

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
August 4, 2015

CALL TO ORDER

The Tuesday, August 4, 2015 Derry Township Planning Commission meeting was called to order at 6:02 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; Gregg Mangione, Vice Chairman; Ned Wehler

Commission Members Absent: Glenn Rowe, Secretary; Matt Tunnell

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

Public Registering Attendance: Jennifer Warner, 2002 Gramercy Place, Hummelstown; Chris Fencel, Hillwood; Stacy Longenecker, Light-Heigel & Associates; Charles Huth, *The Sun*

APPROVAL OF MINUTES

On a motion made by Member Wehler and seconded by Vice Chairman Mangione, the Planning Commission unanimously approved the minutes of the July 7, 2015 meeting as written.

OLD BUSINESS

A. Modifications to the Preliminary/Final Land Development Plan for East Point Trade Center – Building C, Plat #1234

Chuck Emerick stated that this plan was conditionally approved by the Board of Supervisors on October 21, 2013, but it has not been recorded yet. The plan represents the construction of a 374,125-square-foot warehouse building on a 163-acre site owned by Hillwood Palmyra, LP, located east of North Lingle Avenue and south of the Norfolk Southern rail line. Of the 163 acres, 23 acres are located in Derry Township, while 82 acres are in North Londonderry Township, Lebanon County, and 56 acres are in Palmyra Borough, Lebanon County.

Since the 2013 conditional approval of the plan, the developer has been marketing the proposed building and no one has been interested in leasing a warehouse of that size. Therefore, the developer would now like to divide the building in half. In doing so, they will be providing some of the employee parking on the east side of the building and some on the west. The building will be in generally the same location as was depicted on the plan in 2013. Impervious coverage will be reduced by 37,800 square feet on the Derry Township side. The building will be reduced in size on the Derry Township side by approximately 8,000 square feet and increased on the North Londonderry Township side by approximately 87 square feet, so given the overall size of the building, these are rather small

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changes. The amount of employee parking spaces will remain the same as before, but the tractor trailer spaces will be reduced by 13.

Mr. Emerick believes that the minor changes can be reviewed by Township staff and do not require another full land development plan review. Mr. Emerick would like to make the same presentation to the Board of Supervisors and state that the Planning Commission agreed with his opinion.

Vice Chairman Mangione asked if any changes are proposed to the stormwater management plan. Mr. Emerick responded that stormwater does not leave this property because it is directed to the quarry. He thinks the end result of the proposed changes will be a reduction in runoff.

Member Wehler questioned if proposed Ordinance No. 669 (regarding providing a fee in lieu of sidewalk installation) would apply to this project. Mr. Emerick stated that the original plan already proposes a multi-use trail along the frontage of the property, so the developer has met their sidewalk obligation on this project.

MOTION

Vice Chairman Mangione made a motion that the Planning Commission support Mr. Emerick's recommendation that the proposed modifications to Plat #1234 be processed at a staff level prior to approval by the Board of Supervisors. Member Wehler seconded the motion.

Member Wehler asked if this means that when the revised plan is approved by the Board of Supervisors, the Planning Commission will be signing a plan that technically was not reviewed by the Commission. Mr. Emerick explained that this type of modification can be made because almost everything is the same. The proposed changes are not substantial.

The motion passed unanimously.

NEW BUSINESS

A. Review and recommendation of proposed Ordinance No. 669, amending Chapter 185 (Subdivision and Land Development), Section 185-34 of the Code of the Township of Derry to make general revisions and to add a provision for a fee to be offered in lieu of sidewalk installation

Chuck Emerick reported that since 1995, the Board of Supervisors has been deferring the installation of sidewalks when waivers have been requested by developers instead of waiving the requirement entirely. The developer then enters into an agreement with the Township that would allow the Township to require the installation of sidewalks in the future if deemed necessary. Mr. Emerick is aware of only one instance where the Board has called such an agreement into effect. Deferring installation is a good planning tool; however, the Township is finding that in some cases, deferrals are being granted for areas where the Township will likely never construct sidewalks. This proposed revision, along with the pending Official Map, will allow the Township to do a more comprehensive and complete determination of where sidewalks are desired now, where sidewalks will be planned for

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in the future, and where sidewalks will likely never be constructed. This will enable developers to readily know what the Township desires and how that will affect their development costs. This ordinance makes provisions for the developer to offer, and the Supervisors to accept, a fee in lieu of a required sidewalk installation. The ordinance amendment would treat sidewalks much like how the dedication of land for park, recreation, and open space is treated, where the developer has an opportunity to pay a fee in lieu of dedication if the developer is not providing the facility.

Diane Myers-Krug, Dauphin County Planning Commission representative, stated that the County Planning Commission met on August 3, 2015, and voted to support the proposed ordinance.

Chairwoman St. John asked if the option to waive the sidewalk requirement will no longer be available. Mr. Emerick clarified that the Supervisors would grant the waiver of the requirement in conjunction with the developer offering a fee in lieu of installation. Chairwoman St. John asked how the amount of the fee will be determined. Mr. Emerick responded that it will be determined by using the R.S. Means Construction Cost Data.

Member Wehler asked if the fees in lieu of installation would only be used for public projects and not to correct deficiencies on private property. Mr. Emerick stated that the ordinance would allow for that flexibility, such as in situations where people have been maintaining public sidewalk for a long time. It is possible that at some point the fees in lieu of installation could be used to supplement the Township's sidewalk replacement program. He added that the proposed ordinance states that all fees collected are to be utilized for "*Township sidewalks, pedestrian walkways, and other related pedestrian access purposes...*", so the fees could be used for other pedestrian access improvements beyond just sidewalks.

Vice Chairman Mangione asked if the Township will have the right to require the installation of sidewalk in cases where granting a waiver and collecting a fee in lieu of installation would not be the best option. Mr. Emerick answered yes. Vice Chairman Mangione questioned what would happen if a developer argued that the sidewalks are not logical extensions of or links to other existing or proposed pedestrian facilities. Mr. Emerick responded that the Township's proposed Official Map will address that definitively, but other than that, it would be a matter for the developer to negotiate with the Board of Supervisors.

Vice Chairman Mangione asked if the Township would ask a developer to provide a fee in lieu of installation of sidewalks that are already scheduled to be installed and have been funded as part of a Township, County, or State project. Mr. Emerick stated that it is a possibility.

Public comment:

Jennifer Warner, 2002 Gramercy Place, asked what the incentive would be for a developer to choose to waive the fee over the deferment, if they know that they do not have to pay the fee and they can defer instead. Mr. Emerick explained that the developer will be given the choice of installing the sidewalk or paying the fee in lieu of installation, and it would be the Board of Supervisors' decision to grant the deferment. Per the PA Municipalities Planning Code and the Second Class Township Code, the Township has the authority to require the installation, but they cannot require the fee in lieu of installation.

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MOTION

On a motion made by Member Wehler, seconded by Vice Chairman Mangione, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Ordinance No. 669 be adopted as presented.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion by Vice Chairman Mangione, seconded by Member Wehler, and a unanimous vote, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

Glenn Rowe
Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary