

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
August 3, 2021**

**CALL TO ORDER**

The Tuesday, August 3, 2021 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA, by Vice Chairman Glenn Rowe.

**ROLL CALL**

Commission Members Present: Glenn Rowe, Vice Chairman; Don Santostefano; Joyce St. John

Commission Members Absent: Tom Wilson, Chairman; Matt Tunnell, Secretary

Also Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator

Public Registering Attendance: Nora Campanella, Kevin Wiest – K&N Property’s, LLC; Jim Snyder – Snyder, Secary & Associates; Lowell Gates, Linlo Properties; Carol Gisselquist, 29 West Governor Road, Hershey; Mary Beth Backenstose, 218 West Governor Road, Hershey

**APPROVAL OF MINUTES**

On a motion made by Member St. John, seconded by Member Santostefano, and a unanimous vote, the Planning Commission approved the minutes from the July 12, 2021 meeting, as written.

**OLD BUSINESS**

- A. Report on the Board of Supervisors’ action regarding the Preliminary/Final Land Development Plan for Milton Hershey School Essential Employee Dwellings – Main Campus, Plat 1339**
- B. Report on the Board of Supervisors’ action regarding the Preliminary/Final Land Development Plan for Troegs Independent Brewing, Plat 1341**
- C. Report on the Board of Supervisors’ action regarding the Preliminary/Final Subdivision and Land Development Plan for Catherine Hershey School for Early Learning, Plat 1342**

Chuck Emerick stated that the Board conditionally approved the plans.

**NEW BUSINESS**

- A. Review of the Sketch Plan for Governor Crossing for Linlo Governor Crossing, LLC, Plat 1344**

Mr. Emerick explained that this plan represents the suggested sketch plan processing associated with an application for Conditional Use approval of a Master Plan under the provisions of Chapter 225

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(Zoning), Section 225-501.58 of the Derry Township Code of Ordinances regarding the Development Approval Process (Master Plan). The development is comprised of an assemblage of properties located at the southwest corner of the intersection of Governor Road and Fishburn Road. The subject site contains approximately 7.4 acres of land, which will be reduced to about 6.8 acres of developable land after the proposed relocation of Sand Hill Road. It is located in the Hershey Mixed Use (HMU) zoning district, the Central Master Plan Approval Area, and is primarily within the Southern Core Overlay, although a portion of the site (part of tax parcel number 24-044-058) is located outside of the Southern Core Overlay. There are a few structures to be demolished to make way for this redevelopment. The project proposes a 4-story, 70,268-square-foot building, with the first floor as retail/commercial space and the upper 3-stories dedicated to 60 residential apartments; a single-story 8,500-square-foot medical office building; a single-story 10,000-square-foot commercial office building; and a convenience store with fuel. An 8-foot-wide combined bicycle/pedestrian path is shown in lieu of required sidewalks along the site's perimeter. The relocation and signalization of Sand Hill Road is proposed as part of the development. This relocation at Fishburn Road will allow better intersection separation for signalization and will meet the required intersection separation distance per the Subdivision and Land Development Ordinance. Access to the site is to be provided by one right-in driveway from Governor Road, one right-in/right-out driveway from Fishburn Road, and a full movement driveway from Sand Hill Road. It is noted that the proposed use of the medical office building (dialysis) is considered an Outpatient Medical Treatment Facility which is not a permitted use in the zoning district. Township staff and the applicant's attorney are collaborating on a Zoning Ordinance text amendment that will be presented to the Planning Commission at a future meeting.

Mr. Emerick went over his and HRG, Inc.'s sketch plan review comments.

Member St. John commented that the one dead spot in the existing bike path is getting from the Medical Center to the intersection of Governor Road and Fishburn Road. She assumes that the proposed apartments will mostly be occupied by students of the Medical Center because they will be one-bedroom and studio apartments. Additionally, this project will create the potential for a lot of traffic. It would be a great benefit to the Township to have a bike path connection from the Medical Center to the subject property versus just a bike path around the subject property. With this project being proposed as a Master Plan, Member St. John thinks it needs to incorporate that bike path transition, otherwise the functionality of the bike path will be lost. She inquired if that is something the developer can consider because she has a lot of concerns with the subject property based on the volume of uses that are proposed. It will be somewhat complicated to get all the traffic movement out of that space. Mr. Emerick agreed that this is something that can be discussed with the developer's Master Plan submission.

Mr. Emerick noted that the Medical Center has a bike share program and any time stations are added to that it makes the whole program better, so the developer might want to consider meeting some of their bicycle parking requirements through the use of bike share stations.

Member St. John asked if Sheetz is willing to modify their standard brand look in order to adhere to the architectural cohesion of a Master Plan. Jim Snyder of Snyder, Secary & Associates represented the developer. He stated that he thinks the architecture of the other buildings in the project is going to be based on Sheetz instead of the other way around. He does not think Sheetz will consider changing

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their brand. Mr. Emerick added that Sheetz uses brick when constructing their buildings, and they have also started to change their fuel pump canopy style from a balloon style to a shed style roof which is nicer and adds more interest. Mr. Snyder commented that the elevations for all of the buildings will be part of the Master Plan submission.

Vice Chairman Rowe inquired about the date of the traffic impact study that was done for the previous sketch plan for the development of the subject property. Mr. Snyder estimated that it was done in 2016 or 2017, and it will be updated to reflect the current proposal. He thinks there will be less of a traffic impact with this proposal because there will be more residential and less retail.

Member St. John stated that any cooperation between the owners of the subject property and the Karns property to connect the area in between would be very beneficial. Mr. Snyder agreed; however, when the owner of the shopping center was approached about the connection in conjunction with the previous proposal, he said no.

Vice Chairman Rowe asked if a geological assessment has been conducted. Mr. Snyder replied that geotechnical investigations were done with the previous proposal and that information will be part of the Master Plan submission.

Public comment

Carol Gisselquist, 29 West Governor Road, said she is concerned about the increase in impervious cover and how the stormwater runoff will affect adjacent and downhill properties. She asked how the Township will assess stormwater runoff. Mr. Emerick explained that the applicant will need to comply with the Township's Stormwater Management Ordinance with the submission of the Master Plan. The first thing the Stormwater Management Ordinance does is make the most frequent type of storm, the two-year storm, "disappear." The applicant will need to design a stormwater management system that will make the two-year stormwater runoff infiltrate on the property or evaporate so that it gets taken out of any stormwater calculation. Beyond that, in general the applicant cannot allow any more water to leave their site at any one moment in time than what left the site prior to the development. Ms. Gisselquist stated that she is concerned about waivers being granted to allow for more runoff than the regulations permit. Mr. Emerick responded that there is a bonus for impervious cover as part of the Master Plan approval process; however, that does not mean that the applicant does not have to manage stormwater. Although the applicant may be allowed to cover more of the lot with impervious surface, there should not be a greater stormwater impact off the lot. Ms. Gisselquist said she appreciated the Planning Commission's comments regarding bike path connectivity. She is not clear from the drawings whether there is going to be sidewalk or a bike path at the corner of Fishburn Road and Governor Road. Mr. Emerick stated that it will be a shared-use path similar to what goes around the Medical Center. It will be eight feet wide and will be appropriate for pedestrians and bicycles. Ms. Gisselquist asked what the distance will be between the shared-use path and the road. Mr. Emerick replied that it will vary from approximately six feet from the road to approximately 12 feet from the road, and he has asked the applicant to provide a pedestrian easement for where the shared-use path will leave the right-of-way. Ms. Gisselquist inquired if the trees shown on the plan will be planted by the applicant. Mr. Emerick responded that the applicant will be required to provide street trees and interior parking lot trees.

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Mary Beth Backenstose, owner of 198 and 218 West Governor Road, was concerned that the architecture of the brownstone building at 218 West Governor Road will be altered as part of the proposed development. The Planning Commission explained that the applicant will not be making changes to Ms. Backenstose's property.

**B. Review and recommendation of Conditional Use Application No. 2021-03 to establish a Short-Term Rental use at 1533 East Chocolate Avenue, as filed by K&N Property's, LLC**

Mr. Emerick explained that this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.20 of the Code of the Township of Derry. The applicant proposes to establish a short-term rental on the property located at 1533 East Chocolate Avenue, Hershey. The subject property is in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts and contains a single-family dwelling with three bedrooms.

Mr. Emerick reviewed the required performance standards for the Conditional Use and the applicants' responses as to how they will meet the standards.

Mr. Emerick recommended that the Conditional Use authorization be granted, subject to the following conditions:

- A. The establishment of the short-term rental shall be in substantial compliance with the information presented with the Conditional Use Application and during the August 24, 2021 Board of Supervisors public hearing.
- B. If, in the future, the applicant proposes to increase the number of bedrooms in the dwelling beyond the existing three, they must apply for further approval from the Township.
- C. The operation of the short-term rental must at all times comply with the requirements of Sections 225-501.20.B through O of Chapter 225 (Zoning) of the Code of the Township of Derry.
- D. Notwithstanding any lesser restriction required by the Township's Property Maintenance Code, Chapter 143 of the Code of the Township of Derry, no more than 2 individuals (excluding children under the age of 3) may occupy any bedroom.
- E. The applicant shall provide the required four parking spaces.
- F. The granting of approval of the Conditional Use request shall not relieve the applicant from filing and having the Township approve any permit, land development, subdivision, or site plan that may be required by other Township regulations or from otherwise complying with all applicable Township regulations.

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- G. The granting of approval of the Conditional Use shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 12 months from the date of the grant of approval of the Conditional Use.
- H. The short-term rental shall meet all other requirements of the Township that may apply.

Member Santostefano referenced the Zoning Ordinance requirement that a short-term rental use must be a minimum of 25 feet from any other dwelling unit and asked how close the subject dwelling is to the structure on the adjacent western property. Mr. Emerick stated that the building to the west is a commercial building, so the proposed short-term rental can be less than 25 feet away from it. Member Santostefano asked what would happen to the short-term rental if the adjacent commercial building, which appears as though it was once used as a residence, is converted to a residential use. Mr. Emerick responded that the short-term rental would become an existing nonconforming use.

Mr. Emerick noted that although it is not part of the list of conditions he presented to the Planning Commission for the recommended approval of this Conditional Use request, when the request is presented to the Board of Supervisors, Mr. Emerick will add a condition of approval that language needs to be included in any lease agreement that the property cannot be used for conferences, weddings, or other events.

Member St. John inquired if a short-term rental is considered a residence or a business. Mr. Emerick explained that the statewide building code considers it to be a residence, but the Derry Township Zoning Ordinance looks at it another way because it differentiates between what a dwelling is versus what a short-term rental is. Member St. John wanted to know if the building on the adjoining property to the west could be converted from its current commercial use into a short-term rental use. Mr. Emerick stated he thinks that would be permitted because the Zoning Ordinance requirement is that a short-term rental has to be a minimum of 25 feet from a *dwelling*, not another short-term rental.

Member Santostefano inquired if this is the first unit the applicants own in the Hershey area. Nora Campanella of K&N Property's, LLC, stated that they have several year-round rental properties, but this is their first short-term rental property.

**MOTION**

On a motion made by Member Santostefano, seconded by Member St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2021-03 be granted with conditions 'A' through 'H' as outlined by Township staff above and with the condition that any rental lease or agreement includes language stating that special events and public functions such as concerts, conferences, or weddings are prohibited on the lot of the short-term rental use.

**OTHER BUSINESS**

None.

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**ADJOURNMENT**

On a motion by Member St. John, seconded by Member Santostefano, and a unanimous vote, the meeting was adjourned at 7:01 p.m.

Respectfully submitted,

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Matthew Tunnell  
Planning Commission Secretary

Submitted by:

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