

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
September 7, 2021**

CALL TO ORDER

The Tuesday, September 7, 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 Chairman Tom Wilson.

ROLL CALL

Commission Members Present: Tom Wilson, Chairman; Matt Tunnell, Secretary; Don Santostefano; Joyce St. John

Commission Member Absent: Glenn Rowe, Vice Chairman

Also Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Matt Bonanno, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative

Public Registering Attendance: None

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 August 3, 2021 meeting, as written.

OLD BUSINESS

A. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for Hershey Trust Company – Ridgeway, Plat 1338

Chuck Emerick stated that the Board approved the plan, with conditions.

B. Report on the Board of Supervisors' action regarding adoption of a Decision for Conditional Use Application No. 2021-01 for a Residential Cluster Development use on property located at 790 Stauffers Church Road, as filed by Kevin Pauza

Chuck Emerick stated that the Board granted the Conditional Use request, with conditions.

C. Report on the Board of Supervisors' review of the Sketch Plan for Governor Crossing for Linlo Governor Crossing, LLC, Plat 1344

Chuck Emerick stated that the Board reviewed the Sketch Plan and offered comments to the applicant.

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NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan for 323 East Areba Avenue, Plat 1345

Mr. Emerick explained that this plan represents the subdivision of a portion of land owned by Spring Creek Church of the Brethren to be conveyed to lands of NFI Areba Properties, LLC located at 323 East Areba Avenue. Spring Creek Church of the Brethren's property fronts on East Areba Avenue, Meadow Lane, and East Granada Avenue, and the property owned by NFI Areba Properties, LLC fronts on East Areba Avenue.

Mr. Emerick summarized the waivers that the applicant has requested from the Subdivision and Land Development Ordinance and recommended that additional waivers and deferments be requested as follows:

1. Waiver from Section 185-12.D.(3).(a).[35] to not be required to provide topographic land contours at minimum vertical intervals of 2 feet on the tract of land to be subdivided and within 200 feet of the perimeter.
2. Waiver from Section 185-22.D.(3) to not be required to provide additional right-of-way widths.
3. Deferments from Sections 185-22.E and 185-34.A.(1) to not be required to install curbs and sidewalk on abutting streets, with the stipulation that Spring Creek Church of the Brethren agrees to, executes, and records a Declaration of Covenants for the Deferment of Curbing and Sidewalk Installation.

Tim Arndt of Light-Heigel & Associates represented the applicant and formally requested the additional waivers as recommended by Mr. Emerick.

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

Chairman Wilson inquired if the Township will convey the change in impervious surface on Lot 1 to DTMA and if it will change EDUs for stormwater. Mr. Emerick responded that DTMA has their equivalent dwelling unit (EDU), although it is called something other than that for stormwater, and Mr. Emerick thinks that assumes about 3,500 square feet of coverage on a basic residential lot. He does not think DTMA micromanages it below that amount in a situation like this. Mr. Bonanno added that when the applicant provides the information he requested on the plan, DTMA will be able to look at that information to see if it would change the EDU; however, he believes that it will not.

MOTION ON WAIVERS AND DEFERMENTS

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 and deferments be granted from the Subdivision and Land Development Ordinance:

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- a. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] to not be required to profile existing stormwater facilities or provide detailed elevation and pipe size information for existing stormwater facilities.
- b. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] to not be required to profile existing sanitary sewer facilities or provide detailed elevation information for existing sanitary sewer facilities.
- c. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] to not be required to profile existing water and gas facilities.
- d. Waiver from Section 185-49.A to not be required to perform a wetland determination.
- e. Waiver from Section 185-12.D.(3).(a).[9] to not be required to show the location of existing structures, wooded areas, watercourse, rock outcrops, culverts, utilities, fire hydrants and streets within 200 feet of the tract of land to be subdivided.
- f. Waiver from Section 185-22.D.(2) regarding cartway widths.
- g. Partial waiver from Section 185-22.E to not be required to install curbs along the portion of East Areba Avenue abutting 323 East Areba Avenue.
- h. Waiver from Section 185-22.D.(3) to not be required to provide additional right-of-way widths, with the condition that the applicant revises their list of requested waivers and deferments to include the additional request.
- i. Deferments from Sections 185-22.E and 185-34.A.(1) to not be required to install curbs and sidewalk on abutting streets, with the stipulation that Spring Creek Church of the Brethren agrees to, executes, and records a Declaration of Covenants for the Deferment of Curbing and Sidewalk Installation. Additionally, the applicant shall revise their list of requested waivers and deferments to include the additional requests.
- j. Waiver from Section 185-12.D.(3).(a).[35] to not be required to provide topographic land contours at minimum vertical intervals of 2 feet on the tract of land to be subdivided and within 200 feet of the perimeter, with the condition that the applicant revises their list of requested waivers and deferments to include the additional request.

MOTION ON PLAT 1345

On a motion made by Member St. John, seconded by Member Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1345 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.

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- b. The comments in the August 16, 2021 HRG, Inc. letter, excluding comments 5, 6 and 19 if the waiver of right-of-way dedication is granted.
- c. Comments 2 and 5 in the August 17, 2021 Dauphin County Planning Commission staff review report.

B. Review and recommendation of a waiver from filing a land development plan, as requested by Musser Home Builders, Inc., regarding construction of a new home at 1410 Sand Hill Road while temporarily retaining the existing dwelling

Mr. Emerick explained that Kevin E. and Beth A. Streeper own a 27,253-square-foot parcel of land fronting on Sand Hill Road, located in the R-1 zoning district and the Sand Hill Road (O12) Overlay. The property is presently improved with a single-family dwelling and a detached garage. The Streepers desire to construct a new dwelling attached to the existing garage on the property while living in the existing dwelling. They then propose to demolish the existing dwelling. Their application indicates that only one dwelling will be occupied at any one time. By this application, they are requesting waivers of Sections 185-12 and 185-13 of the Subdivision and Land Development Ordinance. Mr. Emerick noted that the existing detached garage is a nonconforming structure, as it is closer to the side property line than the 10-foot side yard setback required for accessory structures. Principal structures in this zoning district are required to be 20 feet from the side property line. By attaching the new single-family home to the existing garage, the existing nonconforming structure is made more nonconforming. The Streepers have filed for a variance from the Derry Township Zoning Hearing Board. The hearing is scheduled for September 15, 2021 and the decision of the Zoning Hearing Board is likely to be adopted at their regular meeting on October 20, 2021. If relief is not granted, the proposed improvement will need to be altered.

Member St. John asked if the existing garage would have to be demolished if the Zoning Hearing Board does not grant the necessary relief and the Streepers have to build a new garage. Mr. Emerick answered that as long as the Streepers do not attach the new dwelling to the existing garage, the existing garage does not have to be demolished.

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 waivers from Article III, Sections 185-12 and 185-13 of the Subdivision and Land Development Ordinance, regarding the processing a preliminary and final land development plan, be granted with the following conditions:

- a. That the Streepers provide performance security in the amount necessary for the Township to demolish the existing dwelling if the Streepers fail to do so in accordance with the conditions as determined by the Board of Supervisors.
- b. That the Streepers enter into an agreement with the Township which states, at a minimum, a timeframe for the completion of the demolition of the existing dwelling (suggested to be within 30 days of the issuance of the Temporary Certificate of

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Occupancy for the new dwelling) and authorization for the Township to demolish the existing dwelling if the Streepers fail to complete the work within the agreed upon timeframe.

- c. That the proposed single-family dwelling is constructed substantially in compliance with the Plan of Property for Kevin E. and Beth A. Streeper, prepared by The Lexis Group, dated July 5, 2021, except as may need to be amended if the Streepers fail to receive the necessary relief from the Zoning Hearing Board for the side yard setback of the existing garage.
- d. That the Streepers obtain approval for and record any required stormwater management plan.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion by Secretary Tunnell, seconded by Member St. John, and a unanimous vote, the meeting was adjourned at 6:22 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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