

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
PUBLIC HEARING
Wednesday, October 14, 2015**

CALL TO ORDER

The Wednesday, October 14, 2015 Derry Township Board of Supervisors public hearing was called to order at 6:03 p.m. by Chairman John W. Foley, Jr. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Supervisors Present:

John W. Foley, Jr., Chairman
Marc A. Moyer, Vice Chairman
Justin C. Engle, Secretary
Sandy A. Ballard
Matthew A. Weir

Supervisors Absent:

None

Also Present:

Chuck Emerick, Director of Community Development
Brandon Williams, Assistant Director of Community Development
Lauren Zumbun, Economic Development Manager
James N. Negley, Township Manager/Township Treasurer
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Jenelle Stumpf, Community Development Secretary (*stenographer*)
Chris Brown, Derck & Edson
A. J. Schwartz, Environmental Planning & Design
Ben Guthrie, Traffic Planning & Design

Public Registering Attendance: Ruth Miller, 1335 Harding Ave., Hershey; Anne Newman, 531 Elm Ave., Hershey; Lisa and Mark Baker, 1215 Edgewood Dr., Hummelstown; Mary Averill, 136 Cedar Ave., Hershey; Howard and Leah Lewis, 66 E. Areba Ave., Hershey; Dale Holte, 2279 Southpoint Dr.; Steve Ramis, 2015B Southpoint Dr.; Barry and Toni Buck, 242 Quarry Rd.; Phil Friedrich, 440 W. Chocolate Ave.; Charles Huth, *The Sun*; Eric Spangler, 918 Hill Church Rd.; Steve Nelson, 1204 Julianne Dr.; Bill and Judy Woodring, 120 E. Caracas Ave., Hershey; Bruce Hancock, 145 Brookside Ave.; Jamie Pascotti, RMA; William Cavanaugh, 2022 Southpoint Dr.; Tom Kitzmiller, 1189 Auburn Ave.; Jack MacBurt, 2354 Raleigh Rd.; Susan Cort, 114 Java Ave., Hershey; Todd and Linda Pagliarulo, 321 Concord Ct.; Charleton Zimmerman, 119 North Roosevelt Ave.; Dennis Trout, 2010 Locust Ln.; George Porter, 909 E. Chocolate Ave., Hershey; Marilyn Ferguson, 1255 Edgewood Dr., Hummelstown; Steve and Kathy Seidl, 1312 Sand Hill Rd., Hummelstown; Charlene S. Graham, 1249 Peggy Dr.; Regan Graham, 1119 Peggy Dr., Apt. 5, Hummelstown; Dennis Burd, 651 Pheasant Run Rd.; Ken Gall, Hershey Trust Company; Lisa Kurcina, 1098 Princeton Dr.

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NEW BUSINESS

A. Public hearing regarding the Township's proposed Comprehensive Plan

Chuck Emerick, Director of Community Development, explained that the Comprehensive Plan presented tonight is a culmination of over 5 years of work by boards and committees, staff, residents, other concerned parties and consultants. It is based on community outreach and stakeholder interviews, smart growth principals, good planning practices, and the vast amount of other data gathered during its development. Its foundation and purpose is to promote and encourage the development of safe, healthy, and distinctive living environments, amenities, and services for our residents and visitors.

As required by the Pennsylvania Municipalities Planning Code, all of the adjacent municipalities and the Derry Township School District were invited to review and comment on the proposed Comprehensive Plan. This invitation was sent via e-mail by Environmental Planning and Design on June 19, 2015. No comments have been received.

The Derry Township Planning Commission, at their meeting of July 7, 2015, reviewed and commented on the draft Comprehensive Plan. The Dauphin County Planning Commission, by way of their letter dated July 13, 2015, recommended that the Board of Supervisors adopt the proposed Comprehensive Plan, provided the County's comments regarding the Pennsylvania Municipalities Planning Code requirements are addressed.

Mr. Emerick stated that it is not necessary for the Board of Supervisors to take action at this hearing. If the Board desires to implement the proposed Comprehensive Plan amendment as written, it is necessary to adopt a resolution to take this action. Staff should be given direction regarding how to proceed. Mr. Emerick added that notice of the Board's intent to consider adoption of the Comprehensive Plan will not be advertised, as it is not a legal requirement.

Chris Brown, Derck & Edson, stated that, based on some of the comments the consultants received by e-mail prior to this hearing, there still seems to be some ambiguity between what a Comprehensive Plan does and what a Zoning Ordinance does. The Comprehensive Plan does *not* change any current zoning; it is not a legislative document. Instead, it is a guiding document that can be used to effect change in codified ordinances in the future to help implement the mission and vision of the Comprehensive Plan. Additionally, Mr. Brown stated that it has been many years since the 1991 Comprehensive Plan has been updated, which is not typical. Comprehensive Plans should be updated on a more regular basis. With that in mind, Mr. Brown noted that there should not be information in the proposed Comprehensive Plan that will make it stagnant or 'dated' within a short amount of time.

PUBLIC COMMENT

Steve Ramis, 2015B Southpoint Drive – Mr. Ramis referenced Dauphin County's review of the proposed Plan and asked if they had any negative comments. Mr. Brown answered no.

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Phil Friedrich, 440 West Chocolate Avenue – Mr. Friedrich commented that people have put a remarkable amount of effort into this Plan. The Comprehensive Plan is the framework for decision making by the Board of Supervisors, and if the Plan is viewed as a guideline, it will make a huge difference in the Township over the next several years.

Dennis Trout, 2010 Locust Lane. Chairman Foley asked if the Township’s consultants could start by responding to the questions that Mr. Trout posed at the October 13, 2015 Board of Supervisors meeting: *Should a Zoning Map be included in the Comprehensive Plan?* Mr. Brown stated that the Zoning Map does not have a home within the Comprehensive Plan because the Plan is a philosophical document. The Zoning Map will instead be part of the Zoning Ordinance. *Should a map be included that shows the holdings of the Hershey entities?* Mr. Brown responded that the nature of property acquisitions can be volatile, so it is much better to use the Dauphin County Tax Assessment office’s information to determine current ownership of a property. *Regarding upzoning and downzoning as a result of the Comprehensive Plan,* Mr. Brown reiterated that the Plan sets the framework, it does not change zoning.

Mr. Trout thanked Mr. Brown for his clarifications. Mr. Trout is concerned about the fact that this document is a ‘vision’ instead of a ‘plan.’ Over the past 60 years, the development and traffic along Middletown Road has always been increasing. The Township needs to vision or plan to slow the acceleration of the growth, and the proposed Comprehensive Plan does the exact opposite. Mr. Trout stated that there is also a flooding problem on Middletown Road, and the Comprehensive Plan appears to accelerate those problems. The new connector road that is suggested between Bullfrog Valley Road and Gramercy Place in Hershey Heights will only exacerbate additional traffic onto Middletown Road and will foster the development of the vacant land along Middletown Road that is currently zoned Economic Development. If the Township continues to upzone properties, it will increase flooding and traffic. Mr. Trout recommends that the Economic Development land should be downzoned, and there should be no further upzoning along Middletown Road in order to help slow development. He further recommended that if a connector road is constructed between Route 322 and Route 283, it should be done on the east side of Middletown Road on higher terrain to avoid the flooding problems. Finally, Mr. Trout requested that the rest of his questions and comments, submitted via e-mail, be included in the record for this hearing. *(Note: Mr. Trout’s e-mail and others can be found in the Comprehensive Plan file.)*

Dale Holte, 2279 Southpoint Drive – Mr. Holte commented that the preservation of open space is important to the residents along Middletown Road, and asked if the Comprehensive Plan factored in some of the programs that are available for the Township to purchase properties and preserve them for open space and agricultural use. Mr. Holte stated that the residents are also concerned about economic development along Middletown Road. There is a lot of traffic and congestion from the number of homes in the area, but there are very few services.

Mr. Holte stated that the cluster development option is a great idea and provides many advantages, but allowing a developer to construct private roads within a cluster development creates an issue of fairness because the residents on the private street will pay the same amount of taxes and will not have

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Township road services. Finally, Mr. Holte stated that when zoning notices are posted on properties, they need to be much larger so that they are clearly visible.

Mr. Brown responded that a lot of people ask questions about specific types of services. The Comprehensive Plan can discuss the general desire to have more of a certain kind of service, but someone still needs to go out and make the effort to recruit and develop that kind of economic growth.

Jack MacBurt, 2354 Raleigh Road – Mr. MacBurt thanked everyone involved for their effort in developing the Comprehensive Plan. He asked how long it will take to update the Zoning Map and amend the Zoning Ordinance to be consistent with the Comprehensive Plan’s recommendations. Mr. Brown responded that the process can vary greatly; however, the Board of Supervisors has a strong commitment to accelerate the process to have some of the curative actions for the Zoning Ordinance and Zoning Map done by June 2016. The degree to which revisions are made to the Zoning Ordinance and Map is based on community discussion and stakeholder involvement. A. J. Schwartz, Environmental Planning & Design, added that language in the Comprehensive Plan regarding a “for instance” use does not mean that those uses are going to be applied directly to the Zoning Ordinance and Map. There will be a separate process and public review period for that aspect.

Charleton Zimmerman, 119 North Roosevelt Avenue – Mr. Zimmerman commented that Palmdale is mentioned a lot in the Comprehensive Plan in terms of mixed uses. He stated that Palmdale was laid out in 1928, and the Board of Supervisors and Mr. Hershey had nothing to do with it – it was just a haphazard thing. Mr. Zimmerman stated that Mr. Emerick has been designating properties in Palmdale as mixed use, and there is nothing in the Zoning Ordinance about mixed use. There has to be uniformity in the Zoning Ordinance. Mr. Zimmerman also stated that he never understood the point of the Hersheypark Drive extension. Finally, he noted that Google lists Hersheypark Drive is the main street of Hershey, not Chocolate Avenue, and if the Township does not take that into consideration, there will never be downtown development.

Trish Foster, 2439 Raleigh Road – Ms. Foster stated that residents want both open space and services, and there is plenty of space in the Middletown Road area for both. She asked if the Comprehensive Plan and the Zoning Ordinance will be referred to equally when the Township makes decisions. In other words, how much weight does the Comprehensive Plan really carry? For example, the Plan talks about preserving wooded areas, but the word ‘encouraged’ is used instead of ‘required’, and Ms. Foster wondered why that is. Mr. Schwartz stated that it is not a good practice to say ‘required’ in the Comprehensive Plan; that type of language is part of the Zoning Ordinance. There is also the Official Map in the Township’s planning ‘tool belt’, which can be used to define where road corridors and parks should be. Some communities also use the Official Map to designate public realm corridors and drainage concern areas. The Comprehensive Plan does not have all of the specifics – that comes in the regulations.

Steve Ramis, 2015B Southpoint Drive – Mr. Ramis asked if properties will be rezoned based on the Comprehensive Plan instead of as a result of developers submitting plans for particular properties. Mr. Brown responded that is one option – there is certainly the potential to make Zoning Map changes to

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better implement the Comprehensive Plan during the process of the Zoning Ordinance and Zoning Map revisions. However, a developer or property owner is not precluded from requesting a Zoning Map change, which may or may not be adopted by the Township. Mr. Ramis questioned why the Township would rezone a property without a project in mind. Mr. Schwartz commented that many banks will not give development loans if the property does not have proper zoning, which creates a dilemma. Also, there are areas on the current Zoning Map that differ from the aspirations that are defined in the proposed Comprehensive Plan to make a proposal, and it would simply make sense for the Township to make that change on the Zoning Map to have the consistency between documents, instead of waiting for a developer to come forth with a proposal. Mr. Schwartz added that procedures for rezoning should be clearly stated in the Zoning Ordinance so the Board of Supervisors can more easily evaluate what the impacts will be.

Barry Buck, 242 Quarry Road – Mr. Buck stated that zoning is one of his prime concerns. In addition to zoning, the Township needs to have some type of sanctions and enforcement that is brought about by people in a position of authority rather than by neighbors having to point out problems. Mr. Buck stated that he brought this up to the Supervisors two or three years ago, but nothing has changed. There are several problems in his neighborhood that have been addressed before the District Justice and they are not enforced, which results in bad neighbors and poor living conditions. Mr. Buck recommends that this area should be changed to be entirely Village Residential instead of being a mix of Village Residential and Neighborhood Commercial. Regarding the Comprehensive Plan, Mr. Buck is concerned about the fact that Lower Dauphin High School recently bought a residential property in the Township. He wonders how much more land they are going to buy and if they will start encroaching on Mr. Buck's neighborhood. Mr. Buck also commented that there are nice pedestrian trails in the Township, but they are on the south side of Route 322. Quarry Road residents cannot access the trails without walking along Quarry Road or driving to the trails.

Mary Averill, 136 Cedar Avenue – Ms. Averill stated that she is concerned about the lack of attention to existing neighborhoods. The emphasis of the Comprehensive Plan seems to be on what commercial opportunities there may be in the future. Some of the older neighborhoods (such as Palmdale and Little Italy) are really in need of amelioration and maintenance, and there is also a small number of blighted properties throughout the Township. Ms. Averill also commented that there need to be more restrictions regarding the removal of trees from private property. Trees improve quality of life, and in her opinion it feels as though the large, old trees belong to the entire neighborhood and not just the property owner. Sidewalk repair is a challenge because some of the tree roots raise the sidewalk significantly. It would be nice if these responsibilities were more socialized – many municipalities maintain the sidewalk and street trees, which probably means more taxes, but there also would be more consistency. Ms. Averill commented that there is no mention in the Comprehensive Plan as to what the new recreation center at the Granada Avenue Gym will include, and that should have a higher role in the Plan. Mr. Brown stated that regarding the older neighborhoods, the consultants have referred to them as 'mature developments' in the Plan, and there is a strong focus on the reinvestment and revitalization of these corridors. The details of implementation will occur after the adoption of the Comprehensive Plan.

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Dennis Burd, 651 Pheasant Run Road – Mr. Burd thanked the planning team for their hard work on the Comprehensive Plan and complimented the Middletown Road Coalition for their efforts to improve conditions in the Middletown Road area. Mr. Burd subdivided the properties that are currently improved with Turkey Hill and the Goddard School, and he still has about 20 acres that remain to be developed. He commented that there has been a lot of discussion about the Middletown Road corridor. He thinks that many of vehicle trips made on Middletown Road are to access services. Mr. Burd is proposing to develop his remaining 20 acres with a supermarket, a drugstore, a fitness center, and a family restaurant. He thinks Trader Joe's would be a good fit for the grocery store use, and asked those in attendance who would like to see that happen to go to Trader Joe's website and voice their opinion. Chairman Foley stated that this hearing is not the forum for such matters and recommended that Mr. Burd have this conversation with the Middletown Road Coalition.

James Larkin, 2007 Raleigh Road – Mr. Larkin commented that the term 'services' can be applied in many different ways, and he would prefer to see the addition of an auxiliary fire department on Middletown Road instead of a Trader Joe's. He stated that any government service should be provided for the benefit of its residents, not viewed or run like a business, and he hopes that the Township's growth projections are not intended to serve any business or entity better than the quality of services that are provided for the residents. Many of the people who live along the Middletown Road corridor chose to do so because they did not want to live in downtown Hershey, so he hopes the idea of expanding services to the Middletown Road area is a well-thought intention and not run like a business. Mr. Larkin added that the Zoning Ordinance should be used to accomplish what the residents want, not what the Township wants, so the Township officials need to take what the residents say to heart.

Lisa Baker, Edgewood Drive – Ms. Baker stated that the premise of the Comprehensive Plan seems to be that growth is good and what is desired, but she hopes everyone keeps in mind that once the vacant land is developed, it will not be returned to open space. If development continues in the area of her neighborhood, it will worsen the existing stormwater problem. Also, the wildlife in the area has a lot of value. Ms. Baker does not think there is a need for more services, because she does not believe anyone in Derry Township has to go very far to get anything they need. She would love to see tax incentives for people to renovate or build on land that has already been used, rather than continuing to build on vacant land.

Karen Paris, 1305 Edgewood Drive – Ms. Paris commented that sometimes it is very difficult to travel into Hershey from where they live because of the heavy traffic from the Medical Center. She noted that the area located north of Wood Road, east of Middletown Road, and west of Bullfrog Valley Road is designated on the Comprehensive Plan's Future Land Use Diagram as 3.2 (Live, Shop, Eat, Recreate), and increased traffic on Waltonville Road will further affect the ability of people using the pedestrian trail to safely cross Waltonville Road.

Leah Lewis, East Areba Avenue – Ms. Lewis asked how long the Township will accept e-mail comments on the Comprehensive Plan, because she thinks all of the residents in attendance should be able to offer their comments in that manner. Mr. Schwartz stated that the Township can take

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additional comments, but he reminded the Board of Supervisors that if major modifications or substantive changes are made to the current draft of the Plan after this evening, it would have to go back through the review and comment period mandated by the Pennsylvania Municipalities Planning Code. *(Note: In response to Ms. Lewis's question, no deadline for receiving comments was verbalized.)*

Steve Seidl, 1312 Sand Hill Road – Mr. Seidl referenced a wooded property on Sand Hill Road where the owner removed all of the trees from the lot and commented that restrictions on the removal of trees needs to be a very clear part of the Comprehensive Plan, and that needs carry over into the Zoning Ordinance so that it is enforced. Additionally, people should be incentivized to provide trees, walking paths, and services such as a small neighborhood store that people can walk or bike to. He does not believe Trader Joe's is appropriate for Middletown Road. Mr. Seidl also stated that properties should be repurposed, instead of using open space and farmland for new construction. The Township needs to start taking over blighted properties and using incentives for developers to turn those properties into something that is useful and a benefit to the community.

Lisa Kurcina, 1098 Princeton Drive – Ms. Kurcina stated that she lives on the corner of Princeton Drive and Middletown Road, and while it would be nice to have services within walking distance, it is not safe to walk along Middletown Road because of the volume of traffic. She hears people saying that development is inevitable but she does not think it needs to be – the Township officials can make a choice whether or not to allow it.

William Cavanaugh, 2022 Southpoint Drive – Mr. Cavanaugh commented that additional development and traffic along Middletown Road will affect his quality of life and property values in the area. The Township needs to take care of its current citizens.

Charles McElwee, Edgewood Drive – Mr. McElwee stated that the Comprehensive Plan is being interpreted as a vision, and visions are always dangerous. This one depends on the necessary zoning changes to reflect what is proposed in the Comprehensive Plan. Mr. McElwee asked if it is accurate that as it currently exists, the zoning does not permit the implementation of the proposals in the Comprehensive Plan. Mr. Brown responded that in some cases that is correct; in some cases that is not correct. Mr. McElwee questioned what will happen with the Agricultural/Conservation zoning district if the Plan is implemented. Mr. Brown stated potentially nothing, or it is possible that changes will be made. That will be part of the Zoning Ordinance/Map process. Mr. McElwee believes the Comprehensive Plan suggests there should be development for the sake of development and asked what the pressure is to have Middletown Road look like Linglestown Road, or to have Roush Road look like what Middletown Road currently looks like. He urged the Supervisors to approach the Comprehensive Plan cautiously. Most residents do not stand to derive any financial gain from the Plan, and that concerns Mr. McElwee because the residents are the ones who are left to deal with the congestion, infrastructure repairs, increased taxes, and decreased property values.

Jack MacBurt, 2354 Raleigh Road – Mr. MacBurt wondered how many people live in the Village of Hershey and how many live in the Middletown Road corridor. The Middletown Road corridor could

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be called a 'bedroom community.' Those who live near downtown Hershey have the choice of three grocery stores, but the residents on Middletown Road only have the option of going to Middletown or Hershey – there is no grocery store in Hummelstown. The Township has embraced smart growth principles and that is reflected in the Comprehensive Plan, but that does not mean it is going to happen. Mr. MacBurt thinks that services such as a properly-sized grocery store would be of great value to an area that has more citizens than the Village of Hershey. The Comprehensive Plan is the vision of how to move forward and take care of all the needs of all the citizens, but it is going to require compromise.

Dennis Trout, 2010 Locust Lane – Mr. Trout commented that, regarding the desire for services within walking distance, Middletown Road is not walkable. He does not think that anyone in the Middletown Road area would actually walk to a grocery store. Mr. Trout cautioned everyone that the area is going to continue to grow, but the question is at what rate and are we going to foster it by saying “we want it all and we want it now.”

Mark Baker, 1215 Edgewood Drive – Mr. Baker disagreed with Mr. Schwartz’s earlier statement that many of the comments received at this hearing will not result in substantive changes to the Comprehensive Plan. Mr. Baker thinks the comments are very substantial. Mr. Brown responded that the Pennsylvania Municipalities Planning Code uses very specific language and “substantive changes” is one of their terms. He does not want anyone to think that what was shared at the hearing is not substantial, and he has taken five pages worth of notes on the comments that have been made. They will be incorporated in some form, whether it is the Comprehensive Plan, the Zoning Ordinance, the Subdivision and Land Development Ordinance, or the Official Map.

Chairman Foley commented that this has been a lengthy process with numerous listening sessions and public meetings. The process has been open, collaborative, and community driven. Regarding an earlier statement that “visions are dangerous”, Chairman Foley believes that a lack of vision is extremely risky because it means that anything could happen.

Vice Chairman Moyer noted that one issue that was not mentioned during the hearing is external factors for consideration. Middletown Road has been subject to significant external factors for consideration, such as the truck stops on Route 283 and the Norfolk Southern depot. These external factors have a very real impact on Derry Township residents’ lives and we have to consider not only the impact of Derry Township’s Comprehensive Plan, but also how the external factors will affect Derry Township. Vice Chairman Moyer is very concerned that the Comprehensive Plan is somewhat internally inconsistent. On the one hand there is traffic data stating that Middletown Road is the second most heavily-traveled two-lane road; on the other hand is a ‘vision’ and the manifestation of that vision is zoning. In the Comprehensive Plan’s present configuration, Middletown Road is designated in 3.2 (Live, Shop, Eat, Recreate), which includes moderate density single family residences, duplexes, townhouses, and apartments and flats. Vice Chairman Moyer noted that no one advocated for additional housing along Middletown Road, which would have an impact on services and the school district. He wondered if a more detailed designation is warranted along the Middletown Road corridor. Maybe an area should be set aside to specifically address open space and what type of

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development the residents desire. Just as downtown Hershey has been the subject of intense concentration, maybe Middletown Road should have a lot more focused attention from the Township because of the external factors that affect it. Mr. Brown stated that it is called out as mixed use district to be treated differently. The specific uses will be defined during the zoning process.

Phil Friedrich, 440 West Chocolate Avenue – Mr. Friedrich commented that after all of the public meetings over the last several months, we are now able to have this kind of detailed conversation and we were not able to do that before.

ADJOURNMENT

The hearing adjourned at 8:00 p.m.

SUBMITTED BY:

Justin C. Engle
Township Secretary

Jenelle E. Stumpf
Community Development Secretary
(*stenographer*)