

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
October 21, 2015

CALL TO ORDER

The October 21, 2015 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 Philip Wood; Secretary Matthew Luttrell; Member Mark Shrift; Member Catherine Wagner

Board members absent: None

Also Present: Megan Huff, Solicitor to the Board; Charles Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Tammy Baker, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Joe and Donna Ryan, 955 Hill Church Road, Hummelstown; Ron Lucas, 17 N. 2nd Street, Harrisburg; Glen Sponaugle, Room One Corp.; Anne Newman, 531 Elm Avenue, Hershey; Dave Getz, 508 N. 2nd Street, Harrisburg; James and Carmen DeAngelis, 564 Beech Avenue; James Piergallini, 573 Cedar Avenue; Justin and Julie Webb, 321 Highland Road; Annette Cassel Means, EON Development; Mark McCammon, Capital CM; Pete Russo, 5000 E. Trindle Road; Rebecca Wilburne, 1149 Duryea Drive; Randy Wright, Hanover Engineering; Kathy and Steven Seidl, 1312 Sand Hill Road, Hummelstown; Lou Verdelli, 762 Linden Road; Dave Rippon, 26 E. Areba Avenue; Scott Stein, 148 W. Granada Avenue; Gerald Duff, 556 Beech Avenue, Hershey; Charles Huth, *The Sun*

APPROVAL OF MINUTES

On a motion by Vice Chairman Wood, seconded by Member Shrift, and a unanimous vote, the September 16, 2015 minutes were approved as written.

OLD BUSINESS

- A. Adoption of Decision in the Case of Stoner Graphix, Inc. (2015-30)**
Property location: 128 and 212 Cocoa Avenue, Hershey

- B. Adoption of Decision in the Case of Jeffrey S. Gelbaugh (2015-31)**
Property location: 565 Park Avenue, Hershey

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**C. Adoption of Decision in the Case of Matthew and Amy Schwenk (2015-34)
Property location: 8 Boxwood Drive, Hershey**

**D. Adoption of Decision in the Case of Michael J. Kondraski (2015-35)
Property location: 1099 Swatara Road, Hershey**

On a motion by Vice Chairman Wood, seconded by Member Shrift, and a unanimous vote, the decisions for items A, C, and D were adopted by consent agenda.

On a motion by Vice Chairman Wood, seconded by Member Shrift, and a unanimous vote, item B was continued until the November, 2015 meeting.

**E. Continuance in the Case of Tomassi, LLC (2015-32)
Property location: 10 Tomassi Drive, Hummelstown**

This property, located in the Agricultural/Conservation zoning district, is currently vacant. The applicant desires to construct a single family dwelling with a 3-car attached garage, a patio, and a swimming pool. Relief was sought from front yard setback requirements and maximum impervious coverage.

Peter Russo, representative for the applicant, and Randy Wright, landscape architect, were sworn in and gave testimony.

Mr. Russo stated that the variance for impervious cover is no longer needed. The front yard setback in the northeast corner will be 9 feet from the property line and the front yard setback in the northwest corner will be 11 feet from the property line. Mr. Russo clarified that a stormwater easement limits the placement of the proposed home.

Mr. Russo also added that the plan was shared with adjacent neighbors and has received their approval.

Mr. Williams stated that due to the stormwater management plan not yet having received approval, the variance for impervious cover needs to remain. Mr. Russo was in agreement to this condition.

PUBLIC COMMENT

Steve Seidl stated his concerns about stormwater runoff, which he claims is in issue in the area. Mr. Seidl encouraged the Zoning Hearing Board to remain firm on pervious cover requirements.

Mr. Wright stated that pervious pavers will be used and he expects the stormwater management plan to be approved by the Township at a future date.

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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.

**F. Continuance in the Case of Main & Walton Development Company, LLC
(2015-33)**

Property location: 550 East Main Street, Hummelstown

This property, located in the General Commercial and General Sign Overlay zoning districts, is improved with a hotel. The applicant is seeking to install a wall sign. Relief is sought in the form of a special exception to allow a larger sign on the premises due to unique conditions existing on the property; or in-lieu thereof, relief is sought from the permitted location of a wall sign that is required to be below the lower sill of an upper story window.

Ron Lucas, attorney, and Glen Sponaugle, Main & Walton Development Company, LLC, were sworn in and gave testimony.

Member Wagner questioned whether a sign that meets the requirements could be used. Mr. Sponaugle stated that if the sign were to adhere to the location requirements, it would not be visible from Walton Avenue. Also, in order for the sign to be seen, it would have to be placed on a seam of the building which could cause water to collect behind the sign, potentially damaging the building.

Member Wagner asked if consideration had been given to the use of a small font size for the sign. Mr. Sponaugle stated that while this is a possibility, the sign would not be as visible from Hersheypark Drive.

Mr. Lucas added that the proposed sign is the same size and height as the previous sign which was removed during renovations.

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.

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NEW BUSINESS

A. Hearing in the case of James DeAngelis (2015-36)
Property location: 564 Beech Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to maintain an existing carport structure and expand the paved surface of the existing driveway. Relief is sought from the required side yard setback for a detached accessory use and maximum impervious coverage.

