

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
June 4, 2024**

CALL TO ORDER

The Tuesday, June 4, 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 Chairman Matt Tunnell.

ROLL CALL

Commission Members Present: Matt Tunnell, Chairman; Mike Guntrum, Vice Chairman; Sean Guay, Secretary

Commission Members Absent: Tom Wilson; Glenn Rowe

Township Staff and Review Agency Representatives Present: Chuck Emerick, Director of Community Development; David 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: Mike and Diane Leonard, Mike Leonard's Plumbing; Dave Getz, Wix, Wenger & Weidner; Craig Smith, RGS Associates; Bryan Holt, Eric Holt – Creekview Lawn and Landscapes; Tammy Drayer, Joel Mayeski – Honor Engineer Company

APPROVAL OF MINUTES

On a motion made by Vice Chairman Guntrum, seconded by Secretary Guay, and a unanimous vote, the Planning Commission approved the minutes from the March 7, 2024 meeting, as written.

OLD BUSINESS

- A. Report on the Board of Supervisors' action waivers from filing a land development plan, as requested by The Hershey Company regarding a locker room expansion at Hershey West Plant**

Chuck Emerick reported that the Board of Supervisors granted the waivers.

- B. Report on the Board of Supervisors' action regarding Ordinance No. 2024-02, amending Chapter 225 (Zoning) of the Code of Ordinances of Derry Township by amending the Official Zoning Map by rezoning Dauphin County Parcel No. 24-008-025 to Industrial and adding Dauphin County Parcel Nos. 24-008-024 and 24-008-015 to the Downtown Core 9.1 Overlay**

Chuck Emerick reported that the Board of Supervisors adopted the ordinance.

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C. Review and recommendation of the Final Land Development Plan for Hershey Hotel at Hershey West End – Phase F, Plat 1385

Plat 1385 was withdrawn by the applicant prior to the meeting.

NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2024-03, as filed by Creekview Lawn and Landscapes, LLC, for 970 Bullfrog Valley Road

Chuck Emerick explained that this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.15 (Landscaping & Garden Center – Non-retail/Retail) of the Code of the Township of Derry. The property is located on the west side of Roush Road and the south side of Bullfrog Valley Road. The lands subject to this land development are located within the R-1 zoning district and are also within the Sand Hill Road Overlay (Overlay 12). The lot contains 2.227 acres and is subject to environmentally sensitive areas, including a stream, floodplain, and wetlands. The land development plan proposes a new building with a footprint of 8,000 square feet for a retail landscape and garden center that will include offices, a restroom, and a shop/garage area, as well as outdoor storage areas and 12 parking spaces to accommodate the operation of the Creekview Lawn and Landscapes, LLC, business. Although this landscape business will primarily operate as a hub for projects at various off-site locations, it will also provide for retail sales associated with the purchase of bulk material.

Mr. Emerick reviewed the required performance standards for the Conditional Use and the applicant’s responses as to how they will meet the standards. He also outlined his review comments. Mr. Emerick recommended that the Conditional Use authorization be granted, subject to the following conditions:

- A. The establishment of the landscaping and garden center – non-retail/retail use as finally proposed shall be in substantial compliance with the information presented with the Conditional Use Application and the testimony provided during the June 25, 2024 public hearing before the Board of Supervisors.
- B. If, in the future, the Applicant proposes to expand the use, they must apply for further approval from the Township.
- C. The operation of the landscaping and garden center – non-retail/retail use must at all times comply with the requirements of Sections 225-501.15.A through F of Chapter 225 (Zoning) of the Code of the Township of Derry
- D. The land development plan shall in all ways meet the requirements of the relief granted under Zoning Hearing Board Case No. 2023-14.

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- E. Any driveway gate associated with the site shall be located no less than 25 feet from the edge of the cartway of Bullfrog Valley Road.
- F. The granting of approval of the Conditional Use 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.
- G. Except as extended by applicable law, the granting of approval of the Conditional Use Application shall expire if a land development plan has not been submitted to the Township for review within 12 months from the date of the grant of approval.
- H. The Applicant shall comply with all other applicable provisions of the Derry Township Zoning Ordinance.

Craig Smith, RGS Associates, and Bryan Holt, Creekview Lawn and Landscapes, LLC, represented the project.

Vice Chairman Guntrum voiced his concern about stormwater runoff mixing with the materials that will be stored on concrete, given the site's proximity to environmentally sensitive areas. Mr. Smith indicated the proposed location of an underground stormwater system. There will be filter systems with the inlets prior to the runoff getting to the underground system.

Vice Chairman Guntrum asked how the proposed driveway will interface with the driveway for Mary's Health and Fitness. Mr. Smith responded that the driveways are offset and the travel in and out of the Creekview site will be less than at Mary's.

Mr. Smith explained that the design idea was to capitalize on the usable area of the property, knowing that approximately half of the site is wooded and undevelopable. This led to a slight encroachment of the usable area that is 50 feet adjacent to the stream. All the activity will be happening on the interior on the site, behind the building line and with a significant Class 2 buffer for screening purposes.

Mr. Smith stated that the applicant does not have any issues with the suggested conditions of approval presented by Mr. Emerick.

MOTION ON CONDITIONAL USE APPLICATION NO. 2024-03

On a motion made by Secretary Guay, 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. 2024-03 be granted, subject to conditions 'A' through 'H' as outlined by Township staff.

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B. Review and recommendation of the Preliminary/Final Subdivision Plan for Crystal A Drive – Tract A, Plat 1386

Prior to the meeting, the applicant requested that the plan be tabled.

On a motion made by Vice Chairman Guntrum, seconded by Secretary Guay, and a unanimous vote, the Planning Commission tabled taking action on Plat 1386.

C. Review and recommendation of the Preliminary/Final Land Development Plan for Hershey Islamic Center, Plat 1387

Plat 1387 was withdrawn by the applicant prior to the meeting.

D. Review and recommendation of the Preliminary/Final Land Development Plan for Leonard's Plumbing, Plat 1388

David Habig explained that Plat 1388 proposes the development of 1066 Old West Chocolate Avenue. The property is located on the south side of Old West Chocolate Avenue. The lands subject to this land development are located within the Industrial zoning district. The lot contains 34,579 square feet. The land development plan proposes a new building with a footprint of 6,000 square feet for a plumbing business and other associated improvements.

Mr. Habig summarized the waiver that the applicant has requested from the Stormwater Management Ordinance, and the additional waivers that the applicant should request from the Subdivision and Land Development Ordinance.

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

Dave Getz of Wix, Wenger & Weidner stated that the applicant does not have any issues with the review comments that were presented.

Joel Mayeski of Honor Engineer Company requested the additional waivers from the Subdivision and Land Development Ordinance as suggested by Mr. Habig. Mr. Getz also requested a waiver from Section 185-13.E.(2) of the Subdivision and Land Development Ordinance to be able to provide the DXF or AutoCAD digital file of the final plan on a USB drive.

In response to a question from Vice Chairman Guntrum, Mr. Getz stated that the Leonards intend to sell their property on West Chocolate Avenue, which is where their business is currently located.

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MOTION ON WAIVERS

On a motion made by Vice Chairman Guntrum, seconded by Secretary Guay, 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 174-20.C.(2) to allow a minimum pipe size of 12 inches in diameter.
- b. Waiver from Section 185-12.D.(3).(a).[9] regarding location of all existing structures, wooded areas, water courses, rock outcrops, culverts, utilities above or below ground, fire hydrants, streets and their established grade and width within 200 feet of the tract of land to be subdivided or developed.
- c. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding stormwater profiles for existing unaffected systems and to allow a scale of 1" = 5' vertical and 1" = 25' horizontal.
- d. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding utility profiles for existing unaffected systems and to allow a scale of 1" = 5' vertical and 1" = 25' horizontal.
- e. Waiver from Sections 185-12.D.(3).(a).[35] regarding topographic land contours at minimum vertical intervals of 2 feet on the tract of land to be developed or subdivided and within 200 feet of the perimeter of the tract of land to be subdivided or developed.
- f. Waiver from Section 185-34.A.(1) regarding installation of sidewalks, walkways, or bicycle paths, conditioned on the applicant offering the fee in lieu of sidewalk installation.
- g. Waiver 185-13.E.(2) to be able to provide the DXF or AutoCAD digital file of the final plan on a USB drive.

MOTION ON PLAT 1388

On a motion made by Vice Chairman Guntrum, seconded by Secretary Guay, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1388 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the May 29, 2024 Township staff report.
- b. The comments in the May 23, 2023 HRG letter.
- c. The comments in the May 29, 2024 Derry Township Municipal Authority letter.

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d. Comments 2, 4, and 9 in the May 20, 2024 Dauphin County Review Report.

E. Review and recommendation of the Preliminary/Final Land Development Plan for SwimHershey, Plat 1389

Plat 1389 was withdrawn by the applicant prior to the meeting.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Secretary Guay, seconded by Vice Chairman Guntrum, and a unanimous vote, the meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Sean Guay
Planning Commission Secretary

Submitted by:

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