

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
June 4, 2019**

CALL TO ORDER

The Tuesday, June 4, 2019 Derry Township Planning Commission meeting was called to order at 5:58 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

Commission Member Absent: Matt Tunnell

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

Public Registering Attendance: Linda Eyer; Steve Burk, *The Sun*; Dan Dalton, Grady Summers – Hershey Hatchets; Steve Seidl

APPROVAL OF MINUTES

On a motion made by Vice Chairwoman St. John and seconded by Member Rowe, the Planning Commission unanimously approved the minutes from the May 7, 2019 meeting, as written.

OLD BUSINESS

None.

NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2019-02 for 515 Rear West Chocolate Avenue, as filed by Hershey Hatchets, Inc.

Mr. Emerick explained that the applicant intends to operate a recreational facility under the name of Stumpy's Hatchet House in a portion of the former Hershey Transfer Station located at 515 Rear West Chocolate Avenue. They are requesting Conditional Use authorization under Section 225-501.40 of the Zoning Ordinance, regarding uses similar to by-right permitted uses. The applicant proposes that their use is similar to an "Exercise and Fitness Center" which is defined in the Zoning Ordinance as "*A business establishment where patrons use weights, machines, or other such equipment or floor space for the purpose of physical exercise and/or wellness. Exercise and fitness centers may include health spas and concession stands.*" Exercise and Fitness Centers are a permitted use within the Downtown Core Overlay of the Hershey Mixed Use zoning district.

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Mr. Emerick stated that the applicant has noted in their submission information that *Men's Health*, *Men's Journal*, and *Self Magazine* consider hatchet throwing to be a form of fitness and exercise, so one could consider the proposed use similar to an Exercise and Fitness Center. There is no indication that the use would create excessive demand on the roadway system or the utility services. The applicant is proposing to provide trees to support any required parking.

Grady Summers of Hershey Hatchets, Inc., explained that this will be a franchise of Stumpy's Hatchet House, an indoor hatchet-throwing venue. This activity is growing quickly in popularity, and Stumpy's has eight locations with an additional 24 locations slated to open by the end of 2019. Mr. Summers stated that they consider the use to be "social fitness" and a way for people to get together with friends and do something active.

Chairman Santostefano asked if there are any other franchises in the area. Mr. Summers responded that the closest one is in Lancaster. Chairman Santostefano inquired if there have been any reported incidents or concerns at the Lancaster franchise. Mr. Summers stated that in the three years the existing eight franchises have been operating, there have never been any reportable injuries. There is a very strict safety protocol in place in terms of how the hatchets are handled, as well as stringent security monitoring.

Chairman Santostefano asked if there is a policy regarding on-site alcohol consumption. Mr. Summers responded that there is a zero-tolerance policy for throwing hatchets while intoxicated. Each guest is permitted to bring their own six-pack of beer or wine (liquor is not permitted) for their two-hour session, but alcohol will not be served on site. Employees will verify that guests do not bring in more than the permitted amount of beer or wine. Mr. Summers stated that because the hatchet throwing is only booked in one- or two-hour sessions, there is no opportunity for loitering in the building. Dan Dalton, Hershey Hatchets, Inc., added that when guests arriving for their sessions, they are given a briefing on safety and they are required to sign a waiver.

Vice Chairwoman St. John asked if IDs will be required to enter the premises. Mr. Dalton answered yes.

Chairman Santostefano asked how many employees there will be to enforce the safety policies. Mr. Summers stated that the number of employees will vary based on how many sessions have been booked. The hours of operation will be Wednesday, Thursday, and Sunday from 12:00 p.m. to 10:00 p.m., and Friday and Saturday from 12:00 p.m. to 12:00 a.m. The maximum number of employees will be six, and the minimum will be four.

Vice Chairwoman St. John asked if the area outside the building is well lit. Mr. Summers responded that it is currently not well lit because there are vacant buildings, but there are spots for lights on the corner of the building. It is his understanding that the property owner will ensure the exterior of the building and the parking area are well lit. Vice Chairwoman St. John inquired if the parking area will be monitored by cameras. Mr. Summers commented that the interior of the building will be monitored by cameras, and he does not see a reason why they should not install cameras on the exterior as well to monitor loitering.

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Member Rowe asked about the required number of parking spaces for this use. Mr. Emerick replied that since Exercise and Fitness Centers are not specifically listed in the Zoning Ordinance's Parking Ratios table, per Section 225-402.5.B, the applicant is to submit information to support the amount of parking they believe is required for their use for the Zoning Officer's review and approval. As long as Mr. Emerick finds the information to be credible, he will approve the parking plan. Mr. Summers commented that because hatchet throwing is a social activity, per the data collected by the existing franchises there are usually about 3.2 guests per car and approximately 4.5 guests per throwing pit. The applicant's traffic data analysis showed that occupancy of the parking area is usually between 60% to 80% with 9-10 vehicles per hour. In response to an inquiry from Vice Chairwoman St. John, Mr. Summers stated that they are currently contemplating 10 throwing pits but there is enough space for up to 14 pits.

Vice Chairwoman St. John likes that the applicant will be using a building that needs some improvement.

Mr. Emerick noted that the property owners (Hershey Car Barn, LLC) will be bringing additional tenants into these buildings. They have already met with the Township regarding traffic impact and have agreed to do a traffic study when they hit 100 peak hour trips to make sure they will not be overburdening the alleys that serve the property.

Chairman Santostefano asked if there is accessibility to the building. Mr. Summers responded that there is not, but they will be installing an accessible entrance ramp.

MOTION

On a motion made by Secretary Wilson, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2019-02 be granted.

B. Review and recommendation of Conditional Use Application No. 2019-03 for 34 Half Street, as filed by Keystone Solo 401k Trust

Mr. Emerick explained that the applicant proposes to operate a Specialty Home (i.e., a short-term vacation rental home) on property they own at 34 Half Street, Hershey. The property is in the Hershey Mixed Use and Downtown Core Overlay zoning districts. Mr. Emerick reported that there is currently one legal nonconforming Specialty Home in the Township (it existed legally prior to the 2017 Zoning Ordinance). This application represents the Township's first request to legally operate a Specialty Home under the criteria as listed in the current Zoning Ordinance.

Jeremy Ireland represented the applicant. He is the maintenance technician for Keystone Properties and will be the contact person for the security and maintenance of the subject property. The applicant purchased this property for use as a short-term rental and only found out later that Conditional Use approval is required. The applicant is currently renting the property to a long-term

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tenant but would like to use it for short-term vacation rentals for families in the future. Mr. Ireland added that the house currently has three bedrooms.

Chairman Santostefano asked how the applicant will be able to control who rents the property and whether it is only rented to families. Mr. Ireland responded that the renters would not necessarily have to be families. The applicant has short-term rental properties in other municipalities and Mr. Ireland's experience has been that the properties are used less and maintained better than most other rental properties.

Vice Chairwoman St. John asked how the applicant is going to market the property. Mr. Ireland stated that it will probably be marketed through a website such as Airbnb.com. The applicant has no intention of using the property for special events or public functions.

Mr. Emerick noted that the maximum occupancy of the property per the Zoning Ordinance is two individuals per bedroom. Parking is to be provided at a rate of one space per bedroom.

Secretary Wilson asked for confirmation that if the Township approves the Conditional Use authorization as requested, the applicant will not be able to add more bedrooms to the house in the future. Mr. Ireland responded that he thinks it is safe to agree to that. He does not believe the applicant has any plans to expand the dwelling in the future. Mr. Emerick stated that a condition of approval could be added that the applicant would have to seek further relief from the Township in order to create more bedrooms.

Vice Chairwoman St. John commented that there is a benefit to using short-term vacation rental websites such as Airbnb.com because there is a vetting process for the guests as well as the property owner. She inquired if this home could still be used as a gathering place for family members who are in town to attend a wedding (for example), since the use of the property for events is prohibited. Mr. Emerick answered that it could be used as a gathering place.

Public Comment

Steve Seidl, 450 West Granada Avenue, Hershey, noted that there was a different short-term rental property that came before the Zoning Hearing Board because it did not comply with the 25-foot setback requirement. There was also an issue with a deck and patio area being very close to a neighboring property, and there was discussion at that time about the 25-foot setback rule not being clear as to whether it applied to other structures on the property in addition to the dwelling. Mr. Seidl suggested that the Planning Commission may want to make it a condition of approval that future structures, such as a deck, have to be a certain distance from the property line. Mr. Emerick stated that one of the required conditions of approval is that the noise and disturbance levels on the subject property must be comparable to typical residential uses.

MOTION

On a motion made by Vice Chairwoman St. John, seconded by Member Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the

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Conditional Use represented by Application No. 2019-03 be granted, with the stipulation that if, in the future, the applicant proposes to increase the number of bedrooms beyond the existing three, they must apply for further approval.

C. Review and recommendation of the Preliminary/Final Land Development Plan for Penn State University College of Medicine Innovation Pavilion for Research and Learning, Plat #1316

The applicant has requested that the plan be tabled.

MOTION

On a motion made by Secretary Wilson, seconded by Member Rowe, and a unanimous vote, the Planning Commission tabled Plat #1316.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Member Rowe, seconded by Vice Chairwoman St. John, and a unanimous vote, the meeting was adjourned at 6:34 p.m.

Respectfully submitted,

Thomas P. Wilson
Planning Commission Secretary

Submitted by:

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