

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
January 19, 2011

CALL TO ORDER

The January 19, 2011 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman Angello in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

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

Board members absent: Vice Chairman Frank Nardo

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

Public registering attendance: Pat Travitz, 140 Peach Avenue; Marilyn Downing, 137 Apple Lane; Richard Barto, 204 Peach Avenue; Bushra Melton, 129 Apple Lane; Jim Ingalzo, Derry Township ICDA; Hugh Clinton; Ron Lucas, 17 N. 2nd Street, Harrisburg; Nathan Bryner, 41 Clark Road; Keith Kahlbaugh, Springwood Commercial; Meeta Patel, 210 Hockersville Road; Richard Cook, Troop 65 Boy Scouts; Matthew Cook, Troop 65 Boy Scouts; David Hogg, Springwood Hospitality; Justin Shelton, Springwood Hospitality; Jeff Rutt, Light Heigel Associates, Inc.; Eric Mountz, Traffic Planning & Design, Inc.

APPROVAL OF MINUTES

On a motion by Secretary Davies, seconded by Member Tafuto, and a unanimous vote, the December 15, 2010 minutes were approved with the following correction:

The second sentence of the final paragraph on page 5 should read, "responded that all suites were taken into consideration during the traffic study."

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REORGANIZATION

On a motion by Member Tafuto, seconded by Secretary Davies, the Zoning Hearing Board approved the following officers:

Chairman: Michael Angello
Vice Chairman: Matthew Davies
Secretary: Frank Nardo

On a motion by Member Tafuto, seconded by Vice Chairman Davies all Zoning Hearing Board members were approved as hearing officers for 2011.

OLD BUSINESS

- A. Adoption of Decision in the Case of Judi and Salvatore Giunta (2010-52)**
Property location: 356 E. Derry Road, Hershey, PA
- B. Adoption of Decision in the Case of Michael and Christie Corado (2010-53)**
Property location: 1102 Sand Hill Road, Hershey
- C. Adoption of Decision in the Case of Chris Dawson (2010-54)**
Property location: 41 Clark Road, Hershey
- D. Adoption of Decision in the Case of Hershey Office, LP (2010-55)**
Property location: 515 E. Chocolate Avenue, Hershey

On a motion by Member Tafuto, seconded by Secretary Davies, and a majority vote, the decisions for items a-d were adopted by consent agenda. Member Hammer abstained.

NEW BUSINESS

- A. Hearing in the Case of Hugh Clinton (2010-56)**
Property location: 726 Cocoa Avenue, Hershey, PA

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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 rear of the dwelling and a roof over an existing porch.

Relief is sought as follows:

- a. A Special Exception from Article 3, Section 225-10.B regarding expansion of a non-conforming structure.
- b. A Variance from Article 8, Section 225-36.D.1(a)(c) regarding front and side yard setbacks.
- c. A Variance from Article 3, Section 225-10.B(6) regarding side yard setback.
- d. A Variance from Article 8, Section 225-36.F regarding impervious cover.

Hugh Clinton and Stacy and Cory Hess were sworn in and gave testimony. Mr. Clinton stated it is the homeowners' desire to add a one story, 368 square foot addition to their home which will increase the size of the home by 45%.

The lot size does not conform to current zoning regulations being as it is 75' by 150'. The proposed addition would come within 8 feet, 4 inches of the side property line. The adjacent neighbors have reviewed the plan and submitted a letter of approval.

The proposed addition would increase the impervious cover to 38.8%. The homeowners are willing to remove a 156 square foot paved area along the alley to decrease the total impervious cover on the lot to 35.2%.

Member Tafuto questioned if the paved area is currently used for parking. Mr. Hess replied that the space is only used occasionally by guests.

No other persons provided testimony at this hearing.

Chairman Angello 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.

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B. Hearing in the Case of Bushra Melton (2010-57)
Property location: 129 Apple Lane, Hershey

This property, located in the Village Residential zoning district, is presently improved with a single family home. The applicant is proposing to establish a Family Child Care Home in her residence.

Relief is sought as follows:

- a. A Special Exception from Article 8, Section 225-34.A regarding permitted use.
- b. A Variance from Article 25, Section 225-98.A regarding minimum lot area.

