

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
February 20, 2013**

CALL TO ORDER

The February 20, 2013 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 Philip Wood; Member Matthew Davies

Board member absent: Member Michael Angello

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

Public registering attendance: Doug Plank, ELA Group, Inc., Lititz; Rick Russell, The Hershey Company; John Dunn, 712 Linden Road; Kevin & Tina Corty, Lebanon Valley Homes; Lael Hunt, The Hershey Company; Milton Purcell, 345/347 West Chocolate Avenue; Richard Mattis, 345/347 West Chocolate Avenue; Glenda & Rich Prokopick, 127 West Areba Avenue; Thomas Logan, 554 Stauffers Church Road, Palmyra; Jeff Gelbaugh; Sandra Herb, Cambridge Commons; Andy Shrawder, 729 Lexington Avenue; Mark Brace, 152 Elm Avenue; Archie Fenton, 130 Maple Avenue; Matt Weir, 1986 Church Road; Chris Sholly, *Lebanon Daily News*; Jay Chamberlin, 2228 Wexford Road; Phil Guarino, 102 West Chocolate Avenue; Rob Bauchwitz, 324 Candlewyck Lane; Rich Gamble, 39 Hockersville Road; Meeta Patel, 210 Hockersville Road; R.K. Erwin, 242 West Chocolate Avenue; Scott A. Stein, 148 West Granada Avenue; Gabe Plebani, 710 Stauffers Church Road, Palmyra; Lou Bushman, 32 Maple Avenue

APPROVAL OF MINUTES

On a motion by Vice Chairman Hammer, seconded by Member Davies, and a unanimous vote, the January 16, 2013 minutes were approved.

OLD BUSINESS

- A. Adoption of Decision in the Case of Chris and Nichole Camposarcone (2012-51)**
Property location: 225 Dunham Drive, Hummelstown

- B. Adoption of Decision in the Case of Allen V. Zarlenga (2012-52)**
Property location: 215 William Drive, Hershey

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On a motion by Secretary Wood, seconded by Vice Chairman Hammer, and a unanimous vote, the decisions for items 'A' and 'B' were adopted by consent agenda.

**C. Continuance in the Case of 202-214 West Chocolate Avenue (2012-54)
Property location: 202, 208 & 214 W. Chocolate Avenue, Hershey**

The applicant requested a continuance.

On a motion by Member Davies, seconded by Vice Chairman Hammer, and a unanimous vote, a continuance of Case 2012-54 was granted.

NEW BUSINESS

**A. Hearing in the Case of Hershey's Chocolate World (2013-01)
Property location: 251 Park Boulevard, Hershey**

This property, located in the Commercial Entertainment and General Sign overlay zoning district, is presently improved with the Hershey's Chocolate World Visitor Center. The applicant is proposing to construct a freestanding sign and an exterior wall sign.

Relief is sought as follows:

- a. A Variance from Article 27, Section 225-129.B(1)(a) regarding freestanding sign area and length
- b. A Variance from Article 27, Section 225-129.B(1)(d) regarding wall sign height
- c. A Variance from Article 27, Section 225-129.B(5)(d) regarding number of colors

Richard Russell and Lael Hunt were sworn in and gave testimony. Mr. Russell stated that placement of two signs – one near the driveway entrance and another on the building – will increase visibility and assist with traffic control. Also, new signage is needed due to a change in the Hershey's logo.

The entrance sign will be a 60 square foot free-standing sign consisting of three main colors (white, silver, maroon) and four secondary accent colors (red, green, blue, orange).

The exterior wall sign will be seven feet high and eleven feet wide, consisting of three main colors (white, silver, maroon) and four secondary accent colors (red, green, blue, orange).

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Public Comment

Glenda Prokopick was sworn in and testified. Ms. Prokopick believes the original sign is better for visibility and fits in better with the building style.

Rich Gamble was sworn in and testified. Mr. Gamble is concerned that the Township grants too many extra considerations to The Hershey Company.

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 Lebanon Valley Homes (2013-02)
Property location: 497 Middletown Road, Hummelstown

This property, located in the Village Residential zoning district, is presently improved with a single family dwelling. The applicant is proposing to install two portable propane tanks for home heating purposes.

Relief is sought as follows:

- a. A Variance from Article 8, Section 225-36.D(2)(a) regarding front yard setback for an accessory use

Kevin and Tina Corty, property owners, were sworn in and gave testimony. Mr. Corty stated that when their new manufactured home was placed on their lot, the builder did not take into consideration the placement of the tanks needed for heating fuel. The location of the tanks was determined by Suburban Propane due to existing vents on the home and the property line setbacks.

