

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
November 14, 2012**

**CALL TO ORDER**

The November 14, 2012 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman William Tafuto in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

**ROLL CALL**

Board members in attendance: Chairman William Tafuto; Vice Chairman Rick Hammer; Secretary Matthew Davies; Member Philip Wood; Member Michael Angello

Board members absent: none

Also Present: Anthony Nestico, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Pam Packer, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Mandi Block, Country Meadows Retirement Communities; Michael Leader, Country Meadow Retirement Communities; Rick Russell, The Hershey Company; Michael & Jane Suter, 1642 Bachmanville Road

**APPROVAL OF MINUTES**

On a motion by Secretary Davies, seconded by Vice Chairman Hammer, and a unanimous vote, the October 24, 2012 minutes were approved with revisions.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Justin Engle (2012-10)  
Property location: 150 W. Chocolate Avenue, Hershey**

On a motion by Member Wood, seconded by Vice Chairman Hammer, and a 4-1 vote, the Board adopted the decision granting the requested relief. Secretary Davies voted in opposition.

- B. Adoption of Decision in the Case of Brian and Jennifer Krause (2012-34)  
Property location: 525 W. Areba Avenue, Hershey**

- C. Adoption of Decision in the Case of Bill Delinsky, d/b/a Tana Properties (2012-40)  
Property location: 810 West Chocolate Avenue, Hershey**

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- D. Adoption of Decision in the Case of William and Carolyn Seaman (2012-41)  
Property location: 228 W. Granada Avenue, Hershey**
- E. Adoption of Decision in the Case of Ty J. Kreamer (2012-42)  
Property location: 240 Clark Road, Hershey**
- F. Adoption of Decision in the Case of the Thomas L. Memmi (2012-43)  
Property location: 500 Hockersville Road, Hershey**
- G. Adoption of Decision in the Case of Jason B. Manotti (2012-44)  
Property location: 419 W. Areba Avenue, Hershey**
- H. Adoption of Decision in the Case of Saint Joan of Arc Roman Catholic Church (2012-45)  
Property location: 359 W. Areba Avenue, Hershey**
- I. Adoption of Decision in the Case of Rene Davila (2012-46)  
Property location: 741 Olde Trail Road, Hummelstown**

On a motion by Vice Chairman Hammer, seconded by Secretary Davies, and a unanimous vote, the decisions for items B – I were adopted by consent agenda.

**NEW BUSINESS**

- A. Hearing in the Case of Country Meadows Retirement Communities (2012-47)  
Property location: 731 Cherry Drive, Hershey**

This property, located in the General Commercial zoning district and the General Sign zoning district, is presently improved with a multi-tenant commercial/retail shopping center. The applicant is proposing to install a directional sign on the property.

Relief is sought as follows:

- a. A Variance from Section 225-129.B(1)(j) regarding permitted directional sign requirements

Michael Leader was sworn in and gave testimony. Mr. Leader is proposing to install a directional sign at the Governor Road/Cherry Drive intersection on a rented lot on the southeast side.

The red, white, and blue sign would be similar in appearance to other direction signs currently used by the Hershey Medical Center and others.

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Mr. Leader contends that Country Meadows Retirement Communities is closest in definition to a hospital, which allows for directional signage. The sign dimensions and placement will be in compliance with the Township's regulations.

Mr. Nestico clarified that the zoning officer has not made an interpretation of whether the use could be classified as a hospital.

No other persons provided testimony at this hearing.

Chairman Tafuto 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 The Hershey Company (2012-48)**  
**Property location: 1033 Old West Chocolate Avenue, Hershey**

This property, located in the Industrial zoning district and General Sign zoning district, is improved with a chocolate manufacturing plant and related buildings. The applicant is proposing to maintain the display of a "Grand Opening" banner on the building wall of the manufacturing facility.

Relief is sought as follows:

- a. A Variance from Article 27, Section 225-129.A.(9).(b) and (c) regarding banners

Rick Russell was sworn in and gave testimony. Mr. Russell stated that the banner is located on the north facing side of the building and is attached with an adhesive that will last 10-12 months. Mr. Russell is proposing to keep the banner in position for the duration of the adhesive life. In the case that the banner is damaged or deteriorates, it will either be repaired or removed. The banner will remain in place no longer than the summer of 2013.

No other persons provided testimony at this hearing.

Chairman Tafuto 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.

**C. Hearing in the Case of Michael Suter (2012-49)**  
**Property location: 1642 Bachmanville Road, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct an addition to the house.

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Relief is sought as follows:

- a. A Variance from Article 8, Section 225-36.D.(1)(c) regarding side yard setback
- b. A Variance from Article 8, Section 225-36.F regarding maximum impervious coverage
- c. A Variance from Article 8, Section 225-36.D.(1)(a) regarding front yard setback
- d. A Variance from Article 8, Section 225-36.D.(2)(b) regarding rear yard setback
- e. A Variance from Article 8, Section 225-36.D.(2)(c) regarding side yard setback for an accessory structure

Michael Suter was sworn in and gave testimony. Mr. Suter is proposing to demolish an existing deck and build an addition with a deck. The proposed addition will consist of a front and back porch, garage, laundry room, bedroom, and deck.

Mr. Suter stated that his lot is very narrow and keeping within the ordinance is not feasible. The new proposed front yard setback will be 13 feet from the property line. The proposed air conditioner compressor will be two feet from the side property line and the proposed shed will be located two feet from the rear property line.

No other persons provided testimony at this hearing.

Chairman Tafuto 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 6:30 p.m.

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**DELIBERATIONS**

The Board met to deliberate in the cases of Country Meadows Retirement Communities (2012-47), The Hershey Company (2012-48), and Michael Suter (2012-49), and directed the Solicitor to prepare the draft decisions on each case for formal action at the December, 2012 meeting.

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