

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
December 18, 2013**

**CALL TO ORDER**

The December 18, 2013 meeting of the Township of Derry Zoning Hearing Board was called to order at 5:00 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; Member Michael Angello

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: Tom DeDonatis, 345 Elm Avenue; Mary Averilla, 136 Cedar Avenue; Will Bofenkamp, 136 Cedar Avenue; Josh & Tamar Thomas, 1022 E. Governor Road; Craig Hench, Old Forge Builders; Matt Rehrig, 867 Fishburn Road; Ty Kreamer, 240 Clark Road; E. Brad Christ, 3 Elm Avenue

**APPROVAL OF MINUTES**

On a motion by Member Davies, seconded by Secretary Wood, and a unanimous vote, the November 20, 2013 minutes were approved.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Swatara Station Partners, LLC (2013-63)  
Property location: termini of Woodland and Hillside Avenues, Hershey**
  
- B. Adoption of Decision in the Case of Christopher and Margaret Bravacos (2013-64)  
Property location: 344 Maple Avenue, Hershey**
  
- C. Adoption of Decision in the Case of Joseph B. Gray, Sr. and Joseph B. Gray, Jr. (2013-66)  
Property location: 213 Linden Road, Hershey**

On a motion made by Member Davies, seconded by Secretary Wood, and a unanimous vote, the decisions for items A-C were adopted by consent agenda.

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**NEW BUSINESS**

**A. Hearing in the Case of Amy Knehans (2013-67)  
Property location: 909 Sunnyside Road, Hummelstown**

This property, located in the Suburban Residential zoning district, is improved with a single family dwelling. The applicant has received permit approvals to install a vinyl-coated chain link fence. The fence has been installed without vinyl-coated posts and mounting fixtures. Relief is sought from the vinyl-coated requirement for posts and mounting fixtures.

Amy Knehans was sworn in and gave testimony. Ms. Knehans stated that she recently purchased the home and moved from Hawaii. Prior to her arrival, her father acted as her Power of Attorney and contracted to have a fence installed. The fence itself is coated in green vinyl, but not the posts or mounting fixtures.

Mr. Williams stated that through checking with local fencing companies, he discovered that green vinyl is not readily available for posts and fixtures and that locally, black vinyl is used.

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.

**B. Hearing in the Case of Bill Gillespie Electric, Inc. (2013-68)  
Property location: 867 Fishburn Road, Hershey**

This property, located in the Neighborhood Commercial zoning district, is improved with a professional office building. The applicant is proposing to install a generator. Relief is sought regarding side yard setback requirements.

Matt Rehrig was sworn in and gave testimony. Mr. Rehrig stated that it is desired to have a generator for the medical office building to allow for a back-up power system. Due to a drainage easement and swale located in the rear of the property the only feasible location for the generator is on the building's west side, adjacent to the Giant grocery store's parking and loading zone. The generator would be 9 feet from the west side property line.

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 Sue-Xuan T. Huynh (2013-69)  
Property location: 1224 E. Derry Road, Hershey**

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The applicant requested that this case be continued. On a motion made by Secretary Wood, seconded by Member Angello, and a unanimous vote, case no. 2013-69 was continued to the January meeting.

**D. Hearing in the Case of Tamar and Josh Thomas (2013-70)**  
**Property location: 1022 East Governor Road, Hershey**

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicants are proposing to construct a garage with additional living space above the garage. Relief is sought regarding front and side yard setback requirements, minimum vegetative cover, and maximum impervious cover.

Josh Thomas, owner, and Ty Kreamer, contractor, were sworn in and gave testimony. Mr. Thomas stated that the home was built by his wife's grandfather and in order to preserve unique architectural features on the west side of the house, the attached garage needed to be put on the east side of the house, facing Route 322. Presently, Mr. Thomas leases a space in the front of his property that is used as four asphalt parking spaces for the adjacent restaurant. The lease will expire in the next few weeks and the restaurant is currently closed.

Mr. Kreamer stated that at the closest point, the garage will come within 9 feet of the side property line.

Mr. Thomas added that when the parking spaces are vacated, he is willing to return the area to grass.

**PUBLIC COMMENT**

Harry Rebman, owner of the adjacent restaurant, was sworn in and gave testimony. Mr. Rebman has concerns about water run-off on his property. He added that the previous owner had installed a sump pump in the basement of Mr. Thomas's home and when it was used, the water was directed into a common area between the two buildings and caused water to run into the restaurant's basement.

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.

**E. Hearing in the Case of Old Forge Builders, Inc. (2013-71)**  
**Property location: 136 Cedar 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 garage and driveway.

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Relief is sought regarding side and rear yard setback and maximum impervious coverage requirements.

Craig Hench was sworn in and gave testimony. Mr. Hench stated that he would like to install a 20 by 22 foot garage that will be located 12 feet from the rear property line and 6 feet from the side property line. Mr. Hench added that the lot is small and non-conforming. The proposed size and location of the garage will be in keeping with similar ones in the neighborhood.

Mr. Williams stated that the total impervious coverage would be increased to 30.47%.

Secretary Wood questioned whether the existing shed would remain. Mr. Hench replied that the shed would remain, and added that it is on a stone base.

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.

**F. Hearing in the Case of Thomas M. DeDonatis (2013-72)**  
**Property location: 17 Elm Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to demolish the existing dwelling and construct a new single family dwelling. Relief is sought regarding maximum floor area expansion for a non-conforming structure and front yard setback requirements.

Thomas DeDonatis was sworn in and gave testimony. Mr. DeDonatis stated that the home has been vacant for ten years and at one point had been condemned by the Township. The dwelling is in very poor condition and not salvageable, in his opinion.

Mr. DeDonatis stated that the adjacent homes do not conform to the front yard setback, and he is proposing a front yard setback of 37 feet to keep the new house in line with the others and also to avoid a variance for rear yard setback.

The house will be expanded from 2,416 square feet on the first and second floors to 3,732 square feet. The finished living space in the basement will increase from 600 square feet to 1,000 square feet.

Mr. Williams suggested that a special exception rather than a variance for the front yard setback would be better in this case. Mr. DeDonatis agreed.

No other persons provided testimony at this hearing.

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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 5:45 p.m.

**DELIBERATIONS**

The Board met to deliberate in the cases of Amy Knehans (2013-67), Bill Gillespie Electric, Inc. (2013-68), Tamar and Josh Thomas (2013-70), Old Forge Builders, Inc. (2013-71), and Thomas M. DeDonatis (2013-72) and directed the Solicitor to prepare the draft decisions on each case for formal action at the January, 2014 meeting.

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