David Guest and James DeAngelis were sworn in and gave testimony. Mr. Guest stated that a free-standing carport was installed in 2013 over an existing driveway bump out area. The carport is positioned in such a way as to direct stormwater runoff onto the owner's property. The adjacent neighbor agreed to the carport's location and by mutual agreement, the neighbors maintain a vegetative barrier.

Mr. DeAngelis has since paved a 13-foot-wide space off the driveway bump out section to house his elderly uncle, for whom Mr. DeAngelis is a caretaker. Mr. DeAngelis added that his small lot was restricted to rear entry for the garage at the time it was built which results in a longer than average driveway. He also stated that there are two small storage sheds on the property. One is 10 feet by 16 feet and the other is 10 feet by 8 feet.

Chairman Kushner questioned if any impervious calculations had been completed that included the recent improvements. Mr. Williams stated that the property contains 5,652 square feet of impervious material, which brings the total lot coverage to 37.68%.

Member Wagner questioned if there are other homes with rear entry driveways and additional parking. Mr. DeAngelis replied that there are several in the neighborhood.

The applicant requested a continuance of the hearing until the November, 2015 meeting.

B. Hearing in the case of Joseph Ryan (2015-37)
Property location: 955 Hill Church Road, Hummelstown

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicant is proposing to place a shed on the property. Relief is sought regarding maximum impervious coverage.

Joseph Ryan was sworn in and gave testimony. Mr. Ryan is proposed to locate a 192-square-foot storage shed on the corner of his property. Mr. Ryan stated that his property

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is smaller than the requirements for the Agricultural/Conservation zoning district. With the proposed shed, the total impervious cover for the lot will be 20.3%.

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.

**C. Hearing in the case of Justin and Julie Webb (2015-38)
Property location: 734 Linden Road, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to renovate and expand the dwelling and add a detached garage. Relief is sought regarding floor area expansion of a nonconforming building by more than 25%, rear yard setback requirements for a detached accessory use, and maximum impervious coverage.

Vice Chairman Wood recused himself due to being an adjacent neighbor to the subject property.

Justin Webb was sworn in and gave testimony. Mr. Webb stated that he is renovating a recently-purchased home by adding a rear addition. The addition will increase the floor area by 84% on his small, narrow lot.

Secretary Luttrell questioned if detached garages are common in the neighborhood. Mr. Williams stated that garages are very common and are typically five feet from the alley and 15 feet from the side property line.

PUBLIC COMMENT

Lou Verdelli, neighbor, supports the plan and is pleased with the applicant's intention to maintain the Cape Cod style and blend in with the neighborhood.

Philip Wood, neighbor, echoed Mr. Verdelli's comments and appreciates the applicant's attention to detail in keeping the improvements within the character of the neighborhood.

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.

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D. Hearing in the case of EON Development, LLC (2015-39)
Property location: 962 Hersheypark Drive, Hershey

This property, located in the Business Office zoning district, is improved with single family dwelling. The applicant is proposing to convert the dwelling into a professional office use and provide parking to support the use. Relief is sought regarding side and rear yard setback requirements, minimum access drive width, and the minimum number of off-street loading and unloading spaces.

Annette Means was sworn in and gave testimony. Ms. Means stated that she would like to convert the last remaining private dwelling in this area to a low-volume business office use. Private residences are no longer permitted in this zoning district.

Ms. Means stated that in order to accommodate as many parking spaces as possible, the parking lot will be closer than 35 feet to the rear property line and closer than 15 feet to the side property line. Ms. Means is proposing 8 regular spaces and 1 handicapped accessible parking space.

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.

E. Hearing in the case of the Derry Township Industrial and Commercial Development Authority (2015-40)
Property location: 21 West Caracas Avenue, Hershey

This property, located in the Village Core and Limited Sign Overlay zoning districts, is improved with the Hershey Volunteer Fire Company's firehouse, which is currently under renovation. The applicant is proposing to install wall signage. Relief is sought regarding maximum height of a wall sign and maximum projection requirements of a wall sign, as measured from the face of the building wall.

Greg Koussis was sworn in and gave testimony. Mr. Koussis stated that an unlit sign on the south side of the building will be mounted on a canopy over the garage doors. Due to the configuration of the building and the location of windows on the second floor, the only place for the sign is on a canopy that projects four feet from the building.

In addition, Mr. Koussis stated that a 48-inch company logo will be located on the training tower. Due to the size of the tower, the logo needed to be 48 inches to be in scale with the tower. The logo will be lit from behind.

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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 7:55 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Tomassi, LLC (2015-32); Main & Walton Development Company, LLC (2015-33); Joseph Ryan (2015-37); Justin and Julie Webb (2015-38); EON Development, LLC (2015-39); the Derry Township Industrial and Commercial Development Authority (2015-40) and directed the Solicitor to prepare the draft decisions on each case for formal action at the November, 2015 meeting.

Submitted by:

Matthew Luttrell, Secretary