

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
June 7, 2022**

CALL TO ORDER

The Tuesday, June 7, 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; 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; David Habig, Assistant Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Mike Wood, HRG, Inc.

Public Registering Attendance: Mark Moeser, Hershey; Tom DeDonatis, TJD Family, LLC; Randy Wright, Hanover Engineering

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 3, 2022 meeting, as written.

OLD BUSINESS

A. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan of Dilello Addition, Plat 1349

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

B. Report on the Board of Supervisors' action regarding Conditional Use Application No. 2022-03 for 1121 East Chocolate Avenue, as filed by Doors & Dreams REI, LLC

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

C. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for Milton Hershey School Central Operations Facility Expansion for Paint and Sign Shop, Plat 1351

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

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NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for Chadds Ford East, Plat 1357

Chuck Emerick reported that the land which is proposed for development is located at the southwest corner of the Lamp Post Lane/Church Road intersection. The tract contains 2.003 acres of land and is improved with a three-bedroom dwelling and detached garage. The property contains a stream, some steep slopes, and a floodplain. The developer proposes to construct eight duplexes and a single-family dwelling on the property, each on its own lot. All lots will be served by public water and sanitary sewer facilities. Each of the lots are designed to maintain the required minimum lot width of 40 feet; however, four of the units will share a driveway, a water lateral, and a sanitary sewer lateral. Each of the lots contain individual stormwater management facilities and each lot owner will be responsible for the continued maintenance of the facility.

Mr. Emerick summarized the waivers and deferments that the applicant has requested from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance.

Mr. Emerick and Mike Wood, HRG, Inc., went over their plan review comments.

Member Guntrum had questions about the ownership of the proposed shared water and sewer laterals and where the meter pits will be located. Randy Wright, Hanover Engineering, represented the applicant. They shared the concept with DTMA, and DTMA indicated that they would prefer to have a private sewer lateral serve four of the lots. The applicant will be proposing a shared utility agreement which will state that the owners of those four lots will share ownership and maintenance of the private water and sewer lines. They will have individual connections to the lines and will be paying their own bills.

Member Guntrum asked what organization will own the private utility lines and how it will survive through multiple sales of these lots. Mr. Wright stated that each lot owner will have their own lateral and will be responsible for that portion until it hits the common lateral. After that the shared utility agreement will kick in and it will state that the private laterals will be an encumbrance on those four lots, and those owners are required to participate and follow any regulations regarding maintenance, cost sharing, etc. Mr. Wright commented that generally those types of agreements are cross recorded to the lot so that future owners are made aware via title searches. Each lot will have its own meter set for water.

Member Guntrum stated that he works for Pennsylvania American Water and he has never seen this kind of arrangement. He asked if there will be a homeowners association that will enforce the terms of the shared utility agreement if one or more of the owners do not contribute. Mr. Wright believes the shared utility agreement would address those types of conflicts. There will be no homeowners association. Mr. Emerick noted that the applicant will be required to provide a draft of the shared utility agreement so it can be reviewed by the Township Solicitor prior to final approval of the plan.

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Chairman Wilson asked if the applicant has had discussions with Pennsylvania American Water about this proposed arrangement. Mr. Wright responded that the request has been submitted to Pennsylvania American Water, but the applicant has not had as many conversations with them as they have with DTMA.

Member Guntrum inquired if the proximity of the proposed driveway to the intersection of Lamp Post Lane and Church Road is an issue. Mr. Emerick said the location of the driveway is compliant with the Subdivision and Land Development Ordinance, which requires a minimum separation distance of 60 feet from a driveway to an intersection.

In response to a question from Chairman Wilson regarding the floodplain, Mr. Emerick stated that the Letter of Map Amendment (LOMA) has been submitted and approved.

Mr. Wright noted that the applicant does not have any issues with the review comments that were presented. Mr. Wright also requested an additional waiver from Section 185-33 of the Subdivision and Land Development Ordinance regarding street lighting.

Member Santostefano questioned how Waste Management will access the four properties on the private driveway. He also asked how this concept of duplexes will fit into a neighborhood of single-family dwellings and wondered how it will be perceived by the neighbors. Mr. Emerick commented that a group of residents came to a Board of Supervisors meeting prior to this submission being made to express their concern about the possibility of apartments or townhouses being developed and how that would change the appearance of the neighborhood. Mr. Emerick stated that duplexes are permitted in this zoning district; however, apartments are not. Member Santostefano asked if duplexes are correct for the nature of the neighborhood and if they would diminish the feeling of the neighborhood. Mr. Emerick responded that mostly every village has some division between types of dwelling units. He also noted that in this zoning district, 40 feet is the required minimum lot width whether a single-family dwelling or duplex is proposed, and the number of units permitted per acre is the same. That means someone could develop the lot with 30-foot-wide single-family dwellings, which would also change the character of the neighborhood.

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 and the Stormwater Management Ordinance:

- a. Waiver from Section 185-12 regarding processing a separate Preliminary Plan.
- b. Deferments from Sections 185-22.D.(3) and 185-22.E.(5) regarding additional street width and curbing along Church Road, subject to and conditional on the property owner agreeing to and executing a Declaration of Covenants, in a manner and form acceptable to the Township, to be recorded against the property, that would allow the Township to require the installation road widening and curbing along Church Road in the future if deemed

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necessary.

- c. Deferment from Section 185-22.D.(3) regarding additional street width along Lamp Post Lane, subject to and conditional on the property owner agreeing to and executing a Declaration of Covenants, in a manner and form acceptable to the Township, to be recorded against the property, that would allow the Township to require the installation road widening along Lamp Post Lane in the future if deemed necessary.
- d. Waiver from Section 185-34.A.(4) regarding sidewalks along Church Road, subject to the applicant paying the fee in lieu of sidewalk installation, which fee shall be calculated in accordance with Section 185-34.A.(4).(b).
- e. Waiver from Section 185-30.F regarding non-radial lot lines for Lots 6 through 9.
- f. Waiver from Section 185-31 regarding planting shade trees along Church Road.
- g. Waiver from Section 174-11 regarding the proposed loading ratio for stormwater management.
- h. Waiver from 185-33.C regarding providing street lighting

MOTION ON PLAT 1357

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 Plat 1357 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 17, 2022 HRG, Inc. letter.
- c. The comments in the June 1, 2022 DTMA letter.
- d. Provide evidence of contact with Muhammad Abdulbasit (owner of 803 Tally Ho Drive) regarding an approximately 60-linear-foot extension of sidewalk from Chadds Ford East to the corner of Lamp Post Lane and Tally Ho Drive.
- e. Provide documentation to the Township showing Pennsylvania American Water's concurrence with the method proposed to serve Lots 6, 7, 8, and 9.

B. Review and recommendation of the Final Subdivision and Land Development Plan for Hershey Hills Preserve and Estates at Stauffers Church Road, Plat 1356

This plan was withdrawn from consideration by the applicant prior to the meeting.

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C. Review and recommendation of the Preliminary/Final Land Development and Stormwater Management Site Plan for West Hershey Plant Building Expansion, Plat 1355

David Habig explained that the parcel on which the West Hershey Plant is located contains 202.44 acres of land; however, this project will disturb less than four acres. The property is in the Industrial zoning district, with some street-fronting areas containing the Hersheypark Drive/Route 39 (O3) Overlay. This development will not impact any of the areas located within the Overlay district. The focus of this land development plan is the construction of a 23,000-square-foot addition to the existing West Hershey Plant facility and an extension of the existing bike path along Old West Chocolate Avenue. The property is located between Hersheypark Drive and Old West Chocolate Avenue. The facility can be accessed from both Hersheypark Drive and Old West Chocolate Avenue. This project will have a nominal impact on traffic in the area. The applicant indicates in their narrative that ten additional employees per shift are to result from this project. The applicant indicates that the site will meet the parking requirements outlined in the Zoning Ordinance. Stormwater management for the addition to the building will be handled on site by an existing basin. Stormwater management for the bike path will be handled by porous pavement and a subsurface infiltration system.

Mr. Habig summarized the waivers and deferments that the applicant has requested from the Subdivision and Land Development Ordinance.

Mr. Habig and Mike Wood, HRG, Inc., went over their plan review comments.

Holly Evans, Evans Engineering, and Kenny Hinebaugh, The Hershey Company, represented the project. Ms. Evans stated that for the most part, they have no issues with the review comments. She clarified that this project adds 30 additional employees, 10 per shift. The Trip Generation Assessment letter numbers were based on a 2010 study, and over the years since then 84 employees have been added, so the applicant is trying to include that in the current numbers. That is why there is a difference in the numbers. Ms. Evans also requested an additional waiver from Section 185-31 of the Subdivision and Land Development Ordinance regarding the requirement for street trees along Old West Chocolate Avenue and Hersheypark Drive.

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.(2) and 185-13.E.(3) regarding plan scale for the overall site plans.
- b. Waivers from Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding providing metes and bounds for existing street centerlines along Hersheypark Drive and Old West Chocolate Avenue.
- c. 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

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hydrants, streets and their established grade and width, within 200 and 50 feet of the entire property.

- d. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing profiles of existing stormwater sewer and conveyance systems that will be unaffected by the proposed work.
- e. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing profiles of existing sanitary sewer systems that will be unaffected by the proposed work.
- f. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding profiles of existing gas and water systems that will be unaffected by the proposed work.
- g. Deferment from Section 185-22.E.(5) regarding installing curbing along Hersheypark Drive and Old West Chocolate Avenue adjacent to the project, subject to and conditional on the property owner agreeing to and executing a Declaration of Covenants, in a manner and form acceptable to the Township, to be recorded against the property, that would allow the Township to require the installation of curbing in the future if deemed necessary.
- h. Deferment from Section 185-34.A.(1) regarding sidewalk, walkway, and/or bicycle path installation along Hersheypark Drive adjacent to the property, subject to and conditional on the property owner agreeing to and executing a Declaration of Covenants, in a manner and form acceptable to the Township, to be recorded against the property, that would allow the Township to require the installation of sidewalks, walkways, and/or bicycle paths along Hersheypark Drive in the future if deemed necessary.
- i. Waiver from Section 185-31 regarding providing shade trees along Hersheypark Drive and Old West Chocolate Avenue adjacent to the project.

MOTION ON PLAT 1355

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 Plat 1355 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 27, 2022 HRG, Inc. letter.
- c. The comments in the June 1, 2022 DTMA letter.
- d. Comments 2 and 3 in the May 24, 2022 Dauphin County Planning Commission Review Report.

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OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Secretary Tunnell, seconded by Member Santostefano, and a unanimous vote, the meeting was adjourned at 6:57 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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