

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS**

**PUBLIC HEARING
Tuesday, December 16, 2014**

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The December 16, 2014 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:15 p.m. by John W. Foley, Chairman.

ROLL CALL

Supervisors Present:

Sandy A. Ballard
Justin C. Engle, Secretary
John W. Foley, Chairman
Marc A. Moyer, Vice-Chairman
Matthew A. Weir

Also Present:

Charles Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
James N. Negley, Township Manager/Township Treasurer
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Tony Patton, Matt F., Lou Mione, John Murphy, Lynard S., Paul DeLoia, J. Bellissimo, Michael Soloman, Greg St. Clair, Rich Gamble, Joseph Mari, Kim Mione, Lou Mione

NEW BUSINESS:

Public Hearing regarding Zoning Petition No. 2014-05 and a request to amend the Derry Township Comprehensive Plan as filed by Prometheus One, LLC.

Charles Emerick, Director of Community Development – The petition requests that the zoning of multiple parcels of land containing a total of approximately 11.64 acres be changed from Village Residential and Agricultural/Conservation classifications to Attached Residential. The petitioner also requests that the Comprehensive Plan Future Land Use Plan be amended so that there is consistency between the Comprehensive Plan Future Land Use Plan and the Derry Township Zoning Map.

The majority of the property is owned by Prometheus One, but 3.753 acres is owned by Kenneth J. Wenger. They have not heard from Mr. Wenger and they don't know if he consents or contests the rezoning of his property. We are only taking action on the land

owned by Prometheus One, 7.83 acres, but if we rezone to the centerlines of the road, we would be rezoning about 7.91 acres. If adopted this would entail an amendment to the Comprehensive Plan.

The Future Land Use Plan of the current Comprehensive Plan indicates that this area would be zoned Village Residential, consistent with the surrounding development. If rezoned to Village Residential, it would be possible to develop 17 single family dwelling units and if rezoned Attached Residential, up to 43 single family semi-detached dwelling units or even 50 townhouses. Mr. Emerick provided the Board a summary of the limiting conditions of each of the zoning districts.

Recently there was an application submitted to the Township Planning Commission for 5.2. In that application, the staff, County and Planning Commission were all in concurrence that we wouldn't recommend that small acreage. The developer acquired additional property trying to crest the 10 acre mark that is rule of thumb for rezoning.

Mr. Emerick added the following comments:

- It is appropriate to gather together other acreage into the same district.
- At present the Township has in excess of 70 acres of land zoned Attached Residential. There is little land remaining for the development of Multi-family Residential.
- Middletown Road is classified as an arterial street and therefore requires a 600' offset for intersections of other streets. It is a driveway but should be considered.
- Public streets are not conducive to the full development of the property because of the shallow depth and limited acreage. They are proposing development with private driveways. This is another reason Mr. Emerick would recommend this property be rezoned Attached Residential as opposed to the Single Family to gain more homeowners to care for the streets that would result in any development of the property.
- This development could produce an additional 450 new daily trips on Middletown Road and will add to the present congestion.

Mr. Emerick provided the Board with a copy of all of the permitted uses that are allowed in the Agriculture Conservation, Village Residential, and Attached Residential districts.

We could defer this zoning to the present Comprehensive Plan efforts, but the applicant has appropriately requested the action be considered now. When looking at what this corridor has become, Mr. Emerick believes it is appropriate to maintain Residential zoning on the western side of the road and support Commercial development on the eastern side. This tract with proximity to Middletown Road, is better suited for Attached Residential development than for single family dwelling development.

The Derry School District and adjacent municipalities were provided copies of the rezoning request as required by law. We received responses from North Londonderry Township, Lower Swatara Township and Palmyra Borough and there were no issues with the

proposed amendment. In addition, the Derry Township Planning Commission has recommended this rezoning, but the Dauphin County Planning Commission has not.

Discussion:

Vice-Chairman Moyer asked if it was normal to solicit comments from nearby townships. Mr. Emerick said it was. He asked if those townships offer us the same professional courtesies. Mr. Emerick said we just received one today from South Londonderry Township, but we don't get many.

Vice-Chairman Moyer referred to the drawing that represents a possible development, but it does not necessarily represent what would ultimately be constructed pursuant to a rezone acreage. Mr. Emerick said that is correct. He also referred to a large stormwater basin from Stone Creek that drains through the property and there does not appear to be much consideration in the sketch. The sketch also showed a proposed bicycle trail with the hopes of connecting to the Stone Creek trail system.

Vice-Chairman Moyer said if no rezoning occurred on this acreage then construction would not occur on this site. Mr. Emerick said that was correct. Today this sight has a mix of Agricultural Conservation and Village Residential that would be very limiting.

Supervisor Ballard asked how many residential units could be put in if the rezoning is not approved. Mr. Emerick said when we were just dealing in one zoning district for a 5 acre site he had computed it for about 9 single family units. In the Village Residential district you are permitted one/2.25 dwelling units/per net developable acre.

Supervisor Ballard asked if Derry Township School District responded for comments. Mr. Emerick said we did get an inquiry from the School District on the last rezoning and we addressed it, but we did not get any comments to this rezoning. It is not unusual to not receive comments. Supervisor Ballard said it is important to give the School District opportunity to comment. Supervisor Ballard asked if it is possible to check back with them. Mr. Emerick said he can do that.

Public Comment:

Marge, 1104 Middletown Road – She mentioned that there are supposed to be 80 units built at Stoverdale and she asked if we really need more units built along that road. She is concerned about the flooding in that area as well.

Mr. Emerick said the power lines are owned fee simple by the power company and there are easements on each side. We are not rezoning any property under the power lines. Typically, no structures are built where the power lines are located.

Tony Potter, representing Prometheus One – Attorney Potter said his clients worked very hard to work with staff and planning to gather a sufficient number and pieces of parcels along Middletown Road. The density that is proposed here is appropriate for developing this particular tract. As Mr. Emerick referenced, it is single family development

and is not as good for this particular parcel as what is being proposed. There have been some significant areas rezoned Attached Residential that are directly contiguous with our parcel. We are asking for an amendment to the Comprehensive Plan which shows this area as being Village Residential, but if you look at the Comprehensive Plan adopted in 1991, most of that area has been rezoned by the Township as Attached Residential which is appropriate rezoning. At counsel's suggestion and Mr. Emerick's suggestion, we are here to discuss the parcels that are owned by Prometheus and ask for the supervisors to vote positively on the 7.91 acre tract. If the Township chooses to review the zoning with respect to the power lines and the Wenger property, we believe that will be more appropriate to be done during the Comprehensive Plan.

Supervisor Ballard asked why Dauphin County Planning Commission is recommending not rezoning it. Mr. Emerick said the Dauphin County Planning Commission stated according to the County Comprehensive Plan and the Township Comprehensive Plan this area is recommended for single-family dwellings and they did mention some of the congestion on Middletown Road. Supervisor Ballard asked if they mentioned the flooding in the Township. Mr. Emerick said they did not.

Motion: A motion made by Supervisor Engle and seconded by Chairman Foley to authorize Charles Emerick, director of Community Development to proceed with advertising. ***The motion carried, 5-0.***

ADJOURNMENT

Vice-Chairman Moyer moved to adjourn the public hearing at 6:35 p.m. Supervisor Engle seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary