

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
May 16, 2018**

**CALL TO ORDER**

The May 16, 2018 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Vice Chairman Steve Moniak in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

**ROLL CALL**

Board members in attendance: Chairman Michael Kushner; Vice Chairman Steve Moniak; Secretary Matthew Luttrell; Member Sandra Ballard; Member Philip Wood

Board members absent: None

Also Present: Megan Huff, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Steve Dayton, RVG; Greg Holsinger, U-Gro; Ann Marie Hall, U-Gro; Saurabh and Komal Shah, Harrisburg; Sandie Pharmer, 150 West Areba Avenue; Michael Hand, Iron Hill; Kenny Hinebaugh, Evans Engineering; Greg Biscoe, Four Seasons Sunrooms; Jim and Darlene Dawes, 2044 Southpoint Drive

**APPROVAL OF MINUTES**

On a motion by Member Wood, seconded by Vice Chairman Moniak, the April 18, 2018 minutes were approved as written.

**OLD BUSINESS**

**A. Adoption of Decision in the Case of James T. and Darlene A. Dawes (2018-04)  
Property location: 2044 Southpoint Drive, Hummelstown**

On a motion by Member Wood, seconded by Vice Chairman Moniak, and a majority vote (Chairman Kushner abstained), the decision was adopted as written.

**NEW BUSINESS**

**A. Hearing in the Case of U-GRO Learning Centres (2018-05)  
Property location: 1223 Research Boulevard, Hummelstown**

This property, located in the Planned Campus West and General Sign Overlay zoning districts, is improved with an early childcare and learning center, corporate support offices, and a training center. The applicant is proposing to construct wall signs on the building addition currently under construction. Relief is sought from the requirement that signs shall not exceed the height of the upper building face, extend above the roof eave, or extend above the lower sill of any upper story window, whichever is lowest.

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Ann Marie Hall and Greg Holsinger were sworn in and gave testimony. Ms. Hall stated that the proposed signs on the building will extend above the second-floor window sill to improve visibility from Route 322 and to extend above the existing tree line which blocks portions of the building from the road.

Brandon Williams indicated that since the building is only two stories, the signs would need to be installed on the building below the lower sill of the upper story windows. The Board inquired about the appearance of additional stories on the building renderings provided with the application. Mr. Williams answered that the upper windows are for an atrium that is open to the second floor of the building, and that this cannot be considered a separate story since there is no floor separation between the second story and the atrium.

No other persons provided testimony at this hearing.

Chairman Kushner informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

**B. Hearing in the case of Saurabh and Komal Shah – Klok Solutions, LLC (2018-06)**  
**Property location: 1357 East Chocolate Avenue, Hershey**

This property, located in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts, is improved with a dwelling. The applicants are proposing to convert the dwelling into a restaurant. Relief is sought from the side yard setback requirement to allow parking.

Saurabh and Komal Shah and Kenneth Hinebaugh (Evans Engineering, Inc.) were sworn in and gave testimony.

Mrs. Shah stated that she is a private chef and she intends to create a farm-to-table, chef tasting, reservation-only restaurant. The restaurant will seat 10-15 guests. Mrs. Shah is proposing to create a five-space parking area in the rear of the property that will come within 2 feet on the western side of the property. The lot is a narrow 50-foot-wide parcel. Mrs. Shah prefers to keep all parking in the rear to maintain the residential appearance of the building and neighborhood.

Member Ballard questioned whether parking is permitted along Chocolate Avenue in that area. Brandon Williams replied that parking is not presently permitted.

Member Ballard asked how many employees will be working at the restaurant and where they would park during their shift. Mrs. Shah replied that at a maximum there would be two employees. Due to the nature of the reservation-only policy, it will be known how many parking spaces will be used and if the diners are taking all the spots, employees will park along Roosevelt Avenue.

No other persons provided testimony at this hearing.

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Chairman Kushner informed the applicants that the Board has 45 days to render a decision and if the applicants are aggrieved in any way, they have 30 days to appeal the decision.

**C. Hearing in the Case of Bray Architecture, Inc. (2018-07)**  
**Property location: 101 West Chocolate Avenue, Suite 112, Hershey**

This property, located in the Hershey Mixed Use, Downtown Core Overlay, and Downtown Commercial Sign Overlay zoning districts, is improved with a commercial use currently under construction. The applicant is proposing to install signage for a proposed Iron Hill Brewery. Relief is sought in the form of a special exception to allow for two signage elements to be taller than three feet.

Michael Hand and Steve Dayton were sworn in and gave testimony. Mr. Hand stated that the logo, which features a bird element, is to be installed near the doors. The applicant indicated that the Downtown Core Design Standards require taller buildings in the downtown. The height of the building is therefore similar to a two-story building, despite only having a single floor. The height of the structures and proximity to the road would require larger sign elements to improve aesthetics on the taller portions of the building.

No other persons provided testimony at this hearing.

Chairman Kushner informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

Hearings closed at 6:55 p.m.

**DELIBERATIONS**

The Board met to deliberate in the cases of U-GRO Learning Centres (2018-05); Saurabh and Komal Shah – Klok Solutions, LLC (2018-06); and Bray Architecture, Inc. (2018-07) and directed the Solicitor to prepare the draft decisions on each case for formal action at the June 2018 meeting.

Submitted by:

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Matthew Luttrell, Secretary