

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
PUBLIC HEARING (1 of 3)
Thursday, November 9, 2017, 6:00 PM**

CALL TO ORDER

The first of the three Thursday, November 9, 2017 Derry Township Board of Supervisors public hearings was called to order at 6:00 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
Susan M. Cort, Vice Chairwoman
Justin C. Engle, Secretary
Marc A. Moyer
Matthew A. Weir

Supervisors Absent:

None

Also Present:

Brandon Williams, Assistant Director of Community Development
James N. Negley, Township Manager/Township Treasurer
Jon A. Yost, Township Solicitor
Chris Brown, Derck & Edson
Matt Bonanno, HRG
Eric Stump, HRG
Jenelle Stumpf, Community Development Secretary (*stenographer*)

Public Registering Attendance: Craig Smith, RGS Associates; Robert Weil, Agnes and George Frioti, Rob Muscalus, Bruce Karper, Kevin Kroutch, Reverend James E. Stough, Dustin and Leslie Peters, Marjorie Menear – Stone Creek; James H. Carter, Linda Crandall, Tracy Bemis – Southpoint; Cindy Wolfe, Bruce Wolbrette, Lisa Fedyk, Carter Wyckoff – Walton Spring Hills; Joyce P. St. John, Brookline Drive; Jen Hynes, Bridgett West, Cornelia Foster, Kathy Crandall, Rick Zmuda - Hershey; Charles Huth, *The Sun*; Denise Rex, citizen; Tom Wilson, Deer Run; Trish Foster, 2439 Raleigh Road; Steve Ramis; Todd Shaffer, 508 Sophia Circle; Tom Longenecker, 2073 Berkley Way; Lou Mione, Prometheus One, LLC; G. Garver, 930 Stoverdale Road

NEW BUSINESS

- A. Public hearing regarding Zoning Amendment Petition No. 2017-01, as filed by DSG Development Corporation**

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Brandon Williams, Assistant Director of Community Development, reported that the subject properties are located on the east side of Middletown Road, north of Kaylor Road and south of Stoverdale Road. This petition represents a request to rezone approximately 66 acres of land from the Conservation zoning district to the Planned Campus West (PCW) zoning district with a Planned Campus West Future Development Area Overlay (Overlay 7). The Future Land Use Plan of the 2015 Comprehensive Plan indicates that this area would be zoned “Live, Shop, Eat, Recreate; 3.2.” Some of the properties identified as 3.2 in the Comprehensive Plan were placed in the “Planned Campus West” zoning district in the 2017 Zoning Ordinance. Likewise, the Future Land Use Plan of the 2015 Comprehensive Plan classified the subject area to also be within the “Bullfrog Valley/Middletown Road Mixed Use” district, which translated to the “Planned Campus West Future Development Area” Overlay in the 2017 Zoning Ordinance. Therefore, it is easy to say that the proposed zoning is consistent with the 2015 Comprehensive Plan.

Mr. Williams noted that the new rezoning process requires the applicant provide certain supporting information as a part of their application, including a conceptual site development plan. The conceptual site development plan provided with the application mirrors the development plan submitted with the companion conditional use applications for a Master Plan and residential development of the property. The developer’s site plan proposes 28,000 square feet of commercial retail space, split between two buildings; a 5,400-square-foot, free-standing restaurant estimated to contain approximately 150 seats; and 175 single-family detached homes, 106 townhomes, and 8 duplexes, totaling 289 dwelling units. The change to the Planned Campus West zoning district, in and of itself, would not permit the residential portion of the development, which is why the applicant has also requested Overlay 7. The applicant provided a topographic survey showing that all steep slopes in excess of a 20% grade will remain undisturbed. The site conditions report addresses some of the preliminary environmental issues that were researched, such as the presence of any wetlands, stormwater runoff, and flooding. The report indicates there are no floodplains or wetlands on the property, but the applicant is aware of a problem area that has been identified on Middletown Road at the intersection of Kaylor Road. This concern will be considered when designing the final stormwater management system for the development during the land development plan stage of the project.

It is indicated that, for planning purposes, a maximum total of 76,700 gallons per day of water and sewer capacity is needed to support the proposed development. Off-street parking projections indicate a need for 768 spaces; the developer is proposing 1,376 spaces (including driveway and garage spaces). The traffic study shows the development will create an additional 5,390 vehicle trips on Middletown Road. The study proposes traffic light timing optimization at intersections containing traffic signals. A 75-foot northbound right turn lane is to be constructed at the new site driveway intersection with Middletown Road across from Southpoint Drive, and 100 feet of the existing center turn lane is to be striped to create a southbound left turn lane into the development. Traffic signal warrants are not presently satisfied at this intersection; however, the traffic study indicates that this intersection should be monitored until full buildout of the site

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to see if warrants are met and notes that any future development proposal should focus on this need. Only stop signs are proposed at the other two site entrances.

Mr. Williams stated that the Derry Township Planning Commission, by a vote of 2 to 1, made a recommendation to the Board of Supervisors that Zoning Amendment Petition No. 2017-01 be approved, conditional upon the project being developed as presented. They also made recommendations in their motion that the Board of Supervisors views this as a starting point for needed road improvements; that the Board takes into consideration the October 2016 HRG, Inc. Middletown Road Corridor Transportation Evaluation; that the Board takes this recommendation with the understanding that there are many residents in the area who have voiced their concern about traffic congestion and general dangerous conditions in some areas along Middletown Road; and that the Board looks to prioritize the Township's improvements to address those issues on Middletown Road. The Dauphin County Planning Commission, at their meeting on October 2, 2017, made several recommendations to the Township regarding this petition.

Mr. Williams stated that the applicant has submitted this request with the understanding that the development will be an age-qualified active adult community; however, Township staff remains concerned that rezoning the properties to Planned Campus West would enable other potentially more intensive commercial uses if the proposed development does not occur. Staff's recommendation is to deny the request as presented since the particular rezoning process taken by the applicant offers no assurances that the development will occur as shown.

BOARD OF SUPERVISORS COMMENTS

Vice Chairwoman Cort inquired if staff's only concern is that other uses could potentially be developed on the property. Mr. Williams responded that staff had suggested to the applicant that they consider a rezoning process that would adopt a unique zoning district on this property that would enable only age-qualified active adult communities. If the applicant followed that suggested process or offered additional assurances that the proposed development will be constructed as shown, staff would be able to view the request more favorably.

Supervisor Weir inquired if the calculations for the estimated revenue include both the full build-out of the development and projections beyond that. Mr. Williams explained that the Zoning Ordinance requirement is for the applicant to provide the fiscal impact based on the build-out. Since most of the development's revenues would result from real estate transfers and building permits, those revenues would decrease over time; however, they would still be a positive fiscal impact to the Township.

Secretary Engle noted that the developer could be required to pay approximately \$245,000 in roadway impact fees, based on the development creating 245 new PM peak hour trips. He inquired if it is typical that one residential unit generates one peak hour vehicle trip. Mr. Williams answered yes. Secretary Engle commented that 289 dwelling units are proposed, plus commercial uses. Eric Stump, HRG, explained that it is common practice to assume that one

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single-family dwelling unit generates one peak hour trip per day; however, retirement communities generally generate fewer trips during the peak hours. HRG has confirmed the developer's traffic study estimate that 245 peak hour trips will be generated from the entire development, including both the residential and commercial uses.

Secretary Engle asked for confirmation that if the developer provided more assurances that the development will be constructed as shown, Township staff would reconsider their recommendation to deny the rezoning request. Mr. Williams answered yes. There are deed restrictions that could be considered by the developer and the Township Solicitor. Secretary Engle asked if the Township would have to be a party to the deed restriction and if so, whether that constitutes contract zoning. That would have to be answered by the Township Solicitor at some point in the future.

Secretary Engle asked what traffic signal warrants are based on. Mr. Stump responded that they are primarily based on side street volumes over a certain period of hours, not the volume on the through street. Secretary Engle asked if there is any reason to believe the warrants will be met in the future for the installation of a signal at the intersection of Middletown Road and Southpoint Drive. Mr. Stump responded that it is not anticipated warrants will be met based on the anticipated number of trips from the proposed development.

Vice Chairwoman Cort asked for an explanation of the process involved in how the warrants are granted and who grants them. Mr. Stump stated that there is a national guideline for traffic signal warrants which establishes the minimum traffic volume threshold to be satisfied before a signal can be installed. The intent is to keep signals from being overly used. PennDOT has adopted the national standard, and they have jurisdiction over all traffic signals in Pennsylvania. Vice Chairwoman Cort commented it seems ironic that there needs to be more development in order to make the roadway conditions worse for signal warrants to be met. Mr. Stump responded that there has been discussion in the past about the potential for widening Middletown Road to five lanes. That will help to get more traffic through the intersection more quickly; however, if signal warrants are not being met, turn restrictions could possibly be instituted.

Secretary Engle inquired if the warrants are close to being met for the installation of a traffic signal at the intersection of Middletown Road and Southpoint Drive. Mr. Stump answered that they are reasonably close. Secretary Engle commented that currently it is extremely difficult to turn onto Middletown Road from Southpoint Drive and asked what efforts could be made to improve the situation. Mr. Stump responded that research could be done to see if turn restrictions within the Southpoint development would funnel more traffic to another signalized intersection or to the Middletown Road/Southpoint Drive intersection to increase the side street volume to a point that signal warrants are met.

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Steve Ramis, 2015B Southpoint Drive, President of the Southpoint of Hershey Homeowners Association and a member of Middletown Road Coalition. Mr. Ramis stated that the Board received an e-mail from Dale Holte on November 5, 2017, which stated his opposition to the proposal. Mr. Ramis read Mr. Holte's comments into the record: *"I have been involved with the Middletown Road Coalition for several years, and we collectively work for the benefit of the Middletown Road community. The MRC communicates with both Township officials and State Representatives in an effort to provide a voice for our residents. While we may all not be in agreement on every issue or one aspect of an issue, there is a general consensus regarding those actions which will or may affect the residents along this vital corridor. On November 9th a public hearing will be held to discuss the application made by Mr. Gelder and Charter Homes for a zoning change permitting development of a 55+ community on Middletown Road on property owned by the Garver family. At the Planning Commission meeting last month, there was testimony suggesting that there would be basically no traffic impact as a result of this development. What is interesting is that the traffic counts provided by the developer do differ from the HRG traffic corridor study and those in the Comprehensive Plan developed by Chris Brown of Derck & Edson. Both studies have placed the counts at approximately 15,000 per day. The Gelder study suggested a count of below 14,000. In 2013 PennDOT did a traffic count for Middletown Road which indicated between 15,000 and 17,000 trips per day. Based on the discrepancy between these numbers, I would caution the Supervisors not to accept these numbers at face value. "People use statistics as a drunk uses a lamp post, for support rather than illumination." I had a recent conversation with Supervisor Foley about traffic and while he has a view of the situation, we respectfully disagree. He suggests that much of the traffic along Middletown Road is generated by the residents, and that may be somewhat the case. What is in question is how many car trips are generated by residents and how many are generated by vehicles using this corridor for transit. How many future trips might be generated by development of parcels already zoned for commercial or housing? Given the figure of 14,000-15,000 trips, there is no question that many or perhaps most originate outside of Derry Township and future development at this location will only result in an increase. Another point Mr. Foley makes is that we need to control development within the Township and provide housing opportunities. He feels development is another way to help control and improve traffic conditions. More development and more traffic will lead to obtaining traffic warrants, allowing signalization. Again, I would disagree and suggest development outside of Derry Township will increase traffic without any further building along Middletown Road. Traffic is a major issue for residents along Middletown Road and we find it unfair to place either blame or responsibility for these conditions upon the current residents. That argument could be made in any number of areas in the Township where homes and roadways coexist. What is clear is that significant impacts to Middletown Road will occur from properties outside of the Township that are already approved. Perhaps this development does have merit, but not at this point in time. The Township needs to have a much better grasp of traffic issues, and the proposed Regional Transportation Study will provide that guidance. I oppose approval of this zoning change. Aside from the serious traffic issues, I question the timing of this zoning application. In January 2016 Derry*

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Township passed its new Comprehensive Plan, outlining a vision for future growth and development. Many should recall the desire of Township residents to maintain and preserve open space and farmland. Zoning decisions have, in the past, significantly reduced this kind of space and we are now being asked to remove even more open space. Many significant decisions were made by the Township during the process of adopting the Plan, and none included further development along Middletown Road. In a conscientious manner, through public hearings and votes taken by the Planning Commission and by the Board of Supervisors, all of the Agricultural/Conservation properties west of Waltonville Road were left as they were currently zoned. The Zoning Ordinance was adopted by unanimous vote of the Supervisors at their March 28, 2017 meeting. The Planning Commission, with two members absent, voted to advance this request and now completely reversed their position from the Zoning Ordinance vote. In just six months the Township is being asked to rezone one parcel to permit development. The Hershey Trust even agreed to leave their property west of Waltonville Road as Agricultural/Conservation to accommodate public interest. If this were to be approved at this time I, and many more citizens in our community, will find it difficult to see where there is a good faith effort by the Supervisors. There will be an election two days prior to this hearing, and a new member will be seated in January 2018. Mr. Foley, regardless of whether or not one disagrees with the decisions he has participated in, has served our community and I commend his willingness to serve. We as a community have many difficult decisions to make in the coming weeks and months; however, making a decision that will affect the Middletown Road community in a significant way must be postponed until the new Board is seated in January. There is no compelling need to rush to judgement on this proposal and clearly no legal mandate to act simply because the owner wishes it. The Board of Supervisors must act in the best interests of its citizens and not for the interests of one property owner without considering the impact of how it might affect the Middletown Road community. I and the Middletown Road Coalition are opposed to any rezoning at this time. Thank you for the opportunity to address this issue. I do look forward to working with members of the Board in the future and to the benefit of our wonderful community which we are all privileged to reside in. I respectfully request that this be included into the record of the public hearing minutes.”

Chairman Foley commented it is true that he and Mr. Holte had a 45-minute conversation in which they talked about the different aspects that are impacting Middletown Road; however, he wanted to clarify his position on some of the points that were mentioned. There is rhetoric out there that would have one believe Middletown Road is somehow downtown Bangladesh in terms of traffic, but Chairman Foley does not think that is accurate. He has sat on Middletown Road quite a few times, because it is part of his job as a Supervisor to understand what is happening in the Township. There is a lot of traffic on Middletown Road, but it is time of day traffic, not all the time. With regard to traffic controls and how we are developing and not developing as a Township, one can simply look at Route 39 and the amount of growth that has occurred. Growth is happening around us because we have an economic engine that creates jobs in Derry Township. The development on Route 39 is impacting Derry Township residents but the Township does not get any tax revenue from it. If Derry Township is going to have those

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impacts, we want to have the ability to control it, do as much as we can as it relates to those roads, and gain the resources and tax revenue that comes from it.

James Carter, 2097 Raleigh Road, member of the Southpoint Homeowners Association and the Middletown Road Coalition. Mr. Carter inquired if a needs assessment has been conducted for a 55+ community in this particular area and if a liability assessment has been conducted. If a needs assessment has not be conducted, Mr. Carter questions why we are going through this process. His main concern about the zoning change is whether the developer can guarantee that what is proposed will actually happen and if the Township cannot require that type of guarantee, the developer should be up front about what their intent for the use of the property really is. Mr. Carter heard that one of the property owners has said that if they do not receive approval from the Township for what is being proposed, they will build a chicken farm instead. Mr. Carter stated that is fine with him, as long as the chickens are free range and cared for so that the environmental problems are not imposed on the residents. Regarding traffic on Middletown Road, if one does not live out there, they do not really know how bad it is. Mr. Carter has tried to get out of Southpoint in the middle of the day and was unable to. It makes no sense to re-route traffic within the Southpoint development (*as mentioned by Mr. Stump from HRG*) to try to alleviate problems on Middletown Road. How much consideration is going to be given to what the public says about this proposal?

Sharon Cin, 94 JMR Circle, stated that after 20 years of living off Middletown Road, she moved to the “de-facto” over 55 community of Cocoa Townes. She thinks that if this proposal moves forward, there should be some type of study done about Cocoa Townes to use as a local template. There are 82 units in Cocoa Townes and nearly every residence has at least 2 vehicles, so perhaps there is a misconception about older people driving less and having fewer vehicles. Cocoa Townes is a very active community, so the time-of-day aspect of traffic congestion does not apply to their development. Regarding the potential revenues from the proposed development, Ms. Cin is hearing that most of them are one-time fees, whereas the long-term costs of such a development are going to far outweigh the one-time increase in revenue. We also need to look at property taxes with new eyes based on the passage of the referendum on Tuesday. We need to better understand the impact to our Township before we jump into making these types of decisions. Ms. Cin asked the Board of Supervisors to read, in detail, the reasoning for the Dauphin County Planning Commission’s October 2, 2017 recommendation to not move forward with this plan. Finally, Ms. Cin asked what the impact of the additional traffic from the proposed development will be on the need to get to the Medical Center in the event of an emergency.

Trish Foster, 2439 Raleigh Road, commented that there is more traffic on Middletown Road at peak hours. There are still a lot of units to be built in The Point and that will increase traffic, as well as the buildout of the stores at Stoverdale Commons. A decision to upzone the subject property would be significant, and Ms. Foster urged the Supervisors to wait and do more research on the matter. She attended the Planning Commission’s October 3, 2017 meeting and

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was not impressed by their quick (2-1) vote to approve the proposal. One would assume that the Board of Supervisors takes the advice of the Dauphin County Planning Commission seriously and their October 2, 2017 recommendation to not move forward with this proposal until, at a minimum, further work and discussion can be done. Ms. Foster noted that she talked to the Planning Commission members over the phone yesterday and as she understands it, there was an agreement made between the Planning Commission and the Board of Supervisors approximately 7 months ago that all of the land in this area, not just the Garver property, could remain in the Conservation zoning district for the foreseeable future. We know the Comprehensive Plan designates this area as “Live, Work, Recreate”, and it will likely be that in the future, but this agreement slows things down so that some of the problems in the area can be figured out. Why has this developer asked for the rezoning so quickly after the agreement was made? One assumes the plan for this 55+ community began months before that agreement, and Ms. Foster questions whether the planning of the community even slowed down after the agreement was made. She believes the proposed project should never have gotten past the Planning Commission with a favorable recommendation so soon after the agreement was made. What kind of precedent will the Township set if the rezoning is granted so quickly? Ms. Foster requested that the Board table this decision until the new Board is seated in January. There is no reason to rush.

Secretary Engle confirmed with Ms. Foster that the agreement she referenced several times is the March 28, 2017 adoption of the Zoning Ordinance.

Rob Muscalus, 2295 Pullman Way, asked for confirmation that the Department of Community Development has officially taken a position to not approve the proposed plan as submitted. Mr. Williams answered yes, that is staff’s position based on the current proposal. Mr. Muscalus inquired if it is possible that, if the rezoning request is granted, what is proposed now might not be what ends up being developed on the property. Mr. Williams stated that is correct. The plan as described talked about turning lanes, but it did not deal with the width of Middletown Road. He is aware there was talk about the road being widened to five lanes at some point in the future. His concern is that merely implementing turning lanes as part of this proposal is not going to address the backup of traffic either trying to get onto Route 322 in the morning or coming back, or the traffic coming onto Middletown Road from Route 283. Chairman Foley commented it is important to note that Board of Supervisors commissioned HRG to conduct a study of the Middletown Road corridor and make recommendations. The five-lane expansion of Middletown Road is one of the future (20 years or more) potential mitigation solutions that could be used to handle maximum traffic impact, and the recommendation assumed the completion of a number of projects both inside and outside of the Township. Mr. Muscalus stated that he is in opposition of the proposal as currently submitted, and he urged the Board to slow down and maybe get some more input from members of the community.

Robert Weil, Stone Creek, listed the major issues with this project as follows: traffic, electric supply, water supply, impervious coverage, and an increase in community resource usage. The traffic will be increased from 14,000 to 19,000 trips per day. The developer’s traffic study

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recommended that Middletown Road should be widened to five lanes, but where will the land come from for that? Purchasing the land will be very expensive for the Township and lawsuits are bound to occur if the land is taken by eminent domain. Also, the road widening will not address the issue of the bridge being a major bottleneck, and it is not likely that PennDOT will replace a structurally-sound bridge with a wider bridge any time soon. There have been no major upgrades to the electrical grid in recent years and PPL has no plans to do so in the near future. If this rezoning request is approved, it will set a precedent and other areas will likely be rezoned as well, which could result in a significant increase in the number of dwellings and commercial uses in this area. The development of open space is contradictory to the Township's 2015 Comprehensive Plan. Regarding the water supply, Mr. Weil stated that his water pressure has dropped 9 PSI in 11 years due to development. It will be expensive to upgrade the existing 8" water main. Regarding impervious coverage, Mr. Weil inquired where the additional stormwater will go. The project site is located at the bottom of two hills, and the Swatara Creek is frequently flooded. Only 3 of the 5 Planning Commission members were present at the October 3, 2017 meeting to make a favorable recommendation to the Board of Supervisors on this proposal. Mr. Weil stated that the Board of Supervisors should not be influenced by the Commission's recommendation because it was a 2-1 vote and 2 members were absent. Mr. Weil questions the increase in Township revenues as a result of this development because he believes that most of the residents will be moving to the new development from downtown Hershey, not from outside of the Township. Mr. Weil thinks the vote on this request should wait until 2018 because he thinks the new Board of Supervisors will not support the rezoning. He also believes that if the vote has to occur before the end of 2017, Chairman Foley should abstain from voting. Chairman Foley responded that he was elected to a six-year term on the Board of Supervisors and he is obligated to vote. He added that he has not made his decision yet. Mr. Weil stated that proceeding with a massive land development project like the Carousel development without a concurrent comprehensive plan to mitigate the major issues affecting the Middletown Road corridor would be bad for Derry Township and should not be undertaken under any circumstances. A "build now, worry later" approach is not a viable plan, it is simply chaos.

Jay Franklin, 1064 Woodridge Drive, commented that he has served on the Derry Township School Board and has come to realize that we only ever hear from the vocal minority on issues, not the majority of the residents in the Township. The Board of Supervisors was elected to represent all of Derry Township, not just one group. Not all of the people in this area are against the proposed project and Mr. Franklin quoted Jeff Snyder of Stone Creek as follows: *"Everyone knows the traffic comes from outside the community. The Board of Supervisors should not punish Derry Township residents for that."* Mr. Franklin stated that he spoke to many more residents in the area, and they see no issues with the proposed development. We are always struggling with our tax rate. How do we manage our increased costs without increasing taxes? Both the Township and the School District are running out of ways to cut costs. The only thing we can do is depend on organic growth and we are running out of space to grow. Why are we punishing Township residents for people outside of the Township utilizing Middletown Road? There are ways to manage stormwater. Society as a whole has come a long way in managing

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stormwater. We should allow owners to develop their properties the way they want to, within reason, not the way the government says to do it. This project would be a huge benefit to the entire community.

Bruce Wolbrette, 1081 Fairdell Drive, stated that the traffic impact on the Middletown Road corridor is not the only issue here. Kaylor Road and Stoverdale Road will also be affected. Since the construction of the Sheetz store at the corner of Middletown Road and Stoverdale Road, Mr. Wolbrette has observed many vehicles making dangerous turns into and out of the site, and he believes it is only a matter of time before there is an accident. There are no exits from the proposed development onto Middletown Road, with the exception of the commercial uses. The exits for the residential uses will be onto Kaylor Road or Stoverdale Road, which will increase the traffic hazards on those roads. If this many new units are added, there will be numerous power outages. Mr. Wolbrette commented that there has been a lot of discussion about the traffic on Middletown Road, and we know that it is bad. What has not been talked about is the fact that the development west of the Medical Center will increase the volume of traffic dramatically, and the proposed development will make it even worse without any way of fixing the problem.

APPLICANT COMMENTS

Craig Smith, RGS Associates, represented the applicant and noted that the development proposes single family homes, townhomes, retail uses, restaurants, and a community center. The applicant believes there is a need for an active-adult community in Derry Township. They have spent the past several months meeting with Township staff and the Derry Township Municipal Authority (DTMA) and going through a rigorous design process. The land development plan process will follow the Master Plan approval process. Regarding stormwater, the applicant took a very close look at existing stormwater conditions and is proposing three detention basins that will be in compliance with Township and NPDES requirements. DTMA and Pennsylvania American Water have provided letters indicating that they have the capacity to serve the development. The development will contain private streets, and a connection will be provided between Stoverdale Road and Kaylor Road consistent with the Comprehensive Plan and the Official Map. The applicant is also proposing a recreation path connection along Middletown Road.

Eric Mountz of Traffic Planning and Design (TPD) stated that many of the intersections surrounding the proposed development were included in the traffic study. The study looked at the existing conditions and future conditions, including the years 2020 and 2030. TPD also relied on the Middletown Road Corridor Evaluation that was completed by HRG in 2016. The traffic study looked at two scenarios for each of those future years. The first scenario looked at the impacts with the proposed development traffic and the three developments in the area that currently have land development approval (*The Pointe, which is a residential development to consist of 21 single-family homes and 82 townhomes; the remaining buildout of Stoverdale Commons, which is a mixed-use development with the remaining development assumed to consist of a 2,880-square-foot bank and 7,791 square feet of retail space; and the Muscalus*

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Property, which is a residential development to consist of 32 apartments). The second scenario analyzed the impacts of the proposed development traffic, the three developments currently under construction, and five additional developments that could potentially be built in this area (*Hershey West End, which is a mixed use development that is assumed to consist of 427 apartments, 177 single-family homes, 129 townhomes, 190,500 square feet of commercial space, and a 140-room hotel; the Vine Street Interchange Development, which is a mixed use development that is assumed to consist of a 4,000-square-foot bank, a 6,500-square-foot high-turnover restaurant, and a 4,500-square-foot fast-food restaurant; the Wabank Development, which is a commercial development assumed to consist of a 300,000-square-foot shopping center; the Zell Property, which is a residential development assumed to consist of 36 townhomes; and the mixed-use development behind Turkey Hill that is assumed to consist of a 20,000-square-foot office building and a 35,000-square-foot supermarket).* The study determined that under either scenario, the projections from the proposed development meet the applicable standards from an impact standpoint when comparing the no-build condition to the build condition, with the implementation of the improvements outlined in the study. TPD's findings are very consistent with the Middletown Road Corridor Evaluation for the future development scenario that included all of the developments. TPD's study shows that if all of the proposed development occurs, at some point in the future the Middletown Road corridor is going to get to the point where there should be consideration for additional improvements.

Mr. Mountz stated that regarding a traffic signal at the intersection of Middletown Road, Southpoint Drive, and the proposed site access, TPD did traffic counts from 6:00 a.m. to 6:00 p.m. and found that traffic volumes during that time for the existing T intersection currently do not meet warrants for the installation of a signal, but the build-out of this development and the addition of the fourth leg to that intersection could be the catalyst for warrants to be met. If they are met, the developer will make a commitment to the Township to fund and install the signal. There has been discussion about how this development will help with the long-term vision and recommendations of the Middletown Road Corridor Evaluation. Many things in that study reference right-of-way or shoulder widening that is very specific to the area between Stoverdale Road and Kaylor Road, and this development can directly help with those improvements. The development will provide the required 15-foot setback from Middletown Road to help accommodate the potential widening of Middletown Road. The Township is considering the preparation of a long-term improvements study. An interim impact fee of \$1,000 per peak hour trip was adopted by the Township while the long-term improvements study is being prepared. The long-term improvements study will ultimately set the amount of the roadway impact fee for future development. This development will be subject to that, so when we talk about the interim fee of \$1,000 per trip, the estimated revenue to the Township is \$245,000. The long-term improvement study will develop a framework for necessary improvements, but development will be the catalyst for the implementation of the improvements.

Secretary Engle asked for confirmation that the traffic signal warrants could be met once the development is built out. Mr. Mountz replied that they looked at two scenarios – existing

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conditions and proposed conditions. The existing conditions at the Southpoint Drive/Middletown Road intersection do not meet warrants. Mr. Mountz thinks it will be the addition of the fourth leg to this intersection (the site driveway) during the build-out of the project that could meet warrants at some point in the future.

ADDITIONAL BOARD OF SUPERVISORS COMMENTS

Secretary Engle asked for Chris Brown's input on the matter. Mr. Brown stated that from a long-range planning perspective, there is no requirement to provide stormwater management for existing conditions on the property, which means stormwater is currently running off the site uncontrolled. He asked Mr. Smith of RGS Associates to explain why more stormwater runoff does not automatically mean a worse situation for everyone. Mr. Smith stated that a land development plan has to meet Township and NPDES regulations, which means the developer has to reduce the rate of runoff and address infiltration and water quality components. The developer has to implement stormwater measures in order to mitigate the stormwater runoff. Mr. Brown noted that from an environmental perspective, this is probably the best place for development and stormwater management because it is in a low spot. The development of this site is consistent with the Comprehensive Plan. From a planning perspective, Mr. Brown does not share the concerns of the Department of Community Development regarding the need to guarantee that the age-qualified active-adult development is what will be constructed. The reason why the Comprehensive Plan endeavored to create a space for future growth is for proposals such as this. This development provides an opportunity to work toward solutions to provide some mitigation to issues that we have had in the Township from lack of room to grow. There are benefits to a thoughtful approach to growth, and Mr. Brown believes this is a good plan.

Vice Chairwoman Cort inquired why, if this is a good plan, the rezoning of the property was not part of the recommendations several months ago. Mr. Brown responded that, from a planning perspective, he pushed hard during the preparation of the 2017 Zoning Ordinance to do all the rezoning at one time, but there was some cautious movement to let the market dictate what is needed before we open the doors to development. This puts the burden on the applicant to submit a plan that can be vetted through the public review process, rather than simply empowering all of that through Township staff.

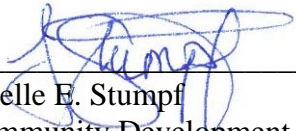
**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
PUBLIC HEARING (1 of 3)
Thursday, November 9, 2017, 6:00 PM**

ADJOURNMENT

The hearing adjourned at 7:46 p.m.

SUBMITTED BY:

Justin C. Engle
Township Secretary



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