

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
PUBLIC HEARING (PART 1 OF 2)
Tuesday, November 26, 2019, 5:30 PM**

CALL TO ORDER

Part 1 of the Tuesday, November 26, 2019 Derry Township Board of Supervisors public hearing was called to order at 5:30 p.m. by Chairwoman Susan Cort in the meeting room of the Administration Building in the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Supervisors Present:

Susan M. Cort, Chairwoman
Justin C. Engle, Vice Chairman
Richard D. Zmuda, Secretary
Marc A. Moyer
Matthew A. Weir

Supervisors Absent:

None

Also Present:

Charles Emerick, Director of Community Development
Christopher Christman, Township Manager
Jon A. Yost, Township Solicitor
Lauren Zumbun, Economic Development Manager
Jenelle Stumpf, Planning/Zoning Coordinator

Public Registering Attendance: Jonathan M. Crist, 226 West Chocolate Ave., Hershey; Robert Naeye, *The Sun*; Linda Eyer, 2321 Raleigh Rd.; Marty Stabley, 241 Hilltop Rd., Hummelstown; John Foley, 238 Mine Rd.; Steve Smith, 1473 Spring Hill Dr.; Linette Quinn, PA State Police; Joanne Reed, PA State Police; Chris Trogner, Troegs Brewery; Patrick Beaver, PA State Police; Dennis Trout; Steve Seidl, 450 West Granada Ave., Hershey

NEW BUSINESS

A. Public hearing regarding an amendment to the 2015 Comprehensive Plan

Chuck Emerick, Director of Community Development, reported that per Section 603(j) of the Pennsylvania Municipalities Planning Code (MPC), if a municipality amends its Zoning Ordinance in a manner not generally consistent with its Comprehensive Plan, it shall concurrently amend its Comprehensive Plan. Combining all the bits and pieces from the studies, workgroups, committees, polls, public meetings, and other planning tools, and with the assistance of Environmental Planning & Design, Derck & Edson, Urban Design Associates (UDA), the Township Planning Commission, Board of Supervisors, residents, property owners, citizens, and staff, we have developed the 2019 update to the 2015 Comprehensive Plan. The

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current Comprehensive Plan was adopted in January of 2016. When it was adopted, the Supervisors understood that its purpose was to holistically outline a philosophical framework for future growth within the Township, and that it should be reviewed and updated when and as necessary.

Mr. Emerick noted that one of the main themes of the 2015 Comprehensive Plan was to build on the recently developed Chocolate Avenue Revitalization Plan. The 2019 Comprehensive Plan amendment builds on and supplements the Design Standards that were first instituted in the 1993 Zoning Ordinance. The goals of retention of the existing building fabric and the requirement to provide complementary modification and compatible new construction was promoted. Those goals still remain. The goals and objectives of quality materials, Traditional Neighborhood Development, and preservation of historical neighborhoods and development patterns are strongly supported by this amendment. In addition to preservation and promotion of the downtown, the 2015 Comprehensive Plan also suggested major modifications to the Zoning Ordinance to eliminate discrepancies between the 1993 Zoning Ordinance and the built environment, i.e. impervious lot coverage adjustments and required setback reductions for principal and accessory structures. The 2019 update supports and strengthens the 2015 Comprehensive Plan.

Understanding that a Comprehensive Plan should be reviewed and the Zoning Ordinance should be updated from time to time, the Board of Supervisors engaged UDA in May of 2019 to build on and further refine the work done in preparing the 2015 Comprehensive Plan and the 2017 Zoning Ordinance. As part of their study, UDA reviewed many of the Township's planning documents that were developed over the past 10-15 years. They also studied existing buildings and land uses in the downtown area; defined the neighborhoods, buildings, and development patterns; and sought input from Township staff, Supervisors, property owners, business leaders, residents, stakeholders, and the public at large. The culmination of this listening process was the community meeting held at The Hershey Story on the night of June 18, 2019. UDA cataloged the strengths, weaknesses, and opportunities in the downtown area to help make recommendations that fit Hershey. They also used other analytical tools to ensure that the way one neighborhood blends to the next is appropriate. Through all of this, UDA determined where the subdistricts of the O9 - Downtown Core Overlay should be placed. In doing so, they promoted retention and longevity of the existing built environment, including the patterns of "corner" neighborhood commercial service areas. They also developed recommendations for the dimensional criteria for each of the subdistricts. Their work led to alterations of what certain land uses look like and where they are permitted. These alterations are represented in the proposed new Zoning Ordinance.

