

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

**CALL TO ORDER**

The September 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 Philip Wood; Member Sandra Ballard

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: Matthew Mandia, Derry Township Parks & Recreation; Craig Smith, RGS Associates; Greg Koussis, Capital Construction Management

**APPROVAL OF MINUTES**

On a motion by Member Ballard, seconded by Vice Chairman Moniak, and a majority vote, the August 15, 2018 minutes were approved as written. Chairman Kushner and Member Wood abstained from voting because they were not present at the August meeting.

**OLD BUSINESS**

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

On a motion by Vice Chairman Moniak and seconded by Member Ballard, the decision was adopted as written. Secretary Luttrell recused himself from voting. Chairman Kushner and Member Wood abstained from voting because they were not present at the August meeting.

**B. Adoption of Decision in the Case of Dawson, Katherine, and Daniel Burnham (2018-10)**  
**Property location: 41 East Areba Avenue, Hershey**

On a motion by Vice Chairman Moniak, seconded by Member Ballard, and a majority vote, the decision was adopted as written. Chairman Kushner and Member Wood abstained from voting because they were not present at the August meeting.

**C. Adoption of Decision in the Case of Robert D. Brackbill, Jr. (2018-11)**  
**Property location: 1244 Waltonville Road, Hummelstown**

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On a motion by Vice Chairman Moniak, seconded by Member Ballard, and a majority vote, the decision was adopted as written. Chairman Kushner and Member Wood abstained from voting because they were not present at the August meeting.

**NEW BUSINESS**

**A. Hearing in the Case of Derry Township (2018-12)**  
**Property location: 605 Cocoa Avenue, Hershey**

This property, located in the Hershey Mixed Use zoning district, is improved with the Township's recreation center, outdoor swimming pool, Cocoa Castle playground, tennis courts, and associated parking. The applicant is proposing to demolish the existing recreation center building and outdoor pool and construct a new community center building, including an indoor competition pool, leisure pool, gymnasium, exercise/fitness areas, locker rooms, senior center, and office space. Relief was sought in the form of a special exception to permit a portion of the off-street parking to be located off-site on an adjacent property.

Secretary Luttrell stated that he has served on committees relating to the community center, but he believes he can be impartial during this hearing. No objections were made.

Matthew Mandia, Director of Parks & Recreation, and Craig Smith, RGS Associates, were sworn in and gave testimony.

Mr. Smith stated that the required parking (385 spaces) for the proposed building will be met on site. The relief that is sought for off-site parking is for times when special events are taking place at the community center including, but not limited to, activities such as swim meets. Mr. Smith explained that the overflow parking would occur at the nearby Derry Township School District's Early Childhood Center.

Mr. Smith further explained that there are three lots (Lot A – 194 spaces, Lot B – 62 spaces, Lot C – 179 spaces) for a total of 435 parking spaces off-site. All handicapped-accessible spaces would be located on the recreation center site.

Mr. Mandia read a Memorandum of Understanding between the School District and the Township to allow the off-site parking. In addition, the Township would supply a Certificate of Insurance for their use of the School District's lots.

There has been no discussion about the School District's use of the Recreation Center's parking lot.

Member Wood questioned who would be responsible for snow removal during times when school is not in session. Mr. Mandia stated that the school has permitted the Township to remove snow from their lots, walkways, and bridges.

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Vice Chairman Moniak questioned the maximum number of swimmers at a meet. Mr. Mandia stated the competition pool can accommodate 500. He also noted that during swim meets, the leisure pool would remain open for the public.

Vice Chairman Moniak asked what would happen if the Recreation Center and the School District have simultaneous events. Mr. Mandia replied that the Recreation Center and the School District will work very closely together to eliminate any possibility of double-booking events so as not to cause parking availability issues.

Secretary Luttrell questioned whether the agreement allows for parking in other locations on the School District campus. Mr. Mandia responded that the agreement is only for the Early Childhood Center at this time.

Secretary Luttrell asked if there is a duration in the agreement. Mr. Mandia said that the agreement is in place for as long as the Recreation Center is in use unless mutually agreed upon by both parties.

Vice Chairman Moniak asked what provisions are being made for security. Mr. Mandia replied that the Recreation Center will work in cooperation with the Township police department. He also anticipates utilizing rearview mirror hangers or some other method to mark vehicles that are coming to attend swim meets.

Chairman Kushner questioned whether the walking paths will be illuminated. Mr. Smith stated that there has been no discussion, but it could be evaluated if it is deemed necessary.

Secretary Luttrell asked if any options to expand the parking areas on site were considered. Mr. Smith stated that due to a floodplain and existing structures, development of the site was limited.

Member Ballard questioned whether busses are used during swim meets and if so, what plans are in place for their parking? Mr. Smith replied that typically swim meet competitors are individuals or small groups who would arrive in vehicles no larger than vans. If busses are utilized, they would be parked at the Early Childhood Center.

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 7:10 p.m.

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**DELIBERATIONS**

The Board met to deliberate in the case of Derry Township (2018-12) and directed the Solicitor to prepare the draft decision for formal action at the October 2018 meeting.

Submitted by:

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Matthew Luttrell, Secretary