

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
July 15, 2015**

**CALL TO ORDER**

The July 15, 2015 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Vice Chairman Philip Wood in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

**ROLL CALL**

Board members in attendance: Vice Chairman Philip Wood; Secretary Matthew Luttrell; Member Mark Shrift; Member Catherine Wagner

Board members absent: Chairman Michael Kushner

Also Present: Anthony Nestico, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Maria from Hughes, Albright, Foltz & Natale Reporting Service, Inc.; Tracy Telesha, Stenographer

Public registering attendance: Charles Huth, *The Sun*; Brian T. Evans, Evans Engineering; Kenny Hinebaugh, Evans Engineering; Paul D. Clark, Hershey United Methodist Church; J. Pascotti, RMD; Massimo Rizzotto; Thomas Clements, 1125 Stonegate Road

**APPROVAL OF MINUTES**

On a motion by Secretary Luttrell, seconded by Member Wagner, and a unanimous vote, the June 17, 2015 minutes were approved as written.

**OLD BUSINESS**

- A. **Adoption of Decision in the Case of Douglas and Julie Erwin (2015-13)**  
**Property location: 505 Sophia Circle, Hummelstown**
- B. **Adoption of Decision in the Case of Carl and Sandie Pharmer (2015-17)**  
**Property location: 150 West Areba Avenue, Hershey**
- C. **Adoption of Decision in the Case of Bollinger Builders (2015-18)**  
**Property location: 441 West Chocolate Avenue, Hershey**
- D. **Adoption of Decision in the Case of Jeff and Jennifer Buchanan (2015-19)**  
**Property location: 220 Cedar Avenue, Hershey**
- E. **Adoption of Decision in the Case of Misty Clements (2015-20)**  
**Property location: 1125 Stonegate Road, Hummelstown**

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On a motion made by Secretary Luttrell, seconded by Member Wagner, and a unanimous vote, the decisions for items A-E were adopted by consent agenda.

**NEW BUSINESS**

**A. Hearing in the case of 169 Chocolate Group, LLC (2015-21)**

**Property location: North of West Chocolate Avenue, west of North Linden Road, south of the Norfolk Southern railroad tracks, and east of Ridge Road, Hershey**

The 8 parcels of land involved in this petition are located in the Village Core zoning district. One of the parcels is currently improved with a building that formerly housed the Hershey Post Office, and another with their temporary modular office building. All other parcels are currently vacant. The petitioner desires to consolidate the parcels and redevelop the property with two future mixed-use buildings, alterations and additions to the existing building, and associated parking facilities, including a parking deck structure. Relief is sought from access requirements to the site for fire apparatus.

Due to a possible conflict of interest, Secretary Luttrell recused himself.

Brian Evans and Kenny Hinebaugh, both of Evans Engineering, were sworn in and gave testimony. Mr. Evans stated that the final project will include a third story addition on the existing former post office building and two other buildings that will comply with height requirements. Mr. Evans stated that due to the railroad tracks bordering the rear of the property and the existing parking garage on the east, full access around the perimeter of the property for fire apparatus is not feasible.

Member Shrift questioned whether the fire department had been consulted during the planning for the improvements to this property. Mr. Hinebaugh stated that Pat Leonard from the Hershey Volunteer Fire Company had reviewed the plans and saw no issues.

Member Shrift questioned the size of the proposed parking deck. Mr. Hinebaugh stated that the deck would have just under 200 spaces and would consist of two levels, with the first level being below grade.

Member Wagner questioned whether all those parking spaces would be needed for the property's use and what that use may be. Mr. Hinebaugh replied that the three proposed buildings will fully use the parking, plus an agreement is in place to use the existing intermodal parking garage for overflow. Mr. Hinebaugh stated that one restaurant for each building is proposed, along with retail and office space.

Vice Chairman Wood asked whether the applicant had met with the Design Advisory Board. Mr. Hinebaugh replied that the Design Advisory Board has approved the preliminary site

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layout, with the condition that the developer has to return to the Board for further approval when more detailed design information is complete.

Brandon Williams added that this is one section of the Zoning Ordinance where there is some overlap between the Township Zoning Ordinance and the Township Building Code. While the applicant is seeking relief of this zoning requirement, all buildings will feature sprinkler systems and will be designed to meet all other requirements of the Township Building Code.

No other persons provided testimony at this hearing.

Vice Chairman Wood 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.

**PUBLIC COMMENT**

Paul Clark, Chairman of the Board of the Hershey United Methodist Church, stated his concerns about the shared parking agreement and asked that the intermodal parking garage not be taken into consideration towards the applicant's required parking spaces. Mr. Clark feels the intermodal facility would become too taxed and not have enough space for those entities that had originally entered into the agreement.

The applicant requested a continuance of the case. On a motion by Member Wagner, seconded by Member Shrift and a unanimous vote, the continuance was granted.

The hearing closed at 6:55 p.m.

Submitted by:

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Matthew R. Luttrell, Secretary