

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
September 6, 2011

CALL TO ORDER

The Tuesday, September 6, 2011 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Chairman Wehler.

ROLL CALL

Commission Members Present: Ned Wehler, Chairman; Matthew Tunnell, Vice Chairman; Silvan Lutkewitte, Secretary; Joyce St. John, Member

Commission Members Absent: Peter Gleason, Member

Also Present: Charles Emerick, Assistant Director of Community Development; Matt Bonanno, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission; Jenelle Stumpf, Community Development Secretary; Tracy Telesha, Stenographer

Public Registering Attendance: Mike LaCesa, Sheetz; Ron Lucas, Stevens & Lee; Jean & Bruce Kinney; Chris Pepper, Louis Harford; Rob Weil; Tonya Krushinsky, 2039B Raleigh Road; Kim Smith, 2048 Southpoint Drive; Judy Walter, Kaylor Road; Greg Holsinger, U-GRO Learning Centers; Jane Rickeil, Deer Run; Dorothy Nagle; Virginia Locke, Deer Run; Jean Holgate, Deer Run; Justin Engle, 1130 E. Derry Road; Chris Singleton, 2345 Pullman Way; Kraig Moodie, 1217 Duryea Drive; Dale Holte, Deer Run; Ken Scardino; Deer Run; Ken Gall, Hershey Trust; Don Prowell, 538 Farmhouse Lane; Bob McRedmond, 1860 Meadow Ridge Drive; Philip Shkuda, 11 Foxanna Drive; Rebecca Lengerich, 917 Murfield Drive; Matt Weir, 1986 Church Road; Kristen and Ronald Furlan, 1903 Limestone Drive; Sandy Ballard, 650 Cocoa Avenue; Victoria & Ken Huddy, 767 Creekside Drive, Hummelstown; Laurie & Jan Huddy, 542 Farmhouse Lane; Cindy Mohn, 633 Springhouse Lane; Amanda Kahl, *Hummelstown Sun*

APPROVAL OF MINUTES

On a motion by Member St. John and seconded by Secretary Lutkewitte, the Planning Commission approved the minutes of July 5, 2011.

OLD BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan for James M. and Barbara Lee Lehman, Plat #1206

Mr. Emerick stated that this plan appeared at the July 2011 meeting and was tabled due to the lack of representation and the number of issues to be addressed. The purpose of this plan is to

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alter the lot configuration of the properties by conveying .9 acres from the lands of Lehman to the lands of Dougherty. The lands of Lehman are principally located in Conewago Township while the lands of Dougherty are entirely located in Derry Township.

Waivers are requested from the Subdivision and Land Development regulations as follows:

- A. Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding topographic land contours
- B. Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding storm water sewer plans and profiles
- C. Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary sewer plans and profiles
- D. Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding gas and water systems plans and profiles
- E. Section 185-12.D.(3).(a).[15] regarding USDA soils series boundaries
- F. Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] regarding existing features within 200 feet (preliminary) and 50 feet (final)
- G. Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] regarding location of sensitive environmental areas
- H. Sections 185-12.D.(3).(a).[11] and 185-13.E.(4).(a).[12] regarding providing net developable area, calculations and drawings
- I. Section 185-22.D.(3) regarding cartway width
- J. Section 185-22.E.(5) regarding curbing
- K. Section 185-49 regarding wetlands certification

The applicant is proposing that since the "lot add-on plan" does not disturb any earth or make any site improvement, there will be no environmental impact and therefore requests waivers A-K.

- L. Section 185-34.A.(1) regarding sidewalks within the Township

The applicant states that since no sidewalks exist in the area, they are requesting a waiver.

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Mr. Emerick reviewed the plan and noted that the following corrections should be made to the plan.

- A. Include the names of all adjacent property owners identified on current deeds.
- B. Configure the sheet to the standard Derry Township format.
- C. Provide the proper side yard setback for Lot 2 within each municipality.
- D. Provide a digital copy (DXF format) of the plans.
- E. Provide horizontal curves at the right-of-way intersection along the Lot 1, Lot 2 lines and at the northern side of Lot 1 to represent the street centerline.
- F. Provide evidence of Conewago Township action on the plan.
- G. Provide the location of the on-lot septic area referred to in the project narrative.

Matt Bonanno, HRG, reviewed his report.

