

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
September 6, 2022**

**CALL TO ORDER**

The Tuesday, September 6, 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 Vice Chairman Glenn Rowe.

**ROLL CALL**

Commission Members Present: Glenn Rowe, Vice Chairman; Matt Tunnell, Secretary; Don Santostefano

Commission Members Absent: Tom Wilson, Chairman; Mike Guntrum

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

Public Registering Attendance: Greg Rogalski, Pennoni; Christine Drexler, Rich Olszewski – Cocoa Packs; Kenny Hinebaugh, The Hershey Company; Jake Krieger, Mark Hackenburg – RGS Associates; Ken Gall, Hershey Trust Company; Jonathan M. Crist

**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 August 2, 2022 meeting, as written.

**OLD BUSINESS**

**A. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development and Stormwater Management Site Plan for West Hershey Plant Building Expansion, Plat 1355**

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

**B. Review and recommendation of the Preliminary/Final Stormwater Management and Land Development Plan for Project Milton, Plat 1362**

Chuck Emerick explained that this plan, filed by The Hershey Company, represents the further development of a 55.24-acre tract of land fronting on Reese Avenue. The plan proposes the retention of the existing Reese manufacturing plant, the demolition of the former Friendly's restaurant, and the construction of a 240,667-square-foot manufacturing/warehouse facility consisting of a 165,057-square-foot manufacturing area, a 18,817-square-foot office area, and a 56,793-square-foot warehouse area. Access to the site is from Reese Avenue and from a private driveway to the west of the intersection of West Chocolate Avenue and University Drive. The plan

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proposes three entrances to the plant. Two of the entrances are primarily for tractor trailer use, and the center driveway is to serve visitors and employees.

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

Mr. Emerick and Matt Bonanno, HRG, Inc., went over their plan review comments. Mr. Emerick also summarized DTMA's review comments.

Greg Rogalski of Pennoni represented the project on behalf of the applicant. He stated that they have been working with PPL to finalize the location of the electrical substation, so that will likely address DTMA's comment regarding the proximity of the substation to the sanitary sewer easement.

Mr. Rogalski noted that the applicant believes they can adequately address the review comments as presented. There was a fairly substantial shift in the stormwater methodology from the previous version of the plan to the current revised plan in terms of the existing problem area on the west side of the property, and the applicant believes that will improve the existing flooding situation and provide a positive outfall.

In response to a question from Member Santostefano, Mr. Rogalski said that the applicant has had some initial conversations with Norfolk Southern regarding the future rail spur and stormwater management improvements, but they have not received final approval.

Mr. Emerick inquired if the applicant will be requesting any additional waivers as a result of the review comments that were presented. Mr. Rogalski responded that they might need a waiver regarding Mr. Emerick's comment that the applicant shall "*monument all un-monumented property corners.*" He asked for clarification as to the intent of that comment and noted that monuments are not shown on the plan where they are already existing. Mr. Emerick stated that the comment is related to any un-monumented corners of the property. Mr. Rogalski commented that the applicant does not have an issue with providing them on the plan in locations where they were overlooked.

Member Santostefano asked if moving the electrical substation to the south of the existing PPL facility would be considered a significant change to the plan because it might affect the nearby detention basin. Mr. Rogalski stated that the basin is a collective area for the purpose of moving water. Member Santostefano asked if this basin is taking the runoff from the parking areas or if it is all going to the west. Mr. Rogalski responded that it is capturing sheet flow that is moving toward the east and pushing it to the west in terms of balancing the amount of water that is going through certain drainage areas. He believes the impacts to the plan would be minor if the substation needs to be relocated.

**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

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waivers and deferments be granted from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance:

- a. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale for overall maps and zoning information.
- b. Waiver from Section 185-34.A.(1) regarding sidewalk installation along the north side of Reese Avenue adjacent to the subject property.
- c. Waiver from Section 185-34.A.(1) regarding sidewalk installation along the south side of Reese Avenue adjacent to the subject property, subject to the applicant offering a fee in lieu of the installation of approximately 340 lineal feet of 5-foot sidewalk. The fee in lieu shall be calculated in accordance with Section 185-34.A.(4).(b).
- d. Deferment from Section 185-34.A.(1) regarding sidewalk installation along the Millard Street frontage of the subject 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 sidewalk along the Millard Street frontage of the property in the future if deemed necessary.
- e. Waivers from Sections 185-12.D.(3).(a).[21], [23], and [23] and Sections 185-13.E.(4).(a).[19], [20], and [21] regarding the scale of utilities profiles.
- f. Waivers from Section 185-12.D.(3).(a).[9] and Section 185-13.E.(4).(a).[9] regarding providing all existing structures, wooded areas, watercourses, rock outcrops, culverts, utilities, fire hydrants, street grade and width, within 200 feet and 50 feet of the entire property.
- g. Waiver from Section 185-22.D.(3) regarding cartway and right-of-way widening.
- h. Waiver from Section 185-22.E.(5) regarding curbing installation on existing streets.
- i. Waivers from Sections 185-34.C.(2).(d) and 185-34.C.(2).(e) regarding bike path material.
- j. Waiver from Section 174-17.A.(7) regarding the requirement for fencing to prohibit unauthorized access, subject to the applicant indemnifying the Township for granting the waiver.

**MOTION ON PLAT 1362**

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 Plat 1362 be approved, subject to the following being satisfactorily addressed:

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- a. The comments in Item 3 of this staff report.
- b. The comments in the August 30, 2022 HRG, Inc. letter.
- c. The comments in the August 31, 2022 DTMA letter.

Vice Chairman Rowe made a comment (*separate from the motion*) that the traffic impact study shows there will not be an impact to the West Chocolate Avenue/University Drive intersection as a result of the project; however, the traffic signal is currently not operating properly because it does not empty out the entire queue of vehicles. Chairman Rowe suggested to the Board of Supervisors that the Township should evaluate the signal to determine if it is operating in accordance with the signal plan.

**NEW BUSINESS**

**A. Review and recommendation of the Sketch Plan for Cocoa Packs, Plat 1363**

Chuck Emerick explained that this plan, filed by Hershey Trust Company and Cocoa Packs, represents the development of an approximately 40-acre tract of land fronting on East Main Street and Route 322. The plan proposes the construction of a one-story, 20,000-square-foot “retail” facility for Cocoa Packs on an approximately three-acre condominium tract and the creation of an approximately two-acre undeclared condominium tract. Access to the site is proposed by a 28-foot common access drive. The Cocoa Packs building and grounds have multiple related facilities to serve their clients. Mr. Emerick believes the principal use will be the food market and clothing market, which are meant to support underserved children. Those two features are accompanied by a receiving, inventory, and processing area; a café serving visiting families and volunteers in addition to providing themed sit-down meals, cooking classes, special speakers, and other such activities (but will not be open to the public); an education center with a computer corner and lending library; and garden plots to support the café and educate families in gardening. There will be other events centered around Cocoa Packs’ mission that are also planned for the site.

Mr. Emerick went over his plan review comments.

In response to a question from Vice Chairman Rowe, Mr. Emerick explained that the applicant should provide a layout of the rest of the property so the Township can have a general idea of what is expected in the future. The drainageway needs to be evaluated and ultimately the Township would like to have another means of egress from the site. Vice Chairman Rowe inquired how that can be enforced from a legal standpoint once the stub street is there. Mr. Emerick responded that any future development on the site will be reviewed as a land development plan.

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Mark Hackenburg, Principal, RGS Associates; Christine Drexler, Executive Director and CEO of Cocoa Packs; Rich Olszewski; Ken Gall, Hershey Trust Company; and Jake Krieger of RGS Associates were present to answer questions regarding the Sketch Plan.

Mr. Olszewski of Cocoa Packs explained that they are an organization that provides food assistance to children in need. They are filling in the gaps when the subsidized programs from the schools are not able to provide support (such as on weekends, holidays, and during the summer), and they do that primarily by providing non-perishable food packs. They also provide some perishable items and have a weekly drive-through line at Spring Creek Church. Additionally, they pick up excess food from local merchants so it does not go to waste and provide it to children. Cocoa Packs currently supports approximately 1,200 children, and they expect to be able to support approximately 2,000 children from the proposed new facility. They provide other support for families, including donated clothing and special events, such as gift programs during the holidays. All of Cocoa Packs' activities are being conducted out of seven different facilities and it is very inefficient.

Ken Gall, Hershey Trust Company, commented that in terms of possibly laying out some of the interior circulation systems, this property has been a struggle. If there was not a very good reason to be doing the proposed project now, they would probably wait and make it part of a larger project. Mr. Gall does not think there is a way to specifically predict what will happen with the rest of the property. Mr. Emerick noted that since the Cocoa Packs lot will be a condominium, he assumes there will be others on the property. He wants to have something on file that shows a second access to the property.

Mr. Hackenburg stated that Grace United Methodist Church may be a logical emergency access point, but the notion of using those driveways through their parking lot is probably illogical from a daily access standpoint. The sketch plan is currently laid out with that as the terminal point, but the applicant did not want to be presumptive and that is why the plan does not show a direct connection to the Grace United Methodist Church property until discussions have occurred regarding whether an emergency access can be established there.

Mr. Hackenburg noted that tied to the subject property is a bigger community transportation plan that has everything to do with the Route 39 interchange. On one of the long-range transportation plans that Mr. Hackenburg has seen there is a slip road that comes off East Main Street that would allow East Main Street to access the Route 39 on-ramp, and there is a reconfiguration of the intersection near the Cocoa Diner. It seems to be the only logical point of access. The topography and steep slopes on the site control most of the circulation. There are development challenges on the front side of the site. This is a good project for the site because it is not expected to generate a large amount of traffic.

Mr. Hackenburg explained that this project proposes frontage improvements from the end of East Main Street down to the intersection. The applicant will ultimately be seeking relief from frontage improvements along the remainder of the site. Where a stormwater management basin is indicated on the plan is where they will likely seek relief for frontage improvements, including street trees,

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sidewalk, and cartway widening. There may be a secondary emergency access point that could be developed across the western side of the small stormwater basin that would lie on the left side of the entrance drive. Mr. Hackenburg noted that they do not have a clear understanding of the classification of this street to determine what the right-of-way requirement is, and they will work with the Township on that issue.

Mr. Hackenburg stated that public sewer and water lines exist to the north and east of the upper right-hand corner of the property, between old East Main Street and Route 39. The applicant will have to extend those lines to serve the property. Regarding restrictions, there are about 200 acres of off-site drainage from the Hershey West End site that comes down through the middle of the subject property, and that will be an easement restriction. There is a gas line that runs along the Route 322 perimeter of the site, some dedicated PennDOT right-of-way, and a Community Heritage Buffer Overlay.

Mr. Hackenburg commented that it is anticipated there will be one to two tractor trailer visits to the site per week, and the applicant believes that a 28-foot-wide cartway dimension for the access drive is appropriate for the proposed use based on the anticipated limited volume of large vehicle traffic movements. Most of the deliveries to the facility will be made by Cocoa Packs' vans. Secretary Tunnell asked if tractor trailers are restricted on East Main Street to the west of the site, in Hummelstown Borough. Mr. Hackenburg responded that he will find out.

Member Santostefano does not think this is an ideal site for the Cocoa Packs facility because it is out of the way and awkward to access, and there are existing traffic problems at the Hersheypark Drive intersection. He asked if the applicant has informed Hummelstown Borough about the project as a courtesy. Mr. Gall stated that they have not approached Hummelstown Borough yet. Cocoa Packs did a 12-month to 24-month search for viable locations and explored many different options. Member Santostefano commented again on the problem intersection and noted that it is not going to get solved any time soon. Mr. Gall responded that Cocoa Packs is a very low traffic generating retail use. Ms. Drexler added that they will be working by appointment.

Vice Chairman Rowe noted that the facility will not be very visible from East Main Street and may be difficult for clients to find. Mr. Hackenburg replied that they will have to rely on signage on East Main Street to direct clients. He reiterated that visits are by appointment and Cocoa Packs is not trying to attract drive-by business.

In response to a question from Mr. Hackenburg, the Planning Commission members noted that they do not have any concerns regarding the anticipated waiver and deferment requests.

**OTHER BUSINESS**

None.

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**ADJOURNMENT**

On a motion made by Secretary Tunnell, seconded by Member Santostefano, and a unanimous vote, the meeting was adjourned at 7:15 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*)