



TOWNSHIP OF DERRY

Board of Supervisors Meeting Minutes

Tuesday, November 28, 2023

EXECUTIVE SESSION 6:00 PM

CALL TO ORDER

Chairman Abruzzo called the November 28, 2023 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:04 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for providing accurate notes. An Executive Session was held before the meeting where land and legal items were discussed. After the Pledge of Allegiance, a roll call was performed.

ROLL CALL

SUPERVISORS PRESENT:

E. Christopher Abruzzo
Natalie L. Nutt
Carter E. Wyckoff
Michael P. Corado
Richard D. Zmuda

ALSO PRESENT:

Christopher S. Christman, Township Manager
Patrick Armstrong, Township Solicitor
Garth Warner, Chief of Police Department
Chuck Emerick, Director of Community Development
Tom Clark, Director of Public Works
Alison Jacobine, Director of Hershey Public Library
Zachary Jackson, Director of Parks & Recreation
Becky Sweigart, Public Outreach Coordinator
David Sassaman, Hershey Volunteer Fire Department
Eric Stump, HRG Engineer
Julie Echterling, Recording Secretary

Public in Attendance:

Jonathan Crist, Rich Gamble

VISITOR/PUBLIC COMMENTS

Mr. Jonathan Crist, 2865 Church Road, spoke on behalf of himself and his client AIS. He has some suggestions on the stormwater ordinance that should be in there. Solicitor Armstrong said he could provide his comments during the public comment for the ordinance discussion.

CONSENT CALENDAR

Financial security-Stormwater Management Plan for 2455 Schoolhouse Road, S-2023-001:

Authorized the release of financial security in the amount of \$15,634.00, which had been provided as cash for the Stormwater Management Plan for 2455 Schoolhouse Road, S-2023-001.

Approval of November 28, 2023 Accounts Payable of \$1,764,153.87 and Payroll of \$363,600.91.

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Supervisor Zmuda made a motion to approve all items on the Consent Calendar. Supervisor Corado seconded the motion. **Motion carried 5-0.**

NEW BUSINESS

Hearing regarding proposed Ordinance No. 2023-08, amending Chapter 174 (Stormwater Management) for the Township to be in compliance with Act 167 - Dauphin Countywide Stormwater Management Plan:

Mr. Emerick stated in December 2010, the Township adopted Ordinance No. 602 (Chapter 174) to bring the Township into compliance with Act 167 - Dauphin Countywide Stormwater Management Plan. Section 11(b) of the Stormwater Management Act requires each municipality within an area covered by a stormwater management plan to adopt or amend and implement such ordinances and regulations including zoning, subdivision and land development, building code, and erosion and sedimentation, as are necessary to regulate development within the municipality in a manner consistent with the stormwater management plan and the provisions of the Stormwater Management Act. Additional modifications were made and this is the first major revision of the regulations since DTMA has become the Township's Stormwater Management Authority. He has worked with HRG and DTMA to revise our stormwater management regulations to be consistent with the DEP model ordinance. The completely revised Chapter 174 has been reviewed by himself and the Solicitor and is ready for adoption.

He highlighted the following changes:

- DTMA, as our Stormwater Management Authority, now shares the requirements to implement a program of stormwater controls with the Township.
- It is now noted that DTMA is to manage post-construction stormwater BMPs once they are established.
- DTMA is empowered to take enforcement actions against an owner for any failure to satisfy the provisions of Chapter 174.
- DTMA is authorized to permit modifications to BMPs when necessary.
- Verification of infiltration rates where the BMP is used for erosion and sediment control is now required.

Mr. Jonathan Crist provided a handout to the Board and Mr. Emerick. He spoke about sinkholes in the Township. He spoke about Palmyra and how they have addressed this issue. He discussed ways stormwater can be treated, potential issues and the hazards of stormwater. He spoke about his clients, and their concerns with the hotel being built next door, and their stormwater and what the engineer reported. Solicitor Armstrong asked him to keep his comments to the ordinance. Mr. Crist spoke about his concerns with sinkholes and the DEP manual's specific comments about parking lots with 40 or more parking spaces.

Solicitor Armstrong stated Mr. Emerick could review the document provided and they could be considered in a future amendment. Mr. Emerick spoke about the requirements for plans including plans sealed by professional engineers. Chairman Abruzzo asked him to ensure the project spoken about tonight is okay. Mr. Emerick stated the plan was reviewed by HRG, but he will take a look. Solicitor Armstrong noted that this hearing has been advertised.

Secretary Wyckoff made a motion to adopt Ordinance No. 2023-08. Supervisor Zmuda seconded the

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motion. **Motion carried 5-0.**

Proposed Master Plan amendments to the Zoning Ordinance prior to consideration by the Township and County Planning Commissions:

Mr. Emerick stated in the June workshop with the Board, these proposed amendments to the Zoning Ordinance for Master Planning were discussed. After receiving the Board's direction, he and the Solicitor modified the Zoning Ordinance as it relates to the Master Plan process. The draft ordinance represents their understanding of the modifications desired. He highlighted a few of the modifications related to the following areas of the ordinance:

- Larger tract sizes for Master Plan developments.
- Application processes have been revised.
- More detail related to content of the Master Plan is provided.
- A reduction in the residential density bonus, impervious coverage bonus, and building height bonus.
- More specific requirements for dedication of Park, Recreation and Open Space.
- Prescriptive listing for what de minimis modifications to a Master Plan may be approved on a Preliminary or Final Plan.
- Modifications to an existing Master Plan approval are permitted when the amendments are greater than de minimis but less than substantial.
- Prescriptive listing of when modifications of an existing Master Plan approval are substantial and require a new Master Plan.

Solicitor Armstrong discussed the main changes with open space with the Board. Mr. Emerick stated the next steps after the Board, is the County and Township Planning Commission meetings in January, and then a public hearing for the Board.

Vice Chairwoman Nutt made a motion that the proposed amendments to Section 225-501.58 of the Zoning Ordinance be forwarded to the Township and County Planning Commissions for review and comment. Secretary Wyckoff seconded the motion. **Motion carried 5-0.**

Financial security-Site Improvement Plan and Stormwater Management Plan for Hershey Tanger Outlets (46 Outlet Square), S-2023-014:

Vice Chairwoman Nutt made a motion to accept the financial security in the amount of \$367,727.00, in the form of Hartford Fire Insurance Company Bond No. 20BSBIV8275 and enter into the Agreement to Provide Financial Security with FSH Associates, LP, for the Site Improvement Plan and Stormwater Management Plan for Hershey Tanger Outlets (46 Outlet Square), S-2023-014.

Supervisor Corado seconded the motion. **Motion carried 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

Supervisor Zmuda attended the Downtown Core meeting where they discussed the signs and design for the Lumberyard. There was a transportation meeting where grants, roundabouts and projects for pedestrian safety were discussed. Supervisor Corado will provide a DTMA update at the next meeting

DEPARTMENTAL REPORTS

Public Works

Mr. Clark stated next week is the last week for leaf collection.

Library

Mrs. Jacobine spoke about the Friends of the Library Pop-up Book Sale on December 8 and 9.

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Community Development

Mr. Emerick stated there is a need for a public hearing for a rental conditional use. The Board agreed to January 23, 2024 at 6:30. Solicitor Armstrong stated there would be a liquor license hearing also that day.

VISITOR/PUBLIC COMMENTS

There were no public comments provided.

ADJOURNMENT

Supervisor Zmuda made a motion to adjourn the meeting at 7:50 p.m. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary