

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
July 5, 2016

CALL TO ORDER

The Tuesday, July 5, 2016 Derry Township Planning Commission meeting was called to order at 5:59 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, Vice Chairman; Don Santostefano

Commission Members Absent: Matt Tunnell, Secretary; Ned Wehler

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: Mike Gesford, 1336 Fox Glen Road; Paul Swartz, 484 Middletown Road, Hummelstown; Joseph and Jo-Ann Lippincott, 1366 Fox Glen Road; Marilyn Ferguson, 1255 Edgewood Drive, Hummelstown; Mark and Lindy Plevelich, 1061 Greenhill Drive; John Shive, Crown Castle; Tom DeDonatis, 345 Elm Avenue, Hershey; Dimitri Papadimitriou, Escape Room Hershey; Lonnie Daniel, 1228 Wood Road, Hummelstown; James Strong – McNees, Wallace & Nurick; Charles Huth, *The Sun*; Randy Wright, Hanover Engineering; Frank Betley, 1077 Stonegate Road; Mark Heisey, 1095 Stonegate Road

APPROVAL OF MINUTES

On a motion made by Vice Chairman Rowe and seconded by Member Santostefano, the Planning Commission unanimously approved the minutes of the June 2, 2016 meeting, as written.

OLD BUSINESS

A. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision and Land Development Plan for The Mill Restaurant, Plat #1267

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

B. Review and recommendation of revised Ordinance No. 672, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry regarding communications antennas and communications towers, as well as the addition of a severability clause to Chapter 225

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Brandon Williams stated that in September of 2015, the Township presented a draft Zoning Ordinance amendment revising the rules and regulations for locating various types of communications antennas and communications towers in the Township. Specifically, the modifications proposed were to accommodate new technologies including distributed antenna systems (DAS), data collection units (DCU's), and other small cell communications systems that were unaccounted for by existing regulations.

The Ordinance amendment proposed to redefine the way communications antennas are classified, and included updates to the requirements for design, siting, construction, installation, maintenance, and removal of decommissioned antennas. The Planning Commission recommended adoption of the Ordinance No. 672, as presented at the meeting of October 6, 2015. Similarly, the Dauphin County Planning Commission also recommended the amendment be adopted by the Board of Supervisors.

The day of the public hearing at which the Board was to hear comment on and discuss the proposed amendment (January 26, 2016), the Township was contacted by representatives of several wireless companies, including Verizon and AT&T. They made the Township aware that some of the recommended revisions to the original amendment, first presented to the Planning Commission in 2015, may have been in conflict with the provisions of the Federal Telecommunications Act and/or the Pennsylvania Wireless Broadband Collocation Act of 2012. As a result, the Township Board of Supervisors tabled taking action on the proposed draft so that Township staff could further review the regulations and make appropriate revisions to comply with the applicable State and Federal legislation.

A revised version of Ordinance No. 672 is now in front of the Planning Commissions for their review and comment. Many of the regulations that were in the prior 2015 version have not changed. The most significant changes have been made to the time periods for the Township's administrative review process of permit application submittals, which were necessary to comply with the Federal 'shot-clock' rulings which places Federal mandates on municipal review authority. Revisions were also made to the collocation requirements in order to comply with the "substantial change" definition of the State's Collocation Act. Township staff felt that the changes made to Ordinance No. 672 were substantive enough in nature that it warranted additional review by the Township Planning Commission, as well as Dauphin County Planning Commission.

Vice Chairman Rowe commented that he has dealt with third party vendors as representatives for the communications companies like AT&T and Verizon, and often they are looking to co-locate mini cells on traffic signal poles. There is an opportunity for the Township to allow the co-location; however, the Township needs to be cautious in doing this and ensure that the mini cell does not interfere with the traffic signal operations, both visually and communications-wise. Vice Chairman Rowe added that there is an opportunity to generate revenue for permitting the co-location. PennDOT will be providing municipalities with a list of guidelines regarding what they should be aware of when they are negotiating with a communications company for cell space. He warned that some of the representing agencies inappropriately state that the municipalities must provide the

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space for mini cell towers because of FCC regulations, but in actuality they are looking for the easiest way to install their devices. Vice Chairman Rowe asked if the ordinance amendment gives the Township the ability to negotiate lease space on a facility. Mr. Williams answered yes, for Township-owned public rights-of-way there will be negotiation ability for the right to enter into an operations agreement. This would also include reimbursement for some of the costs associated with maintaining the public facility. Vice Chairman Rowe stated that sometimes the third party agencies are not willing to pay lease money and that is another reason why they want to co-locate on public facilities.

Member Santostefano asked if there is anything in the amendment to protect the aesthetics of an area when the co-location is proposed outside of the public right-of-way. Mr. Williams responded that the applicant would still have to comply with existing regulations for the appearance of communications antennas and towers.

Vice Chairman Rowe questioned if the Township will require an emergency response from the co-locating company in case a problem occurs with the device they have installed on the public facility. Mr. Williams responded that the applicant has to provide reasoning and documentation during permit review that they can meet all of the regulations, including not creating interference with the existing facility.

Mr. Williams reported that the Dauphin County Planning Commission supports the proposed amendment, but noted that language regarding the definition of 'land development' may be in conflict with the Pennsylvania Municipalities Planning Code. Mr. Williams stated that staff will have the Township solicitor review the section in question.

MOTION

On a motion made by Member Santostefano, seconded by Vice Chairman Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the proposed revised Ordinance No. 672 be adopted.

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan for Fox Glen Drive, Plat #1268

Chuck Emerick explained that the plan represents the combination of 2 existing lots into a single lot that will be subdivided to create 5 new lots. One of the proposed lots will contain an existing dwelling. The subject property contains 7.3534 acres and is located along existing Fox Glen Drive, east of Waltonville Road, west of Shank Park, and south of the Waltoncroft subdivision, and is within the Agricultural/Conservation zoning district. A portion of Fox Glen Drive (approximately 460 feet) is presently a Township road.

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This project required relief from the Zoning Hearing Board as a part of its development. The 2 lots being combined together were each entitled to the Agricultural/Conservation district lot criteria exception found in Section 225-163 of the Zoning Ordinance. This exception allows tracts up to 25 acres to be subdivided into a maximum of 5 lots. However, this plan proposed to join the 2 lots together prior to further subdivision, which would have disqualified the property from the exemption and therefore only allowed a density of 1 dwelling unit per 5 net developable acres. The Zoning Hearing Board granted the relief necessary to allow this subdivision to move forward in its present configuration. One of the conditions of relief from the Board was that the developer not connect Fox Glen Drive to Greenhill Drive. This condition was made responsively to residents' concerns heard at the meeting. While connection is not essential for the development of Fox Glen Drive, it certainly does hold other merits, as noted in the Dauphin County Planning Commission staff comments regarding the sketch plan for this proposal. Mr. Emerick believes it is far more prudent to allow for future connections as part of this plan than to take steps to forever prohibit it. The applicant has reserved land to entitle future connection if needed.

The traffic impacts of this subdivision will be minimal, as it is anticipated that approximately 40 new average daily trips will be generated. The plan proposes to extend Fox Glen Drive by approximately 490 feet and to terminate it in a compliant cul-de-sac configuration. The present 40' right-of-way width, existing development, and restrictive slopes along Fox Glen Drive all have a negative impact on the installation of sidewalk. The applicant has proposed to reduce the cartway width to 32 feet (matching the existing width) in order to better provide a sidewalk along one side of the roadway.

It is anticipated that the development will help solve some existing stormwater management deficiencies in this neighborhood. The lands upslope of Fox Glen Drive were subdivided at a time when little to no stormwater management was required, which means that the stormwater enters the site uncontrolled. There is evidence of some severe erosion on the eastern side of the property. As presently designed, the stormwater system for this development will collect much of the upslope water and route it through a new stormwater basin. It is, however, necessary for that stormwater basin to discharge into Shank Park, so as not to exasperate any existing stormwater deficiencies within the Waltoncroft subdivision. The stormwater entering Shank Park will be managed by pipes and swales that will ultimately discharge into an existing drainageway.

Mr. Emerick noted that the applicant has requested several waivers from the Township's regulations. Based on Mr. Emerick's recommendations regarding whether or not each waiver should be granted, the applicant's engineer has since withdrawn the waiver requests regarding preliminary plan submission; depiction of proposed gas system; and clearing, grubbing, and tree removal restrictions. The applicant's engineer also requested two additional waivers regarding providing all structures, wooded areas, and other existing features within 200 feet of the subject properties, and providing contours within 200 feet of the properties being developed and the areas being disturbed on Township property.

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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.

Chairwoman St. John asked if on-street parking will be permitted. Mr. Emerick responded that the road as designed would allow for 12-foot lanes and 6-foot parking, and typically the Township requires 12-foot lanes and 8-foot parking. He is not sure if the Township will suggest that it be posted as No Parking, since it could be used as a traffic calming measure. Chairwoman St. John stated that given the choice between having sidewalk and having on-street parking in this area, she thinks the residents would prefer having the option to park on the street. Mr. Emerick stated that is why the sidewalk is proposed outside of the right-of-way and only on the side of the street where the new dwellings are proposed.

Vice Chairman Rowe inquired if the Township specifies a preference for the type of street lighting (such as LEDs). Mr. Emerick responded that the regulations have not been amended to specify LED lighting. The Township defers to the lighting design proposed by PPL. Vice Chairman Rowe stated that the trend with other municipalities is to convert to LED lighting because of the cost savings.

Tim Mellott of Mellott Engineering, representing the applicant, noted some of the key elements of this plan, including providing adequate emergency vehicle access on Fox Glen Drive, which does not currently exist, and substantial stormwater management benefits.

PUBLIC COMMENT

Kent Crawford, 1115 Stonegate Road, asked what is the purpose of an ordinance, and without a clear definition of that purpose, how many waivers are being requested for this development? This tract of land is clearly not suitable for development because if it were, the developer would not have to request so many waivers. Mr. Crawford believes additional stormwater issues will be created as a result of this development, even with the installation of the stormwater controls on Fox Glen Drive. There is a lot of extra impervious surface that is not covered by this. Mr. Crawford has spent several thousand dollars waterproofing his basement as a result of the stormwater runoff that comes down the hill. Mr. Crawford asked who will own and maintain the detention basin that is proposed on Lot 5 (which contains an existing dwelling). Mr. Emerick stated that it will probably be handled in one of two ways: through a homeowners association or through a private property owner. Either way, there is an Operation and Maintenance Agreement that has to be signed and recorded to ensure the maintenance of the facilities. Mr. Crawford also questioned who is representing Shank Park, which seems to be getting the brunt of the development's stormwater runoff. Mr. Crawford thinks this is a project that should be denied.

Mr. Mellott stated that there is currently approximately 28 acres of development runoff that is running down the hill toward the Waltoncroft development and its relatively small swale. The stormwater management system of the proposed development will cut off the stormwater runoff

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from this entire road and all of the drainage upslope of it. The developer is proposing a stormwater management system that is excessively oversized for the proposed development's needs so that the existing runoff coming down the hill can also be controlled. Mr. Mellott is confident that this will be a major improvement.

Chairwoman St. John asked Mr. Bonanno if he is comfortable with the stormwater calculations as presented by the applicant's engineer. Mr. Bonanno responded that he and Mr. Mellott have been looking at this for a long time so that they can fully recognize what the existing problems are and what the Township can require as far as mitigation. Mr. Bonanno believes that the stormwater management proposed by this plan is above and beyond what is required by the Township regulations for the development of the 4 lots.

Mark Heisey, 1095 Stonegate Road, stated that he shares Mr. Crawford's concerns about lack of stormwater control on the northern side of the proposed development. He added that both of the existing lots are 100% wooded and the plan appears to only require about 25% preservation of the trees. There is a potential that 75% of the lots could be stripped of trees, leading to even more stormwater runoff towards the Waltoncroft development.

Mr. Mellott commented that the standard tree preservation requirements of the Township will be noted on the plan. Additionally, a condition of the Zoning Hearing Board's approval of the relief granted was that there must be a 100' building setback restriction from the rear lot line of the new lots. Member Santostefano inquired about the owners who buy proposed Lots 1 through 4 being restricted from removing the trees on their property. Mr. Emerick stated that the applicant is adding a tree preservation easement to the plan, but there is concern about who will enforce that easement since it will be on private property. The Township can only enforce tree removal in terms of the Subdivision and Land Development Ordinance regulations. The preservation requirements only apply to the "initial build" of the lot; after that, it is the property owner's lot and the Township cannot prevent them from removing their trees.

Vice Chairman Rowe noted that the clear-cutting of the lots could affect the stormwater calculations presented by the applicant's engineer, and asked if the future owners of the lots would be responsible for replacing trees and also addressing any runoff issues until the new trees reach maturity. Mr. Emerick responded that the property owner would be required to revise the calculations for their on-lot stormwater management system to take the tree removal into account. However, if the owner is not doing additional construction on their property at the time of the removal of the trees, they would not be subject to the Township's stormwater management regulations and would not be required to revise the on-lot system. Mr. Mellott commented that their calculations are based on the maximum amount of disturbance and impervious coverage allowed on the lots.

Chairwoman St. John asked if the plan proposes a better stormwater management situation than what currently exists, even if the trees are removed. Mr. Bonanno stated that scenario has not been run in the model, but he still thinks the proposed stormwater management situation will be better than the existing situation.

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Member Santostefano inquired about the possibility of using pervious pavement for the driveways and walkways. Mr. Bonanno does not think that it would be effective because the site is too steep.

Frank Betley, 1077 Stonegate Road, expressed his appreciation to the Planning Commission and Township staff for allowing the public to voice their opinions on this proposal. Mr. Betley stated that the applicant has requested an excessive number of waivers from the Township regulations. He believed that the tract of land behind his house was landlocked, undevelopable property, which influenced his decision to buy his property. Mr. Betley does not think it is reasonable for the Township to grant the numerous waivers in order for the property to be developed. If this plan moves forward in the review process, Mr. Betley thinks it would be wise for the applicant to do additional stormwater calculations to include the absence of that swale and the potential for more impervious coverage than what was previously considered.

Mr. Betley asked for confirmation that the proposed 100' buffer applies to other structures, in addition to dwellings. He requested that it be documented in the meeting minutes and any approval of the plan that the 100' buffer at the rear of the proposed lots applies to all structures of any type. Mr. Emerick confirmed that per the conditions of the Zoning Hearing Board's Decision to grant relief, the 100' buffer will apply to all construction. He also stated that one of his review comments to the applicant is that the conditions of the Zoning Hearing Board approval are noted on the plan.

Chairwoman St. John questioned if there is a restriction on the size of the homes that can be built on the proposed lots. Mr. Emerick answered that the restriction will be the maximum impervious coverage of the lot.

Vice Chairman Rowe asked if the Township can require the installation of dry wells for the downspouts as a condition of approval of the plan. Mr. Emerick responded that it is difficult for the Planning Commission and Board of Supervisors to attach conditions beyond the requirements of the Subdivision and Land Development Ordinance; however, the developer can offer to add a note to the plan that would require the installation of dry wells.

Member Santostefano commented that the question that has to be answered for the Planning Commission and the public in attendance is how confident HRG is that the proposed condition will be better than the existing condition, or at least no worse than the existing condition. Mr. Bonanno stated per the calculations provided by the applicant's engineer, the proposed condition will be better. He would like to see that swale opened back up because this is what it is designed for; however, the swale is located on individual, private properties and opening the swale would require the consent of all of the affected property owners. Unfortunately, that improvement is not part of the developer's property.

Vice Chairman Rowe asked how the downstream properties would be affected by the opening of the swale Mr. Bonanno referred to. Mr. Bonanno responded that in addition to opening the swale, the detention basin receiving the flows would have to be properly sized to handle the runoff.

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Mr. Betley commented that at least two issues were brought up at this meeting that were not part of the review: the potential for deforestation and the reopening of the swale. Maybe those factors would make a difference in the size of the stormwater system. The Township should be prudent in reviewing all of these issues.

In response to a question from Vice Chairman Rowe, Mr. Emerick stated that he does not think the Township has ever required an applicant to calculate what the stormwater runoff would be if the lot was clear-cut.

Mike Gesford, 1336 Fox Glen Road, questioned why the applicant wants to make the street smaller if there will be an access to Shank Park. The street is going to fill up with people who want to use that park access. Mr. Mellott noted that they are not reducing the width of the street.

MOTION ON WAIVERS

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

- a. From Section 185-22.C.(3) regarding cul-de-sac length.
- b. From Section 185-22.C.(3) regarding the number of dwelling units served by a cul-de-sac.
- c. From Section 185-22.D.(2) regarding cartway width.
- d. From Section 185-22.D.(2) regarding street right-of-way.
- e. From Section 185-22.G.(5) regarding cul-de-sac bulb grade.
- f. From Section 185-31 regarding providing street trees within the street right-of-way.
- g. From Section 185-33.C regarding providing lighting along the public street in accordance with an illumination design prepared by PPL.
- h. From Section 185-34.A regarding providing sidewalks on both sides of the street to not require the installation of approximately 245 linear feet of sidewalk.
- i. From Section 185-34.A.(1) regarding providing sidewalks 4" from the right-of-way line.
- j. From Section 185-34.A.(2) regarding providing sidewalk grades at driveways in accordance with Appendix E of the Subdivision and Land Development Ordinance.

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- k. From Section 185-44 to allow the applicant to pay a fee in lieu of land dedication for recreation, with the stipulation that the applicant revises the section reference for the waiver request from Section 185-33.C to Section 185-44.
- l. From Section 185-12.D.(3).(a).[9] regarding providing all structures, wooded areas, and other existing features within 200' of the subject properties.
- m. From Section 185-12.D.(3).(a).[35] regarding providing contours within 200' of the properties being developed and the disturbed areas on Township property (Shank Park).

MOTION ON PLAT #1268

On a motion made by Vice Chairman Rowe, seconded by Member Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1268 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the June 15, 2016 HRG letter.
- c. The comments in the June 29, 2016 DTMA letter.

B. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for Muscalus Property, Plat #1269

Chuck Emerick reported that the subject property is located along Middletown Road, southwest of Grove Street, within the Multi-Family Residential zoning district. The plan represents the combination of 2 existing lots into a single lot containing 3.49 acres. The plan also represents the demolition of the existing dwelling and accessory structure on one of the lots (the other lot is currently vacant) and the development of 32 dwelling units.

The traffic impacts of this development were not indicated as a part of the submission; however, Mr. Emerick estimated that this development would create approximately 310 new daily trips. The design provides two access points to Middletown Road. In an effort to reduce congestion and conflict on Middletown Road, the northern driveway is designed as a one-way into the property.

The stormwater management system intended for this development utilizes two basin designs that will ultimately discharge into the existing drainageway. Additionally, some of the “new” stormwater will by-pass the systems as an off-set to “controlled” existing flows. The drainageway adjacent to Grove Street carries approximately 309 acres of drainage across Middletown Road and through this property. There has been some evidence of channel scour on the western side of Middletown Road. While the most severe erosion is located closest to Middletown Road and outside of the subject property, the ground disturbance, concentrated by-pass flow, and removal of

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tree canopy on the subject property may lead to more erosion in the channel. Mr. Emerick stated that it would be wise to address this issue by reducing the velocity immediately adjacent to Middletown Road as a part of this development.

Mr. Emerick stated that there is no land reserved for park, recreation, and open space dedication. 1.152 acres would be required, based on 32 dwelling units. Assuming that the Board of Supervisors would accept a fee in lieu of dedication, that amount, again based on 32 units, would be approximately \$41,500.

Regarding sidewalks and pedestrian walkways, the applicant has proposed a connection from their internal pedestrian circulation path, across the southern driveway, to the Madison Heights trail. The Jonathan Eshenour trail has a trailhead on the opposite side of Middletown Road from this development. The Township is working on a pedestrian crossing of Middletown Road, at the southern entrance to Madison Heights, which will link the Madison Heights trail to the Jonathan Eshenour trail. In this case, Mr. Emerick believes that a fee in lieu of sidewalk installation would be the most appropriate action, to help fund the planned crossing.

Mr. Emerick reviewed the waivers requested by the applicant.

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.

Member Santostefano asked if the Township police will have the authority to enforce the One-Way signage at the northern entrance into development. Mr. Emerick said he is not sure the police can enforce signage on a private access drive, but he will check into it and if the police can enforce it, Mr. Emerick will ask the applicant to provide the necessary ordinance and study for adoption by the Board of Supervisors. Vice Chairman Rowe noted that the police can enforce the signage because it relates to access onto a public road.

Member Santostefano inquired if the future connection to the end of the bike path on Grove Street will incorporate their walkway that goes down and then to the south. Mr. Emerick responded that the Township is negotiating the extension of the bike path through private property on the opposite side of Middletown Road so that the bike path can cross Middletown Road at its southern intersection with Gramercy Place. A signalized pedestrian crossing will be installed at that location.

