

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
November 20, 2013**

CALL TO ORDER

The November 20, 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; Secretary Philip Wood; Member Matthew Davies

Board members absent: Member Michael Angello

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: Blaine Rogers, 152 Clark Road; Jamie Ecker, 154 Clark Road; John Stauffer, 213 Linden Road; Tom DeDonatis, 345 Elm Avenue; Chris Marozin, 121 Clark Road; Martha Sachs, 86 East Derry Road

APPROVAL OF MINUTES

On a motion by Vice Chairman Hammer, seconded by Secretary Wood, and a unanimous vote, the October 16, 2013 minutes were approved.

OLD BUSINESS

- A. Adoption of Decision in the Case of C.F. Construction (2013-55)
Property location: 643 Swatara Avenue, Hershey**
- B. Adoption of Decision in the Case of David and Laurenda Keller (2013-60)
Property location: 55 Forest Avenue, Hershey**
- C. Adoption of Decision in the Case of RDR Real Estate LP (2013-61)
Property location: 1338 East Chocolate Avenue, Hershey**
- D. Adoption of Decision in the Case of Luttrell Design Group (2013-62)
Property location: 130 West Granada Avenue, Hershey**

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

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NEW BUSINESS

- A. Hearing in the Case of Swatara Station Partners, LLC (2013-63)**
Property location: The termini of both Woodland and Hillside Avenues, Hershey

No representatives for Swatara Station Partners, LLC were present for the hearing of this application; therefore, no testimony or exhibits were presented to the Board.

- B. Hearing in the Case of Christopher and Margaret Bravacos (2013-64)**
Property location: 344 Maple Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to enlarge and cover the existing front porch stoop. Relief is sought regarding front yard setback requirements and for permissible encroachments into required yard areas.

Chris Bravacos was sworn in and gave testimony. Mr. Bravacos stated that he would like to increase the size of the front stoop to allow the storm door to be opened fully while standing on the stoop rather than having to take a step down. The proposed stoop will encroach into the front yard setback by six inches.

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.

- C. Hearing in the Case of The Hershey Company (2013-65)**
Property location: 140 East Derry Road, Hershey

This case was withdrawn by the applicant.

- D. Hearing in the Case of Joseph B. Gray, Sr. and Joseph B. Gray, Jr. (2013-66)**
Property location: 213 Linden Road, Hershey

This property, located in the Village Residential zoning district, is improved with a commercial building formerly used as a photography studio. The applicants are proposing to utilize the building for their retail business selling musical instruments. Relief is sought in the form of a special exception for the substitution of a nonconforming use.

Joseph Gray, Sr. and Joseph Gray, Jr. were sworn in and gave testimony. Mr. Gray, Jr. stated that he would like to operate his business, which is 95% conducted via the Internet, out of the 3,000 square-foot one-story building. His business is growing and he requires more storage and retail space.

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Since the business is primarily conducted through the Internet and mail, the limited parking in the area should not be a concern. The business will have regular working hours and a retail area, but Mr. Gray, Jr. anticipates the number of walk in customers will be low.

Presently, Mr. Gray, Jr. will be the only employee, but he anticipates hiring 2-5 employees at some point in the future as the business grows. Deliveries are expected 2-5 times per week via FedEx, UPS or USPS. No lessons, concerts, or repairs will occur on the site.

Mr. Williams added that the property contained a commercial use dating back to at least 1977. Such uses included a grocery store, florist, and photography studio. The florist and photography studio were both approved by the Zoning Hearing Board in the form of a special exception for the substitution of existing nonconforming uses.

John Stauffer, former owner of the building, was sworn in and gave testimony. Mr. Stauffer stated that the building has been a photography studio since 1991 and he has been the owner since 1994, during which time he employed 8 full time employees.

No other persons provided testimony at this hearing.

Chairman Tafuto 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.

Hearings closed at 6:30 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Christopher and Margaret Bravacos (2013-64) and Joseph B. Gray, Sr. and Joseph B. Gray, Jr. (2013-66) and directed the Solicitor to prepare the draft decisions on each case for formal action at the December, 2013 meeting.
