

**TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS  
PUBLIC HEARING MINUTES  
OCTOBER 10, 2017 – 5:30 PM**

**CALL TO ORDER**

Chairman John W. Foley, Jr., called the October 10, 2017 Public Hearing of the Township of Derry Board of Supervisors to order at 5:32 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. A roll call was performed.

**IN ATTENDANCE:**

**SUPERVISORS**

John W. Foley, Jr., Chairman  
Susan M. Cort, Vice Chairwoman  
Justin C. Engle, Secretary  
Marc A. Moyer

**ALSO PRESENT:**

James N. Negley, Township Manager and Treasurer  
Jill Henry, Assistant Township Manager  
Jon A. Yost, Township Solicitor  
Brandon Williams, Asst. Director of Community Development  
Chuck Emerick, Director of Community Development  
Julie Echterling, Recorder

**Public in Attendance:**

Charles Huth, Jeff Gelbaugh, Mark Hackenburg, Marvin Smith and Todd Shaffer.

**INTRODUCTION:**

Chairman Foley stated this hearing is for the proposed Ordinance No. 692, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry to make general revisions, corrections, and clarifications.

Mr. Williams stated since the 2017 Zoning Ordinance was adopted in March, the staff has been maintaining records of various revisions and corrections needed to clarify certain regulations in the ordinance. He worked with the Planning Consultant to prepare this amendment. This amendment proposes no changes to how properties are zoned, so no changes to the zoning maps will be necessary. He went over the following changes deemed substantive in the ordinance amendment:

1. The first change resulted from the review of the Hershey mixed use zoning district. Hotel uses were permitted by right in all the overlay zones to the District. As a result, they are proposing to change hotels to a conditional use within the Compact Development Overlay District, which consists of the Briarcrest neighborhood. The conditional use process proposed includes a requirement for hotel uses to have a 500-foot separation distance between other hotel structures. This will require developers to consider other residential uses or commercial services once its redeveloped, and will also allow the Board to consider other appropriate conditions for any hotel uses in the future.
2. Some errors were discovered in the front yard setback requirements for the Hershey Mixed-Use zoning district. Within the Compact Development Overlay (O8) zoning district, the front yard setback should be changed from 20 feet from 25 feet to match the other lay districts.
3. The front yard setbacks along Elm Avenue should be increased to 30 feet to maintain the historical building line along the street. Elm Avenue has always had greater right-of-way than other streets in the Village area.
4. Residential uses within the Downtown Core Overlay zoning district are proposed to be regulated under the base zoning district requirements for the Hershey Mixed Use district. Residential properties within the Overlay are regulated similar to commercial use, which would allow them to have 85% impervious lot coverage. Under the proposed amendment, this would be reduced to 40% lot coverage.

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5. In enforcement of sign regulations, staff realized portions of the intended sign regulations were omitted from the final draft of the Zoning Ordinance that was adopted in March. As a result, definitions and other text of the Ordinance were changed to address the following issues:
  - a. Clarifications to the signage definitions; particularly as to what types of messaging would be considered signage by the ordinance.
  - b. How sign height and area are calculated and the types of sign elements that would be excluded from area calculations.
  - c. The types of signs that could be constructed without first requiring issuance of a permit from Community Development.
  - d. Allowances were added to permit wall signs that are vertically oriented to be constructed on buildings within the Township. Current regulations require wall signs to contain a maximum area of three feet in height, which would force a horizontal banding of signage on a building.
6. Active-Adult communities. The current ordinance allows for increased densities for senior housing in certain residential and mixed-use zoning districts. The definition is to be consistent with the Fair Housing Act, which governs senior housing restrictions in the State. He stated 80% of the head of the households need to be 55 years or older. Also, no residents under the age of 19 shall be a permanent resident of these communities.
7. The language in the conditional use regulations for Master Plan developments was revised to more clearly state the requirements for submittal of plans and the information that is provided with that submittal and to more clearly define what elements on a Master Plan may be modified following the approval of the conditional use from the Board of Supervisors.

He stated the Derry and Dauphin County Planning Commissioners recommended the ordinance be adopted. No action is required tonight on this ordinance and the earliest it could be voted on is November 14<sup>th</sup>. Supervisor Moyer asked about the definition of permanent resident for Active Adult communities. Chairman Foley stated the Fair Housing Act stated permanent is if you live at an address for 14 consecutive days and the address is associated with the person (mail, bill, correspondence). Vice Chairwoman Susan Cort asked if a couple who had a 16-year-old child could live there. Mr. Williams stated it would be up to the developer and what they decided and those requirements would be recorded with the deed. Mr. Emerick spoke about mix housing based on the number of acres and the requirements for greater than 50 acres and less than 50 acres.

**PUBLIC COMMENTS**

There were no public comments offered.

**ADJOURNMENT:**

Supervisor Moyer made a motion to adjourn the hearing at 5:49 p.m. and Vice Chairwoman Cort seconded the motion. **Motion carried 4-0.**

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary