

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
February 6, 2024**

CALL TO ORDER

The Tuesday, February 6, 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 Vice Chairman Mike Guntrum.

ROLL CALL

Commission Members Present: Mike Guntrum, Vice Chairman; Sean Guay, Secretary; Tom Wilson

Commission Members Absent: Matt Tunnell, Chairman; Glenn Rowe

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; Ryan Cummings, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative

Public Registering Attendance: Sarah Alexander, Mary's Health & Fitness; Heith Heigel, Light-Heigel & Associates; Tom Swavely, LHM Physical Therapy Institute, LLC; Rich Ozimek, Middletown Wood Road Partners, LP; Esch McCombie – McNeese, Wallace & Nurick

APPROVAL OF MINUTES

On a motion made by Member Wilson, seconded by Secretary Guay, and a unanimous vote, the Planning Commission approved the minutes from the January 9, 2024 meeting, as written.

OLD BUSINESS

A. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for the Villas at the Hotel Hershey, Plat 1380

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

B. Report on the Board of Supervisors' action regarding waivers 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

Chuck Emerick reported that the Board granted the waivers.

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NEW BUSINESS

- A. Review and recommendation of Zoning Ordinance Amendment Petition No. 2023-02, as filed by LHM Physical Therapy Institute, LLC, and Middletown Wood Road Partners, LP, to amend the text of the Zoning Ordinance regarding the definition of the term ‘Outpatient Medical Treatment Facility’**

Chuck Emerick explained that the petitioners are requesting a text amendment that would remove the term “physical therapy” from the definition of Outpatient Medical Treatment Facility and are proposing a separate definition for Physical, Occupational or Speech-Language Therapy Facility. They are also proposing modifications to the Zoning Ordinance to allow the Physical, Occupational or Speech-Language Therapy Facility use in the General Commercial, Planned Campus West, Medical Campus Central, and Commercial Recreation zoning districts. They have proposed adding the use to Table 35, Parking Ratios, and referring the user to Section 225-402.5.B. where the applicant must indicate needed parking. Lastly, a new definition would be added for Massage Therapy, so it is understood that massage therapy is not physical therapy. As the Zoning Ordinance is presently written, physical therapy uses fall under Outpatient Medical Treatment Facility. This category of uses is defined as *“A business establishment that provides medical services in a specific area of medicine, and contains advanced equipment and highly trained, specialized staff. These facilities may include surgery, imaging, medical laboratory, physical therapy, cancer and chemotherapy, narcotic and substance abuse, cardiology, gastrointestinal and similar type treatment centers. A general care practitioner may be located on site; however, a healthcare practitioners office shall not be a principal use of the facility. Overnight (hospital) accommodations shall not be permitted.”* The Outpatient Medical Treatment Facility use is limited to three zoning districts, which are General Commercial, Planned Campus West in the O7 Overlay, and Medical Campus Central.

Mr. Emerick stated that the Dauphin County Planning Commission supports the amendment.

Esch McCombie, an attorney with McNees, Wallace & Nurick, represented the petitioners and stated that physical therapy and the way it is used has changed over the years. The use is more similar to an exercise club where people meet with trainers. Since people are working with their physical therapists over numerous appointments, they want the facility to be located along their daily route in a commercial area, not necessarily in a hospital or medical office that requires a special trip. LHM Physical Therapy Institute, LLC is looking at a facility at 753 Middletown Road in Stoverdale Commons. The draft amendment has been reviewed and revised by Township staff and the Township Solicitor.

Mr. Emerick noted that the amendment was initiated by the petitioners for a specific location; however, if the amendment is adopted, it will apply to the entire Township. Mr. McCombie added that the petitioners worked with Township staff to expand and broaden the proposed amendment.

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MOTION ON ZONING ORDINANCE AMENDMENT PETITION NO. 2023-02

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 the text amendment filed under Zoning Ordinance Amendment Petition No. 2023-02 be adopted as written.

B. Review and recommendation of the Sketch Plan for 1245 Cocoa Avenue, Plat 1383

Chuck Emerick explained that Plat 1383 represents the redevelopment of an approximately 2.72-acre tract of land having frontage on Cocoa Avenue and Fishburn Road. The site is the former location of PNC Bank. The property is in the Hershey Mixed Use zoning district and the Southern Core (O13) Overlay zoning district. The site is also subject to the Floodplain Overlay zoning district. The FEMA flood study in this area of the Township is an approximated study. The applicant's engineer, RETTEW, notes in a cover letter submitted with the application that they have performed a detailed flood study to establish a calculated existing 100-year floodplain boundary. The plan proposes to raze the existing structure and other site features and to construct a 5,585-square-foot Wawa store with associated site amenities, including parking areas, fuel pumps, and a fuel pump canopy. Access to the property is proposed by way of a full access driveway on Cocoa Avenue and a right-in/right-out driveway on Fishburn Road.

Mr. Emerick and Ryan Cummings, HRG, Inc., summarized their plan review comments.

Member Wilson inquired if the additional right-of-way of 2.5 feet is necessary since it will affect the zoning setbacks. Mr. Emerick responded that the applicant could seek a waiver from the requirement at the time of land development plan submission; however, the Township usually does not grant waivers from providing additional right-of-way. He is not sure that the right-of-way is only 2.5 feet because he thinks that section of Cocoa Avenue may only be a 40-foot-wide right-of-way. The applicant may not have that detailed information at this point. If additional right-of-way is needed, the Township will probably want it to the full extent of what the Subdivision and Land Development Ordinance requires.

Member Wilson noted that the sensitive area setback line is 50 feet from top of bank, which is also the floodway. It appears the project would require Chapter 105 approval from the Department of Environmental Protection. Mr. Emerick agreed.

Vice Chairman Guntrum stated that his concerns with the project are the proximity of the site to the Cocoa Avenue/Fishburn Road intersection, the impact of PennDOT's requirements, and the encroachment on the stream. The previous use had a much bigger buffer from the stream. He noted that it looks like the site's traffic pattern will be very similar to what was there before. Craig Mellott of Traffic Planning & Design, the applicant's traffic engineer, stated that currently both access drives are full movement. The applicant knows access is going to be the biggest issue for this project, given its proximity to the intersection. They think that with the way the queues on Fishburn Road line up, it is inevitable that PennDOT will require the site's Fishburn Road access to be converted to a right-in/right-out-only movement. PennDOT will also have similar concerns on the

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site's Cocoa Avenue access. The project will have to go through an extensive review process with the Township Engineer and PennDOT.

Vice Chairman Guntrum commented that when the Board of Supervisors was considering the Governor Crossing proposal, the number of fuel pumps proposed was a point of contention. Kevin Ember of Rettew, the applicant's site engineer, stated that eight dual pumps (16 individual pumps) are currently proposed. The applicant realizes there are a couple of zoning issues they will have to work through regarding the Conditional Use process, but they wanted to get the Planning Commission's initial opinion on the project. The main point they need to work through is site access.

Member Wilson voiced his concern about the exiting left turn onto Cocoa Avenue. Mr. Mellott stated that the only reason why they showed it that way is because it is on the far side of the queue, but there is some evidence that there is a turn lane there and queues that are backing up, and that will likely raise the same concern with PennDOT. The sketch plan does not show any restriction there now, but Mr. Mellott thinks some of those issues will be sorted out during the scoping process with the Township Engineer and PennDOT.

Member Wilson asked if the applicant has considered any type of emergency action planning for spills because he assumes the stormwater management facility will be an infiltration basin. Mr. Ember stated that it may become a storage facility as opposed to an infiltration facility since it is in the floodplain area. They have not reached that point in the planning process. Member Wilson said his concern is that a spill would flow directly into an infiltration facility that is designed to percolate into the groundwater. Mr. Ember commented that there are different types of inlet treatments that could be used to help control some of the potential runoff and contaminants. Member Wilson asked the applicant to think about the matter and address it in some fashion with the land development plan.

OTHER BUSINESS

None.

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ADJOURNMENT

On a motion made by Member Wilson, seconded by Secretary Guay, and a unanimous vote, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Sean Guay
Planning Commission Secretary

Submitted by:

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