

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
June 19, 2018**

**CALL TO ORDER**

The June 19, 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; Secretary Matthew Luttrell; Member Sandra Ballard; Member Philip Wood

Board members absent: none

Also Present: Megan Huff, Solicitor to the Board; Chuck Emerick, Director of Community Development; Diane Smith, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Ann Marie Hall, U-GRO; Phil Hollinger, U-GRO; Brian Zulli, NP 1 Ventures; Erik Harmon, Light-Heigel & Associates; Sue Weiss, 1338 Chocolate Avenue, Hershey

**APPROVAL OF MINUTES**

On a motion by Member Wood, seconded by Vice Chairman Moniak, and a unanimous vote, the May 16, 2018 minutes were approved as written.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Saurabh and Komal Shah – Klok Solutions, LLC (2018-06)**  
**Property location: 1357 East Chocolate Avenue, Hershey**

On a motion by Member Ballard, seconded by Member Wood, and a majority vote, the decision was adopted as written. Secretary Luttrell abstained.

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

On a motion by Vice Chairman Moniak, seconded by Member Ballard, and a unanimous vote, the decision was adopted as written.

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

This property is located in the Planned Campus West and General Sign Overlay zoning districts and is improved with an early childcare and learning center, corporate support offices,

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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.

Ann Marie Hall and Phil Hollinger were sworn in and continued their testimony from the previous month's hearing.

Ms. Hall stated that the intent of the requirement is to allow pedestrian traffic to easily read a sign on a building. Ms. Hall stated that there is no pedestrian traffic in the area and the intention of the signs are to allow visibility from Route 322. The sign size itself will be in compliance according to dimensions. Ms. Hall added that the 100-foot buffer from the right-of-way is also a factor in impeding visibility from the highway.

Mr. Hollinger noted that employee and student turnover is high and easy identification of the building is important.

Member Wood questioned how many students are enrolled presently and how many could be enrolled after the addition is completed. Mr. Hollinger replied that currently about 160 students are enrolled, with a possibility of 300 after the addition is complete.

Member Wood asked if there is any reason why the sign cannot be centered in the façade. Ms. Hall replied that placement is on the part of the building closest to Route 322 to allow better visibility.

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.

**NEW BUSINESS**

**A. Hearing in the Case of NP 1 Ventures, LLC (2018-08)**  
**Property location: 1338 East Chocolate Avenue, Hershey**

This property, located in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts, is improved with a two-family dwelling, a rear addition that is currently vacant, and associated parking for the dwelling units. The applicant is proposing to convert the building to a multi-family apartment dwelling, including three additional units proposed for the rear addition. Relief is sought from maximum permitted residential density for the East Chocolate Overlay zoning district.

Secretary Luttrell recused himself from participation in this case.

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Erik Harmon of Light-Heigel & Associates and Brian Zulli of NP 1 Ventures, LLC were sworn in and gave testimony.

Mr. Harmon stated that the applicant is proposing to construct two 2-bedroom and one 1-bedroom apartments in the currently vacant warehouse space located behind an existing dwelling that contains a 2-bedroom apartment and a one-bedroom apartment.

Mr. Zulli added that the warehouse space is 2,500 square feet and is attached to the dwelling in the front. The final design for the proposed apartments is not yet complete.

Vice Chairman Moniak questioned whether there would be any additional parking available for tenants' guests. Mr. Harman replied that nearby on-street parking is available.

Member Wood questioned whether any plans are being taken into consideration for storage areas for the tenants. Mr. Zulli reiterated that final plans are not yet done; however, there is a basement that is unfinished that could be used for additional space.

**PUBLIC COMMENT**

Sue Weiss was sworn in and gave testimony. Ms. Weiss is a tenant in the existing apartment dwelling. Ms. Weiss is concerned about the limited parking and the possible conversion of a current entryway into a shared entryway to the proposed apartments.

Matt Luttrell was sworn in and gave testimony. Mr. Luttrell owns an adjacent property and is concerned about the density of the proposed project. Mr. Luttrell believes three units created in a 2,500-square-foot space would make for very small apartments.

Member Ballard questioned whether the applicant would consider creating only two new units. Mr. Harmon stated that if the proposed three units were to be denied, the applicant would consider two units. The final design for the proposed apartments is not yet complete and could be a combination of one, two, or even studio-style apartments.

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.

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**DELIBERATIONS**

The Board met to deliberate in the cases of U-GRO Learning Centres (2018-05) and NP 1 Ventures, LLC (2018-08) and directed the Solicitor to prepare the draft decisions on each case for formal action at the July 2018 meeting.

Submitted by:

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Matthew Luttrell, Secretary