

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 1, 2022**

CALL TO ORDER

The Tuesday, February 1, 2022 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; Glenn Rowe, Vice Chairman; Matt Tunnell, Secretary; Don Santostefano; Mike Guntrum

Commission Members Absent: None

Township Staff/Review Agency Representatives 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: Ken Gall, Hershey Trust Company; Bill Fredericks, RGS Associates; James Hartman, Honor Engineer Co.; Jay Ziegler, 971 Bullfrog Valley Road; Mark Hackenburg, RGS Associates

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 January 4, 2022 meeting, as written.

OLD BUSINESS

None.

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision Plan of 971 Bullfrog Valley Road for Jay Ziegler, Plat 1347

Chuck Emerick explained that this plan proposes to subdivide a 5.6-acre tract in two lots. The parcel is located on the west side of Roush Road and is bisected by Bullfrog Valley Road. The property on the north side of Bullfrog Valley Road, labeled as Lot 1, contains an existing single-family dwelling and gravel parking area used for the adjacent auction house. The property on the south side of Bullfrog Valley Road, labeled as Lot 2, contains a run-in, shed, fenced areas, and a stream that is a tributary to Bullfrog Valley Creek. The purpose of the plan is to create two new lots. Lot 1 is proposed to contain 2.28 acres and Lot 2 is proposed to contain 2.23 acres. No modifications are proposed by this plan. Lot 1 improvements will remain. Lot 2 is likely to be developed in the future; however, no improvements are proposed as part of this plan. As a result, there is no transportation study or stormwater management plan.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 1, 2022

Mr. Emerick noted that this intersection is discussed in two of the Township's planning documents. The Official Map provides for intersection alignment at the intersection of Bullfrog Valley Road, Roush Road, and Sand Hill Road. It also provides for on-road bicycle facilities. By law, improvements shown on an Official Map indicate a reservation for future taking. However, the reservation for public grounds shall lapse and become void one year after an owner of such property has submitted a written notice to the governing body announcing his intentions to build, subdivide, or otherwise develop the land covered by the reservation, or has made formal application for an official permit to build a structure for private use, unless the governing body shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year, as referenced in Section 406 of the Pennsylvania Municipalities Planning Code. In this case, Mr. Ziegler should petition the Board of Supervisors to decide if a taking will happen. Since this proposed improvement did not make it into the other planning document yet to be discussed, the Township's desire to realign this intersection may have diminished. The other planning document is the Greater Hershey Regional Transportation Study. This document suggests that the Township seek to improve pedestrian and bicycle connectivity from the area proposed to be developed to Shank Park.

Chairman Wilson asked if the Board of Supervisors is required to amend the Official Map if they decide not to proceed with the alignment of the intersection of Bullfrog Valley Road, Roush Road, and Sand Hill Road. Mr. Emerick thinks the Official Map should be amended to remove the intersection alignment after Plat 1347 is recorded. He does not think it has to be amended prior to Plat 1347 being recorded. Vice Chairman Rowe asked what the impetus was for having the intersection realignment on the Official Map. Mr. Emerick responded that it is an offset intersection, which is awkward. Member Santostefano agreed it is an awkward intersection; however, the traffic volume in that area is relatively small.

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. Jim Hartman of Honor Engineer Company represented the applicant and formally requested the additional waivers and deferments 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.

Mr. Hartman said he believes the applicant can address all the review comments; however, they have concerns regarding some of the comments. Specifically, they are concerned about putting four concrete monuments in an intersection that may be the focus of improvements in the future. Mr. Hartman thinks there is already enough monumentation on the property to be able to retrace the boundaries. Regarding Dauphin County's comment about providing information substantiating how the minimum sight distance criteria will be achieved for street and driveway intersections, Mr. Hartman stated that Mr. Ziegler already has permits for the existing driveways, so to show information for sight distances would be redundant. Mr. Emerick noted that he removed the Dauphin County comment from the suggested conditions in his recommendation for approval of the plan since the driveways are existing.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 1, 2022

Member Santostefano questioned the applicant's concern about the intersection possibly being changed in the future. Since it is unknown if the intersection will be realigned, Member Santostefano is not sure it would be a hardship for the applicant to add the requested concrete monuments.

Mr. Bonanno stated that since the concrete monuments are noted on the plan as "to be set", HRG would have an additional review comment indicating that the applicant must provide financial security for the additional monuments prior to plan recording, or they must set the concrete monuments and have them inspected by HRG prior to plan recording.

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:

- a. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing stormwater sewer plans and profiles.
- b. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing sanitary sewer lines plans and profiles.
- c. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing water and gas lines plans and profiles.
- d. Waiver from Section 185-12.D.(3).(a).[9] regarding providing mapping within 200 feet of the subject parcel. The applicant shall also request waivers from Sections 185-13.E.(4).(a).[20] and [21], and revise the waiver request/justification letter and Sheet 1 of the plan accordingly.
- e. Waiver from Section 185-18.D regarding setting concrete monuments at all points of intersection along road rights-of-way. However, concrete monuments shall be set at the intersection radius on each side of Bullfrog Valley Road (total of four).
- f. Deferment from Section 185-22.D.(3) regarding cartway width, with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the additional cartway widening in the future if deemed necessary.
- g. Deferment from Section 185-22.E.(5) regarding curbing, with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- h. Waiver from Section 185-31 regarding shade trees.
- i. Deferment from Section 185-34.A.(1) regarding sidewalks, with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 1, 2022**

the Township to require the installation of sidewalks, walkways, and/or bicycle paths in the future if deemed necessary.

- j. Deferment from Section 185-22.D.(2) regarding right-of-way dedication, with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the dedication of right-of-way in the area of the buildings in the future if deemed necessary. The applicant shall also revise the waiver request/justification letter and Sheet 1 of the plan to include this section.
- k. Waiver from Section 185-36 regarding the requirement to provide information on fire hydrants flows. Note, however, that in granting the waiver, the Township reserves the right to require this information upon submission of a land development plan for either lot. The applicant shall also revise the waiver request/justification letter and Sheet 1 of the plan to include this section.
- l. Waiver from Section 185-12.D.(3).(a).[35] regarding providing contours within 200 feet of the subject parcel – sanitary sewer plans and profiles. The applicant shall also revise the waiver request/justification letter and Sheet 1 of the plan to include this section.

MOTION ON PLAT 1347

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 1347 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Items 2 and 3 of the Township staff report.
- b. The comments in the January 10, 2022 HRG letter, including the additional comment to install all monuments and markers, including the required four concrete monuments at the intersection radius on each side of Bullfrog Valley Road and have them inspected and approved by the Township prior to plan recording OR provide financial security for the installation of the monuments and markers prior to plan recording.
- c. Comment 1 in the January 26, 2022 Dauphin County Planning Commission review report.

B. Review and recommendation of Conditional Use Application No. 2022-01, as filed by Hershey Trust Company, Trustee for Milton Hershey School Trust, amending previously approved Conditional Use Application No. 2018-01 for the Hershey West End Master Plan

Mr. Emerick explained that Hershey Trust Company is proposing amendments to the Hershey West End Master Plan, a proposed mixed-use community based on traditional neighborhood design principles, as previously approved under Conditional Use Application No. 2018-01 on January 22, 2019. The project is located on approximately 245.79 acres situated within the Township's Planned Campus West zoning district. The land is also subject to the overlay requirements of the Community

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 1, 2022

Heritage Buffer (Overlay 1) along US 322 and the Planned Campus West Future Development Area (Overlay 7). The parcel west of Waltonville Road lies within the Conservation zoning district, as does a portion of the property on the east side of Bullfrog Valley Road.

Mr. Emerick stated that Conditional Use Application No. 2022-01 proposes modifications to the Conditional Use Application No. 2018-01 approval. The modifications propose to re-assign the phasing, both in phase number/letter and site area. The new phase boundaries are now intended to follow Unit Numbers for the condominium. This modification is also focused on the first residential phase of the development and looks to modify the density within that phase, but not for the overall project. Conditional Use Application No. 2018-01 proposed a total of 146 townhouses, whereas this amendment proposes 84 townhouses; likewise, Conditional Use Application No. 2018-01 proposed 462 apartment units, whereas this amendment proposes 524 apartment units. Finally, this amendment also proposes to eliminate about 400 feet of public roadway on Street D (a.k.a. Hammond Place) between West End Boulevard and Street B (a.k.a. Witmer Way).

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

Regarding one of Mr. Emerick's review comments (*"Revise the Traffic Planning & Design letter to indicate the trigger for the Phase 2 traffic study as referenced on Page i of the executive summary in the original transportation study"*), Vice Chairman Rowe asked if the trigger will be actual volumes or if it will be based on trip generation for what has been developed to date. Mr. Emerick replied that the trigger will be based on trip generation because the Township wants to have the Phase 2 study prior to approval of that next phase of the development.

Ken Gall, Hershey Trust Company, stated that they have no questions or concerns about the review comments that have been presented. He noted that this project is something that has been in the works for a long time. Hershey Trust Company has had a lot of conversations with many different companies in terms of who they want to partner with, and The Hankin Group fits nicely because they intend to be involved in the development for a very long time. There may be small pieces of individual sales in the single-family home portion of the development, but for the most part Hershey Trust Company, either through land lease or joint venture, will remain very involved in the ownership and development of the project.

Chairman Wilson inquired if the proposed apartment units will be rentals or condos. Mr. Gall answered that they will be rentals. Chairman Wilson asked what aspects of the development will be condos. Mr. Gall responded that Hershey Trust Company created a land condominium because there is a lot of shared infrastructure, and the land condominium allows Hershey Trust Company to split the expenses and responsibility between the lots.

Neal Fisher of The Hankin Group introduced himself and commended the Township and Hershey Trust Company for creating a planned community because he believes it is the best way to develop a large piece of property. Hershey West End is certainly the type of development The Hankin Group believes in as a company. The Hankin Group is a mixed-use developer, and they like to build things that add value to the overall community. Vice Chairman Rowe asked if The Hankin Group has

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 1, 2022

developments near Derry Township. Mr. Fisher referenced the Eagle View mixed-use development in Exton and added that they have created other similar developments in Pennsylvania and Florida.

Chairman Wilson inquired about how pedestrian movement is being addressed with the elimination of Street D since there will be fewer intersections to allow for pedestrian crossings. Bill Fredericks of RGS Associates explained that eliminating Street D significantly helps pedestrian and vehicular circulation east to west. There will be a pedestrian corridor space in the gap between the buildings. Chairman Wilson clarified that he is concerned about mid-block north/south pedestrian movements to the commercial area and what can be done to safely accomplish the movements. Mr. Fredericks and Mr. Gall commented that the intent is to encourage pedestrians to cross the street at an intersection with crosswalks. Chairman Wilson recommended that the applicant continue to research other options to prohibit pedestrian movement in that location or to further encourage pedestrians to travel to a crosswalk before crossing the street.

Mr. Fisher said he would typically agree with keeping as many streets as possible but in this specific location, the elimination of Street D adds to the overall project, and it was a street that really was not going to be utilized. He likes the idea of encouraging pedestrians to go to safe places to cross the street. If there are too many access points coming out onto the main street, it is going to get confusing between vehicular and pedestrian traffic. The removal of Street D is a much safer situation.

Mark Hackenburg, RGS Associates, stated that it ultimately depends on what the uses will be across the street the residential units as to where the gravity of pedestrian circulation is going to be. It is not possible to prevent pedestrians from crossing the street at mid-block; however, a safer alternative can be provided. Vice Chairman Rowe commented that the focus should be on traffic-calming measures to make the area more pedestrian friendly.

MOTION ON CONDITIONAL USE APPLICATION NO. 2022-01

On a motion made by Member Santostefano, seconded by Vice Chairman Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Conditional Use Application No. 2022-01 be approved, subject to the applicant agreeing to satisfactorily address all comments noted in the Township staff report.

OTHER BUSINESS

None.

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 1, 2022**

ADJOURNMENT

On a motion made by Secretary Tunnell, seconded by Vice Chairman Rowe, and a unanimous vote, the meeting was adjourned at 7:09 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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