

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 2, 2018**

CALL TO ORDER

The April 2, 2018 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman Michael Kushner 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; Member Philip Wood

Board members absent: Secretary Matthew Luttrell; Member Sandra Ballard

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

Public Registering Attendance: Manat Farhan, EMG International, LLC; John Trogner, Troegs Brewing; Chris Trogner, Troegs Brewing; Carl Romig, Payette Assoc.; Craig Smith, RGS Assoc.; Marvin Smith, Penn State Hershey; James Strong, McNees, Wallace & Nurick; Carolyn Stoner, Penn State Hershey

APPROVAL OF MINUTES

On a motion by Member Wood, seconded by Vice Chairman Moniak, the February 21, 2018 minutes were approved as written.

OLD BUSINESS

**A. Adoption of Decision in the Case of Aquavisions, Inc. (2018-01)
Property location: 710 Stauffers Church Road, Palmyra**

On a motion by Member Wood, seconded by Chairman Kushner, and a two-to-one vote with Vice Chairman Moniak opposed, the decision was adopted.

NEW BUSINESS

**A. Hearing in the Case of Troegs Brewing Company (2018-02)
Property location: 200 East Hersheypark Drive, Hershey**

This property, located in the Hershey Mixed Use zoning district, is improved with the Troegs microbrewery facility. The applicant is proposing to construct an effluent treatment system on the property to treat wastes from the microbrewing process. Relief was sought in the form of a special exception to permit a utility structure on the property that exceeds maximum height

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requirements for an accessory structure located in the zoning district, or in-lieu thereof, a variance request from the maximum height requirements for an accessory structure.

Attorney James Strong, engineer Craig Smith, and owner John Trogner were sworn in and gave testimony.

Mr. Strong stated that the brewery is proposing to construct an effluent treatment facility to pre-treat waste water from the brewing process prior to discharge into the sanitary sewer. The proposed system will separate most of the solid wastes, as well as methane and carbon dioxide gases from the effluent. This will result in only water being released into the municipal system, allowing DTMA to avoid additional treatment to the waste product. The methane and carbon dioxide gases will be used to power a generator in an attached greenhouse. The greenhouse will contain herbs and greens that are then used in the on-site food facility.

Mr. Strong further stated that the plan calls for three tanks; one at 35 feet and two at 45 feet each. Chairman Kushner questioned whether the tanks would be dedicated to the Derry Township Municipal Authority. Mr. Strong replied that they would not be dedicated to DTMA.

Mr. Trogner stated that he has worked closely with DTMA and is pleased that the proposed project will be sustainable, environmentally-friendly, and expandable as the brewery grows. Mr. Trogner added that after being processed, the waste water will be at similar levels to what an average home would discharge.

Mr. Trogner added that some parking spaces will be lost where the treatment facility will be located. However, re-lining spaces and the inclusion of bike parking will minimize the parking space loss. The proposed facility will be located in the northwest portion of the property. The topography and existing and proposed evergreen trees will assist in shielding the facility from view. The proposed effluent tanks are the smallest available and are designed specifically for brewing.

Vice Chairman Moniak questioned what potential safety hazards would exist, in particular with the methane gas. Mr. Trogner replied that the system is closed and will be shielded and away from customers and the general public.

Member Wood asked how much electricity will be created by the facility. Mr. Trogner stated that initially 5-10% of the overall electric use will be created by the facility with up to 25-30% once the facility is fully operational.

Chairman Kushner questioned what portion of the tanks would be visible from the neighboring property to the west. Mr. Trogner replied that the tanks will be screened by the berms around the parking area to a height of at least 10 feet above grade. There is also an existing landscape screen along a portion of the property line that is shared with the Bluegreen complex, and additional trees are proposed around the western and northern sides of the proposed facility along Hersheypark Drive. Once the landscaping grows, the tanks will be less noticeable, though the top portion of the tanks will always be visible. Chairman Kushner asked

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whether the applicants were in contact with the property owner to the west. Mr. Trogner indicated that they have not been in contact.

Member Wood asked what factors contributed to the decision on where to locate the facility. Mr. Smith stated that setbacks and the location of the existing sewer line were key limiting factors.

Chuck Emerick added that the location is at the lowest place beside the highest grade on the property. Mr. Emerick also stated that the evergreen tree barrier is not required but is being added voluntarily by Troegs for aesthetic reasons and also as part of a future proposed bike path.

Chairman Kushner questioned what color the tanks will be when complete. Mr. Trogner replied that the final color has not been decided but noted that it will blend in the surrounding elements.

Mr. Strong requested a three-year extension on any approval to allow for the second 45-foot tank to be built at a later date when the system needs to be expanded.

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 Milton S. Hershey Medical Center (2018-03)
Property location: 600 University Drive, Hershey

This property, located in the Medical Campus Central zoning district, is improved with a medical facility. The applicant received relief in September of 2017 from the maximum height requirements for a mechanical equipment penthouse on top of an addition to the Children's Hospital; the applicant now seeks additional relief from the maximum height requirements relative to a proposed parapet and screen wall on the addition.

Marvin Smith was sworn in and gave testimony. Mr. Smith stated that to create a safer situation for rooftop workers, the applicant wishes to add a 39-inch parapet wall along the roof edge. Mr. Smith added that the applicant wishes to install a screen wall that will be a maximum of 17 feet, 6 inches to shield mechanical units not housed within the penthouse. The proposed shield wall will be along the front of the hospital.

Vice Chairman Moniak questioned what material will be used for the shield wall. Mr. Smith replied that a metal panel system similar to the existing building will be used.

No other persons provided testimony at this hearing.

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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 Troegs Brewing Company (2018-02) and Milton S. Hershey Medical Center (2018-03) and directed the Solicitor to prepare the draft decisions on each case for formal action at the April 18, 2018 meeting.

Submitted by:

Matthew Luttrell, Secretary