

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
January 28, 2015**

**CALL TO ORDER**

The January 28, 2015 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; Philip Wood; Matthew Luttrell; Mark Shrift; Catherine Wagner

Board members absent: None

Also Present: Anthony Nestico, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Pam Packer, Court Reporter; Tracy Telesha, Stenographer

Public registering attendance: Charles Suhr, Stevens & Lee; Brian T. Evans, Evans Engineering, Inc.; Joe Eisenhower, Light-Heigel; Christopher McEnlean; Todd and Deborah Logan, 785 Zurich Road; Thomas Wimmer, 619 Appenzell Drive; Jim & Penny Dunn, 1755 E. Caracas Avenue; Bill O'Brien, 1745 E. Caracas Avenue; Mike Jarman, 775 Zurich Drive; Anne Newman, 531 Elm Avenue; David Rudy, Kunj, Inc.

**REORGANIZATION**

On a motion by Member Wood, seconded by Member Wagner, and a unanimous vote, the following reorganization was approved for 2015:

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

On a motion by Vice Chairman Wood, seconded by Secretary Luttrell, and a unanimous vote, all members were also appointed as Hearing Officers for 2015.

**OLD BUSINESS**

**A. Continuance in the Case of Timothy Todd Logan (2014-53)  
Property location: 785 Zurich Drive, Hummelstown**

This property, located in the Suburban Residential zoning district, is improved with a single family dwelling. The applicant is proposing to expand the front porch. Relief is sought regarding front yard setback requirements.

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Timothy Logan was sworn in and gave testimony. Mr. Logan stated that the 8 foot by 8 foot porch encroaches into the setback by 7 feet on the northwest side due to the curve of the street. When the house was built, the setback requirements were 25 feet; however, with the adoption of the current Zoning Ordinance in 1993, the setback is now 30 feet.

A building permit was issued on September 29, 2014. The footer for the new porch has already been dug, but no further work has been started.

**PUBLIC COMMENT**

Thomas Wimmer, neighbor across the street, stated that he supports the proposed improvements.

Mike Jarman, adjacent neighbor, stated that Mr. Logan is a great neighbor who maintains his property very well.

Chris McEnlean, adjacent neighbor, states that he supports the plan and appreciates the increased aesthetics.

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 Hershey Square 2014, LP (2014-58)**  
**Property location: Southeast corner of Mae Street and Hersheypark Drive**

This property, located in the General Commercial zoning district, is improved with a commercial shopping center. The applicant is proposing to construct additional retail space. Relief is sought regarding minimum parking requirements and an extension of the period of time that prior Zoning Hearing Board approvals under Petition 2013-78 remain valid.

Charlie Suhr and Brian Evans were sworn in and gave testimony. Mr. Suhr stated that Hershey Square has been purchased and the new owners would like to retain the former bank building and convert it into three retail spaces.

In addition, the current location of the Wine & Spirits shop will be expanded by 4,600 square feet to the rear to allow for more storage area. Currently the Wine & Spirits shop

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uses a vacant, adjacent store front for storage. This store front will be leased, thereby causing the Wine & Spirits shop to lose their storage space.

The rear addition will create some additional green space and a need to reconfigure the parking in the rear of the shopping complex. Parking in the rear of the complex is typically used by employees only.

While 1,171 parking spaces are required, after the building improvements are complete, the center will have 906 spaces. However, Mr. Suhr stated that the parking is under-utilized and never close to capacity during peak times. Vice Chairman Wood questioned whether under-utilized spaces are located in a specific area or scattered throughout. Mr. Evans replied that he did not know.

Member Wagner questioned the request to expand the time frame for the improvements. Mr. Suhr replied that the market demands flexibility, and a standard one year requirement to begin improvements is not always practical.

Vice Chairman Wood asked why this request should be considered an extension of a previously-approved parking variance. Mr. Suhr replied that after consulting with Township staff, it was determined that the variance approval runs with the land and not the owner. Therefore, the additional improvements could be linked together with the original request.

Chairman Kushner questioned whether the Wine & Spirits shop would have a loading dock. Mr. Evans replied that only a 6-foot door at grade is necessary.

Mr. Suhr requested a condition allowing Township staff to use discretion regarding parking requirements when tenants/usage changes.

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 Kunj, Inc. (2014-59)**  
**Property location: 1806 East Chocolate Avenue, Hershey**

This property, located in the Neighborhood Commercial and Village Residential zoning districts, is improved with a hotel and accessory building. The applicant is proposing to convert the existing accessory building to commercial space and to construct a new 1,500-square-foot building to be used as a welcome center for hotel guests and as living quarters for the hotel manager. Relief is sought regarding maximum impervious cover

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requirements, which are to be blended based on the requirements for both zoning districts.

Joseph Eisenhauer, Light-Heigel & Associates, was sworn in and gave testimony. Mr. Eisenhauer stated that the property was recently sold and the new owners would like to use the existing accessory building as retail space and construct a new 1,500-square-foot two-story building in the rear of the property to serve as the hotel office and living space for the manager. In addition to the new building, five new parking spaces will be created.

Mr. Eisenhauer stated that the intention would be to use pervious materials for the new parking area; however there are concerns that the lot may be compacted soil and not conducive to pervious pavements.

The lot will have a total of a total of 36 spaces: one space for each of the 24 hotel rooms, 2 for the manager's quarters, 2 for office staff and 8 for the proposed retail space.

**PUBLIC COMMENT**

Margaret Dunn, adjacent neighbor, stated that hotel guests in the past have driven over her yard to get to a nearby alley. She asked whether a buffer of some sort could be put between the properties.

Mr. Eisenhauer stated that placement of the new building will block access to that unopened alleyway. Also, when the land development plan is submitted, a vegetative buffer will be required between her property and the hotel.

Member Wagner questioned whether there are directional arrows painted on the lot. Mr. Eisenhauer stated that when the parking lot is re-stripped, arrows can be added.

Bill O'Brien, neighbor, is concerned about aesthetics and whether the new building will fit into the residential neighborhood.

Brandon Williams stated that the Zoning Hearing Board can add conditions that the new commercial building be limited to above-grade use and used only as a dwelling/office.

Chairman Kushner asked how many employees are employed by the hotel. Mr. Eisenhauer stated that for now, there is only the manager; however, during peak season, one or two part time employees could be hired.

No other persons provided testimony at this hearing.

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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 8:05 p.m.

**DELIBERATIONS**

The Board met to deliberate in the cases of Timothy Todd Logan (2014-53); Hershey Square 2014, LP (2014-58); and Kunj, Inc. (2014-59) and directed the Solicitor to prepare the draft decisions on each case for formal action at the February, 2015 meeting.

Submitted by:

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Matthew R. Luttrell, Secretary