

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
March 4, 2025**

CALL TO ORDER

The Tuesday, March 4, 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 Vice Chairman Mike Guntrum.

ROLL CALL

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

Commission Member Absent: Matt Tunnell, Chairman

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; Corrinne Cook, HRG, Inc.; David Keightly – Grim, Biehn & Thatcher

Public Registering Attendance: A. Mark Winter, JSDC Law Offices; Joseph and Angelina Manzella, 564 West Caracas Avenue, Hershey; Sall Pikhit, 91 Shetland Drive, Hummelstown; Chad Zimmerman, Dawood Engineering; Nabeel Sarwani, 507 Sophia Circle, Hummelstown; Saad Asif, Hershey Islamic Center; Hanna Muhammad, 224 Cocoa Avenue, Hershey

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 7, 2025 meeting, as written.

OLD BUSINESS

A. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for Crystal A Drive – Tract A, Plat 1386

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

B. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for SwimHershey, Plat 1392

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

C. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for Sponaugle Property, Plat 1390

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

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D. Report on the Board of Supervisors’ action regarding the Preliminary/Final Subdivision Plan of Scott R. Ortenzio and Celeste C. Stalk-Ortenzio, Plat 1398

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

E. Review and recommendation of the Preliminary/Final Land Development Plan for Hershey Islamic Center, Plat 1391

Chuck Emerick explained that this plan represents the development of an approximately 9.5422-acre tract of land fronting on Stoverdale Road. The site is in the Conservation zoning district. Plat 1391 proposes the construction of a 47,944-square-foot building that comprises three major functions. One portion of the building is a three-story, K-5 elementary school to serve 210 students, which is connected to a large multi-purpose building, which is connected to a 300-seat worship center. Plat 1391 was tabled at the Planning Commission’s August 6, 2024 and November 5, 2024 meetings, and has been revised to address some of the concerns of Township staff, HRG, DTMA, the Dauphin County Planning Commission staff, and the Township’s Planning Commission.

Mr. Emerick stated that the plan proposes only one access point. Section 185-25.E of the Subdivision and Land Development Ordinance reads *“The number of driveway intersections with streets shall be kept to the minimum necessary to serve each lot. Multiple driveways for one lot shall be prohibited unless it can be demonstrated that such an arrangement is necessary for safe and efficient traffic flow or unless multiple driveway connections are necessary to comply with § 185-22C(14) of this article.”* and Section 185-22.C.(14) states *“All lands subdivided and/or all lots developed which are to be the site of 10 or more dwelling units shall provide for at least two street connections to existing public streets.”* Section 185-22.C.(15) notes *“In situations involving the subdivision or development of land for nonresidential purposes, the Board of Supervisors may require at least two street connections, or if the land is to be accessed by driveways, two driveway connections to existing public streets where necessary to ensure safe and efficient traffic flow.”* The applicant explored both a primary access alone and an emergency access to the adjacent Sheetz site. It is Mr. Emerick’s understanding that the developer cannot obtain the necessary easements to construct either access. The applicant has increased the size of the box culvert under the proposed driveway so that it has the ability to pass the 100-year storm.

Mr. Emerick noted that concerns still remain related to a single point of access to the property. The applicant is still unsure how water or sanitary sewer service will be extended to the property and as a result, there are plan details missing from this submission and limits of disturbance may need to be adjusted. Additionally, HRG still has outstanding plan comments.

Mr. Emerick summarized the applicant’s requests for waivers from the Subdivision and Land Development Ordinance.

Mr. Emerick and Corrinne Cook, HRG, Inc., summarized their review comments.

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In response to a question from Member Wilson, Mr. Emerick stated that he is asking the applicant to consider installing a public fire hydrant that would be maintained and tested by Pennsylvania American Water instead of installing a private hydrant that would be the applicant's responsibility to maintain and test.

Chairman Guntrum asked if the applicant would like the Planning Commission to table making a recommendation on Plat 1391 to allow the applicant more time to address the outstanding issues.

Chad Zimmerman, Dawood Engineering, represented the applicant. He stated that at this time the applicant does not want the Planning Commission to table the plan. The two main concerns are the water line and the applicant's inability to obtain an easement from the Stoverdale Commons property owner. The applicant has two options. The first option is an existing easement that runs in front of Sheetz that would allow the applicant to connect their water line to the existing main in Middletown Road; however, there are multiple stormwater and sanitary sewer line crossings to deal with, as well as crossing the Sheetz driveway. The second option is to go directly onto Stoverdale Road and connect to the water main at the intersection of Stoverdale Road and Middletown Road. The applicant is evaluating the cost effectiveness of each option. The applicant has talked to Pennsylvania American Water about a public fire hydrant and because of where it would be located, it would be hard for the fire department to access it because it would be down the ravine from Stoverdale Road and the parking lot. For that reason, Pennsylvania American Water is okay with a private hydrant at the proposed location. Mr. Zimmerman commented that it would be easy enough to have a public hydrant instead of a private hydrant in the proposed location.

Regarding the emergency access area, Mr. Zimmerman stated that since the Stoverdale Commons property owner will not grant an easement, the only option for emergency access is Stoverdale Road. There are options for doing that, but each option is extremely costly. The first option is a secondary entrance for emergency access but that involves crossing the stream and potentially wetlands; floodplain issues; and additional permits. The second option is to modify the culvert to widen it a little but at this stage the box culvert is already getting costly to be wide enough to pass the 100-year storm. Mr. Zimmerman stated that even if there is a blockage at the road, there is a sidewalk connecting to the intersection with the Sheetz driveway that people could walk on instead.

Member Santostefano asked if there is a specific Township requirement for a second means of access to site. Mr. Emerick responded that the Board of Supervisors can require it and have recently done so with the SwimHershey project. The Islamic Center project proposes a school so Mr. Emerick thinks it is likely that the Board of Supervisors will require a second means of access.

Member Santostefano asked if the Sheetz drive is a private drive owned by Sheetz. Mr. Emerick stated that Middletown Wood Road Partners owns Stoverdale Commons and the Sheetz property, including the private drive. Member Santostefano asked if there is a way up to their property line to produce an area that could be accessed in emergencies. Mr. Emerick replied that the grading in this area would be difficult for emergency vehicles to traverse. Mr. Zimmerman noted that Middletown Wood Road Partners has indicated that existing easement agreements with Sheetz prohibit their ability to grant an easement to the Islamic Center.

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Vice Chairman Guntrum stated that he is concerned about the availability of parking for the multiple uses. Mr. Emerick noted that one of his review comments is that the applicant provides draft floor plans to allow verification of the assembly areas for the purpose of verifying parking requirements. Vice Chairman Guntrum asked if that will take into account concurrency of activity between the three uses. Mr. Emerick replied it is his understanding that it would be a rare occasion for all three uses to operate at one time. The biggest parking demand is Friday worship service and the students who are already there come to the worship service.

Vice Chairman Guntrum commented that another concern is there is no legitimate walking access to the site. Given the small size of the property, one means of ingress and egress, and the fact there are three different functions that can and will happen concurrently, Vice Chairman Guntrum thinks people will be parking on someone else's land to walk to the Islamic Center. Everyone involved will be arriving in a vehicle. He noted that it has happened before that a project applicant has promised the Planning Commission there will not be concurrent uses and that enough parking is available on site, and then there are parking issues resulting in people parking in places they should not be parking and walking across public roads to the site.

In response to a question from Member Wilson, Mr. Zimmerman reiterated that the applicant has not yet made a decision regarding the two options for extending water service to the site. At this point there is no proposal for additional access to the site since it is not possible to connect to the Sheetz drive. The applicant oversized the culvert so there is no concern for flooding. Member Santostefano inquired if Middletown Wood Road Partners was informed that the connection would be for emergencies only and not used on a daily basis. Mr. Zimmerman answered yes, and that renderings were provided. Middletown Wood Road Partners indicated that the issue is the existing easement agreements with Sheetz.

Vice Chairman Guntrum stated that he would like to see some sort of formal analysis showing that enough parking will be available on site. Mr. Emerick commented that based on the land development plan, there should be adequate parking. He has asked for floor plans for a better comfort level in making the determination.

Member Santostefano inquired if the fire company has a strong opinion about a second means of access to the site. Mr. Emerick responded that they have not been asked since it is not standard procedure for the fire company to review and comment on plan submissions. Member Santostefano stated that he thinks it is a bad idea to only have one means of access to such a busy site.

In response to a question from Member Wilson, Mr. Zimmerman stated that the applicant has not yet applied to the Dauphin County Conservation District for an NPDES permit, so granting an extension of time for the Planning Commission to make a recommendation on the plan would not impact the applicant's overall timeline. However, Mr. Zimmerman emphasized that the applicant does not want to grant an extension because they need the plan to move forward to the Board of Supervisors to obtain the Board's input on the emergency access issue.

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Joseph Rahman, a Board member for the Islamic Center, asked what is delaying the plan approval. He was told the issue was that the access had to be moved to Stoverdale Road, which has been done. Mr. Emerick explained that this is the fourth version of the plan. The first version showed the access connecting to Stoverdale Road, but it would have been susceptible to flooding in the 100-year storm. Then the access was changed to the private drive behind Sheetz and Stoverdale Commons, but at that time it was unknown if the Islamic Center had Middletown Wood Road Partners' approval to do that. We now know that Middletown Wood Road Partners will not grant an easement to allow the connection. The current plan shows the access connecting to Stoverdale Road and the box culvert has been widened to allow the water to pass; however, there is still a concern for operating a school without a second means of ingress and egress to the site. Additionally, it is tough for the Planning Commission to move the plan on to the Board of Supervisors when it is unknown how water service will be extended to the site and there are numerous other outstanding plan review comments to be addressed.

Member Wilson made a motion that the Planning Commission make a recommendation to the Board of Supervisors that waivers and deferrals from the Subdivision and Land Development Ordinance be granted as requested by the applicant and as listed in the February 5, 2025 Township staff comments. Member Santostefano argued that the Planning Commission would be recommending approval of waivers and deferrals based on a plan that is not ready to be approved. Member Wilson withdrew his motion.

In response to a question from Member Santostefano, Mr. Zimmerman reiterated that the applicant is not willing to grant an extension of the review period to allow the Planning Commission to table making a recommendation on the plan. The applicant wants the plan to proceed to the Board of Supervisors so they can get feedback about the requirement for a second means of access.

Member Wilson inquired if the Township would be willing to permit a wider, boulevard-like access to Stoverdale Road. It would still be a single access but it would be a wider single access. Mr. Emerick responded that is why the plan needs to proceed to the Board of Supervisors – so a determination can be made. Vice Chairman Guntrum commented that the Planning Commission would want to see those plan revisions.

Member Wilson stated that he does not like the idea of just recommending rejection of the plan and passing it on to the Board of Supervisors to deal with. It seems unrealistic to put in a second access that is going to encounter the same flooding problems. He wishes the applicant would grant an extension so they can come back to the Planning Commission with a proposal that addresses the concerns regarding water service, a second means of access, and parking availability. Mr. Zimmerman commented that he is concerned the Planning Commission will want one thing and then the Board of Supervisors will want something different. The applicant needs to have a way to discuss the access matter with the Board of Supervisors first.

Mr. Zimmerman asked if it is possible for the applicant to grant an extension of the review period for the Planning Commission to table making a recommendation on the plan but also have a conversation with the Board of Supervisors. That way the applicant could revise the plan to

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incorporate the Board of Supervisors' concerns and then come back to address the Planning Commission's concerns.

Mr. Emerick inquired about a possible waiver of the two means of ingress and egress. Mr. Zimmerman asked why the applicant would need a waiver if the second means of ingress and egress is not a requirement. Mr. Emerick clarified that it is at the Board of Supervisors' discretion whether or not to require the second means of ingress and egress. Additionally, Township staff typically does not take a plan to the Board of Supervisors without a recommendation from the Planning Commission. David Keightly of Grim, Biehn & Thatcher (*Township Solicitor*) noted there is nothing that would prevent the Township from making a recommendation regarding a waiver of the dual ingress/egress requirement. Mr. Emerick stated that doing so would require the applicant to grant an extension of the review period. Mr. Emerick would then put the plan on the next regularly-scheduled Board of Supervisors meeting agenda to discuss the ingress/egress matter, with the understanding that the plan would return to the Planning Commission for their recommendation.

Mr. Zimmerman stated that based on the discussion, the applicant is now willing to grant an extension of the review period. Mr. Emerick suggested that the Planning Commission temporarily table the plan until the end of the meeting so that the applicant can prepare a written extension.

MOTION TO TEMPORARILY TABLE PLAT 1391

On a motion made by Member Wilson, seconded by Secretary Guay, and a unanimous vote, the Planning Commission temporarily tabled the plan until the end of the meeting so that the applicant can prepare a written extension of the review period.

NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2025-01, as filed by Melvin King for 7 Lucy Avenue

Chuck Emerick 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 7 Lucy Avenue, Hummelstown. Although presently under construction, the property will contain a three-bedroom, single-family dwelling once completed.

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

Mr. Emerick 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 provided

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during the March 25, 2025 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.
- 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.

Mel King introduced himself. In response to a question from Member Santostefano, Mr. King stated that he also owns the adjacent short-term rental property.

In response to a question from Member Wilson, Mr. King stated that he is agreeable to the conditions of approval.

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MOTION ON CONDITIONAL USE APPLICATION NO. 2025-01

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 the Conditional Use represented by Application No. 2025-01 be granted, subject to conditions ‘A’ through ‘J’ as outlined by Township staff.

B. Review and recommendation of Conditional Use Application No. 2025-02, as filed by Joseph and Angelina Manzella for 564 West Caracas Avenue

Chuck Emerick 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 applicants propose to establish a short-term rental on the property located at 564 West Caracas Avenue, Hershey. The property contains a 1,640-square-foot, three-bedroom, single-family dwelling built in 1956.

Mr. Emerick reviewed the required performance standards for the Conditional Use and the applicants’ responses as to how they will meet the standards.

Mr. Emerick 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 provided during the March 25, 2025 public hearing before the Board of Supervisors.
- B. If, in the future, the Applicants 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.
- 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 existing two-car garage must remain available and included in any rental agreement.

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- G. The Applicants shall provide the required four parking spaces in a manner consistent with the Zoning Ordinance.
- H. The granting of approval of the Application shall not relieve the Applicants 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.
- I. 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.
- J. The Applicants shall comply with all other applicable provisions of the Derry Township Zoning Ordinance.
- K. The short-term rental shall meet all other requirements of the Township that may apply.

Joseph and Angelina Manzella introduced themselves and stated that they are agreeable to the conditions.

MOTION ON CONDITIONAL USE APPLICATION NO. 2025-02

On a motion made by Member Wilson, seconded by Member Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2025-02 be granted, subject to conditions ‘A’ through ‘K’ as outlined by Township staff.

OLD BUSINESS

- E. Review and recommendation of the Preliminary/Final Land Development Plan for Hershey Islamic Center, Plat 1391 [continued from earlier in the meeting]**

Public comment:

Joseph Manzella, 564 West Caracas Avenue, Hershey, expressed his concern regarding the existing traffic congestion in the area and the safety of the people accessing the site, especially the kids.

Angelina Manzella, 564 West Caracas Avenue, Hershey, does not think it is a good idea to allow such a large project, given the existing traffic congestion on Middletown Road.

Mr. Zimmerman provided the applicant’s written extension of the plan review period.

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MOTION TO TABLE PLAT 1391

On a motion made by Member Wilson, seconded by Member Santostefano, and a unanimous vote, the Planning Commission tabled taking action on Plat 1391 to allow the applicant time to address the outstanding issues and meet with the Board of Supervisors.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Member Santostefano, seconded by Member Wilson, and a unanimous vote, the meeting was adjourned at 7:11 p.m.

Respectfully submitted,

Sean Guay
Planning Commission Secretary

Submitted by:

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