

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 4, 2020**

CALL TO ORDER

The Tuesday, February 4, 2020 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA, by Chairman Don Santostefano.

ROLL CALL

Commission Members Present: Don Santostefano, Chairman; Joyce St. John, Vice Chairwoman; Tom Wilson, Secretary; Matt Tunnell

Commission Member Absent: Glenn Rowe

Also Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator

Public Registering Attendance: Ashwani Garg, Garg Enterprise, LLC; Stacy Longenecker, Light-Heigel

APPROVAL OF MINUTES

On a motion made by Secretary Wilson and seconded by Vice Chairwoman St. John, the Planning Commission approved the minutes from the January 7, 2020 meeting, as written.

OLD BUSINESS

- A. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for Penn State Health Milton S. Hershey Medical Center Lots 4, 6, 7, and 8 Consolidation and New Academic Support Building Lot 9, Plat 1321**

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

NEW BUSINESS

- A. Review and recommendation of waivers from filing a land development plan, as requested by Milton Hershey School regarding an addition to Memorial Hall Elementary School at 901 Homestead Lane**

Mr. Emerick stated that Milton Hershey School is proposing renovations at the Memorial Hall Elementary School building. Although the proposed building expansion will contain 3,296 square feet of floor area, the impact to the property, as it relates to the Subdivision and Land Development Ordinance, is hardly visible. The Subdivision and Land Development Ordinance requires that any time more than 2,500 square feet of new principal building is added to a property, a land development plan shall be processed. The proposed improvements are being done to provide

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additional programming space for current activities in the form of a multi-purpose room. This work could be considered as building infill since it is proposed over existing building spaces where a patio presently exists. The rainwater runoff from this building expansion will be equal to the runoff from the existing patio and will be tied into the existing systems. This building addition will not include the addition of any new roads, sidewalks, employees, or parking areas. All in all, there is nothing to be gained from the processing of a land development plan for this project. Due to all of these facts, Milton Hershey School has requested waivers from the Subdivision and Land Development Ordinance requirements for the processing of a land development plan. More specifically, they would require waivers from Article III, Sections 185-5.A and 185-5.B of the Ordinance.

Chairman Santostefano found it curious that the plans for the expansion were prepared in 2015 but the applicant is only moving forward with the project now. Mr. Emerick responded that is not unusual for Milton Hershey School.

Chairman Santostefano asked for confirmation that no additional impervious area is being added. Mr. Emerick stated that the applicant may add some patio space adjacent to the building, but that would not require a land development plan.

MOTION

On a motion made by Secretary Wilson, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the requested waivers from filing a land development plan be granted.

B. Review and recommendation of Conditional Use Application No. 2020-01 for 759 Middletown Road in Stoverdale Commons, as filed by Garg Enterprise, LLC

Mr. Emerick explained that this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.40 (Uses Similar to Specified Permitted Uses) of the Code of the Township of Derry. The applicant proposes to use the facilities at the 759 Middletown Road for the establishment of a math learning center to support students in kindergarten through 12th grade. The intended hours of operation are 3:00 p.m. to 7:00 p.m., Monday through Thursday, and possibly four hours on one of the weekend days. The use would be staffed by one director and six instructors, with approximately 20 students in attendance. The subject property is located in the Planned Campus West zoning district. The applicant contends that their use is similar to a School use, which is defined in the Zoning Ordinance as *“A facility that provides on-site instruction of a State-approved curriculum including, but not limited to, elementary, secondary, and all other levels of higher education such as colleges, universities, academies, and similar career training facilities.”* Schools are a permitted use in the Planned Campus West zoning district. The applicant also compares their use to a retail-type business and to a gym, karate or dance studio, or a place that teaches art. Nevertheless, Mr. Emerick believes it to be most like a school in teaching and similar to the other uses in traffic and turnover of participants, all of which are permitted in the zoning district.

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Mr. Emerick reviewed the required performance standards for the Conditional Use and the applicant's responses as to how they will meet the standards. Mr. Emerick recommended that the Conditional Use authorization be granted, subject to the following conditions:

- a. The establishment of the Mathnasium use shall be in substantial compliance with the information presented with the Conditional Use Application.
- b. The grant of approval of the Conditional Use request shall not relieve the applicant 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.
- c. The grant of the Conditional Use shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 12 months from the date of the grant of the Conditional Use authorization.
- d. The Mathnasium use shall meet all other requirements of the Township that may apply.

Chairman Santostefano inquired why the use needs to be viewed a Conditional Use, since it is so similar to a number of permitted uses. Mr. Emerick replied that the use is most similar to a School; however, it does not meet all the relevant criteria based on the Zoning Ordinance's definition. Chairman Santostefano suggested that the Township consider making this type of tutoring use a permitted use.

MOTION

On a motion made by Member Tunnell, seconded by Secretary Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2020-01 be granted with conditions 'a' through 'd' as outlined by Township staff (above).

OTHER BUSINESS

None.

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ADJOURNMENT

On a motion by Member Tunnell, seconded by Secretary Wilson, and a unanimous vote, the meeting adjourned at 6:13 p.m.

Respectfully submitted,

Thomas P. Wilson
Planning Commission Secretary

Submitted by:

Jenelle Stumpf
Planning/Zoning Coordinator (*acting as stenographer*)