

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
December 12, 2017**

CALL TO ORDER

The Tuesday, December 12, 2017 Derry Township Planning Commission meeting was called to order at 6:25 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Chairman Glenn Rowe.

ROLL CALL

Commission Members Present: Glenn Rowe, Chairman; Don Santostefano, Vice Chairman; Joyce St. John, Secretary

Commission Member Absent: Matt Tunnell

(Note: Member Ned Wehler resigned from the Commission on November 30, 2017)

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: Chuck Kray, David Kray, Chadd Blannett – Hershey Pharmacy; Brandon Harner, Jim Snyder – Snyder Secary & Associates; John D. Payne, BIR; Ron Lucas, Stevens & Lee; Ray Wenger, Strickler Sign Co.; John R. Poff, Light-Heigel & Associates; Massimo Rizzotto; Dan Schiavoni, Lane Schiavoni Partnership; Mike Weidner, Weidner Construction; Mike LaCesa, Brent Brubaker – Sheetz; Lorena and Ken Brown, Fishburn Road; Staci Wisaieroski, Peach Avenue; Jason Chernich, Steckbeck Engineering; Charles Huth, *The Sun*

APPROVAL OF MINUTES

On a motion made by Secretary St. John and seconded by Vice Chairman Santostefano, the Planning Commission unanimously approved the minutes from the November 8, 2017 meeting, as written.

OLD BUSINESS

A. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for Crystal A Drive, Plat #1283

Chuck Emerick stated that the Board approved the plan, with conditions.

B. Report of the Board of Supervisors' action regarding adoption of Ordinance No. 692, amending Chapter 225 (Zoning) of the Code of the Township of Derry to make general revisions, corrections, and clarifications

Mr. Emerick stated that the Board adopted the ordinance.

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- C. Report of the Board of Supervisors' action regarding Ordinance No. 693, amending Chapter 89 (Downtown Core Design Standards) of the Code of the Township of Derry regarding permitted materials for roofing and private outdoor seating elements**

Mr. Emerick stated that the Board adopted the ordinance.

- D. Report of the Board of Supervisors' action regarding a waiver from filing a land development plan, as requested by Hershey Trust Company, Trustee for Milton Hershey School, regarding Founders Hall renovations**

Mr. Emerick stated that the Board granted the waiver.

- E. Report of the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for Hershey's Chocolate World Phase II Building Renovation, Plat #1284**

Mr. Emerick stated that the Board approved the plan, with conditions.

NEW BUSINESS

- A. Review and recommendation of the Preliminary/Final Subdivision Plan for Carol S. Meily, 1635 and 1645 Church Road, Plat #1287**

Brandon Williams explained that Plat #1287 represents the proposed two-lot subdivision of 1635 and 1645 Church Road. Presently, the two single-family detached dwelling units are on a single lot. This property was originally portrayed as two separate lots on the Overview Development plan, which is a recorded plan dating back to 1958. However, the deeds for the property have conveyed both dwellings as a single lot dating back to at least 1968, and tax assessment records also reflect a single tax parcel ID number for both dwelling units. The owner and applicant would now like to sell one of the houses on the property and to do this, it is necessary to subdivide the property so that each dwelling is on its own lot. No additional development is proposed after subdivision.

Mr. Williams; Matt Bonanno, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative went over their plan review comments.

Vice Chairman Santostefano asked if the proposed dividing line between the two properties is based on historical information. Mr. Williams stated that the lot sizes are the same as was portrayed on the 1958 Overview Development plan.

MOTION ON WAIVERS

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 the following waivers and deferrals be granted from the Subdivision and Land Development Ordinance:

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- a. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding stormwater profiles for existing and proposed systems.
- b. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary sewer profiles for existing and proposed systems.
- c. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding utility profiles for existing and proposed systems.
- d. From Section 185-22.E.(5) regarding the deferment of curbing installation along Church Road, with the stipulation that the owner enter into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- e. From Section 185-34.A.(1) regarding the deferment of the installation of sidewalks along Church Road, with the stipulation that the owner enter into an agreement with the Township that would allow the Township to require the installation of sidewalks in the future if deemed necessary.

MOTION ON PLAT #1287

On a motion made by Vice Chairman Santostefano, seconded by Secretary St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1287 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Items 2 and 3 of the Township staff report.
- b. The comments in the November 20, 2017 HRG letter.
- c. Comment 5 in the November 30, 2017 Dauphin County Planning Commission review report.

B. Review and recommendation of the Preliminary/Final Subdivision/Land Development Plan for 1806 East Chocolate Avenue – Red Roof Inn Site, Plat #1288

This plan was withdrawn by the applicant prior to the meeting.

