

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 2, 2017

CALL TO ORDER

The Tuesday, May 2, 2017 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 Vice Chairman Don Santostefano.

ROLL CALL

Commission Members Present: Don Santostefano, Vice Chairman; Ned Wehler; Matt Tunnell

Commission Members Absent: Glenn Rowe, Chairman; Joyce St. John, Secretary

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

Public Registering Attendance: Charles Huth, *The Sun*; Kenny Hinebaugh, Evans Engineering, Inc.; Ed Fetter, RVG

APPROVAL OF MINUTES

On a motion made by Member Wehler and seconded by Member Tunnell, the Planning Commission unanimously approved the minutes from the April 4, 2017 meeting, as written.

OLD BUSINESS

A. Report of the Board of Supervisors' action regarding the Final Land Development Plan for 555 East Chocolate Avenue – Lot 2, Plat #1272

Chuck Emerick stated that the Board approved the plan with conditions.

B. Review and recommendation of the proposed Derry Township Official Map and accompanying adopting ordinance

Brandon Williams explained that the first draft of the Official Map and accompanying ordinance was presented to the Planning Commission in July of 2016. Following that review, the Board of Supervisors held a public hearing on September 27, 2016. As a result of the public comments received at that meeting, the Supervisors directed Township staff to make revisions to the Map in order to address the public comment as appropriate. Those revisions are now being presented to the Planning Commission for review and comment.

Mr. Williams noted that most of the revisions that were made to the Official Map had to do with the future trails network. Other revisions include minor changes to future road improvements, such as an adjustment to the Hope Drive extension and the removal of the right turn lane improvement on Middletown Road at the Collector Road with Waltonville Road, since this project was already

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completed. In place of the right-turn lane, the Township has now identified the 2016 HRG Middletown Road study to incorporate those recommendations into the Map. Lastly, as a result of the flood mitigation project at Governor Road and Cocoa Avenue, the floodplain boundaries and drainage course were revised to incorporate the revisions approved by FEMA.

Mr. Williams stated that in accordance with the Pennsylvania Municipalities Planning Code (MPC), the Township has provided copies of the Official Map and accompanying ordinance to the Dauphin County Planning Commission and all adjacent municipalities. There is a 45-day review period that will end on Monday, May 8th. All comments received will be considered by the Supervisors at a public hearing scheduled for Tuesday, May 9th at 6:00 p.m.

Diane Myers-Krug, Dauphin County Planning Commission representative, reported that the County Planning Commission supports the proposed Official Map and accompanying ordinance, as revised.

In response to a question from Vice Chairman Santostefano, Mr. Williams reported that so far, no comments have been received from the adjoining municipalities and only one written comment has been received from the public.

MOTION

On a motion made by Member Tunnell, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Official Map and accompanying ordinance be adopted as presented.

C. Review and recommendation of the Preliminary/Final Land Development and Stormwater Management Site Plan for the Hershey Wastewater Treatment Plant Relocation, Plat #1273

Chuck Emerick explained that the property proposed for development is located west of North Hockersville Road and north of Old West Chocolate Avenue. Plat #1273 proposes improvements for a new wastewater pretreatment plant. This plant is proposed to allow the existing pretreatment plant to eventually be decommissioned. The new pretreatment plant will continue the pretreatment of industrial waste from The Hershey Company's West Plant, Reese's Plant, and Technical Center. The Hershey Company has indicated that they intend to maintain and operate the existing plant until they have achieved repeatable performance from the new pretreatment plant (anticipated to occur in the fourth quarter of 2018 or the first quarter of 2019) and aspire to return the site of the former plant to a "safe, natural green space to match the adjacent landscape acceptable to the Township."

Mr. Emerick noted that the Derry Township Municipal Authority (DTMA) continues to express concerns with some potential aspects of this new plant. Based on their understanding of the conceptual proposed facility, it is a possibility that The Hershey Company will eventually seek to discharge treated effluent directly into Spring Creek East (a Category 5 impaired water quality stream) at a lower water quality than the presently treated effluent, including that of The Hershey Company's, discharged from the DTMA facility into Swatara Creek (not listed as an impaired stream). Among other concerns are the terms of the 1973 Agreement between The Hershey Company, Derry Township, and DTMA

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which required, in part, The Hershey Company's obligation to remain a customer of DTMA so long as DTMA is capable to serve them.

Mr. Emerick reviewed the waivers and deferrals that have been requested from the Subdivision and Land Development Ordinance. He recommended that all of requests be granted, with the exception of the waiver from providing a sewage facilities planning module or planning module waiver (Sections 185-12.D.(4).(b) and 185-13.E.(5).(b)). Kenny Hinebaugh, Evans Engineering, represented the applicant and withdrew their request for waivers from Sections 185-12.D.(4).(b) and 185-13.E.(5).(b) of the Subdivision and Land Development Ordinance.

