

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
March 16, 2016**

CALL TO ORDER

The March 16, 2016 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Vice Chairman Philip Wood in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Vice Chairman Philip Wood; Member Mark Shrift; Member Steve Moniak

Board members absent: Chairman Michael Kushner; Secretary Matthew Luttrell

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: Jim Rafferty, Tana Properties, LLC; Stephen Dzurainin, Wix, Wenger & Weidner; Sharon and Dean Rogers; Janice Smith; Chris Fencel, Hillwood; John May, 435 W. Granada Ave.; Mel Kelley, Mel Kelley Design; Darby Graybill, Penway Construction; Seth and Valerie Pantanelli, 254 Maple Ave.; Charles Huth, *The Sun*; Mark Jones, Hartech Engineering

APPROVAL OF MINUTES

On a motion by Member Shrift, seconded by Member Moniak, and a unanimous vote, the February 17, 2016 minutes were approved as written.

OLD BUSINESS

- A. Adoption of Decision in the Case of Ekrem Abdic (2016-01)
Property location: 1044 Hillview Lane, Hershey**
- B. Adoption of Decision in the Case of Chafia Capital Partners, LLC (2016-02)
Property location: 515 East Chocolate Avenue, Hershey**

On a motion by Member Shrift, seconded by Member Moniak, and a unanimous vote, the decisions for items 'A' and 'B' were adopted by consent agenda.

NEW BUSINESS

- A. Hearing in the case of Seth and Valerie Pantanelli (2016-03)
Property location: 254 Maple Avenue, Hershey**

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This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to construct a rear addition to the dwelling for additional garage and living space. Relief was sought from expansion limitations for a nonconforming structure and maximum impervious cover.

Seth and Valerie Pantanelli were sworn in and gave testimony. Mr. Pantanelli stated that he would like to construct a rear addition to his single car garage, expanding it to a two-car garage and additional living space. Mr. Pantanelli added that he will be removing an existing pool and will be building on an existing driveway to lessen the impervious impact. Mr. Pantanelli also stated that due to the location of mature trees, he was limited in his placement of the expansion. The adjacent neighbors reviewed the plan and gave their approval.

Member Shrift questioned whether the overall height of the garage would be increased. Mr. Pantanelli replied that the addition would be no higher than the existing dwelling.

Mr. Pantanelli stated that his lot is narrow and the 24-foot-long garage will be maintaining the existing four foot encroachment into the side yard. Mr. Pantanelli also requested an extension of relief to December 31, 2018.

No other persons provided testimony at this hearing.

Vice Chairman Wood informed the applicants that the Board has 45 days to render a decision and if the applicants are aggrieved in any way, they have 30 days to appeal the decision.

B. Hearing in the case of Penway Construction (2016-04)
Property location: 325 Cedar Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct a rear addition to be used for an accessory dwelling unit (in-law suite) and an attached carport structure. Relief was sought from expansion limitations for a nonconforming structure, side yard setback requirements relative to an egress window well location, maximum impervious cover, and in the form of a special exception to establish an accessory dwelling unit.

Dean and Sharon Rogers were sworn in and gave testimony. Mr. Rogers stated that he would like to construct a 550-square-foot in-law suite for Mrs. Roger's mother. The total impervious cover would be 35.5% after completion of the project. The proposed basement egress window would extend 8 feet, 6 inches into the side yard setback. Mr. Rogers shared his plans with his neighbors and they have given him their approval.

Member Moniak questioned whether another location was considered for the egress window. Mrs. Rogers stated that the location was limited due to locations of existing doors, but possibly could be placed on the opposite side of the addition to where it is currently proposed, if so required by the Board.

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No other persons provided testimony at this hearing.

Vice Chairman Wood informed the applicants that the Board has 45 days to render a decision and if the applicant are aggrieved in any way, they have 30 days to appeal the decision.

**C. Hearing in the case of Burget & Associates, Inc. (2016-05)
Property location: 810 and 848 West Chocolate Avenue, Hershey**

These properties, located in the Industrial zoning district, are improved with The Mill restaurant and a former industrial use that was demolished by fire. The applicant is proposing to join the two properties together and expand the parking area for the restaurant use. Relief was sought from expansion limitations for a nonconforming use, maximum impervious cover, and to permit parking facilities within the required yard areas.

Attorney Steve Dzurainin represented the applicant at the hearing. Mark Jones, engineer, and Jim Rafferty, restaurant manager, were sworn in and gave testimony. Mr. Rafferty purchased the property at 848 West Chocolate Avenue in November, 2015 and is proposing to combine the lots and reconfigure the parking area. Due to the combining of the two lots, the applicant is requesting that previous variances be extended to the new lot area that also includes the adjoining industrial tract that had been demolished by fire. Several new variances were addressed on the westernmost portion of the lot regarding setbacks of parking areas that result from the reconfiguration and extension of the existing parking area. Although not subject to this application, the applicant also indicated they will retain off-site parking on a 3rd westernmost lot for a future use. The existing sidewalk would be extended towards the western boundary of the property as part of subdivision plan approvals.

Currently, there are 70 parking spaces and the addition of the new lot would increase that to 132 spaces. The restaurant features 222 interior seats and 60 patio seats. No increase of seating is anticipated.

No other persons provided testimony at this hearing.

Vice Chairman Wood 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 LIT Palmyra, LP (2016-06)
Property location: 350 North Lingle Avenue, Palmyra**

This property is located in the Agricultural/Conservation and Industrial zoning districts. The property straddles the Derry Township and Lebanon County border; the Lebanon County side is improved with two existing warehouse/distribution buildings (General Mills), and the Derry Township side is improved with the property's access drive. The applicant has received conditional approvals for construction of a warehouse/distribution building that will be in both

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Derry Township and Lebanon County; including prior relief granted by the Zoning Hearing Board on September 18, 2013, related to the blending of maximum impervious coverage calculations in the Agricultural/Conservation and Industrial zoning districts, maximum permitted floor area ratio, maximum permitted impervious coverage in the Industrial district, and the requirements to provide a commercial landscape buffer. In 2014 the applicant sought and received an extension of the relief granted until July 2, 2016. The applicant is now requesting that a second time extension be granted for these prior approvals until July 2, 2019.

Attorney Ron Lucas, Stevens & Lee, represented the applicant at the hearing. Chris Fencel with Hillwood was sworn in and gave testimony. Mr. Fencel stated that the overall property is over a million square feet and features two large defunct quarries and a rail line with spur providing rail access to the property. The proposed lot cannot be built on spec due to the highly customized needs of a future tenant. At this point there are no changes to the plan.

No other persons provided testimony at this hearing.

Vice Chairman Wood 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 Seth and Valerie Pantanelli (2016-03); Penway Construction (2016-04); Burget & Associates, Inc. (2016-05); LIT Palmyra, LP (2016-06) and directed the Solicitor to prepare the draft decisions on each case for formal action at the April 2016 meeting.

Submitted by:

Matthew Luttrell, Secretary