

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 5, 2019**

CALL TO ORDER

The Tuesday, February 5, 2019 Derry Township Planning Commission meeting was called to order at 6:01 p.m. in the meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA, by Chairman Don Santostefano.

ROLL CALL

Commission Members Present: Don Santostefano, Chairman; Tom Wilson, Secretary; Matt Tunnell

Commission Members Absent: Joyce St. John, Vice Chairwoman; Glenn Rowe

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

Public Registering Attendance: Steve Burk, *The Sun*; Annette Means, A to Z Realty, LLC; Terri and Doug Miller, Seedlings Academy; Chris Fencel, Hillwood; Chris Burrow, Mike Creech – Greif; Keith Heigel, Light-Heigel & Associates, Inc.; Robert Hamilton

APPROVAL OF MINUTES

On a motion made by Member Tunnell and seconded by Secretary Wilson, the Planning Commission unanimously approved the minutes from the January 8, 2019 meeting, as written.

OLD BUSINESS

A. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision and Land Development Plan for Towneplace Suites, Plat #1309

Chuck Emerick stated that the Board voted to reject the plan, and summarized the reasons for rejection.

B. Report of the Board of Supervisors' action regarding Conditional Use Application No. 2018-01, as filed by Hershey Trust Company, Trustee for Milton Hershey School, regarding Hershey West End

Mr. Emerick reported that the Board adopted a Decision to grant the Conditional Use, with conditions.

NEW BUSINESS

A. Review and recommendation of the Revised Final Land Development Plan for East Point Trade Center, Building C, Plat #1314

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Mr. Emerick explained that this plan represents a 163.145-acre site owned by Hillwood Palmyra, LP, located east of North Lingle Avenue and south of the Norfolk Southern rail line. Of the 163.145 acres, 23.897 acres are located in Derry Township, while 82.346 acres are in North Londonderry Township, Lebanon County, and 56.903 acres are in Palmyra Borough, Lebanon County. At the time of submission of the Preliminary/Final Land Development Plan for this project (Plat # 1234) in 2013, the Derry Township lands were zoned Industrial and Agricultural/Conservation; in North Londonderry Township the lands are zoned Industrial-1; and in Palmyra Borough the lands are zoned Manufacturing. Since the final approval of Plat #1234 in 2018, the lands within Derry Township have been rezoned to Industrial and Palmdale Mixed Use; however, using the vesting secured with the preliminary plan, Plat #1314 is being reviewed under the prior zoning requirements.

Plans were processed in 2003 for the development of the General Mills facility. It was comprised of Building A (675,000 square feet) and Building B (725,000 square feet), which total 32.14 acres under roof on this tract. The 2003 plans provided for the construction of both buildings in Lebanon County, with only the driveway access proposed within Derry Township. At that time, all of the land within Derry Township was zoned Agricultural/Conservation. In 2011 LIT Palmyra, LP, the present applicant, petitioned for and was granted the rezoning of 19.98 acres of land from Agricultural/Conservation to Industrial, setting the stage for the prior (Plat #1234) and current (Plat #1314) proposals. The present plan depicts a third building (Building C), which is proposed initially as consisting of 284,450 square feet, or 6.53 acres, with an 84,000-square-foot future expansion. This building will straddle the county line with initially 154,965 square feet being within Derry Township and 127,885 square feet being within North Londonderry Township. If or when the 84,000-square-foot expansion is added, all of that portion of the building will be in Derry Township. Other improvements proposed on the property include a rail spur, employee parking for 111 vehicles, and 90 trailer storage spaces. In addition, the parking for the existing visitors' center is being relocated and reconfigured. The entrance to the site is slated to be widened and designed in such a manner as to improve maneuvers for trucks leaving the site. The applicant is willing to provide a bicycle through lane to avoid conflicts between bicycles and vehicles in the right turn lane from North Lingle Avenue to the site driveway.

Mr. Emerick stated that the waivers requested from the Subdivision and Land Development Ordinance for this plan (Plat #1314) are the same as the waivers that were approved with the previous preliminary/final plan (Plat #1234). It is not necessary for the Planning Commission to take further action on the waivers since Plat #1314 is a minor revision to an approved and recorded preliminary/final plan (Plat #1234).

Mr. Emerick; Matt Bonanno, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments. Mr. Emerick also referenced DTMA's review comments.

Keith Heigel, Light-Heigel & Associates, Inc., represented the applicant. He referenced HRG's recommendation that a condition of land development plan approval should be the restriction of the

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number of employees for the facility to 210, based on the Traffic Impact Study being completed for the number of employees instead of the traditional trip generation basis of the square footage of the building. Mr. Heigel noted that in the sensitivity analysis the applicant provided, going from 105 employees to 210 employees made no change to the intersection of Hersheypark Drive and North Lingle Avenue and made 0.2 seconds of difference on the wait time at the intersection of Route 422 and North Lingle Avenue. The applicant understands HRG's comment but would like the opportunity to at least supplement information if the number of employees exceeds 210.

Chairman Santostefano asked if the proposed use of the new building is cardboard box manufacturing. Mr. Heigel answered yes. Chairman Santostefano inquired if the cardboard is being brought into the facility instead of being manufactured on-site. Mr. Heigel responded that the paper will be brought to the facility and offloaded from the rail spur. The corrugation, gluing, and perforation will be done in the building. Chairman Santostefano asked if anything in the process will create noxious fumes. Mr. Heigel stated that a starch tank is located outside of the building. The starch is taken into the building with an auger. Because the rail spur will come directly into the building, the amount of outside noise involved in offloading will be significantly reduced.

In response to a question from Chairman Santostefano, Mr. Emerick explained that the portion of the property in Derry Township was not previously taxed in Dauphin County because there were no building improvements.

MOTION ON PLAT #1314

On a motion made by Member Tunnell, seconded by Secretary Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1314 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 January 17, 2019 HRG letter.
- c. The comments in the January 31, 2019 DTMA letter.
- d. The comments of the January 25, 2019 Dauphin County Planning Commission review report.

B. Review and recommendation of Conditional Use Application No. 2019-01 regarding 739 Fishburn Road, as filed by A to Z Realty, LLC

Mr. Emerick explained this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.52 of the Derry Township Code of Ordinances regarding the conversion of an existing doctor's office to a group child care facility. The subject property is situated on a 13,200-square-foot or 0.303-acre parcel of land located on the east side of Fishburn Road and south of two properties containing associated group child care

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facilities. The property is in the Hershey Mixed Use zoning district and within the Southern Core Overlay. The proposed facility will be operated by Terri and Douglas Miller as an extension of their existing Seedlings Academy for Young Learners. They presently operate two facilities located at 721 Fishburn Road and 725 Fishburn Road. The two existing facilities serve approximately 60 students. The proposed facility is intended to provide space for 40-50 additional students. Along with utilizing the existing office space, two additions are proposed, adding approximately 1,750 square feet of floor area to the existing building floor area.

Mr. Emerick stated that the 2017 Zoning Ordinance sets forth performance standards to assure that certain uses are well planned. One of the ways this is accomplished is through the Conditional Use process, where uses are permitted if it can be shown that they meet specific desired minimum standards. The following are conditions associated with this Conditional Use, as listed in Section 225-501.52, along with Township staff's assessments (*in bold italics*) as to whether the conditions have been met:

- A. Facility operators shall be responsible for meeting all State and Federal licensing and registrations requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers et seq.

Understanding that the Millers operate two adjacent properties for the same use, we expect that the operators will be able to meet this condition.

- B. Indoor and outdoor play areas shall be provided for Group Child Care Facilities in accordance with State requirements; in addition, the following requirements shall also apply:
 - 1. Required parking areas shall not be utilized as play areas.
 - 2. All outdoor play areas shall be located a minimum of 20 feet from rear and side property lines and shall not be located between the front face of the building and a public right-of-way.
 - 3. All outdoor play areas shall be enclosed with a minimum four-foot-high fence meeting the requirements of §225-407.

A play area is proposed adjacent to the parking area, 20 feet from the property line, which is permissible. The dimensions of the play area are 69 feet by 20 feet (1,380 square feet). The requirement for an outdoor play area is 65 square feet per child. The proposed area would serve 21 children at a time, which is approximately half of the proposed number of students. Township staff expects that the applicant is willing to provide the required fencing.

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In addition to the specific conditions contained in the performance standards of Section 225-501.52, Section 225-501.K requires the applicant to demonstrate that the following general conditions have been addressed to the maximum extent applicable:

1. That the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
2. That the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
3. That the use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Township Board of Supervisors shall consider, at a minimum, the impact of noise, dust, light, odor and adequacy of parking.
4. The use shall meet all other requirements of this Chapter that may apply.

Township staff believes that the applicant has the ability to meet these conditions and has corresponded with Mr. Emerick via e-mail to that effect.

Secretary Wilson inquired if the applicant will be required to obtain a new or amended Highway Occupancy Permit for the property's driveway connection to Fishburn Road. Mr. Emerick responded that he does not know what PennDOT will require. The Planning Commission can include this in the list of conditions of approval if they choose. Chairman Santostefano noted that the property is also accessible from the back alley, and he assumes that many parents would choose to access the property from the alley instead of from Fishburn Road.

Annette Means, Principal of A to Z Realty, LLC, stated that many of the anticipated students are a part of families that already have other children attending Seedlings Academy in one of the existing facilities on Fishburn Road. Terri Miller added that approximately half of their families have children in each of the existing facilities. The parents park at one location and walk their children to the appropriate facilities. Mr. Emerick commented that each of the facilities are on individual lots so they cannot be considered as a sum total. The proposed building conversion needs to be able to operate independently of the other facilities.

Member Tunnell commented that there are traffic improvements proposed for the intersection of Governor and Fishburn Road. Mr. Emerick responded that a Township/PennDOT project is currently underway to add right turn lanes from both the eastbound and westbound lanes of Governor Road. The improvement that Member Tunnell is referencing is the relocation of Sand Hill Road as proposed in conjunction with a land development project known as The Crossing, located at the southwest corner of the intersection of Governor Road and Fishburn Road. Member Tunnell inquired if sidewalks will be installed as part of The Crossing project, and if the Township has given any thought to using fees received in lieu of sidewalk installation from other approved subdivision or land development plans to continue the sidewalks from The Crossing. Mr. Emerick

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explained that as currently proposed, bicycle and pedestrian pathways will be provided as part of The Crossing. The Township will probably not use fees collected in lieu of sidewalk installation to extend the sidewalk along Fishburn Road because that would be a very large and costly project. Additionally, the Township cannot require the applicant of a Conditional Use request to install sidewalks along the subject property.

MOTION

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 Conditional Use represented by Application No. 2019-01 be granted, subject to the following:

- a. The development shall be in substantial compliance with the plans presented with the Conditional Use Application.
- b. A minimum of 9 off-street parking spaces shall be provided.
- c. The facility operators shall provide all State and Federal licensing and registrations required and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers et seq prior to occupancy of the property.
- d. Indoor and outdoor play areas shall be provided for the group child care facility in accordance with State requirements.
- e. Outdoor play areas shall comply with the requirements of Section 225-501.52.B of the Zoning Ordinance.
- f. The grant of approval of the Conditional Use request shall not relieve the applicant or operators from filing and having the Township approve any permit, land development, subdivision, or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
- g. The grant of this Conditional Use shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 12 months from the date of the grant of the Conditional Use.
- h. The use shall meet all other requirements of the Township that may apply.
- i. The applicant shall contact PennDOT to determine if a revised or new Highway Occupancy Permit is required for the property's driveway connection to Fishburn Road and must report the findings to the Township prior to issuance of a building permit.

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OTHER BUSINESS

None.

ADJOURNMENT

The meeting adjourned at 6:42 p.m.

Respectfully submitted,

Thomas P. Wilson
Planning Commission Secretary

Submitted by:

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