C. Review and recommendation of the Preliminary/Final Subdivision Plan for Lane Schiavoni Partnership, Plat #1289

Chuck Emerick stated that Plat #1289 represents two existing lots along Sand Hill Road. Lot 1 is vacant and Lot 2 contains an existing dwelling unit. The purpose of the plan is to move the lot line between the lots to make Lot 2 more conforming. No improvements are proposed at this time.

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Mr. Emerick; Matt Bonanno, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments.

Vice Chairman Santostefano asked if it is an issue that the existing house is located directly on the property line. Mr. Emerick responded that it is an existing condition, but he is under the impression that the dwelling will be demolished and a new, conforming dwelling will be constructed.

MOTION ON WAIVERS

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 the following waivers and deferrals be granted from the Subdivision and Land Development Ordinance:

- a. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding stormwater sewer plans and profiles.
- b. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding water and gas plans and profiles.
- c. Deferral from Section 185-22.E.(5) regarding the installation of curbing along Sand Hill Road, with the stipulation that the owners of both lots enter into agreements with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- d. Deferral from Section 185-22.D.(2) regarding street right-of-way and cartway widths, with the stipulation that the owners of both lots enter into agreements with the Township that would allow the Township to require the widening of Sand Hill Road in the future if deemed necessary.
- e. Deferral from Section 185-34.A.(1) regarding the installation of sidewalks, walkways, and/or bicycle paths along Sand Hill Road, with the stipulation that the owners of both lots enter into agreements with the Township that would allow the Township to require the installation of sidewalks, walkways, and/or bicycle paths in the future if deemed necessary.
- f. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary sewer plans and profiles, with the stipulation that the applicant revises the written waiver requests and the plan to include these sections and provides a justification.

MOTION ON PLAT #1289

On a motion made by Vice Chairman Santostefano, seconded by Secretary St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat #1289 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Items 2 and 3 of the Township staff report.

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- b. The comments in the November 20, 2017 HRG letter.

D. Review and recommendation of the Preliminary/Final Subdivision Plan for Hershey Developers, LLC, Plat #1290

Chuck Emerick reported that Plat #1290 affects three separately-owned properties. The main parcel of the development is owned by Hershey Developers, LLC and is proposed to contain 6.177 acres. Also involved in this plan is a small subdivision of lands of Ezra and Patricia Grubb. The principal portion of their parcel is located on the east side of Sand Hill Road; however, a small portion is on the west side of Sand Hill Road. Area B is proposed for conveyance to the lands of Hershey Developers, LLC. The property of the Chateaux Hershey, a condominium, is also included as part of this development. In this case, there is a land swap proposed. Area C will be conveyed from the Chateaux Hershey to Hershey Developers, LLC and Area D will be conveyed from Hershey Developers, LLC to the Chateaux Hershey. The purpose of this plan is to create two new lots for residential development. Lot 1 is proposed to contain 2.102 acres and Lot 2 is proposed to contain 2.102 acres. The residual land, which contains an existing dwelling, is proposed to have 1.561 acres.

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.

Vice Chairman Santostefano inquired if the roof drains for the proposed dwellings are permitted to be surfaced released or if they are required to be piped directly to the stormwater management system. Mr. Bonanno responded that they can be surfaced released, as long as the runoff is directed to the stormwater management system. Vice Chairman Santostefano asked if this area currently contributes to the runoff toward the Medical Center. Mr. Bonanno answered no, but the Township and HRG are aware of other existing problems downstream from the project site.

Chairman Rowe asked if the applicant is required to ensure that they can provide adequate driveway sight distance along the property frontage. Mr. Emerick answered yes, and this has been shown on the plan. Chairman Rowe commented that the Township should consider also requiring safe stopping sight distances to be shown on plans.

MOTION ON WAIVERS

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

- a. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale, with the stipulation that the applicant revises the written waiver request and the plan to reference the correct sections of the Ordinance {185-12.D.(2) and 185-13.E.(3) instead of 185-13.E.(4).(a).[4]}.

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- b. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding stormwater sewer plans and profiles.
- c. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding water and gas plans and profiles.
- d. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding plan scale, with the stipulation that the applicant officially requests the waivers from Sections 185-13.E.(4).(a).[20] and [21] and revises the written waiver request and plan accordingly.
- e. Deferral from Section 185-22.E.(5) regarding the installation of curbing along Sand Hill Road, with the stipulation that the owners of the subject lots enter into agreements with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- f. Deferral from Section 185-22.D.(2) regarding street right-of-way and cartway widths, with the stipulation that the owners of the subject lots enter into agreements with the Township that would allow the Township to require the widening of Sand Hill Road in the future if deemed necessary.
- g. Deferral from Section 185-34.A.(1) regarding the installation of sidewalks, walkways, and/or bicycle paths along Sand Hill Road, with the stipulation that the owners of the subject lots enter into agreements with the Township that would allow the Township to require the installation of sidewalks, walkways, and/or bicycle paths in the future if deemed necessary.
- h. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary sewer plans and profiles, with the stipulation that the applicant revises the written waiver requests and the plan to include these sections and provides a justification.

MOTION ON PLAT #1290

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 Plat #1290 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Items 2 and 3 of the Township staff report.
- b. The comments in the November 21, 2017 HRG letter.
- c. The comments in the December 7, 2017 DTMA letter.
- d. Comment 4 in the Dauphin County Planning Commission review report.

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E. Review and recommendation of Conditional Use Application No. 2017-04, as filed by C&S Kray Real Estate, LLC and Sheetz, Inc. for The Crossing

Mr. Emerick stated this application requests that Conditional Use authorizations be granted under the provisions of Chapter 225 (Zoning), Section 225-501.19 of the Derry Township Code of Ordinances regarding the development of a ‘Major Fuel Service’ establishment, and from Section 225-501.29 regarding the development of a ‘Large-Scale Retail’ establishment on an assemblage of properties located at the southwest corner of the intersection of Governor Road and Fishburn Road. The subject site contains approximately 6.9 acres of developable land. There are four dwellings and multiple other structures to be demolished to make way for this redevelopment. The relocation of Sand Hill Road is also proposed, which will allow better intersection separation for signalization. The site is proposed to contain 35,525 square feet of large-scale retail space within two buildings, anchored by the Hershey Pharmacy (which includes other “Hershey Care” services); a 5,988-square-foot convenience store with fuel pumps to serve 12 vehicles, and indoor/outdoor dining; and a 7,282-square-foot speculative medical or professional office building. An 8-foot-wide combined bicycle/pedestrian path is shown in lieu of required sidewalks along the site’s perimeter.

Mr. Emerick explained the Zoning Ordinance’s performance standards for each Conditional Use and his assessment as to whether the applicants have met the standards. He also reviewed his comments on the submission, which are to be addressed with the formal submission of the land development plan.

Secretary St. John commented that it would be mutually beneficial for the subject property and the adjacent property to the west (Karns) to be connected because it would reduce the traffic impact on the surrounding roads and there could be more shared parking for the various uses on both properties. It would also be beneficial for accessing the bike path. She inquired if the owner of the subject property could continue to negotiate with the owner of the adjacent property to establish the connection. Chairman Rowe asked if it would make sense to show an easement on the land development plan so that there is a place for the connection in case the current owner of the adjacent property or a future owner agrees to it.

Attorney Ron Lucas, Stevens & Lee, represented Sheetz, Inc. and John Payne, Buchanan Ingersoll & Rooney, represented C&S Kray Real Estate, LLC. Mr. Payne noted that they have tried on numerous occasions to reach an agreement with the owner of the adjacent property, and there is absolutely no interest on the part of that owner. The connection should be something to consider in the future, but to force one property owner to allow something that the other says they are not going to do penalizes the first property owner.

Chairman Rowe asked what the concern is for having an easement. Mr. Lucas responded that without seeing what will happen on the Karns property, there cannot be agreement as to where the easement will be located. Chairman Rowe stated that it would be beneficial to establish the easement for future considerations. He asked if there is a way to add a comment on the land development plan that the easement will be provided in the future if both property owners agree. Mr. Emerick suggested a Memorandum of Understanding that would include language to the effect of “approvals will not be unreasonably withheld.”

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Jim Snyder, Snyder Secary and Associates, also represented C&S Kray Real Estate, LLC. He stated that the revised site plan has predominantly been driven by comments received from Township staff regarding reducing the amount of impervious coverage on the site. The applicant believes that they meet all of the performance standards for a Large-Scale Retail Conditional Use. Regarding relative impacts to the surrounding community, the applicant will mitigate all of their impacts regarding traffic and stormwater. The proposed uses will not overburden the existing utility systems, and there will be no undue noise or air quality pollution.

Mr. Lucas explained that a 'Major Fuel Service' establishment is defined in the Zoning Ordinance as a use that may serve up to 12 vehicles simultaneously (6 fuel dispensers) and may also provide retail and/or food service. The applicant has shown in their submission how all of the performance standards for this Conditional Use have been met, and Township staff has agreed. Mr. Lucas noted that the canopy structure will not be backlit and the canopy signs will hang down from the canopy. The canopy will have LED lighting that will be directed to shine directly down. Mr. Emerick added that one of his review comments was that the applicant provide site lighting levels to the minimum Township standards to provide safety. Excessive lighting is not permitted.

Secretary St. John stated that the fuel canopy of the Sheetz on Middletown Road seems to be excessively lighted, and she hopes that the canopy structure for the proposed Sheetz will not be as noticeable. Mr. Lucas commented that it will be difficult to see the canopy from Governor Road and Fishburn Road due to its location.

Secretary St. John asked how Sheetz determined this area's need for more than 8 fuel pumps. Mr. Lucas responded that they design the site for what they think might be a peak time in order to avoid congestion on the property. Secretary St. John inquired if Sheetz takes other gas stations in the area into consideration when they determine how many fuel pumps are needed. Mr. Lucas stated that they look at what they think they need to service their customers.

Chairman Rowe and Secretary St. John stated they appreciate that the gas station will not be as visible because it will not be located on Governor Road.

Public comment:

Angel Rosado, 672 Fishburn Road, stated that he is concerned about all of the traffic being driven to the right. He asked if there could be a driveway to the back of the property from Sand Hill Road because it is already difficult for him to pull out of his driveway onto Fishburn Road due to the existing traffic volume. Additionally, since Sand Hill Road is being relocated so close to his property, is there a way to reduce the traffic noise by adding a barrier? Mr. Rosado is also concerned about increased stormwater runoff onto his property from a nearby culvert. Mr. Emerick stated that he thinks the traffic signal at Sand Hill Road and Fishburn Road will provide more gaps in traffic so that it will be easier for Mr. Rosado to exit his property. Mr. Payne responded that the swale is an existing swale. Regarding traffic, currently the left turn lane on Fishburn Road coming onto Sand Hill Road is in failure mode at peak hours. There are also traffic problems at the intersections of Sand Hill Road and Peach Avenue and Sand Hill Road and Cherry Drive. This development proposes improvements that will help traffic flow better along Fishburn Road and Sand Hill Road. The Krays are also in the process

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of donating right-of-way along Governor Road to allow a right turn lane from Cherry Drive to Fishburn Road.

Mr. Rosado asked if the proposed location of Sheetz will meet the required setback distance because of the relocation of Sand Hill Road. Mr. Emerick answered yes, because a road is considered a good barrier for a large separation distance. Mr. Rosado inquired if the applicant can also install a landscape buffer on the opposite side of relocated Sand Hill Road to help reduce the noise level. Mr. Payne stated that the applicant has had previous discussions about providing plants or shrubs on that side of the road, with the owners' permission.

Lorena Brown, 744 Fishburn Road, asked how far back that third lane will go and how much of her front yard will be lost. Mr. Payne responded that preliminary peak hour traffic counts indicate somewhere between 300 feet and 350 feet in order to meet PennDOT criteria. It will be the proposed left turn lane on Fishburn Road for vehicles turning onto Sand Hill Road. At this point he does not know how many properties or which side of Fishburn Road will be affected.

Gabriel Plebani stated that he owns one acre of property where Sand Hill Road makes a sharp turn, and that negotiations are still ongoing for the sale of his property (*which is proposed to be part of the development*). He asked what will happen to the Conditional Use approval if an agreement is not reached. Mr. Lucas responded that entitlements run with the applicant of the Conditional Use and if the applicant sells the property, the entitlements have to be assigned. It is not a matter that is relevant to the Planning Commission's consideration of this Conditional Use Application.

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 both of the Conditional Uses represented by Application No. 2017-04 be approved, subject to the following:

- a. The applicants shall obtain the zoning relief sought under Zoning Hearing Board Petition No. 2017-17.
- b. Any and all comments offered by Township staff and Derck & Edson shall be adequately addressed at the time of land development plan approval.
- c. All parcels included in the proposed development shall be consolidated into one parcel.
- d. Building designs for all units shall be substantially in compliance with the plans presented as part of these Conditional Use requests.
- e. The development shall be in substantial compliance with the plans presented as modified to address the Township's review comments.

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- f. Parking shall be shared with other uses based upon a shared parking agreement as permitted by §225-402.4.
- g. The grant of approval of the Conditional Use requests shall not relieve the applicants from filing and having the Township approve any permit, land development, subdivision, or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
- h. The grant of these Conditional Uses shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 24 months from the date of the grant of the Conditional Uses or if a phase of the development is not under review or active construction within 24 months from the date of the grant of the Conditional Uses.
- i. The uses shall meet all other requirements of the Township that may apply.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairman Santostefano, seconded by Secretary St. John, and a unanimous vote, the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Joyce St. John
Planning Commission Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary (*stenographer*)