

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
August 4, 2020

CALL TO ORDER

The Tuesday, August 4, 2020 Derry Township Planning Commission meeting, which was conducted via video conference (Zoom Webinar) due to COVID-19, was called to order at 6:01 p.m. by Chairman Don Santostefano.

ROLL CALL

Commission Members Present (*via video conference*): Don Santostefano, Chairman; Joyce St. John, Vice Chairwoman; Tom Wilson, Secretary; Matt Tunnell; Glenn Rowe

Commission Members Absent: None

Also Present (*via video conference*): Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Michael Wood, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative

Public Attendance (*via video conference*): Ken Gall, Hershey Trust Company; Mike Kearney, Cacao Way, LLC; Bill Fredericks, Jake Krieger – RGS Associates; Lisa Nguyen; Dave Getz – Wix, Wenger & Weidner; Todd Pagliarulo; Andy Andrews; Alex Piehl

APPROVAL OF MINUTES

On a motion made by Member Rowe and seconded by Secretary Wilson, the Planning Commission approved the minutes from the June 2, 2020 meeting, as written.

OLD BUSINESS

- A. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for Milton Hershey School CTE Carpentry/Welding Building, Plat 1326**

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

- B. Report on the Board of Supervisors' action regarding Conditional Use Application No. 2020-03 for 1630 East Chocolate Avenue, as filed by Amit Jain**

Mr. Emerick stated that the Board adopted a Decision granting the Conditional Use as recommended by the Planning Commission, with the exception of the Board asking the applicant to reduce the proposed number of off-street parking spaces by one space to reduce impervious coverage.

NEW BUSINESS

- A. Review and recommendation of Conditional Use Application No. 2020-04 for 1527 East Caracas Avenue, as filed by Lisa Nguyen**

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Mr. Emerick explained that this application requests a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.1 of the Code of the Township of Derry. The applicant proposes to establish a Single-Family Conversion on the property located at 1527 East Caracas Avenue, Hershey. The subject property is located in the Palmdale Mixed Use zoning district. A Single-Family Conversion is defined as *“The act of taking a dwelling unit which existed prior to the adoption of these regulations and converting it into a building containing two units, each with individual cooking, living, and sanitary facilities, and each designed and intended for occupancy by one family.”*

In response to a question from Vice Chairwoman St. John, Mr. Emerick explained that the subject property is comprised of the main residence, a pavilion, a workshop, and a two-car detached garage.

Lisa Nguyen explained that the subject structure contains two levels. The upper level consists of three bedrooms and one bathroom and the lower level, which is a fully finished basement, consists of a pre-existing kitchen, bathroom, and bedroom. She is not proposing any additional improvements. Ms. Nguyen presented a PowerPoint presentation and reviewed the required performance standards (*in italics*) for the Conditional Use per Section 225-501.1 of the Zoning Ordinance and her responses as to how she will meet the standards:

- A. *A maximum of two dwelling units per existing principal structure, per lot, shall be permitted.*

Ms. Nguyen explained that the property is an existing single-family detached unit. The Single-Family Conversion Conditional Use will formally recognize the two dwelling units on the lot as permitted.

- B. *The property must support the required number of off-street parking spaces for each dwelling unit.*

Ms. Nguyen stated that adequate space exists on the property for the required number of off-street parking spaces. She is looking at either potentially converting the pavilion into a second two-car garage or adding pavement for the required spaces.

- C. *Converted dwelling units must be served by public water and public sewer.*

Ms. Nguyen stated that because the secondary bottom unit is fully finished, it is already being served by public water and sewer facilities. No additional facilities need to be established to meet the criteria.

- D. *Individual service lines and meters shall be provided for each dwelling unit where required by the standards, rules and regulations of the service provider.*

Ms. Nguyen noted that individual service lines and meters will be created for each dwelling unit as required by the service provider.

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- E. The density limitation of the underlying zoning district shall not be applicable, but all other dimensional requirements shall be satisfied.*

Ms. Nguyen stated that she is in compliance with this requirement. Mr. Emerick added that the density is how many dwelling units can exist on an acreage or portion of acreage. In this case, if the applicant was proposing to subdivide the property, they would come up slightly short on the land that they need; however, when doing a Single-Family Conversion, the applicant does not need to meet the density requirements so that is why Ms. Nguyen is in compliance.

Ms. Nguyen also reviewed the general requirements to be met for a Conditional Use authorization per Section 225-501.K of the Zoning Ordinance, which are as follows:

- 1. That the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.*

Ms. Nguyen stated that the use of the property is intended for long-term rental tenants that poses no safety or health concerns or risk to the residents in the neighborhood.

- 2. That the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.*

Ms. Nguyen explained that the units have pre-existing facilities, including a kitchen and bathroom, and require no additional use of public services. Occupancy and use of the property will not create an excess burden on water, sewer, public roads, storm drainage, or other public improvements.

- 3. That the use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Township Board of Supervisors shall consider, at a minimum, the impact of noise, dust, light, odor and adequacy of parking.*

Ms. Nguyen stated that no structural building changes need to be made for the Conditional Use. Thus, no building or structure is being erected, constructed, reconstructed, moved, or expanded. The applicant is maintaining the existing character of the property. The property has a pre-existing entry point in the rear of building that provides a division of access to the separate units. The rear door access leads into a common space, providing separate entry points to each unit. The rear access point is not visible from the front of the property. The occupancy and use of the property are consistent with the neighborhood, which includes several multi-unit dwellings, short-term rentals, mobile homes, apartments, and hotels/motels within less than a 1-mile radius.

- 4. The use shall meet all other requirements of this Chapter that may apply.*

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Ms. Nguyen stated that her proposal satisfies all requirements set forth in Section 225-501 of the Zoning Ordinance relevant to the Palmdale Mixed Use zoning district.

Chairman Santostefano complimented Ms. Nguyen on her thorough presentation.

Vice Chairwoman St. John inquired if the front door access is to the three-bedroom unit (*the upper level unit*). Ms. Nguyen answered that it is.

Vice Chairwoman St. John asked if a property management group will manage the rental unit. Ms. Nguyen responded that she already has a property management group and is in the process of transitioning to another property management group, but the property will continue to be managed.

Chairman Santostefano asked about the occupancy of the lower level in the past year, since it has already been finished. Ms. Nguyen stated that she acquired the property in December 2019 and the lower level has been occupied since April 2020. The upper level is currently not occupied. The units were not occupied prior to Ms. Nguyen's purchase of the property.

Vice Chairwoman St. John asked if this will be considered a one-unit or a two-unit building the next time the property is sold. Mr. Emerick responded that if the property were marketed after the granting of the Conditional Use, it would be considered a two-unit building; without the Conditional Use authorization, it could only be marketed as a one-unit building. Vice Chairwoman St. John asked if the building could be used as short-term rental if the Conditional Use is granted and the property is sold in the future as a two-unit building. Mr. Emerick stated that it could not be used as a short-term rental, even with the Conditional Use authorization, because it is not in the proper zoning district.

Chairman Santostefano inquired if it will be an issue in terms of impervious cover restrictions if the applicant decides to provide the required off-street parking spaces in the current pervious area. Mr. Emerick does not think it will be an issue. In this situation, only three off-street parking spaces would be required, and the applicant already has a two-car garage on the property that could be utilized. They could add one more paved parking space and not have to do a stormwater management plan.

Chairman Santostefano noted that the lower level unit appears to have only one means of egress and asked if that is a building code issue. Mr. Emerick answered that the applicant is in the process of obtaining a building permit for an egress window from the lower level. Chairman Santostefano commented that it is a little scary to him to think that a person's only way out of the lower level unit is through an egress window. Mr. Emerick thinks the applicant will also have to install a one-hour fire separation between the units and possibly interconnected smoke detectors.

Member Rowe inquired if it would make sense to extend the existing sidewalk along the East Caracas Avenue frontage of the property to the intersection with Skyview Drive. Mr. Emerick explained that this section of Palmdale has sparse sidewalks throughout and it is not well connected. There is no existing sidewalk along East Caracas Avenue to the east of the subject property that the sidewalk could be connected to. If this was a land development plan, the Township would have the applicant extend the sidewalk; however, for this level of development the extension is not required. Additionally, if the

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applicant adds one or two paved parking spaces, extending the sidewalk could trigger the need for stormwater management.

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

- A. The establishment of the Single-Family Conversion shall be in substantial compliance with the information presented with the Conditional Use Application and during the August 25, 2020 Board of Supervisors public hearing.
- B. If, in the future, the applicant proposes to increase the number of bedrooms in the dwelling beyond the existing three, they must notify the Township so that minimum parking standards and any necessary permitting is completed.
- C. The operation of the Single-Family Conversion must at all times comply with the requirements of Sections 225-501.1.A through E of Chapter 225 (Zoning) of the Code of the Township of Derry.
- D. The property must remain in compliance with the Township's Property Maintenance Code, Chapter 143 of the Code of the Township of Derry.
- 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 that may be required by other Township regulations or from otherwise complying with all applicable Township regulations. This condition includes the permitting necessary for the change of use of the structure.
- F. The applicant shall comply with all laws related to the utility services to the Single-Family Conversion.
- G. Parking shall be provided in compliance with the Zoning Ordinance. If the garage is used to meet the parking requirements, it must remain available and usable for such purpose. Storage of material within the garage that will render it unavailable for use by an automobile shall be prohibited.
- H. 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.
- I. The Single-Family Conversion shall meet all other requirements of the Township that may apply.

MOTION

On a motion made by Member Rowe, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use

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represented by Application No. 2020-04 be granted with conditions ‘A’ through ‘I’ as outlined by Township staff (*above*).

B. Review and recommendation of the Final Lot Consolidation and Land Development Plan for Hershey West End, Phase 1, Plat 1330

Chuck Emerick reported that the applicant has already agreed to table the plan due to the high number of comments that were generated during its review.

Mr. Emerick explained that Plat 1330 represents the first final plan after the approval of Conditional Use Application No. 2018-01 for the Hershey West End Master Plan, as filed by Hershey Trust Company. The Conditional Use authorized the development of a new mixed-use community, based on traditional neighborhood design principles, on approximately 245.79 acres. The properties proposed for development currently consist of five separate parcels and this final plan will consolidate them into one tract of land. Existing development on the east end of the site consists of the Cocoa Beanery Restaurant and Café, Hershey Center for Applied Research (HCAR), the recently expanded U-Gro Early Childhood Learning Center, and the recently opened Englewood Barn. The southwestern corner of the site also contains another barn and rental homestead, which will remain as is. The main purpose of Plat 1330 is to build the road infrastructure for the development.

Mr. Emerick listed the waivers that have been requested from the Subdivision and Land Development Ordinance for Plat 1330.

In answer to a question from Chairman Santostefano, Mr. Emerick shared a rendering provided by the applicant on August 3, 2020 showing the streets and ramps that will be constructed as part of Plat 1330. Chairman Santostefano thinks the construction of the proposed ramp and roundabout is a great first step because it will improve traffic flow in the area and it will also be an incentive to move forward with the rest of the development. Bill Fredericks with RGS Associates, the engineer for the applicant, clarified that the roundabout still needs to be approved by PennDOT but the planning process is moving forward.

Member Rowe noted that there should be an intersection control evaluation for any major intersection. The evaluation looks at the costs and possible improvements of an intersection. Historically, the developer would request approval from PennDOT for the installation of a traffic signal because that is what they are used to for accommodating their traffic; however, roundabouts or alternate forms of traffic control also work. The intersection control evaluation analyzes different alternatives, the cost effectiveness of those alternatives, and the life cycle of the alternatives. Member Rowe thinks the Township should be requiring the completion of an intersection control evaluation at the major intersections with any traffic impact study. He asked if that was done for this development’s traffic impact study. Mr. Emerick responded that he did not know since HRG reviewed the traffic study. He will look into that prior to the next meeting Planning Commission meeting. Chairman Santostefano agreed with Member Rowe’s comments about requiring an intersection control evaluation, given the assumption that the Bullfrog Valley Road/Life Lion Drive intersection will become much busier with the Hershey West End development.

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Ken Gall, Hershey Trust Company, commented that a roundabout at the Bullfrog Valley Road/Life Lion Drive intersection might be difficult to achieve because of the floodplain and wetlands. He suggested that Penn State Health should be involved in that funding and planning process if they intend to further expand their campus in the future. Member Rowe agreed that it might make sense to hold off on evaluating that intersection until Penn State Health's plans are known.

Secretary Wilson inquired if there needs to be a conservation easement around Bullfrog Valley Creek, as he did not see anything in Mr. Emerick's review comments or on the plans. Mr. Fredericks stated that the easement might have been established with the Englewood Barn project. Mr. Emerick noted that the easement is required by the Township's Stormwater Management Ordinance, so the applicant should confirm that it is shown on the plans.

Public Comment:

Andy Andrews, 404 Hockersville Road, stated that he is working on a story for *The Sun* and asked if he could get a copy of the applicant's rendering to put in the paper. He then noted that, per the review comments, the site and zoning data values are not consistent and asked for clarification on the matter. Mr. Fredericks responded that this plan is for putting in the infrastructure for the roads, and a lot of the site and zoning data relates to the Master Plan and setbacks for buildings. Plat 1330 is not proposing any buildings. Mr. Fredericks thinks some of the discrepancies are related to building setbacks from the Master Plan approval.

Mr. Andrews inquired if an intersection control evaluation was done for the West End roundabout. Mr. Emerick repeated that he was not sure if the evaluation had been done and he will look into the matter and report back to the Planning Commission at their next meeting. Mr. Fredericks noted there was an initial scoping application with PennDOT in coordination with the Township and the applicant and that helped identify the locations that needed to be evaluated for the traffic impact study. What still needs to be determined is if the specific intersection control evaluation that Member Rowe discussed was conducted for the proposed roundabout. Mr. Gall noted that this road system was part of the Master Plan review and there was a lot of opportunity for comment on the road system at that time.

MOTION ON WAIVERS

On a motion made by Secretary Wilson, seconded by Member Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers be granted from the Subdivision and Land Development Ordinance:

- a. From Section 185-13.E.(3) regarding plan scale.
- b. From Section 185-13.E.(4).(a).[9] regarding depicting existing features within 50 feet of the tract.
- c. From Section 185-13.E.(4).(a).[36] regarding depicting existing contours within 50 feet of the site.

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- d. From Sections 185-13.E.(4).(a).[19], [20], and [21] regarding providing profiles of existing utilities.

MOTION TO TABLE PLAT 1330

On a motion made by Secretary Wilson, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission tabled taking action on Plat 1330.

Mr. Gall granted a 30-day extension of time for the Board of Supervisors to take action on Plat 1330.

B. Review and recommendation of the Final Land Development Plan for Cacao Way, Plat 1331

Mr. Emerick explained that this plan proposes to raze the existing former Milton Hershey School student home at 50 Northeast Drive and construct a 4-story, 75-unit market rate apartment building. The units are proposed to be comprised of 39 one-bedroom units and 36 two-bedroom units.

Mr. Emerick listed the waivers requested by the applicant from the Subdivision and Land Development Ordinance, and the additional waivers he suggested the applicant request. Mark Hackenburg, RGS Associates, formally requested the waivers suggested by Mr. Emerick.

Chuck Emerick reported that the applicant has agreed to table the plan, due to the number of review comments. Dave Getz, attorney for the applicant, granted a 30-day extension of time for the Board of Supervisors to take action on Plat 1331.

Mike Wood, HRG, summarized their plan review comments.

Mr. Hackenburg noted that one of the conditions that was raised during the review of the Master Plan for this project was the concern for cut-through traffic. The condition in the Conditional Use Decision referenced the inclusion of a speed bump. The applicant had concerns about integrating a speed bump into the middle of a parking lot. What the applicant is proposing is a raised speed table adjacent to the entrance of the proposed building. It is also a walkway that extends to a small outdoor living area. Chairman Santostefano agreed that is a good alternative solution to a speed bump.

MOTION ON WAIVERS

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

- a. From Section 185-13.E.(4).(a).[21] regarding providing profiles for existing water and gas systems.
- b. From Section 185-13.E.(4).(a).[19] regarding providing profiles for stormwater conveyance systems. The applicant shall amend their waiver request letter and plan notation to include this section.

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- c. From Section 185-13.E.(4).(a).[20] regarding providing profiles for sanitary sewer systems. The applicant shall amend their waiver request letter and plan notation to include this section.
- d. From Section 185-18.D to be permitted to set a railroad spike or a magnetic nail instead of a concrete monument within the southern driveway of the site. The applicant shall amend their waiver request letter and plan notation to include this section.
- e. From Section 185-31 regarding providing street trees. The applicant shall amend their waiver request letter and plan notation to include this section.

MOTION TO TABLE PLAT 1331

On a motion made by Member Tunnell, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission tabled taking action on Plat 1331.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion by Secretary Wilson, seconded by Member Tunnell, and a unanimous vote, the meeting adjourned at 7:13 p.m.

Respectfully submitted,

Thomas P. Wilson
Planning Commission Secretary

Submitted by:

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