

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
January 9, 2024**

**CALL TO ORDER**

The Tuesday, January 9, 2024 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 Member Glenn Rowe.

**ROLL CALL**

Commission Members Present: Glenn Rowe; Matt Tunnell; Mike Guntrum; Tom Wilson; Sean Guay

Commission Members Absent: None

Township Staff and Review Agency Representatives Present: Chuck Emerick, Director of Community Development; Dave Habig, Assistant Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Corrinne Cook, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative; Sean Duffy – Grim, Biehn & Thatcher

Public Registering Attendance: Mary Driscoll, Andy Billingsley – Mary’s Training Center; Scott Genoble, Buzgon Davis; Allison Hanna, Pennoni Associates; Melanie Boehmer, Frank Rapisarda – Milton Hershey School

**APPROVAL OF MINUTES**

On a motion made by Member Tunnell, seconded by Member Rowe, and a majority vote, the Planning Commission approved the minutes from the December 12, 2023 meeting, as written. Member Wilson abstained from voting because he was absent from the December meeting.

**REORGANIZATION**

Member Wilson made a motion that the offices of Chairman, Vice Chairman, and Secretary be filled for 2024 as follows:

Chairman – Matt Tunnell  
Vice Chairman – Mike Guntrum  
Secretary – Sean Guay

Member Tunnell seconded the motion, which was passed unanimously.

**OLD BUSINESS**

None.

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**NEW BUSINESS**

**A. Review and recommendation of Conditional Use Application No. 2023-03, as filed by Mary Driscoll, amending previously approved Conditional Use Application No. 2022-04 for Mary's Health and Fitness**

Chuck Emerick explained that Mary Driscoll, on behalf of Driscoll Rentals, LLC, has filed this Conditional Use Application for the purpose of amending two of the conditions of approval listed in the June 28, 2022 Decision for Conditional Use Application No. 2022-04. Ms. Driscoll is actively constructing a "health and fitness center" under the name of Mary's Training Center on property that formerly contained the Ziegler Auction Company building, now owned by Driscoll Rentals, LLC, in accordance with an approved Preliminary/Final Land Development Plan for Mary's Health and Fitness (Plat 1366). She is anticipating opening in January 2024. The 3.5-acre property is addressed as 981 Bullfrog Valley Road, is identified as Parcel 24-057-094 in the Dauphin County tax records, and is located in the R-1 (Larger Lot, Single-Family Residential) and the Sand Hill Road (O12) Overlay zoning districts. Conditional Use Application No. 2023-03 was filed with the desire to amend the following two conditions of the original approval:

- F. The hours of operation for the proposed use shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturday. The facility shall be closed on Sundays.*
  
- K. The proposed use shall be limited to one-on-one training, small group training not to exceed a 1 trainer/instructor to 6 clients ratio, ACL recovery programs, physical therapy, a 'return to play after injury' program, sports psychology, a nutritionist, a Sportsmetrics™ Injury Prevention Program, and space rental for small group instructional clinics not to exceed 12 clients. No other activities, events and/or uses shall be permitted as part of the proposed use on the Property.*

Mr. Emerick stated that while the facility will operate substantially in compliance with all other conditions, Ms. Driscoll desires to amend the hours of operation to permit the use of the facility from 5:00 a.m. to 10:00 p.m. every day of the week. Any patron visiting the facility will still be by appointment only. Additionally, a modification related to the number of patrons utilizing the center is requested. As noted in Section K of the Decision for Conditional Use Application No. 2022-04, small group instructional clinics are presently limited to 12 clients. The small group instructional clinics are intended to occupy the 28,000-square-foot turf field. When finally constructed, the turf field will be able to be segmented, with movable netting, into up to four training areas. Each area will be able to independently host an instructional clinic. No other modification to the operation of the facility or the conditions listed in the Decision for Conditional Use Application 2022-04 are proposed.

Mr. Emerick suggested that the Planning Commission recommend approval of the request filed under Conditional Use Application No. 2023-03, subject to the following conditions, along with any other conditions noted by the Planning Commission:

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- A. The establishment and operation of the “health and fitness center” use shall be in substantial compliance with the information, testimony, and Decision associated with Conditional Use Application No. 2022-04, except as amended by the information presented with this Conditional Use Application No. 2023-03, the testimony provided during the January 23, 2024 public hearing before the Board of Supervisors, and as further described and/or restricted in the resulting Decision.
- B. Ample space shall be provided on-site for the loading/unloading activities as well as parking for delivery vehicles, employees, and visitors/patrons of the site.
- C. All programing shall be scheduled or appointments made so as not to overburden the available parking on site.
- D. No parking related to the operation or the use of this facility shall occur along the shoulders of Bullfrog Valley Road, Roush Road, and/or Sand Hill Road.
- E. The Property, grounds, facilities, and/or building shall be used for training facilities and may not be rented or otherwise used for public competitions or tournaments and/or other special or competitive events with spectators.
- F. The proposed use shall not operate as a gym open to the public but shall be limited to appointments and scheduled sessions and/or clinics for small groups.
- G. The proposed use shall not include any competitive events, games, competitions and/or tournaments, and shall be limited to only those specific activities listed in Condition H below.
- H. The proposed use shall be limited to one-on-one training, small group training, ACL recovery programs, physical therapy, a ‘return to play after injury’ program, sports psychology, a nutritionist, a Sportsmetrics™ Injury Prevention Program, sports clinics, and space rental for small group instructional clinics. No other activities, events and/or uses shall be permitted as part of the proposed use on the Property.
- I. The hours of operation for the use shall be limited to 5:00 a.m. to 10:00 p.m., Monday through Sunday.
- J. All patrons of the proposed use shall visit by appointment only.
- K. 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.

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- L. 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.
- M. Any violation of any condition imposed herein shall be a violation of the Derry Township Zoning Ordinance and shall be subject to enforcement.
- N. The Applicant shall comply with all other applicable provisions of the Derry Township Zoning Ordinance.

Scott Grenoble, an attorney with Buzgon Davis, represented Ms. Driscoll. Mr. Grenoble said he thinks there was a genuine misunderstanding between Ms. Driscoll and the Township about the scope of the project. He noted that there are points of discussion that Ms. Driscoll would like to address with the Township in addition to what has already been presented with Conditional Use Application No. 2023-03. First, an original concern of both the Planning Commission and Board of Supervisors was ensuring that patrons do not park on Roush Road and/or Bullfrog Valley Road. Ms. Driscoll would like to suggest, at her cost and with the permission of the Township, that ‘No Parking’ signs be placed along those areas to ensure it does not become a problem. Second, there seems to be a lot of concern about the facility being a spectator facility, and it is 100% not a spectator facility. It is a training and rehabilitation facility. It is not for hosting games and tournaments, and Ms. Driscoll is willing to post signage to that effect and to also dissuade parents and families from coming into the facility to watch the training.

Regarding the request to extend the facility’s hours of operation, Mr. Grenoble stated that there was clearly a disconnect between Ms. Driscoll and the Township about what was being sought. She wants to provide access to a fair number of people throughout the day to minimize the congestion that might occur if this was compacted into a shorter period of time and to work around the peak travel times when the school is coming in and out of session.

Mr. Grenoble noted that Ms. Driscoll would also like to offer tutoring options on a small scale to student athletes who are already at the facility and if that could be allowed as an additional permitted use, she would like to provide that.

Mr. Grenoble stated that Condition K in the Decision for Conditional Use Application No. 2022-04 limits the number of clients for small group training and small group clinics to a ratio of one trainer/instructor to six clients and a maximum of 12 clients. This is a small group when compared to the size of the 28,000-square-foot turf area. Ms. Driscoll is requesting that the restriction be removed. It was never her intention to only have 12 clients in the turf area; it is not even viable. The turf area can be divided into four large sections. A maximum of 48 clients would make more sense from a utilization standpoint.

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Vice Chairman Guntrum said he was surprised to see *The Sun* reporting on exhibitions being offered at the facility. Mr. Grenoble replied that Ms. Driscoll was surprised too because that was not conveyed to *The Sun*. It was never the intention to have exhibitions. There are no facilities for spectators.

In response to a question from Member Rowe, Mr. Grenoble stated that there is plenty of room for 12 clients in each quadrant of the turf area, or a maximum of 48 clients in the full turf area. Member Rowe inquired about the number of parking spaces. Mr. Grenoble responded that there are 31 spaces, but Ms. Driscoll's experience at her existing Hockersville Road facility has been that the clients are dropped off and picked up by parents or carpools. Member Rowe commented that teenagers who are able to drive are going to want to drive themselves instead of being dropped off. Additionally, there will be trainers and instructors at the facility, and now Ms. Driscoll is requesting permission for a tutoring aspect. Thirty-one parking spaces will fill up very quickly. This is mainly a residential area, and Ms. Driscoll needs to be cognizant of that. Member Rowe thinks it is important that there is enough available on-site parking so as not to create a problem anywhere else. He is hesitant to agree to a maximum of 48 clients in the turf area because he thinks there is going to be a parking issue.

Chairman Tunnell commented that the parking becomes self-limiting. If it is a group of high school-age or older clients, they are going to drive themselves and the requested maximum of 48 clients will not be possible because there are not enough parking spaces. However, if the group of clients is younger than driving age, a maximum of 48 is probably possible because the clients are being dropped off.

Member Rowe said that because of the facility's location, he thinks it is likely that parents will sit in their cars in the parking lot and wait for their kids instead of leaving and coming back. Chairman Tunnell expressed concern that if there is no available parking in the facility's lot, people might try to find another property or neighborhood within walking distance and park there. Member Rowe stated that he would not feel comfortable even with people parking across the street from the facility because that would require them to cross the street, possibly in the dark, especially if Ms. Driscoll is requesting extended operating hours. The facility must meet the parking requirements that have been established. Ms. Driscoll noted that she has no intention of directing parking to any off-site locations.

Member Rowe asked for confirmation that Ms. Driscoll is requesting the hours of operation to be 5:00 a.m. to 10:00 p.m. as indicated in Mr. Emerick's suggested conditions of approval, not 5:00 a.m. to 9:00 p.m. as stated in the narrative submitted with Conditional Use Application No. 2023-03. Ms. Driscoll confirmed the change. Mr. Emerick explained that the change was the result of additional discussions he had with Ms. Driscoll following the submission of the Application.

Mr. Emerick asked if Ms. Driscoll finds his suggested conditions of approval to be acceptable. Member Rowe referenced condition 'E' (*The Property, grounds, facilities, and/or building shall be used for training facilities and may not be rented or otherwise used for public competitions or tournaments and/or other special or competitive events with spectators*), and stated that according

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to the facility's website, it appears Ms. Driscoll intends to rent the fields as well. Ms. Driscoll confirmed that she intends to rent the fields to clinicians for small groups. Member Rowe suggested the condition should be reworded to: "...shall be used for training and may not be rented for public competition..." Chairman Tunnell recommended eliminating the words "rented or otherwise" and stating "...may not be used for public competitions or tournaments and/or other special or competitive events with spectators."

Mr. Grenoble stated that Ms. Driscoll agrees with Mr. Emerick's suggested conditions of approval. Mr. Grenoble also referenced his earlier two suggestions about expanding the one trainer/instructor-to-six-clients ratio and the 48 aggregate as opposed to four sections of 12. Mr. Emerick explained that the ratio is not in his suggested conditions because he figured an understanding of the number of attendees would be established and then the ratio would not be as relevant. The ratio was in the conditions of the Decision for Conditional Use Application No. 2022-04 because of the testimony at that time.

Member Rowe commented that he does not think it is necessary to specify a trainer-to-clients ratio because the suggested conditions of approval for Conditional Use Application No. 2023-03 make it very clear that the use of the facility is limited by its on-site parking. Ms. Driscoll will have to determine how that will work depending on whether the majority of clients are driving themselves or are being dropped off.

Member Wilson mentioned Mr. Grenoble's previous statement that Ms. Driscoll would like to suggest, at her cost and with the permission of the Township, that 'No Parking' signs be placed along Bullfrog Valley Road and Sand Hill Road to ensure parking in this area does not become a problem. Mr. Emerick said that a sentence stating, "The roads shall be so posted" could be added to suggested condition 'D' (*No parking related to the operation or the use of this facility shall occur along the shoulders of Bullfrog Valley Road, Roush Road, and/or Sand Hill Road*). In response to a question from Member Wilson, Mr. Emerick stated that the Township would have to adopt an ordinance to post the No Parking signs. The Board of Supervisors can determine who should pay for the signs.

Sean Duffy of Grim, Biehn & Thatcher (*Township Solicitor*) asked how many employees are anticipated. Ms. Driscoll responded that there are currently 20 employees on staff who would be working at both the Hockersville Road facility and the Bullfrog Valley Road facility. In response to another question from Mr. Duffy, Mr. Grenoble stated that the number of employees per shift will fluctuate based on what activities are being conducted.

**MOTION ON CONDITIONAL USE APPLICATION NO. 2023-03**

On a motion made by Member Rowe, seconded by Vice Chairman Guntrum, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2023-03 be granted, subject to the following conditions:

- A. The establishment and operation of the "health and fitness center" use shall be in substantial compliance with the information, testimony, and Decision associated with

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Conditional Use Application No. 2022-04, except as amended by the information presented with this Conditional Use Application No. 2023-03, the testimony provided during the January 23, 2024 public hearing before the Board of Supervisors, and as further described and/or restricted in the resulting Decision.

- B. Ample space shall be provided on-site for the loading/unloading activities as well as parking for delivery vehicles, employees, and visitors/patrons of the site.
- C. All programing shall be scheduled or appointments made so as not to overburden the available parking on site.
- D. No parking related to the operation or the use of this facility shall occur along the shoulders of Bullfrog Valley Road, Roush Road, and/or Sand Hill Road. The roads shall be so posted.
- E. The Property, grounds, facilities, and/or building shall be used for training facilities and may not be used for public competitions or tournaments and/or other special or competitive events with spectators.
- F. The proposed use shall not operate as a gym open to the public but shall be limited to appointments and scheduled sessions and/or clinics for small groups.
- G. The proposed use shall not include any competitive events, games, competitions and/or tournaments, and shall be limited to only those specific activities listed in Condition H below.
- H. The proposed use shall be limited to one-on-one training, small group training, ACL recovery programs, physical therapy, a 'return to play after injury' program, sports psychology, a nutritionist, a Sportsmetrics™ Injury Prevention Program, sports clinics, and space rental for small group instructional clinics. No other activities, events and/or uses shall be permitted as part of the proposed use on the Property.
- I. The hours of operation for the use shall be limited to 5:00 a.m. to 10:00 p.m., Monday through Sunday.
- J. All patrons of the proposed use shall visit by appointment only.
- K. 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.
- L. 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,

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and Township laws, regulations and/or requirements or from otherwise complying with all applicable laws, regulations and/or requirements.

- M. Any violation of any condition imposed herein shall be a violation of the Derry Township Zoning Ordinance and shall be subject to enforcement.
- N. The Applicant shall comply with all other applicable provisions of the Derry Township Zoning Ordinance.

**B. Review and recommendation of a waiver from filing a land development plan, as requested by Milton Hershey School regarding demolition of an existing staff home and construction of a new staff home at 561 Crest Lane**

Dave Habig explained that the Milton Hershey School campus contains 2,785.86 acres of land; however, this project will disturb less than one acre. Access to the site is provided by Crest Lane, which is a private street. Milton Hershey School is proposing to demolish the existing staff home at 561 Crest Lane and construct a new staff home generally in the same location as the prior home. The new home will utilize the existing driveway. A portion of the existing parking area is proposed to be removed, resulting in a decrease of impervious coverage by 115 square feet.

Nevertheless, this activity is technically defined as “land development” in both the Municipalities Planning Code (MPC) and the Township’s Subdivision and Land Development Ordinance since the improvement would add another residential building to the campus. This proposal will not include the addition of any new roads, sidewalks, employees, or parking areas. All in all, there is nothing to be gained from the processing of a land development plan for this project. Due to all of these facts, Milton Hershey School has requested waivers from Article III, Sections 185-5.A and 185-5.B of the Subdivision and Land Development Ordinance requirements for the processing of a land development plan. Mr. Habig stated that Township staff is supportive of the waiver requests.

Member Wilson asked if a driveway permit is necessary in addition to a demolition permit. Mr. Habig responded that a driveway permit will not be required since the existing driveway will be utilized.

**MOTION ON WAIVERS FROM PROCESSING A LAND DEVELOPMENT PLAN**

On a motion made by Member Wilson, seconded by Vice Chairman Guntrum, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that waivers be granted from Article III, Sections 185-5.A and 185-5.B of the Subdivision and Land Development Ordinance regarding the processing of a land development plan for the construction of a replacement staff home at 561 Crest Lane.



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**C. Review and recommendation of the Preliminary/Final Land Development Plan for Gertrude Gurt Family Center, Plat 1382**

Dave Habig explained that the Milton Hershey School campus contains 2,785.86 acres of land; however, this project will only disturb approximately two acres. The focus of this land development plan is a 7,585-square-foot addition to the Highland Student Home located at 737 Meadow Lane. Through the proposed addition and interior renovations, the Highland Student Home will be converted into a Family Center accommodating eight employees and providing 11 visiting rooms and a 1,150-square-foot conference space. The Family Center will be accessed from an existing driveway from Meadow Lane. This project will have a nominal impact on traffic in the area. The applicant indicates in their narrative that this project will relocate employees from the existing Gertrude Gurt Family Center located at 719 Meadow Lane.

Mr. Habig summarized the waivers and deferment that the applicant has requested from the Subdivision and Land Development Ordinance and noted that the applicant should also request a deferment from Section 185-34.A.(1) regarding sidewalk installation. Allison Hanna of Pennoni Associates requested the additional deferment.

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

In response to a question from Chairman Tunnell, Ms. Hanna stated that the applicant is comfortable addressing the review comments that have been presented.

**MOTION ON WAIVERS AND DEFERMENTS**

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

- a. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale.
- b. Waivers from Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a).[8] regarding providing NAD 1983 PA Coordinate System numbers for all points on the property boundary.
- 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 hydrants, streets and their established grade and width, within 200 and 50 feet of the entire property.

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- d. Waivers from Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] regarding the location of sensitive environmental areas outside of the project area. The applicant shall detail sensitive environmental areas within the project area boundaries.
- e. Waivers from Sections 185-12.D.(3).(a).[12] and 185-13.E.(4).(a).[13] regarding providing adjacent owner information that is now older than one year.
- f. Waiver from Section 185-12.D.(3).(a).[15] regarding providing soil boundaries on the property.
- g. Waivers from Sections 185-12.D.(3).(a).[17] and 185-13.E.(4).(a).[15] regarding providing the names of existing and proposed streets and alleys.
- h. Waivers from Sections 185-12.D.(3).(a).[18] and 185-13.E.(4).(a).[16] regarding providing the width of existing streets, easements, and rights-of-way for the entire property.
- i. Waiver from Section 185-13.E.(4).(a).[18] regarding showing existing driveways on the entire property.
- j. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems for unaffected utilities only.
- k. Waivers from Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding providing contours at two-foot intervals within 200 feet and 50 feet of the perimeter of the entire property.
- l. Waivers from Sections 185-12.D.(3).(a).[40] and 185-13.E.(4).(a).[43] regarding providing existing street names, cartway widths, and right-of-way widths for the entire property.
- m. Waivers from Sections 185-12.D.(3).(a).[47] and 185-13.E.(4).(a).[45] regarding providing the recording reference of recorded subdivision and land development plans of adjoining land by plan name, date of recording, and recording reference, with the stipulation that the applicant provides recording references on the plan for other plans of record for the campus.
- n. Waivers from Sections 185-12.D.(3).(a).[51] and 185-13.E.(4).(a).[49] regarding providing the location of all existing and proposed monuments and markers.
- o. Deferment from Section 185-22.D regarding street right-of-way and cartway widths for all existing streets on the property, subject to and conditional on the property owner

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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 roadway or right-of-way widening in the future if deemed necessary.

- p. Deferment from Section 185-22.E.(5) regarding curbing for all existing streets on the property and 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 curbing installation in the future if deemed necessary.
- q. Waiver from Section 185-49 regarding a wetlands determination for the entire property.
- r. Deferment from Section 185-34.A.(1) regarding sidewalk installation, 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 sidewalk installation in the future if deemed necessary.

**MOTION ON PLAT 1382**

On a motion made by Secretary Guay, seconded by Member Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1382 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 January 3, 2024 HRG, Inc. letter.
- c. The comments in the January 3, 2024 DTMA letter.
- d. Comments 2 and 3 in the December 18, 2023 Dauphin County Planning Commission Review Report.

**D. Review and recommendation of DEP Sewage Facilities Planning Module Component 4A for the Preliminary/Final Land Development Plan for The Villas at The Hotel Hershey, Plat 1380**

Chuck Emerick explained that Plat 1380 proposes the construction of 10 new “villas” that were originally proposed in 2007 as part of the Preliminary/Final Subdivision and Land Development Plan for Cottages at the Hotel Hershey, Plat 1139. The improvements are proposed north of the Hotel Hershey and will be served by public sewer facilities. A sewer lift pump is required, which also requires the processing of a DEP Planning Module which requires a revision to the Township

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537 Plan. Component 4A of the Planning Module requires review and comment from the Township Planning Commission.

The Planning Commission did not have any comments on Component 4A of the Planning Module.

**E. Review and recommendation of Conditional Use Application No. 2023-04, as filed by Suresh Patel for 54 Ethel Avenue**

David Habig explained that this application requests 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 54 Ethel Avenue, Hummelstown. The property contains a 1,786-square-foot, three-bedroom single-family dwelling built in 2004.

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

Chairman Tunnell asked about parking requirements and if the applicant would have to increase the amount of impervious area and would need to provide on-lot stormwater management. Mr. Habig replied that it would depend on how much additional impervious area was needed. However, based on the dimensions of the driveway, it appears the applicant will have enough room to provide the required parking spaces. Chairman Tunnell asked if the applicant has to provide a plan for how they intend to line the driveway to delineate the parking spaces. Mr. Habig responded that this information is required as part of the zoning permit process for a change of use.

Mr. Habig 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 February 27, 2024 public hearing before the Board of Supervisors.
- B. If, in the future, the Applicant proposes 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.C 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.

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- 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 (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.

In response to a question from Member Rowe, Mr. Habig stated that there are currently approximately 20 legally operated short-term rental units in the Township.

***MOTION ON CONDITIONAL USE APPLICATION NO. 2023-04***

On a motion made by Member Wilson, seconded by Member Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2023-04 be granted, subject to conditions ‘A’ through ‘J’ as outlined by Township staff.

- F. Review and recommendation of Ordinance No. 2023-09, amending Chapter 225 (Zoning) of the Code of Ordinances of Derry Township regarding setbacks in the Hershey Mixed Use and Palmdale Mixed Use zoning districts; Downtown Core Design Standards; and other miscellaneous minor revisions**

Chuck Emerick summarized the proposed amendments and noted that the Dauphin County Planning Commission supports the amendments.

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**January 9, 2024**

MOTION ON ORDINANCE NO. 2023-09

On a motion made by Member Wilson, seconded by Member Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Ordinance No. 2023-09 be adopted as written.

**G. Review and recommendation of Ordinance No. 2023-10, amending Chapter 225 (Zoning) of the Code of Ordinance of Derry Township regarding Section 225-501.58 (Development Approval Process [Master Plan])**

Chuck Emerick summarized the proposed amendments.

Chairman Tunnell noted that the amendments propose a sizeable increase in the required minimum acreage for Master Plan developments (*an increase from one acre to 10 acres in the Hershey Mixed Use and Palmdale Mixed Use zoning districts and an increase from 10 acres to 15 acres in all other zoning districts*). Mr. Emerick stated that the original minimum requirement of one acre as adopted in the 2017 Zoning Ordinance, which was recommended by the Township's planning consultant, inadvertently resulted in the construction of the Northeast Drive apartments. The developer sought Master Plan approval for a single lot in order to obtain impervious cover and height bonuses, and that was not the intention of a Master Plan. The intention was to use the process to assemble properties together for a cohesive development. The proposed increases in minimum acreage will limit what areas can qualify for a Master Plan. In response to a question from Vice Chairman Guntrum, Mr. Emerick explained that the point of a Master Plan is that the Township is willing to allow well-planned developments, hence the incentive of the bonuses that are offered through the Master Plan process.

Mr. Emerick stated that the Dauphin County Planning Commission (DCPC) supports the amendments and made the following suggestion: *"Based on County reviews of changes proposed from previous Master Plans in the Township, the Township is encouraged to consider requiring a plan sheet depicting the approved condition side-by-side with the proposed changed condition with any proposed modification from the approved Master Plan. This would assist in more accurately understanding the proposed change and the potential impacts of that change on the specific phase and Master Plan development overall."* Mr. Emerick commented that although the DCPC's suggestion is a good idea, he does not think it is worth amending the ordinance at this point in the process.

In response to a question from Chairman Tunnell, Mr. Emerick stated that since the regulations were initially adopted in 2017, the Township has approved two Master Plan developments.

MOTION ON ORDINANCE NO. 2023-10

On a motion made by Member Rowe, seconded by Vice Chairman Guntrum, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Ordinance No. 2023-10 be adopted as written.

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
January 9, 2024**

**OTHER BUSINESS**

None.

**ADJOURNMENT**

On a motion made by Member Wilson, seconded by Member Rowe, and a unanimous vote, the meeting was adjourned at 7:22 p.m.

Respectfully submitted,

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Sean Guay  
Planning Commission Secretary

Submitted by:

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