Representative for the applicant Chris Pepper stated that the existing septic is shown on the plan and the springhouse is not an actual building, but a small, low structure over a natural spring.

MOTION

On a motion made by Secretary Lutkewitte, seconded by Vice Chairman Tunnell, and a unanimous vote, the Planning Commission recommended approval of waivers A through L, with the stipulation that the applicant execute the standard Township sidewalk deferral agreement.

On a motion made by Secretary Lutkewitte, seconded by Member St. John, and a unanimous vote, the Planning Commission recommended approval Plat #1206, subject to the outstanding comments of staff and HRG being satisfactorily addressed.

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Land Development Plan for U-GRO Learning Centre, Plat #1208

Mr. Emerick reported that this plan proposes the construction of an approximately 13,590-square-foot daycare facility and outdoor play areas within the Hershey Center for Applied Research business park, immediately adjacent to the Cocoa Beanery. The facility will accommodate a maximum of 144 children. The access driveway will connect with the Cocoa

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Beanery access driveway until a permanent driveway is constructed to directly connect to Research Boulevard.

Plat #1135, which was approved in May, 2008 created 4 condominium units for the Hershey Center for Applied Research, Phase II. Units A-D were recorded for leasing purposed only through a Declaration of Condominium. Plat #1208 refers to Unit E which will be sold to Hershey U-Gro, LP to be used as a group child care facility. Unit E does not yet exist on the public record.

Waivers are requested as follows:

- A. Section 185-12.A regarding preliminary plan procedures
- B. Section 185-12.D.(3).(a).[9] regarding location of existing physical features within 200 feet of the property
- C. Section 185-12.D.(3).(a).[35] regarding topographic land contours within 200 feet of the property
- D. Section 185-13.E.(4).(a).[9] regarding location of existing physical features within 50 feet of the property
- E. Section 185-13.E.(4).[36] regarding topographic land contours within 50 feet of the property
- F. Sections 185-13.E.(4).(a).[19],[20], and [21] regarding preparation of profiles for existing utilities within the property
- G. Section 185-22.E.(5) regarding curbing
- H. Section 185.34.A.(1) regarding sidewalks
- I. Section 185-12.D.(2) regarding plan scale to allow the entire property to be shown on one sheet. *(This waiver was requested during the meeting)*

Matt Bonanno, HRG, reviewed his report.

Representative for the applicant David Tshudy stated that an amendment to the Declaration of Condominium will be recorded for Unit E.

Chairman Wehler questioned what would happen to Condo D when Condo E is established. Mr. Tshudy replied that Condo D will still exist and will be accessible through either existing or future driveways.

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Member St. John questioned what the timeline is for the road extension. Representative for the applicant Jim Snyder stated that the road and driveways will be created as the development progresses.

Vice Chairman Tunnell questioned why the daycare needs an excess of parking spaces. Mr. Snyder replied that the center will employ a staff of about 25 so they will need parking spaces, plus extra parking spaces are needed for parents to use while dropping off and picking up their children. The children will be walked into and out of the center by their parents.

Mr. Emerick stated that the addition of two required loading spaces will increase the total number of spaces in the parking area to above 50, leading to the requirement for 10% interior green space. Use of two parking spaces as loading spaces would eliminate that requirement.

PUBLIC COMMENT

Sandy Ballard questioned why a waiver for sidewalk installation is being requested. Ms. Ballard believes walking in driveways is dangerous. Mr. Snyder stated that the sidewalk installation would be deferred until required by the Township. Mr. Snyder added that sidewalk placement can be depicted on the plan.

Phil Shkuda is concerned about having adequate parking for child drop-off. Mr. Snyder stated that most drop off/pick up times are staggered and over a period of time.

Chairman Wehler asked who will predominantly use this daycare. Mr. Snyder replied that most of the children's parents work at the Medical Center and research facilities, but the daycare is open to the community.

MOTION

On a motion made by Vice Chairman Tunnell, seconded by Member St. John, and a 3-1 vote (Secretary Lutkewitte voted in opposition), the Planning Commission recommended approval of waivers A through I.

On a motion made by Vice Chairman Tunnell, seconded by Member St. John, and a 3-1 vote (Secretary Lutkewitte voted in opposition), the Planning Commission recommended approval of Plat #1208, subject to the outstanding comments of staff, HRG, DTMA, and the Dauphin County Planning Commission being satisfactorily addressed.

- B. Review and recommendation of the Conditional Use Request No. 2011-01 as filed by Southside Community Partners, LP and Sheetz, Inc., regarding property located at the northeast corner of the intersection of Middletown Road and Stoverdale Road**

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This property is a 12.39 acre site. The applicant is proposing to subdivide the property into two lots. Lot 1 will contain a retail store with fuel sales and a freestanding single-bay carwash. Lot 1 will contain 2.701 acres and is located in the Neighborhood Commercial zoning district. The applicant is seeking a conditional use authorization under the provisions of Section 225-123.1 of the Zoning regulations to establish the automotive car wash facility.

Representative for the applicant Ron Lucas stated that vehicles will be exiting the car wash facing Middletown Road. The elevation of the car wash is lower than Middletown Road, plus an evergreen barrier will be planted to lessen the impact of vehicle headlights. Mr. Lucas added that while two vacuums are permitted, the applicant is only proposing to have one vacuum and will locate it prior to entering the car wash.

Mr. Lucas stated that other Sheetz stores that have car wash facilities had very minimal extra traffic trips.

Chairman Wehler questioned why the applicant is seeking conditional use approval prior to approval of the land development plan.

Mr. Lucas replied that this is necessary to allow time to incorporate the conditions into the plan prior to submission.

Secretary Lutkewitte questioned whether the cars would stack and where patrons would pay. Representative for the applicant Brian Soyka stated that patrons would pay prior to entering the wash and would stack up in line before entering.

Secretary Lutkewitte asked if cars from Sheetz would have to compete with traffic from the proposed office building. Mr. Soyka replied that the driveway throat is wide enough to accommodate all traffic. Member St. John questioned if there is enough room around the building for traffic flow. Mr. Soyka answered that the building placement was designed to accommodate traffic flow.

PUBLIC COMMENT

Virginia Locke questioned if water from the car wash would be recycled and asked where it would eventually drain to. Mr. Soyka replied that the water would be recycled and when it is no longer able to be recycled, it would be sent into the sanitary sewer system.

Bob McRedmond questioned what the noise impact will be from the car wash and vacuum. Mr. Soyka stated that he did not have specific decibel levels, but that the vacuum is located behind the store and their use and duration will be minimal. The blowers in the car wash are on the washing mechanism and will be within the car wash facility.

Robert Weir asked if the development of this property had been approved and if not, when it would appear for consideration. Chairman Wehler stated that the plan has not yet appeared, but

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could be considered at the October meeting. Mr. Weir stated that he is concerned about lights on the canopy being intrusive.

Victoria Huddy questioned the logic of locating a second car wash when there is a two bay car wash less than a mile away from the proposed location. Ms. Huddy is also concerned with increased traffic and lighting and believes sidewalks should be installed to keep walkers safe when they patronize the proposed store.

Phil Shkuda questioned if sound measurements could be taken at other Sheetz car washes so residents and the Planning Commission could judge the effect of the car wash.

Becky Lengerich stated that she believes putting a car wash next to a church and graveyard will change the characteristics of the neighborhood.

Ken Scardino stated that he believes locating a Sheetz so near to a Turkey Hill is political and not an enhancement for the community.

Bruce Kinney questioned if the car wash would be glass enclosed and brightly-lit. Mr. Soyka responded that the car wash will be constructed of brick with garage doors at the entrance and exit and several windows along the side facing Lot 2.

Jan Huddy stated that she has a petition signed by 500 Deer Run and Southpoint residents opposing a gas station.

Representative for the applicant Ron Lucas stated that the land development plan will contain a traffic study and support of development of a permitted use.

Chairman Wehler questioned why a traffic study was not submitted with the conditional use request. Mr. Lucas stated that PennDOT has determined that the car wash use does not add traffic trips as customers typically stop for other purposes and not simply to use the car wash.

MOTION

On a motion made by Secretary Lutkewitte, seconded by Vice Chairman Tunnell and a unanimous vote, the Planning Commission recommended approval of Conditional Use Request No. 2011-01.

C. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for 777 Middletown Road, Plat #1209

Plat #1209 was withdrawn.

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OTHER BUSINESS

None.

ADJOURNMENT

On a motion by Secretary Lutkewitte, seconded by Member St. John, and a unanimous vote, the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Silvan Lutkewitte
Secretary

Submitted by:

Tracy Telesha
Stenographer