

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

**CALL TO ORDER**

The Tuesday, January 7, 2020 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 Member Don Santostefano.

**ROLL CALL**

Commission Members Present: Don Santostefano; Joyce St. John; Tom Wilson

Commission Members Absent: Glenn Rowe; Matt Tunnell

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: Kenny Hinebaugh, Snyder, Secary & Associates; Michelle Kopp, Hillview Lane, Hershey; Dave Getz, Wix, Wenger & Weidner; Doug Allwein, Luke Vanasdalan – Honor Engineer Company; Mike Kearney, Monarch; Sue Myers, 1248 Harding Avenue, Hershey; Mark Hackenburg, Jake Krieger – RGS Associates; John Foley, NAI/CIR; Jonathan M. Crist, 226 West Chocolate Avenue; Ken Gall, Hershey Trust Company; Chris Painter, Brayson Services; Tracy Brown, 319 Park Avenue; Brandon Johnson, Cacao Way, LLC; Rita Smith, 491 East Derry Road; Steve Seidl, 450 West Granada Avenue

**APPROVAL OF MINUTES**

On a motion made by Member St. John, seconded by Member Santostefano, and a majority vote, the Planning Commission approved the minutes from the December 10, 2019 meeting, as written. Member Wilson abstained from voting because he was not at the December meeting.

**REORGANIZATION**

Member St. John made a motion that the offices of Chairman, Vice Chairman, and Secretary be filled for 2020 as follows:

Chairman – Don Santostefano  
Vice Chairwoman – Joyce St. John  
Secretary – Tom Wilson

Member Wilson seconded the motion, which was passed unanimously.

**OLD BUSINESS**

None.

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

**NEW BUSINESS**

**A. Review and recommendation of the Preliminary/Final Subdivision and Land Development Plan for Towneplace Suites Hotel, Plat 1323**

Chuck Emerick explained that this plan represents the subdivision (i.e., lot consolidation) and land development of the properties addressed as 554-574 West Chocolate Avenue. The plan was submitted on November 26, 2019 under the 2017 Zoning Ordinance. The land is located at the corner of Hillcrest Road and West Chocolate Avenue and is in the Hershey Mixed Use, Downtown Core Overlay, and Central Master Plan Approval Area Overlay zoning districts. The applicant proposes to combine the six lots into a single development tract having a gross area of 0.8082 acres and a net area (after dedication of additional right-of-way for Hillcrest Road and South 1<sup>st</sup> Street) of 0.7638 acres. The property presently contains six existing dwellings and associated accessory structures, which will all be demolished to make way for a five-story, 60-foot-high, 76-room hotel. The maximum impervious coverage permitted on the property is 85% of the lot area, and the applicant is proposing coverage at 84.18%.

Mr. Emerick noted 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 of the Subdivision and Land Development Ordinance 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 1<sup>st</sup> Street, West Caracas Avenue, Hillcrest Road, and/or Orchard Road. Such considerations could include a potential one-way restriction along South 1<sup>st</sup> Street. HRG's review notes that "*...it is anticipated that some traffic will utilize South 1<sup>st</sup> Street. Provide documentation that the roadway will facilitate safe passage for this increased traffic, or consider alternatives (one-way or widening).*"

Mr. Emerick summarized the waivers requested by the applicant from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance. He noted that since the Planning Commission reviewed the last version of this plan (Plat 1315), the Township adopted a new shade tree ordinance. That ordinance requires shade trees to be placed along existing roads in conjunction with subdivision and land development plans. The applicant is requesting a partial waiver from planting shade trees along West Chocolate Avenue due to existing DTMA infrastructure. Mr. Emerick is supportive of the waiver.

Mr. Emerick; Matt Bonanno, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative, went over their plan review comments.