Mr. Corty added that his lot is small and due to being on a corner, has two front yard setbacks. The propane tanks will be along the less traveled Grove Street.

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 Milton W. Purcell (2013-03)
Property location: 345/347 W. Chocolate Avenue, Hershey

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This property, located in the Downtown Commercial zoning district, is presently improved with a mixed-use building currently being utilized for apartment dwellings and a beauty salon, as well as a detached garage. The applicant is proposing to renovate the existing detached garage into professional office space.

Relief is sought as follows:

- a. A Variance from Section 225-133(A) and (E) regarding additional parking spaces
- b. A Variance from Section 225-184(A) regarding mixed use density
- c. A Variance from Section 225-60(A) regarding lot area requirements

Richard Mattis, representative for the applicant, was sworn in and gave testimony. Mr. Mattis stated that the applicant would like to convert an existing 324 square foot garage into professional office space.

The space had previously been used as an office, but is in need of repairs and aesthetic improvements. The space will be for a professional office only, not retail, and is expected to have very low traffic.

There will be seven regular and one handicapped accessible parking space to service the apartments, beauty salon, and proposed office space.

The applicant is agreeable to the condition that a party wall would be constructed dividing the office space if the property is ever sold.

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 Hanuman, LLC (2013-04)
Property location: 210 Hockersville Road, Hershey

This property, located in the Neighborhood Commercial and General Sign overlay zoning district, is presently being improved with a hotel. The applicant is proposing to construct an exterior wall sign to be located on an upper story of the building.

Relief is sought as follows:

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- a. A Special Exception from Article 27, Section 225-129.B(2)(c) regarding location of sign or height
- b. A Variance from Article 27, Section 225-129.B(1)(d) regarding height of a wall sign

Meeta Patel was sworn in and gave testimony. Ms. Patel stated that her hotel is presently under construction. In order for the hotel to be seen from Route 422, larger signage is needed at a height above the maximum allowed.

A 31.91 square foot sign will be placed on the alley side at 7 feet. A 31.98 square foot sign will be placed facing Chocolate Avenue at 7 feet in height.

The pole sign will be 91.71 square feet.

Chairman Tafuto questioned whether a visual analysis was done to quantify perspective relative to the property's position with respect to Route 422 in order to justify the need for larger signage. Ms. Patel requested a continuance to allow time to compile the information.

On a motion made by Secretary Wood, seconded by Vice Chairman Hammer, and a unanimous vote, a continuance of case 2013-04 was granted.

E. Hearing in the Case of Gabriel Plebani (2013-05)
Property location: 710 Stauffers Church Road, Palmyra

This property, located in the Agricultural/Conservation zoning district, is presently improved with a single family dwelling. The applicant is proposing to subdivide the property, resulting in a new lot which would be without frontage on a public street.

Relief is sought as follows:

- a. A Variance from Article 34, Section 225-174 regarding lots fronting on public streets

Randy Wright and Gabriel Plebani were sworn in and gave testimony. Mr. Wright stated that Mr. Plebani's eleven acre lot was created in 1979 and is served by a private road that is shared and maintained by six other properties. The six lots were created after Mr. Plebani's and have deed restrictions on further subdivision. Mr. Plebani's lot has no such restriction, and he desires to create a 5-acre lot from his original lot to allow his son to construct a single family home.

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Mr. Wright stated that the proposed new home will not be visible from Stauffers Church Road.

Mr. Williams stated that a condition should be added to include the new lot into the private road agreement for use and maintenance purposes.

Mr. Plebani clarified that he is responsible for the first 90 feet of the 1,500-foot road; however, in the past he has shared equally in the maintenance expenses with his neighbors.

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 7:25 p.m.

General Public Comment

Rich Gamble stated that he believes the video sign located at the entrance to the Giant Center was to be a scrolling sign that could be used to display messages in emergency situations. Mr. Gamble stated that the sign is not scrolling, but instead a full video sign which he believes is distracting and a safety hazard to traffic.

Mr. Emerick replied that Case 2013-01 regarding Chocolate World is The Hershey Company's property, and the sign at the Giant Center is owned by Hershey Entertainment & Resorts. Mr. Emerick encouraged Mr. Gamble to contact him at another time so his concerns can be addressed at the proper forum.

DELIBERATIONS

The Board met to deliberate in the cases of Hershey's Chocolate World (2013-01), Lebanon Valley Homes (2013-02), Milton W. Purcell (2013-03), and Gabriel Plebani (2013-05) and directed the Solicitor to prepare the draft decisions on each case for formal action at the March, 2013 meeting.