Vice Chairman Rowe asked if the calculation to determine the fee in lieu of open space dedication takes into account the financial benefits of creating an open space park. Mr. Emerick explained that the fee calculation is based on the 1999 estimated fair market value of open space and the Consumer Price Index. It is possible that the calculation could be adjusted to factor in current land values, but he does not think it would have any effect on the proposed development. Vice Chairman Rowe thinks it would be worthwhile for Township staff to review the formula for calculating the fee and revise it as necessary to make it more reasonable for future developments.

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Randy Wright of Hanover Engineering represented the applicant and stated that in general, they are in concurrence with the review comments. In response to the recommendations made by the Township staff and the Planning Commission during the sketch plan review of this project, the applicant performed a speed limit study of Middletown Road and learned that the 85th percentile is traveling at 41-45 miles per hour (Middletown Road is posted as 35 miles per hour). Mr. Wright reported that the sight distance for both of the proposed access drive intersections with Middletown Road comply with the 85th percentile speed.

Mr. Wright stated that the applicant also conducted an off-site stormwater analysis. Regarding Mr. Emerick's comment about addressing the velocity or some control where the pipes cross Middletown Road, Mr. Wright believes the applicant would entertain that; however, most of the flow stays on the Swartz property and then comes onto the Muscalus property, so it is a question of easement and who has the authority to make improvements. Mr. Emerick commented that the Township has an easement over that swale, and it would be great if the Township and the applicant could coordinate some kind of improvement.

Mr. Wright noted that regarding trash removal and mail delivery services, the developer wants each unit to have its own trash cans rather than a centrally-located dumpster, and there will be a centralized location for mail service. The applicant does not intend to provide a traffic impact study because this project is well below the threshold for the requirement to provide a study; however, the applicant acknowledges Mr. Emerick's review comment regarding providing a contribution fee in lieu of a study or improvements.

Mr. Emerick stated that in response to a comment made during the sketch plan review of the project, the applicant has provided verification from DEP that the 100-year floodplain shown on the plan is not a regulated stream and is considered a drainageway.

Chairwoman St. John asked if the stormwater concerns noted in Paul Swartz's (the property owner at 484 Middletown Road) June 29, 2016 letter to the Planning Commission have been addressed. Mr. Bonanno responded that the stormwater calculations that were submitted for review by HRG were only for the site improvements. The applicant did not provide a drainage calculation to show how the 100-year floodplain was determined. The stormwater from the site does not address any concerns with the existing drainage channel. However, the stormwater management that is proposed for the site meets the Township requirements and Mr. Bonanno does not anticipate that the development of the property will have a negative impact on the drainage channel. There currently are no proposed improvements to address the velocity that is causing the existing erosion issues.

Paul Swartz, 484 Middletown Road, asked for verification on the following: 1) Mr. Emerick talked about the scour that exists in the channel (*Mr. Emerick confirmed this*); 2) Mr. Emerick suggested that the developer makes improvements to control velocity and volume of water at the end of those drainage pipes as a part of the proposed project; 3) Mr. Wright indicated that the developer would be amenable to do something at the end of the pipes under Middletown Road (*Mr. Wright believes this is accurate*). Mr. Swartz stated that he wants to make sure the erosion situation

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in the channel is not made worse by this development and is possibly made better. Whether or not his concerns have been addressed will depend on what the developer and the Township agree to regarding improvements at the end of the pipes under Middletown Road. He hopes the Planning Commission endorses Township staff's recommendation that something should be done to improve the existing velocity issue in the drainage channel.

Member Santostefano questioned if the developer is considering doing something voluntarily to help improve the drainage channel issue. Mr. Emerick stated that the concern is that the majority of the trees will be removed from the subject property. He suggested if the applicant can reduce the velocity at the headwaters as it crosses Middletown Road, that can only help with this development. It would be a good mitigation method.

MOTION ON WAIVERS

On a motion made by Member Santostefano, seconded by Vice Chairman Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers be granted from the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance:

- a. From Sections 185-22.D.(3) and 185-22.E.(5) regarding providing additional street width and curbing along Middletown Road.
- b. From Section 185-34.A regarding installing sidewalks along Middletown Road, subject to the applicant offering a fee in lieu of installation.
- c. From Section 185-22.C.(14) regarding two street connections to Middletown Road.
- d. From Section 174-20.A.(18) regarding drainage easement width.

