

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
January 7, 2025**

CALL TO ORDER

The Tuesday, January 7, 2025 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 Matt Tunnell.

ROLL CALL

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

Commission Member Absent: Don Santostefano

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: Doug Herr, Hershey Land Surveyors; Keith Heigel, Light-Heigel & Associates; Matt Kinney, Pennoni

APPROVAL OF MINUTES

On a motion made by Member Wilson, seconded by Member Guntrum, and a unanimous vote, the Planning Commission approved the minutes from the December 10, 2024 meeting, as written.

REORGANIZATION

Member Wilson made a motion that the offices of Chairman, Vice Chairman, and Secretary be filled for 2025 as follows:

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

Member Guay seconded the motion, which was passed unanimously.

OLD BUSINESS

None.

NEW BUSINESS

- A. Review and recommendation of the Preliminary/Final Subdivision Plan for Scott R. Ortenzio and Celeste C. Stalk-Ortenzio, Plat 1398**

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Chuck Emerick explained that Plat 1398 is being processed to subdivide Lot 2 in half, with part to be conveyed to Lot 1, and part to be conveyed to Lot 3. The subject properties total 2.27 acres. The properties have frontage on Hill Church Road and are located within the Conservation zoning district. No new lots are proposed as part of this plan and no new development or improvements are proposed for any of the lots represented on the plan. Lot 1 contains a dwelling and detached garage and is served by public water; however, sewage facilities are not shown. Lot 2 contains an existing shed and the drain field for Lot 3. Lot 3 contains a dwelling and detached garage and a well.

Mr. Emerick summarized the waivers and deferments that the applicants have requested from the Subdivision and Land Development Ordinance and noted additional waivers that the applicants should request. Doug Herr of Hershey Land Surveyors represented the applicants and requested the additional waivers.

Mr. Emerick summarized his review comments.

Mr. Herr noted that the applicants do not have any issues with review comments that were presented.

MOTION ON WAIVERS AND DEFERMENTS

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 the following waivers and deferments from the Subdivision and Land Development Ordinance be granted or denied as indicated:

- a. Waiver from Section 185-12 regarding preliminary plan processing be denied.
- b. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing stormwater plans and profiles be granted.
- c. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary sewer plans and profiles be granted.
- d. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing gas and water systems plans and profiles be granted.
- e. Waiver from Section 185-13.E.(4).(a).[22] regarding providing an erosion and sediment control plan be granted.
- f. Waiver from 185-30.F regarding providing perpendicular side lot lines be granted.
- g. Deferment from Section 185-22.D.(2) regarding dedication of additional cartway and right-of-way widening along Hill Church Road be granted, subject to and conditional on the property owners agreeing to and executing a Declaration of Covenants, in a manner and form acceptable to the Township, to be recorded against the property, that

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would allow the Township to require additional cartway and/or right-of-way widening along Hill Church Road in the future if deemed necessary.

- h. Deferment from Section 185-22.E.(5) regarding providing curbing along Hill Church Road be granted, subject to and conditional on the property owners 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 installation of curbing along Hill Church Road in the future if deemed necessary.
- i. Deferment from Section 185-34.A.(1) regarding providing sidewalks along Hill Church Road be granted, subject to and conditional on the property owners 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 installation of sidewalks along Hill Church Road in the future if deemed necessary.
- j. Waiver from Section 185-12.D.(3).(a).[35] regarding topographic land contours within 200 feet of the subject parcel be granted.
- k. Waivers from Sections 185-12.D.(3).(a).[46], 185-13.E.(4).(a).[41], and 185-31 regarding providing shade trees be granted.
- l. Waiver from Section 185-12.D.(3).(a).[9] regarding showing physical features within 200 feet of the subject parcels be granted.
- m. Waivers from Sections 185-12.D.(4).(g) and 185-36 regarding providing fire hydrant flow data be granted.

MOTION ON PLAT 1398

On a motion made by Member Wilson, seconded by Secretary Guay, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1398 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the December 19, 2024 Township staff report.
- b. The comments in the January 2, 2025 HRG, Inc. letter.
- c. Comments 1, 2, and 3 in the December 20, 2024 Dauphin County Planning Commission Review Report.

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B. Review and recommendation of the Preliminary/Final Land Development Plan for SSN Hershey Retail, Plat 1399

Chuck Emerick explained that Plat 1399 represents the joining and development of two tracts of land totaling approximately 2.51 acres and fronting on West Chocolate Avenue (Route 422) and Lucy Avenue. The land is owned by SSN Hotels, LLC, and is located in the General Commercial zoning district. The site presently contains the 120-room Spark Hotel. The plan proposes the construction of a one-story, 4,500-square-foot “retail” facility and associated parking. Access to the site is proposed by way of a private driveway from Lucy Avenue which is connected to the parking/driveway areas of the Spark Hotel, allowing access to Sipe Avenue. The proposed use is considered “Small-Scale Retail” (under 20,000 square feet), which is a permitted use in the General Commercial zoning district. The project will be served by public sewer and water facilities. Stormwater management facilities are proposed to utilize a single subsurface infiltration bed and porous pavement. A traffic study was not provided with the submission. The consultant noted in their project narrative that *“The additional traffic associated with this project is considered to be de minus in nature given the amount of existing parking and size of the proposed building therefore a traffic study was not performed.”* The Derry Township Zoning Hearing Board addressed parts of this proposal under Case No. 2023-20. The applicant received relief to allow certain existing parking space maneuvering aisles to be 16.5 feet wide. The applicant also received relief to allow 78% impervious coverage over the combined lots and to be required only 22% vegetative coverage. The relief granted by the Zoning Hearing Board will expire on February 21, 2025 if the applicant has not applied for a building permit or sought an extension.

Mr. Emerick summarized the waivers and deferments that the applicant has requested from the Subdivision and Land Development Ordinance and noted additional waivers that the applicant should request. Matt Kinney with Pennoni represented the applicant and requested the additional waivers.

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

In response to a question from Mr. Emerick, Mr. Kinney stated that the applicant currently does not have a tenant for the proposed building; however, they are not anticipating it to be a restaurant. Mr. Emerick noted that the plan is being processed as a retail site so that is what the Township expects to see after the building is constructed. When the plan comes before the Board of Supervisors, there will be a discussion about establishing an agreement to address the requirement for a traffic study if the tenant ends up being a restaurant.

Member Wilson commented that the loading area is unusually small and asked if it is compliant with the Subdivision and Land Development Ordinance. Mr. Emerick responded that the Subdivision and Land Development Ordinance does not have a minimum size requirement for loading areas. Member Wilson noted that there are One Way signs identified on the plan but not Do Not Enter signs.

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Member Wilson stated that he would like to know whether or not the building will be used as a restaurant or for retail before the Planning Commission makes a recommendation to the Board of Supervisors. Mr. Emerick responded that he will suggest a condition of approval to the Board of Supervisors regarding establishing an agreement to address the requirement for a traffic study if the use ends up being anything other than retail.

In response to a question from Vice Chairman Guntrum, Mr. Emerick stated that the plan will not be able to move forward until the applicant seeks and is granted an extension from the Zoning Hearing Board regarding the relief granted at the beginning of 2024.

MOTION ON WAIVERS AND DEFERMENTS

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 and deferments from the Subdivision and Land Development Ordinance be granted:

- a. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing profiles of existing stormwater sewer and conveyance systems for unaffected utilities only and regarding vertical profile scale.
- b. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing profiles of existing sanitary sewer systems for unaffected utilities only.
- c. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing profiles of existing water systems for unaffected utilities only.
- d. Deferments from Sections 185-22.D.(2) and 185-22.D.(3) regarding additional cartway and right-of-way widening along Sipe Avenue, 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 additional cartway and/or right-of-way widening in the future if deemed necessary.
- e. Deferment from Section 185-22.E regarding the installation of curbing along Sipe Avenue, 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 installation of curbing along Sipe Avenue in the future if deemed necessary.
- f. Deferment from Section 185-34.A.(1) regarding the installation of sidewalk along Lucy Avenue, Sipe Avenue, and West Chocolate Avenue, 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

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would allow the Township to require the installation of sidewalk along Lucy Avenue, Sipe Avenue, and West Chocolate Avenue in the future if deemed necessary.

MOTION ON PLAT 1399

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 1399 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the December 16, 2024 Township staff report.
 - b. Include Do Not Enter signage for the loading/unloading space. Any loading/unloading space must be able to accommodate a passenger vehicle, at a minimum.
 - c. The comments in the December 30, 2024 HRG, Inc. Subdivision and Land Development Review Letter #1.
 - d. The comments in the December 30, 2024 HRG, Inc. Legal Description and Lot Consolidation Review #1.
 - e. The comments in the January 2, 2025, DTMA letter.
 - f. Comments 1, 2, 4, and 10 in the October 29, 2024 Dauphin County Planning Commission Review Report.
 - g. Any comments or recommendations from the Derry Township Shade Tree Commission, when received.
- C. Review and recommendation of Conditional Use Application No. 2024-06, as filed by Chocolate, LP for 1143 East Chocolate Avenue**

Chuck Emerick explained that this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.52 of the Derry Township Code of Ordinances regarding the establishment of a Group Child Care Facility at 1143 East Chocolate Avenue. The Group Child Care Facility is proposed as a one-story, 10,000-square-foot structure and is proposed to be situated on a 1.43-acre parcel of land located on the north side of East Chocolate Avenue, adjacent to and west of Wilson Avenue. The property is in the Palmdale Mixed Use zoning district and within the East Chocolate Avenue Overlay.

Mr. Emerick reviewed the required performance standards for the Conditional Use.

Keith Heigel of Light-Heigel and Associates spoke on behalf of the applicant. Paul Hollowell of Chocolate, LP, was also present. Mr. Heigel stated that if the Conditional Use request is granted, the applicant is proposing to widen the cartway and right-of-way of Wilson Avenue as part of the land development plan process. No widening is required along East Chocolate Avenue. The applicant is

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also proposing the installation of sidewalks along the East Chocolate Avenue and Wilson Avenue frontages of the property.

Mr. Heigel noted that the applicant will meet all of the Conditional Use performance standards. The Learning Experience (*the facility operator*) has a number of facilities in the United States and is well aware of the required compliance with all regulatory requirements. The Learning Experience offers child care to children ages six weeks to five years and after school care for children up to eight years of age. The typical hours of operation are 6:30 AM to 6:30 PM, and there may be occasional activities at night and on weekends, such as open houses and parties. The proposed facility capacity is 180 children and 24 employees, including both part-time and full-time employees. The peak traffic time is 7:30 AM to 8:30 AM and 4:30 PM to 5:30 PM. The total peak during these times is less than 80 vehicle trips.

In response to a question from Mr. Emerick, Mr. Heigel stated that he thinks the fence enclosing the outdoor play areas will have a height of four feet.

Chairman Tunnell inquired about the management of the proposed emergency access to North First Street. Mr. Heigel responded that the access will be open for ingress and egress at all times, with the exception of the loading or unloading of products. It is not the applicant's intention to gate it. There will be signage indicating that it is for emergency access.

MOTION ON CONDITIONAL USE APPLICATION NO. 2024-06

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 Conditional Use represented by Application No. 2024-06 be granted, subject to the following conditions:

- A. The establishment of the Group Child Care Facility shall be in substantial compliance with the plans presented with the Conditional Use Application.
- B. Required off-street parking spaces shall be provided.
- C. The facility operators shall provide all required State and Federal licensing and registrations and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers et seq prior to occupancy of the property.
- D. Indoor and outdoor play areas shall be provided for the Group Child Care Facility in accordance with State requirements.
- E. Outdoor play areas shall comply with the requirements of Section 225-501.52.B of the Zoning Ordinance.
- F. The grant of approval of the Conditional Use request shall not relieve the applicant or operators from filing and having the Township approve any permit, land development,

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subdivision, or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.

- G. The granting of approval of the Conditional Use Application shall expire if a subdivision and land development plan approval has not been obtained within 12 months from the date of the grant of approval.
- H. The Group Child Care Facility use shall meet all other requirements of the Township that may apply.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairman Guntrum, seconded by Member Wilson, and a unanimous vote, the meeting was adjourned at 6:46 p.m.

Respectfully submitted,

Sean Guay
Planning Commission Secretary

Submitted by:

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