

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
January 5, 2021**

CALL TO ORDER

The Tuesday, January 5, 2021 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 Member Don Santostefano.

ROLL CALL

Commission Members Present (*via video conference*): Don Santostefano; Tom Wilson; Glenn Rowe; Matt Tunnell

Commission Member Absent: Joyce St. John

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*): Craig Raynor, Greg Rogalski – Pennoni Associates; Cynthia and Randy Eckels; Dave Getz, Wix, Wenger & Weidner; Jack Raudenbush, Navarro & Wright; Daniel Urie; David Buffington, *The Sun*; Donovan Oberholtzer; Jere Stauffer; Kate Millikan, David Tshudy – Troutman Pepper; Melanie Boehmer, Kate Dattilo – Milton Hershey School; Sean Concannon; Ken Gall, Hershey Trust Company

APPROVAL OF MINUTES

On a motion made by Member Wilson, seconded by Member Rowe, and a unanimous vote, the Planning Commission approved the minutes from the December 8, 2020 meeting, as written.

REORGANIZATION

Member Tunnell made a motion that the offices of Chairman, Vice Chairman, and Secretary be filled for 2021 as follows:

Chairman – Tom Wilson
Vice Chair – Glenn Rowe
Secretary – Matt Tunnell

Member Rowe seconded the motion, which was passed unanimously.

OLD BUSINESS

None.

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NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2020-05 for Milton Hershey School Early Childhood Education Center, as filed by Hershey Trust Company, Trustee for Milton Hershey School

Mr. Emerick reported that this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.52 of the Code of the Township of Derry. The applicant proposes to establish a Group Child Care Facility on property located at the southwest corner of the intersection of Governor Road and Homestead Road. Within their application, they identify the use as an “Early Childhood Education Center” (the “ECE”). The lot proposed for development will be created by reconfiguring Lots 1, 2, and 3 as shown on the plan accompanying the application. The subject property is located in the Hershey Mixed Use zoning district, and portions of the property are located in the Compact Development Overlay, Governor Road Overlay, Homestead/Fishburn Roads Overlay, and Floodplain Overlay districts. The owner of record is Hershey Trust Company. The Zoning Ordinance defines a Group Child Care Facility as “A building or structure other than an occupied dwelling unit, where care, protection and supervision are provided on a regular schedule, at least once a week to more than six children.”

Mr. Emerick reviewed the required performance standards for the Conditional Use and the applicant’s responses as to how they will meet the standards.

Member Santostefano asked if the proposed entry and egress from the site will only be from Homestead Road. Mr. Emerick answered yes. Member Santostefano inquired if there are any issues with impervious cover at this time. Mr. Emerick stated there are no issues. The applicant is providing a substantially sized lot for the proposed use.

In response to a question from Vice Chairman Rowe, Mr. Emerick stated that the applicant is re-establishing lot lines. Vice Chairman Rowe commented that, looking at the proposed new lot lines, Lot 1 will be the sizeable lot (74.32 acres) and if it is developed in the future, it appears as though the vehicular access to the lot would have to be from Governor Road, which Vice Chairman Rowe finds concerning because of the high volume of traffic on Governor Road. He asked if the applicant can reconfigure the lot lines so that Lot 1 accesses Homestead Road instead of Governor Road. Mr. Emerick noted that Lot 1 presently has access to Cocoa Avenue. Vice Chairman Rowe responded that accessing Cocoa Avenue would mean crossing a floodplain. Additionally, Cocoa Avenue probably has a higher traffic volume than Homestead Road.

Ken Gall, Hershey Trust Company, stated that the applicant is only creating the Lot 2 for the proposed use. An adjustment to the lot lines would occur when the rest of the parcel is developed. There would have to be traffic studies done as to where the best access point would be. He agreed that no one would want the access point to be on Governor Road. Hershey Trust Company does not want to draw lot lines until they know exactly what will happen with the remainder of the parcel. It will be a long time until they know what development is proposed for the rest of the parcel.

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David Tshudy with Troutman Pepper, counsel to Hershey Trust Company, stated that he agrees with Mr. Gall but he also appreciates Vice Chairman Rowe's point about using the creation of Lot 2 as an opportunity to redraw lot lines so that Lot 1 has access to Homestead Road. The lines are going to be redrawn in the future when the rest of the property is developed; however, he does not see a problem with addressing Vice Chairman Rowe's concern now. Mr. Emerick commented that the applicant may want to create a vehicular access easement across Lot 3 from Lot 1 to Homestead Road for the time being instead of reconfiguring lot lines.

Member Santostefano stated that he thinks Mr. Gall's point is well taken that we do not know what the future holds, but it sounds like Mr. Tshudy is in agreement that the applicant can at least show an easement rather than a change in lot lines. In the future, whoever owns Lots 1 and 3 can make a decision to request a change in the easement location relative to the plan that might be developed at that time. It concerns Member Santostefano that wherever the lot lines are drawn now may not make sense in the future, but he thinks we need to recognize the fact that we want Lot's 3 access point to be on Homestead Road and not on Governor Road.

