

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
March 2, 2021**

CALL TO ORDER

The Tuesday, March 2, 2021 Derry Township Planning Commission meeting, which was conducted via video conference (Zoom Webinar) due to COVID-19, was called to order at 6:00 p.m. by Chairman Tom Wilson.

ROLL CALL

Commission Members Present (*via video conference*): Tom Wilson, Chairman; Glenn Rowe, Vice Chairman; Matt Tunnell, Secretary

Commission Members Absent: Don Santostefano; 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, Pennoni Associates, Inc.; Melanie Boehmer, Milton Hershey School; Tim Anderson, Troutman Pepper; Stacy Longenecker, Light-Heigel & Associates; Ken Gall, Hershey Trust Company; Daniel Urie; Dave Vagnoni; David Buffington, *The Sun*; Filip J. Malysz

APPROVAL OF MINUTES

On a motion made by Secretary Tunnell, seconded by Vice Chairman Rowe, and a unanimous vote, the Planning Commission approved the minutes from the February 2, 2021 meeting, as written.

OLD BUSINESS

- A. Report on the Board of Supervisors' action regarding 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**

Chuck Emerick explained that the Board of Supervisors adopted a Decision granting authorization for the requested Conditional Use.

- B. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for Hershey Trust Company and the Commonwealth of Pennsylvania, Plat 1334**

Mr. Emerick reported that the Board of Supervisors approved the plan as recommended by the Planning Commission, with the exception of some modifications that were made to the requested sidewalk waivers and deferments. Normally the Township requires a fee in-lieu of sidewalk installation when a waiver is granted; however, in this case the applicant was able to show that they donated millions of dollars when Hersheypark Drive was extended, and they asked for relief from providing the fee. The Supervisors granted the request for relief with the understanding that many

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aspects of this plan were caused by the fact that Hersheypark Drive was extended because it intersected the applicant's property, creating remnants of land.

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan for Hershey Trust Company, Plat 1338

Mr. Emerick explained that Hershey Trust Company is proposing to subdivide a 6.115-acre lot, identified as Lot 3, from a tract of land containing approximately 234.3 acres of area, identified as Lot 2 and comprised of two tracts. Lot 2 -Tract 1 is located in the Planned Campus South zoning district, Lot 2 – Tract 2 is located in the Conservation zoning district, and the frontage along Fishburn Road is within the Homestead Road/Fishburn Road Overlay (Overlay 11). Proposed Lot 3 contains a former student home (Ridgeway) that was last used as an office for Brownstone Realty. The office use was permitted through a Conditional Use approval (Application No. 2000-02) for a "unique building" where it was shown that the building met the criteria of the Zoning Ordinance to be utilized as a professional office. It is Mr. Emerick's understanding that the professional office use will continue. The applicant is not proposing 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 from the Subdivision and Land Development Ordinance that were requested by the applicant. Regarding the waiver from Section 185-31 for landscaping and shade trees, Mr. Emerick stated that he can only recommend this waiver be granted for the portion of the property frontage on McCorkel Road. The frontage on Fishburn Road is in the Homestead Road/Fishburn Road Overlay (Overlay 11), which requires trees to be planted in accordance with Chapter 201 (Street Trees) of the Township Code of Ordinance, unless relief is sought by the applicant and granted by the Zoning Hearing Board. Ken Gall, Hershey Trust Company, commented that planting trees as required by Chapter 201 is doable, with the possible exception of the area in front of the existing Vian building, where there is a retaining wall. He does not want to plant trees that will push against the retaining wall. Mr. Emerick agreed and noted that the Shade Tree Commission may be willing to make adjustments to the required spacing of the trees in that area when they make their recommendation.

Mr. Emerick stated that the applicant should also request waivers from Sections 185-22.D.(2) and (3) regarding required right-of-way width so that the dedicated right-of-way does not include a portion of the existing building. Stacy Longenecker, Light-Heigel & Associates, requested the waivers on behalf of the applicant.

Mr. Emerick went over his plan review comments. In response to Mr. Emerick's review comment "*Propose lot lines that are perpendicular to the street centerline for at least the minimum lot depth or request a waiver from Section 185-30.F*", Mr. Gall, stated he thinks Hershey Trust Company would request the waiver rather than making an adjustment to the property line because it follows a historical tax ID parcel.

Chairman Wilson asked if the applicant had an opportunity to review the written reports from Township staff and other agencies, and if they have any issues addressing the review comments. Mr.

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Longenecker confirmed that the applicant will be able to address the comments. They also agree to formally request additional waivers and amend existing waiver requests per the review comments.

Matt Bonanno, HRG, went over his plan review comments. He asked Mr. Emerick if the bike/pedestrian trail proposed by the applicant should be included in the financial security estimate. Mr. Emerick replied that the additional required trees should be included in the financial security estimate; however, the proposed trail should be handled by an Agreement between Hershey Trust Company and the Township. Mr. Bonanno noted that comment 18 in the February 16, 2021 review letter should be revised to *“Provide a financial security estimate for HRG’s review and include the additional required trees, as well as the monuments and pins, in the estimate.”*

Diane Myers-Krug, Dauphin County Planning Commission staff representative, went over her plan review comments.

There was no public comment.