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

Chairman Santostefano commented that it makes sense to grant a waiver from planting trees along West Chocolate Avenue because he does not think they would survive. From his experience, the small strip of grass is a silly thing to put in because it will look unsightly within a couple of years. He suggested that the developer replace the grass strip with a design feature, such as brick, to highlight that edge instead. Mr. Emerick stated that the developer needs to maintain the grass area to meet minimum pervious cover requirements.

Vice Chairwoman St. John noted that the applicant intends to provide the hotel guests with cards containing directions for how to leave the site and not use South 1<sup>st</sup> Street. Everyone uses GPS for directions, and the thought that providing printed directions will keep hotel guests from relying on their GPS systems when leaving the site is unrealistic. Vice Chairwoman St. John is concerned that if GPS directions take a person on South 1<sup>st</sup> Street, those are the directions the person is going to use, especially if they are not familiar with the area. She is also concerned that if the solution is turning South 1<sup>st</sup> Street into a one-way street, everyone who currently has a driveway on South 1<sup>st</sup> Street will be disadvantaged. The applicant has to think about how the traffic flow on South 1<sup>st</sup> Street is going to work *before* the hotel is constructed.

Chairman Santostefano reiterated the Township Police Department's concern about the difficulty of making a left turn onto West Chocolate Avenue from Mill Street since hotel guests will be unable to make a left turn onto West Chocolate Avenue from Hillcrest Road. The idea of directing hotel guests to the traffic signal at the intersection of Hockersville Road and West Chocolate Avenue is also concerning because the intersection of West Areba Avenue and Hockersville Road is getting more congested by the day. There is an overall traffic concern in this area that many have voiced relative to this project during its many months of review and Chairman Santostefano does not think there has been any significant movement toward solutions to the perceived problems. He asked if the Township can force the applicant to conduct a traffic study. Mr. Emerick responded that the decision would be made by the Board of Supervisors to require a traffic study because of known traffic issues in the area. There is also the option of the developer offering a financial contribution in lieu of a traffic study.

Vice Chairwoman St. John commented that it is a question of what is necessary for the community. If the traffic study is the right thing, a contribution in lieu of a traffic study does not alleviate the problem. Mr. Emerick said there are times when the Township would prefer a financial contribution toward improvements instead of having another traffic study on the shelf. Chairman Santostefano stated that he has not heard of any suggested improvements that would help the situation. Mr. Emerick responded that Ms. Myers-Krug mentioned a study that proposes a future traffic signal at the intersection of West Areba Avenue and Hockersville Road. Also, the Township is exploring the idea of a roundabout in the area of the intersection of Hillcrest Road and West Chocolate Avenue.

Dave Getz with Wix, Wenger & Weidner, attorney for the applicant, stated that he agrees with the comments presented by Mr. Emerick. Regarding traffic, there are six existing homes that currently only have access on South 1<sup>st</sup> Street. The proposed hotel will not have access on South 1<sup>st</sup> Street so any traffic analysis that has been done so far has not factored that in. The applicant agrees that traffic is difficult in this area but that is an existing situation and the hotel is really not going to

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

compound the situation. Regarding Vice Chairwoman St. John's comment, the applicant thinks the direction cards will work; however, once they own all the properties and start the construction process, they can make contact with GPS sites and inform them that South 1<sup>st</sup> Street is an alley. The applicant is going to do what they can to try to alleviate having people leave the hotel site and travel on South 1<sup>st</sup> Street.

Mr. Getz commented that tonight is the first he has heard of providing a financial contribution in lieu of a traffic study. He has not yet been able to discuss that option with his client. Mr. Getz stated that this is the third plan the applicant has filed. The other two plans were rejected by the Board of Supervisors and are under appeal in court. Mr. Getz's client has already spent a considerable amount of money on those appeals and Mr. Getz does not think the idea of a financial contribution toward traffic mitigation will be well received by his client, given where we are now.

Mr. Emerick clarified that he did not mean to surprise the applicant with his comment about a financial contribution in lieu of providing a traffic study. The comment was made as a comparison to another plan that is on this meeting agenda.

Chairman Santostefano stated that he thinks handing out directions at the hotel will help, as well as installing some kind of signage near South 1<sup>st</sup> Street that helps direct people. He noted that if hotel guests are travelling to Hersheypark from the hotel, the easiest and fastest way to get there is to turn right onto West Chocolate Avenue from Hillcrest Road and not use South 1<sup>st</sup> Street.

Public comment

John Foley, NAI/CIR, stated that he is involved in this project and conducted his own unofficial study regarding GPS directions from the subject site. He picked three destinations in the Township (1250 Cocoa Avenue [Giant], 102 West Chocolate Avenue [Fenicci's], and 100 West Hersheypark Drive [Hersheypark]) from two different starting points (the Italian Lodge and Tru Hotel), and none of the GPS applications he used included South 1<sup>st</sup> Street as part of the directions.

Vice Chairwoman St. John pointed out that in HRG's December 17, 2019 review letter, they noted that Google Maps directs people to use South 1<sup>st</sup> Street. Mr. Foley responded that very well could be the case. He picked 1:00 p.m. on a Saturday and 5:00 p.m. on a Friday in August or September when he did his research. His perception was that those were peak times.

Jonathan Crist, attorney with offices at 226 West Chocolate Avenue, Hershey, stated that he represents Mr. Painter and his partner and AIS, who own the building next door. This plan started out with one vehicle lift; now three lifts are proposed because the developer keeps trying to add more to the site. The maximum impervious cover, setbacks, and height for this property as permitted by the Zoning Ordinance are ridiculous and do not protect the neighboring property owners. Construction will be noisy and disruptive for 12-18 months. The neighboring property owners should not have to pay the price for someone's incompetence. This project ought to be called the Shoe-Horned Inn, because that is what it is.

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

Steve Seidl, 450 West Granada Avenue, commented that not a lot has changed from the two prior submittals of this plan. We are still looking at something that is way overbuilt, as evidenced by the amount of lift parking, a 10-foot-high retaining wall right against the edge of the alley and the neighboring property to the east, and a requested waiver regarding stormwater runoff because of Karst soils. The traffic issues have been discussed for over a year. Traffic in this area continues to be a problem and it will continue to get worse. It is not just South 1<sup>st</sup> Street that is affected, it is West Caracas Avenue and West Granada Avenue as well because eastbound traffic backs up on West Chocolate Avenue so much. Mr. Seidl agreed that the proposed location for the driveway is the best possibility for this site, but it is not a good arrangement. It is too much on too small of a lot. In reading the latest application and letter from the engineer for this project, Mr. Seidl found it ironic that they use the word ‘unreasonable’ on every waiver request. What is unreasonable is approving a project of this magnitude on this site with all of the traffic issues. If there was an existing roundabout in the area of Hillcrest Road and West Chocolate Avenue that would help but given the current conditions, it is just crazy and having the developer provide a financial contribution in lieu of a traffic study does not solve the problems.

Secretary Wilson inquired about HRG’s recommendations for addressing these traffic issues. Mr. Bonanno replied that their recommendation has always been to look at alternatives for South 1<sup>st</sup> Street (such as widening it or making it one-way) and see what that would do for the traffic impact. To date the applicant has not provided any research on this recommendation. Secretary Wilson asked why the applicant has not responded to this concern. Mr. Getz stated that the applicant is widening their property to the extent required by the Subdivision and Land Development Ordinance. The applicant’s supplemental traffic study suggests that making South 1<sup>st</sup> Street one-way would inconvenience existing residents and for that reason it was not a recommended improvement. It also might not be convenient for the general public. Mr. Bonanno clarified that HRG is not suggesting making South 1<sup>st</sup> Street one-way is a solution, it is simply an alternative to consider. They want information on what the applicant’s design engineer believes is the solution.

Mr. Crist argued that South 1<sup>st</sup> Street cannot be made one-way because it is private and has never been dedicated to the Township. Mr. Emerick noted that the Township maintains it.

Vice Chairwoman St. John referenced Mr. Seidl’s comment about the proposed location of the site’s driveway and asked Mr. Emerick if he finds the location to be concerning. Mr. Emerick stated that the proposed location is exactly what he would recommend since the Township would not want the driveway to connect to West Chocolate Avenue or South 1<sup>st</sup> Street.

**MOTION ON WAIVERS**

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 following waivers be granted from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance:

- a. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding providing profiles of existing, unaffected storm sewer, sanitary sewer, gas,

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
January 7, 2020**

and water lines within the property, with the stipulation that all proposed and altered storm sewer, sanitary sewer, gas, and water lines, including lateral connections, are profiled.

- b. From Section 185-25.A regarding the separation distance of the proposed driveway from South 1st Street.
- c. From Section 185-22.E.(5) regarding curbing along South 1<sup>st</sup> Street.
- d. From Section 185-31 regarding shade trees along West Chocolate Avenue.
- e. From Section 174-13 regarding stormwater volume control requirements.

**MOTION ON PLAT 1323**

On a motion made by Vice Chairwoman St. John, seconded by Secretary Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1323 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the December 17, 2019 HRG letter.
- c. Comment 1 (regarding Sheet LL 6.1) in the January 2, 2020 Derry Township Municipal Authority letter.
- d. Comments 2 and 4 in the January 3, 2020 Dauphin County Planning Commission review report.
- e. In accordance with the review comments offered by Township staff, HRG, and the Dauphin County Planning Commission, the Derry Township Planning Commission also made a recommendation to the Board of Supervisors that a full traffic study be completed addressing the traffic demands, traffic patterns, and recommended improvements in the area due to this project.

**B. Review and recommendation of Conditional Use Application No. 2019-08 (regarding a Master Plan) for 50 Northeast Drive, as filed by Cacao Way, LLC**

Mr. Emerick explained that this plan proposes to raze the existing former Milton Hershey School student home at 50 Northeast Drive and construct a 4-story, 75-unit market rate apartment building. The units are proposed to be comprised of 39 one-bedroom units and 36 two-bedroom units. The development will be served by public water and sewer facilities. The property is within the Hershey Mixed Use zoning district and is also subject to the Compact Development Overlay and the North Master Plan Approval Area Overlay. The subject lot contains 3.178 acres and is incumbered by utility and drainage easements. The lot has frontage on Northeast Drive, East Derry Road, and P

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

Street. The applicant is proposing relocation of the existing driveway on Northeast Drive and the construction of a new driveway at the intersection of North Third Street and P Street. Approval of a Conditional Use for a Master Plan is required in order for the site to be developed as proposed. The applicant has met the obligation of filing a sketch plan (Plat 1311) for the Township's review prior to the submission of this Conditional Use application.

Mr. Emerick stated that there are certainly known traffic issues with the intersection of Northeast Drive and Park Avenue, which would indicate that a traffic study could be required for this proposal. The applicant has offered a fee in lieu of a traffic study based on historical fees offered in the Middletown Road corridor on a per-unit cost (historically \$641/ dwelling unit). In this case the applicant notes that the apartment type of dwelling unit typically produces 42% fewer trips than a single-family dwelling and desires to reduce the fee by 42%, from \$48,075 (\$641 per unit for 75 units) to \$27,883.50; however, the type of dwelling units did not cause an adjustment in the fees in the past. The original \$641/unit fee was first introduced in 2006 and when updated using the Consumer Price Index in the same manner as the Township's fees in lieu of land dedicated for park, recreation, and open space, the fee per unit would be \$811.35 as of November 2019, resulting in a \$60,851.25 total fee or, using the reduction for the type of dwelling unit, a \$35,293.72 total fee. Another way to look at the fees is in a per-trip calculation where \$811.35 per single-family dwelling at 9.44 trips each would result in an \$85.95 per-trip fee, which may be a better way to apply this voluntary fee to commercial uses in the future. In this case it would result in a total fee of \$35,066.82, which Mr. Emerick believes is the appropriate fee to collect. By e-mail dated November 1, 2019, Eric Stump (HRG) has recommended collection of the fee in lieu of a traffic study.

Mr. Emerick noted that the applicant has acknowledged they will need to provide a fee in lieu of land dedication for park, recreation, and open space use. Based on the Consumer Price Index at the time of submission of the Conditional Use Application, the fee will be \$105,597.75.

Mr. Emerick summarized the waivers that the applicant anticipates will be necessary from the Subdivision and Land Development Ordinance, based on the current design of the Master Plan.

Mr. Emerick; Matt Bonanno, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative went over their plan review comments.

Vice Chairwoman St. John referenced the Township Police Department's comments regarding existing traffic issues at the intersection of Northeast Drive and Park Avenue and asked what the plan is to alleviate those issues, considering that Mr. Emerick and HRG are recommending the acceptance of a fee in lieu of a traffic study for this project. Mr. Emerick responded that HRG has conducted the Township's Greater Hershey Regional Transportation Study, and the report, which is in the process of being finalized, explores a new public road connection between Northeast Drive and East Derry Road to access Park Avenue and mentions the possibility of the intersection of Park Avenue and East Derry Road being signalized in the future. Since HRG has already documented the operation of the intersections and the desired mitigations are off site and outside of the scope of the Master Plan project at 50 Northeast Drive, HRG is suggesting collecting a fee in lieu of a traffic

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

study from Cacao Way, LLC. In this case, using a fee in lieu of a traffic study to help fund the mitigation projects is better than having the applicant provide another traffic study. Vice Chairwoman St. John inquired if the improvements recommended by the Greater Hershey Regional Transportation Study report will be in place by the time the project at 50 Northeast Drive is built. Mr. Emerick responded that the recommended improvements cannot be implemented until funding is in place.

Chairman Santostefano noted that it is likely the proposed project will be completed before there are any improvements to the road system, so for some period of time after the project is constructed, we will probably see an increase in traffic problems in the area until they are mitigated. Mr. Emerick stated that based on the peak hour trips for the proposed development, it is really not going to impact the intersections. Vice Chairwoman St. John disagreed that the development will not have a noticeable impact on traffic in the area.

Chairman Santostefano asked if the subject property is still owned by Hershey Trust Company. Ken Gall, Hershey Trust Company, answered yes, and it will continue to maintain that ownership.

Dave Getz, attorney with Wix, Wenger and Weidner, stated that the developer is agreeable to paying a \$35,066.82 fee in lieu of providing a traffic study as recommended by Mr. Emerick. In response to a question from Secretary Wilson, Mr. Getz stated that the applicant has no issues with the review comments noted by Mr. Emerick and HRG.

Brandon Johnson, Cacao Way, LLC, commented that this development will be comprised of 75 upscale apartments. He expects it to be the premier rental development in this market. Regarding demographics, Mr. Johnson noted that since it will be elevator-serviced building with maintenance free, single-floor living, the apartments will appeal to senior citizens as well as young professionals.

Mark Hackenburg, Principal with RGS Associates, stated that the previous design of the project required the applicant to seek a variance from the Zoning Hearing Board regarding maximum building height; however, variance was denied. The project was originally proposed in the Sketch Plan as 92 units; it has now been reduced to 75 units as the result of a reduced building height that conforms with the Zoning Ordinance. The applicant acknowledges all the comments that have been offered and is prepared to address them.

Mr. Hackenburg presented three-dimensional renderings of the project. Regarding the architectural elevations, Mr. Hackenburg noted that the building materials are still in development from the applicant's perspective. Mr. Johnson commented that the materials will probably be a mix of cultured stone, vinyl siding, and a hardy panel product. In response to a question from Secretary Wilson, Mr. Johnson said there will be one elevator and two stairwells in the building.

Mr. Hackenburg explained that one of the proposed modifications from the Zoning Ordinance relates to the requirement for planted screens on both sides of the property. There are wooded conditions on one side of the property and the developer would not really be screening anything except a storm basin. The proposed modification is to use all of the required plant materials but to



**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

more appropriately distribute the plant materials to be able to screen parking and control viewsheds rather than just screening the edges of the property as required by the Zoning Ordinance.

Regarding HRG's comment about providing a legal description for the right-of-way dedication of P Street being offered to the Township, Mr. Hackenburg stated that P Street as it currently exists is a portion of alley that is located on property of Hershey Trust Company. The centerline is slightly offset from the existing property boundary. There are existing utilities in P Street, so to relocate P Street and the utilities so that they are located within the right-of-way would basically require the complete reconstruction of P Street. The developer is proposing a 32-foot right-of-way to avoid the creation of a small 4-foot to 5-foot-wide strip of land between the right-of-way and the adjoining Hershey Trust Company property. This would create a continuous configuration of street largely as currently exists rather than creating an isolated strip of land between a public right-of-way and a parcel of land.

Secretary Wilson referenced Mr. Emerick's review comment about adjusting the grade of the site driveway connecting to P Street so that it does not exceed 7% within 20 feet of the street and inquired if that will cause issues for the developer. Mr. Hackenburg replied that he does not think it will be a problem. The developer has the ability to make up the grade. One of the lower parking lots might get a little steeper than a 5% cross slope, which is where the developer will have to make up the grade differential. However, it is a more isolated parking lot; it is not the parking lot that is most immediately adjacent to the building. Mr. Hackenburg does not think any parking will be lost. The developer will have to make up that grade difference between the point of access and the building.

Chairman Santostefano asked if the Township would continue to maintain P Street. Mr. Emerick answered yes.

Vice Chairwoman St. John requested that a commitment be made for the creation of a bike/pedestrian path so that residents of the apartment building have the ability to walk or bike from the subject property to the Outlets and downtown Hershey instead of driving. Mr. Hackenburg commented that the developer is contemplating an outdoor social gathering space as well as a small, fenced-in dog park for residents of the apartment building. There will also be indoor recreation facilities. Regarding a recreation trail, the developer has been diligently working with the Township and the Historical Society to try to develop an amenable solution. The developer is committed to building the trail if it can be done in conjunction with the development of the apartment building. If the construction of the trail is delayed, the funds required in lieu of dedication of land for recreation can be used for the Township's construction of the trail at a later date.

Mr. Emerick stated that as part of the Master Plan approval process, the applicant is required to provide a fiscal impact study. Part of the study is projecting the number of new students to the Derry Township School District. The study projects that there will only be 9.39 new students.

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

Public comment

Tracy Brown, 319 Park Avenue, stated that she has a number of concerns about the project: 1) Regarding the impact on the School District's facilities, Ms. Brown commented that 36 two-bedroom apartments could potentially result in 36 new students. The School District has made enough room to absorb the impact of the Hershey West End project without needing to expand its existing facilities, but Ms. Brown is concerned that the proposed development will have a trickle-down effect on the School District. 2) Regarding traffic, the intersections that were cited in the November 1, 2019 HRG e-mail, as referenced by Mr. Emerick, are failing or at capacity. It appears as though the intersection of East Derry Road and Park Avenue may be signalized in the next 10 years; however, 10 years is a long time to wait for this existing traffic problem to be mitigated. Additionally, it is difficult to turn left onto Park Boulevard from Northeast Drive. Ms. Brown cannot see how this intersection can be mitigated because it is too close to an existing signal. 3) Regarding walkability, Ms. Brown noted that there are no sidewalks on East Derry Road from the food bank to Park Avenue or from Northeast Drive to Park Avenue and asked how this will be a safe and feasible project for the proposed demographic. 4) Regarding the land, Ms. Brown stated that the Karst bedrock; a sinkhole that already exists on the land; blasting; and doing underground parking will all disrupt adjoining properties.

In response to Ms. Brown's concerns, Mr. Getz commented that underground parking is no longer proposed. Regarding the 36 two-bedroom units, not every apartment is going to have children; they could have two young professionals who are roommates.

Chairman Santostefano agreed that it is not likely the apartments will draw families because of a relatively high rent for a place that is not child friendly. He also commented that if the developer were not proposing the driveway access to East Derry Road, he would be much more concerned about the potential traffic problems on Northeast Drive and Park Avenue.

Vice Chairwoman St. John asked how the Township responds to a situation where a maximum traffic threshold is reached. Mr. Emerick responded that there typically is not a moratorium on development because of a failing intersection. With this project, the estimated peak hour vehicle trips are likely a fraction of the percentage of the existing traffic in the area. Vice Chairwoman St. John noted that the majority of the existing traffic is generated by the Outlets, so it would be nice if there was access to safely cross Northeast Drive. She is glad to see there is some recreational area proposed, even though it is limited. This plan is much improved from the sketch plan.

Ms. Brown inquired how the developer plans on preventing this project from being a throughway from Northeast Drive to East Derry Road and vice versa. Chairman Santostefano replied that he believes only very savvy people will be aware of the shortcut. Mr. Getz added that there is a 20-foot drop from Northeast Drive to East Derry Road, so someone driving by is not going to see the shortcut. The developer will also do what they can to prevent people from using their private property as a shortcut.

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

Sue Myers, 1248 Harding Avenue, thinks the proposed apartment building is huge and ugly, and it does not blend in well with the neighboring Historical Society site. She does not understand why, if this is will be an upscale apartment building, people would want to pay a high rent to live next to the railroad tracks.

Rita Smith, 491 East Derry Road, commented that she travels the East Derry Road/Park Avenue intersection at least once a day, and it is a difficult intersection. The street parking from the Parkside Bar & Grill means that drivers are frequently traveling in the opposite lane. Ms. Smith would like to see the Township take some responsibility to improve that intersection and make it safe sooner than five years from now.

Steve Seidl, 450 West Granada Avenue, asked if there is a commitment from the developer to construct the pedestrian/bike path or if they are just paying a fee toward its completion at a later date. Mr. Emerick stated that the Township is working toward a private/public partnership to accomplish the trail's construction, but if the timing affects the developer's schedule, they are going to pay a fee in lieu of installation instead. Mr. Seidl commented that the pedestrian/bike trail is a positive thing, even if it does not solve the traffic problem. If you look at any single development project and the Township says that it will not meet the required 100-peak-hour trip threshold for conducting a traffic study, infrastructure improvements will never be made. The Township needs to start requiring that the traffic improvements are made *before* the development is built. A fee in lieu of a traffic study that goes into a fund for improvements that *might* solve the issue on Park Avenue and East Derry Road 10 years from now should not be acceptable. The traffic improvements need to be made with funds contributed from one or more of the developers who are adding to the traffic problem or it is only going to get worse. Mr. Seidl agreed that installing a traffic signal at the intersection of Northeast Drive and Park Avenue sounds good in theory, but it is too close to the intersection of Hersheypark Drive and Park Avenue. Maybe doing something at Park Avenue and East Derry Road is the solution.

Ken Gall, Hershey Trust Company, agreed that traffic is a concern; however, many residents of the apartment building will likely use East Derry Road. The proposed apartment building is a demographic that is missing in Derry Township. Mr. Gall gives the developer credit for coming up with a product to meet this need.

**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. 2019-08 be granted, contingent upon the applicant agreeing to satisfactorily address all outstanding comments of Township staff and HRG. The Planning Commission also recommended that the requested waivers be granted.

**C. Review and recommendation of the Preliminary/Final Subdivision Plan for 647 and 653 Sand Hill Road for Michael and Elizabeth Federici, Plat 1325**

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

Mr. Emerick explained that this plan represents the subdivision or, more appropriately, consolidation of the properties identified as Tax Parcel numbers 24-052-063, 24-052-308, and 24-052-330. The subject property fronts on Sand Hill Road and is located in the Conservation zoning district. In addition to the conveyances, the plan proposes the demolition of two existing dwellings. The demolition is proposed to be bonded since otherwise the conveyances will create a lot with two dwelling units, which requires a land development plan and the showing of future subdivision potential, which is not the applicants' desire. Since no new development is proposed under this plan, stormwater and traffic concerns do not exist.

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

Mr. Emerick; Matt Bonanno, HRG; and Diane Myers-Krug, Dauphin County Planning Commission representative went over their plan review comments.

Douglas Allwein, Honor Engineer Company, represented the applicants and stated that they accept the review comments. He noted that although the Township does not require a subdivision plan for the consolidation of residential lots, it was a requirement of the applicants' mortgage company.

Vice Chairwoman St. John referenced the waiver request for sidewalk installation along Sand Hill Road adjacent to the subject property and Mr. Emerick's recommendation that the waiver be granted with the stipulation that the applicants provide a fee in lieu of sidewalk installation. She asked if it is an option to deferment the sidewalk installation instead of requiring a fee in lieu of installation. Mr. Emerick responded that deferments are for areas of the Township where we expect sidewalk will be necessary in the future, and this is not one of those areas. The fee will be used for extending the sidewalk system in other areas. Vice Chairwoman St. John commented that this plan proposes the opposite of development and requiring a fee in lieu of sidewalk installation causes an undue hardship for the applicants. Mr. Emerick stated that if the Planning Commission is supportive of recommending a deferment of sidewalk instead of a waiver and the fee in lieu of installation, it is up to the applicants to make such a request.

Secretary Wilson asked if the sidewalk requirement is truly applicable in this situation because this plan represents a lot consolidation, not a lot subdivision. Mr. Emerick replied that the Subdivision and Land Development Ordinance does not have a lot consolidation provision, so by the terms of the Ordinance, this is considered a subdivision plan.

Mr. Allwein requested a deferment of sidewalk installation instead of a waiver.

**MOTIONS ON WAIVERS**

On a motion made by Vice Chairwoman St. John, seconded by Secretary Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers and deferment be granted from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance:

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 7, 2020**

- a. Waiver from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding plans and profiles of storm sewers.
- b. Waiver from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding plans and profiles of sanitary sewer lines.
- c. Waiver from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding plans and profiles of gas and water lines.
- d. Waiver from Section 185-12.D.(3).(a).[9] regarding providing the location of utilities within 200 feet of the site.
- e. Waiver from Section 185-22.D.(3) regarding providing additional street width along Sand Hill Road.
- f. Deferment from Section 185-34.A.(1) regarding the installation of sidewalk along abutting streets, with the stipulation that the owners enter into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- g. Waiver from Section 185-18 regarding concrete monuments, with the stipulation that the applicants identify all corners where it is not possible to place concrete monuments and identify what type of marker will be set in its place.
- h. Waiver from Section 185-22.E.(5) regarding the installation of curbing along Sand Hill Road.
- i. Waiver from Section 185-31 regarding providing shade trees along Sand Hill Road.

On a motion made by Vice Chairwoman St. John, seconded by Secretary Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waiver from the Subdivision and Land Development Ordinance be denied:

- a. From Section 185-13.E.(4).(a).[23] regarding minimum yard areas.

**MOTION ON PLAT 1325**

On a motion made by Vice Chairwoman St. John, seconded by Secretary Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1325 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the Township staff report.
- b. The comments in the December 19, 2019 HRG letter.

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
January 7, 2020**

- c. Comment 1 (regarding sewer laterals to be abandoned) in the January 2, 2020 Derry Township Municipal Authority letter.
- d. Comments 3 and 6 in the January 3, 2020 Dauphin County Planning Commission review report.

**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 8:06 p.m.

Respectfully submitted,

---

Thomas P. Wilson  
Planning Commission Secretary

Submitted by:

---

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