

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
July 20, 2016**

**CALL TO ORDER**

The July 20, 2016 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; Secretary Matthew Luttrell; Member Steve Moniak; Member Mark Shrift

Board member absent: Vice Chairman Philip Wood

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

Public Registering Attendance: Jay & Cristen Franklin, 1064 Woodridge Drive, Hummelstown; David Leader, Providence Place; Mark Winter, 310 W. Chocolate Avenue; Lee Engel, Yingst Engineers & Assocs.; Glenn and Natalie Treece, 413 Chestnut Avenue; Laura and Mike Grudzinski, 1886 Market Street, Middletown; Andrew Major, 109 Somerset Drive

**APPROVAL OF MINUTES**

On a motion by Member Moniak, seconded by Secretary Luttrell, the June 15, 2016 minutes were approved as written.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Ekrem Abdic (2016-15)  
Property location: 245 East Granada Avenue, Hershey**

On a motion by Secretary Luttrell, seconded by Member Moniak, and a unanimous vote, the decision was adopted.

**NEW BUSINESS**

- A. Hearing in the Case of Valley Pools, Inc. (2016-17)  
Property location: 506 West Areba Avenue, Hershey**

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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 above-ground pool. Relief is sought from front yard setback requirements for a detached accessory use.

Olin Beers was sworn in and gave testimony. Mr. Beers stated that the property is a narrow lot and is located on a corner, thereby creating two front yards. Ten feet of relief is requested. The above-ground pool, which will not have a deck surrounding it, is limited in placement due to mature trees on the property. The neighbors have seen the plans and approve of them.

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.

**B. Hearing in the Case of Laura and Michael Grudzinski (2016-18)**  
**Property location: 405 Chestnut Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to construct a second floor on the dwelling. Relief is sought from floor area expansion limitations for a nonconforming dwelling.

Laura and Michael Grudzinski were sworn in and offered testimony. Mrs. Grudzinski stated that the addition would be vertical and remain within the existing footprint. The floor area will be increased by 116%. Mrs. Grudzinski added that her small corner lot will feature similar improvements to others in the neighborhood.

**PUBLIC COMMENT**

Joan Brandt, adjacent neighbor, stated that she is pleased that the footprint will not be increased. She is, however, concerned with the trend of enlarging homes in the neighborhood and has concerns about the loss of privacy.

Upon being questioned by Chairman Kushner, Mr. Williams clarified that the proposed height increase will result in a 24-foot building height, which is a 65.15% increase over the existing 14.5-foot height. This increase falls within the 75% vertical expansion that would be allowed by zoning regulations.

Chairman Kushner 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.

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**C. Hearing in the Case of Jay Franklin (2016-19)**  
**Property location: 1064 Woodridge Drive, Hershey**

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicant is proposing to construct a pool and pool house on the property. Relief is sought from minimum rear yard setback and maximum impervious cover requirements.

Jay Franklin and Lee Engle, Yingst Engineers, were sworn in and gave testimony. Mr. Franklin stated that the Dauphin County tax maps, which were used to layout the pool design, were inaccurate. Mr. Franklin added that the property is secluded, abuts Shank Park, and the pool area would not be visible to any neighbors. The surrounding patios will be created with pervious pavers and if possible, the pool overflow will be connected to the sanitary sewer system.

Mr. Franklin stated that the extra-long driveway contributes to the high impervious percentage on the property. The pool is proposed to be located 18 feet away from the rear property line.

Matt Lusk, Aqua Visions Pool, was sworn in and gave testimony.

Member Shrift questioned whether a retaining wall will be built to support the pool. Mr. Lusk stated the pool is a concrete free-form that will be built to support itself. A series of boulders will also be used for extra stability.

Secretary Luttrell asked whether the Township is aware of any future development in that area of Shank Park. Mr. Williams replied that nothing is planned in the foreseeable future.

Member Shrift questioned whether the applicant attempted to fit the pool within the setbacks. Mr. Franklin stated that the size of the pool house has been decreased and the location of the pool was shifted to try to keep it as far from the rear property as possible. The neighbors have given their support to the plans.

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 Providence Place (2016-20)**  
**Property location: 1528 Sand Hill Road, Hummelstown**

This property, located in the Neighborhood Commercial zoning district, is improved with the corporate offices for the Providence Place senior living facility owned by the George M. Leader Family Corporation. The applicant is proposing to construct a storage building on the property. Relief is sought regarding permitted uses in the Neighborhood Commercial zoning district.

Lee Engle, Yingst Engineers; Michael Leader; and David Leader were sworn in and gave testimony.

David Leader stated that he is proposing to construct a 5,100-square-foot building used to store extra furniture for the retirement home locations.

The applicant indicated that they would be agreeable to several conditions of approval if the Board would view this application favorably. The conditions would include that no use of the facilities will occur between 9:00 p.m. and 7:00 a.m. Monday through Friday, with no use at all on weekends; that motion-detector lighting will be used to minimize lighting glare after business hours; that no tractor-trailers will be used for delivery or transport of materials to and from the site, box-style trucks will be used only; and no sub-letting of the space will occur to other users. Mr. Leader also stated that the 2.7-acre lot is adjacent to Ziegler's Auction, which has multiple storage buildings. The owner of that property approves of the proposed building.

Chairman Kushner questioned the height of the building. Mr. Leader stated that the one-story building will average 12-15 feet. Mr. Williams clarified that a maximum height of 20 feet is permitted.

Member Shrift asked whether any vehicles will be housed there. Mr. Leader stated that only a 20-foot box truck will be parked at the building.

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 7:25 p.m.

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**DELIBERATIONS**

The Board met to deliberate in the cases of Valley Pools, Inc. (2016-17); Laura and Michael Grudzinski (2016-18); Jay Franklin (2016-19); and Providence Place (2016-20) and directed the Solicitor to prepare the draft decisions on each case for formal action at the August 2016 meeting.

Submitted by:

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Matthew Luttrell, Secretary