

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 7, 2017

CALL TO ORDER

The Tuesday, February 7, 2017 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 Member Joyce St. John.

ROLL CALL

Commission Members Present: Joyce St. John; Glenn Rowe; Matt Tunnell; Don Santostefano

Commission Member Absent: Ned Wehler

Also Present: Chuck Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Chris Brown, Derck & Edson; A. J. Schwartz, Environmental Planning & Design; Matt Bonanno, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: Dale Holte, Middletown Road Coalition; Brandon Harner – Snyder, Secary & Associates; Jeff Marnoch, 2465 Zell Ct.; Kenny Hinebaugh, Evans Engineering; Steve Myers, The Hershey Company; Doug Wilburne, 10 Tomassi Dr.; Bill Brown, Union Deposit Corp.; Jeff Gelbaugh, P.O. Box 85, Hershey; Ken Gall, Hershey Trust Co.; Kyle and Katrina D'Angelo, 1251 Swatara Rd.; Todd Pagliarulo, 321 Concord Ct., Hershey; Charles Huth, *The Sun*; Jim Kwon, Chafia; Bill Hoy, Shaner; Debra Heckman and Tristan Rosenberry, 1507 Robert Rd., Hummelstown; Charlie and Donna Griffith, 960 Powder Horn Dr., Hummelstown; Jay Ziegler; Julie Neal, 820 Zermatt Dr.; Matt Weir, 1986 Church Rd.; Lou Verdelli, 762 Linden Rd.; Mark Hackenburg, RGS Associates, Inc.; Sam Koda, 416 Chestnut Ave.

APPROVAL OF MINUTES

On a motion made by Member Santostefano and seconded by Member Rowe, the Planning Commission unanimously approved the minutes of the December 13, 2016 meeting, as written.

REORGANIZATION

Member Tunnell made a motion that the offices of Chairman, Vice Chairman, and Secretary be filled for 2017 as follows:

Chairman – Glenn Rowe
Vice Chairman – Don Santostefano
Secretary – Joyce St. John

The motion was seconded by Member Rowe, and passed unanimously.

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OLD BUSINESS

A. Report of the Board of Supervisors' action regarding a time extension of the conditional approval of the Preliminary/Final Land Development and Stormwater Site Management Plan for Oak Springs Phase III Building Expansion, Plat #1227

Mr. Emerick reported that the Board of Supervisors granted an extension for an additional 3 years.

B. Report of the Board of Supervisors' action regarding a time extension of the conditional approval of the Preliminary/Final Land Development Plan for the Milton Hershey School Safety and Security Facility, Plat #1262

Mr. Emerick reported that the Board of Supervisors granted an extension until February 15, 2017.

C. Report of the Board of Supervisors' action regarding the adoption of a Decision for Conditional Use Request No. 2016-02 as filed by The Vista Foundation

Mr. Emerick reported that the Board of Supervisors granted the Conditional Use.

D. Review and recommendation of the final draft of the proposed Zoning Ordinance

Chuck Emerick explained that the draft Zoning Ordinance has been revised since the September 7, 2016 version. He highlighted the following revisions:

- The Compact Development Overlay district was added, which replaced the Derry Road Overlay district. This was done so the Overlay could be used in other areas of the Township. For instance, it was noted that Briarcrest was not zoned in a manner that would allow the Briarcrest uses to continue as permitted uses.
- Minor adjustments were made to the sign regulations.
- Language was added under the Shared Parking section (Section 225-402.4) to allow an applicant to demonstrate to Township staff that the parking required for their proposed use is not specifically scheduled in the Shared Parking Demand Charts and to propose an acceptable parking ratio.
- Adjustments were made to reduce limitations on bee keeping in the Township.
- A section on forestry was added to aid in protecting some of the Township's forested areas.
- Language was added to require a mix of housing types (for example single family, duplex, and townhouse dwelling units) within the Planned Campus West zoning district when a Master Plan development is proposed. This was done to promote housing for all levels of purchase price.

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- Medical marijuana was added as a permitted use in the Limited Compatibility zoning district, in response to the new Pennsylvania laws regarding manufacturing and distribution.
- A section was added to provide procedures for re-establishing existing nonconforming uses.
- Zoning was changed in three areas:
 - Added the Hotel Hershey site to the Commercial Recreation district (the previous draft had it in the Planned Campus North district).
 - Removed the Planned Campus West zoning from the lands located between Waltonville Road and the 52 acres along Middletown Road. This was done to try to better guide development in that corridor. Additionally, the Planned Campus West Future Development Area Overlay district was taken off of that property.
 - On Sand Hill Road, the R-1 zoning district was extended through all areas that were previously zoned Neighborhood Commercial.
- Minor text changes were made throughout the document to make the Ordinance clearer.
- Some changes were made to the uses permitted in the Palmdale area.

Diane Myers-Krug, representative for the Dauphin County Planning Commission, noted that the Commission reviewed the revisions to the proposed Ordinance at their meeting on February 6, 2017 and supports its enactment as presented.

PLANNING COMMISSION COMMENTS/PUBLIC COMMENTS

Vice Chairman Santostefano stated that it appears some of the revisions were based on public input. Mr. Emerick agreed.

Chairman Rowe commented that in his job he has seen cellular communication companies who are moving away from towers and going to utility poles within the public right-of-way, and he asked how the proposed Zoning Ordinance affects anything that would be in a public right-of-way. Brandon Williams responded that the Township just amended the current Zoning Ordinance to include those types of antennas in the right-of-way.

Ken Gall, Hershey Trust Company, asked Mr. Emerick to read the relevant section regarding the requirement for a mix of housing types. Chris Brown responded that the revisions are under Section 225-501.4, which specifically relates to criteria for a conditional use for the development of single family detached, single family semidetached, multi-family apartments, single family attached, and two-family attached dwellings in the Planned Campus West zoning district.

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Secretary St. John likes the recent revisions to the Ordinance and thinks Township staff and the planning consultants did a really good job to incorporate the public comments that were made.

MOTION

On a motion made by Secretary St. John, seconded by Vice Chairman Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that they review and approve the December 20, 2016 final draft of the proposed Zoning Ordinance.

Chairman Rowe noted that it is very impressive that no additional comments were made by the public in attendance at this meeting, given the size of the document and the number of revisions that were made. He thanked the planning consultants and Township staff for their efforts in gathering public comments and making revisions to the document as necessary.

NEW BUSINESS

A. Review and recommendation of the Final Land Development Plan for 555 East Chocolate Avenue – Lot 2, Plat #1272

Chuck Emerick explained that this plan represents the continuation of the infill development between the former Miller Chevrolet site (515 East Chocolate Avenue) and the “Chimneys” building (575 East Chocolate Avenue). 555 East Chocolate Avenue currently contains a two-story office building. The property is located in the Neighborhood Commercial zoning district. A previously-approved plan (Plat #1254) provided a preliminary plan for this development and was also the final plan for the 120-room hotel presently under construction on Lot 1. Lot 2, consisting of 2.848 acres, is proposed to contain a two-story, 20,250-square-foot retail/office building; the existing 12,684-square-foot, two-story office building; and a single story, 4,750-square-foot medical office building, all with associated facilities. The parking facilities are shared between Lot 1 and Lot 2 using the template method of the Township’s shared parking allowance as described in the Zoning Ordinance.

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.

Brandon Harner of Snyder, Secary and Associates represented the developer and stated that he does not have any issues with the review comments.

MOTION ON PLAT #1272

On a motion made by Member Tunnell, seconded by Secretary St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1272 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.

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- b. The comments in the January 24, 2017 HRG letter.
- c. The comments in the February 2, 2017 DTMA letter.
- d. Comment 4 of the January 27, 2017 Dauphin County Planning Commission review report.

B. Review and recommendation of the Preliminary/Final Land Development and Stormwater Management Site Plan for the Hershey Wastewater Treatment Plant Relocation, Plat #1273

Chuck Emerick stated that, based on the number of review comments on this plan from Township staff, HRG, DTMA, and the Dauphin County Planning Commission, the applicant has requested that the plan be tabled. The Derry Township Planning Commission did not have any additional comments for the applicant at the current time.

MOTION TO TABLE PLAT #1273

On a motion made by Member Tunnell, seconded by Secretary St. John, and a unanimous vote, the Planning Commission tabled making a recommendation on Plat #1273 and accepted the applicant's offer of a 60-day extension of time for the Township to act on the plan.

C. Review and recommendation of Ordinance No. 684, which would amend Chapter 185 (Subdivision and Land Development) of the Code of the Township of Derry as necessary to be consistent with the Township's pending Zoning Ordinance

Chuck Emerick stated that in anticipation of the adoption of the pending Zoning Ordinance, Township staff reviewed the Subdivision and Land Development Ordinance for any revisions that needed to be made for consistency between the two documents. Mr. Emerick summarized the proposed revisions as follows:

- Added a reference to the master plan process, which is considered to have standing similar to a preliminary plan.
- Added language interpretation standards to be consistent with the standards cited in the pending Zoning Ordinance.
- Removed the term *floor area ratio* from the Definitions section since it is no longer used in the pending Zoning Ordinance.
- Revised the definitions for *common driveway*, *impervious cover*, *corner lot*, *double frontage lot*, *net developable area*, and *yard area* to be consistent with the definitions cited in the pending Zoning Ordinance.

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- Added the term and definition for *master plan* consistent with the definitions cited in the pending Zoning Ordinance.
- Removed the requirement to cite the floor area ratio and added the requirement to identify all overlay (zoning) districts to information provided to the Township when an applicant processes a sketch plan.
- Revised the referenced section of the Zoning Ordinance for *sensitive environmental areas*, which are required to be shown on a preliminary plan.
- Removed the requirement to cite the floor area ratio and added the requirement to identify the density of development expressed in units per acre when an applicant processes a preliminary plan.
- Revised plan processing standards to acknowledge that a master plan can be substituted for a preliminary plan where either are required to be approved prior to an applicant processing a final plan.
- Revised the referenced section of the Zoning Ordinance for *sensitive environmental areas*, which are required to be shown on a final plan.
- Remove the requirement to cite the floor area ratio and added the requirement to identify the density of development expressed in units per acre when an applicant processes a final plan.
- Acknowledged the use of a common driveway when permitted as part of a conditional use grant within a master plan approval.
- Revised the referenced section of the Zoning Ordinance for extensions of public water mains.
- Revised the referenced section of the Zoning Ordinance for extensions of public sanitary sewer systems.
- Revised the plan recording requirements to include master plans.
- Revised the subdivision and land development plan checklist (Appendix S) to remove *floor area ratio*, add *density of development expressed in units per acre*, and revise the section reference of the Zoning Ordinance for *sensitive environmental areas*.

Mr. Emerick noted that the Dauphin County Planning Commission reviewed proposed Ordinance No. 684 at their meeting on February 6, 2017 and supports its enactment.

PUBLIC COMMENT

Mark Hackenburg, Principal with RGS Associates, commented on the proposed requirement for an applicant to record a master plan and noted that a developer has rights associated with a preliminary

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plan that allows them to start construction on the project. He asked how the master plan affords both developer and Township rights under the proposed regulations. Mr. Emerick responded that the Township's intent is to offer the same rights as those granted by a preliminary plan.

MOTION

On a motion made by Secretary St. John, seconded by Vice Chairman Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Ordinance No. 684 be adopted as written.

D. Review and recommendation of Ordinance No. 685, which would amend Chapter 174 (Stormwater Management) of the Code of the Township of Derry as necessary to be consistent with the Township's pending Zoning Ordinance

Chuck Emerick stated that the proposed modifications to the Stormwater Management Ordinance are necessary to retain consistency with the pending Zoning Ordinance and to clarify the thresholds of when stormwater management is required. First, Appendix D is being deleted. Appendix D was included in the original regulations to support the requirement that the threshold where stormwater improvements are required is limited to the lessor of 1,000 square feet or 5% of the lot area. Appendix D demonstrated that, based on the existing zoning requirements, in many cases 5% of the lot area was less than 1,000 square feet. Additional text has been added to the table to clarify the limits and also to not require BMPs for less than 200 square feet of new impervious area even if it exceeds the 5% threshold.

Mr. Emerick stated that the Dauphin County Planning Commission did not review proposed Ordinance No. 685 because the Stormwater Management Ordinance does not fall under the Pennsylvania Municipalities Planning Code requirements.

MOTION

On a motion made by Vice Chairman Santostefano, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Ordinance No. 685 be adopted as written.

OTHER BUSINESS

None.

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ADJOURNMENT

On a motion made by Member Tunnell, seconded by Secretary St. John, and a unanimous vote, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

Joyce St. John
Planning Commission Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary (*stenographer*)