

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
September 3, 2019**

CALL TO ORDER

The Tuesday, September 3, 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; Tom Wilson, Secretary; Glenn Rowe; Matt Tunnell

Commission Member Absent: Joyce St. John, Vice Chairwoman

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: Jonathan M. Crist, 226 West Chocolate Avenue; David Habig, 1087 Princeton Drive; Dave Buffington, *The Sun*; Dave Getz, Wix, Wenger & Weidner; John Foley, NAI/CIR; Derrick Skillings, Shaner Hotel Group; Kenny Hinebaugh, Snyder, Secary & Associates; Brian Holton, 280 Jacobs Creek Drive; Linda Eyer, 2321 Raleigh Road; Doug Erwin, AIS; Steve Seidl, 450 West Granada Avenue

APPROVAL OF MINUTES

On a motion made by Member Tunnell and seconded by Member Rowe, the Planning Commission unanimously approved the minutes from the July 2, 2019 meeting, as written.

OLD BUSINESS

- A. Report on the Board of Supervisors' action regarding adoption of a Decision for Conditional Use Application No. 2019-02 as filed by Hershey Hatchets, Inc., regarding a portion of the property located at 515 Rear West Chocolate Avenue**

Chuck Emerick reported that the Board adopted the Decision, with conditions.

- B. Report on the Board of Supervisors' action regarding adoption of a Decision for Conditional Use Application No. 2019-03 as filed by Keystone Solo 401k Trust regarding 34 Half Street**

Mr. Emerick reported that the Board adopted the Decision, with conditions.

- C. Report on the Board of Supervisors' action regarding adoption of a Decision for Conditional Use Application No. 2019-04 as filed by Kimberly Reeder and Kristyne Wagner regarding 228 McCorkle Road**

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Mr. Emerick reported that the Board adopted the Decision, with conditions.

D. 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. A hotel use is a permitted use within the Downtown Core Overlay of the Hershey Mixed Use zoning district. With a total of 76 hotel rooms being provided and 6 employees anticipated on the maximum shift, a total of 81 parking spaces are required on the property. The applicant is proposing a total of 81 parking spaces comprised of 60 standard spaces (7 elevated), 15 compact spaces (5 elevated), 4 accessible spaces, and 8 bicycle spaces (equal to 2 automobile spaces).

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 36 AM peak hour trips and 46 PM peak hour trips on weekdays. 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.*).

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Mr. Emerick summarized the waivers requested by the applicant from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance.

Mr. Emerick and Matt Bonanno, HRG, went over their plan review comments. Mr. Emerick added that his comment 3.b.ii (regarding revisions to Parking Data Note 3 on Sheet SP 3.1) has been addressed and can be disregarded. Diane Myers-Krug, Dauphin County Planning Commission representative, stated that their previous comments have been addressed.

Chairman Santostefano referenced Mr. Emerick's comment regarding the plans indicating that the vehicle lifts can lift a standard vehicle weight of 6,000 pounds. Mr. Emerick's online research found that a Tahoe weighs 5,475 pounds and a Suburban weighs 5,672 pounds; however, each can carry a payload of 1,800 pounds. Mr. Emerick would like some explanation or restriction to address the difference. Chairman Santostefano noted that part of the 1,800-pound payload is the passengers and they will not be in the vehicles when they are lifted. Mr. Emerick agreed with that point and stated that it could be the answer to the difference in weights.

Member Rowe commented that while vehicle lifts are not a new innovation, it is new to the Township. By allowing vehicle lifts as part of this project because there is not enough room on the property for regular parking spaces, the Township will be setting a precedent and may have some kind of liability. Member Rowe asked Mr. Emerick if he has discussed liability with the Township Solicitor and if the developer agreed to indemnify the Township. Member Rowe also inquired how many vehicle lifts the Township will allow per lot for future developments because this will change how developers approach development in Derry Township. Mr. Emerick responded that he has not researched liability issues regarding the vehicle lifts. He noted the Township is not liable if an elevator malfunctions. Mr. Emerick explained that the reason he supports the use of lifts is because there have been so many applicants to the Zoning Hearing Board who have sought relief to be able to provide their required parking off site, and that is difficult for the Township to monitor and regulate. Vehicle lifts will allow all of the required parking to be located on the same property. From a future maintenance and management perspective, if the lifts start to fail and the hotel removes them from the property, Mr. Emerick does not want to have to monitor that aspect either. He does not know what the answer is, but it can be part of the upcoming discussions for the Zoning Ordinance amendments. As it stands today, the developer is in compliance with the Zoning Ordinance and there are no restrictions regarding vehicle lifts. Member Rowe clarified that he is not adverse to vehicle lifts; however, he thinks there needs to be policies and requirements in place before the Township allows them to be used.

Chairman Santostefano commented that he does not think the Township can disapprove the use of vehicle lifts because the current Township ordinances do not specifically say that lifts are not allowed. Mr. Emerick concurred and added that the applicant has revised the plan since the last Planning Commission review (in May 2019) to propose custom lifts that provide the required amount of clear space underneath in order to qualify as a parking spaces.

Secretary Wilson stated that he still has concerns about the retaining wall on the east side of the property, specifically at the highest point of the retaining wall adjacent to South 1st Street and how vehicles and pedestrians will be protected.

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Public comment

Jonathan Crist, attorney with offices at 226 West Chocolate Avenue, Hershey, stated that he represents AIS and Brayson Services, the adjacent property owner to the east of the subject property. Mr. Crist noted that he has two issues. The first is that procedurally, the Pennsylvania Code makes an advisory board such as the Planning Commission subject to the Sunshine Law and as a result, the Township has a duty to properly advertise the meeting. This meeting was advertised as “*Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for Towneplace Suites Hotel, Plat #1315.*” The agenda does not provide the address of the subject property or the topic of discussion. Mr. Crist stated that there is a problem in Derry Township in that as of last week, the public was not able to review the information being presented at this meeting. Mr. Crist takes the position that the Township’s failure to make the information available to the objectors in a timely fashion so they can see it ahead of time and respond to it is a violation of the Sunshine Law and prohibits the Planning Commission from voting or acting on Plat #1315. The second issue is that on August 20, 2019, Urban Design Associates presented its vision for what is Downtown Chocolate Avenue. One of the things they have recommended is a western gateway for this area. In UDA’s study, a roundabout is proposed to be located in front of the Towneplace Suites Hotel site and Mr. Crist believes this is cause for the Towneplace Suites plan to be revised because there will be no room for on-street parking or drop-offs in front of the hotel.

Mr. Emerick clarified that planning for the roundabout is in the preliminary stages to determine viability. The right-of-way for Chocolate Avenue would remain intact for the existing lots in the vicinity. How and when the roundabout would come to fruition is unknown at this point.

Chairman Santostefano noted that the current plan for the hotel does not depict a drop-off area in front of the building, so that aspect would not be impacted by the conceptual roundabout. Mr. Emerick commented that the roundabout would result in the loss of some existing on-street parking, but there would be a better north/south route through the downtown. The roundabout would be beneficial for traffic from the hotel.

Secretary Wilson asked Mr. Emerick if he had any concerns relative to the advertisement of this meeting as noted by Mr. Crist. Mr. Emerick answered that he does not have any concerns. The agendas for the Planning Commission have been prepared in the same manner for the last 40 years.

Steve Seidl, 450 West Granada Avenue, commented that he went to the Township office last week to see what had been filed and was not permitted to view the information until today. He agrees that this is in violation of the Sunshine Law. It is an issue that the public does not have a reasonable opportunity to review the business coming before the Planning Commission and Board of Supervisors. Mr. Seidl stated that in his brief review of the submitted information, he determined that the “so-called” traffic assessment that was provided was woefully inadequate. There was no discussion in the traffic assessment about how the hotel traffic is additive to the already problematic traffic on Chocolate Avenue and the side streets. Mr. Seidl referred to the May Planning Commission meeting minutes and John Foley’s comments that people who go to the Italian Lodge know where they are going; therefore, the traffic from the proposed hotel is not an issue. Mr. Seidl noted that it is mostly locals who go to the

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Italian Lodge. It is not the same situation as hotel traffic. Mr. Foley had also stated that he does not know anyone who would travel east on Caracas Avenue but that is where people are being directed by GPS. A real traffic study is necessary to take into account what else is going on and the particular dynamics of the subject location. Mr. Seidl noted that he saw nothing in the submitted information that addressed the concerns raised by the public and the Planning Commission at the May meeting regarding the construction of the retaining wall and its proximity to the alley. Regarding the vehicle lifts, the applicant has not provided information as to the content of the employee training. Mr. Seidl takes exception to Mr. Emerick's comment that elevators are permitted and the Township is not liable if they fail because they are inspected by L&I. Mr. Seidl stated that there are two elements on the Preliminary Vehicle Lift Plan provided by Park Plus: 1) the plan states that the company specializes in high density vehicle storage, which is indicative of what the applicant is trying to do to the subject property; 2) the plan lists the property as being in Harrisburg. Mr. Seidl commented that vehicle lifts might be appropriate in Harrisburg but they are not appropriate in Hershey.

Dave Getz of Wix, Wenger, and Weidner and Kenny Hinebaugh of Snyder, Secary & Associates represented the applicant. Mr. Getz thanked Mr. Crist for pointing out the Urban Design Associates recommendation for a gateway to Hershey in this area because the applicant thinks it would be perfect for this hotel.

Secretary Wilson asked how his comments from the May meeting regarding the retaining wall are being addressed. Mr. Hinebaugh responded that a guiderail is now proposed along the top of the wall, as well as a fence at the high end. There will be a number of barriers at the top of the wall in order to facilitate safety. Secretary Wilson commented that the plans do not clearly indicate where the guiderail will be located. Mr. Hinebaugh stated that they will make sure the addition of the guiderail is more noticeable on the plan. Regarding constructability, Mr. Hinebaugh noted that typically, retaining walls are called out on site plans but are not designed at the land development plan stage. The detail on the plan specifies that it is up to the contractor to go through the design and permitting processes for those types of walls. The applicant has spoken to a contractor who is familiar with this kind of situation in a small area and there are a number of means and methods to construct the retaining wall in a manner that does not disrupt the adjacent property.

In response to a question from Chairman Santostefano, Mr. Emerick commented that the Township is comfortable with the retaining wall being designed and approved during the building permit process. He agreed with Mr. Hinebaugh that this is typically the process for retaining walls.

Chairman Santostefano referenced Mr. Seidl's comments regarding the need for a traffic study and inquired if the Township and HRG are comfortable with the information that was submitted by the applicant. Mr. Emerick replied that they are not entirely satisfied with what has been presented because they want the applicant to address the increase in alley traffic. The Township has been experiencing an increase in traffic on the side streets, seemingly due to GPS directions that try to get the driver to their destination as quickly as possible. Mr. Hinebaugh stated that they will work with Mr. Emerick and HRG on the traffic analysis that has been done to find out what else is desired. Additionally, information will be provided to every hotel guest to inform them of the best routes to use when leaving the hotel. The applicant can also reach out to GPS agencies to see what can be changed.

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Mr. Getz referenced Mr. Emerick's review comment regarding the weight capacity of the vehicle lift and noted that every vehicle in the lift will be parked by a valet attendant, so the heavier vehicle will be loaded at the bottom. Chairman Santostefano commented that there may be situations during maximum capacity where it is not going to be possible to shift the vehicles around so that the heaviest is on the bottom of the lift. Mr. Getz responded that would be a very unusual situation.

Mr. Getz referenced Mr. Emerick's review comment regarding the removal of language in the Operation and Maintenance of Vehicle Lifts Manual related to the Township inspecting parking facilities of other hotels and commercial uses in the Township. Mr. Getz stated that his reasoning for including the language was based on a situation when there is a heavy snow and a hotel or business loses some of its parking spaces due to snow piles. They are probably not going to close down part of the business because of parking spaces lost to a snow pile. The applicant just wants to be treated the same as everyone else. Mr. Emerick responded that until there are other vehicle lifts in the Township, he suggests removing the language.

Chairman Santostefano commented that regarding traffic, in addition to the vehicle trips proposed for this site, there is also additional traffic in this area from TRU Hotel, and he does not know what the combined effect will be on that two-block area.

MOTION ON WAIVERS

No motion was made on the requested waivers.

Member Rowe commented that he is not ready to make a motion to recommend approval of Plat #1315 because of his concerns regarding vehicle lifts. They are not inspected by anyone in the manner that elevators are inspected so it is not the same thing. Member Rowe is also disappointed that there was no vetting process with the Township Solicitor regarding the Township's liability if the vehicle lifts are approved and something goes wrong.

Secretary Wilson added that he raised a concern regarding the retaining wall and the applicant has done nothing to address the concern.

MOTION ON PLAT #1315

Member Rowe made a motion that the Planning Commission table Plat #1315 to allow the applicant additional time to satisfactorily address outstanding comments and concerns.

Discussion

Mr. Emerick noted that if the plan is tabled, it would not return to the Planning Commission for review until the November meeting, at the earliest, since the deadline to submit for the October meeting was today. The applicant would also need to grant another extension of time for the Board of Supervisors to act on the plan. If the applicant does not grant the extension, Mr. Emerick will have to list the plan for action by the Board of Supervisors without the Planning Commission's recommendation.

Secretary Wilson seconded the motion made by Member Rowe, and it was approved unanimously.

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In response to an inquiry from Mr. Getz, the Planning Commission stated that they would like the following issues to be addressed before they make a recommendation on Plat #1315:

- Concerns related to the Township's liability in the event of an accident involving the vehicle lifts, and how the Township will regulate vehicle lifts in the future.
- Details on the safety and constructability of the retaining walls and details for all proposed guards.
- The ability of South 1st Street to accommodate the hotel traffic.
- The outstanding Township staff and HRG review comments.

NEW BUSINESS

None.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Member Rowe, seconded by Member Tunnell, and a unanimous vote, the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Thomas P. Wilson
Planning Commission Secretary

Submitted by:

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