

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
January 20, 2016

CALL TO ORDER

The January 20, 2016 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Member Michael Kushner in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Michael Kushner; Matthew Luttrell; Mark Shrift; Steve Moniak

Board members absent: Philip Wood

Also Present: Megan Huff, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Diane Smith, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Jeff Gelbaugh, Hershey; Angello Scotto, 125 W. Swatara Drive, Jonestown; Arturo Seanrosur, 125 W. Swatara Drive, Jonestown; Mark Winter, 310 W. Chocolate Avenue; Todd Logan, 785 Zurich Drive; Bob Smith, 1016 Old W. Chocolate Avenue; Randy & Cassie Haldeman, 618 Appenzell Drive; Charles Huth, *The Sun*

APPROVAL OF MINUTES

On a motion by Member Shrift, seconded by Member Luttrell, and a majority vote, the December 16, 2015 minutes were approved as written. (Member Moniak abstained.)

REORGANIZATION

On a motion made by Member Shrift, seconded by Member Moniak and a unanimous vote, the following officers were confirmed for 2016:

Chairman - Michael Kushner
Vice Chairman - Philip Wood
Secretary – Matthew Luttrell

OLD BUSINESS

- A. Adoption of Decision in the Case of Nicholas and Jacqueline Fanelli (2015-43)**
Property location: 837 Linden Road, Hershey

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B. Adoption of Decision in the Case of Robert W. Smith (2015-44)
Property location: 1016 Old West Chocolate Avenue

C. Adoption of Decision in the Case of Robert DeAngelis (2015-45)
Property location: 30 Baum Street, Hershey

On a motion by Secretary Luttrell, seconded by Member Shrift, and a majority vote, the decisions for items 'A' – 'C' were adopted by consent agenda. (Member Moniak abstained.)

D. Continuance in the Case of Jeffrey S. Gelbaugh (2015-31)
Property location: 565 Park Avenue, Hershey

This property, located in the Neighborhood Commercial zoning district, is currently improved with a single family dwelling. The applicant is seeking to renovate and expand the structure for use as a fast-casual restaurant and to create an associated parking lot. Relief was sought in the form of a special exception for expansion limitations of a nonconforming structure; and regarding the front, side, and rear yard setback requirements regarding the location of the parking lot.

Mark Winter and Jeffrey Gelbaugh were sworn in and gave testimony. Upon explanation from Megan Huff, Mr. Winter accepted that a letter expressing opposition to the application on behalf of the Nethercutt Collection, dated September 15, 2015, will be entered into the record. Mr. Gelbaugh stated that he intends to locate the parking lot driveway off Locust Street, which is a 20-foot-wide alley. Mr. Gelbaugh intends to widen the alley in the area of the parking lot entrance. An evergreen buffer will be planted along Northeast Drive to shield the parking lot. Mr. Gelbaugh added that the lot is narrow with two front yards in a mostly commercial area. The existing garage and breezeway will be removed and replaced with an L-shaped addition which will house the kitchen and storage area.

Chairman Kushner asked how patrons will enter the pizza shop. Mr. Gelbaugh replied that while an entrance for handicapped access will be in the rear, most will enter in the front of the building along Park Drive.

Secretary Luttrell questioned whether not widening the rest of the alley would create issues. Brandon Williams stated that the alley is used primarily by those who are familiar with the area and use it as another means of exit from Northeast Drive onto Park Avenue. Mr. Williams added that the alley exits onto Northeast Drive at the same location as the right-turn only exit drive from the Wendy's parking lot.

Member Moniak asked if parking is permitted along the alley. Mr. Williams replied that while not specifically prohibited, the width is not conducive to parking.

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Mr. Gelbaugh added that seating would be limited to 39 seats, due to parking.

Secretary Luttrell questioned whether adjacent neighbors approve of the proposed plan. Mr. Gelbaugh stated that there is only one resident and they approve.

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.

NEW BUSINESS

A. Hearing in the case of Randy Haldeman (2015-46)
Property location: 618 Appenzell Drive, Hummelstown

This property, located in the Suburban Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct a portico above an existing slab at the front of the dwelling and a paver patio beside the proposed portico. Relief was sought regarding front yard setback requirements.

Randy Haldeman was sworn in and gave testimony. Mr. Haldeman stated that he would like to install a portico over an existing slab. The porch roof will encroach into the front yard setback by three feet.

Mr. Haldeman added that the existing walkway is being refinished, and he would like to tie in a small, detached paver patio (less than 100 square feet in size) in the front yard off the existing slab to contain a small bistro set.

PUBLIC COMMENT

Timothy Logan, Homeowner Association representative, stated that the HOA approves of the proposed plan.

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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**B. Hearing in the case of Don Papson (2015-47)
Property location: 170 Hotel Road, Hershey**

This property, located in the Commercial Recreation and General Sign Overlay zoning districts, is improved with a botanical garden. The applicant is proposing to construct a new sign to mark the new main entrance to the facility and to maintain the sign that presently exists at the alternative entrance. Relief was sought regarding the maximum number of signs and the size of a freestanding sign.

Member Shrift abstained from this hearing.

Don Papson was sworn in and gave testimony. Mr. Papson stated that with the new year-round conservatory and parking area, a new sign is needed to direct visitors. Mr. Papson stated that the large site and steep topography call for a larger sign for visibility. He is proposing to locate an 82.7 square foot sign which is similar in style and size to the nearby M.S. Hershey School sign, which is 96 square feet. Mr. Papson stated that the sign is not visible from Hersheypark Drive.

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 6:55 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Jeffrey S. Gelbaugh (2015-31); Randy Haldeman (2015-46); and Don Papson (2015-47) and directed the Solicitor to prepare the draft decisions on each case for formal action at the February 2016 meeting.

Submitted by:

Matthew Luttrell, Secretary