

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
December 11, 2012**

CALL TO ORDER

The Tuesday, December 11, 2012 Derry Township Planning Commission meeting was called to order at 6:01 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Chairman Matt Tunnell.

ROLL CALL

Commission Members Present: Matt Tunnell, Chairman; Ned Wehler, Secretary; Gregg Mangione, Member; Joyce St. John, Member

Commission Member Absent: Pete Gleason, Vice Chairman

Also Present: Charles Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Matt Bonanno, HRG, Inc.; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: Rick Donato, 147 Forest Avenue; Kelsey Meckley, Liz Rodriguez, and Minerva Pacheco, 105 Holly Hall; Todd Pagliarulo, 321 Concord Court; David Christian, 227 Park Avenue, Mount Joy; Paul Thompson, 33 Elm Avenue, Hershey; Sandy Ballard, 650 Cocoa Avenue; R. Gamble; Matt Weir, 1986 Church Road

APPROVAL OF MINUTES

On a motion made by Member Mangione and seconded by Member St. John, the Planning Commission approved the minutes of November 7, 2012 as written.

OLD BUSINESS

A. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision and Land Development Plan for 777 Middletown Road, Plat #1216

Mr. Emerick reported that the Board of Supervisors approved the plan with several conditions, and granted all of the waivers as were recommended by the Planning Commission. In addition to having to address the conditions of approval prior to recording the plan, the applicant is also awaiting final approval from PennDOT.

Chairman Tunnell asked if there is a highway occupancy permit (HOP) that will be a part of this plan, and if so, whether the Township will be the applicant. Mr. Emerick responded that there will be a few HOPs. The Township will be the applicant on some of them (for modifications to the traffic signal and for the stormwater facilities that abut the PennDOT right-of-way), and the plan applicant will be the HOP applicant on the others (for road widening and driveway location).

Secretary Wehler asked if there was any feedback from PennDOT regarding the HOP connection to Wood Road. Mr. Emerick stated there was not. In order for the applicant to address as many

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outstanding comments as possible prior to the plan being considered by the Board of Supervisors, revisions had been made to the plan after the Planning Commission made their recommendation. One of the revisions was widening along Wood Road in the area of the driveway. Mr. Emerick does not think that PennDOT has issued the HOP for Wood Road yet.

Secretary Wehler asked if recording of the plan will be conditioned upon receipt of the HOP. Mr. Emerick stated that because of the Pennsylvania Highway Act, a municipality cannot withhold their plan approval based on PennDOT's approval of the HOP. Secretary Wehler asked what happens if PennDOT requires a change in the design – will that be reflected on the recorded plans? Mr. Emerick stated that it will not. Chairman Tunnell comment that there has to be some reconciliation between the recorded plan and what is actually constructed. Mr. Emerick stated that the Township will get a copy of the final PennDOT drawings. Secretary Wehler asked if the HOP could superseded a detail on the plan. Mr. Emerick responded that it might, but the change would be within the PennDOT right-of-way.

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan for Scott R. Ortenzio and Zachary G. and Linda A. Ortenzio, Plat #1220

Mr. Emerick explained that this plan represents approximately 3.3 acres of land located on the eastern side of Hill Church Road, in the Agricultural/Conservation zoning district. The plan proposes to re-create 2 existing lots of record by transferring approximately 0.36 acres of land from property of Zachary and Linda Ortenzio to property of Scott Ortenzio.

Waivers have been requested from the Subdivision and Land Development regulations as follows:

- a. From Section 185-12 – Preliminary plan procedures and specifications. Mr. Emerick stated that this waiver is not necessary because the plan has been filed as a combination preliminary/final plan.
- b. From Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] – Existing features within 50' and 200' of the site.
- c. From Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] – Location of sensitive environmental areas.
- d. From Sections 185-12.D.(3).(a).[11] and 185-13.E.(4).(a).[12] – Providing net developable area calculations.
- e. From Section 185-12.D.(3).(a).[15] – USDA soil series boundaries.
- f. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] – Storm sewer plans and profiles.

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- g. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] – Sanitary sewer plans and profiles.
- h. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] – Gas and water plans and profiles.
- i. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] – Topographic land contours.
- j. From Section 185-22.D.(3) – Additional street cartway width of 17 feet from centerline and additional street right-of-way width of 30 feet from centerline.
- k. From Section 185-22.E.(5) – Existing adjacent street concrete curbing.
- l. From Section 185-34.A.(1) – Providing sidewalks along abutting streets.
- m. From Section 185-49 – Wetlands certification.

Mr. Emerick recommended that waivers 'b' through 'm' be granted. He reviewed his minor list of corrections to be made to the plan.

Matt Bonanno of HRG reviewed his plan review comments.

Mr. Emerick believes that the Dauphin County review comments have already been addressed. He added that the Township will not be asking for compliance with the County's comment regarding the extension of public water and sewer because he thinks the comment relates to new lots being created.

Dave Christian, landscape architect, represented the plan. He stated that they are comfortable with the staff, HRG, and County review comments. The plan was precipitated by Scott Ortenzio's desire to construct a garage addition to his home, and at that time he discovered that his property line was not where he thought it was.

Secretary Wehler asked if the stormwater diversion berm, which is proposed where the new driveway joins the existing driveway, is subject to any type of maintenance agreement. Mr. Bonanno responded he does not think that part is protected by an easement. Mr. Christian said the plan can be revised to put the berm in an easement. Mr. Emerick clarified that it would be a revision to the conditionally-approved stormwater management plan instead of the subdivision plan. Secretary Wehler agreed that would be appropriate. He was curious as to why the berm was proposed instead of an inlet or a swale. Mr. Christian stated that they chose the berm because the driveway has no crown so water is not being drained off of the sides. The berm will be installed at an angle to make it easier for a vehicle to pass over it. The berm was the only way to get water from the driveway into the trench. He stated that another option might be a trench drain, as opposed to an inlet.

Secretary Wehler asked if any nonconformities exist on these lots with respect to current zoning. Mr. Emerick stated that some were proposed, but this plan will eradicate all of the proposed and existing

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nonconformities. Secretary Wehler was particularly interested in the situation on Lot 7 where the setback is only 10.3 feet and the driveway is right up against the property line. He asked if that is considered a nonconformity and whether it is allowable to cede land from a nonconforming lot. Mr. Emerick responded that it is not nonconforming by area, and this plan is not creating a larger nonconformity. It would be a nonconforming structure but not a nonconforming lot. Secretary Wehler asked if it is permissible to reduce the lot area of a circumstance like that. Mr. Emerick answered yes, as long as the lot is not being made nonconforming.

MOTION ON WAIVERS

On a motion made by Secretary Wehler, seconded by Member Mangione, and a unanimous vote, the Planning Commission recommended that waiver requests 'b' through 'm' be granted.

MOTION ON PLAT #1220

On a motion made by Member Mangione, seconded by Secretary Wehler, and a unanimous vote, the Planning Commission recommended approval of Plat #1220, subject to the outstanding comments of staff, HRG, and the Dauphin County Planning Commission being satisfactorily addressed.

B. Review and recommendation of the Preliminary/Final Land Development Plan for Curry Mill, Plat #1221

This plan has been withdrawn.

OTHER BUSINESS

A. Comprehensive Plan discussion

Mr. Emerick stated that this discussion will focus on the draft of Chapter 1. The draft has been provided to the Derry Township Planning Commission, the Comprehensive Plan committee, and the Dauphin County Planning Commission, and review comments have been requested. The only formal review comments that were received were from Diane Krug (representative for the Dauphin County Planning Commission).

Mr. Williams explained that Section 1.1 of Chapter 1 discusses the purpose of the Comprehensive Plan. The intent is to have a long-range planning document for the Township for the next 10 to 20 years. The review committee decided to use a format similar to the 1991 Comprehensive Plan and revise each section as may be necessary.

Section 1.2 discusses the Pennsylvania Municipalities Planning Code (MPC), which is the enabling legislature for municipalities to adopt comprehensive plans and regulations such as zoning ordinances and subdivision and land development ordinances. A Comprehensive Plan is not a requirement, but it remains the most effective tool that municipalities have for long-range planning, and since Derry Township has a Zoning Ordinance, it is recommended by the MPC that a Comprehensive Plan be adopted. It is also recommended that the Comprehensive Plan be reviewed every 10 years against any changes that may have developed over the years regarding planning goals and objectives; however, the Township is not required to make changes to the plan.

