

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 7, 2019

CALL TO ORDER

The Tuesday, May 7, 2019 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA, by Chairman Don Santostefano.

ROLL CALL

Commission Members Present: Don Santostefano, Chairman; Joyce St. John, Vice Chairwoman; Tom Wilson, Secretary; Glenn Rowe; Matt Tunnell

Commission Members Absent: None

Also Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Matt Bonanno, HRG, Inc.; Diane Myers-Krug, Dauphin County Planning Commission representative

Public Registering Attendance: Brandon Harner, Snyder, Secary & Associates; John Foley, 238 Mine Road; Robert Naeye, *The Sun*; Jonathan M. Crist, AIS; Steve Seidl, 450 West Granada Avenue; Dave Getz, Wix, Wenger & Weidner; Chris Painter, Brayson/AIS

APPROVAL OF MINUTES

On a motion made by Member Tunnell and seconded by Member Rowe, the Planning Commission unanimously approved the minutes from the March 5, 2019 meeting, as written.

OLD BUSINESS

- A. Report of the Board of Supervisors' action regarding proposed Ordinance No. 713, to amend Chapter 225 (Zoning) of the Code of the Township of Derry to make general revisions, corrections, and clarifications**

Chuck Emerick stated that the Board tabled Ordinance No. 713.

- B. Report of the Board of Supervisors' action regarding the Revised Final Land Development Plan for East Point Trade Center – Building C, Plat #1314**

Mr. Emerick reported that the Board conditionally approved the plan.

- C. Report of the Board of Supervisors' action regarding the Preliminary/Final Subdivision and Land Development Plan for Middletown Road Site, Plat #1312**

Mr. Emerick reported that the Board conditionally approved the plan.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 7, 2019

NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for Towneplace Suites Hotel, Plat #1315

Mr. Emerick reported that this plan represents the lot consolidation and land development of the six properties addressed as 554-574 West Chocolate Avenue. The land is located at the corner of Hillcrest Road and West Chocolate Avenue in the Hershey Mixed Use, Downtown Core Overlay, and Central Master Plan Approval Area Overlay zoning districts. The property presently contains six existing dwellings and associated accessory structures, which will be demolished to make way for a five-story, 60-foot-high, 76-room hotel.

Mr. Emerick stated that per Section 185-42.A of the Subdivision and Land Development Ordinance, the applicant has indicated that the use will not generate traffic at the threshold that would require a full traffic study (100 or more peak hour trips). The plans indicate that the hotel use will generate 40 AM peak hour trips and 46 PM peak hour trips. Section 185-42.B allows the Township to require a traffic study whenever current traffic problems exist in the area which, in the opinion of the Township, are likely to be impacted by the proposed development activity. A traffic study may be beneficial in determining how patrons will circulate into and out of the site, considering the inability to make a left turn onto West Chocolate Avenue and geometric confines of surrounding intersections. The study may help determine if geometric or safety improvements are appropriate along South 1st Street, West Caracas Avenue, Hillcrest Road, and/or Orchard Road. Such considerations could include a potential one-way restriction along South 1st Street.

Mr. Emerick commented that the project was presented to the Downtown Core Design Board (DCDB) at their meeting on April 29, 2019. The DCDB made motions as follows:

- Regarding the demolition of the existing structures: A motion was made and seconded to deny the demolition; however, due to a split or tie vote, the DCDB did not make a recommendation to the Board of Supervisors regarding the approval or denial of the demolition.
- Regarding the construction of the new building: A motion was made to deny the construction of the new building. That motion died for the lack of a second. Thereafter, a motion was made and seconded to approve the new construction, but that motion was voted down by a 2-4 vote, resulting in no recommendation.
- Regarding the site features: The DCDB voted unanimously to approve the site features (*i.e., benches, bike racks, trash receptacles, etc.*).

Mr. Emerick summarized the waivers requested by the applicant from the Subdivision and Land Development Ordinance and noted that the applicant should also request waivers regarding the scale for profiles of proposed and altered storm sewer, sanitary sewer, gas, and water lines. Brandon Harner,

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 7, 2019

Snyder, Secary and Associates, represented the applicant and verbally requested the additional waivers.

Mr. Emerick and Matt Bonanno, HRG, went over their plan review comments. Mr. Emerick also referenced DTMA's review comments.

Secretary Wilson commented that he did not see any review comments regarding the retaining wall, and the detail refers to it as a 'schematic retaining wall.' Mr. Emerick replied that is typically how the Township treats retaining walls that are shown on land development plans. The final design of the retaining wall will be required to be reviewed and approved by HRG during the permitting phase. However, if the Planning Commission wants to see the full design of the retaining wall, they can include that as a condition of approval. Secretary Wilson noted that he is curious about what the retaining wall will look like. Mr. Harner anticipates that it will be poured concrete. There may be a decorative facing on it that matches the building but none of that has been designed yet.

In response to a question from Vice Chairwoman St. John, Mr. Emerick stated that the original plan (Plat #1309) proposed 84 rooms. *[Note: Plat #1309 was submitted in October 2018 and rejected by the Board of Supervisors in January 2019. The applicant has appealed the Board's decision to reject the plan.]* Vice Chairwoman St. John asked what will happen to Plat #1309 after there is a vote on Plat #1315. Mr. Emerick said that if Plat #1315 is approved, it can be recorded. If Plat #1309 is approved by way of the appeal process, it can also be recorded. However, a condition of plan approval is the posting of financial security to guarantee the completion of required improvements and Mr. Emerick doubts that the applicant will want to post two securities. At that point they will have to decide which plan they want to proceed with. Vice Chairwoman St. John commented that the Downtown Core Design Board recommended approval of the construction of the hotel under the first submission and asked why they voted differently this time. Mr. Emerick replied that he cannot answer that question.

Member Rowe commented that he likes the idea of the vehicle lifts because they will reduce the amount of impervious area, but he has a lot of questions about the manual the applicant submitted regarding the operation and maintenance of the lifts. Member Rowe views the lifts as transformational, precedent-setting technology and he thinks it is important to have some type of definition and guidance on a lift in the Township regulations. He thinks there are a lot of holes in the operation and maintenance manual and the Township could be liable in the event of an accident. There should be some form of indemnification to the Township so that the Township is not held liable for any type of accidents due to the lifts, and the applicant should probably have additional insurance for the lifts. Member Rowe asked who will inspect the lifts to make sure they are functioning properly. He does not think the Township should be financially responsible for ensuring that the operation and maintenance manual is enforced and that rooms are not rented if one or more of the lifts are not functioning. Member Rowe noted that the operation and maintenance manual mentions having someone trained to operate the lifts and asked what is involved in that training. Mr. Emerick commented that the applicant's operation and maintenance manual contains the same operation information that is suggested by the manufacturer. Chairman Santostefano asked if the Department of Labor and Industry inspects vehicle lifts since they inspect commercial elevators. Dave Getz, attorney for the applicant, replied that it is unlikely.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 7, 2019

Chairman Santostefano agreed with the Township Police Department's review comments regarding the need to inform hotel guests about how to get to West Areba Avenue and Hockersville Road so they can make a left onto West Chocolate Avenue. Mr. Getz stated that guests will be provided with a map and directions for getting to Hockersville Road. The guests will be told to not make a U-turn on West Chocolate Avenue or use South 1st Street.

Mr. Emerick showed the hotel renderings that were submitted for the Downtown Core Design Board's review. The renderings indicate that the retaining walls will have some type of decorative face. Mr. Emerick noted that the retaining wall along West Chocolate Avenue and Hillcrest Road will probably be a different material than the retaining wall around the back of the property. Secretary Wilson asked if the Township will require the design of the retaining walls to be on the land development plan or if it will be part of the structural analysis that will be reviewed by HRG during the building permit process. Mr. Bonanno responded that most applicants do not want to spend the money to do the detailed retaining wall design at the land development plan phase. That is why HRG asks for notes on the plan so that the applicant knows an engineered design has to be submitted to HRG for review and approval prior to the Township's issuance of the building permit. HRG has also required that retaining walls are included in the bonding for the project to make sure that they are constructed properly. Mr. Bonanno suggested that if there is something specific the Planning Commission wants to see regarding the material and facing on the retaining walls, it should be added as a note on the land development plan. Chairman Santostefano stated that he is comfortable with HRG reviewing the design of the retaining walls when it is submitted and having a note on the land development plan that the retaining walls need to have some kind of decorative texture. Secretary Wilson agreed.

Public comment

Jonathan Crist, attorney on West Chocolate Avenue, stated that he represents Christopher Painter of AIS and Brayson Services, the adjacent property owner to the east. Mr. Crist commented that there are two issues with this proposal that will directly impact his client's business. The first issue is having a 60' high hotel being built next to them. This is basically still a residential neighborhood. Mr. Crist noted that the applicant is proposing to build the hotel five feet from the eastern property line and asked how construction will be possible without damaging or trespassing on the neighboring property. The second issue is traffic. Brayson Service's properties are accessed from South 1st Street, which is only 15 feet wide and cannot accommodate two lanes of traffic. Mr. Crist's client is concerned that the hotel will result in increased traffic on South 1st Street. The hotel guests are going to do what they want to do, regardless of any maps or instructions they are given. There is a major traffic problem and a traffic study needs to be conducted. Mr. Crist also stated that the design of the proposed driveway does not conform with PennDOT regulations, which require a split entrance into hotel/motel sites.

Vice Chairwoman St. John said that Mr. Crist raised a good question about how the applicant will be able to construct the hotel without impinging on the neighboring property since they are proposing to build right up to the five-foot side yard setback. Mr. Getz responded that they have a very good contractor who will respect the property line and the setbacks so that the construction does not interfere with the adjacent commercial property. They understand that if they cross the property line and cause damage, they are liable.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 7, 2019

Chairman Santostefano referenced the comment Mr. Crist made about PennDOT's requirements for a hotel entrance. Mr. Emerick stated that the hotel's site entrance will be from Hillcrest Road, which is a Township road, and the Township does not necessarily follow PennDOT standards. Member Rowe added that the referenced PennDOT regulations were created in the mid-1980s and they are outdated. PennDOT is working on revised regulations that will remove the requirement for a split entrance to hotel/motel sites.

Member Tunnell is concerned that with the adoption of the 2017 Zoning Ordinance, which allows a minimum five-foot side yard setback in certain zoning districts, the Township has unwittingly created a burdensome situation for an adjacent residential property to a commercial construction site.

Vice Chairwoman St. John commented that in the preparation of the 2017 Zoning Ordinance, we did not foresee that there would be a gigantic hotel proposed next to a house. That is not the situation the Township was trying to create. She believes the Township needs to revise the Zoning Ordinance in order to slow down the trend of demolishing houses on Chocolate Avenue and building more hotels so that the desired vision for the downtown can be implemented.

Member Rowe stated that his issue is with the vehicle lifts. Parking is a quintessential part of any development and he believes that what the Township approves with this plan will be what sets the standards for future proposals. How will the Township be able to comment on or change that in the future if the precedent has already been set? Member Rowe thinks more research could be done on vehicle lifts so that the Township can come up with solid regulations.

Member Tunnell thinks on-site parking is critical and not providing enough parking spaces creates a problem for the surrounding neighborhood. He does not agree with the Zoning Ordinance allowing bicycle parking as a substitution for vehicle parking on a hotel site. No one is going to ride their bike to this site. Chairman Santostefano commented that the employees might. Mr. Emerick noted that the bicycle parking substitution is capped at two vehicle spaces. Member Tunnell stated that eliminating parking spaces is not going to stop people from driving, and that means they will have to find on-street parking instead. Mr. Emerick responded that if we are trying to promote bike riding and other modes of transportation, we have to start somewhere. Chairman Santostefano commented that with 76 rooms and six employees, the diversity factor (arrival and departure times) means it is likely that all of the on-lot parking spaces will not be filled at one time. It is also not likely that there will be 100% occupancy in the hotel every night.

Steve Seidl, 450 West Granada Avenue, commented that this site is not appropriate for a major hotel because it is too small. There are portions of the retaining wall at the back of the property that will be 10 feet high, and it will be located against AIS's property and the alley. Construction of the retaining wall could potentially undermine the alley. Mr. Seidl asked who will monitor that for the Township and the residents. The lift parking is another example of how the project is being shoe-horned into a too-small site. Mr. Seidl stated that the TRU and Fairfield hotels are on properties that are three times the acreage of the subject site. They have 108 and 112 rooms versus the 76 rooms proposed for the Towneplace Suites hotel. That means this hotel is more than twice the number of rooms per acre than the TRU and Fairfield hotels, which is another example of the amount of development the applicant is trying to jam in on this site. There are homes directly behind this site and those residents will have to

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 7, 2019

stare at the retaining wall. Mr. Seidl commented that a traffic study is absolutely crucial for this project. It is already extremely difficult to get into and out of this area and a big part of that problem is the divider on West Chocolate Avenue.

Vice Chairwoman St. John thinks it is difficult to say that there will not be a traffic impact from a project simply based on the numbers in the developer's traffic analogy. The actual impacts of developments are not felt until after they are constructed and operating. She agrees that a traffic study should be required before construction of the hotel starts so that it is known how people will get to and from the site. We cannot disregard the fact that this will impact the surrounding neighborhood. Vice Chairwoman St. John also stated that she is supportive of requesting that the applicant provide a traffic study for the Planning Commission's review before they make a recommendation on the project to the Board of Supervisors.

Member Rowe asked why the applicant has not done a traffic assessment yet. Mr. Getz responded that the project does not meet the 100 or more peak hour trips threshold that requires the submission of a traffic study per the Subdivision and Land Development Ordinance, and the applicant was not asked to provide a traffic study with the previous plan. Mr. Harner commented that a hotel is a low traffic-generating use because the arrival and departure times are scattered.

Secretary Wilson noted that the retaining wall detail states "No portion of any retaining wall that encroaches the yard areas front, rear, or side shall exceed six feet in height." He is concerned about the constructability of the retaining wall as it relates to the neighboring property. He is also concerned about the proposed height of the protective fence along the top of the retaining wall (3 feet, 6 inches). With portions of the retaining wall being 10 feet high, should there be some type of guiderail? Secretary Wilson would like to see that be assessed in more detail before the Planning Commission makes a recommendation on the plan.

John Foley, Mine Road, commented that there has been a lot of discussion about this being a residential area when in reality, Chocolate Avenue is the Township's business corridor and this area is our downtown. The six dwellings that are proposed to be demolished are in less than desirable condition. There has been talk about the rights of the neighboring property owners, but what about the rights of the owners of this property? They have appropriately zoned properties and are proposing something that complies with the Township ordinances as they exist today. We need to ensure that we are equal in the implementation of the Zoning Ordinance for all property owners. Regarding the flow of traffic, Mr. Foley stated that people do not have any trouble getting into and out of the Italian Lodge property because they know what routes to take. He does not know anyone who is going to travel east on Caracas Avenue. Those are the issues that will be addressed by signage and instruction. Hotel guests are not going to make a hairpin turn out of the site driveway and onto the alley.

MOTION TO TABLE PLAT #1315

Secretary Wilson made a motion that the Planning Commission table taking action on the plan to allow the applicant time to address the comments that have been raised by Township staff and HRG. Member Rowe seconded the motion.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
May 7, 2019

Discussion:

Mr. Emerick commented that the applicant should be made aware that the Planning Commission also wants to see the traffic analysis; more details on the safety and constructability of the retaining walls; and a better Operation and Maintenance Agreement for the vehicle lifts. Chairman Santostefano added that it would be helpful for the Planning Commission if the applicant could provide some form of constructability definition for the five-foot setback on the east side of the property.

Chairman Santostefano asked if the applicant has a construction timeframe and anticipated opening date. Mr. Getz replied that they currently do not have an anticipated opening date.

Vote:

The motion to table Plat #1315 was passed by a majority vote (St. John, Wilson, Tunnell, and Rowe voted in favor of the motion; Santostefano voted against the motion).

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Secretary Wilson, seconded by Vice Chairwoman St. John, and a unanimous vote, the meeting adjourned at 7:41 p.m.

Respectfully submitted,

Thomas P. Wilson
Planning Commission Secretary

Submitted by:

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