

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
January 8, 2019**

CALL TO ORDER

The Tuesday, January 8, 2019 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA, by Member Don Santostefano.

ROLL CALL

Commission Members Present: Don Santostefano; Joyce St. John; Matt Tunnell; Tom Wilson

Commission Member Absent: Glenn Rowe

Also Present: Chuck Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Matt Bonanno, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative

Public Registering Attendance: Dan Schiavoni, Hershey Developers; Tim Mellott, Mellott Engineering; Brandon Harner, Snyder Secary & Associates; John Foley, 238 Mine Road, Hershey

APPROVAL OF MINUTES

On a motion made by Member Tunnell and seconded by Member Wilson, the Planning Commission unanimously approved the minutes from the December 11, 2018 meeting, as written.

REORGANIZATION

Member Tunnell made a motion that the offices of Chairman, Vice Chairman, and Secretary be filled for 2019 as follows:

Chairman – Don Santostefano
Vice Chairwoman – Joyce St. John
Secretary – Tom Wilson

The motion was passed unanimously.

OLD BUSINESS

None.

NEW BUSINESS

- A. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for Middletown Road Site, Plat #1312**

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Brandon Williams explained that this plan represents the subdivision and land development of a 5.175-acre, undeveloped tract of land located on Middletown Road to the south of Joann Avenue, north of Swatara Creek Road, and immediately west of the Dartmouth Farms residential neighborhood. The plan proposes to subdivide the tract into 4 new development lots for single-family detached dwellings.

Mr. Williams and Matt Bonanno, HRG, went over their plan review comments. Mr. Williams also referenced DTMA's review comments.

Vice Chairwoman St. John asked if there are any existing sidewalks on Middletown Road in the area of this project. Mr. Williams responded that the closest sidewalk is at the corner of Kaylor Road and Middletown Road (Turkey Hill). In reference to the applicant's request for a waiver from sidewalk installation along Middletown Road and Township staff's recommendation that the waiver be granted as a deferment, Vice Chairwoman St. John inquired if the original developer will be responsible for the installation of sidewalk along the proposed four lots if requested by the Township in the future. Chuck Emerick stated that the deferment will be an encumbrance on the lots in perpetuity, so the people who own the lots at the time the Township requests the sidewalk will be the ones who are responsible for the installation.

Secretary Wilson referenced Mr. Bonanno's review comment regarding adding notes and/or easements to the plans indicating which areas of the site are to remain wooded, since the stormwater management calculations assume that parts of the lots will remain wooded. Secretary Wilson stated that it does not really look like there is any wooded area on the property. Mr. Bonanno pointed out the existing wooded area and explained that there have been past instances in the Township where such notes or easements were not required on plans and the purchaser of the wooded lot removed all of the trees.

Member Tunnell inquired about the cartway width in this area of Middletown Road. Mr. Williams answered that it is an approximately 41 feet but there is some variability. The right-of-way is 50 feet (25 feet from the centerline). The developer is dedicating an additional 7.5 feet of right-of-way to the Township on the west side of Middletown Road along the subject property. Member Tunnell asked how a right-of-way width of 65 feet can be attained. Mr. Emerick responded that it would have to be done by condemnation, if a road improvement project was proposed. HRG's Middletown Road Corridor study's recommendations for improvements assumed a 90-foot right-of-way width. Mr. Emerick explained that per the Subdivision and Land Development Ordinance, the Township can require the developer to dedicate 7.5 feet of additional right-of-way. The Middletown Road Overlay requires a 15-foot-wide easement area, measured from the edge of the right-of-way, in order to provide space for future widening; however, the Township would have to pay fair market value to acquire the land within the Overlay easement area.

In response to a question from Chairman Santostefano, Brandon Harner of Snyder, Secary & Associates (representing the applicant) stated that PennDOT's review of the proposed two driveways on Middletown Road is in process.

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MOTION ON WAIVERS/DEFERMENTS

On a motion made by Vice Chairwoman St. John, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers and deferments be granted from the Subdivision and Land Development Ordinance:

- a. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems for unaffected utilities only.
- b. Deferment from Section 185-22.E.(5) regarding curbing installation along Middletown Road, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- c. Deferment from Section 185-34.A.(1) regarding sidewalk installation along Middletown Road, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- d. Waiver from Section 185-18 regarding the requirements for property corner monumentation.
- e. Waiver from Section 185-39 regarding the requirements to submit an aquifer study, with the stipulation that the applicant provide a groundwater analysis for review and that they address any and all comments on the analysis to the satisfaction of the Township Engineer.

MOTION ON PLAT #1312

On a motion made by Vice Chairwoman St. John, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1312 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 December 12, 2018 HRG letter.
- c. The comments in the January 3, 2019 DTMA letter.

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B. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for Fox Glen Drive, Plat #1313

Mr. Emerick explained that this project presently has conditional approval from the Board of Supervisors for a 5-lot subdivision of this property (Plat #1268), although the approval was under the prior Zoning Ordinance. Plat #1268 has not been recorded yet. This present plan represents the combination of 2 existing lots into a single lot that will be subdivided to create 6 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 development is located within the R-1 zoning district and contains 7.3534 acres.

