

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
May 7, 2013**

**CALL TO ORDER**

The Tuesday, May 7, 2013 Derry Township Planning Commission meeting was called to order at 6:07 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Vice Chairwoman Joyce St. John.

**ROLL CALL**

Commission Members Present: Joyce St. John, Vice Chairwoman; Gregg Mangione, Secretary; Glenn Rowe

Commission Members Absent: Matt Tunnell, Chairman; Ned Wehler

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

Public Registering Attendance: N. Fanelli and M. Condran, M Squared Fitness, LLC; Randy Wright, Hanover Engineering Associates; Bill Tafuto, C&G Squadron; Stephen Shifflett, *The Sun*; Justin Engle; Yong Yi

**APPROVAL OF MINUTES**

On a motion made by Member Rowe and seconded by Secretary Mangione, the Planning Commission unanimously approved the minutes of the April 2, 2013 meeting as written.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**A. Review and recommendation of the Preliminary/Final Subdivision Plan for Gabriel J. Plebani, Plat #1231**

Mr. Emerick reported that this plan represents the subdivision of an 11.02-acre parcel of property located at the southeast corner of the Township. The property is approximately 700 feet west of the Lebanon County line and about 900 feet north of the Conewago Township/Derry Township boundary. It is located within the Agricultural/Conservation zoning district. The subject parcel is landlocked and is accessed by a 33' wide easement. The property contains a deed restriction which states that it can only be subdivided into lots of at least 5 acres, and further that each lot is to be developed with only 1 residential dwelling. This plan also required relief from the Zoning Hearing Board, as the Zoning Ordinance requires all lots to front on a public road.

Waivers have been requested from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance as follows:

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- a. From Section 185-30.A – New lots to abut publicly owned street. Mr. Emerick recommended that the waiver be granted.
- b. From Section 185-18.C – Monuments at perimeter corners. Mr. Emerick recommended that the waiver be granted, provided that a concrete monument is placed on the rear lot line between the lots.
- c. From Section 174-17.A.(6) – Limiting zone separation. Mr. Emerick recommended that the waiver be granted.

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

Randy Wright, landscape architect with Hanover Engineering, represented the plan. He requested an additional waiver from Section 185-13.E.(3) regarding plan scale to be able to show the overall plan at a scale of 1" = 60' instead of the required 1" = 50'. He added that, in response to the comments regarding ability for emergency services to easily locate the property, a specific note was added to the plan stating that the house numbers are to be prominently displayed at the driveway entrance.

Mr. Emerick commented that he supports Mr. Wright's additional waiver request.

**MOTION ON WAIVERS**

On a motion made by Secretary Mangione, seconded by Member Rowe, and a unanimous vote, the Planning Commission recommended that the requested waivers *[to include 'a' through 'c' listed above and the request made by Mr. Wright during the meeting]* be granted.

**MOTION ON PLAT #1231**

On a motion made by Member Rowe, seconded by Secretary Mangione, and a unanimous vote, the Planning Commission recommended approval of Plat #1231, subject to the outstanding comments of Township staff and HRG being satisfactorily addressed.

**B. Review and recommendation of the Preliminary/Final Land Development Plan for Apple Retail Properties (Chipotle), Plat #1232**

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

**C. Review and recommendation of Conditional Use Request No. 2013-01 as filed by C&G Squadron, LLC, to create a for-profit recreational facility in a portion of the building located at 26 Northeast Drive**

Mr. Emerick explained that the request was filed by the owner of 26 Northeast Drive, asking that the Board of Supervisors grant a conditional use authorization in determining that a for-profit recreational facility is similar to the use permitted under Section 225-65.G of the Zoning Ordinance, being 'public parks, playgrounds, and recreation facilities not operated for private profit.'

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The subject property is located in the Economic Development zoning district. This district allows some uses that could be considered similar to and of the same general character as the not-for-profit listed uses. The subject property is well-screened from any adjacent residential areas and is not visible from the public roadway, therefore it is not believed that it will injure or detract from the lawful existing or permitted uses of other properties. It is not anticipated that the proposed use would generate water or sewage usage in excess of other by-right permitted uses, although little information has been provided within the application. Mr. Emerick stated that to further support these assumptions, the applicant needs to define the size of the area proposed for the recreational use and how that affects the other commercial uses located on the property. An evaluation to determine that adequate parking is provided should also be done, and a better description of the actual activities proposed needs to be provided to fully evaluate sewage and water usage.

Nick Fanelli, attorney, represented the proposal on behalf of M Squared Fitness, LLC, which is the proposed lessee and tenant of the property. He stated that the two founding members of M Squared Fitness LLC, Mike Condran and Mike Jenkins, were also in attendance, as well as Justin Engle and Bill Tafuto (C&G Squadron, LLC).

Mr. Fanelli stated that the proposed use is almost identical to the permitted use, with the only difference being the goal of making a profit. It is intended that the facility will be operated as a CrossFit gym, which will have hours based on a class schedule, as opposed to being open from early in the morning until late at night like a typical gym. A typical class schedule would be, for example, from Monday to Friday, with each class being 60-75 minutes in length, at times of 6:00 a.m., 8:00 a.m., 11:00 a.m., 5:00 p.m., and 7:00 p.m. Paying patrons can come to any of the classes. Most classes consist of 10 to 12 members, and are led by an employee coach.

Regarding parking, Mr. Fanelli stated that they anticipate no more than 1 or 2 employees will be at the facility at a given time, and no more than 10 or 12 patrons will be present at a given time. Additionally, no substantial activity should be taking place outside of the class schedule. The applicant believes there would not be any more than 15 vehicles at any given class time, which most likely would not overlap at any point during the day.

Mr. Fanelli commented that he is not prepared to talk about technical data or flow rates for sewer usage, but the property is currently used by the Hershey Nursery, who has about 50 employees on-site on a daily basis. Men's and women's locker rooms exist in the building, and will be retained with the proposed use, with the addition of an ADA-compliant shower facility.

Mr. Fanelli stated that the applicant is not going to exceed how the property is currently being used and may actually decrease the local impact. He added that they can obtain more technical data for sewer and water usage for submission to the Township, but they do not expect that the usage would exceed the current use. Bill Tafuto commented that about 4,000 square feet of floor area in the middle of the building will be vacant.

Mr. Emerick inquired if the locker rooms will have "power showers", or if there will be any other unusual water usage demands, like a pool. Mr. Fanelli estimated that there will only be 3 toilets, 3 sinks, and 3 regular showers.

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Vice Chairwoman St. John asked if all of the existing recreational facilities in the Township are non-profit. Mr. Emerick responded that most of them are not, but he thinks those uses were permitted under the Zoning Ordinance's definition of 'personal service establishment.'

Secretary Mangione questioned if the conditional use authorization will affect how the remainder of the building will be used in the future. Mr. Emerick stated that parking can be tabulated in one of two ways under the Zoning Ordinance – Either by using the table in the Ordinance or, in the case of unusual uses, by the applicant telling the Township what their parking requirements are. Based on what this applicant stated, Mr. Emerick is not concerned that this use will exceed any parking limits.

Member Rowe asked if all activities will be contained within the building. Mr. Fanelli answered that it is a possibility that some equipment (for example, a tire) could be temporarily used outside and then returned to the building at the end of the class. Mr. Emerick commented that the location of such equipment would have to conform with the required setbacks.

**MOTION ON CONDITIONAL USE REQUEST NO. 2013-01**

On a motion made by Secretary Mangione, seconded by Member Rowe, and a unanimous vote, the Planning Commission recommended that the requested conditional use authorization be granted.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

The meeting adjourned at 6:36 p.m.

Respectfully submitted,

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Gregg Mangione  
Secretary

Submitted by:

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Jenelle Stumpf  
Community Development Secretary