

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
March 11, 2015**

CALL TO ORDER

The Wednesday, March 11, 2015 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 Chairwoman Joyce St. John.

ROLL CALL

Commission Members Present: Joyce St. John, Chairwoman; Glenn Rowe, Secretary; Matt Tunnell

Commission Members Absent: Gregg Mangione, Vice Chairman; Ned Wehler

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

Public Registering Attendance: J. Marc Kurowski, K&W; Charles Huth, *The Sun*; Jason Hinz, HRG; Ed Kaylor, Reiber Associates; Greg Koussis; Capital Construction Management; Donald Papson, M. S. Hershey Foundation; Carla Johns and Amber Fetterman, Shippensburg University; Matthew A. Weir

APPROVAL OF MINUTES

On a motion made by Member Tunnell and seconded by Secretary Rowe, the Planning Commission unanimously approved the minutes of the January 6, 2015 meeting as written.

OLD BUSINESS

A. Report of the Board of Supervisors' action regarding adoption of Ordinance No. 651, amending Chapter 225 (Zoning) of the Code of the Township of Derry

Mr. Emerick stated that the Board of Supervisors adopted the ordinance.

B. Report of the Board of Supervisors' action regarding adoption of a decision in the matter of Conditional Use Request No. 2014-01 as filed by Catherine E. R. Wagner, Esq., on behalf of A. J. Troncelliti

Mr. Emerick stated that the Board of Supervisors adopted the decision.

C. Report of the Board of Supervisors' action regarding the Pennsylvania State University Milton S. Hershey Medical Center University Technology Center, Healing Garden Infill, and Original Hospital Courtyard Infill, Plat #1243

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

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D. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision and Land Development Plan for the Hershey Volunteer Fire Company, Plat #1246

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

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan for CAMA SDIRA, LLC, Plat #1248

Mr. Emerick reported that the subject property is located at the southwest corner of Mae Street and Ethel Avenue, adjacent to the Hershey Square shopping center, nearest the Weis Markets building. The 0.728 acres is located in the Village Residential zoning district and is adjacent to the General Commercial zoning district. This development is presently comprised of two lots. One lot is improved with a dwelling; the other smaller lot is vacant. This smaller tract is barely developable, consisting of a building pocket of approximately 12 feet by 23 feet, or 276 square feet. The applicant is taking one substantially nonconforming lot and joining it with an adjacent nonconforming lot, then subdividing it to create 2 nonconforming, developable lots. The end result of this plan will be the creation of 2 lots that are generally consistent with the other lots located in this neighborhood. Mr. Emerick noted that this plan had originally been reviewed by the Planning Commission in 2013; however, it was withdrawn by the applicant prior to action by the Board of Supervisors.

Mr. Emerick; Matt Bonanno, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments.

Ed Kaylor, D. L. Reiber Associates, represented the plan. He commented that the only change to the plan from the 2013 version is the proposed addition of sidewalk along Mae Street.

MOTION ON WAIVERS

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission recommended that waivers be granted from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance as follows:

- a. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing storm sewers, sanitary sewers, and gas and water lines.
- b. From Section 185-22.D.(3) regarding cartway width.
- c. From Section 185-22.E.(5) regarding the installation of curbing.
- d. From Section 185-34.A.(1) as a deferment of the installation of sidewalk along Ethel Avenue, with the stipulation that the applicant/landowner enter into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.

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- e. From Section 185-27.B and Sections 174-27.D and F regarding easements and rights-of-way.
- f. From Section 185-49 regarding performing a wetlands determination.

MOTION ON PLAT #1248

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission recommended approval of Plat #1248, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the February 18, 2015 HRG letter.

B. Review and recommendation of the Preliminary/Final Land Development Plan for Country Meadows of Hershey, Plat #1249

This plan was withdrawn by the applicant prior to the meeting.

C. Review and recommendation of the Preliminary/Final Subdivision/Land Development Plan for the Milton and Catherine Hershey Conservatory at the Hershey Gardens, Plat #1250

Mr. Emerick stated that this plan depicts lands controlled by the Hershey Trust Company, acting as trustee for the Milton Hershey School. The applicant for the project is the M. S. Hershey Foundation. The total amount of land affected by this land development plan is 63.89 acres. It is comprised of Lot 6 (Rosemont tract) and Lot 7 (Rose Garden tract) as shown on Plat #1058, recorded January 26, 2006. The applicant proposes the reconfiguration of the lots to accommodate parking and stormwater management facilities associated with the proposed conservatory. The conservatory project is meant to enhance the activities at the gardens by offering year-round activity space. The proposed building will contain 16,275 square feet.

Waivers have been requested from the Subdivision and Land Development Ordinance regarding preliminary plan procedures and specifications; plan scale; profiles of existing stormwater, sanitary, gas, and water systems; installation of sidewalk; easement width; minimum required cartway and right-of-way widths; limits of wetlands study; and minimum pipe size. Mr. Emerick recommended that the waivers be granted, with two exceptions: 1) the applicant should withdraw the waiver request regarding preliminary plan procedures and specifications because it is not necessary (the plan has been submitted as a combination preliminary and final plan. 2) Mr. Emerick recommended denial of the waiver request regarding easement width. Regarding the waiver from profiles of existing stormwater, sanitary, gas, and water systems, the applicant has cited the preliminary plan requirements sections but should also cite the final plan requirements sections.

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Mr. Emerick and Matt Bonanno, HRG, went over their plan review comments. Diane Myers-Krug, Dauphin County Planning Commission representative, stated that all of the County's previous comments have been addressed with this resubmission.

In response to a question from Secretary Rowe regarding the applicant's request for a waiver from required easement width, Mr. Emerick stated that a minimum 20-foot easement width is required by both the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance. The plans depict varying easement widths, some of which are less than 20 feet. Mr. Emerick stated that he does not see any reason for the applicant to not be able to provide the 20-foot width, and that is why he is recommending that the waiver request be denied.

Marc Kurowski, K&W Engineers, represented the plan. Based on Mr. Emerick's recommendation, Mr. Kurowski withdrew the waiver requests regarding preliminary plan procedures and specifications, and easement widths. He also formally requested waivers from the relevant final plan requirements sections regarding profiles of existing stormwater, sanitary, gas, and water systems.

Mr. Emerick also noted that the lighting plan, which had been submitted separately by e-mail, needs to be included and numbered as part of the land development plan set.

MOTION ON WAIVERS

On a motion made by Secretary Rowe, seconded by Member Tunnell, and a unanimous vote, the Planning Commission recommended that waivers be granted from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance as follows:

- a. From 185-12.D.(2) and 185-13.E.(3) regarding plan scale.
- b. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing stormwater, sanitary, gas, and water systems.
- c. From Section 185-34.A.(1) regarding installation of sidewalk along Hotel Road, Front Street, and Sand Beach Road, with the stipulation that the property owner enter into an agreement with the Township that would allow the Township to require the installation in the future if deemed necessary.
- d. From Section 185-22.D.(3) regarding minimum required cartway width for Front Street and Sand Beach Road.
- e. From Section 185-22.D.(3) regarding minimum required right-of-way width for Sand Beach Road.
- f. From Sections 185-49 and 185-13.E.(4).(a).[35] regarding limits of wetland study.
- g. From Section 174-17.C.(2) regarding minimum pipe size.

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MOTION ON PLAT #1250

On a motion made by Secretary Rowe, seconded by Member Tunnell, and a unanimous vote, the Planning Commission recommended approval of Plat #1250, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report, as well as Mr. Emerick's comment regarding the lighting plan.
- b. The comments in the February 23, 2015 HRG letter.
- c. The comments in the February 20, 2015 DTMA letter.
- d. The comments in the Dauphin County Planning Commission report.

D. Review and recommendation of an ordinance proposed by the Township that would amend Chapter 225 (Zoning) of the Code of the Township of Derry by changing the designation of the Design Review Board to the Design Advisory Board and by revising their duties and procedures

Mr. Emerick explained that the modifications proposed by this ordinance will:

1. Change the designation of the *Design Review Board* to the *Design Advisory Board* to better describe their role.
2. Change the designation of the *Certificate of Appropriateness* to a *Recommendation of Appropriateness*.
3. Note that a Recommendation of Appropriateness will be considered final if accepted by the applicant within 5 business days; otherwise the matter will be heard by the Board of Supervisors for a final disposition.
4. Require final action by the Board of Supervisors when the activity proposed involves any new construction of a principal building, principal structure, accessory building, or accessory structure; or the demolition of existing buildings or structures comprising 50% or more of the visible area of the building or structure.
5. Allow for the Board of Supervisors to appoint one or more non-voting members to provide technical guidance to the Design Advisory Board.

Mr. Emerick stated that during the approvals of recent developments along Chocolate Avenue, including the construction of the Chipotle restaurant and the renaissance of the 19 East Chocolate Avenue site, a desire emerged to simplify the process of obtaining Design Review Board approvals for most projects. There was also a desire to utilize the Design Review Board's advisory capacity and to

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transfer some of the burden of determinations to the Board of Supervisors for approval of other projects.

Diane Myers-Krug, Dauphin County Planning Commission representative, stated that the County Planning Commission supports the proposed amendments, but suggested that references to “Certificate of Appropriateness” in Sections 2 and 3 be changed to “Recommendation of Appropriateness.”

Chairwoman St. John asked if smaller projects will still only be reviewed by the Design Review Board. Mr. Emerick answered yes. He added that under the current regulations, the Board of Supervisors only becomes involved in the review of a project if there is an appeal of the Design Review Board’s decision. With the proposed amendment, the Board of Supervisors will review the larger projects, as well as any projects when the applicant does not accept the Design Advisory Board’s Recommendation of Appropriateness within 5 business days of issuance. Chairwoman St. John is concerned that the review timeline will be drawn out as a result of this amendment. Mr. Emerick responded that the timeline will actually be condensed in some ways.

Secretary Rowe asked if the TIF district will change the Chocolate Avenue Preservation Overlay district. Mr. Emerick stated that there is no relationship between the TIF and the Chocolate Avenue Preservation Overlay district; they are entirely different forms of legislation.

Secretary Rowe suggested that future revisions to these regulations should allow for residents living within the Chocolate Avenue Preservation Overlay district to be part of the membership of the Design Advisory Board. Perhaps the requirement for “Three business owners owning a business in the Chocolate Avenue Preservation Overlay District” could be revised to “Three business owners *or residents...*” Secretary Rowe noted that residents are not represented in the membership of the Board, but they are affected by its decisions. Mr. Emerick thinks that is a great idea, especially as it would allow for more flexibility when appointing members.

MOTION

On a motion made by Member Tunnell, seconded by Secretary Rowe, and a unanimous vote, the Planning Commission recommended that the proposed ordinance be adopted, with the minor revisions suggested by the Dauphin County Planning Commission.

OTHER BUSINESS

Mr. Emerick stated that the next Comprehensive Plan Joint Workshop Meeting is Tuesday, March 17, 2015.

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ADJOURNMENT

The meeting adjourned at 6:52 p.m.

Respectfully submitted,

Glenn Rowe
Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary