

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 3, 2022

CALL TO ORDER

The Tuesday, May 3, 2022 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the main 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; Mike Guntrum

Commission Member Absent: Glenn Rowe, Vice Chairman

Township Staff and Review Agency Representatives Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator

Public Registering Attendance: Craig Smith, RGS Associates; Mary Driscoll, John Schaefer – Mary’s Health and Fitness; Pat Santostefano, 5 Almond Drive, Hershey

APPROVAL OF MINUTES

On a motion made by Member Santostefano, seconded by Secretary Tunnell, and a unanimous vote, the Planning Commission approved the minutes from the April 5, 2022 meeting, as written.

OLD BUSINESS

A. Report on the Board of Supervisors’ action regarding the Preliminary/Final Subdivision Plan of 971 Bullfrog Valley Road for Jay Ziegler, Plat 1347

Chuck Emerick reported that the plan was conditionally approved.

B. Report on the Board of Supervisors’ action regarding adoption of Ordinance No. 2022-02, amending Chapter 225 (Zoning) of the Code of Ordinances of Derry Township by amending Section 225-420 regarding wireless communications facilities

Chuck Emerick reported that the ordinance was adopted.

C. Report on the Board of Supervisors’ action regarding the Preliminary/Final Subdivision Plan of Sipe Avenue Lot Line Adjustment, Plat 1350

Chuck Emerick reported that the plan was conditionally approved.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 3, 2022

NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2022-04, as filed by Mary Driscoll, regarding establishing a Use Similar to a Specified Permitted Use at 971 Bullfrog Valley Road (part of Dauphin County Tax Map Parcel No. 24-057-005)

Chuck Emerick explained that the applicant intends to construct and operate a “health and fitness center” under the name of Mary’s Health and Fitness on property located at 1550 Sand Hill Road and 971 Bullfrog Valley Road. The property is presently owned by Jay Ziegler and is located in the R-1 (Larger Lot, Single-Family Residential) and Sand Hill Road (O12) Overlay zoning districts. The property at 971 Bullfrog Valley Road is currently being subdivided to create two lots that will be divided by Bullfrog Valley Road. This application is filed under Section 225-501.40 of the Zoning Ordinance, which addresses uses similar to those permitted by-right within the R-1 (Larger Lot, Single-Family Residential) zoning district. The proposed use does not fit squarely under any of the uses defined and permitted by the Zoning Ordinance. Section 225-501.40 of the Zoning Ordinance is designed so that the Zoning Ordinance is not exclusionary to any use. As a result, when a use is proposed within the Township that does not exactly fit into an existing defined use, the applicant must demonstrate that the use is similar to a use permitted by-right and provide evidence to support that position. Mr. Emerick stated that in their narrative, the applicant notes that the proposed use is an *“athletic training studio specializing in both ACL prevention and post operation strength training”* and will include a 180-foot by 180-foot indoor turf facility used for the Sportsmetrics™ Injury Prevention Program, along with speed and agility training, a weight room, and rooms for physical therapy, a sports psychologist, a nutritionist, and associated office space.

Craig Smith, RGS Associates, and Mary Driscoll were present. Mr. Smith stated that Ms. Driscoll’s business is unique because it is a hybrid of fitness, physical therapy, and nutrition.

Ms. Driscoll explained that her business is currently at 309 Hockersville Road, Hershey, and she trains adults and youth there; however, she would like to have an additional building just for youth training because they have outgrown the current 3,700-square-foot facility. Ms. Driscoll currently offers one-to-one personal training, small group training, athlete- and sports-specific training, ACL prevention training, and a “return to play” program. The new facility would allow Ms. Driscoll to also have youth fitness activities; an on-site sports psychologist; a nutritionist; physical therapy consultations; and field hockey, soccer, and lacrosse clinics and camps. She would also like to develop youth activities focusing on childhood obesity. Ms. Driscoll went into more detail regarding ACL statistics, the Sportsmetrics™ Injury Prevention Program, and the physical therapy transition process. She then explained the layout of the proposed facility.

Mr. Smith reviewed the existing conditions of the subject property. The uses surrounding the property include a small contractor business, a small retirement facility, a couple of residences, and St. Joan of Arc School. The applicant is proposing to subdivide the subject property to remove the portion of land containing the house and then develop the remaining property with the proposed facility. Mr. Smith stated that this is a use that is similar to what already exists in this area of the

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 3, 2022

Township as well as some of the uses that are permitted within the O12 Overlay. It is not a gym because memberships are not issued, there are specific hours of operation, and attendance is by appointment.

Mr. Smith explained that there will be several benefits to the proposed conditions as compared to the existing conditions of the property. The property will be cleaned up, improving the overall aesthetics. The open gravel area near the intersection of Sand Hill Road and Roush Road that provides access to the existing auction house will be closed off, and access to the new facility will be provided at the south end of the property to increase safety. Additionally, the property will be brought into compliance with the Zoning Ordinance.

Member Santostefano inquired how tall the building will be. Ms. Driscoll responded that the indoor turf facility will be 24 feet in height and the building housing the strength conditioning area and offices will be 12 feet in height. In response to a question from Member Santostefano, Jenelle Stumpf stated that the Township Police Department will review the proposed access drive location and its proximity to the intersection during the land development plan process. Mr. Smith added that the access drive location complies with the requirements of the Subdivision and Land Development Ordinance.

Secretary Tunnell commented that from a use standpoint, this will be a fantastic facility to have in the Township.

Member Santostefano asked if there is a chance the Township will take this property by eminent domain to align the intersection. Mr. Emerick answered that the Board of Supervisors vacated their ability to take action on the property on the west side of Roush Road when they approved the Preliminary/Final Subdivision Plan of 971 Bullfrog Valley Road for Jay Ziegler, Plat 1347. The Board has committed to removing the rest of the obligation (for the property on the east side of Roush Road) by amending the Official Map within the next eight months.

MOTION

On a motion made by Secretary Tunnell, seconded by Member Guntrum, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2022-04 be granted, subject to the following conditions:

- A. The establishment of the “health and fitness center” use shall be in substantial compliance with the information presented with the Conditional Use Application and the testimony provided during the May 24, 2022 public hearing before the Board of Supervisors.
- B. The Applicant shall construct the improvements in general compliance with the plans and specifications submitted to the Board of Supervisors during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally approved and permitted, require modifications not contrary to the Conditional Use requirements due to design changes, approvals, permits, land

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 3, 2022

development, subdivision, or site plan approvals that may be required in accordance with all applicable Federal, State, County, and Township laws, regulations and/or requirements, no additional action by the Board of Supervisors shall be required.

- C. Ample space shall be provided on-site for the loading/unloading activities as well as parking for delivery vehicles, employees, and visitors.
- D. The granting of approval of the Conditional Use request shall not relieve the Applicant from filing for and receiving any approval, permit, land development, subdivision, or site plan that may be required in accordance with all applicable Federal, State, County, and Township laws, regulations and/or requirements or from otherwise complying with all applicable laws, regulations and/or requirements.
- E. The Applicant shall process and gain all approvals for a subdivision and land development plan in accordance with Chapter 185 (Subdivision and Land Development) of the Code of the Township of Derry.
- F. The granting of approval of the Application shall expire if a zoning permit, building permit, or certificate of use and occupancy related to the proposed facility is not obtained within 24 months from the date of the grant of approval.
- G. The Applicant shall comply with all other applicable provisions of the Derry Township Zoning Ordinance.

B. Review and recommendation of Conditional Use Application No. 2022-05, as filed by Jose M. Manjon, M.D., regarding establishing a Food Catering use at 524 Park Avenue

Chuck Emerick explained that the applicant intends to operate a catering business on the property located at 524 Park Avenue. The property currently contains a single-family dwelling and is located in the Hershey Mixed Use and the Compact Development (O8) Overlay zoning districts. This application is filed under Section 225-501.11 of the Zoning Ordinance, which requires Conditional Use approval for a Food Catering use in the Hershey Mixed Use zoning district.

Dr. Jose Manjon explained that he and his wife have owned a Cuban restaurant in Harrisburg for the last seven years. A Hersheypark representative recently offered the Manjons a three-year contract to sell their empanadas from a food truck within Hersheypark. Dr. Manjon stated that they do not have room at their Harrisburg restaurant to prepare and store the empanadas that will be sold from the food truck, and he believes the property at 524 Park Avenue would be a great location for the food preparation. Currently the food is being prepared at the Harrisburg restaurant. The filling for the empanadas will be brought to 524 Park Avenue where two to four employees will “assemble” the empanadas by putting the filling in the dough. Dr. Manjon said he is looking into semi-automatic machines that would fill the empanada dough. All renovations to the building at 524 Park Avenue will be internal and will not affect the exterior appearance.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 3, 2022

Dr. Manjon stated that the proposed use will not generate noise or odors in excess of what is typical of the neighborhood, and it will not adversely affect the health or safety of the residents in the neighborhood. The interior modifications will be minor and there will be no exterior impact. There are significant existing hedges that screen the property. Loading and unloading will occur in the rear part of the property. There is sufficient parking for two to four employees. There will be no impacts to traffic or utilities. Trash removal will occur once or twice a week. There will be no changes to the driveway.

In response to a question from Member Santostefano, Dr. Manjon stated that the adjacent alley (Charles Street) on the north side of the property is Township-owned. Member Santostefano asked what would stop a future owner from expanding the operation on the property and adversely impacting the neighborhood. Dr. Manjon replied that if he decides to make any other types of foods, only minimal interior modifications to the building would be required.

Member Guntrum noted that the size of the building would limit the size of the operation. Mr. Emerick added that reasonable conditions can be attached to the Conditional Use approval, such as requiring additional approval from the Township for any expansion of the building.

Chairman Wilson inquired if there will be a dumpster for trash. Dr. Manjon responded that intends to have standard residential trash containers instead of a dumpster, since the use should not generate a lot of trash. He is willing to add buffer around the trash containers if necessary to protect the aesthetics of the property. Mr. Emerick commented that a trash enclosure is not required.

In response to a question from Chairman Wilson about the size of the delivery vehicle, Dr. Manjon said it will be a box truck, and it will access the property from the rear alley.

Dr. Manjon stated that he has no questions or concerns regarding the conditions of approval noted in Mr. Emerick's recommendation.

MOTION

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 Conditional Use represented by Application No. 2022-05 be granted, subject to the following conditions:

- A. The establishment of the Food Catering use shall be in substantial compliance with the information presented with the Conditional Use Application and the testimony provided during the May 24, 2022 public hearing before the Board of Supervisors.
- B. The Applicant shall construct the improvements in general compliance with the plans and specifications submitted to the Board of Supervisors during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally approved and permitted, require modifications not contrary to the Conditional Use requirements due to design changes, approvals, permits, land

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 3, 2022

development, subdivision, or site plan approvals that may be required in accordance with all applicable Federal, State, County, and Township laws, regulations and/or requirements, no additional action by the Board of Supervisors shall be required.

- C. Ample space shall be provided on-site for the loading/unloading activities as well as parking for delivery vehicles, employees, and visitors.
- D. Doors associated with loading/unloading shall be screened from the adjacent right-of-way to the maximum extent possible.
- E. The Applicant shall install a grease trap on the portion of the building sewer serving the catering and food preparation facilities.
- F. The Applicant shall submit a sewer capacity request to DTMA based on actual water usage data from another facility of similar size or an estimate based on typical wastewater flow rates from a similar type of facility.
- G. The granting of approval of the Conditional Use request shall not relieve the Applicant from filing for and receiving any approval, permit, land development, subdivision, or site plan that may be required in accordance with all applicable Federal, State, County, and Township laws, regulations and/or requirements or from otherwise complying with all applicable laws, regulations and/or requirements.
- H. The granting of approval of the Application shall expire if a zoning permit, building permit, or certificate of use and occupancy related to the proposed facility is not obtained within 12 months from the date of the grant of approval.
- I. The Applicant shall comply with all other applicable provisions of the Derry Township Zoning Ordinance.
- J. If the Applicant desires to significantly expand the building to increase the size of the Food Catering use, such expansion will require additional approval from the Township.

OTHER BUSINESS

None.

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 3, 2022**

ADJOURNMENT

On a motion made by Secretary Tunnell, seconded by Member Guntrum, and a unanimous vote, the meeting was adjourned at 6:49 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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