Bushra Melton was sworn in and gave testimony. Ms. Melton would like to establish a home child care business in her home to allow her to stay with her children during the day and help other working parents in the community.

Ms. Melton has three children, two of whom attend school outside the home during the day. Ms. Melton is proposing to watch 5 other children in addition to her one child still at home between the hours of 6 am and 6 pm, Monday through Friday.

Ms. Melton's home is on a .42 acre lot. An adequate fenced-in outdoor play area will be established for the children. Currently Ms. Melton has available off-street parking for three vehicles including her one-car garage. On-street parking is available in the cul-de-sac area where her home is located.

Ms. Melton stated that no exterior changes will be made to the home and no signage will be placed in her yard. Ms. Melton is in the process of acquiring the necessary state and county licenses.

Member Hammer questioned if her day care would be accessible for those with handicaps. Ms. Melton replied that she currently works with handicapped children and would bring that experience to her home-based family day care.

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PUBLIC COMMENT

Marilyn Downing, neighbor, was sworn in and gave testimony. Ms. Downing is concerned about the affect a daycare could have on the neighborhood and questioned if approval could allow further expansion into a larger daycare.

Patricia Travitz, neighbor, was sworn in and gave testimony. Ms. Travitz stated that she is concerned about traffic on the small streets in the neighborhood. She was also concerned that zoning changes could open the way for more businesses in the neighborhood.

Mr. Emerick replied that Ms. Melton is not asking for a zoning change as in-home daycares are a permitted use in the district.

Dick Barto, neighbor, was sworn in and gave testimony. Mr. Barto is concerned about safety, traffic, and noise. While he supports the proposal, he would like the Zoning Hearing Board to consider their decision carefully.

Member Hammer questioned if the parking spaces would be used all day. Ms. Melton replied that her car would be in the garage and the spaces would be used during drop off and pick up times only.

No other persons provided testimony at this hearing.

Chairman Angello informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, she has 30 days to appeal the decision.

C. Hearing in the Case of Central PA Equities 13, LLC (2010-58)
Property location: 229 and 235 Hockersville Road, Hershey

This property, located in the Downtown Commercial zoning district, is improved with the former Derry Township municipal buildings. The applicant is proposing to construct a hotel.

Relief is sought as follows:

- a. A Variance from Article 28, Section 225-133.E regarding minimum required parking spaces.

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Jeff Reitz, Eric Mountz, David Hogg, Justin Sheldon, and Ron Lucas were sworn in and gave testimony.

Mr. Reitz stated that a 108-room, 5-story, limited service hotel is being proposed for the lot. There will be no restaurant, bar, or meeting space. A small breakfast area will be provided for hotel guests only.

Due to the irregular lot configuration and steep slopes along Hockersville Road, the required amount of parking cannot be placed on the property.

Mr. Reitz went on to explain that the requirement is for 122 parking spaces including 5 accessible spaces. The proposal is for 112 spaces including 5 accessible spaces. Mr. Reitz explained that most guests will be parking overnight while the hotel staff is at a minimum and during the day when the largest amount of staff is present, most guests have left. Mr. Reitz also went on to explain that the 5 loading spaces could be used as overflow parking at night due to their use being primarily used during the day.

Mr. Emerick clarified that the requirements for loading spaces and handicapped accessible parking are based on building size and not use.

Secretary Davies questioned how many people were on the evening skeleton crew. Mr. Hogg replied that two employees service the hotel overnight.

Springwood Hotels president Justin Sheldon stated that there are more times that one vehicle services more than one room than times that one room is served by more than one vehicle.

Chairman Angello questioned if that ratio is common or the idea. Mr. Sheldon replied that it is pretty standard for the east coast for limited service hotels.

PUBLIC COMMENT

Angela Fitterer was sworn in and gave testimony. Ms. Fitterer stated that she is concerned about pedestrian and traffic safety in the area. While she is pleased the hotel entrance is proposed to be as far as possible from Hockersville Road, it remains a concern. Ms. Fitterer is also concerned about possible overflow parking along Areba Avenue.

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No other persons provided testimony at this hearing.

Chairman Angello 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 8:25 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Hugh Clinton (2010-56), Bushra Melton (2010-57), and Central PA Equities 13, LLC (2010-58) and directed the Solicitor to prepare the draft decisions on each case for formal action at the February, 2011 meeting.
