

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**March 3, 2020**

**CALL TO ORDER**

The Tuesday, March 3, 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

Commission Members Absent: Glenn Rowe; Matt Tunnell

Also Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Matt Bonanno, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative

Public Registering Attendance: Craig Raynor, Pennoni; Melanie Boehmer, Milton Hershey School; Oleg Badmaev, 1601 East Chocolate Avenue

**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 February 4, 2020 meeting, as written.

**OLD BUSINESS**

**A. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for 647 and 653 Sand Hill Road for Michael and Elizabeth Federici, Plat 1325**

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

**B. Report on the Board of Supervisors' action regarding 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 the Board granted the waivers.

**NEW BUSINESS**

**A. Review and recommendation of Conditional Use Application No. 2020-02 for 1601 East Chocolate Avenue, as filed by Oleg Badmaev**

Mr. Emerick explained that this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.20 of the Code of the Township of

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Derry. The applicant proposes to establish a short-term rental on the property located at 1601 East Chocolate Avenue, Hershey. The subject property is located in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts.

Mr. Emerick reviewed the required performance standards for the Conditional Use and the applicant's responses as to how they will meet the standards. In response to a question from Mr. Emerick regarding required off-street parking, the applicant, Oleg Badmaev, stated that he is planning on paving the approximately 18' x 18' area in front of the garage.

Chairman Santostefano asked if there was ever a house at the front of the lot. Mr. Emerick responded that there could have been at one time; however, he does not think the subject dwelling at the back of the lot was built as a garage. It might have been built as a second dwelling. Chairman Santostefano commented that if the owners of the abutting property at 1603 East Chocolate Avenue were to build a structure at the back of their lot, it would be within 25 feet of proposed short-term rental. Mr. Emerick clarified that the short-term rental cannot be located within 25 feet of another dwelling. The required setback does not apply to detached accessory structures.

Mr. Emerick recommended that the Conditional Use authorization be granted, subject to the following conditions:

- A. The establishment of the short-term rental shall be in substantial compliance with the information presented with the Conditional Use Application.
- B. If, in the future, the applicant proposes to increase the number of bedrooms in the dwelling beyond the existing two, they must apply for further approval from the Township.
- C. The operation of the short-term rental must at all times comply with the requirements of Sections 225-501.20.A through O of Chapter 225 (Zoning) of the Code of the Township of Derry.
- D. Notwithstanding any lesser restriction required by the Township's Property Maintenance Code, Chapter 143 of the Code of the Township of Derry, no more than 2 individuals (excluding children under the age of 3) may occupy any bedroom.
- E. The granting 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.
- F. The granting of approval 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 approval of the Conditional Use.
- G. The short-term rental shall meet all other requirements of the Township that may apply.

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MOTION

On a motion made by Secretary Wilson, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2020-02 be granted with conditions 'A' through 'G' as outlined by Township staff (above).

**B. Review and recommendation of the Preliminary/Final Land Development Plan for CTE Carpentry/Welding Building, Plat 1326 (*Ivanhoe Lane, Milton Hershey School Campus*)**

Chuck Emerick explained that the Milton Hershey School campus contains 2,785.86 acres of land; however, this project will only disturb approximately 9.3 acres. The focus of this land development plan is construction of a new 9,000-square-foot building to be used as a carpentry and welding training center for the Milton Hershey School. After the submission of this plan, Mr. Emerick was notified by the applicant's engineer that Milton Hershey School will be exercising their right to use impervious area credits in lieu of the stormwater management design shown on the plans. The impervious area credits on the campus are a result of impervious area being removed (driveways, houses, barns, etc.) and not being replaced. At present the campus has a credit of 42,727 square feet of area. This project will reduce that amount by 30,000 square feet, according to the plans. In light of that fact, the stormwater basin presently shown will be removed from the plans. It is Mr. Emerick's understanding that the Dauphin County Conservation District and DEP are willing to accept the impervious offset and will accept provisions for alternate methods for water quality, including a riparian buffer along the stream. The grading will direct the water to the riparian area.

Secretary Wilson inquired if the riparian area will be placed in a conservation easement. Mr. Emerick stated that the Dauphin County Conservation District will still look at it as a BMP and will still make the applicant record a stormwater management plan.

Mr. Emerick summarized the waivers requested by the applicant from the Subdivision and Land Development Ordinance.

Chairman Santostefano asked if it is necessary for the Township to grant deferments for the installation of sidewalks and curbs because the proposed project will be located on a private drive. Mr. Emerick explained that per the Subdivision and Land Development Ordinance, when a land development plan is processed, the Township has to consider the entire property, not just the project area.

Secretary Wilson asked if there is a master plan for the entire Milton Hershey School campus that is on file with the Township that shows all the necessary information and could be referenced for plans such as this. Mr. Emerick responded that is why there is a list of waivers. He hopes to amend the Subdivision and Land Development Ordinance in the future when time allows so that numerous waivers are not required for projects on large tracts of land.

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

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In response to a question from Chairman Santostefano, Melanie Boehmer from Milton Hershey School stated that they plan to start partial construction in June or July 2020.

**MOTION ON WAIVERS**

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

- a. Waivers from Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] regarding providing all existing structures, wooded areas, watercourses, rock outcrops, culverts, utilities, fire hydrants, streets and their established grade and width, within 200 and 50 feet of the entire property.
- b. Waivers from Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] regarding the location of sensitive environmental areas outside of the project area. The applicant shall detail sensitive environmental areas within the project area boundaries.
- c. Waivers from Sections 185-12.D.(3).(a).[11] and 185-13.E.(4).(a).[12] regarding providing gross and net developable area of land expressed in acres and square feet, along with drawings and calculations to describe how the net developable area has been calculated.
- d. Waivers from Sections 185-12.D.(3).(a).[12] and 185-13.E.(4).(a).[13] regarding providing adjacent owner information that is now older than one year.
- e. Waiver from Section 185-12.D.(3).(a).[15] regarding providing soil boundaries on the property, subject to the applicant depicting soil boundaries within the project area.
- f. Waivers from Sections 185-12.D.(3).(a).[17] and 185-13.E.(4).(a).[15] regarding providing the names of existing and proposed streets and alleys.
- g. Waivers from Sections 185-12.D.(3).(a).[18] and 185-13.E.(4).(a).[16] regarding providing the width of existing streets, easements, and rights-of-way for the entire property.
- h. Waiver from Section 185-13.E.(4).(a).[18] regarding showing existing driveways on the entire property.
- i. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding providing profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems for unaffected utilities only.

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- j. Waivers from Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding providing contours at two-foot intervals within 200 feet and 50 feet of the perimeter of the entire property.
- k. Waivers from Sections 185-12.D.(3).(a).[40] and 185-13.E.(4).(a).[43] regarding providing existing street names, cartway widths, and right-of-way widths for the entire property.
- l. Waivers from Sections 185-12.D.(3).(a).[47] and 185-13.E.(4).(a).[45] regarding providing the recording reference of record subdivision and land development plans of adjoining land identified by plan name, date of recording, and recording reference.
- m. Waivers from Sections 185-12.D.(3).(a).[51] and 185-13.E.(4).(a).[49] regarding providing the location of all existing and proposed monuments and markers.
- n. Waiver from Section 185-22.D regarding street right-of-way and cartway widths for all existing streets on the property.
- o. Deferment from Section 185-22.E.(5) regarding curbing for all existing streets on the property and adjacent to the project, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- p. Waiver from Section 185-49 regarding a wetlands determination for the entire property.
- q. Waivers from Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a).[8] regarding providing NAD 1983 PA Coordinate System numbers for all points on the property boundary.
- r. Deferment from Section 185-34.A.(1) regarding sidewalk installation, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- s. Waiver from Sections 185-13.E.(3) regarding plan scale.
- t. Waivers from Sections 185-12.D.(3).(a).[37] and 185-13.E.(4).(a).[38] regarding restrictions on the use of the land for area unaffected by project.

**MOTION ON PLAT 1326**

On a motion made by Vice Chairwoman St. John, seconded by Secretary Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1326 be approved, subject to the following being satisfactorily addressed:

- a. Remove the stormwater basin and any associated details and notes from the plans since the Milton Hershey School is exercising their right to use impervious area credits in lieu of providing stormwater management.

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- b. Add a note to the plan regarding the impervious area credits that have been taken.
- c. The comments in Item 3 of the Township staff report, as amended during the Planning Commission meeting.
- d. The comments in the February 20, 2020 HRG letter, as amended during the Planning Commission meeting.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

On a motion by Secretary Wilson, seconded by Vice Chairwoman St. John, and a unanimous vote, the meeting adjourned at 6:32 p.m.

Respectfully submitted,

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Thomas P. Wilson  
Planning Commission Secretary

Submitted by:

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