

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
April 6, 2021

CALL TO ORDER

The Tuesday, April 6, 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; Matt Tunnell, Secretary; Don Santostefano; Joyce St. John

Commission Member Absent: Glenn Rowe, Vice Chairman

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*): Bill Rehkop, DTMA; Michele Buck; Charlie Courtney – McNeese, Wallace & Nurick; David Buffington, *The Sun*

APPROVAL OF MINUTES

On a motion made by Member St. John, seconded by Secretary Tunnell, and a majority vote, the Planning Commission approved the minutes from the March 2, 2021 meeting, as written. Member Santostefano abstained from voting because he was not present at the March meeting.

OLD BUSINESS

A. Report on the Board of Supervisors' action regarding the Final Lot Consolidation and Land Development Plan for Hershey West End – Streets and Infrastructure Phase, Plat 1330

Chuck Emerick reported that the Board of Supervisors approved the plan as recommended by the Planning Commission.

B. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for Dennis and Karin Burd, Plat 1336

Chuck Emerick reported that the Board of Supervisors approved the plan as recommended by the Planning Commission.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
April 6, 2021

NEW BUSINESS

A. Review and recommendation of proposed Ordinance No. 2021-04, amending Chapter 225 (Zoning) of the Code of the Township of Derry by permitting disturbance of slopes greater than 20% for residential structures, subject to certain standards

Mr. Emerick explained that the Board of Supervisors held a public hearing on February 9, 2021 to consider a previous version of Ordinance No. 2021-04, which was brought before the Township via Zoning Amendment Petition No. 2020-01, as filed by Michele Buck. At the February 9, 2021 hearing, it was determined that additional comments from the public should be received and that the ordinance be adjusted as necessary. The Board of Supervisors directed Township Staff, the Township Solicitor, and HRG to review and revise the requested text amendment for further consideration by the Board. Proposed Ordinance No. 2021-04 is the result of that work. The text amendment seeks to modify the language of the Zoning Ordinance related to the identification, treatment, and development of natural steep slopes areas within the Township. This proposed amendment will, in some cases, solve issues where the steep slope “pockets” are more of a nuisance than a true “environmental feature” by requiring regulated steep slope areas to contain at least 200 square feet (about the size of a single parking space). The amendment also proposes that “...*the lesser of 10% or 6,000 square feet of non-man-made slopes that are greater than 20% slope and less than 50% slope existing on each residential lot containing a single-family detached dwelling as of the date of enactment of this Zoning Ordinance shall be permitted to be disturbed for accessory residential use(s) only.*” The proposed amendment includes requirements to ensure that areas of steep slopes that are permitted to be disturbed for residential structures are appropriately stabilized and that any stormwater management concerns are addressed. Prior to the issuance of a zoning or building permit, it requires a detailed topographical survey and plan of the steep slope area carrying a professional seal and a geotechnical report prepared by a registered professional certifying “*the proposed disturbance will not create or exacerbate unsafe conditions.*” Also required are “*An Erosion and Sedimentation Control Plan prepared and proposed by a registered Professional Engineer in Pennsylvania providing for means and measures necessary to stabilize the disturbed slope during construction and thereafter in perpetuity.*” and “*A registered Professional Engineer shall evaluate the proposed changes in landcover ..., identify any potential negative stormwater impacts, and adequately mitigate such impacts and demonstrate compliance with ..., Stormwater Management [regulations] to the satisfaction of the Township Engineer.*” The proposed changes treat any disturbances in a cumulative fashion and also require that the Township is reimbursed for all costs associated with the review of the required information. The revisions also include a provision that any trees removed that are greater than 18 inches in diameter are to be replaced with 2-inch diameter trees at a ratio of 1:1. Additionally, the current regulations also require a buffer to the Jonathan Eshenour Memorial Trail.

Mr. Emerick noted that the Dauphin County Planning Commission is supported of Ordinance No. 2021-04 as revised.

In response to a question from Member St. John, Mr. Emerick stated that any new construction would fall under the existing terms of the Zoning Ordinance. In other words, it would have to avoid the disturbance of steep slopes, with the exception of the 200-square-foot pocket area.

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MEETING MINUTES
April 6, 2021

Member Santostefano commented that this will be a very expensive process, so it appears as though only people of significant means would be able to pursue it. Mr. Emerick responded that the Board of Supervisors felt that since steep slopes are a sensitive environmental resource, the proposed safeguards are necessary.

Chairman Wilson stated that it seems a bit overboard to require a professional geologist's certification in addition to a professional engineer's certification. Matt Bonanno, HRG, Inc., explained that some of that language is already in the Zoning Ordinance. Every site is different, and it is not known what the geology is going to be. He agrees that the language is conservative, but the Board of Supervisors wanted safeguards to protect downstream property owners. Mr. Emerick added that he expects many of the projects that would be subject to these proposed regulations will be located in the sand hills area, which is highly erodible.

Member St. John inquired if the accumulated history of steep slope disturbance will run with the property. Mr. Emerick answered yes.

MOTION

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 Ordinance No. 2021-04 be adopted as written.

OTHER BUSINESS

Derry Township Municipal Authority Southwest Wastewater Treatment Plant Act 537 Special Study
Bill Rehkop, Executive Director of the Derry Township Municipal Authority (DTMA), explained that the Southwest Wastewater Treatment Plant was originally established in 1991 and is located along Swatara Creek Road in Londonderry Township. It presently serves eight residential areas and six major commercial customers located inside and outside of Derry Township. DTMA is mandated by DEP to update or supplement their Act 537 Plan with a "Special Study" in order to upgrade the Southwest Wastewater Treatment Plant. Since the Southwest Wastewater Treatment Plant is located in Londonderry Township and the expansion is meant to primarily serve anticipated needs outside of Derry Township, the Londonderry Township Planning Commission and Board of Supervisors are tasked with approval of the Act 537 Special Study.

Mr. Rehkop will share the draft Act 537 Special Study with the Derry Township Planning Commission purposes for informational purposes.

ADJOURNMENT

On a motion made by Secretary Tunnell, seconded by Member Santostefano, and a unanimous vote, the meeting adjourned at 6:34 p.m.

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
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Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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