MOTIONS 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.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing 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 applicant corrects the section references for these waivers on the plan and in the supporting information provided.
- c. Deferment from Section 185-34.A.(1) regarding sidewalk installation along all road frontages, with the stipulation that Hershey Trust Company enters into the appropriate agreements with the Township regarding their proposal for a future bicycle/pedestrian trail connection.
- d. Waivers from Section 185-22.D.(2) and Section 185-22.E regarding cartway widths and curb installation related to Plat 1338.
- e. Waiver from Section 185-49.A regarding a wetlands determination.
- f. Partial waiver from Section 185-31 regarding providing shade trees, ONLY for the portion of the property fronting on McCorkel Road.
- g. Waivers from Sections 185-22.D.(2) and (3) regarding the required right-of-way width so that the dedicated right-of-way does not include a portion of the existing building.

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- h. Waiver from 185-30.F regarding lot lines being perpendicular to the street centerline.

Secretary Tunnell made a motion that the Planning Commission make a recommendation to the Board of Supervisors that the following waiver from the Subdivision and Land Development Ordinance be DENIED:

- a. Partial waiver from Section 185-31 regarding providing shade trees along the Fishburn Road frontage of the property.

Vice Chairman Rowe seconded the motion.

Chairman Wilson asked if the Planning Commission needs to mention that they are recommending the waiver be granted in part for the portion of the property fronting on McCorkel Road. Mr. Emerick responded that there is no harm in doing so.

Secretary Tunnell amended his motion to note that the Planning Commission recommends the waiver be granted in part for the portion of the property fronting on McCorkel Road. Vice Chairman Rowe seconded the amended motion, which was passed by a unanimous vote.

MOTION ON PLAT 1338

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 Plat 1338 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report, including adding the term ‘Ridgeway’ to the plan title to help clarify the subject of the project.
- b. The comments in the February 16, 2021 HRG letter, including Mr. Bonanno’s verbal revision to comment 18.
- c. Comment 3 in the February 22, 2021 Dauphin County Planning Commission review report.
- d. Any comments generated by the Shade Tree Commission’s review of the revised plans.

B. Review and recommendation of the Preliminary/Final Land Development Plan for Milton Hershey School Essential Employee Dwellings – Main Campus, Plat 1339

Mr. Emerick explained that the Milton Hershey School campus contains 2,785.86 acres of land; however, this project will only disturb approximately 10.4 acres, including the sanitary sewer main extension. The campus land is predominantly in the Planned Campus South zoning district, with some street-fronting areas containing Overlay 11 (Homestead/Fishburn Roads) and Overlay 5 (Governor Road) designations. This development will not impact any of the areas located within the Overlay districts. The focus of this land development plan is construction of two “essential employee dwelling”

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buildings for the Milton Hershey School. Each structure will contain 5 dwelling units and each building will be sprinklered. The buildings will be served by public sanitary sewer and water facilities. The plans also propose a private hydrant. The dwellings will be accessed from a single new driveway onto Meadow Lane, 150 feet south of Eby Road. The project narrative notes that *“The additional traffic associated with this project is anticipated to be associated from within the existing campus and therefore a traffic study was not performed.”* Mr. Emerick agrees that a traffic study is not necessary for this development. The stormwater management facilities for this development are comprised of an infiltration basin and associated grading and conveyance pipes.

Mr. Emerick reviewed the waivers from the Subdivision and Land Development Ordinance that were requested by the applicant. He noted that the requests regarding the installation of curb and sidewalk should be granted as deferments, not as waivers as requested by the applicant. Tim Anderson, Troutman Pepper, spoke on behalf of the applicant and agreed to the waiver requests being changed to deferment requests for curb and sidewalk installation.

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

Mr. Anderson confirmed that the applicant received copies of the review comments and they do not have any concerns with addressing the comments.

Chairman Wilson inquired if there is any concern that the stormwater point discharge will result in an erosive condition. Mr. Bonanno responded that, based on the applicant’s calculations with the addition of the rip rap apron, the manner of discharge will be acceptable.

Vice Chairman Rowe commented that it seems unusual to only curb the radiuses and the parking and leave everything else open. Craig Raynor, Pennoni Associates, explained that it is similar to how they handled the student housing on Crest Lane. Their reasoning for having the curbing only in certain locations is because service vehicles tend to run off the driveways when they are turning around.

Vice Chairman Rowe inquired about the purpose of the proposed buildings. Melanie Boehmer, Milton Hershey School, explained that the intent of the housing is to provide temporary accommodations for house parents who are in training for the School. After the individuals complete training, which can typically take several months, they will be assigned to a student home. Each apartment in the proposed buildings will have three bedrooms and two bathrooms.

Diane Myers-Krug, Dauphin County Planning Commission staff representative, went over her plan review comments. In response to Ms. Myers-Krug’s comment regarding potentially reducing the number of parking spaces proposed based on the reduced number of units, Mr. Raynor commented that the applicant believes that having parking spaces for two vehicles per unit and one visitor space for every five units seems appropriate.

There was no public comment.

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MOTION ON WAIVERS AND DEFERMENTS

On a motion made by Vice Chairman Rowe, seconded by Secretary 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).[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 showing 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. Partial 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. The applicant shall show soil boundaries in 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.
- 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.

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- 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 only for Plat 1339.
- 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 as it relates to Plat 1339.
- 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, conditional upon any wetlands existing in the project area being depicted.
- 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 Section 185-13.E.(3) regarding minimum plan scale.

MOTION ON PLAT 1339

On a motion made by Vice Chairman Rowe, seconded by Secretary Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1339 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 February 8, 2021 HRG letter.

OTHER BUSINESS

None.

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ADJOURNMENT

On a motion made by Secretary Tunnell, seconded by Vice Chairman Rowe, and a unanimous vote, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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