

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
June 1, 2021

CALL TO ORDER

The Tuesday, June 1, 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; Dave Habig, Assistant Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Matt Bonanno, HRG, Inc.

Public Attendance (*via video conference*): Melanie Boehmer, John Osmolinski – Milton Hershey School; Paul Wood, Jim Ritzman, Craig Raynor, Greg Rogalski – Pennoni; Craig Smith, Bill Fredericks – RGS Associates; Tim Anderson, Kate Dattilo – Troutman Pepper; Ken Gall, Hershey Trust Company; John Trogner, Chris Trogner – Troegs Brewing Company; David Buffington, *The Sun*; Victor Xu; Kevin Pauza; Randy Wright – Hanover Engineering; Daniel Urie

APPROVAL OF MINUTES

On a motion made by Secretary Tunnell, seconded by Member Santostefano, and a unanimous vote, the Planning Commission approved the minutes from the May 4, 2021 meeting, as written.

OLD BUSINESS

None.

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Land Development Plan for Troegs Independent Brewing, Plat 1341

Dave Habig explained that the subject property is located along the southern side of Hersheypark Drive. The property is owned by Hershey Trust Company and is leased to Troegs Independent Brewing. The site is within the General Commercial zoning district and also the Hersheypark Drive/Route 39 Overlay. The site contains a gross lot area of 16.027 acres and is currently used as a brewery and restaurant, with plans to expand the building into an existing parking area and build a new parking area to offset lost spaces. Mr. Habig summarized the requested waivers from the Subdivision and Land Development Ordinance.

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

Craig Smith, RGS Associates, represented the applicant. He asked for clarification regarding HRG's comments relative to waivers for curbing and sidewalk along the existing street frontage. It is Mr. Smith's understanding that the waivers were granted in conjunction with the Subdivision Plan for Hershey Trust Company/Commonwealth of Pennsylvania, Plat 1334, and that is why Plat 1334 has to be recorded prior to Plat 1341. Chuck Emerick responded that yes, the Township typically requires an applicant to request waiver or deferments for sidewalk and curbing installation with each new plan they submit; however, Mr. Emerick believes it is not necessary to do so for Plat 1341, due to how recent Plat 1334 and its associated agreements are. It is also important to note that the applicant for Plat 1341 is fulfilling something that was discussed with Plat 1334, which is providing a shared-use path.

Mr. Emerick read Dauphin County Planning Commission staff's review comment that "*Additional parking is proposed beyond what is required by the Township. Provide data to the Township to account for the need for the extra spaces and increased impervious area, as well as corresponding updated traffic generation information.*" Mr. Emerick stated that Troegs has been and hopefully will continue to be very successful, and he thinks their demand often exceeds the Zoning Ordinance's requirements for parking. Mr. Emerick is supportive of the amount of parking that is proposed on the site. Plat 1341 is for the expansion of the brewery and not the public areas so no additional traffic generation is anticipated.

Mr. Emerick summarized DTMA's review comments.

Mr. Smith confirmed that the applicant is agreeable to all of the review comments that have been presented.

MOTION ON WAIVERS

On a motion made by Member Santostefano, seconded by Secretary 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 Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] to be permitted to show the existing features within the project area and immediately adjacent to the site only.
- b. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[35] to be permitted to show the topography within the project area only.
- c. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale to be permitted to show overall drawings and drainage area maps at a scale of 1" = 80'.
- d. From Section 185-13.E.(4).(a).[19] regarding profile scale for stormwater sewer or conveyance systems.

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- e. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding plans and profiles for existing utilities that are unaffected by the proposed improvements.

MOTION ON PLAT 1341

On a motion made by Member St. John, seconded by Secretary Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1341 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 May 19, 2021 HRG letter.
- c. The comments in the May 26, 2021 DTMA letter.

B. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for Catherine Hershey School for Early Learning, Hershey, Plat 1342

Chuck Emerick explained that Milton Hershey School is proposing to establish a Group Child Care Facility on property located at the southwest corner of the intersection of Governor Road and Homestead Road. The proposed use is permitted as a Conditional Use by the Zoning Ordinance, which was granted by the Board of Supervisors under Application No. 2020-05 on February 9, 2021. The Group Child Care Facility is to be called the Catherine Hershey School for Early Learning. The lot proposed for development of the facility (Lot 2) will be created by reconfiguring existing Lots 1, 2, and 3 as shown on the plan. 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.”* In this case, the facility will be designed to accommodate up to 150 children between the ages of 0+ to 5 years old, supported by a staff of 80 employees and volunteers. The building is proposed to have a 41,325-square-foot footprint with a 9,502-square-foot second story. The plan proposes an extension of the existing Jonathan Eshenour Memorial Trail in lieu of providing a sidewalk along the Governor Road and Homestead Road frontages. There is presently a Met-Ed/GTE North utility easement bisecting the area proposed for development. The plan notes that this easement will be vacated.

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

Member St. John asked who will be responsible for snow removal and maintenance of the proposed bike trail extension. Mr. Emerick responded that the extension will be dedicated to and maintained by the Township as part of Jonathan Eshenour Memorial Trail.

Secretary Tunnell asked how a long-term deferment for sidewalk installation relates to cases like this where the trail runs through private property. Mr. Emerick said that occasionally a waiver is granted for sidewalk installation for portions of the property where the trail exists, instead of a deferment; however, the applicant did not request that waiver in conjunction with Plat 1342. Mr. Emerick stated

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that he expects the applicant will want to amend their waiver request for the portions that are covered by the trail.

Tim Anderson, Troutman Pepper, spoke on the applicant's behalf and noted that if it was not included in the original submission, the applicant is now amending their request to ask for the waiver along Cocoa Avenue and along the southern portion of Homestead Road. Mr. Emerick recommended that the waiver be granted. Chairman Wilson asked for clarification that it is going to be a complete waiver and the applicant will not be required to enter into an agreement with the Township for deferment of the sidewalk installation. Mr. Anderson responded yes as to the portion along Route 322 and along Homestead Road, as far as Lot 2 is concerned. Beyond that, it would be a deferment.

Mr. Anderson commented that Mr. Emerick's description of the PPL easement is correct. Mr. Anderson thinks the plan shows the easement as being 30 feet wide and there is some discussion about that. He believes the easement is actually 60 feet wide, so the plan will be revised to show it that way. The width of the easement does not affect the proposed improvements. Mr. Anderson added that the wires and poles are down.

John Osmolinski, Milton Hershey School, referenced HRG's review comment 2 under Traffic Impact Study (*"For the eastbound stop-controlled approach at the intersection of Homestead Road and Bachmanville Road, due to the delay worsening approximately 20 seconds between the horizon year no-build and build AM peak hour scenarios, consider alternative improvements to mitigate this condition [i.e., All-Way stop-controlled intersection, signalization, or a roundabout]."*) Mr. Osmolinski stated that Milton Hershey School is currently in the process of exploring alternatives at the intersection of Bachmanville Road and Homestead Road, and that is separate from the improvements represented by Plat 1342.

Chairman Wilson inquired about the significant changes in the trip generation in the traffic impact study between the Conditional Use Application and Plat 1342. Greg Rogalski, Pennoni, responded that based on the executive summaries of the two traffic impact studies, Pennoni had prepared the draft traffic impact study well in advance of the process of obtaining certain judicial approvals. What happened is the executive summary never got updated based on the actual analysis. The actual analysis is relatively consistent with what was submitted for Plat 1342. It has not changed drastically but the numbers in the executive summary had changed. It is a clerical issue. In response to a question from Chairman Wilson, Mr. Bonanno commented that everything HRG found throughout the report is listed in their review comments.

Mr. Rogalski clarified that regarding the applicant's waiver request from Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9], all of the improvements are shown on the plan within the lot of improvement; however, there are certain improvements, such as utilities, that are not shown within the 200-foot boundary around the project, but they are all in areas that are not impacted by the project.

Mr. Emerick summarized DTMA's review comments and reported that the Dauphin County Planning Commission's staff review comments have generally been addressed.

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Mr. Osmolinski confirmed that the applicant is agreeable to all of the review comments that have been presented, with the exception of HRG's review comment 2 under Traffic Impact Study regarding the Bachmanville Road/Homestead Road intersection. In response to a question from Chairman Wilson, Mr. Osmolinski stated that he believes they will be able to address HRG's comment as they proceed with their analysis separately from Plat 1342.

MOTION ON WAIVERS AND DEFERMENTS

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 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 grade and width, within 200 feet and 50 feet of the entire property. The applicant has stated for the record that the waiver requests are limited to areas other than around the lot to be developed.
- 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 the project area.
- 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).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems in the area outside of Lot 2.
- e. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale.
- f. Deferment from Section 185-22.E.(5) regarding installing curbing, 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.
- g. Waiver from Section 185-49 regarding a wetlands determination for the entire property.
- h.1 Deferment from Section 185-34.A.(1) regarding sidewalk installation outside of the frontages where pedestrian shared use paths are provided, 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.
- h.2 Waiver from Section 185-34.A.(1) regarding sidewalk installation along frontages where the shared use path is provided.

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- i. Waiver from Section 185-22.D.(3) regarding providing a 40-foot-wide cartway for collector roads.
- j. Waiver from Section 185-30.F regarding radial lot lines.

MOTION ON PLAT 1342

On a motion made by Secretary Tunnell, seconded by Member St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1342 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report, with the exception of comment ‘b.v’ regarding providing a profile of the proposed trail.
- b. The comments in the May 27, 2021 HRG letter.
- c. The comments in the May 26, 2021 DTMA letter.

C. Review and recommendation of a waiver request from Section 185-33.C (Lighting) of the Subdivision and Land Development Ordinance regarding the Final Lot Consolidation and Land Development Plan for Hershey West End – Streets and Infrastructure Phase, Plat 1330

Chuck Emerick stated that Plat 1330 represented the first final plan after the January 22, 2019 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. It was desired that West End Avenue be constructed during one of the early stages of the project to provide a second point of site access. Plat 1330 is identified as “Streets and Infrastructure Phase” and although it does not propose any buildings, it touches each of the future phases.

Mr. Emerick noted that the Planning Commission has already recommended that the Board of Supervisors approve Plat 1330 and grant waivers from the Subdivision and Land Development Ordinance regarding plan scale, depicting existing features within 50 feet of the tract, depicting existing contours within 50 feet of the site, and providing profiles of existing utilities. The Board of Supervisors granted these waivers and conditionally approved Plat 1330 on March 23, 2021.

On May 4, 2021, the applicant requested an additional waiver from Section 185-33.C of the Subdivision and Land Development Ordinance, which states that lighting shall be provided along public streets and at intersections in accordance with an illumination design prepared by the Pennsylvania Power and Light Company. The applicant is requesting this waiver to allow the street lights located within the public rights-of-ways to be owned, operated, and maintained by the applicant and its successors and assigns (including Hershey West End Land Condominium Association, Inc., as a permitted assignee).

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Bill Fredericks, RGS Associates, explained that Research Boulevard already has lights and the applicant wanted to continue with that type of fixture. However, PPL does not have that fixture on their list of alternates so that is why the additional waiver is now being requested.

MOTION

On a motion made by Member St. John, seconded by Secretary Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the requested waiver from Section 185-33.C of the Subdivision and Land Development Ordinance regarding lighting be granted, with the stipulation that the applicant adds the waiver to the list of requested modifications on Sheet 1 of 95 of the Land Development Plan.

D. Review and recommendation of Conditional Use Application No. 2021-01 for 790 Stauffers Church Road, as filed by Kevin Pauza

Chuck Emerick reported that the land which is the subject of this matter is located on the south side of Stauffers Church Road, in the area of the Dauphin County/Lebanon County boarder. The tract contains approximately 37.1 acres of area, a portion of which is located in Lebanon County. The lands in Derry Township are located within the Conservation zoning district, and the lands in South Londonderry Township are located in the Agricultural zoning district. This Conditional Use Application seeks authorization to cluster 7 dwelling units on the land, utilizing the density bonus of 25% that is available as part of the cluster approval cited in Section 225-501.43 of the Zoning Ordinance. Based on the net developable area, only 5 lots could be created if the cluster style development were not utilized. The dwellings proposed will be single-family dwellings. The development will be accessed by way of a “common driveway” connection to Stauffers Church Road.

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 St. John inquired if the 24-foot width of the common driveway will be adequate for emergency services and school buses. Mr. Emerick stated that he does not think a school bus will come back the common driveway to pick up students. The width of the driveway should be adequate for emergency services, but that will be verified at the time of the formal subdivision plan review.

Chairman Wilson asked if the Township can restrict parking along the common driveway since it will be privately owned. Kevin Pauza responded that the covenants will prohibit parking along the driveway. The driveway will be built to Township standards.

Chairman Wilson asked if the estimated homeowners association fees factor in the full replacement of the common driveway. Randy Wright, Hanover Engineering, replied that they would normally not do a homeowners association fees tabulation, but Mr. Emerick was concerned about the costs being shared between only 6 or 7 lots. Mr. Wright stated that he based the homeowners association fees on the total replacement of the driveway, including milling, in a 20-year life cycle, as well as insurance and routine maintenance of the common areas.

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Mr. Pauza noted that he is agreeable to Township staff's review comments.

MOTION

On a motion made by Secretary Tunnell, seconded by Member St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use authorization requested by Application No. 2021-01 be granted, conditional upon the applicant adequately addressing the Township staff comments.

E. Review and recommendation of the Sketch Plan for Cluster Development - Pauza Property, Plat 1343

Chuck Emerick explained that the land which is the subject of this matter is located on the south side of Stauffers Church Road, in the area of the Dauphin County/Lebanon County boarder. The tract contains approximately 37.1 acres of area, a portion of which is located in Lebanon County. The property contains a stream, steep slopes, and wetlands. The lands in Derry Township are located within the Conservation zoning district, and the lands in South Londonderry Township are located in the Agricultural zoning district. In order for the site to be developed as proposed, approval of a Conditional Use for a Cluster Development is required.

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

Member Santostefano inquired if there will be street lighting. Randy Wright, Hanover Engineering, responded that street lighting is not typically shown on a sketch plan, but he will coordinate with Mr. Emerick as to what is required for a private common driveway when the formal plan submission is prepared. Mr. Emerick noted that the applicant may choose to request a waiver from providing street lighting and instead install lighted "entrance columns" at each lot's driveway's intersection with the common driveway.

Mr. Wright commented that he appreciates Township staff's and HRG's comments, which will give the applicant a good foundation in moving forward with the formal submission. The applicant has sent the sketch plan to the Zoning Officer in South Londonderry Township and has started the process to make sure South Londonderry Township is okay with the concept and to find out how much input they want to have.

Chairman Wilson referenced HRG's review comment that "*A common driveway shall serve a maximum of six dwelling units*" and asked if that means the applicant will have to seek relief from the Zoning Hearing Board. Mr. Emerick responded that Lot 1 could have its own driveway on Stauffers Church Road; however, if the applicant wants to have all 7 lots access the common driveway, which is Mr. Emerick's preference, that would require relief from the Zoning Hearing Board. Mr. Wright added that Lot 1 was the location of a dwelling that was recently demolished, so there is an existing driveway that connects to Stauffers Church Road. However, it is the applicant's preference that all 7 lots are accessed from the common driveway. Mr. Wilson stated that he would be in favor of having all 7 lots access the common driveway.

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OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Member Santostefano, seconded by Member Tunnell, and a unanimous vote, the meeting adjourned at 7:14 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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