, Jr.
George W. Porter, Vice-Chairman
Michael H. W. Pries, Chairman

Supervisors Absent:

Kelly C. Fedeli

Also Present:

Edward L. Small –Asst. Director of Community Development
Scott Stein – President, Hershey Fire Company

Public Present:

Jean Miller, Rev. JoAnn Darrow, Rhett Hintze & family, Arline See, Robert DeBott, Stanley Machan, Micheal Bonawitz, Kathi Alleman, M.L. Gettig, Robert Newhouse, Allen Hoffer, Charles Cong, Scott Cong, Ty Richins, Melissa Hintze, Susan Meilstrup, Jon Meilstrup, Linda Meyers, Craig Myers, Dan Werner, Dan Williams

Press Present:

Jeff Werner - Hershey Chronicle

Chairman Pries advised that this hearing was recorded to provide accurate minutes.

REASON FOR HEARING:

The purpose of the hearing is to receive public comments regarding Zoning Petition No. 2007-01 and the request to amend the Derry Township Comprehensive Plan as filed by

the Stover Community Partners, LP; The Church of Jesus Christ of Latter-Day Saints; and the Stoverdale United Methodist Church.

VISITOR/PUBLIC COMMENT:

David J. Tshudy, Law Firm of Reilly, Wolfson, Sheffey, Schrum & Lundberg – Mr. Tshudy stated that he represents the three applicants. Mr. Tshudy distributed an exhibit booklet to the Board members.

Solicitor Yost asked Mr. Small if this was advertised as a hearing for both the comprehensive plan amendment and the zoning amendment. Mr. Small acknowledged that it was.

Mr. Tshudy said the applicants are requesting 5 tracts of land in Derry Township be rezoned from an Agricultural/Conservation zoning classification to a Neighborhood Commercial zoning classification. He said Stoverdale United Methodist Church is located in the northwest corner of the five tracts. Two other tracts are owned by entities related to the Stoverdale United Methodist Church. One tract is owned by Stover Community Partners, LP, and the final tract is owned by the corporation presiding Bishop of The Church of Jesus Christ of Latter-Day Saints (LDS). Mr. Tshudy said they are asking to have these properties which are currently zoned in the Agricultural/Conservation district to be rezoned to the Neighborhood Commercial District. He introduced the members of the United Methodist Church and their Pastor, JoAnn Darrow as well as Richard Hedburg who is with The Church of Jesus Christ of Latter-Day Saints and members of his congregation. He asked Pastor Darrow and Mr. Hedburg to present reasons why their entities would like to see this rezoning take place.

Reverend JoAnn Darrow – Rev. Darrow stated her Church's congregation has served the community of Hummelstown for over 130 years since the 1870's. Over the last 5 years they nearly doubled their worship population which has presented some challenges. They are looking at the need of additional structures to accommodate the needs of the church and possibly the need for further parking. This may be hard to accomplish under the current zoning. She asked the members of her congregation to stand before the Board. She gave Chairman Pries a letter with signatures of members who were unable to attend.

Mr. Richard Hedburg, Real Estate Project Manager for the LDS Church – Mr. Hedburg said the meeting house they currently occupy require their members to drive to Harrisburg. He stated their congregation has grown and would make sense for them to build a building in Derry Township. He said they were able to purchase a parcel, but it needed several variances including a use variance. All variances were resolved through the Planning Commission except the steeple variance. He believes LDS will serve as a buffer between the residential on the east side and the commercial on the west side. He shared that the church meets for 3 hours on Sunday. Mr. Hedburg said the building proposed is a 15,000 sq. ft building to accommodate 250-300 members with 100 parking spaces. He said they tried to design the building to minimize the impact on the neighborhood as well as serve functionally for their congregation.

Supervisor Abruzzo asked Mr. Hedburg about the usage of the church during the week. Mr. Hedburg said their will be Youth Groups, Scout Troops, Young Women's group, Prayer Group for their high school kids, funerals and other social activities during the week. He also asked the members of his congregation to stand.

