

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
October 6, 2015**

CALL TO ORDER

The Tuesday, October 6, 2015 Derry Township Planning Commission meeting was called to order at 6:02 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; Gregg Mangione, Vice Chairman; Matt Tunnell

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, Inc.; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: Joseph and Jo-Ann Lippincott, 1366 Fox Glen Drive, Hummelstown; Kenny Hinebaugh, Evans Engineering; Jamie Pascotti, Massimo Rizzotto – 169 Chocolate Group; Mike Gesford, 1336 Fox Glen Drive; Mark and Lindy Plevelich, 1061 Greenhill Drive; Kent Crawford, 1115 Stonegate Road, Hummelstown

APPROVAL OF MINUTES

On a motion made by Member Tunnell and seconded by Vice Chairman Mangione, the Planning Commission unanimously approved the minutes of the September 1, 2015 meeting, as written.

OLD BUSINESS

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

Chuck Emerick reported that this plan proposes a new 5-story building at the corner of West Chocolate Avenue and Ridge Road, a new 3-story building at the corner of West Chocolate Avenue and Linden Road, new structured parking, the addition of a third floor to the existing stone structure on the property, and street and sidewalk improvements. The plan also proposes to join 9 parcels together to create a 4.64-acre tract. Once completed, it is anticipated that the site will contain 137,842 square feet of floor area. Access will be provided by way of 2 driveways on Ridge Road, a connection to Linden Road, and a 'right-in, right-out' on West Chocolate Avenue. Improvements are proposed to mitigate this project's impact on the surrounding road system, beyond the normal adjustments of timing at traffic signals. They include adding right turn lanes into the site along West Chocolate Avenue at West Chocolate Avenue and Linden Road, West Chocolate Avenue and the 'right-in, right-out', and West Chocolate Avenue and Ridge Road, all of which were recommended in the traffic study. It was

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determined in a recent traffic meeting with the developer that the Township does not desire the right turn lane at West Chocolate Avenue and the 'right-in, right-out' due to the loss of the proposed on-street parking, and will likely offer support to the developer in dealing with PennDOT to request relief from installing this improvement. Mr. Emerick outlined the waivers that have been requested from the provisions of the Subdivision and Land Development Ordinance.

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

Vice Chairman Mangione asked if someone who is in the proposed parking garage will be able to make their way back to the right in/right out onto West Chocolate Avenue. Mr. Emerick stated that drivers will be able to access the right in/right out from the upper deck of the proposed parking garage.

Vice Chairman Mangione cited the Police Department's concern regarding southbound Ridge Road traffic and the current two-lane configuration. They think it would be beneficial to have increased lanes for southbound Ridge Road to provide for a dedicated left turn lane and to also have the signal upgraded to have dedicated turn arrow movements on all approaches. Vice Chairman Mangione asked if there are any options with this project for not making the Ridge Road situation worse. Kenny Hinebaugh, Evans Engineering, responded that the Park Boulevard realignment project will turn Ridge Road into a one-way flow to the north, so the only southbound movements off of Ridge Road will be from the Hershey Downtown Center project, which will be a lot less than the typical every day traffic flow. Vice Chairman Mangione asked when the realignment will take place. Mr. Bonanno stated that most of the construction will occur in 2016, and clarified that Ridge Road will be two way up to the project's access driveway and then one way coming down.

Member Tunnell inquired about the range of issues that the applicant thinks might arise from the traffic study. Mr. Hinebaugh stated that the applicant's original intention was not to have any turn lanes from West Chocolate Avenue, based on what the Township is looking for in terms of the streetscape project. However, it was determined that turn lanes are necessary, based on traffic volumes from West Chocolate Avenue onto side streets, and they have been incorporated. At the four-way intersection within the site, there will not be a stop sign for the vehicles entering the site by way of the right in on West Chocolate Avenue so that traffic does not get backed up on West Chocolate Avenue. There are timing issues with various traffic signals and the applicant is proposing to address some of those issues as part of their project, but others will require outside involvement from the Township and PennDOT. The applicant has received their first round of review comments from PennDOT, and the next step is to meet with Township staff again to figure out how those improvements will fit best with their project and the Township's downtown plan.