Mr. Emerick stated that UDA was also contracted to review the Township's Downtown Core Design Standards (Chapter 89 of the Code of Derry Township). Building on the same work used for the Zoning Ordinance update, UDA refined, embellished, and illustrated the current Downtown Core Design Standards. These standards are applicable by considering the Downtown

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Core Overlay as a Traditional Neighborhood Development as authorized by the MPC. UDA provided descriptions of the heritage of architecture in downtown Hershey; recommendations for composition; and principles for massing and facades, openings, and materials and colors. Storefronts, signage, and site elements are also illustrated to aid in clarity. As was originally done in the 1993 Zoning Ordinance, it is recommended that the new Design Standards are again incorporated into the Zoning Ordinance in this highly illustrated way.

BOARD OF SUPERVISORS' COMMENTS

None.

PUBLIC COMMENTS

Robert Naeye, *The Sun*, asked Mr. Emerick if he feels that the recommendations from UDA did a good job of incorporating the public comments made during the June community meeting. Mr. Emerick said yes, and that taking public comments and trying to turn them into regulations is never easy. The point of the Comprehensive Plan is to give guidance to the Zoning Ordinance. Hopefully Mr. Naeye will see that a lot of the public's concerns have been addressed in the Zoning Ordinance.

John Foley, 238 Mine Road, Hershey, commented that his observation of the listening sessions conducted by UDA was that they were very staged and there was very little public interaction, other than the modules. Then that information was given back to the public after it was filtered through the consultants to navigate this process. There was no dialog. There was "here's what it is, give us your wish lists and hopes" and then the next follow up meeting was more like "here's a picture of hundreds of units being added in all different areas." There was inconsistency with what we say we are looking for and a process that was undertaken to listen to the property owners and the stakeholders. Mr. Foley thinks the presentation by UDA following the information gathering was not consistent with what information was given in those meetings and how we got from information gathering to a concept that was presented of what might be useful in those areas of the Township.

Jonathan Crist, 226 West Chocolate Avenue, stated that he agrees with everything Mr. Foley said.

Mr. Emerick noted that the entire process with UDA was open. There were opportunities to reach out to Township staff and UDA during the community meetings. There was a lot of side conversation after the presentation and behind the scenes conversations that took place during those meetings. There was a large public comment period. Mr. Emerick reiterated that the Comprehensive Plan is a guiding document. In addition to the community meetings, UDA had individual stakeholder meetings with different property owners of larger parcels in the downtown. Lauren Zumbrun, Economic Development Manager, added that the Township

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Planning Commission, Zoning Hearing Board, and Downtown Core Design Board were also invited to attend a stakeholder meeting with UDA, and there was a session specific to transportation.

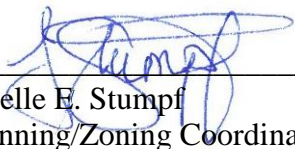
Mr. Foley stated that we have heard repeatedly about transparency in what the Township is doing, and he does not think there was transparency with this process when going from hearing about needs and wants in the Township of reducing traffic to an end result of hundreds of units, specifically on the Staples parcel. Mr. Emerick apologized for that aspect of UDA's recommendation. Those are planning tools that UDA did within their documents that were misunderstood by the general public. They were potential development patterns that could evolve from some of the changes, but not anything that anyone was proposing. Mr. Foley suggested that, given where we are today, there is quite a bit of confusion. He thinks it is fair to say that the impetus behind this change in zoning was a hotel project that he is affiliated with. It should be noted that at no point did UDA or the Township contact the hotel project's property owners for their input. The problem is that we talk about stakeholders, transparency, and actions, but it is not adding up. It is not consistent.

ADJOURNMENT

On a motion by Chairwoman Cort, seconded by Secretary Zmuda, and a unanimous vote, the hearing adjourned at 5:48 p.m.

SUBMITTED BY:

Richard D. Zmuda
Township Secretary



Jenelle E. Stumpf
Planning/Zoning Coordinator
(acting as stenographer)