



TOWNSHIP OF DERRY

Board of Supervisors Public Hearing Minutes
Tuesday, May 28, 2024

CALL TO ORDER

Vice Chairwoman Nutt called the May 28, 2024, Public Hearing of the Township of Derry Board of Supervisors to order at 6:30 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. She advised that all public meetings are recorded for providing accurate notes. A role call was performed. Chairman Abruzzo and Supervisor Wyckoff were absent with excuse.

ROLL CALL

SUPERVISORS PRESENT:

Natalie L. Nutt, Vice Chairwoman
Michael P. Corado, Supervisor
Richard D. Zmuda, Supervisor

ABSENT:

E. Christopher Abruzzo, Chairman
Carter E. Wyckoff, Secretary

ALSO PRESENT:

Christopher Christman, Township Manager
Patrick Armstrong, Township Solicitor
Chuck Emerick, Director of Community Development
David Habig, Assistant Director of Community Development
Maria O'Donnell, Stenographer
Lynn Dawson, Recording Secretary

Public in Attendance:

Jim Rafferty, Jim Mandes

NEW BUSINESS

Public hearing regarding Ordinance No. 2024-02, amending Chapter 225 (Zoning) of the Code of Ordinances of Derry Township by amending the Official Zoning Map of Derry Township 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

INTRODUCTION

Vice Chairwoman Nutt introduced the Hearing and requested Solicitor Armstrong and Mr. Emerick update the Board of Supervisors. Solicitor Armstrong stated the Public Hearing has been advertised and is open, requesting Mr. Emerick to review the detail of the three zoning requests.

Mr. Emerick stated on March 26, 2024, the Board of Supervisors authorized Township staff to process a map amendment to the Zoning Ordinance related to properties at 858 and 890 Old West Chocolate Avenue (Tax Map Parcel Numbers 24-008-015, 24-008-024, and 24-008-025). The proposed Zoning Map amendment originated from a Petition for Amendment to the Zoning Ordinance from Jeffrey Esch McCombie, Esq., on behalf of the applicant, Tana Properties, LLC ("Tana"), requesting that their property identified as Dauphin County Tax Parcel Numbers 24-008-015 and 24-008-024, generally known as 858 Old West Chocolate Avenue, be rezoned to include the Downtown Core 9.1 Overlay. The

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subject parcels are presently within the Hershey Mixed Use base zoning district. The purpose of Tana's request stems from the desire to improve a portion of the property with a food service without drive-through use, which is not permitted in the base zoning district, but would be permitted within the Downtown Core 9.1 Overlay. Their proposed zoning modification is consistent with the zoning of their adjacent property containing The Mill restaurant. Mr. Emerick stated while analyzing the zoning in this area of the Township, they discovered that the adjacent property located at 890 Old West Chocolate Avenue (Tax Map Parcel Number 24-008-025) was inappropriately zoned. In 2019 that property, containing an industrial use (First Davis Corporation), was inadvertently zoned Hershey Mixed Use instead of Industrial. In order to address the request from Tana and to correct the zoning of the First Davis property, the Township is pursuing the rezoning of all three properties. Mr. Emerick stated he found the request to be generally consistent with the Township's Comprehensive Plan. Mr. Emerick further shared at their meeting on May 7, 2024, the Derry Township Planning Commission recommended that Ordinance No. 2024-02 be adopted as written. The Dauphin County Planning Commission also took action to support Ordinance No. 2024-02 as written, at their meeting on May 6, 2024. Mr. Emerick recommended the Ordinance No. 2024-02, be adopted as written.

VISITOR/PUBLIC COMMENTS

Mr. Jim Mandes, Granada Avenue, asked why the zoning request was needed. Mr. Emerick responded that the First Davis zoning was initially an error within the zoning maps, being noted as mixed use rather than industrial, noting this will be a correction. Mr. Emerick further explained that the Fratti property was originally noted as mixed use, but never received the 9.1 overlay, which is inappropriate for the location.

Mr. Mandes further asked if the rezoning would allow for future hotel development. Mr. Emerick responded that the 9.1 overlay would allow for hotel development. Mr. Mandes shared his concerns with potential over development of the area. Mr. Emerick shared a further explanation of zoning modifications and why they would be needed in this particular scenario, as well as the zoning designation when the property was originally purchased in 2014. Supervisor Corado asked Mr. Emerick to provide further detail of other types of properties and businesses allowed in a similar scenario of the 9.1 overlay. Mr. Emerick provided this detail and shared various township maps. Vice Chairwoman Nutt asked if a potential future hotel development would require another level of approval. Mr. Emerick responded that it would need to be part of a Master Plan development. With a recent amendment of the Master Plan, a hotel development request requires at least five acres of land, which the property in question does not have.

Jim Rafferty, Operations Manager with The Mill in Hershey, stated he understood the concerns of Jim Mandes. Mr. Rafferty stated future plans include the potential of including an events space within The Mill, but they do not have defined plans and a timeline at this point. Mr. Rafferty shared he appreciated Mr. Emerick looking into the zoning issues for the property and that they are happy with the improvement of the property compared to the time of their initial purchase.

Mr. Mandes, after receiving the additional information, stated he supports the request.

ADJOURNMENT

Supervisor Zmuda made a motion to adjourn the Public Hearing. Supervisor Corado seconded the motion at 6:50 p.m.

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SUBMITTED BY:

Carter E. Wyckoff, Township Secretary