Member Santostefano inquired if Hershey Trust Company owns the Balsbaugh Church land. Mr. Gall answered no. Member Santostefano commented that it would be nice to have the walk installed between Homestead Road and Cocoa Avenue, if possible, because it would allow for Milton Hershey School people and others to walk between the proposed Early Childhood Education Center and Cocoa Avenue. Mr. Tshudy noted that there will be a bike path that will run behind B&G Family Center and the church.

Vice Chairman Rowe asked if the children who will go to the Early Childhood Education Center live in the area and their parents will drop them off. Kate Dattilo, Milton Hershey School, responded that unlike Milton Hershey School, the center will be nonresidential in nature so daily transportation will be a part of the program. The applicant currently anticipates a drop off window in the morning that may last for an hour or longer. Operating hours are expected to be 7:00 AM to 6:00 PM. The applicant is working with a research partner to conduct a community needs assessment, and that will inform the final operating hours. The window of time for evening pickup will reflect parents' needs. The applicant is exploring the option of providing transportation as well.

Member Santostefano asked if the Early Childhood Education Center will be open to the public. Ms. Dattilo explained that a couple of years ago, Milton Hershey School engaged in a comprehensive multi-year study to think about different ways to expand its impact and to enhance the vision of Milton and Catherine Hershey. Through that process, and as informed by data and various experts, the School formed a vision for the Early Childhood Education Center. The center will serve a similar population of children from disadvantaged backgrounds, but it will be within a nonresidential setting.

Vice Chairman Rowe inquired if there would be parents who would need to have pedestrian access from the B&G Family Center to the Early Childhood Education Center. Mr. Tshudy said no, as those two programs would be completely separated. Vice Chairman Rowe asked what the B&G Family Center is used for currently. Ms. Dattilo responded that the Family Center supports Milton Hershey School students' parents and sponsors. For example, it is a place where parents can stay if they need to travel to the area to visit an ill child. Occasionally the Family Center is used for admissions visits. It

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relieves the burden of needing to find lodging for Milton Hershey School families. Vice Chairman Rowe noted that parents who are coming to the area might want to have access to the trail and they will probably walk through the grass to get there.

Mr. Tshudy noted that when the land development plan is processed for this project, the applicant intends to request a waiver of sidewalk installation and instead propose an extension of the existing Jonathan Eshenour Memorial Trail for the frontage on Governor Road and the frontage of Lot 2 on Homestead Road, and request a deferral of sidewalk installation for the remainder of the frontage on Homestead Road and Bachmanville Road.

Chairman Wilson stated that it appears there is agreement to amend the plan before it goes to the Board of Supervisors to address the matter of Lot 1 having a connection to Homestead Road. Mr. Tshudy responded that the applicant agrees to the Planning Commission adding a condition to their recommendation that the applicant amends their plan to include some kind of access easement or lot line change to have Lot 1 fronting on Homestead Road. He added that the access easement would be the better choice.

MOTION

On a motion made by Member Santostefano, seconded by Vice Chairman Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2020-05 be granted with the following conditions:

- A. The applicant shall revise the plan before its presentation to the Board of Supervisors at the January 26, 2021 hearing to add an easement across Lot 3 for the purpose of allowing Lot 1 to have vehicular access to Homestead Road.
- B. The facility operators shall meet all State and Federal licensing and registrations requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers, et. seq., to the Derry Township Community Development office prior to issuance of a final certificate of use and occupancy for the facility.
- C. Indoor and outdoor play areas shall be provided for Group Child Care Facility in accordance with State and Township requirements.
- D. Outdoor play areas shall be provided for the Group Child Care Facility in accordance with Sections 225-501.52.B.1 through 3 of Chapter 225 (Zoning) of the Code of the Township of Derry as it related to location and enclosures.
- E. The applicant shall process and gain all approvals of a subdivision and land development plan in accordance with Chapter 185 (Subdivision and Land Development) of the Code of the Township of Derry.
- F. The developer shall construct, install, or modify the adjacent roadways and traffic facilities in accordance with the final approval of the Transportation Impact Study for the

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project.

- G. Site development shall be in accordance with all applicable Federal, State, County, and Township laws and regulations.
- H. The granting of approval of the Conditional Use request shall not relieve the applicant from filing for and receiving any approval, permit, land development, subdivision, or site plan that may be required in accordance with all applicable Federal, State, County, and Township laws, regulations and/or requirements or from otherwise complying with all applicable laws, regulations and/or requirements.
- I. The granting of approval of the Conditional Use by the Board of Supervisors shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 24 months from the date of the grant of approval of the Conditional Use, except as may be extended by applicable law.
- J. The developer shall construct the improvements in general compliance with the plans and specifications submitted to the Board of Supervisors during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally approved and permitted, require modifications not contrary to the Conditional Use requirements due to other approvals, permits, land development, subdivision, or site plan approvals that may be required in accordance with all applicable Federal, State, County, and Township laws, regulations and/or requirements, no additional action by the Board of Supervisors shall be required.