MOTION ON PLAT #1269

On a motion made by Member Santostefano, seconded by Vice Chairman Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1269 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the June 22, 2016 HRG letter.
- c. The comments in the June 29, 2016 DTMA letter.
- d. Comments 3 and 5 of the June 23, 2016 Dauphin County Planning Commission report.

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C. Review and recommendation of Conditional Use Request No. 2016-01, as filed by Escape Room Hershey for the properties at 251 and 253 West Chocolate Avenue, to allow a use similar to a by-right permitted use in the Downtown Commercial zoning district

Chuck Emerick reported that the conditional use application has been filed by Dimitri and Mary Papadimitriou, who are intending to operate a recreational facility under the name of Escape Room Hershey at the former Bicker's restaurant located at 251-253 West Chocolate Avenue, Hershey. Mr. Emerick explained that an "escape room" is a physical adventure game in which players are locked in a room and have to use elements of the room to solve a series of puzzles and escape within a set time limit. Games are set in a variety of fictional locations, such as prison cells, dungeons and space stations, and are popular as team building exercises.

The commercial spaces at 251 and 253 West Chocolate Avenue were last used as Bricker's Pizza restaurant and the Brickhouse. The applicants intend to convert the former restaurant into the escape rooms and to renovate the former Brickhouse sports bar to create a craft beer garden/tasting room. The Conditional Use request is for the conversion of the former restaurant into the escape rooms. This application is filed to enable the Board of Supervisors to grant a Conditional Use authorization in determining that the escape rooms are similar to the uses permitted under Section 225-59.B of the Zoning Ordinance of 'public parks, playgrounds, and recreation facilities not operated for private profit' and/or 'performance art theaters.' As background in support of this application, recreation facilities not operated for private profit are permitted in all 19 of the Township's zoning districts, yet nowhere within the Ordinance is there a provision for recreation facilities operated for profit or interactive theaters.

MOTION

On a motion made by Vice Chairman Rowe, seconded by Member Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Conditional Use Request No. 2016-01 be granted.

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

Brandon Williams explained that the Derry Township Official Map project was begun upon receiving a Regional Connections Grant from the Tri-County Planning Commission in 2015. Official Maps are a planning tool authorized by Article IV of the Pennsylvania Municipalities Planning Code (PA MPC). Official Maps are a combined map and ordinance, and Derry Township's Official Map will be one of the methods used to implement the goals and objectives set forth in the 2015 Comprehensive Plan. The Official Map is specifically mentioned in the Comprehensive Plan as a tool the Township should utilize in order to convey to the public the intent to connect and expand the Township's walking and biking trails; the intent to improve public streets and trails, including any planned roadway improvements or extensions of the sidewalk network; and to identify the roadway and streetscape recommendations identified in the 2015 Hershey Downtown Plan. The Comprehensive Plan also cites the Official Map as a tool to show property owners

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existing and proposed parks and open space reservations and flood control basins, floodways, floodplains, and stormwater management areas.

Diane Myers-Krug, Dauphin County Planning Commission representative, reported that the County Planning Commission supports the proposed Official Map and ordinance; however, references in the ordinance to ‘Tri-County Regional Planning Commission’ need to be changed to ‘Dauphin County Planning Commission.’

Vice Chairman Rowe asked how the bike trail routes were determined. Mr. Williams stated that the proposed improvements were taken either from the Comprehensive Plan or the Regional Bicycle Connections study.

Vice Chairman Rowe stated that he is concerned about how Hersheypark Drive will look in the future because it already moves a large volume of traffic. The Township should be considering very stringent access management and the Official Map would be a great opportunity to emphasize that. Mr. Williams commented that the Official Map can be updated to include this information as more studies are completed.

Member Santostefano asked how often the Official Map will be updated. Mr. Williams stated that it can be updated as frequently as necessary.

MOTION

On a motion made by Vice Chairman Rowe, seconded by Member Santostefano, 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.

OTHER BUSINESS

None.

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ADJOURNMENT

On a motion made by Vice Chairman Rowe, seconded by Member Santostefano, and a unanimous vote, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary (*stenographer*)