

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**July 7, 2015**

**CALL TO ORDER**

The Tuesday, July 7, 2015 Derry Township Planning Commission meeting was called to order at 5:33 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Chairwoman Joyce St. John.

**ROLL CALL**

Commission Members Present: Joyce St. John, Chairwoman; Glenn Rowe, Secretary; Ned Wehler; Matt Tunnell

Commission Members Absent: Gregg Mangione, Vice Chairman

Also Present: Chuck Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Chris Brown, Derck & Edson; A. J. Schwartz, Environmental Planning and Design; Matt Bonanno, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative; Lauren Zumbrun, Economic Development Manager; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: Charles Huth, *The Sun*; Dale Holte, Deer Run; Kendra Mohr, Pannebaker & Mohr, P.C.; Anne Newman, 531 Elm Ave.; Carol Gisselquist, 29 W. Governor Rd.; Susan Cort, 114 Java Ave.; Anne Searer, 2125 Carey Way; Ken Scardino, 696 Stoverdale Rd.; Dennis Trout, Locust Ln. – Middletown Rd.; Trish Foster, 2439 Raleigh Rd.; Sandy Ballard, 650 Cocoa Ave.; Craig Smith, RGS Associates; Charles Suhr, Stevens & Lee; Brian T. Evans, Evans Engineering; Michael Kushner, Omni Realty; Sandy and Rich Cappelli, 117 W. Granada Ave.; David Tshudy, Pepper Hamilton, LLP; Matt Weir, 1986 Church Rd.; Jim Snyder – Snyder, Secary & Associates

**APPROVAL OF MINUTES**

On a motion made by Member Tunnell and seconded by Secretary Rowe, the Planning Commission unanimously approved the minutes of the April 7, 2015 meeting, as written.

On a motion made by Member Tunnell and seconded by Secretary Rowe, the Planning Commission unanimously approved the minutes of the June 16, 2015 meeting, as written.

**OLD BUSINESS**

**A. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision and Land Development Plan for the Milton and Catherine Hershey Conservatory at the Hershey Gardens, Plat #1250**

Chuck Emerick stated that the Board of Supervisors conditionally approved the plan.

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- B. Report of the Board of Supervisors' action regarding Ordinance No. 665, amending Chapter 225 (Zoning) of the Code of the Township of Derry regarding the designation, duties, and procedures of the Design Review Board**

Chuck Emerick stated that the Board of Supervisors adopted the ordinance.

- C. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for CAMA SDIRA, LLC, Plat #1248**

Chuck Emerick stated that the Board of Supervisors conditionally approved the plan.

- D. Report of the Board of Supervisors' action regarding Ordinance No. 666, amending Chapter 225 (Zoning) of the Code of the Township of Derry regarding the permitted minimum front yard area depth in the Village Core zoning district and permitted encroachments in required yard areas**

Chuck Emerick stated that the Board of Supervisors adopted the ordinance.

- E. Report of the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for Country Meadows of Hershey, Plat #1251**

Chuck Emerick stated that the Board of Supervisors conditionally approved the plan.

**NEW BUSINESS**

- A. Review and comment on the draft Comprehensive Plan**

Brandon Williams stated that all of the comments made at this meeting will be provided to the Board of Supervisors for their consideration at a future public hearing.

Chairwoman St. John noted that she has already forwarded her comments to Mr. Williams regarding the graphing in the plan. She thinks it could be more intuitive and better labeled. There should also be consistency between the names of the graphs versus tables, and everything referenced within the Plan should be able to be easily found.

Member Wehler stated that he is very supporting of the Comprehensive Plan process and the outcome. He does not have any additional comments, conditions, or suggestions at this stage.

Member Tunnell commented that he shares Member Wehler's sentiment. There has been a lot of public involvement in the process, which is tremendous. He does not have further comments on the plan at this stage, but is looking forward to hearing the public's comments.

Secretary Rowe's comments were as follows:

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- On Page 60 regarding existing architecture, Secretary Rowe thinks that when looking at architecture downtown, we should also look at some of the past buildings that had been there, such as the Cocoa Inn. The Plan should not be limited to only the existing historic buildings in the downtown.
- On Page 62, references to public art should not be limited to just communicating local heritage and history. He thinks it could be any type of creative expression or imagination.
- Walking and biking paths are discussed under the Land Use and Design section. Secretary Rowe thinks that would be better located under Transportation section.
- On Page 73, under the Transportation and Public Realm section, the introductory paragraph should be revised to emphasize that transportation within the Township in multi-modal, not just roads.
- There should be some type of emphasis that bike and pedestrian are integrated into any of the Township's transportation projects.
- Other options, such as roundabouts, should be explored before a new traffic signal is installed. Although the initial cost for a roundabout may be higher, the long-term maintenance is less.
- Uber should be included as a transportation option.
- Consideration should be given to establishing a transportation committee, possibly consisting of the Township Police Department, a Planning Commission member, a Board of Supervisors member, a member from the Tri-County Planning Commission, and someone from the bicycle community, to examine transportation issues as they occur and also to look ahead at multiple events that occur simultaneously throughout the year. There might be other ways to get the word out that there are alternative routes around a congested area.
- Regarding the Technology and Communication section, there is an opportunity to incorporate the development of internet access in a public domain and increasing the internet capacity, because that could draw different types of businesses to the area.
- Consider incorporating something about public/private partnerships into the Plan. We should be open to these opportunities in order to help reduce Township costs.

Mr. Williams noted that draft review comments have been received from the Tri-County Regional Planning Commission, and the finalized comments will be ready in time for the Board of Supervisors' review at their public hearing.

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*Public Comment*

Carol Gisselquist, 29 West Governor Road, stated that Page 5 lists the Pennsylvania Municipalities Planning Code mandates for certain basic elements to be included in the Comprehensive Plan, including “a plan for the reliable supply of water.” She thinks a plan for drought is missing from the Comprehensive Plan and it should be included under the hazard mitigation section. On Page 43, under section 3.3, Ms. Gisselquist recommended adding the words “moderate to” before “high density single family residences.” On Page 49, the words “moderate to” are in the narrative but are missing from the bulleted list on that page. She asked who will decide if her recommendations are included in the final Plan. Mr. Williams responded that all of the comments will be forwarded to the consultants and ultimately the Board of Supervisors, who will make the decision.

Dennis Trout, a longtime Middletown Road resident, commented that the Comprehensive Plan needs to have more specificity regarding mitigation of existing problems, such as traffic along Middletown Road. The Plan appears to avoid any specific solutions and only states that future growth is to be expected. The flooding issues also need to be addressed on Middletown Road in the area of the Dartmouth Farms development, on Waltonville Road, and on Bullfrog Valley Road. Mr. Trout also suggested that an overlay be provided showing all of the areas under the ownership or control of Hershey Estates or any of its subsidiaries or entities. The overlay would help to identify the areas of slow growth. Finally, Mr. Trout stated that the Plan needs to reflect coordination with adjoining Townships so that there are not multiple types of the same businesses in one area.

Chris Brown, Derck & Edson, stated that one of the next steps in the process will be to develop an Official Map of the Township, which will provide the specific levels of improvements to address the issues that Mr. Trout mentioned.

Mr. Trout commented that the Comprehensive Plan mapping seems to encourage residential development on the west side of Middletown Road and commercial development on the east side. He hopes the Township starts looking at the existing problems and monitors growth in this area so that the existing problems are not exacerbated.

Member Tunnell asked how all of the municipalities’ Comprehensive Plans and the County Comprehensive Plan are intended to work together. Diane Myers-Krug, Tri-County Regional Planning Commission representative, stated that the County reviews each municipality’s Plan in terms of general consistency with the County Plan so that there is some form of continuity between municipalities and the County, but each municipality has individual rules and regulations regarding what kind of development they want to see. The County comments on those plans as well. Member Tunnell agreed with Mr. Trout regarding the amount of traffic on Middletown Road. He appreciates the efforts that the County makes, but knows that it comes down to the Township to drive the coordination between municipalities. Ms. Myers-Krug added that another coordinating agency is PennDOT, through their Highway Occupancy Permits.

Chairwoman St. John noted that the Middletown Road corridor contains both residential and commercial uses, and consideration should be given to the architectural standards in that area.

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Sandy Ballard, 650 Cocoa Avenue, stated that on Page 29 of the Plan (the Nature of Place diagram), the ‘Conserve, Recreate, Live’ designation follows the Swatara Creek along the northern part of the Township, but it should also follow the Swatara Creek on the western boundary of the Township. On Page 88 (under Transportation and Public Realm), Ms. Ballard thinks that more thought needs to be put into how the Township’s senior citizens will get around after they are no longer able to drive, and how development approaches will affect that. She suggested possibly commenting on People Movers and Uber. Regarding the list on Page 103 (under Transportation and Public Realm), she thinks there is a need for a “circulator” kind of public transportation within the Township so that reservations do not have to be made ahead of time and the use of public transportation is less intimidating. On Page 93 (the Bicycle-Pedestrian Location diagram), the word ‘proposed’ should be used when referencing the trails that do not currently exist.

**MOTION**

On a motion made by Secretary Rowe and seconded by Member Tunnell, the Planning Commission voted unanimously to forward the minutes from the July 7, 2015 Planning Commission meeting for use as the Commission’s official comments to the Board of Supervisors regarding the draft Comprehensive Plan.

**B. Review and recommendation of planning consistency for the Chocolatetown Square Park Improvements Project (grant application)**

Lauren Zumbrun, Economic Development Manager, reported that at the end of June, the Township applied for funding through the Commonwealth Financing Authority’s Greenways, Trails, and Recreation Program for the first phase of improvements to Chocolatetown Square. These improvements were first identified in the Downtown Hershey Master Plan. A requirement of the grant application is to provide a letter to the Department of Community and Economic Development from the appropriate planning agency stating that the project is in compliance with comprehensive land use plans. The application was reviewed by the Derry Township Community Development Department as well as Dauphin County Planning Commission staff, and was determined to be consistent. Ms. Zumbrun presented the conceptual site plan.

Secretary Rowe stated that he likes the plan and thinks it will enhance the downtown; however, he questioned how the Township plans for maintenance costs for such a project. Ms. Zumbrun responded that the question would be better answered by Matt Mandia (Director of Parks and Recreation).

Chris Brown, Derck & Edson, stated that part of the planning process of the Downtown Hershey Master Plan was trying to find ways to improve this area and also keep the maintenance costs down. One of the ideas was to provide a tree lawn at the park so that when snow is pushed off the streets, it does not pile up on the sidewalk, thereby eliminating the need for extra Township resources to remove the additional snow from the sidewalk.

In response to a question from Member Wehler, Ms. Zumbrun stated that the grant application only involves Area A of the plan. Member Wehler asked what the plans are for Area C along Cocoa Avenue. Ms. Zumbrun stated Areas B and C are also shown on the conceptual plan in order to represent all phases of the project, but at the current time there are no specific plans for Area C.

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Member Wehler noted that Area C is currently vacant and not particularly attractive, and Area A is already improved and looks very nice. He asked if the Township is investing in Area A before Area C due to funding constraints. Ms. Zumbrun stated that the Township had looked at developing a usable facility and one that would provide a great benefit to the community, so by incorporating the concrete stage, covered stage, and plaza, Area A will be able to provide a lot of use for the community. Area C will not provide as much of an opportunity for use by the public, although it has potential and in the future the Township will look for ways to fund those improvements.

MOTION

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission authorized its Chairwoman, Joyce St. John, to execute the planning consistency letter for the Chocolatetown Square Park Improvements.

**C. Review and recommendation of planning consistency for the Chocolate Avenue Streetscape Improvements Project (grant application)**

Lauren Zumbrun, Economic Development Manager, explained that the Derry Township Industrial and Commercial Development Authority is applying for funding in the amount of \$3 million for the Chocolate Avenue Streetscape Improvements Project through the Commonwealth Financing Authority's Multimodal Transportation Fund program. A requirement of the grant application is to provide a letter to the Department of Community and Economic Development from the appropriate planning agency stating that the project is in compliance with comprehensive land use plans. The application is due July 31st, and is being reviewed by the Derry Township Community Development Department as well as the Dauphin County Planning Commission. The proposed project is consistent with the existing comprehensive plan, which supports downtown revitalization. The project is also consistent with the 2015 Draft Comprehensive Plan, which supports downtown revitalization and smart growth, and references the Downtown Hershey Master Plan.

Ms. Zumbrun stated that a conceptual plan for the entire corridor is in the process of being prepared, and the improvements will be based on the Downtown Hershey Master Plan. She presented photos of existing conditions in certain areas and renderings of what those areas might look like when the improvements are completed.

In response to a question from Chairwoman St. John, Ms. Zumbrun explained that the grant application is being submitted by the ICDA, and a 30% match of funds is required.

Secretary Rowe asked if improvements such as the tables and umbrellas shown in the conceptual renderings will be for the benefit of the property that they are placed on. Ms. Zumbrun stated that they would be within the right-of-way and would be public improvements. Chris Brown, Derck & Edson, added that it is yet to be determined whether the Township or the private property owner will purchase and maintain the tables and chairs. He clarified that the funding application is for infrastructure improvements and stormwater management solutions.

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Secretary Rowe asked the property owners would be eligible for TIF funds to be able to make improvements outside of the public right-of-way. Mr. Brown replied that if the TIF moves forward, the TIF committee would have the ability to allocate proceeds to public improvement projects within the district.

Member Wehler asked if this approach will stimulate and incentivize private/public partnering in conjunction with the proposed improvements. The public will make an investment in the streetscape; will the owner who is the beneficiary of the improvements engage in some type of additional improvements across the public boundary? Ms. Zumbrun is hopeful that they will. Member Wehler suggested that it would enhance the grant application to include private partnerships committing to 'in kind' contributions. Ms. Zumbrun agreed, and stated that the Township is looking at different ways to show additional private investment.

Member Tunnell asked if any thought has been given to establishing a downtown improvement district. Ms. Zumbrun stated they are still working on the Tax Increment Financing district component, but the downtown improvement district would be another option in the future.

**MOTION**

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission authorized its Chairwoman, Joyce St. John, to execute the planning consistency letter for the Chocolate Avenue Streetscape Improvements Project.

**D. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for 515, 555, and 565 East Chocolate Avenue, Plat #1254**

Brandon Williams reported that this plan represents the infill development of the former Miller Chevrolet site (515 East Chocolate Avenue) and two adjacent tracts of land to the east on East Chocolate Avenue. 555 East Chocolate Avenue currently contains a two-story office building, while 565 East Chocolate Avenue remains vacant land. Plat #1254 proposes to consolidate the existing 6 parcels of land and re-subdivide them into two lots. Lot 1 is proposed to contain a 120-room, four-story hotel. Lot 2 is proposed to contain a three-story, 40,000-square-foot office building with parking area on the first level; the existing 12,684-square-foot, two-story office building; and a three-level parking garage structure. Waivers have been requested from the Subdivision and Land Development Ordinance regarding preliminary plan procedure; existing physical and topographical features within 200 feet of the property; preparation of profiles for all existing storm sewer, sanitary sewer, water, and gas lines within the property; and sidewalk location. Staff recommends that all of the waiver requests be granted.

The applicant sought and was granted relief by the Zoning Hearing Board for the substitution of a prior nonconforming use (the auto dealership) for the proposed hotel use. A number of requests for dimensional relief were also approved relative to proposed setbacks of buildings and parking areas, floor area ratios, impervious and vegetative cover ratios, and parking space and aisle measurements.

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Mr. Williams; Matt Bonanno, HRG; Chris Brown, Derck & Edson; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments. Mr. Williams recommended that the plan be tabled to allow the applicant time to address the numerous review comments.

Jim Snyder, Snyder, Secary & Associates, represented the applicant. He stated that the majority of the review comments are relatively minor in nature and will not affect the overall design of the project. Several of the comments resulted from the plan being filed before the Zoning Hearing Board decision was rendered, so some changes have to be made to reflect that. He asked the Commission to make a recommendation on the plan in order to allow the project to keep moving forward.

Secretary Rowe stated that the proposed change in lane configuration on East Chocolate Avenue may require approval from all of the property owners whose driveways will be affected; therefore, the applicant will need to show the entire plan all the way from the property line down to Mansion Road. He asked if the traffic study is under review by PennDOT. Mr. Snyder answered yes, and they have responded with a handful of relatively minor comments. The applicant is unable to respond to PennDOT's comments until the Township comments on the traffic impact study. Secretary Rowe asked if the comment regarding drainage will be addressed. Mr. Snyder answered yes, a new inlet is proposed. The applicant does not want the drainage issue to continue and they plan to install facilities at that low point to fix the problem. Secretary Rowe commented that without having the final results of the traffic impact study and final approval from PennDOT, the lane configuration on East Chocolate Avenue may change, which may result in alterations to the layout of the project. Mr. Snyder responded that he does not expect that any design changes will be necessary as a result of the highway occupancy permit approval.

Member Wehler asked if the intent is to have no net increase in stormwater runoff. Mr. Snyder answered yes. The benefit is that the majority of Lot 1 was the former Miller Chevrolet site, which was entirely impervious; however, they have to discount that by 20%, which they have done. They are proposing a fairly substantial subsurface facility between the hotel and the office building, so the net discharge from the site will be less than what exists currently. Member Wehler inquired about the condition of the existing culvert pipe that crosses East Chocolate Avenue. Mr. Snyder responded that their understanding is the pipe is in good condition.

There was discussion regarding the review timeframe for the project if the Planning Commission tabled taking action on the plan versus if the Commission made a recommendation to reject the plan based on the number of outstanding review comments; and whether the project will be delayed by the required review of the design elements by the Design Advisory Board and the Board of Supervisors. Mr. Brown stated that it would be beneficial for the Commission to forward the project to the Design Advisory Board with the Commission's recommendation so that the Design Advisory Board can feel comfortable that the general design of the plan will not be changing (as opposed to the Commission tabling the plan and the Design Advisory Board reviewing the project without the benefit of the Commission's recommendation).

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Secretary Rowe was hesitant to move the plan forward without knowing that final approval of the highway occupancy permit will not result in changes to the layout of the project. He suggested that the Township write a letter to PennDOT, stating that the Township has not approved the plan yet, and it needs to be reviewed in accordance with PennDOT's standards.

Sandy Ballard (a member of the Design Advisory Board and the Board of Supervisors), stated that some of the Design Advisory Board guidelines, as well as Page 63 of the draft Comprehensive Plan, states "with most of the parking being located behind or to the side of buildings..." The DAB guidelines also state that parking areas, garages, or storage buildings should not be built in the front of the property or in areas visible from the street. Ms. Ballard believes this project is sprawl and not suitable for the downtown area. It will not help walkability and it is not what the community wants.

Chairwoman St. John agreed that the current layout of the project does not meet the DAB guidelines and asked if the applicant reviewed these guidelines. Mr. Snyder responded that they did, and they are aware it is an approval process that they have to go through.

Member Tunnell stated that in order to accomplish what the DAB guidelines suggest, the Zoning Hearing Board would have to grant relief to allow the proposed buildings to be located within the front yard setback. Mr. Emerick noted that the Zoning Hearing Board already granted relief to allow parking within the front yard setback. Member Tunnell does not see how the Design Advisory Board or the Board of Supervisors would be able to deny the layout based on DAB guidelines if relief was already granted by the Zoning Hearing Board. The Zoning Ordinance would have to be changed so that the DAB guidelines are requirements. Mr. Brown noted that the Village Core zoning district regulations were recently revised to allow for a much smaller front yard setback in the downtown. Member Tunnell stated that if the Board of Supervisors desires zero front yard setbacks, then they have to amend the Zoning Ordinance to reflect this desire, and that would give developers a firm standard to design to. The Ordinance should not require a 35' front yard setback in the Neighborhood Commercial zoning district and then state in the DAB guidelines that there should be a 0' front yard setback.

Ms. Ballard commented that once the developer meets all of the requirements, the Board of Supervisors has very little, if any, choice but to approve the plan. The Zoning Hearing Board needs to be made aware when a project is within the Chocolate Avenue Preservation Overlay district and should read and understand the DAB guidelines whenever they are considering a petition within the Chocolate Avenue Preservation Overlay district. Mr. Emerick stated that the Design Review Board and the Board of Supervisors approved the layout of the property at 555 East Chocolate Avenue with the parking in front, so a precedent has already been set. The Zoning Hearing Board does not have any jurisdiction over the DAB standards.

Mr. Emerick stated that when Mr. Snyder met with Township staff and Mr. Brown at the beginning of the design process, a recommendation was made to Mr. Snyder to move the proposed medical building closer to the street. However, because of the existing building at 555 East Chocolate Avenue and the ultimate design of the proposed hotel, Mr. Snyder was not able to fit it into the design.

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Per Township staff's recommendation, Mr. Snyder withdrew the applicant's request for a waiver from Section 185-12.A of the Subdivision and Land Development Ordinance regarding preliminary plan procedure.

*MOTION ON WAIVERS*

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers be granted from the Subdivision and Land Development Ordinance:

- a. From Sections 185-12.D.(3).(a).[9] and 185-12.D.(3).(a).[35] regarding existing physical and topographical features within 200 feet of the property.
- b. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding preparation of profiles for all existing storm sewer, sanitary sewer, water, and gas lines within the property, with the stipulation that the applicant profiles all proposed and existing pipe runs in the areas where grading will be modified.
- c. From Section 185-34.A.(1) regarding sidewalks being installed 4 inches from the right-of-way line.
- d. From Section 185-27 to allow an 11' easement width around the vegetative swale to the east of the parking structure.

*MOTION ON PLAT #1254*

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1254 be approved, subject to the following being satisfactorily addressed:

- a. The comments in item 3 of the Township staff report.
- b. The comments in the June 30, 2015 HRG letter, with the exception of comments 6 and 7 under the 'Zoning' heading on page 2.
- c. The comments in the June 30, 2015 DTMA letter.
- d. The comments in the June 22, 2015 Dauphin County Planning Commission report.
- e. The Township is to write a letter to PennDOT, indicating that the Commission's recommendation for approval is conditional upon the highway occupancy permit being approved.

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**E. Review and recommendation of the Preliminary Subdivision and Land Development Plan for The Point, Plat #1255**

**F. Review and recommendation of the Final Subdivision and Land Development Plan for The Point, Plat #1256**

Chuck Emerick explained that there were a substantial number of review comments for these plans, and the applicant has agreed to request that the plans be tabled in order to allow time for them to address the comments.

The Planning Commission did not have anything to add to the review comments of Township staff, HRG, Derck & Edson, DTMA, and the Dauphin County Planning Commission.

On behalf of the applicant, Craig Smith of RGS Associates verbally granted a 60-day extension of time for the Board of Supervisors to act on each of the plans. He will also provide the extension in writing.

**MOTION TO TABLE**

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission tabled taking action on Plat #1255 and Plat #1256.

**G. Review and recommendation of the Preliminary/Final Subdivision Plan for the Trimble Property, Plat #1257**

Chuck Emerick reported that this plan has been withdrawn by the applicant at Township staff's recommendation because it was discovered during plan review that the applicant needs to return to the Zoning Hearing Board to request additional relief from the Zoning Ordinance regulations.

**H. Review and recommendation of the Preliminary/Final Subdivision/Land Development and Stormwater Management Site Plan for the Hershey Downtown Center, Plat #1258**

Chuck Emerick explained that there were a substantial number of review comments for this plan, and the applicant has agreed to request that the plan be tabled in order to allow time for them to address the comments. Brian Evans, Evans Engineering, has provided a letter on behalf of the applicant, granting a 60-day extension of time for the Board of Supervisors to act on the plan.

The Planning Commission did not have anything to add to the review comments of Township staff, HRG, Derck & Edson, DTMA, and the Dauphin County Planning Commission.

**MOTION TO TABLE**

On a motion made by Secretary Rowe, seconded by Member Wehler, and a unanimous vote, the Planning Commission tabled taking action on Plat #1258.

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**I. Review and recommendation of the Preliminary/Final Land Development Plan for Hershey Square Shopping Center, Plat #1259**

Brandon Williams reported that the plan represents the expansion of the existing 178,960-square-foot Hershey Square Shopping Center. The expansion includes the addition of 4,526 square feet of retail space to the PA State Wine and Spirits store, and the demolition of the existing bank building and construction of a multi-use building to include a 2,500-square-foot, 67-seat restaurant; a 1,450 square-foot retail space; and a 2,804-square-foot doctor's office. As a result of the proposed expansion, portions of the parking area behind the main shopping center to the north will be reconfigured, as will a portion of the parking area adjoining the proposed three-tenant pad building. A trip generation assessment was provided; however, applicant did not submit a full traffic study since this proposal will generate fewer than 100 new trips during peak hours.

Waivers have been requested from the Subdivision and Land Development Ordinance regarding plan scale; metes and bounds of street right-of-ways, centerlines, and easements; stormwater, sanitary sewer, and utility plans and profiles; curbing; and sidewalks along Hersheypark Drive and Route 422. Staff recommended that all of the waivers be granted, with the exception of the sidewalk waiver. Mr. Williams explained that granting the sidewalk waiver would be contrary to the improvements recommended in the recent Walton Avenue Corridor Alternatives Study. The applicant should provide for an alternative, such as offering a fee in lieu of sidewalk installation.

Mr. Williams; Matt Bonanno, HRG; Chris Brown, Derck & Edson; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments.

Secretary Rowe does not think the Township should encourage people to walk along this section of Route 422 and agrees with Mr. Williams' suggestion that the applicant offer a fee in lieu of sidewalk installation that can be used for the construction of sidewalk at a more appropriate location in the Township.

In response to a question from Member Tunnell, Mr. Emerick stated that at the Board of Supervisors' request, staff has prepared an ordinance regarding fees in lieu of sidewalk installation that will come before the Planning Commission at their August meeting. Since the ordinance is not in effect yet, it will be up to the Board of Supervisors to determine what path this request for a waiver from sidewalk installation takes (deny the waiver, grant the waiver as a deferment, or grant the waiver conditional upon the applicant offering a fee in lieu of sidewalks).

Member Tunnell asked if sidewalk deferments were granted in conjunction with previous land development plans for the shopping center. Mr. Emerick answered yes.

Sandy Ballard, 650 Cocoa Avenue, thanked everyone for their efforts in improving pedestrian safety in this area. She suggested that another option could be to install the sidewalks that would have eventually been installed anyway by the drainage swale and then the applicant could contribute a fee in lieu of installation for the other two legs.

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Member Tunnell asked if any of the proposed locations for sidewalk as depicted in the Walton Avenue Corridor Alternatives Study have previously been granted a deferment of installation that the Township could now act on. Mr. Emerick stated that the point is this entire intersection needs major improvements to be pedestrian friendly at all four points. Member Tunnell responded that if the deferments exist, they should be acted on so that the current applicant is not burdened with that responsibility. Mr. Emerick stated that the proposed ordinance for fees in lieu of sidewalk installation is meant to eliminate the possibility of sidewalk being installed in a location where the Board of Supervisors does not think it will ever be necessary and to generate revenues to fill in gaps in existing sidewalk in other areas of the Township.

Brian Evans, Evans Engineering, represented the plan. He stated that the applicant is willing to work with the Township regarding the requested sidewalk waiver and offering a fee in lieu of installation. It does not make sense to install the sidewalk down to the intersection right now because it might get torn out in 5-10 years based on the timing of the improvements proposed by the Walton Avenue Corridor Alternatives Study.

Regarding Mr. Williams' comment on the submission of a traffic study, Mr. Evans stated that the applicant is willing to work with the Township regarding a traffic improvements contribution in lieu of submitting a study since there will not be more than 100 trips generated.

Mr. Evans requested an additional waiver regarding showing metes and bounds for the 20'-wide easement around the existing stream and existing drainageways.

**MOTIONS ON WAIVERS**

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that waivers be granted from the Subdivision and Land Development Ordinance as follows:

- a. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale for the overall site plans.
- b. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds of street right-of-ways, centerlines, and easements.
- c. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding stormwater plan and profiles for existing systems, with the stipulation that the applicant profile all proposed and existing pipe runs in the areas where grading will be modified.
- d. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary plan and profiles for existing systems, with the stipulation that the applicant profile all proposed and existing sewer pipe runs in the areas where grading will be modified.
- e. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding utility plan and profiles for existing systems, with the stipulation that the applicant profile all proposed and existing gas and water pipe runs in the areas where grading will be modified.

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- f. As a deferment from Section 185-22.E.(5) regarding curbing along Hersheypark Drive and Route 422, with the stipulation that the owner enter into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- g. From Section 185-49 regarding wetlands, with the stipulation that the applicant references the correct section (*not Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20]*).
- h. From Section 185-13.E.(4).(a).[7] regarding providing metes and bounds for the 20'-wide easement area for the stream, drainageway, and existing piping systems.

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission recommended that the following waiver from the Subdivision and Land Development Ordinance be granted as a deferment:

- a. From Section 185-34 regarding sidewalks, walkways, and bicycle paths along Hersheypark Drive and Route 422, with the stipulations that Township staff work with the applicant to develop an agreement to present to the Board of Supervisors regarding the applicant offering a fee in lieu of installation of sidewalks, and that the applicant submit a plan that indicates which areas of sidewalks are going to be deferred and which sections are going to be installed.

*MOTION ON PLAT #1259*

On a motion made by Member Tunnell, seconded by Member Wehler and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1259 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Items 2 and 3 of the Township staff report.
- b. The comments in the June 29, 2015 HRG letter.
- c. The comments in the June 29, 2015 DTMA letter.

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**ADJOURNMENT**

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

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Glenn Rowe  
Planning Commission Secretary

Submitted by:

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Jenelle Stumpf  
Community Development Secretary (*stenographer*)