

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
October 16, 2013**

**CALL TO ORDER**

The October 16, 2013 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman William Tafuto in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

**ROLL CALL**

Board members in attendance: Chairman William Tafuto; Vice Chairman Rick Hammer; Member Michael Angello

Board members absent: Secretary Philip Wood; Member Matthew Davies

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

Public registering attendance: Marilyn Miller; Jim Doherty; Charles Faust, Jr.; Phillip Miller; Doug & Julie Erwin; David Keller, 55 Forest Avenue; Tom Luttrell, 1597 MacIntosh Way, Hummelstown

**APPROVAL OF MINUTES**

On a motion by Vice Chairman Hammer, seconded by Member Angello, and a unanimous vote, the September 18, 2013 minutes were approved with the revisions noted by Chairman Tafuto and Brandon Williams.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Gladys Wertley (2013-56)  
Property location: 1358 E. Caracas Avenue, Hershey**
  
- B. Adoption of Decision in the Case of Burget & Associates, Inc. (2013-58)  
Property location: 810 West Chocolate Avenue**
  
- C. Adoption of Decision in the Case of The Greenskeeper (2013-59)  
Property location: 502 Sophia Circle, Hummelstown**

On a motion made by Vice Chairman Hammer, seconded by Member Angello, and a unanimous vote, the decisions for items A-C were adopted by consent agenda.

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**D. Continuance in the Case of C.F. Construction (2013-55)  
Property location: 643 Swatara Avenue, Hershey**

This property, located in the Downtown Commercial zoning district, is improved with a single family dwelling. The applicant is proposing to construct a storage shed. Relief is sought from the minimum rear yard setback requirements.

Charles Faust, Jr. was sworn in and gave testimony. Mr. Faust stated that due to the narrowness of the lot and a steep slope, placement of the shed was limited. The shed will be 14 feet from the rear property line and is similar in design and placement to others in the neighborhood.

No other persons provided testimony at this hearing.

Chairman Tafuto 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 David and Laurenda Keller (2013-60)  
Property location: 55 Forest Avenue, Hershey**

This property, located in the Village Residential zoning district, is presently improved with a single family dwelling and in-ground swimming pool. The applicant is proposing to maintain concrete decking around the pool, which will result in an encroachment into the required rear yard area. Relief is sought from the minimum rear yard setback requirements for a detached accessory use.

David Keller was sworn in and gave testimony. Mr. Keller stated that the concrete skirt around the pool is the smallest necessary to support the pool and to attach a safety cover. Pavers used around the concrete skirt are for landscape purposes and to keep dirt and grass out of the pool.

Mr. Keller added that a sewer line on the property limited where the pool could be located. The concrete skirt is 17.5 feet from the property line. Mr. Keller further added that he has received a letter of approval from his homeowners' association.

No other persons provided testimony at this hearing.

Chairman Tafuto 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 RDR Real Estate, LP (2013-61)**  
**Property location: 1338 E. Chocolate Avenue, Hershey**

This property, located in the Neighborhood Commercial zoning district, is improved with a mixed use building containing residential and commercial space. The applicant was granted relief in 2009 to construct a driveway connection to E. Chocolate Avenue and add a parking area on the south side of the property. The applicant is seeking an appeal of the Zoning Officer's opinion related to the conditions of that relief.

Dan Sheffey was sworn in and gave testimony. Mr. Sheffey stated that there will be no changes to the previously-approved plan. The original approval was conditional upon the Township's engineering consultant (HRG) approving the stormwater design. Mr. Sheffey explained that HRG would not sign off on the project due to a lack of storm water runoff calculations and a storm water management plan. He felt the whole process was much more complex than would ordinarily be needed for such a development.

Chairman Tafuto questioned whether the development has occurred and whether Mr. Sheffey had concerns about HRG's interpretation of the condition. Mr. Sheffey replied that his concerns are with HRG in finding a way to obtain their approval and noted that development has not yet occurred.

Mr. Emerick stated that he served on the Zoning Hearing Board at the time this plan was originally presented. He understood the interpretation that development of the property should not increase the amount of storm water runoff. HRG suggested a complete excavation of the existing compacted gravel and installation of pervious materials. Mr. Emerick added that at the time, the Township's current Stormwater Management Ordinance was not in effect.

Mr. Sheffey clarified that the gravel area is paved and without a trench drain and he hasn't noticed any flooding.

**PUBLIC COMMENT**

Marilyn Miller, rear adjacent neighbor, stated her concerns that if a driveway is installed, it will create more runoff that will be funneled directly onto her property.

No other persons provided testimony at this hearing.

Chairman Tafuto 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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**C. Hearing in the Case of Luttrell Design Group (2013-62)  
Property location: 130 W. Granada Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct an addition to the rear of the dwelling. Relief is sought from expansion limitations of a non-conforming use and maximum impervious coverage.

Tom Luttrell was sworn in and gave testimony. Mr. Luttrell would like to construct a two-story addition to this home. The first floor would contain a family room and laundry room, and the second floor would contain a master bedroom. Mr. Luttrell stated that homes in the area are on narrow lots and many have rear additions.

No other persons provided testimony at this hearing.

Chairman Tafuto 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 7:45 p.m.

**DELIBERATIONS**

The Board met to deliberate in the cases of C. F. Construction (2013-55); David and Laurenda Keller (2013-60); RDR Real Estate LP (2013-61); and Luttrell Design Group (2013-62) and directed the Solicitor to prepare the draft decisions on each case for formal action at the November, 2013 meeting.

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