

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
September 29, 2016

CALL TO ORDER

The September 29, 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; Vice Chairman Philip Wood; Secretary Matthew Luttrell; Member Steve Moniak; Member Mark Shrift

Board members absent: None

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: Charles Suhr, Stevens & Lee; Tom DeDonatis 345 Elm Avenue; Jay Franklin, 1064 Woodridge Drive; Carin & Matt Kaag, 231 Elm Avenue; Jim Crum; Charleton Zimmerman; Garrett Gallia, HE&R, 27 W. Chocolate Avenue

APPROVAL OF MINUTES

On a motion by Member Moniak, seconded by Vice Chairman Wood, and a unanimous vote, the August 17, 2016 minutes were approved as written.

OLD BUSINESS

- A. Adoption of Decision in the Case of Jay Franklin (2016-19)**
Property location: 1064 Woodridge Drive, Hershey
- B. Adoption of Decision in the Case of A to Z Construction (2016-21)**
Property location: 304 Beech Avenue, Hershey

On a motion by Vice Chairman Wood, 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 Kinsley Construction (2016-22)**
Property location: 14 East Chocolate Avenue, Hershey

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
September 29, 2016

This property, located in the Village Core and Downtown Commercial Sign Overlay zoning districts, is improved with a building used for offices, a gym, and the Hershey Theatre. The applicant is proposing to install three temporary construction signs. Relief is sought from, but not necessarily limited to, permitted maximum sign area for a freestanding sign.

The applicant was not present.

Upon a motion made by Member Moniak, seconded by Vice Chairman Wood, and a unanimous vote, the application was deemed denied unless a written request of continuance is received by the Township no later than October 11, 2016.

B. Hearing in the Case of Thomas DeDonatis (2016-23)
Property location: 360 Maple 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 detached two-car garage with personal office space on the second floor. Relief is sought from rear yard setback, maximum height, and maximum impervious coverage requirements.

Thomas DeDonatis, contractor, was sworn in and gave testimony. Mr. DeDonatis stated that the home was built in 2015 without a need for variances. Mr. DeDonatis added that the homeowner now has a need for additional storage space for a vehicle and personal belongings, as well as a use for a personal home office space. The garage would be located eight feet off the alley and increase the overall impervious coverage by 1.6%. Mr. DeDonatis added that there are other similar two-story detached garages in the neighborhood.

Chairman Kushner questioned whether the proposed garage would have plumbing installed. Mr. DeDonatis replied that only a single spigot would be installed for the purpose of car washing.

Member Shrift questioned whether the garage could be placed closer to the house and further from the alley.

Mr. DeDonatis explained that placement of the garage was determined by an existing screened-in porch and outdoor fireplace. The garage was pushed back to allow a useable yard space. Mr. DeDonatis further clarified that several garages are closer to the alley than the proposed eight feet.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
September 29, 2016

PUBLIC COMMENT

Connie Henry, adjacent rear neighbor, stated that she has a two-story garage that is closer than eight feet from the alley. The garage was constructed long before existing zoning regulations. Ms. Henry is concerned about snow removal in the alley. Ms. Henry stated that she would prefer the proposed garage be moved further than eight feet from the alley.

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 Carin and Matthew Kaag (2016-24)
Property location: 231 Elm Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to expand the finished floor area. Relief is sought in the form of a special exception for floor area expansion of a nonconforming use.

James Crum, architect, and Carin Kaag were sworn in and gave testimony. Mr. Crum stated that the house is presently 2,020 square feet. The applicants are proposing to increase the first floor by 559 square feet and the second floor by 331 square feet for a 44% increase overall. The addition would be to the rear of the existing dwelling and will be designed to match the current style of the home.

Ms. Kaag stated that she has spoken with her neighbors and they all support the proposed plan.

Member Moniak questioned whether there would be any height encroachments. Mr. Crum replied that the proposed addition is lower than the existing home.

No other persons provided testimony at this hearing.

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.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
September 29, 2016

D. Hearing in the Case of Hershey Entertainment & Resorts Company (2016-25)

Property location: 100 West Hersheypark Drive, Hershey

This property, located in the Commercial Entertainment and General Sign Overlay zoning districts, is improved with the Hersheypark amusement facility. The applicant is beginning construction on the 2017 attraction, including branding of the ride with sign graphics. Relief is sought in the form of a special exception to permit larger signs for properties containing unique conditions or, in-lieu thereof, variance relief is sought for maximum sign height and area. Relief is also sought from the maximum number of colors on a sign face.

Garrett Gallia and Bob DeFiore, Hershey Entertainment & Resorts Company, were sworn in and gave testimony. Mr. Gallia stated that the proposed attraction would feature three towers of different heights, each one containing a branded sign at the top and on the car. The sign at the top would be 10 feet high. The sign on the car would be 15-16 feet high. More than three colors are proposed to be used due to branding with The Hershey Company's product logos. Mr. Gallia added that the towers would be located in the vicinity of the existing Kissing Tower, but will be much lower in height.

Member Moniak questioned when the towers and signage would be installed.

Mr. DeFiore stated that site preparation work has begun. Mr. DeFiore estimated that the towers and signage would be installed during January, 2017.

Member Moniak asked whether the Township's Design Advisory Board had reviewed the proposed signage. Mr. Gallia replied that due to the location of the signs within the Park, he was not aware of needing the Design Advisory Board's approval.

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 7:00 p.m.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
September 29, 2016

DELIBERATIONS

The Board met to deliberate in the cases of Thomas DeDonatis (2016-23); Carin and Matthew Kaag (2016-24); and Hershey Entertainment & Resorts Company (2016-25) and directed the Solicitor to prepare the draft decisions on each case for formal action at the October 2016 meeting.

Submitted by:

Matthew Luttrell, Secretary