

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
December 3, 2014**

CALL TO ORDER

The Wednesday, December 3, 2014 Derry Township Planning Commission meeting was called to order at 6:06 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; Glenn Rowe, Secretary; Ned Wehler; Gregg Mangione

Commission Members Absent: Joyce St. John, Vice Chairwoman

Also Present: Chuck Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Diane Myers-Krug, Dauphin County Planning Commission representative; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: Massimo Rizzotto, 1048 Sand Hill Road; Kenny Hinebaugh, Evans Engineering; Charles Huth, *The Sun*; Jamie Pascotti, 4708 Holly Circle, Harrisburg; Brian T. Evans, Evans Engineering

APPROVAL OF MINUTES

On a motion made by Member Wehler and seconded by Secretary Rowe, the Planning Commission unanimously approved the minutes of the October 7, 2014 and November 5, 2014 meetings as written.

OLD BUSINESS

A. Report of the Board of Supervisors' action regarding the 4th Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat #1245

Mr. Emerick stated that the Board of Supervisors conditionally approved the plan.

B. Report of the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for the Hershey Lodge Natatorium Replacement, Plat #1242

Mr. Emerick stated that the Board of Supervisors conditionally approved the plan, but there was a lot of discussion about the request for a waiver from installing sidewalk along University Drive, West Chocolate Avenue, and Sipe Avenue. After the Planning Commission meeting but prior to the plan being presented to the Board of Supervisors, Hershey Entertainment & Resorts Company committed to installing sidewalk along University Drive where none currently exists. There was discussion at the Board of Supervisors meeting about the installation of sidewalk along West Chocolate Avenue and Sipe Avenue, and discussion about developing an ordinance for a fee in lieu of sidewalk installation. The Board deferred action on whether they would accept a fee in lieu of sidewalk installation along West

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Chocolate Avenue and Sipe Avenue or require the installation, but will make a decision at or prior to their February 24, 2015 meeting.

Chairman Tunnell asked if an ordinance has to be in place prior to the Board of Supervisors accepting a fee in lieu of sidewalk installation. Mr. Emerick responded that in this case, the fee will be an offer by the developer, not a regulatory fee. He added that with the revision to the Comprehensive Plan, there is an intention to designate pedestrian corridors in the Township so that developers will know what to expect.

NEW BUSINESS

A. Review and recommendation of a waiver from filing a land development plan as requested by 169 Chocolate Group, LLC, regarding the placement of two modular units for use by the commercial tenants of the building located at 50 North Linden Road while the building is being renovated

Mr. Emerick stated that this request is associated with the property located at the northeast corner of the intersection of Ridge Road and West Chocolate Avenue. The subject property is comprised of a series of lots surrounding the former abattoir building (also referred to as the post office). The developer provided 3 options showing possible locations of 2 temporary modular structures. These structures are proposed so that 2 existing tenants, the U.S. Post Office and the Hershey Laundry, can operate and maintain a presence in the area of their current location while the post office building is renovated. The Subdivision and Land Development Ordinance requires the processing of a land development plan when additional principal buildings are proposed on a lot or for the development of one commercial building on a single lot. Typically, land development plans are processed in order to identify intensity of development, such as impervious coverage, parking requirements, stormwater management, and traffic impact. In this case, the uses presently exist on the property so there will be no traffic impact. Any new impervious area will be offset by the removal of existing impervious area, therefore negating any need for stormwater management controls and maintaining the existing impervious ratio. Finally, the developer will need to process a land development plan for future improvements proposed on the properties. Parking on this property is subject to the Shared Parking Agreement which was enabled under a conditional use granted by the Board of Supervisors.

During a meeting that Mr. Emerick had with the developer earlier in the week, he learned that one of the tenants (Hershey Laundry) has opted to seek an alternate temporary location, so only one temporary structure would be required. Mr. Emerick believes the developer intends to use Option 1, and that the northern unit depicted on the plan would be moved to the south to allow another exit door to be placed on the south side of the building. The second unit is no longer proposed.

This type of waiver has been granted numerous times in the past, generally associated with conditions where an applicant desires to live in an existing house on a property while building a new house on the same property. In these cases, the applicant has been asked to post security equal to the demolition cost of the existing building. Mr. Emerick recommended that the granting of the waiver be conditioned upon the developer providing financial security that would enable the Township to

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relocate the temporary structure if the developer does not remove it or seek land development plan approval within the times as may be set in the granting of the waiver.

In response to a comment by Member Mangione, Kenny Hinebaugh of Evans Engineering confirmed that there will not be any traffic impact as a result of the placement of the temporary structure. In fact, traffic will be minimized because the post office will be taking their distribution operation to another location during the course of the renovations.

Member Wehler asked what the duration of the approval would be. Mr. Emerick believes the developer is seeking a term of 2 years. Mr. Hinebaugh added that it is their intention to complete the renovations within a year.

Member Wehler asked what the exterior of the unit will look like. Mr. Emerick commented that it is important to note that the developer will avoid the requirement for approval of the unit by the Design Review Board, since the placement of the unit will be outside of the Chocolate Avenue Preservation Overlay District. The proposed unit has been used as temporary office space in Derry Township before, either at the Hotel Hershey or the Hershey Nursery. Massimo Rizzotto of 169 Chocolate Group, LLC, added that it is a commercial grade double unit. The visibility from Chocolate Avenue will be minimal. Mr. Rizzotto stated that they will retain the existing vegetation along Chocolate Avenue.

Secretary Rowe asked if the expectation is that people will park in the lower lot and walk up to the temporary unit. Mr. Rizzotto responded that the lot is on the same level as the proposed location of the unit. The entrance to the unit will be off of Ridge Road. Secretary Rowe asked if there will be signage to direct visitors to the site. Mr. Rizzotto answered yes. Mr. Emerick added that directional signage is one of his recommended conditions for the approval of the waiver.

Chairman Tunnell asked if the developer will be fencing off any of the parking during the construction period. Mr. Rizzotto responded that the site will be fenced for safety purposes. There will also be a smaller construction trailer on the site.

Member Mangione asked for verification that Option 1 will be used. Mr. Hinebaugh confirmed this. Mr. Emerick commented that if a second means of egress is required, the location of the unit might have to be shifted to keep it out of the building setbacks.

Member Wehler questioned if this approach is a way to avoid ADA, L&I, and other commercial building standards that would otherwise apply if this was a permanent structure. Mr. Emerick responded that the building code does not really have provisions for temporary structures; however, the developer will have to affix the structure to the ground as though it will be permanent because certain wind loads have to be met.

Secretary Rowe inquired about a sidewalk leading to the unit. He thinks the location of the temporary unit would cause a hardship for those with disabilities. Mr. Emerick stated that there currently is not a complete sidewalk system to the existing post office building, there is still a need to cross roads and parking areas. Mr. Emerick asked how easy it is to leave the last segment of sidewalk along the

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eastern side of Ridge Road and then walk up the access road to the unit. Mr. Rizzotto was not sure. Secretary Mangione commented that the quality of the pavement may be a little broken up, which would be difficult for someone in a wheelchair to navigate. Mr. Emerick stated that it would not be unreasonable to ask the developer to provide a smooth path to the unit. Member Wehler asked what constitutes a “smooth path.” Chairman Tunnell stated that he would be comfortable with Township staff coming to an agreement with the developer to ensure there is a reasonable pedestrian connection for all visitors to the site, including those with disabilities. Mr. Hinebaugh commented that they will look into this matter prior to taking the waiver request to the Board of Supervisors.

Member Wehler asked what kind of financial security will be required. Mr. Emerick responded that the developer has been working with Lebanon Valley Homes to determine an estimate for the removal of the unit. He expects the security will be provided as cash (as opposed to a letter of credit or bond). Member Wehler asked what will happen if the renovation project stalls and there is a loss of financing. Mr. Emerick explained that is why he is suggesting that as a condition of approval of the waiver, the term of the lease not exceed 2 years and if the renovations are not completed within 2 years, the developer will have to remove the temporary unit or file a land development plan to retain it.

Member Wehler stated that he is not keen on the Township approving the placement of temporary units while renovations are taking place. There is available commercial space in the Township that could be used instead of a temporary unit.

Chairman Tunnell stated that he understands Member Wehler’s position that a precedent could be set by granting the waiver, but in this case he is not overly concerned because there is an abundance of land on the site and existing infrastructure. However, Chairman Tunnell wants to be careful that the Township has standards in place so that an unacceptable temporary structure cannot be used during a construction project.

Mr. Emerick thinks it would be beneficial if the Township had proof of notification that the tenant is aware of the terms and also that the term of the lease not exceed 2 years. Chairman Tunnell suggested a condition of approval that the unit has to be removed within a certain number of days once it is vacated by the tenant.

Mr. Rizzotto stated that they had done a lot of research and there were no other available sites in the Township that met the post office’s criteria, which is why they decided to renovate the existing building. Jamie Pascotti, also of 169 Chocolate Group, LLC, added that it was important the post office not leave the site because if they would have opted for a new build out on another property, they would not have returned to their current location.

Member Wehler asked why the developer decided to renovate the existing building instead of using the vacant area along the West Chocolate Avenue frontage of the site. He also asked what the developer’s master plan is for the entire site and how the renovation of the post office building fits into that plan. Brian Evans of Evans Engineering responded that the developer has tenants who want to be in the existing post office building. The transition would be delayed by the land development plan process if those tenants were to relocate to a newly constructed building along the West Chocolate Avenue frontage. The renovations are not triggering any land development activities.

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MOTION

On a motion made by Member Mangione, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the waiver of processing a land development plan be granted, subject to the following conditions:

- a. That the temporary structure is removed from the property within 2 years of the issuance of its Certificate of Occupancy; or that an acceptable land development plan is approved for the retention of the structure.
- b. That the temporary structure is connected to public water and sewer facilities.
- c. That lighting for the safety of the visitors to the property, meeting the minimum standards of the Subdivision and Land Development Ordinance, is provided on the site.
- d. That all signage associated with the temporary structure is properly approved and permitted.
- e. That the temporary structure is put to no other commercial use than that which is noted within this waiver request.
- f. That an equal amount of impervious area is removed from the property within the same drainage area as that of any impervious area that is added to the property.
- g. That the trees are retained.
- h. That a smooth and walkable path meeting ADA standards is provided to the driveway entrance.
- i. That proof of notification to the tenant of the terms of agreement is provided to the Township.
- j. That the term of the lease is limited to 2 years.
- k. That the temporary structure is removed within 30 days of vacancy.

B. Consent for a study to identify blighted and/or underdeveloped areas for inclusion in the development of a Tax Increment Financing district

Mr. Williams explained that as everyone is most likely aware, there are planning efforts underway for downtown Hershey and issues such as revitalization and encouraging economic development are being discussed. One of the proposals being considered is the development of a Tax Increment Financing (TIF) district. A TIF district is an area (in this case a portion of the downtown) where capital improvements are deemed necessary in order to stimulate economic development. The TIF district

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would rely on private development to generate additional tax revenue on properties within the district, and those revenues would then be used to finance the needed capital improvements. The revenues could be used to fund building construction, site acquisition and preparation, infrastructure improvements, environmental remediation, and any other improvement that would assist in defraying developers' costs. All or a portion of these tax revenues generated by the project would be designated by the affected taxing bodies to cover the debt service payments of a bond that finances the eligible improvements.

Chairman Tunnell commented that in his experience, someone has to be able to post the bond or letter of credit so if the developer is unable or unwilling to do that, the taxing entities may be called upon to provide the guarantee.

Mr. Williams stated that the Planning Commission needs to authorize Township staff to prepare an area study and report. The report would designate the subject area as blighted in accordance with certain criteria of the PA Urban Redevelopment Act. Mr. Williams listed some of the criteria used in determining a specified area as blighted. Upon completion of the area study and report, the Planning Commission would adopt a resolution, endorsing that the project area meets the criteria of the Urban Redevelopment Act. Mr. Williams provided a sketch of the area that the Downtown Hershey Association is considering for the TIF district.

Member Mangione asked if the area needs to meet one or multiple criteria. Mr. Williams answered that it only needs to meet one, which sets the characteristics that have to be met.

Chairman Tunnell asked when the estimated monetary value of the TIF district becomes known. Mr. Williams responded that he thinks an economic statistic report would have to be done to determine if the TIF district is feasible. Chairman Tunnell asked if projects have to be identified at that time so that there is an idea of what amount of tax revenue would be required. Mr. Williams stated that build-out scenarios or planning studies would be done to estimate the amount of taxes that would be generated.

Secretary Rowe commended Mr. Williams on his comprehensive presentation.

Member Mangione asked what the governing process is regarding taking action on a property once the TIF district is established. Chairman Tunnell asked if the Planning Commission would be involved. Mr. Williams stated that the Planning Commission's involvement is limited to the establishment of the district; after that it becomes a Board of Supervisors and ICDA matter.

Chairman Tunnell questioned why the proposed area is limited to a portion of the downtown. Mr. Williams responded that this area seems to be where a lot of private investment is anticipated; however, the district could be expanded in the future.

MOTION

On a motion made by Member Wehler, seconded by Member Mangione, and a unanimous vote, the Planning Commission authorized Township staff to proceed with the preparation of a report for eligible lands that could be included in a TIF district.

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OTHER BUSINESS

Mr. Emerick reported that the Township has entered into an agreement with Derck & Edson regarding the completion of the revised Comprehensive Plan, and a joint workshop meeting with the Board of Supervisors and Planning Commission is tentatively scheduled for January 13, 2015 at 6:00 p.m., pending a response from the consultants that they can attend.

ADJOURNMENT

On a motion made by Secretary Rowe, seconded by Member Mangione, and a unanimous vote, the meeting adjourned at 7:18 p.m.

Respectfully submitted,

Glenn Rowe
Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary