

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
November 13, 2014**

CALL TO ORDER

The November 13, 2014 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 Michael Angello; Secretary Philip Wood; Member Michael Kushner; Member Matthew Brouillette

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: Joel McNaughton, The McNaughton Co.; Donald Dinello, 1321 Fox Glen Drive; Francis McNaughton, The McNaughton Co.; Joe and JoAnn Lippincott, 1366 Fox Glen Drive; Todd Logan, 785 Zurich Drive; Chad Smith, Steckbeck Engineering; Mike and Vicki Gesford, Noah Gesford – 1336 and 1324 Fox Glen Road; Mark & Lindy Plevelich, 1061 Greenhill Drive; Maryanne Briotte, 1374 Fox Glen Drive; Peter Hartwell, 1270 Stonegate Road; Barry Burkholder, 1020 Old West Chocolate Avenue

APPROVAL OF MINUTES

On a motion by Secretary Wood, seconded by Member Kushner, and a unanimous vote, the October 15, 2014 minutes were approved.

OLD BUSINESS

- A. Adoption of Decision in the Case of Alic Tahir (2014-46)
Property location: 450 Cedar Avenue, Hershey**

- B. Adoption of Decision in the Case of Harry R. Rebman and Sara Lee Service (2014-47)
Property location: 1028 East Governor Road, Hershey**

- C. Adoption of Decision in the Case of Tom DeDonatis (2014-48)
Property location: 204 Maple Avenue, Hershey**

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- D. Adoption of Decision in the Case of Geoffrey Ford (2014-49)**
Property location: 513 Elm Avenue, Hershey
- E. Adoption of Decision in the Case of Irvin J. and Lucinda L. Hess (2014-50)**
Property location: 801 East Chocolate Avenue, Hershey
- F. Adoption of Decision in the Case of Dale and Garnet Nissley (2014-51)**
Property location: 264 Highland Road, Hershey
- G. Adoption of Decision in the Case of Village of Innsbruck Condominium Association (2014-52)**
Property location: 883, 885, and 887 Alpine Drive, Hummelstown

On a motion made by Member Brouillette, seconded by Vice Chairman Angello, and a unanimous vote, the decisions for items A-G were adopted by consent agenda.

NEW BUSINESS

- A. Hearing in the Case of Timothy Todd Logan (2014-53)**
Property location: 785 Zurich Drive, Hummelstown

This property, located in the Suburban Residential zoning district, is improved with a single family dwelling. The applicant is proposing to expand the front porch. Relief was sought regarding front yard setback requirements.

Timothy Logan was sworn in and gave testimony. Mr. Logan stated that he would like to add a covered, wraparound porch to his home to protect the front of the home from the elements. Mr. Logan added that there are similar porches in his neighborhood. Relief is needed on the northwest side of the property due to the curve of the lot.

Vice Chairman Angello questioned why construction had already begun on the project. Mr. Logan explained that due to scheduling, the excavator became available to dig the footers, otherwise the excavation would have had to wait until spring. The concrete for the footers cannot be poured until the temperature is warmer in the spring. Vice Chairman Angello stated that he had driven by the subject house, and further stated that it looked like the footers had, in fact, been poured. Mr. Logan then admitted that he did pour the footers as well.

Vice Chairman Angello questioned why the proposed porch is elevated and not at grade, like the other porches along the street. Mr. Logan replied that the elevation is to allow step-in access to the door and also to house rain barrels. The porch base will be camouflaged by shrubbery.

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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 Donald J. and Debra M. Dinello (2014-54)
Property location: 1321 Fox Glen Road, Hummelstown**

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicants propose to subdivide their lot into four lots, including one lot that will contain the existing dwelling. Relief was sought regarding minimum lot depth requirements.

Joel McNaughton of the McNaughton Company was sworn in and gave testimony. Mr. McNaughton stated that the Dinellos will retain 3.17 acres for their home and subdivide the adjacent 3.3-acre lot into 3 building lots. In order to retain a buffer of land between the three proposed lots and existing homes along Stonegate Road, the proposed depth of these three lots will be 130 feet rather than the required 150 feet. Mr. McNaughton added that as part of this plan the width of Fox Glen Road will be expanded for ease of traffic; stormwater runoff issues in the area will be addressed and improved; and a public access walkway will be created from the end of Fox Glen Road to Shank Park.

Chairman Tafuto questioned whether there were any detailed plans yet in regard to the proposed stormwater runoff improvements. Mr. McNaughton replied that currently there are no written plans; however, a stormwater management plan will be completed when the land development plan is submitted. Mr. Tafuto requested that the applicant state unequivocally whether the present stormwater problems experienced by the properties in Waltoncroft would be worsened or improved by the project. Mr. McNaughton stated that, due to the currently uncontrolled stormwater runoff leaving the property being controlled with stormwater management features being proposed in connection with the project, the stormwater issues would be improved.

Public Comment

John Crawford, adjacent neighbor to the north, stated that stormwater runoff goes north into a drainage ditch behind the homes on Stonegate Road to a detention basin. Mr. Crawford is concerned about possible development in the buffer area between the homes on Stonegate Road and the proposed lots. Mr. McNaughton clarified that the buffer area will not be developed.

Mark Heisey questioned whether a condition can be placed to require maintenance of the buffer area. Chairman Tafuto responded that a condition could be added to the approval.

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Peter Hartwell added his concerns about stormwater runoff issues. Chairman Tafuto replied that a stormwater management plan must be submitted with any land development plan. Any improvement will be a good thing in this area, as currently there is nothing in place to mitigate runoff.

Mike Gesford added his concerns about runoff and erosion issues increasing in Shank Park. Mr. Gesford also questioned where public water and sewer would be run. Mr. McNaughton replied that sewer and water lines would be run up Fox Glen Road.

Mark Plevelich stated that stormwater runoff was never an issue until the Dinellos altered the topography. Mr. Plevelich also stated that there is no right-of-way on his property along Greenhill Drive to access public water. Mr. Tafuto asked Mr. Plevelich to clarify the position of his property relative to the Dinello's property. Mr. Plevelich stated that his property was uphill of the Dinello's property, and that water from his property used to run through the Dinello's property until Dr. Dinello put in a diversion berm to prevent the runoff from the Plevelich's property from running through the Dinello property, as such water was damaging the improvements made on the Dinello property.

Steve Bryant questioned whether nearby homes utilizing private wells would be required to hook up to public water. Brandon Williams stated that existing homes would not be required to use the public water service.

Joseph Lippincott noted that the proposed driveways for the three new lots will be sloped downhill. Mr. Lippincott questioned whether the widening of Fox Glen Road would take away from the existing properties. Mr. McNaughton clarified that the widening would only impede on the new proposed lots.

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 Barry L. Burkholder (2014-55)
Property location: 1020 Old West Chocolate Avenue, Hershey

This property, located in the Industrial zoning district, is improved with an auto body repair garage. The applicant is proposing to expand the existing parking area for the business. Relief was sought regarding maximum impervious coverage and expansion limitations of a nonconforming use.

Chad Smith of Steckbeck Engineering and Barry Burkholder were sworn in and provided testimony.

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Mr. Smith stated that the property is small and due to the building location, parking expansion options are limited. The west side needs to have adequate space for tow trucks and turn around area.

The parking expansion will increase the impervious area to 64.65% and parking in the front setback will increase to 70.4%.

Secretary Wood questioned whether all the vehicles parked on the property are registered and insured. Mr. Burkholder replied that the vehicles are registered and insured and typically are only there for a short period of time while they are being serviced and repaired. No salvage vehicles are kept on the premises.

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.

**D. Hearing in the Case of Kevin S. Hill (2014-56)
Property location: 734 Linden Road, Hershey**

The applicant requested a continuance.

Hearings closed at 7:25 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Timothy Todd Logan (2014-53); Donald J. and Debra M. Dinello (2014-54); and Barry L. Burkholder (2014-55) and directed the Solicitor to prepare the draft decisions on each case for formal action at the December, 2014 meeting.

Submitted by:

Philip Wood, Secretary