Mr. Emerick and Matt Bonanno, HRG, went over their plan review comments. Mr. Emerick also referenced DTMA's review comments and stated that DTMA and the applicant have been working together regarding DTMA's concerns. Diane Myers-Krug, Dauphin County Planning Commission representative, stated that all of the County's comments have been addressed.

Vice Chairman Santostefano asked how the Township's fee in lieu of sidewalk installation is determined. Mr. Emerick responded that it is calculated by using RSMeans' Construction Cost Data, which is a nationally-accepted software program that monitors construction costs and tailors them to zip code areas.

Vice Chairman Santostefano asked if the current plant feeds to DTMA by way of pipelines. Mr. Hinebaugh stated there are two lines that leave the existing facility; one is gravity fed, the other is a sludge line that is pumped. The new plant will tie into existing gravity lines. The sludge will be transported via truck to the DTMA facility. Two truckloads per day are anticipated.

Vice Chairman Santostefano questioned for what level of treatment the new facility will be designed. Mr. Hinebaugh responded that the purpose of the project is to replace the existing, obsolete treatment facility with newer technology. It will function in the same manner as the existing facility, but it will be more efficient and will cut down on odors. In addition, the new facility will be located outside of the floodplain.

Member Wehler asked Mr. Hinebaugh to elaborate on the proposed reduction of odors. Mr. Hinebaugh stated that they cannot guarantee the new facility will entirely eliminate odors; however, all of the internal air will be processed in some fashion, and any air that is released will go through an air scrubber system before it is discharged. Member Wehler commented that the existing plant has been plagued at times by upsets and strong odors and that has been a concern of the community. He asked if odor regulations are addressed during the DEP permitting process. Jennifer Harnden, The Hershey Company, explained that she has been working with the process designer and DEP. The proposed facility is different than the existing facility because it will be anaerobic (i.e., closed to the atmosphere). Any methane that will be produced from the biological reaction will be captured and reutilized on site. Additionally, the applicant intends to have odor scrubbers for specific areas where the bio-gas cannot be captured. DEP's air permitting process does not specifically address odors.

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In response to an inquiry from Member Wehler, Ms. Harnden stated that there will be an enclosed flare at the proposed facility for use in the event that the generator is not operational. The applicant proposes to collect the bio-gas and run it through a generator to produce electricity for the facility.

Vice Chairman Santostefano asked if the facility handles all the effluent from The Hershey Company's buildings. Mr. Hinebaugh answered that it handles all the effluent from the West Plant, Reese's Plant, and Technical Center. Vice Chairman Santostefano asked how old the pipes are that connect the existing facility to DTMA. Mr. Hinebaugh responded that they are probably as old as the existing facility. The applicant is currently working with DTMA to determine another option for conveyance instead of using the old lines.

Vice Chairman Santostefano inquired if the existing lines have been scoped in the past few years. Ms. Harnden stated that they recently scoped the main effluent line out of the existing facility and no large cracks were visible. The sludge line has not been scoped.

Member Tunnell asked if the existing plant will eventually be eliminated. Mr. Hinebaugh responded that it will be a transition as the new facility comes online and the old facility goes offline. The Hershey Company intends to demolish the old facility and return the site to a green state; however, they are still in the process of obtaining approvals to do this since the existing facility is located in a floodplain.

Member Tunnell asked if the new facility is designed for additional capacity in the future. Mr. Hinebaugh answered yes.

MOTION ON WAIVERS

On a motion made by Member Tunnell, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers and deferrals be granted from the Subdivision and Land Development Ordinance:

- a. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale.
- b. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds of the existing street centerlines along North Hockersville Road.
- c. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding existing stormwater profiles that will be unaffected by the proposed work.
- d. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding existing sanitary profiles that will be unaffected by the proposed work.
- e. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding existing utility profiles that will be unaffected by the proposed work.
- f. From Section 185-18 regarding monuments and markers.

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- g. From Section 185-22.D.(3) regarding road widening.
- h. From Section 185-22.E.(5) regarding the installation of curbing along the Old West Chocolate Avenue frontage of the property, pending the offer and payment of a fee in lieu of sidewalk installation.
- i. From Section 185-34 regarding the installation of sidewalks, walkways, and bicycle paths along the Old West Chocolate Avenue frontage of the property, pending the offer and payment of a fee in lieu of sidewalk installation.
- j. From Section 185-22.E.(5) regarding the deferral of the installation of curbing along the North Hockersville Road frontage of the property, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- k. From Section 185-34 regarding the deferral of the installation of sidewalks, walkways, and bicycle paths along the North Hockersville Road frontage of the property, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalks, walkways, and bicycle paths in the future if deemed necessary.