Mr. Emerick went over the waiver requests and his plan review comments. He added that since the applicant is no longer proposing to connect to the public water system, they are required to perform aquifer testing per Section 185-39 of the Subdivision and Land Development Ordinance. Based on the small number of lots and the cost of the testing, the applicant may want to request a partial waiver from Section 185-39. Mr. Emerick also referenced DTMA's review comments.

Matt Bonanno, HRG, went over his plan review comments.

Tim Mellott, Mellott Engineering, represented the applicant. He stated that one of the main problems with the previous plan was that the prior Zoning Ordinance required larger front yard setbacks, which caused the applicant to push the location of the dwelling units further back on the lots and resulted in a new sewer extension. Under the new Zoning Ordinance, the front yard setbacks are smaller and the applicant now only has to provide one section of sewer line replacement. The other problem was the water main extension all the way down Fox Glen Drive and up Waltonville Road to the next intersection. Mr. Mellott noted that the applicant was aware of the Township's water feasibility study requirements and asked Advantage Engineering, the geologist who provided the project's stormwater testing, to provide a proposal for the water feasibility study. The applicant just learned today that the estimate for the study is \$39,900. Mr. Mellott commented that the estimate also includes the construction of three wells. The applicant is requesting a waiver from Section 185-39 of the Subdivision and Land Development Ordinance in order to be able coordinate with HRG on a smaller study or testing that still satisfies the Township's requirements. Mr. Emerick commented that he and Mr. Bonanno are comfortable with Mr. Mellott's waiver request.

Chairman Santostefano stated that there are a lot of wells in this area and he has never heard of anyone having issues.

Vice Chairwoman St. John asked if this revised plan will allow on-street parking. Mr. Emerick responded that the proposed cartway width of 32 feet on Fox Glen Drive will be enough room to allow parking on one side of the street.

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MOTION ON WAIVERS

On a motion made by Secretary Wilson, seconded by Member Tunnell, 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 Section 185-22.C.(3) regarding cul-de-sac length, with the condition that the applicant provides for review, and records concurrently with the plan, an agreement between the developer, the lot owner, and the Township ensuring that the roadway may be extended to Greenhill Road in the future if approved by the Township, noting also that the cost for the extension through Lot 5 shall be borne by the party requesting the extension.
- b. From Section 185-22.C.(3) regarding the number of dwelling units served by a cul-de-sac.
- c. From Section 185-22.D.(2) regarding cartway width.
- d. From Section 185-22.D.(2) regarding street right-of-way width, with the condition that the applicant provides for review, and records concurrently with the plan, an agreement between the property owner(s) and the Township indicating that the sidewalks within the easement along the frontage of Lots 1, 2, 3, 4, and 5 are subject to the rules, regulations, and requirements for sidewalks as found in Chapter 179 (Street and Sidewalks) of the Code of the Township of Derry.
- e. From Section 185-22.G.(5) regarding cul-de-sac bulb grade.
- f. From Section 185-31 regarding providing street trees within the street right-of-way, with the condition that the applicant add a note to the plans indicating that the street trees located outside of the Fox Glen Drive right-of-way area, as shown on the plans, are subject to the rules, regulations, and requirements for street trees as found in the Subdivision and Land Development Ordinance and in Chapter 201 (Trees) of the Code of the Township of Derry.
- g. From Section 185-33.C regarding providing lighting along the public street in accordance with an illumination design prepared by PPL.
- h. From Section 185-34.A regarding providing sidewalks on both sides of the street to not require the installation of approximately 245 linear feet of sidewalk.
- i. From Section 185-34.A.(1) regarding providing sidewalks 4' from the right-of-way line, with the condition that the applicant provides for review, and records concurrently with the plan, an agreement between the property owner(s) and the Township indicating that the sidewalks within the easement along the frontage of Lots 1, 2, 3, 4,

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and 5 are subject to the rules, regulations, and requirements for sidewalks as found in Chapter 179 (Streets and Sidewalks) of the Code of the Township of Derry.

- j. From Section 185-34.A.(2) regarding providing sidewalk grades at driveways in accordance with Appendix E of the Subdivision and Land Development Ordinance.
- k. From Section 185-44 to allow the applicant to pay a fee in-lieu of land dedication for recreation, with the stipulation that the applicant revises the section reference for the waiver request from Section 185-33.C to Section 185-44, and the written justification to correctly state the number of new lots proposed.
- l. From Section 185-12.D.(3).(a).(9) regarding providing all structures, wooded areas, and other existing features within 200 feet of the subject site.
- m. From Section 185-12.D.(3).(a).(9) regarding providing contours within 200 feet of the subject site.
- n. From Section 185-39 regarding aquifer testing to the extent that the applicant works with HRG to come up with an acceptable assessment of the water quality.

MOTION ON PLAT #1313

On a motion made by Secretary Wilson, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1313 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 December 17, 2018 HRG letter.
- c. The comments in the January 3, 2019 DTMA letter.
- d. The comments in the December 18, 2018 Dauphin County Planning Commission review report.

OTHER BUSINESS

None.

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ADJOURNMENT

On a motion made by Secretary Wilson, seconded by Member Tunnell, and a unanimous vote, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Thomas P. Wilson
Planning Commission Secretary

Submitted by:

Jenelle Stumpf
Planning/Zoning Coordinator (*acting as stenographer*)