B. Review and recommendation of the Preliminary/Final Subdivision Plan for Dennis L. Burd and Karin M. Burd, Plat 1336

Mr. Emerick explained that this plan proposes to further subdivide the lands of Dennis L. and Karin M. Burd located along Middletown Road. The property is within the Planned Campus West zoning district and is also subject to the Middletown Road Overlay. Lots 1, 2, 3, 4, and R (residue) were created in 2002 by the Subdivision and Land Development Plan of Dennis Burd, Plat 981. Plat 981 also proposed land development details for Lot 1 as a Turkey Hill Minit Market. Lot R contained the garden center operated by Stauffers of Kissel Hill. Lot 3 was developed as a car wash and lubrication facility (Plat 1125) and Lot 2 was developed as The Goddard School (Plat 1202). Lot 2 was enlarged by 1.077 acres for future development by Plat 1318. Lot 4 remains undeveloped. One of the purposes of the planning done through these plats was to provide an access road to service the commercial development, thus avoiding multiple driveway connections to Middletown Road. With that background, Lot R is being subdivided to create a new lot around the Stauffers of Kissel Hill improvements, to be identified as Lot 5. Lot 5 has access to Middletown Road and Dartmouth Road. Lot 5 presently also has access to Kaylor Road; however, that access will be severed when The Goddard School begins its expansion. Another element of Plat 1336 is to reconvey Lot 4 back to Lot R because without it, Lot R will not have any road frontage. Lot R will have a final lot area of 9.425 acres.

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Mr. Emerick stated that a total of 71 vehicle parking spaces exist on the property, although the plans do not identify any required handicapped-accessible spaces, nor does it identify the square footage of the outdoor display area; therefore, the number of required parking spaces cannot be verified. The project narrative notes that 107 parking spaces would be required. The standard by which parking must be calculated is based on one space per 200 square feet of retail floor area, plus 1 space per 500 square foot of outdoor display area. These areas should be documented on the plans; however, any deficiencies would be considered grandfathered for this existing use. If the use is changed, required parking would need to be provided. It is recommended that the applicant determine if the additional parking can be provided on the lot without the necessity of any future zoning relief. Stormwater and traffic information is not necessary since this subdivision does not propose any new development. This plan also continues to promote the “by-pass” road to serve any future development of Lot R. This by-pass road first appeared on a sketch plan (Plat 1310), in an effort to promote good planning by limiting access points to Middletown Road, which is consistent with the Township’s Comprehensive Plan and Zoning Ordinance.

Mr. Emerick reviewed the waiver from the Subdivision and Land Development Ordinance that was requested by the applicant and noted that there are several additional waivers and deferments that the applicant should request. Dave Getz of Wix, Wenger & Weidner requested the additional modifications on behalf of the applicant.

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

Chairman Wilson commented that, based on Dauphin County Tax Assessment’s GIS mapping, it appears there are more buildings on the southwest corner of the lot along Dartmouth Road than what is shown on the Existing Conditions plan. These buildings should be added to the Existing Conditions plan to ensure accurate representation of impervious coverage.

Chairman Wilson is concerned with the alignment of the intersection of the proposed access drive and Dartmouth Road. As shown on Plat 1336, the access drive is not perpendicular to Dartmouth Road. Mr. Emerick referenced the sketch plan for this property (Plat 1310) that the Planning Commission reviewed several months ago, which proposes a realignment of the intersection of the access drive and Dartmouth Road. Chairman Wilson inquired if Plat 1336 should be representative of what was depicted on the sketch plan. Mr. Emerick responded that in some ways it is. When the sketch plan was reviewed, it was noted that the radii needed to be revised when shown on a formal land development plan. However, the rest of the geometry shown on Plat 1336 represents the configuration on the sketch plan.

Jack Raudenbush, Navarro & Wright, stated that he understands the review comments and can make the necessary revisions to the plan. Mr. Getz added that the applicant will submit the additional waiver and deferment requests in writing.

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MOTION ON WAIVERS AND DEFERMENTS

On a motion made by Secretary Tunnell, seconded by Vice Chairman Rowe, 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.(2) and 185-13.E.(3) regarding showing the property at a minimum scale of 1" = 50', with the stipulation that the consultant clearly shows all plan information at 1" = 60'.
- b. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding the preparation of profiles for all existing storm sewer, sanitary sewer, water, and gas lines within the property.
- c. Deferment from Sections 185-22.D.(2) and (3) regarding road widening, with the stipulation that the owners enter into an agreement with the Township that would allow the Township to require the roadway widening in the future if deemed necessary.
- d. Deferment from Section 185-34.A.(1) regarding sidewalk installation, with the stipulation that the owners enter into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- e. Deferment from Section 185-22.E.(5) regarding curb installation, with the stipulation that the owners of the adjacent properties enters into an agreement with the Township that would allow the Township to require the installation of curbs in the future if deemed necessary.

MOTION ON PLAT 1336

On a motion made by Secretary Tunnell, seconded by Member Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1336 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 December 14, 2020 HRG letter.
- c. Comments 4 and 8 in the December 28, 2020 Dauphin County Planning Commission staff review report.

OTHER BUSINESS

None.

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ADJOURNMENT

On a motion made by Secretary Tunnell, seconded by Member Santostefano, and a unanimous vote, the meeting adjourned at 7:03 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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