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Section 1.3 is a summary of what was done during the 1991 Comprehensive Plan. Similarities and differences between that plan and the current plan are discussed. Mr. Williams stated that one of the more significant differences with this plan is that the Board of Supervisors formed a working group to do some of the introductory work; for the 1991 plan, the Township hired the Cox Company (a planning company from Virginia) to do this preliminary work. By forming a work group instead, the Township is saving a significant amount of money. Mr. Williams stated that this section also includes goals and objectives of the 1991 plan to demonstrate how many of the same objectives are being maintained but slightly altered to comply with current goals and objectives. Mr. Williams noted that transferable development rights was an issue that was discussed in 1991, but it will not be part of the new plan because on further review it was determined that much of the farmland and open space in the Township is privately owned by one of the Hershey entities, and transferable development rights would not work.

Section 1.4 discusses the current mission and vision statements for the Township. A brief overview is given regarding the driving factor in the revision of the Comprehensive Plan, which is to incorporate smart growth initiatives and objectives that will ultimately lead to revisions to the Zoning Ordinance and Subdivision and Land Development Ordinance. This section also discusses the 10 generally-accepted objectives of smart growth.

Member Mangione asked Mr. Williams to further explain transferable development rights. Mr. Williams stated that it is another tool municipalities have through the MPC to preserve open space and farmland and transfer those development rights to other areas of the Township where higher-density development is preferred. Since most land is controlled by one of the Hershey entities, it would be the decision of that entity as to whether transferable development rights are used. Mr. Williams stated that unlike in Lancaster County, for example, in Derry Township there are not any private farmers desiring to preserve their farmland. Mr. Emerick added that if there was a farm that could be subdivided into 10 lots, for example, that farmer could sell the 10 rights to another location within the Township, and a property that might be in a different zoning district and only be allowed to be subdivided into 8 lots would be able to be subdivided into 18 lots, thereby preserving the subdivision of the 10 development rights in the Agricultural/Conservation zoning district, transferring those rights elsewhere within the Township. Mr. Emerick also commented that transferable development rights programs are extremely difficult to manage.

Mr. Williams stated that Section 1.4 also includes a list of goals and objectives, many of which were preliminarily drafted by the working group. The goals and objectives are divided into categories, and Mr. Williams outlined them as follows:

- Section 1.4.1 – *Sense of Place*. The focus of this section relates to regulations that will develop a vision for the character and design of the downtown and the residential/village areas of Hershey. An objective is to focus on the historic character and preserve much of the development patterns that are prevalent in this area.

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- Section 1.4.2 – *Land Use and Design*. Mr. Williams stated that it is anticipated that design elements will also be implemented in this section. The objectives include land use densities (some of the Township's regulations regarding density seem to be outdated); downtown revitalization; and incentives that would provide for infill development.

Rick Donato, a resident on Forest Avenue, asked for clarification on terms like 'sense of community', 'sense of place', and 'higher density of development'. He asked if they reference the downtown area. Mr. Williams responded that they refer primarily to the downtown area, but that does not mean there will not be a review of other areas in the Township for other residential options besides single family dwelling units. Mr. Donato asked what has been adopted by the Township. Mr. Williams responded that the only part of the Comprehensive Plan that has been adopted at this point is the mission and vision statements. Mr. Donato commented that it seems like these goals and objectives are going to cost a lot of money, and he is concerned about that. He also does not think the goals and objectives are explained very well.

Mike Moravetz, a Hershey resident, asked if “...connected by a network of transportation options accessible to all” in the vision statement refers to subsidized mass transit. Mr. Emerick responding that it refers to bicycle trails, roads, sidewalks, buses, people movers, etc.

Chairman Tunnell commented that only Chapter 1 is being considered at this point, which is an overview. It does not contain the level of detail required to answer the questions that are being asked. Mr. Moravetz asked what is meant by 'substantive modifications' regarding the 20-year guideline. Are they meant to change or restrict land use? Mr. Emerick responded that the Comprehensive Plan sets the stage for how the Zoning Ordinance, Subdivision and Land Development Ordinance, and other land use ordinances are written. With the new Comprehensive Plan, the Township is trying to find better smart growth principles and update where necessary to reflect current practices and the economy.

- Section 1.4.3 – *Transportation and Circulation*. Mr. Williams explained that this category focuses on promoting safe transportation. The term 'transportation' includes pedestrian and bicycle travel as well as vehicle travel. Regulations to promote connectivity between developments will be considered. For example, many of the suburban developments have cul-de-sacs, and the regulations would consider minimizing cul-de-sacs and promoting through traffic to any future development that might occur. Opportunities will be reviewed for implementing new technology into transportation and circulation to try to improve traffic movement and safety throughout the Township.
- Section 1.4.4 – *Environment*. Mr. Williams stated that the Township has already adopted a stormwater management ordinance that is very progressive. This section relates to the expansion and enhancement of the stormwater management ordinance and the possibility of green infrastructure and environmentally-friendly stormwater management techniques. This section also addresses the preservation of open space in the Township, the promotion of more infill development for underutilized areas of land, and the investigation of opportunities for retaining the productive farmlands that remain in the Township.

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- Section 1.4.5 – *Information Technology*. Mr. Williams stated that this section discusses the use of information technology to enhance the Township's existing infrastructure; researching opportunities for improving Township operations by automating existing services; and involving public services such as the Derry Township Municipal Authority, Pennsylvania American Water, the School District, and emergency services to ensure that any future increase in densities would allow the existing infrastructure to remain adequate. There also may be opportunities to improve public infrastructure by attending regional meetings, looking at funding opportunities, and other programs that would encourage regional planning efforts.
- Section 1.4.6 – *Hazard Mitigation*. Mr. Williams explained that this section relates to the possibility of adopting a more defined hazard mitigation plan, which would include identifying potential hazards associated with developing environmentally sensitive areas of the Township. Another consideration is reviewing zoning and building policies to see how up to date they are for flood-prone areas and whether any updates are warranted based on the flooding that occurred in September of 2011.

Mr. Williams stated that Section 1.5 divides the Township into 6 planning areas and corridors as follows:

- Section 1.5.1 – *Downtown (Chocolate Avenue)*. This section focuses on trying to create a true downtown center that can function as a gathering place for the community; implementing mixed uses; attracting new retail businesses to meet the residents' needs; and encouraging a variety of housing types.
- Section 1.5.2 – *Hersheypark Drive Corridor*. The objectives for this corridor are to accommodate visitors and tourists, create mixed use potential for overlay districts to existing zoning districts, integrate activities, and provide efficient infrastructure that would ultimately reduce congestion and minimize the number of intersections and driveways in the district.
- Section 1.5.3 – *Medical Center/Research Park (HCAR) Area*. The objective is to support diverse opportunities by providing more mixed uses and creating planning incentives to encourage development.
- Section 1.5.4 – *Waltonville Road/Middletown Road Corridors*. The objectives are to encourage retail and other commercial development in areas that are presently zoned for neighborhood commercial uses and to determine whether any areas should be rezoned to support additional similar development.
- Section 1.5.5 – *Palmdale Area*. The objectives are to encourage concentrated areas of commercial activity; support an increase in multifamily residential density; and provide safer sidewalk connections.

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- Section 1.5.6 – *Route 743 South Corridor*. This area encompasses much of the Milton Hershey School facilities and a lot of the more rural areas of the Township. The objectives are to allow for appropriate expansion of the Milton Hershey School facilities, to continue to promote open space preservation, and to promote safety buffers along Route 743.

Mr. Williams asked for specific comments from the Planning Commission on Chapter 1 so that they can be incorporated into the draft. After that the revised version can be posted on derryvision.org to allow the opportunity for public comment so that in the next month or so there is a finalized product for this chapter.

Sandy Ballard asked if the revisions will be posted on the website after the Planning Commission meeting, prior to consideration by the Board of Supervisors. Mr. Emerick answered that Chapter 1 will not go to the Supervisors, but it is the intention to keep the website up to date. Ms. Ballard commented that whatever the Planning Commission decides at this meeting, this chapter is not officially approved by the Township until action is taken by the Board of Supervisors, and the Supervisors will want to hear from the community first. Mr. Emerick estimates that it will be at least 18 months until the entire Comprehensive Plan is ready to be presented to the Supervisors.

Todd Pagliarulo asked how many surveys were sent to residents and how many public meetings were held. Mr. Emerick estimated that about 21 public meetings were held and about 1,500 survey responses were received.

Mr. Donato commented that the wording seems to be open-ended, and that might lead to something happening 5 or 10 years from now that was not planned for.

Chairman Tunnell stated that these are great points and the Comprehensive Plan is intended to start to address the issues that are being brought up. The entire document is intentionally an overview, but it should be specific enough to be a guide for changes to the Zoning Ordinance and other regulations.

Rich Gamble, resident, stated that this is the beginning of the Comprehensive Plan, of developing a toolbox and then focusing down to what tool we need to present. To look at the history of Hershey, we had downtown Hershey and we had Swatara Station. What are the needs of the people in the community? We had a train station and next to that, a hotel. It is putting the needs of the community first and within access. Imagine bringing smaller enterprises into Hershey, defining what you want to see as a village. It used to be that everything that was needed was within walking distance but times change. It creates a better town, reduces cost, and it is a smart use of the property.

Mr. Donato responded that people are different today then they were in the 1950s and 1940s, their attitudes are different. We need to be careful how we go about doing this. What may be brought into downtown may not be what is wanted.

Mr. Gamble stated that the idea of “availability of housing for many” means that you can put together a development that has a variety of prices all within the same structure.

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Member St. John stated that the Township has a Design Review Board that helps to ensure that any material changes to properties in the downtown district comply with the guidelines in place to preserve the downtown. She thinks that mixed uses in the downtown will provide a lot of opportunities for people to walk to their destinations. The land being discussed is privately-owned and will only be used for something financially-advantageous. The Comprehensive Plan will probably change the guidelines in the downtown district somewhat because of densities or opportunities for retail, but the community's desire for a beautiful downtown will never go away. She stated that the Comprehensive Plan is not the driving force for what happens downtown, there are a lot of other mechanisms involved. Mr. Emerick pointed out that the Design Review Board was a recommendation of the 1991 Comprehensive Plan.

Ms. Ballard asked if the Planning Commission or members of the audience had any specific changes to Chapter 1. She suggested a change under Section 1.5.4 (Waltonville Road/Middletown Road Corridors) from 'neighborhood *communities*' to 'neighborhood *amenities*'.

Secretary Wehler stated that he has participated in the task force through quite a few meetings over the last 2 years and has come to realize that some of the Township's zoning rules and aspects of the 1991 Comprehensive Plan are out of date. Some of the zoning district rules and permitted uses do not accurately reflect the changes in the socio-economic makeup of the community. There are certain Township regulations that are preventing smart growth. Secretary Wehler thinks Chapter 1 is a very good reflection of all the input from outside advice and hundreds of residents, and it can serve as a guide for all of the changes to regulations in the future. Overall he is pleased with Chapter 1.

In response to a question from Chairman Tunnell, Mr. Emerick commented that what he is looking for from the Planning Commission is any wordsmithing changes or big concept changes, but these comments do not have to be made tonight.

Secretary Wehler thought that most of Diane Krug's suggestions were very good, but he was concerned that some of her changes under Section 1.4.5 (Information Technology) removed the task force's intention. Mr. Emerick read Ms. Krug's commentary regarding her changes: *"I don't disagree with what this states, but it seems a little out of place (too specific) since there is no other mention of public facilities and supporting infrastructure. I would rather see a broader goal for public facilities/infrastructure/community services here and include some specifics for information technology within it. Or include a mention of other public facilities (and the need for IT integration) within this section – there seems to be an imbalance here without mention of other supporting infrastructures which are just as critical."* Mr. Emerick commented that Mr. Williams redrafted this section based on Ms. Krug's suggestions.

Mr. Emerick added that once Chapter 1 is well-written, it (and all the subsequent chapters) will be condensed into a second, user-friendly version of the document.

Chairman Tunnell asked Mr. Emerick if the Planning Commission needs to approve Chapter 1 at this meeting. Mr. Emerick stated that he would rather the Commission made their changes to the document online. He is not looking for formal action at this meeting.

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Chairman Tunnell asked if the goal is to review a chapter at each meeting. Mr. Emerick answered yes, and that next month's Comprehensive Plan discussion will focus on employment, demographics, and population.

ADJOURNMENT

On a motion by Member St. John, seconded by Member Mangione, and a unanimous vote, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Ned Wehler
Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary