

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
PUBLIC HEARING**

Tuesday, January 27, 2009

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The January 27, 2009 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:10 p.m. by Chairman, Michael H. W. Pries for the purpose of a Public Hearing regarding Zoning Petition No. 2008-05 as filed by the Lewis Loffreda Estate, Steve Loffreda, Executor.

Chairman Pries advised that all public meetings are recorded for providing accurate minutes.

ROLL CALL

Supervisors Present:

E. Christopher Abruzzo, Vice-Chairman
Kelly C. Fedeli, Township Secretary
August (Skip) T. Memmi, Jr.
George W. Porter
Michael H. W. Pries, Chairman

Also Present:

Jill E. Horner – Assistant Township Manager
James N. Negley - Township Manager/Township Treasurer
Ed L. Small - Director of Community Development
Jon A. Yost - Township Solicitor

Public Present:

Stephen J. Loffreda, Randall J. Wright, N. Loffreda, Anthony Loffreda, Michael Loffreda, Jr., Matthew Rudisill, Nancy Robertson, Neel Robertson, Elaine Dye, Debbie Olson, Roger Olson, Joanna Floros, David Phelps, Wayne Foust, Robert Dye, John Dunn, Douglas Miller, Bill Landis, Jeff Snaveley, Sarah Snaveley, Karen Gallo, Steve Todd, Brady Hummel, Judi Hummel, Peter Gawron, H. Singh, Sandy Ballard, Tom Weir, M. Weir, Blaine Rogers, Ginny Rogers

NEW BUSINESS:

Randy Wright, Landscape Architect, Lake Roeder, Hillard & Associates

The proposal is a 16-acre parcel located at the south end of Woodland Avenue in the area of Sand Hill Road and Clark Road. The current zoning is Agricultural Conservation. Abutting the property to the north is zoned Village Residential and to the south is a combination of Agricultural Conservation and Suburban Residential. The request is to

change the zoning from Agricultural Conservation to Suburban Residential. An option to develop 18-19 homes on the 16 acres is proposed for rezoning. The site contains public sewer and public water. Chairman Pries asked Mr. Wright to point out on the map where the main roads involved are located. Mr. Wight did so.

Steve Loffreda, Executor of the Estate, residing at 5668 Diamond Street, Philadelphia, PA-

Mr. Loffreda shared that his father died in December 2002, and they began to work on rezoning in 2006. Since 2006, they have come up with another plan for rezoning. He mentioned since 2006, there have been significant improvements in the community regarding traffic: a 4-way signal at Cherry and Sand Hill, signalized light at Fishburn (Hershey Medical Center (HMC) agreed to install), and a three-way stop sign at the corner of Clark and Woodland.

Mr. Loffreda stated that the current sketch maintains some woodland slopes at the upper end of the parcel. The plan will provide opportunities for best management practice such as infiltration, rain gardens, water runoff, and water detention basin. There are many job opportunities at HMC which would make this development an ideal place to live for professionals relocating or families already employed at HMC.

Mr. Loffreda said that meeting the codes in Derry Township will significantly reduce the existing water runoff problems in the development by implementing best management practices. He is willing to work with the Board of Supervisors, the Township, and the neighbors for the best way to drain off the water so it would not cause any problems. Rezoning would create a positive community stimulus, which will benefit the neighborhoods and the economy.

Chairman Pries: Did HMC agree to place a signal at Fishburn because of what you are presenting?

Mr. Loffreda: No, but I mentioned it to help explain the flow of traffic.

Mr. Loffreda shared three letters written in support of his proposal:

- Michael Loffreda, his brother: This is the right time to resolve the water runoff problem and expand his father's development as in the agreement with the Township's Comprehensive Plan.
- Joe Peters (neighbor): If the Loffreda family property is developed within the Derry Township guidelines, the water runoff problem in the lower part of Clark Road will improve considerably. He has lived at 353 Clark Road for 15 years and has seen first hand problems caused by water erosion.
- Scott Campbell, President of Brownstone Real Estate Company: The rezoning of the Loffreda property along Woodland Avenue to Suburban Residential Zoning District would be beneficial to both perspective home buyers and local businesses. When developed the half acre plus size wooded lots would offer perspective home buyers another option for purchasing a new home in Derry

Township. At the present time, there is only one area in the Township where residents can build a new home. Woodland Avenue would offer another location. This attractive location would draw home buyers and as a result benefit many of the area businesses...home buyers and their subcontractors, plumbers, electricians, framers, lumbers, suppliers, concrete suppliers. You would also experience increased activity and share in the economic benefits. The same holds true for local banks and mortgage companies, insurance companies, title companies, and real estate brokers. As our economy has taken a downturn we have experienced the trickle down effect at a local level. It will provide a boost to the local economy while also offering prospective buyers another choice.

Mr. Loffreda referred to a letter he sent "to everyone here" asking if they had any questions and he only received one response. He thanked the Board for the opportunity to present this request.

Mr. Wright added that the Township staff and the County Planning Commission have recommended the approval of this rezoning. However, the Township Planning Commission does not feel it should be rezoned at this time, but in 2006 they did.

He noted this parcel is a wooded site with steep slopes over 10%, but less than 20%. The concern with steep slopes factors back into the Township's zoning ordinance as what the board will recognize as net developable area. The ordinance requires every parcel of land to be calculated for its carrying capacity whether it is square footage of commercial space or number of residential homes. Therefore, the steepness of this particular site, as any site, would be taken into consideration when creating the detailed level of calculation. Even though the Planning Commission is concerned about the steep slopes, the Township zoning ordinance is written environmental friendly and addresses that issue. In concurrence with the Township's Stormwater study, Mr. Wright believes this is an excellent opportunity to coordinate management of the water that is currently unmanaged.

Mr. Wright referenced the Stormwater Management Study, priority area #4 which is the Forest Avenue/Clark Hill Road. He said there are a dozen homes along the east side of Sand Hill Road which are noted as structures that would benefit by the project. There would be additional piping and collection along Sand Hill Road which comes to the intersection of Clark and Sand Hill. This is a great opportunity to take this project, manage the upstream water that actually flows onto and through the property and divert it down to the conveyance system. Instead of seeing surface water, it will be diverted to the pipes and handled underground. He said that the person who would buy this property has to be committed as is the Loffreda Estate to assist and come up with a comprehensive stormwater solution.

Chairman Pries mentioned that in 2006, two of the Board members were not on the Board at that time. At that point, there was a proposal for a combination of the

Lofredda/Landis properties. He asked Mr. Wright to show on the map how wide of an area that included. Mr. Wright pointed to it and said at that time all totaled was approximately 36 acres being requested for rezoning.

Chairman Pries asked how many properties are adjoining as you come onto Clark. Mr. Wright said there are approximately 10 properties that currently front on and use Woodland as access.

Chairman Pries stated that the plan shown tonight may not look like this if and when a developer purchases the land and comes back to the Board. Mr. Wright agreed, but said that the buyer will have the same ordinances and rules to follow. He also said given the shape of the property and the point of access available, in his professional opinion, he doesn't think a scheme much different from this current plan would be good.

Chairman Pries acknowledged receipt of a packet that included signatures from individuals in support of the rezoning. He asked Mr. Wright if he went to any of the adjoining neighbors. Mr. Wright did not believe the neighbors were asked to sign the petition. Chairman Pries noted there were signatures on the petition from people located in Elizabethtown, Middletown, Harrisburg, and one person from Hershey. Mr. Loffreda stated he wrote the neighbors a letter regarding the petition.

PUBLIC COMMENT:

Bill Landis, 653 Sand Hill Road - As an adjacent neighbor and a resident of Hershey for over 40 years, he supports the future development on the Woodland property. First, he believes it will reduce and help resolve pre-existing water runoff problems which have existed for years. Secondly, the idea of having a quality development at Woodland will enhance the community. He added that the land was consistently slated to be used in this manner by the Township in the Comprehensive Plan.

Mr. Wright stated this proposal is a logical extension from a planning standpoint because street access is there as well as public water and sewer...the infrastructure needed to support this request. Mr. Wright asked that the Board of Supervisors consider favorable action sometime in the future for the proposed rezoning.

Supervisor Fedeli asked if there was a developer interested or committed to building on the property. Mr. Wright said they do not have written commitment from any one at this time, but there is interest.

Blaine Rogers, 152 Clark Road – Mr. Rogers said at the meeting in 2006, he and his wife presented a packet to each Board member. He shared that with Ivan in 2004, it cost them about \$3,000 in damages to their house. The problem is still persistent. He stated sooner or later this will be approved. If it is, he asked the Board to please make sure there is something in the plan to relieve the water problem at their property.

Roger Olson, 17 Sylvania Road – Mr. Olson expressed concern for safety. He mentioned there are walkers that go by his house using the bike path along Sand Hill and crossing at the very dangerous intersection of Sand Hill and Clark. He has seen a pronounced increase in traffic at HMC. The traffic flows down Hope Drive, onto Sand Hill, down Clark, and then onto Sylvania. There are no sidewalks in this entire area except along Sand Hill where the bike path is. The people are walking in the street. If you put up 20 houses with probably 2-3 car garages each, you are going to add another 40-60 cars to this whole area. It is not a very safe situation.

Chairman Pries asked Mr. Wright how many vehicles he is expecting would travel that roadway during a normal day. Mr. Wright said if he looks at a transportation engineering manual, for a whole day, roughly 8 trips per household equaling approximately 150 trips in a day. 10% of that will take place in the peak hours, which would be about a dozen cars.

Elaine Dye, 51 Woodland Avenue – She said she is not opposed to the development of the property as Agricultural Conservation, but is opposed to changing the zoning to Suburban Residential. She doesn't think this is going to benefit anyone, but the current landowners. She stated several points as to why she does not think it will benefit the community:

- Stormwater Management – It is already a big problem and increasing the density will only make the problem more difficult and costly to fix.
- Additional Traffic – The addition of 20 homes has to increase the traffic. She believes currently there are only about 40 trips a day. If you add 20 more homes/8 trips a day that is an increase of 400%. That is a lot when you consider at the bottom of that street, there is a 3-way stop with a blind spot. You cannot see it on Clark when you are coming down Woodland.
- Cost to the Township for Schooling – She was told it is \$14,000/student for an average of 2 children per home. With 40 children in those homes, it would cost the taxpayers of Derry Township an additional \$560,000 per year.

She would like to know what data there is to support the need for more homes of this type in Derry Township. There are already a lot of properties for sale and available. The zoning change should only be improved when it is for the good of the community. Mrs. Dye said the residents of Woodland Avenue were not approached about signing a petition and asked those present now for a show of hands for how many are in favor and opposed to rezoning.

Ira Ropson, 418 Center Street – He mentioned that Peter Gawron and Sawir Tevethia (present tonight) live off of Center Street as well. This is just a short distance to the east of the development coming south off of Clark. He shared that they managed to find one of the ten last open lots of Derry Township that wasn't in a development when they built in 1993 on Center Street. He shared that they looked long and hard to find

the lots so they could have their own builder. Under those circumstances, there are few places in Derry Township that are actually available for someone to have more control over their own house building. The key problem is that not only are there water problems further west on Sand Hill and Clark, but there are water problems further east coming down Center. He shared a picture following the storm last spring where literally there was about 3 feet of water in the back of Sawir Tevethia's house coming down the hill from Clark. He strongly suggested to the Board to make sure that we do take care of the stormwater from all directions.

John Dunn, 712 Linden Road – Mr. Dunn volunteers on the Finance Committee at the School. He said Mrs. Dye mentioned some interesting statistics. He shared the true cost of \$532,000 which would result from this development. Because of the uniqueness of this Township and the way that we tax the community, we have the Township bucket and the School District bucket. Looking at all the taxes that are levied that would come from people in this development, the Township would garner about \$27,000 in taxes, which would be adequate enough to properly service the infrastructure. Where the short fall and hardship comes to our community is the true cost of education in Derry Township. Calculations show we would only garner about \$145,000 of tax revenue to support the children coming from the new development. This would leave the School District an underfunding for Derry Township of \$390,000 per year, which translates to a 1.2% real estate millage increase. Mr. Dunn asked the Supervisors to think long and hard before changing property from Agricultural Conservation to Residential when there is no economic benefit. The other problem is changing the characteristic of those people who live on Woodland by changing it to a thoroughfare; you are alternating the life quality of all the people on Woodland and even across the street. This would be an initial step that creates precedence which you do not want. He strongly urged the Board to not endorse this change.

Sandy Ballard, 650 Cocoa Avenue – Ms. Ballard asked if they could sell the property without the zoning change. They replied they could. She asked Mr. Small how many homes could go on the property. Mr. Small stated the density would be one home for five net developable acres which would be 3 homes. She said she is not against the property owner developing their land according to the current zoning laws designed for the benefit of the entire community. She doesn't believe you should allow the owner to make more money to the detriment of the residents in the Township. She encouraged the property owner to consider selling it as is.

Doug Miller, 228 Clark Road – Mr. Miller said his property attaches directly to the proposed property. He moved to his property a year ago and has had serious water issues. The person they bought the house from renovated the house and even put drain tile all around the house and in the yard so there would be proper water runoff. However, because of the type of soil this area has (red clay) specifically in the winter the top layer freezes. He has six inches of water in his backyard every time it rains. He mentioned a neighbor up the hill of him just built a big addition and cleared a lot of

trees. He is now getting the result of that. He had to put big boulders on part of his property to keep it from eroding out. He is very concerned about the effects of clearing any more trees. He encouraged not endorsing this project.

Robert Dye, 51 Woodland Avenue – Mr. Dye said that at the last meeting when the previous plan was discussed, he understood the Comprehensive Plan dated back 20-25 years. Over the years, all of us have witnessed people coming in and selling their land, asking for an exception so it can be developed. He asked the Township to stop and develop a new plan for the Township to make it a livable town.

Sawir Tevethia, 120 Sand Hill Road – Mr. Tevethia echoed what Ira Ropson told them about the water problem. He pointed out in the mid 1990's he petitioned the Township about this problem. They approved it by placing a drain in the appropriate area. Since then, more buildings have gone up and the water problem has gotten worse. He said they need relief all through the Clark Road because people are suffering from the water.

Peter Gawron, 279 Clark Road – Mr. Gawron pointed out on the map the 3-way intersection from Clark Road to Woodland. He said Center Road and the community below experience a lot of the water runoff. This is not an area that is acknowledged as a problem area on the Township's stormwater plan, but it does have problems. He wanted to bring it to the Board's attention.

Matt Wehr, Church Road – Mr. Wehr thought if we polled the taxpayers in Derry Township and asked them what the purpose is of Agricultural Conservation zoning category in our Comprehensive Plan, they would say it is there to preserve open spaces. We heard tonight the purpose of this land is to develop it with many houses as absolutely possible. They are not making any more Agricultural Conservation land and he doesn't see anyone petitioning the Board to put land back into Agricultural Conservation. We should keep this land as open space. We do have a water problem in that area and we have a forest on steep slopes which is pretty capable of absorbing a lot of the water. He reported that every acre of ground with one inch of rain generates 28,314 gallons of water which the forest is capable of absorbing. When you pave over it, you reduce that absorption rate substantially. He requested we hold to the Comprehensive Plan and preserve our open spaces, help our elderly and retired taxpayers with school taxes, and keep the zoning the way it is on the books.

Jeff Snavelly, 48 Woodland Avenue – Mr. Snavelly echoed comments of the previous speakers concerning traffic. The water problems are well documented. He asked the Board to leave the zoning as it is until we know where we are going with our stormwater problem. Two years ago we were talking about changing the zoning on not only the Loffreda property, but also the adjoining Landis property. He would be leery if the Board approved this zoning change because he is sure Mr. Landis would want the

same change. He asked the Board to take a step back and find out what Derry Township needs to keep it a pleasant place to live as it is today.

Wayne Foust, 68 Woodland Avenue – Mr. Foust mentioned his home was the last home to be built in that area and is the first one to get the water when it comes down the hill. He pointed out that his house has a decent amount of curb appeal, but in the backyard there is nothing but gullies, dead plants, etc. He said that 15-18 years ago the proposed land was timbered. He noticed after the land was disturbed there was a tremendous increase in water coming down. He questioned if we put 20 more homes in, disturb all that soil, what is the back of his property going to look like then.

Supervisor Memmi: He thanked the community for coming out in helping to explain the situation and their views on this project. He spent a lot of time as the other Board members have in reviewing this proposal. This is the 2nd or 3rd time since he has been on the Board the proposal has come forward in some way. We have always heard similar issues such as stormwater, traffic, erosion, susceptibility of the soils, and the necessity for the filtration of water. As of this evening, he hasn't seen a reasonable argument or a demonstration that a development such as this as proposed will help fix any of those problems. There is no tie in to a zoning change that says they are going to help fix the stormwater problem. The party that is going to sell the land is punting to the developer. At land development plan time you then will have to convince a developer that he should either buy best practices or buy piping and drainage to help resolve the stormwater. Supervisor Memmi agrees with the timbering and the result it has with the water runoff issue. We heard comments that we need to look at the whole of the area and try to come up with a realistic plan. The intersection of Woodland and Clark is a problem area due to a house blocking the view at a 3-way stop. For a lot of reasons...safety, traffic, stormwater, he doesn't see a real reason why he would support a zoning change at this time.

Supervisor Porter: He verified with Mr. Bonanno that if the zoning classification stays the same as Agricultural and if the owner of the property comes in with a development proposal for three units, our Subdivision Land Development Ordinance and the stormwater management aspects are still going to have to be complied with. Mr. Bonanno agreed. It's not as if that's only going to happen if it is a 20-unit development.

Supervisor Porter stated that when people ask to change the zoning of the Comprehensive Plan, typically, they hold up one map, which is the future land use map; however the Comprehensive Plan is much bigger. It speaks of transportation improvements at the same time or before the up zoning is to occur. In this case, in this region, using 1991 dollars \$4.5 million dollars worth of upgrades were to be made to Sand Hill Road at or before this rezoning was to occur. He verified this with Community Development to make sure he was reading it correctly. He quoted the pertinent paragraph from Section X-4: The unique confluence of Derry's regional setting as a

suburban village, its attractiveness to tourism and the development of its base industry, are recognized as assets by the Comprehensive Plan. The Plan by nature of its recommended future land uses makes a strong commitment to the continued service and expansion of these assets. While the Preliminary Transportation Plan is predicated on the projected land use patterns in Derry, it is critically important to recognize that the Township will be adversely impacted by evolving traffic demands if the ways of the past are continued in the future. The upgrading of the existing roads and the creation of new alignments is essential to the community's circulation needs as well as its overall safety and general welfare.

Accordingly, the plan's recommendation for future land use and transportation are inextricably linked; that it is impossible to have one without the other. In this case we don't have improvements – the 4.5 million dollars worth of improvements that were recommended for Sand Hill Road using 1991 dollars have not been made. So to say that the time is right for the rezoning of this land is really a misleading conclusion because it does not read the entire Comprehensive Plan. There is more to the Comprehensive Plan than a mere few pages of maps. He opposes the rezoning.

Supervisor Abruzzo: He agreed with the comments from Supervisors Memmi and Porter. He told Mr. Loffreda that he does not take lightly to the fact that this is property owned by his family and it is certainly worth a certain amount of money. That in its self does not entitle any of us as landowners to develop it in a way that is most lucrative under the circumstances. In light of the very serious problems that so many of the residents who live in that area have pointed out, it seems hard to believe that even if we had a developer in here who had purchased the land that they would be able to solve the kinds of serious problems that are going to occur or may already have occurred. He opposed the rezoning.

Supervisor Fedeli: She agrees with her colleagues and echoes their concerns. She said as she looks at the plan, it is speculation. We are here to consider a zoning change, not a new development. She said she has not heard any convincing arguments to any of the issues that have been raised. She commended those who came forward this evening. She appreciated the well reasoned arguments presented tonight.

Chairman Pries: He would not support the request because of the traffic and safety concerns, failure to address adequately the stormwater issues that are in the surrounding neighborhoods, and failure to have the support of immediate homeowners.

Motion: Supervisor Porter made a motion to deny Zoning Petition No. 2008-05 as filed by the Lewis Loffreda Estate, Steve Loffreda, Executor. Supervisor Abruzzo seconded.
The motion carried, 5-0.

ADJOURNMENT:

Motion: Chairman Pries adjourned the meeting at 7:20 p.m.

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary