

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
December 8, 2020**

**CALL TO ORDER**

The Tuesday, December 8, 2020 Derry Township Planning Commission meeting, which was conducted via video conference (Zoom Webinar) due to COVID-19, was called to order at 5:59 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; Glenn Rowe; Matt Tunnell

Commission Members Absent: None

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

Public Attendance (*via video conference*): Terri Delo, Integrated Development Partners; Stacy Longenecker, Light-Heigel & Associates; Andy Andrews, *The Sun*; Karla Mitchell, Ronald McDonald House; Carrie Strong

**APPROVAL OF MINUTES**

On a motion made by Member Tunnell, seconded by Member Rowe, and a unanimous vote, the Planning Commission approved the minutes from the November 3, 2020 meeting, as written.

**OLD BUSINESS**

**A. Report on the Board of Supervisors' action regarding the Final Land Development Plan for Cacao Way, Plat 1331**

Chuck Emerick reported that the Board of Supervisors approved the plan in accordance with the Planning Commission's recommendation.

**NEW BUSINESS**

**A. Review and recommendation of the Preliminary/Final Subdivision Plan for Hershey Trust Company and the Commonwealth of Pennsylvania, Plat 1334**

Mr. Emerick explained that the catalyst for this plan is the Pennsylvania State Police Academy's need to update and expand their facilities. Hershey Trust Company controls the lands to the north and south of the existing Police Academy that the Commonwealth of Pennsylvania (TCOP) needs to acquire in order to ensure the continued success of the Police Academy in Hershey. Hershey Trust Company is also taking this opportunity to establish proper property boundaries for their lands in the immediate area and to obtain subdivision approvals for the de facto subdivisions. The applicants are not proposing

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any construction on any of the lands as a part of this subdivision plan; therefore, no considerations for traffic or stormwater are necessary.

Mr. Emerick reviewed the waivers and deferments that have been requested from the Subdivision and Land Development Ordinance. Stacy Longenecker of Light-Heigel & Associates represented the applicants. Per Mr. Emerick's recommendation, Mr. Longenecker withdrew the applicants' request for a waiver from Section 185-12 of the Subdivision and Land Development Ordinance regarding preliminary plan procedure.

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

Secretary Wilson asked if the applicants have any issues with the review comments. Mr. Longenecker responded that the applicants have no problems with addressing the comments.

**MOTION ON WAIVERS AND DEFERMENTS**

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 and deferments be granted from the Subdivision and Land Development Ordinance:

- a. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of stormwater systems, sanitary sewer systems, and gas and water systems.
- b. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale, with the condition that applicants correct the section references for these waivers in the supporting information provided.
- c. Waiver from Section 185-34.A.(1) regarding sidewalk installation along all road frontages except along Hersheypark Drive and Laudermilch Road south of Hersheypark Drive, so long as the applicants offer the fee in-lieu of installation in accordance with Section 185-34.A.(4).
- d. Deferment from Section 185-34.A.(1) regarding sidewalk installation along Hersheypark Drive and Laudermilch Road south of Hersheypark Drive, with the stipulation that the owner of the adjacent properties enters into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- e. Deferments from Section 185-22.D.(2) and Section 185-22.E regarding cartway widths and curb installation, with the stipulations that the applicants revise Sheet 1 of the plan and the supporting information to also reference Section 185-22.E for curbs (Section 185-22.D.(2) only relates to right-of-way and cartway widths), and that the property owner enters into an agreement with the Township that would allow the Township to require additional cartway width and curb installation in the future if deemed necessary.

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- f. Waiver from Section 185-49.A regarding a wetlands determination.
- g. Waiver from Section 185-31 regarding landscaping and shade trees.

**MOTION ON PLAT 1334**

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 Plat 1334 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the November 25, 2020 HRG letter.
- c. The comments in the December 1, 2020 Dauphin County Planning Commission review report.

**B. Review and recommendation of the Preliminary/Final Subdivision and Lot Consolidation Plan for Ronald McDonald House Charities of Central Pennsylvania and Parcel ‘D’ of the Crest of Hershey, Plat 1335**

Mr. Emerick explained that this plan is submitted by the Ronald McDonald House Charities of Central Pennsylvania (RMH) as a subdivision and lot consolidation plan. The plan shows the subdivision of approximately 0.99 acres from the lands of the Crest of Hershey for transfer into the property holdings of RMH to create an approximately 2.9-acre tract. The existing RMH parcel contains uses approved by three prior land development plans and a few Zoning Hearing Board decisions. The existing homes being acquired by RMH may only be used as long-term rentals until such time as RMH may seek to expand their nonconforming use to those structures or in some other way develop that portion of property. The property is affected by an agreement entered into by the applicant and the neighbor to the rear, the Crest of Hershey Homeowners Association. The agreement includes landscaping installation and maintenance to help buffer the existing main building from the Crest property. There are no stormwater or traffic concerns related to this plan since it proposes no new development.

Mr. Emerick reviewed the waivers and deferments that have been requested from the Subdivision and Land Development Ordinance. Terri Delo, Integrated Development Partners, represented the applicant. Per Mr. Emerick’s recommendation, Ms. Delo withdrew the applicant’s request for a waiver from Section 185-13.(E).(4).(a).[9] of the Subdivision and Land Development Ordinance regarding showing existing features within 50 feet of the tract of land to be subdivided.

Mr. Emerick and Matt Bonanno, HRG, went over their plan review comments.

Member Rowe commented that it appears as though a portion of the adjacent property’s driveway is located within the Ronald McDonald House’s property line and asked if that should be addressed as part of this plan. Mr. Emerick stated that according to a prior land development plan for Ronald

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McDonald House, the driveway had encroached onto the Ronald McDonald House property by a lot, but a portion of it was to have been saw cut and removed. At a minimum, the applicant should look for an existing easement for the encroaching driveway. Member Rowe asked if the driveway will meet PennDOT Highway Occupancy Permit (HOP) requirements after the matter is resolved regarding the encroachment. Mr. Emerick noted that the sidewalk that Ronald McDonald House installed goes up to and then along the side of the driveway, so he does not know if there is any dispute between the property owners since it appears as though the encroachment was reduced. He would imagine that what needed to be done, HOP-wise, was done at the time. Mr. Emerick suggested that the Planning Commission could include a condition in their recommendation that the applicant should provide dimensions on the plan showing the offset of the driveway to the property line so that interested parties can be made aware of the situation.

Concerning the applicant's waiver requests from Section 185-12.D.(3).(a).[9] regarding showing existing features within 200 feet of the tract to be subdivided and Sections 185-12.D.(3).(a).[21], [22], and [23] and 185-13.E.(4).(a).[19], [20], and [21] regarding showing plan views of proposed and existing storm sewer or conveyance systems, sanitary sewer, gas, and water systems, Ms. Delo asked Mr. Emerick to confirm that he is recommending approval of the waivers if the applicant includes on the plan all of the stormwater facilities that are missing within the Ronald McDonald House property. Ms. Delo stated that the applicant did a traditional survey of what they are calling the 'survey area' (the Ronald McDonald House property and the .99 acres to be subdivided from the Crest), so they thought they needed the waiver for the residual 22-acre Crest tract to not have to provide a plan view or traditional survey of that entire area. Based on what Mr. Emerick said, Ms. Delo thinks it sounds more like he is looking for the applicant to supplement what was already provided in terms of the plan view and then to remove the waiver request since the information is being provided. Mr. Emerick replied that he could recommend approval of the waiver, limited to the area of survey, as long as plan views are provided.

Concerning the applicant's waiver request from Section 185-13.(E).(4).(a).[38] regarding restrictions on the use of the subject land including easements, rights-of-way, and covenants, Ms. Delo inquired if that is able to be confined to the survey area versus the 22-acre residual tract of The Crest. Mr. Emerick answered no. The Township wants to see the information on the 22-acre residual tract as well because it is being subdivided and the Township wants to be sure that there are no existing easements or restrictions that may affect the subdivision.

Ms. Delo asked Mr. Emerick if any imminent road widening or additional right-of-way projects are planned for Governor Road. The applicant is concerned that entering into a roadway widening deferment agreement with the Township will result in the applicant having to relocate the sidewalk along the frontage of their property. Mr. Emerick responded that the deferment agreement would be limited to roads that do not currently meet Township standards, such as Hillview Lane and Briarcrest Drive, which currently have substandard rights-of-way. He is not aware of any proposed improvements to Hillview Lane or Briarcrest Drive. Mr. Emerick thinks there is adequate cartway width and right-of-way for Governor Road.

Karla Mitchell, Ronald McDonald House Charities, thanked the Planning Commission for their time.

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MOTIONS ON WAIVERS

On a motion made by Vice Chairwoman St. John, seconded by Member Tunnell, 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).1 and 185-13.(E).1 regarding plan sheet size to allow plan sheets sized 24" x 36" (ARCH D).
- b. Waiver from Section 185-12.D.(3).(a).[9] regarding showing existing features within 200 feet of the tract of land to be subdivided.
- c. Waivers from Sections 185-12.D.(3).(a).[21], [22], and [23] and 185-13.E.(4).(a).[19], [20], and [21] regarding showing profiles of proposed and existing storm sewer or conveyance systems, sanitary sewer, gas, and water systems.
- d. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale not smaller than 1" = 50'.
- e. Waiver from Section 185-12.D.(3).(a).[35] regarding showing topographic land contours at minimum vertical intervals of two feet on the tract of land to be developed or subdivided and within 200 feet of the perimeter.
- f. Waiver from Section 185-13.E.(4).(a).[36] regarding showing topographic land contours at minimum vertical intervals of two feet on the tract of land to be developed or subdivided and within 50 feet of the perimeter.
- g. Deferments from Sections 185-22.D.(2) and (3) regarding right-of-way dedication, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require additional right-of-way width in the future if deemed necessary.
- h. Deferments from Sections 185-22.D.(2) and (3) regarding road widening, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require additional cartway width in the future if deemed necessary.

On a motion made by Vice Chairwoman St. John, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waiver from the Subdivision and Land Development Ordinance be denied:

- a. Waiver from Section 185-13.(E).(4).(a).[38] regarding showing all restrictions on the use of land including easements, rights-of-way, and covenants.

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MOTION ON PLAT 1335

On a motion made by Vice Chairwoman St. John, seconded by Member Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1335 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the November 16, 2020 HRG letter.
- c. The comment in the December 3, 2020 DTMA letter.
- d. Regarding the portion of the western adjacent property's driveway that is located on or very close to the Ronald McDonald House property, provide dimensions showing the offset of the driveway to the property line.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

On a motion made by Secretary Wilson, seconded by Member Tunnell, and a unanimous vote, the meeting adjourned at 6:47 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*)