Mr. Tshudy said the Neighborhood Commercial Zone is the least intense of all the commercial uses of the different zones the Township has that also permits churches. The uses are service oriented such as professional businesses, churches, and gas stations that only serve cars with no more than 8 tanks. He believes it would be a nice fit in this location and it fits with the Residential Development that has taken place on the west side of Middletown Road. He referred to Tab 9 of the exhibit booklet showing an overhead view of the general location. He said the people who live in that area would be able to drive less in order to do banking, go out to eat, etc. When presented to our Planning Commission and Dauphin Planning Commission there were questions raised regarding traffic along Middletown Road and whether Middletown Road can handle the traffic. He noted a traffic control signal at Middletown and Stoverdale Road was already in place. Any development that takes place on these tracts would require under the Township's Subdivision/Land Development Ordinance a traffic study to be performed. He said that any traffic created by the development of the remaining parcel would need to take into account the onsite traffic improvements in order to receive approval by this Board. He also noted on Tab 9 directly to the north of the parcel is an economic development zone which can be used for real intense purposes including shopping malls. If it would be a shopping mall, it would make planning sense to have an island of Agriculture/Conservation. Mr. Tshudy asked the Township Board to amend the Ordinance.

Supervisor Memmi mentioned Gun Club adjacent to the property and a kennel/grooming business on Stoverdale Road. He asked if all access will be off of Stoverdale Road. Mr. Tshudy said he could say because it depends on how the Church develops. At this time, there are no agreements for sale, no subdivision plans, no development plans, no leases for the remaining parcel. He assured the Board that when those uses develop over several years from now that the Subdivision/Land Development Ordinance will be followed and whatever the Township Engineer, Planning Commission and this Board recommend, they would abide by.

Supervisor Memmi stated he would rather have a condition to the zoning change. Mr. Tshudy said he didn't think it would be possible to do considering the land could be sold.

Mr. Dan Sheffey believes The Church of Latter Day Saints access will be off of Stoverdale Road. He said he understands Derry Township has a lot of traffic considerations and the applicants are willing, if they develop the tract, to put in the appropriate improvements there. He suggested other considerations would be an additional lane of traffic at Stoverdale Road going into the intersection; pedestrian signals so all the people that live across the road may be able to actually walk to do

some of their errands, and lengthening the northern most turn lane going into the same intersection on Middletown Road.

Supervisor Memmi said as this land development plan moves forward, they would look at adding dedicated right-hand turn movements from Stoverdale to Middletown, dedicated right-hand movement from Middletown to Stoverdale coming from northbound, and signal timing improvements. It would be appropriate depending on the use of the parcel Stoverdale Road would be widened from the center lane to your side to what is the appropriate Township cart way width.

Chairman Pries recognized the Mayor of Hummelstown, Bradley Miller, the unofficial Mayor of Hershey, Gary Garver, Scott Stein, President of the Hershey Fire Company.

PUBLIC COMMENTS:

Rhett Hintze, 872 Waltonville Road – Mr. Hintze said that he is part of the lay ministry of the congregation of The Church of Jesus Christ of Latter Day Saints. He shared he works full-time at a Government Affairs and Communication firm in Harrisburg. He and his family have lived here for over a decade and are encouraged with the prospect of finally being able to worship within their community. He said they have members who live along the Middletown corridor who have to commute every Sunday to Harrisburg and many members that commute from the other side of Hershey. This is anywhere between 15 to 40 minutes to get to church. They have scout troops, youth groups, and other groups who try to serve, but can't serve in their own community. He said they would be a good community participant and add to the religious heritage to Derry Township. He thanked the Board for their consideration and asked for their support.

Dan Werner, Deer Run – Mr. Werner said he has been a member of the Latter Day Saints Church most of his life. He has traveled to Harrisburg to attend services for over 25 years. It becomes a hardship to travel 30 miles and sometimes 60-90 miles a week. In addition with the gas prices, it would help ease the hardship of volunteering their time.

Ty Richins, 1305 Penn Avenue – Mr. Richins said he is part of the lay ministry for The Church of Jesus Christ of Latter Day Saints that meets on Union Deposit Road. It is a bit of a drive several times each week. He helps with the Scout groups and other leadership positions. He thanked the Board for their consideration.

Vice-Chairman Porter asked if all they need to build the church under current zoning is a use variance and height variance. Mr. Hedburg said they do not need a height variance, but a steeple variance. There was no provision for a steeple because the church is not a permitted use in the zone. They needed two separate variances, one for the use and one for the steeple. Mr. Hedburg mentioned another issue was impervious coverage. They acquired a little extra land from Mr. Sheffey in order to meet that impervious coverage.

Vice-Chairman Porter asked Mr. Hedburg if they will need his entire 9 ½ acres to build the church. Mr. Hedburg said he would normally use 5 to 6 acres. The said they way they bought the land was in strips which has more green space.

Donald Glasney, Private Home near the Blue Barn- Mr. Glasney is a member of the Hershey congregation of The Church of Jesus Christ of Latter Day Saints since 1983 when he moved to Derry Township. He shared he has a “borrowed” closeness to the Stoverdale United Methodist Church congregation in that he has a 22 month old daughter who is buried in the cemetery there. He would speak in favor of this amendment to the comprehensive plan in support of the aspirations and the needs that have already been discussed and demonstrated, and the close emotions and the service desires of both congregations.

Craig Myers, 2097 Southpoint – Mr. Myers stated he lives very close to where this will be built. He shared he is a professor at Penn State College of Medicine and has been here a little over 15 years. There are a lot of members of our congregation that work at the Medical Center, but now are forced to drive a distance to have their religious activities. They would like to be part of the religious heritage of Derry Township. When our youth look at service projects it is usually more to Harrisburg because that is where they meet. If they had a meeting place in Derry Township, their youth could serve the community easier.

Mayor Brad Miller, Hummelstown - Mayor Miller is representing his family which is the Stover family who actually founded the church. He shared in 1871 when his great-grandfather built that church he lost a son and he took it as a calling from a higher power. That church is here 130 years later. He said they have lost camp meeting grounds that use to be in Stoverdale. Over the years, his family has had a great relationship with the Township. He told the Board anything they could do to see this project go through, he would deeply appreciate.

Dan Williams, 875 Stoverdale Rd. – Mr. Williams’ home is adjacent to The Church of Jesus Christ of Latter Day Saints property. They have been at their home over 4 years and have been residents in Derry Township for 10 years. They purchased the property because of its location and its Agricultural/Conservation zoning. He and his wife believe firmly that The Church of Jesus Christ of Latter Day Saints will be a good neighbor for them. He agrees the comprehensive plan probably does not adequately reflect the growth on Middletown Road. He said that most of his concerns have been addressed regarding the traffic. He shared one of his greatest concerns is the request to rezone a lot owned by The Church of Jesus Christ of Latter Day Saints.

Mr. Williams said in 2005, they were granted use variance, but not all the variances requested were submitted. The proposed plans would have allowed 37.5% impervious and 62.5% vegetative coverage on a five acre tract at that time. The numbers did not comply with the 15% impervious and 75% minimum vegetative coverage at that time. In order for the proposed building plans to comply, the Board extrapolated the total acreage that would be required by the Church to meet those requirements. According to the Board, a total of 12.5 acres was estimated to allow a 16,000 sq. foot building that

would seat a maximum of 484 people with 161 parking spaces. His concern is the church only acquired 9.5 acres knowing that was a condition. What it may mean simply is the church may choose to submit a plan for a smaller building that may comply. The pipe variance with a steeple was an issue, but even a rezoning doesn't appear to meet the criteria. Mr. Williams said the applicants requested 67 feet and it appears to be only 40 feet. It seems peculiar to him that the church which is growing so quickly and has been searching for land for such a long period of time would not act on permission to submit a building permit in less than the one-year time period. He believes the Church was all along counting on this rezoning to build the size building they wanted on a piece of land that is not adequate as it is zoned. Mr. Williams said according to testimony by Richard Hedburg, the maximum seats being 484 is far greater than the approximately 220 church members that live in Derry Township. He also testified "the church strives to have small congregations so as to not overwhelm the clergy. As the congregations grow, the Churches are divided in order to assure that the congregations do not become overly large."

Mr. Williams said that that an appropriate plan that complies with the Agriculture/Conservation Ordinances would be possible and suitable to the needs of the congregation. Additionally, he is concerned because this lot will allow increases in impervious coverage from 15% to 60% while the minimum vegetative coverage would sink from 75% to 30%. He said they have gotten what they need and he doesn't think it is necessary that it be rezoned. It is inconsistency with the comprehensive plan. He said as an adjacent property owner, he thinks the decision to rezone could drastically impact the landscape and decrease property value all that is not my main concern and additionally rezoning may create some unwanted effects for me and my family. He encouraged the Board not to allow for the rezoning of that particular lot.

Gary Garver, Stovedale Road – Mr. Garver said his family owns a few acres on the southside of Stovedale Road and they are not opposed to this project.

ADJOURNMENT:

Motion: Supervisor Memmi moved and was seconded by Supervisor Abruzzo to adjourn the meeting at 7:00 p.m.

Motion carried, 4-0.

SUBMITTED BY:

E. Christopher Abruzzo
Township Secretary

Brenda L. Van Deursen
Recording Secretary