

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
August 1, 2023

CALL TO ORDER

The Tuesday, August 1, 2023, Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the main meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA, by Chairman Glenn Rowe.

ROLL CALL

Commission Members Present: Glenn Rowe, Chairman; Matt Tunnell, Vice Chairman; Don Santostefano; Tom Wilson

Commission Member Absent: Mike Guntrum, Secretary

Township Staff and Review Agency Representatives Present: Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Corrinne Cook, HRG, Inc.

Public Registering Attendance: Brian Cleary, The Pettit Group, LLC; Mike and Diane Leonard, 130 Cedar Avenue; Mike Postick, DTMA; Craig Mellott, Traffic Planning & Design; Mike Callahan, Benchmark Real Estate; Craig Smith, RGS Associates; Scott Davis, Hord Coplan Macht, Inc.; Zac Sivertsen, Eastburn and Gray

APPROVAL OF MINUTES

On a motion made by Member Wilson, seconded by Vice Chairman Tunnell, and a unanimous vote, the Planning Commission approved the minutes from the July 12, 2023, meeting, as written.

OLD BUSINESS

A. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for Derry Township Municipal Authority Garage Addition, Plat 1376

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

B. Review and recommendation of the Preliminary/Final Land Development Plan for Taco Bell, Plat 1375

Chuck Emerick explained that Plat 1375 proposes the demolition of the existing 2,350-square-foot Taco Bell restaurant at 570 Walton Avenue and the construction of a new 2,455-square-foot Taco Bell restaurant. The new facility will be served by dual drive-through ordering lanes. The Planning Commission had reviewed the plan at the June 6, 2023 meeting and tabled taking action until such time as the numerous outstanding review comments could be addressed.

Mr. Emerick summarized the waivers that the applicant has requested from the Subdivision and Land Development Ordinance.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
August 1, 2023

Mr. Emerick; Corrinne Cook, HRG, Inc.; and Mike Postick, DTMA, summarized their plan review comments.

Brian Cleary of The Pettit Group, LLC, the project engineer, spoke on behalf of the applicant. In response to Mr. Emerick's review comment "*Provide a legend or description explaining the two bearings and their labels "(D)" and "(SP)"*", Mr. Cleary explained that "D" stands for deed and "SP" is State Plane Coordinates. It was necessary to do a shift based on the deed to the State Plane Coordinates.

Mr. Cleary asked what the applicant needs to provide for fire hydrant flow, because a fire suppression system is not required and there is an existing hydrant. Mr. Emerick responded that the Subdivision and Land Development Ordinance requires a flow test of the hydrant and its recharge capabilities.

Mr. Cleary stated that they will work with DTMA to address the review comment regarding relocating Manhole 113A-2 to the other side of the retaining wall. Mr. Postick referenced Mr. Emerick's review comment about the proposed menu board being in DTMA's easement and noted that normally DTMA does not like having anything in their easement. It will be a condition of the easement agreement that if DTMA has to do excavation work in the easement, the menu board could be destroyed.

MOTION ON WAIVERS

On a motion made by Vice Chairman Tunnell, seconded by Member Wilson, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the following waivers from the Subdivision and Land Development Ordinance be granted:

- a. Waivers from Sections 185-12.D.(1) and 185-13.E.(1) to allow a sheet size of 24" x 36" where 22" x 36" is required.
- b. Waivers from Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] regarding providing existing structures, wooded areas, water courses, rock outcrops, culverts, utilities above or below ground, fire hydrants, streets and their established grade and width within 200 feet (preliminary plan) and 50 feet (final plan) of the tract of land to be developed.
- c. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding providing a scale of 1" = 50' horizontal and 1" = 5' vertical for utility profiles.
- d. Waivers from Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding providing topographic land contours at minimum vertical intervals of 2 feet on and within 200 feet (preliminary plan) and 50 feet (final plan) of the tract of land to be developed or subdivided.
- e. Waiver from Section 185-12.D.(4).(b) regarding submission of a Department of Environmental Protection planning module or appropriate waiver request form.

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
August 1, 2023**

- f. Waiver from Section 185-31.A regarding providing street trees.

MOTION ON PLAT 1375

On a motion made by Vice Chairman Tunnell, seconded by Member Santostefano, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that Plat 1375 be approved, subject to the following being satisfactorily addressed:

- a. The comments in Item 3 of the July 24, 2023 Township staff report.
- b. The comments in the July 19, 2023 HRG, Inc. letter.
- c. The comments in the July 26, 2023 DTMA letter.

NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2023-01, as filed by Hershey Lumberyard, LLC, regarding establishing a ‘Dwellings for Employees and Students’ use at 267 and 339 West Chocolate Avenue

Chuck Emerick explained that the applicant is seeking authorization for the establishment of a *Dwellings for Employees & Students* use in accordance with Section 225-501.56 of the Zoning Ordinance. The lands proposed for this use are comprised of four tracts, owned by Hershey Trust Company and located in the Downtown Core 9.1 Overlay of the Hershey Mixed Use zoning district. The tracts are generally located north of West Chocolate Avenue and west of the Hershey Plaza apartments and are generally known as the Lumberyard Tract, the Powerhouse Tract, and the Lucy’s restaurant tract. The four tracts, once combined, will contain a total gross area of 4.952 acres. The *Dwellings for Employees and Students* use is defined in the Zoning Ordinance as “*Units constructed for the purposes of housing employees and/or students of an associated business or institution*” and as the result of a recent Zoning Ordinance amendment, is a use that is permitted by Conditional Use approval in the Downtown Core 9.1 Overlay of the Hershey Mixed Use zoning district. Mr. Emerick went over his review comments.

Zac Sivertsen of the law firm of Eastburn and Gray spoke on behalf of Hershey Lumberyard, LLC, and noted that in addition to the Conditional Use approval process, the applicant will come before the Planning Commission during the land development plan process.

Craig Smith of RGS Associates explained the overall site plan. A new entrance to the site from West Chocolate Avenue will be created by shifting the existing driveway (L Street) slightly to the west and improving the width. The circulation and parking in front of Duck Donuts will be retained, as well as the existing southernmost connection to the Plaza property. Public space is proposed to address Ordinance requirements. It will be owned and maintained by the property owner and will not be dedicated to the Township; however, it will be available for the public to use. First Street is proposed to be widened to an 18-foot cartway width and improved with curb and sidewalk. On the south side of First Street, Rite Aid’s parking lot islands will be extended to better define the alley edge. There is a

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
August 1, 2023

potential intention to extend the improvements on the north side of First Street further to the west to Orchard Road. Gated access is proposed on the east side of the subject property for emergency services. There is no existing access easement in this location and the owners of the Plaza property are not in favor of making it a full connection.

In response to questions from Member Wilson, Mr. Smith stated that the applicant is working with the Leonard's Plumbing property owners, and the intention is to extend the improvements on the north side of First Street across the Leonard property. Rite Aid will not lose any parking as part of the extension of the islands.

Member Santostefano asked how the applicant intends to provide a barrier separation between the subject property and the Leonard property. Mr. Smith replied that the existing fence around the Leonard property would be retained, and the applicant would also provide a green separation. In response to another question from Member Santostefano, Mr. Smith stated that the proposed gated access would always be closed, except for emergencies, and reiterated that the owners of the Plaza property are not interested in a full-movement connection.

Scott Davis, an architect with Hord Coplan Macht, Inc., showed renderings of the proposed building.

Member Santostefano inquired if there will be any exterior cooling towers or other mechanical equipment. Mr. Davis answered that all mechanical equipment will be on the roof and not visible from West Chocolate Avenue. There will be transformers on the ground, but they will be screened from view.

Chairman Rowe commented that he likes the thoughtfulness that went into the building design. He asked what the height of the proposed building is in comparison to the height of the Plaza high rise building. Mr. Emerick responded that the proposed building will be slightly less than 65 feet at its highest point, whereas the high rise is 95 feet in height.

Craig Mellot with Traffic Planning & Design (TPD), who is preparing the traffic impact study for the project, said they know traffic is a concern. The proposed use is unique and not a typical apartment building; however, in working with Township staff and HRG, and the recognizing that the intent is to reduce traffic volumes, particularly during peak hours by way of the multimodal accommodations and the proposed shuttle service from the property to Milton Hershey School and Hershey Entertainment & Resorts Company properties, TPD decided to use the Institute of Transportation Engineers' off-campus student housing classification for traffic volume estimates. TPD is in the process of finalizing the traffic impact study and what it is showing is that there will not be a significant impact offsite on the adjacent road system. The purpose of the study is to compare how the road network works without the development versus with the development. Mr. Mellott is not suggesting that there is no congestion on West Chocolate Avenue. The study focused on the site's access challenges. The primary focal point of access is L Street, so the intent is to reconstruct the geometry of L Street so it can accommodate shuttles and school buses. There will also be a raised island to separate the L Street cartway from the Duck Donuts parking lot. West Chocolate Avenue, particularly during the PM peak, backs up past L Street. Considering the other uses that are adjacent to the proposed use and the fact that traffic backs up during the PM peak, the traffic impact study recommendation will be to post legally enforceable

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
August 1, 2023

signage to prohibit left turns from L Street onto West Chocolate Avenue during peak times. This would allow for left turn movements when there is not a backlog issue. To address the matter of how vehicles will be able to make left turns from the site onto West Chocolate Avenue during restricted hours, the intent is to widen First Street along the entire frontage of the subject property and the Leonard property, and then to continue the alley widening at 18 feet all the way past Hidden Still and down to Orchard Road so there will be an alleyway that can accommodate two-way traffic safely but it will not be so wide that it will encourage speeding.

Member Santostefano commented that he thinks the applicant recognizes there are no easy solutions, but adding signage to restrict left turns will help during peak hours. Chairman Rowe added that the challenge is trying to reduce the number of trips. He likes the idea of busing but thinks the applicant will have to find a way to enforce the use of shared transportation for the tenants who have vehicles so they are not contributing to the congestion problem.

Ken Gall, Hershey Trust Company, stated that one of the rules of occupancy will be that the tenant has to use the shuttle service to the extent that it is available, not their personal vehicle.

In response to a question from Member Wilson, Mr. Mellott said that left turns from M Street (which is owned by the Township) and N Street (which is privately owned) onto West Chocolate Avenue would still be permissible, based on the information in the current traffic impact study that will be submitted. If the Township thinks it would be appropriate for one-way circulation restrictions on the publicly owned roads, that would be something the applicant would consider. They are trying to be sensitive to the property owners who would be impacted by the restrictions. Mr. Emerick noted that there is nothing to keep people from using the Rite Aid access to make a left onto West Chocolate Avenue.

Member Santostefano inquired about the average daily number of vehicles on West Chocolate Avenue. Mr. Mellott responded that they did not collect daily volume counts. It is a study of peak hours in the mornings, evenings, and on Saturdays. There are over 700 vehicles on West Chocolate Avenue, both eastbound and westbound, during PM peak hours, which is the busiest peak time.

Public comment

Diane Leonard of Leonard's Plumbing, the owner of the property at 337 Rear West Chocolate Avenue, confirmed that they have been in conversation with the applicant; however, today was the first the Leonards heard about losing 13 feet of their property frontage due to the proposed widening of First Street. That will have a significant impact on their ability to work out of that space. Mrs. Leonard pointed out that L Street is closed to First Street right now. When Lucy's was purchased, that access to First Street was closed, so she thinks some of the underlying traffic study numbers may be skewed. She asked if the study looked at traffic cutting through the Rite Aid parking lot. Mr. Mellott replied that the driveways to Rite Aid were not counted in the traffic impact study. Mrs. Leonard thinks that is one potential flaw with the study.

Mike Leonard commented that he looks forward to more conversations with the applicant about what is being proposed. He likes that the applicant intends to ensure fire apparatus access at the rear of the property. The alley beside Rite Aid [*M Street*] is a disaster because it is so narrow. Something should

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
August 1, 2023

be considered there, such as restricting it to one-way access, particularly since the applicant is proposing to add more traffic to the area.

Mrs. Leonard stated that they are excited about having an easier means of access to Hidden Still but knowing how traffic backs up on West Chocolate Avenue, the applicant and the Township need to be aware that people will cut through the alley to avoid backlogs. She added that she and Mr. Leonard are not opposed to the project, they just have a lot of questions that need to be answered.

MOTION ON CONDITIONAL USE APPLICATION NO. 2023-01

Member Santostefano made a motion that the Planning Commission recommend to the Board of Supervisors that Conditional Use Application No. 2023-01 be approved, subject to applicant adequately addressing the review comments noted in Item 2 of the July 27, 2023 Township staff report.

Chairman Rowe amended the motion to include the applicant addressing the comments from the Leonards regarding traffic going through the Rite Aid parking lot and the alley next to Rite Aid.

Vice Chairman Tunnell seconded the amended motion, and it was passed by a unanimous vote.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Member Wilson, seconded by Vice Chairman Tunnell, and a unanimous vote, the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

Michael J. Guntrum
Planning Commission Secretary

Submitted by:

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