Member Tunnell asked what is driving the need for a PennDOT Highway Occupancy Permit. Mr. Hinebaugh responded that currently it is only the proposed right in/right out from West Chocolate Avenue, and possibly for turn lanes.

Public comment: Jonathan Crist, owner of the property at 226 West Chocolate Avenue, asked if there will be a left turn arrow for the signal at the intersection of West Chocolate Avenue and Ridge Road. Without the arrow the proposed project is not workable, according to the traffic engineer that Mr. Crist hired. However, he is aware that PennDOT usually does not support the addition of left turn arrows.

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Mr. Crist also asked what is proposed with this project in terms of busses, because there does not seem to be any room for them to maneuver within the site.

Mr. Hinebaugh stated that, based on their traffic study, adding a left turn movement to the signal will cause traffic to back up on West Chocolate Avenue even more. Mr. Crist commented that traffic also backs up on Ridge Road because not many vehicles can get through the intersection during a light cycle.

Mr. Emerick asked Mr. Crist if his traffic study was specific to this project. Mr. Crist stated that he had his traffic engineer update the study that was prepared for Mr. Crist for the Chipotle project to include this project. Mr. Emerick asked Mr. Crist if he will share his updated traffic study with the Township, and Mr. Crist answered “when the time comes.” In response to another question from Mr. Emerick, Mr. Crist stated that his traffic study is not for the purpose of helping the Township.

Mr. Hinebaugh stated that the applicant has taken busses into consideration with this project, and is looking into options to address the matter and might even incorporate a bus stop. Also, the through road that is being created will be a little wider than a standard parking aisle to account for large vehicle movements throughout the site.

MOTION ON WAIVERS

On a motion made by Member Tunnell, seconded by Vice Chairman Mangione, 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).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds of existing street centerlines.
- b. From Section 185-12.D.(3).(a).[9] regarding providing features within 200’ of the subject tract.
- c. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding existing stormwater profiles that will be unaffected by the project.
- d. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding existing sanitary sewer profiles that will be unaffected by the project.
- e. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding existing utility profiles that will be unaffected by the project.
- f. From Section 185-22.D.(3) regarding additional street right-of-way along Linden Road and Ridge Road.
- g. From Section 185-42 regarding the traffic study horizon year.

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MOTION ON PLAT #1258

On a motion made by Member Tunnell, seconded by Vice Chairman Mangione, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1258 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 September 16, 2015 HRG letter.
- c. The comments in the September 24, 2015 DTMA letter.

NEW BUSINESS

A. Review and recommendation of the Sketch Plan for Fox Glen Drive, Plat #1260

Mr. Emerick explained that this plan represents the combination of 2 existing lots into a single lot that will be subdivided to create 5 new lots. One of the proposed lots will contain an existing dwelling. The subject property is located along existing Fox Glen Drive, east of Waltonville Road, west of Shank Park, and south of the Waltoncroft subdivision. The 2 lots being combined together were each entitled to the Agricultural/Conservation district lot criteria exception of the Zoning Ordinance, which allows lots up to 25 acres to be subdivided into a maximum of 5 lots. However, this plan is proposing to join the 2 lots together prior to further subdivision, which would have disqualified the property from the exemption and required a density of 1 dwelling unit per 5 net developable acres. The Zoning Hearing Board granted the relief necessary to allow this subdivision to move forward in its present configuration.

The traffic impacts of this subdivision will be minimal, as it is anticipated that approximately 40 new average daily trips will be generated. This plan proposes to extend Fox Glen Drive by approximately 470 feet and to terminate it in a compliant cul-de-sac configuration. The present 40' right-of-way width, existing development, and restrictive slopes along Fox Glen Drive all have a negative impact on the installation of sidewalk. The applicant has proposed to reduce the cartway width of the cul-de-sac in order to provide a sidewalk along one side of the roadway, and Mr. Emerick is supportive of this modification.

It is anticipated that the development will help solve some existing stormwater management deficiencies in this neighborhood. The lands upslope of Fox Glen Drive were subdivided at a time when little to no stormwater management was required, which means that the stormwater enters the site uncontrolled. As presently designed, the stormwater system for this development will collect much of the upslope water and route it through a stormwater basin. It is, however, necessary for that stormwater basin to discharge into Shank Park so as not to exasperate any existing stormwater deficiencies within the Waltoncroft subdivision. The stormwater entering Shank Park will be managed by pipes and swales that will ultimately discharge into an existing drainage way.

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Member Tunnell asked how Waltoncroft's stormwater is managed. Mr. Emerick stated that the stormwater from the upper portion of the development goes into a basin, flows through a swale, and then discharges in a sheet flow into Shank Park.

Mr. Emerick went over his review comments, which are to be addressed by the developer with the formal submission of the plan.

Member Tunnell asked if the extended portion of Fox Glen Drive will be dedicated to the Township. Mr. Emerick answered yes. In response to Chairwoman St. John's question, Mr. Emerick stated that on-street parking will not be permitted due to the narrowness of the proposed road extension. Chairwoman St. John commented that it is difficult to live in a development where on street parking is not permitted.

Matt Bonanno, HRG, went over his review comments.

Member Tunnell questioned how Fox Glen Drive went from being an alley or driveway to having a public right-of-way. Mr. Emerick stated that he found subdivision plans from the early 1970s for the creation of lots along the existing portion of Fox Glen Drive, and they showed a 40' right-of-way.

Note: The developer was not present at the meeting.

Mike Gesford, a resident of Fox Glen Drive, stated that he has lived there for 56 years. Fox Glen Drive used to be a dirt road, but there was a right-of-way. Mr. Gesford added that there has always been a stormwater runoff problem in this area. He thinks the driveways to the proposed lots will be terrible because of the steep bank off of Fox Glen Drive.

Chairwoman St. John asked for verification that a formal land development plan for this project will not be approved unless an acceptable stormwater management plan is in place. Mr. Emerick agreed, and stated that he believes this plan will fix the existing stormwater problems. The developer has chosen to go beyond the ordinance requirements by capturing runoff from other areas in addition to their development.

Kent Crawford, 1115 Stonegate Road (Waltoncroft), believes that the developer's proposal of collecting additional water from other upslope properties and the proposed path of discharge will cause problems for some of the properties in Waltoncroft. He is worried that Mr. Emerick and Mr. Bonanno are not correct in their assessment that the project will improve stormwater conditions.

Member Tunnell asked if the new driveways and rooftops will cause additional issues for Waltoncroft. Mr. Bonanno responded that all of the upslope water that is flowing into Waltoncroft now is proposed to be diverted with this project, so the additional runoff from additional impervious surface will be offset by the stormwater from the upslope areas that will be diverted.

Mr. Bonanno asked Mr. Crawford why he thinks some of the properties in Waltoncroft will still have a stormwater issue. Mr. Crawford outlined the path that he believes the water will take as it is discharging. Mr. Bonanno explained that the water will be carried by a pipe to discharge further down in Shank Park

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instead of discharging in a sheet flow as it currently does. Mr. Crawford stated that the developer should be encouraged to use pervious material for the road extension and driveways.

Joe Lippincott, 1366 Fox Glen Drive, asked if the drains proposed on the north side of the extended portion of Fox Glen Drive will also be installed on the existing portion of the road. Mr. Emerick answered no. Mr. Lippincott stated that most of the water on Fox Glen Drive flows along the south side of the road and therefore will not benefit from the drains on the north side of the road. Mr. Emerick noted that the developer is proposing to install inlet boxes on both sides of the extension. Mr. Lippincott asked who will pay for the installation of sidewalk along the north side of Fox Glen Drive. Mr. Emerick replied that the developer will be responsible for this cost. Mr. Lippincott is also concerned about the fact the on-street parking will not be allowed.

Chairwoman St. John commented that the developer has a lot of work to do before the formal subdivision plan can be submitted. She also thinks that, given the choice of one or the other, on-street parking would be more important than sidewalk in this area.

Mark Plevelich, 1061 Greenhill Drive, asked Mr. Emerick to repeat his plan review comment regarding the possible future connection of Fox Glen Drive to Greenhill Drive. Mr. Emerick stated that the extension would require some type of future agreement from the affected property owners, but it seems as though now is the time to make that provision because we do not know how things will be in the next 20 to 40 years. The connection does not need to be part of this proposal, but Mr. Emerick believes it would be poor planning to close the door on the option. In response to a question from Member Tunnell, Mr. Emerick stated that there would need to be an easement from the proposed development through the two affected properties on Greenhill Drive. Mr. Emerick added that the Zoning Hearing Board listed the connection of Fox Glen Drive to Greenhill Drive as a restriction in the conditions of the approval that was granted for this project.

Mr. Plevelich asked how drinking water will be obtained for the proposed dwellings. Mr. Emerick stated that since there is no public water on Fox Glen Drive, the developer will have to do aquifer testing, or they will have to propose to extend the public water line to serve the new lots. Mr. Plevelich noted that the water line stops at the end of Greenhill Drive, and he will not grant an easement for the public water line to come through his property. However, Pennsylvania American Water informed him that it would not be their preference to bring the line through land anyway, they would want to follow street rights-of-way.

In response to a question from Mr. Crawford, Mr. Emerick stated that this zoning district typically has 50' yards; however, per the Zoning Hearing Board's Decision, a 100' rear yard setback is required from these proposed lots to Waltoncroft.

Member Tunnell asked how the Township addresses the fact that the proposed stormwater detention pond will be on private property, and who will be responsible for its maintenance. Mr. Emerick does not know who will be responsible for the maintenance of the facility at this point (a homeowners association or the owners of the affected lots), but an Operation and Maintenance Agreement will be required as part of the formal subdivision plan approval.

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Mr. Emerick asked for confirmation that it is likely the Planning Commission would not support the narrower road in lieu of sidewalk installation, and the Commission is likely to support a full waiver of sidewalks. Chairwoman St. John agreed with these points and added that when the developer submits the formal subdivision plan, their stormwater management plan should address the issues at Waltoncroft and the existing homes on Fox Glen Drive so that they are not impacted in a negative fashion. Mr. Emerick also asked for confirmation that the Commission would like to retain the pedestrian access from the cul-de-sac on. Chairwoman St. John agreed. She inquired about Derck & Edson's suggestion that the pedestrian access easement be widened to 20 feet to provide a point of vehicular egress from Shank Park. Mr. Emerick clarified that the purpose of this would be so that emergency vehicles could use the easement to access Shank Park. Also, the access would not be paved, it would just be stabilized turf.

B. Review and recommendation of a proposed ordinance that would amend Chapter 225 (Zoning) of the Code of the Township of Derry regarding communications antennas and towers

Brandon Williams stated that in addition to the amendments proposed regarding communications antennas and towers, this ordinance would add a severability clause to the entire Zoning Ordinance so that the clause applies to all provisions of the Ordinance, not just those that are amended. The majority of the proposed ordinance involves revising definitions, and permitted locations, design, maintenance, and permitting for communications antennas and communications towers. Some of the primary reasons why Township staff is proposing these amendments include being more consistent with the Federal Telecommunications Act and the state Broadband Collocation Act, as well as trying to account for new technologies.

Vice Chairman Mangione asked if there will be a limit to the permitted height of a building-mounted antenna, which cannot exceed the existing building height by more than 50%. Mr. Williams answered no, but the Zoning Ordinance specifies maximum building heights.

Mr. Williams concluded by saying that the Dauphin County Planning Commission supports the proposed ordinance as written.

MOTION

On a motion made by Vice Chairman Mangione, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the proposed ordinance be adopted as written.

OTHER BUSINESS

None.

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ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Glenn Rowe
Planning Commission Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary (*stenographer*)