MOTION ON PLAT #1273

On a motion made by Member Tunnell, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1273 be approved, subject to items 'a', 'b', and 'c' listed below being satisfactorily addressed. The Planning Commission made special note of the fact that their recommendation for approval is not meant to be an action taken by the Township to alter, replace, modify, supersede, or void the terms and conditions of an agreement dated September 4, 1973 between the Derry Township Municipal Authority, the Township of Derry, and Hershey Foods Corporation (now The Hershey Company) related to the treatment of sewage from The Hershey Company's facilities.

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the March 13, 2017 HRG letter.
- c. The comments in the March 30, 2017 DTMA letter.

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision/Land Development and Stormwater Management Site Plan for Hershey Towne Square, Plat #1275

Chuck Emerick reported that the subject property is located at the northeast corner of the intersection of West Chocolate Avenue and Ridge Road. This plan proposes a new 1-story building at the corner

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of West Chocolate Avenue and Ridge Road, a new 1-story building at the corner of West Chocolate Avenue and Linden Road, new 3-level structured parking, and the addition of a third floor to the existing stone structure on the property, as well as street and sidewalk improvements. Mr. Emerick noted that the proposal of a single-story building at the corner of West Chocolate Avenue and Ridge Road differs from the building that was approved by the Design Advisory Board and the Board of Supervisors earlier in 2017. This issue will need to be resolved. Also, the applicant needs to submit a Conditional Use request for the multifamily dwelling apartment component of this development.

Member Wehler inquired if the recommendations issued by the Design Advisory Board have been incorporated into this plan. Brandon Williams stated that all of the recommendations have been incorporated, with the exception of the materials for the retaining walls around the property. He believes that will be addressed at some point in the future.

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. Mr. Emerick recommended that the Planning Commission table making a recommendation on the plan at this meeting to allow the applicant time to address the numerous outstanding review comments.

Kenny Hinebaugh from Evans Engineering represented the applicant and stated that it is in everyone's best interest for the plan to be tabled until the June Planning Commission so that the Conditional Use request to be submitted and considered at the same time as the plan.

Member Tunnell asked if the applicant is comfortable with HRG's traffic comments. Mr. Hinebaugh believes they will be able to work with HRG to address the concerns.

Vice Chairman Santostefano inquired about the anticipated construction sequence. Mr. Hinebaugh responded that the applicant's goal is to build everything at once. Mr. Emerick added that it is difficult to stage structured parking and development independently.

Vice Chairman Santostefano asked if the post office will move back into the limestone building. Ed Fetter from Hershey DTC, LP (the applicant) explained that they are working with post office on re-tenanting them into one of the new buildings instead.

Member Wehler asked if there will be new parking spaces on West Chocolate Avenue. Mr. Hinebaugh answered yes, as part of streetscape project. Mr. Emerick stated that those spaces will be publicly owned. Mr. Hinebaugh noted that the parking deck will consist of three levels, and each level will contain a little more than 100 spaces. It will be privately owned but part of the Shared Parking Agreement, so it will be available for public use. Member Wehler asked if the parking deck could be sold to another party. Mr. Hinebaugh responded that it could possibly be leased to another entity in the future.

Member Wehler questioned how metered parking would affect the shared parking facilities. Mr. Emerick answered that the on-street spaces would probably be metered and the parking deck spaces would be non-metered.

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In response to a question from Member Wehler, Mr. Hinebaugh explained where the stormwater management facilities will be located. Member Wehler inquired if the applicant has evaluated the sinkhole risk at the location where infiltration is proposed. Mr. Hinebaugh stated that they have conducted a geotechnical review, as well as soil borings throughout the site. The risk is mainly located in the area closer to Ridge Road, which is why they are taking precautions with the parking deck; however, none of the results indicate that there will be a sinkhole problem. Member Wehler asked where the stormwater will be discharged to. Mr. Hinebaugh responded that it will be directed to Spring Creek.

MOTION TO TABLE

On a motion made by Member Tunnell, seconded by Member Wehler, and a unanimous vote, the Planning Commission tabled making a recommendation to the Board of Supervisors regarding Plat #1275.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Member Wehler, seconded by Member Tunnell, and a unanimous vote, the meeting adjourned at 7:06 p.m.

Respectfully submitted,

Joyce St. John
Planning Commission Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary (*stenographer*)