

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
December 12, 2023**

CALL TO ORDER

The Tuesday, December 12, 2023, 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 Glenn Rowe.

ROLL CALL

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

Commission Member Absent: Tom Wilson

Township Staff and Review Agency Representatives Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Ryan Cummings, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission Representative

Public Registering Attendance: Craig Smith, RGS Associates; Craig Mellott, Traffic Planning & Design; Ken Gall, Erin Mariano – Hershey Trust Company

APPROVAL OF MINUTES

On a motion made by Member Santostefano, seconded by Vice Chairman Tunnell, and a unanimous vote, the Planning Commission approved the minutes from the October 3, 2023, meeting, as written.

OLD BUSINESS

A. Report on the Board of Supervisors’ action regarding adoption of a Decision for Conditional Use Application No. 2023-01 as filed by Hershey Lumberyard, LLC

Chuck Emerick reported that the Board adopted a Decision to grant the Conditional Use, with conditions.

B. Report on the Board of Supervisors’ action regarding the Preliminary/Final Subdivision and Land Development Plan for Hershey Hills Preserve and Estates, Plat 1373

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

C. Report on the Board of Supervisors’ action regarding the Preliminary/Final Land Development Plan for Cocoa Packs, Plat 1379

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

D. Report on the Board of Supervisors’ action regarding adoption of an Adjudication and Order for Conditional Use Application No. 2022-06 as filed by Linlo Governor Crossing, LLC and Sheetz, Inc.

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Chuck Emerick reported that the Board adopted an Adjudication and Order to deny the Conditional Use requests.

E. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for Taco Bell, Plat 1375

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

NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2023-02, as filed by SkyBridge General Services, LLC, regarding establishing a Short-Term Rental use at 911 Mae Street

Chuck Emerick explained that this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.20 of the Code of the Township of Derry. The applicant proposes to establish a short-term rental on the property located at 911 Mae Street, Hummelstown. The subject property is located in the General Commercial zoning district. According to Tax Assessment records, the property contains a 1,120-square-foot, three-bedroom, single-family dwelling unit built in 1971.

Mr. Emerick reviewed the required performance standards for the Conditional Use and the applicant's responses as to how they will meet the standards.

Mr. Emerick recommended that the Conditional Use authorization be granted, subject to the following conditions:

- A. The establishment of the short-term rental shall be in substantial compliance with the information presented with the Conditional Use Application and the testimony during the January 23, 2024 public hearing before the Board of Supervisors.
- B. If, in the future, the Applicant propose to increase the number of bedrooms in the dwelling beyond the existing three, they must apply for further approval from the Township.
- C. The operation of the short-term rental must at all times comply with the requirements of Sections 225-501.20.B through O of Chapter 225 (Zoning) of the Code of the Township of Derry.
- D. Special events and public functions such as concerts, conferences, or weddings are prohibited on the lot of the short-term rental. Any rental lease or agreement for the short-term rental shall include language stating that restriction.
- E. Notwithstanding any lesser restriction required by the Township's Property Maintenance Code, Chapter 143 of the Code of the Township of Derry, no more than two individuals

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(excluding children under the age of three) may occupy any bedroom. Any listing to rent the property shall be limited to six persons over the age of three.

- F. The Applicant shall provide the required four parking spaces in a manner consistent with the Zoning Ordinance.
- G. The granting of approval of the Application shall not relieve the Applicant from filing and having the Township approve any permit, land development, subdivision, or site plan that may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
- H. The granting of approval of the Application shall expire if a zoning permit, building permit, or certificate of use and occupancy 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. The short-term rental shall meet all other requirements of the Township that may apply.

Chairman Rowe inquired if the applicant owns other short-term rental properties in the Township and if the Township has received complaints about those properties. Mr. Emerick replied that he thinks the applicant owns at least one other property. In general, the Township usually does not receive any complaints about short-term rental properties because they are typically maintained very well.

Chairman Rowe commented that because of the proximity of the subject property to the railroad tracks and knowing the short-term rental will likely be used by families with young kids, the Township should require a fence in the backyard for safety.

MOTION

On a motion made by Member Santostefano, seconded by Vice Chairman Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2023-02 be granted, subject to conditions ‘A’ through ‘J’ as outlined by Township staff, and subject to the applicant maintaining the existing property fence in good condition for the protection of occupants of the short-term rental regarding the adjacent railroad tracks. If a fence does not currently exist, the applicant shall install one.

B. Review and recommendation of the Preliminary/Final Lot Consolidation and Land Development Plan for Hershey Lumber Company, Plat 1381

Chuck Emerick explained that Plat 1381 depicts the establishment of a Dwellings for Employees and Students use in accordance with Section 225-501.56 of the Zoning Ordinance. The lands proposed for this use are comprised of four tracts, owned by Hershey Trust Company and located in the Downtown Core 9.1 Overlay of the Hershey Mixed Use zoning district. The tracts are generally located north of West Chocolate Avenue and west of the Hershey Plaza apartments and are commonly known as the

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Lumberyard Tract (two tracts), the Powerhouse Tract, and the Lucy's restaurant tract. The four tracts, once combined, will contain a total gross area of 4.985 acres. The allowance for the Dwellings for Employees and Students use was recently added to the Zoning Ordinance. This project proposes an 18% reduction in impervious coverage.

Mr. Emerick stated that a traffic impact study has been prepared and summarized the improvements recommended by the study. One of the recommendations is a one-way traffic restriction on M Street, if desired by the Township. Mr. Emerick thinks it makes sense because the throat of M Street at West Chocolate Avenue is very narrow. The Planning Commission did not have any issues with the recommendation. In response to questions from the Planning Commission, Mr. Emerick stated that N Street is not a Township road. It is part of the Car Barn property. Ken Gall, Hershey Trust Company, noted that they spoke to the owner of the hairdresser building and the Car Barn property (Purcell), and he is on board with the proposal and M Street being one way. Hershey Trust Company has had numerous discussions with Rite Aid about the project and they do not think Rite Aid will be affected by M Street being one way.

Chairman Rowe asked what the applicant's thoughts are on maintaining the access interconnection between the Lumberyard site and the Hershey Plaza property. It looks like the access is only 12 feet wide. If it is to be for emergency use only, those vehicles will never be able to make the radius of the turn. Mr. Emerick suggested that the applicant look into the matter because he thinks it would be a good idea to keep the access open for emergencies. Secretary Guntrum commented that it might be worthwhile for the applicant to have a conversation with the fire department to find out if they use the access. Mr. Emerick noted that currently there is no cross easement for the access interconnection, and it is located on private property. It is not open for every day use, and the owner of the Hershey Plaza property does not want to entertain the idea of making the interconnection permanent. Chairman Rowe agreed that it would be a good idea to keep the access open for emergencies.

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

Mr. Emerick; Ryan Cummings, HRG, Inc.; and Diane Myers-Krug, Dauphin County Planning Commission representative, summarized their review comments. Mr. Emerick also referenced DTMA's comments.

Regarding Ms. Myers-Krug's review comment that more parking spaces are proposed than what is required, Mr. Emerick stated that there may be a possibility in the future where the Lumberyard property's parking may tie into the redevelopment of the Car Barn property as shared parking, so he is not concerned that the applicant is providing extra parking.

Craig Smith of RGS Associates stated that the applicant does not have any issues with the review comments that were presented.

In response to a question from Member Santostefano, Mr. Smith commented that the applicant intends to install EV charging stations as shown on the plan; however, it has not been determined yet whether there will be a fee for the use of the charging stations.

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MOTION ON WAIVERS

On a motion made by Vice Chairman Tunnell, seconded by Secretary Guntrum, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance be granted:

- a. Waiver from Section 185-12.D.(3).(a).[9] regarding showing existing features within 200 feet of the tract of land to be developed.
- b. Waiver from Section 185-13.E.(4).(a).[9] regarding showing existing features within 50 feet of the tract of land to be subdivided or developed, only as it relates to proposed work to adjacent street, in which case all existing facilities within 20 feet of the proposed work shall be shown.
- c. Waivers from Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding depicting topographic land contours within 200 feet of the tract of land to be developed.
- d. Waivers from Sections 185-12.D.3.(a).[21], [22], [23] and 185-13.E.4.(a).[19], [20], [21] regarding providing plans and profiles of unaffected existing utilities.
- e. Waivers from Sections 185-13.E.4.(a).[19], [20], [21] regarding providing plans and profiles of utilities at a scale of 1" = 50' horizontal and 1" = 50' vertical.
- f. Waiver from Section 185-22.D.(2) regarding street right-of-way and cartway widths to allow L Street to be reconstructed as a Minor Street with a 50-foot right-of-way and a 24-foot cartway.
- g. Waiver from Section 185-22.E.(5) regarding installing curbs along the Ridge Road frontage of the property.
- h. Waiver from Section 185-31 regarding providing shade trees along the Ridge Road frontage of the property.
- i. Waiver from Section 185-33.C regarding lighting to allow the streetlights that are located within the public rights-of-way of L Street and within the portion of First Street that the subject property fronts on to be owned, operated, and maintained by the Applicant and its successors and assigns.
- j. Waiver from Section 185-34.A.(1) regarding providing sidewalk along the Ridge Road frontage of the property, subject to the applicant paying the fee in lieu of sidewalk installation, which fee shall be calculated by the applicant in accordance with Section 185-34.A.(4).(b).

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- k. Waiver from Section 174-17.C.(15) regarding storm pipe trench construction.

MOTION ON PLAT 1381

On a motion made by Vice Chairman Tunnell, seconded by Member Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1381 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the November 29, 2023 Township staff report.
- b. The comments in HRG, Inc.'s December 6, 2023 Subdivision & Land Development Review Letter #1.
- c. The comments in HRG, Inc.'s December 6, 2023 Highway Occupancy Permit Review Letter #1.
- d. The comments in the December 6, 2023 DTMA letter.
- e. Applicable comments from the Dauphin County Planning Commission.
- f. Compliance with comments or recommendations from the Derry Township Shade Tree Commission, if any.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairman Tunnell, the meeting was adjourned at 6:56 p.m.

Respectfully submitted,

Michael J. Guntrum
Planning Commission Secretary

Submitted by:

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