

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
March 20, 2019**

**CALL TO ORDER**

The March 20, 2019 meeting of the Township of Derry Zoning Hearing Board was called to order at 7:00 p.m. by 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 Steve Moniak; Vice Chairman Matthew Luttrell; Secretary Sandra Ballard; Member Lindsay Drew; Member Philip Wood

Board members absent: None

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

Public Registering Attendance: B. R. Smoker; Brandon Harner – Snyder, Secary & Associates; Steven Seidl, 450 West Granada Avenue

**APPROVAL OF MINUTES**

On a motion by Member Wood, seconded by Secretary Ballard, and a unanimous vote, the February 27, 2019 minutes were approved as written.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Gregory K. Richards and Tracy M. Richards (2019-01)**  
**Property location: 101 Nye Road, Hershey**

On a motion made by Member Drew, seconded by Secretary Ballard, and a majority vote, the decision was adopted as written. Member Wood and Vice Chairman Luttrell abstained from voting.

**NEW BUSINESS**

- A. Hearing in the Case of Korch Orthodontics (2019-02)**  
**Property location: 357 West Governor Road, Hershey**

This property, located in the Hershey Mixed Use zoning district, is improved with an orthodontics office. The applicant is proposing to construct an addition onto the office building. Relief is sought from the expansion of an existing nonconforming use, maximum impervious coverage, and minimum vegetative coverage.

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Vice Chairman Luttrell recused himself from this hearing.

Brandon Harner, engineer with Snyder, Secary & Associates, was sworn in and gave testimony. Mr. Harner stated that the applicant desires to add a 1,046-square-foot single-floor addition onto the existing 2,660-square-foot office building. The addition will be built on a grassy, unimproved area and will not encroach into any setbacks. The applicant wishes to reconfigure the office space to allow all treatment areas to be located in the same place and to expand the waiting/reception area.

Chuck Emerick clarified that the existing structure is not in compliance with the requirements for maximum impervious coverage and minimum vegetative coverage. The prior Zoning Ordinance allowed a maximum of 60% impervious coverage on this property. The current Zoning Ordinance allows a maximum of 40% impervious coverage.

Mr. Harner stated that the proposed addition would increase the impervious coverage from 48.9% to 55.1%, and the vegetative coverage would decrease from 51.1% to 44.9%.

Secretary Ballard questioned whether a smaller addition had been considered.

Matt Luttrell was sworn in and gave testimony. Mr. Luttrell stated that the existing five procedure chairs, which are being maintained and relocated in the proposed addition, require a certain amount of space in order to be functional. The proposed addition is the minimum amount of space necessary for the chairs to be fully utilized.

Chairman Moniak stated that the adjacent property has a sidewalk and questioned whether the applicant intends to build a sidewalk. Mr. Harner answered that a sidewalk would be installed when it is required, but there are no plans to do so now.

Member Drew questioned whether the proposed addition would be located closer to Route 322 and if sight lines would be impacted. Mr. Harner replied that the addition will be no closer to the road than the current structure and sight lines will not be affected.

**PUBLIC COMMENT**

Brian Smoker, adjacent property owner, has concerns about people parking on his property. Mr. Smoker is also concerned that an increase in impervious coverage on the Korch property could lead to stormwater draining into his detention pond and overtaxing the system.

Steve Seidl, Township resident, questioned why this property was not included in the Southern Core Overlay district when the 2017 Zoning Ordinance was adopted. Mr. Emerick replied that it was most likely an oversight.

Mr. Emerick added that an on-lot stormwater management system will need to be provided before any construction could begin on the property.

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Chairman Moniak 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 8:00 p.m.

**DELIBERATIONS**

The Board met to deliberate in the case of Korch Orthodontics (2019-02) and directed the Solicitor to prepare the draft decision on the case for formal action at the April 2019 meeting.

Submitted by:

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Sandra Ballard, Secretary