

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
February 19, 2014**

CALL TO ORDER

The February 19, 2014 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 Michael Angello; Member Matthew Brouillette; Member Michael Kushner

Board members absent: Secretary Philip Wood

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

Public registering attendance: Joe Eisenhauer, Light-Heigel & Associates; Ed Catalone, PA State Police HEMC; Massimo Rizzotto, Tomassi, LLC; Anne Newman, 531 Elm Avenue; Matt Weir, Church Road; Phil Guarno, 109 West Caracas Avenue; Randy Wright, Hanover Engineering Associates; John Hubler, J. Hubler, Inc.; Debbie Lynch, 704 Linden Road; George Giangli, Farid Soulmani

APPROVAL OF MINUTES

On a motion by Vice Chairman Angello, seconded by Member Brouillette, and a unanimous vote, the January 15, 2014 minutes were approved.

OLD BUSINESS

- A. Adoption of Decision in the Case of Sue-Xuan T. Huynh (2013-69)
Property location: 1224 E. Derry Road, Hershey**
- B. Adoption of Decision in the Case of Swatara Station Partners, LLC (2013-73)
Property location: The termini of both Woodland Avenue and Hillside Avenue, Hershey**
- C. Adoption of Decision in the Case of William and Jean Bruggemeier (2013-74)
Property location: 165 W. Governor Road, Hershey**
- D. Adoption of Decision in the Case of Carl and Sandie Pharmer (2013-77)
Property location: 139 Maple Avenue, Hershey**

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- E. Adoption of Decision in the Case of the Hershey Trust Company, Trustee for Milton Hershey School (2013-78)**
Property location: Mae Street and Hersheypark Drive, Hershey

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

- F. Continuance in the Case of Farid Soulimani (2013-75)**
Property location: 110 W. Chocolate Avenue Rear, Hershey

This property, located in the Downtown Commercial, Chocolate Avenue Preservation, and Downtown Commercial Sign zoning districts, is improved with a commercial building. The applicant is proposing to operate a full-service restaurant serving crepes. Relief was sought from minimum off-street parking requirements or, in the alternative, as a special exception to permit an off-lot parking area.

Farid Soulimani and George Giangli were sworn in and gave additional testimony. Mr. Giangli stated that the three parking spaces required for the proposed restaurant are the same as previously required for the nail salon. Mr. Giangli presented a written agreement with the neighboring Wells Fargo bank to lease nine parking spaces on their property. In addition to the on-site and leased parking spaces, ample parking is available at the inter-modal parking garage across the street.

Mr. Emerick questioned where the signage regarding parking will be posted. Mr. Soulimani stated that they will be posted on the lot and in the restaurant.

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.

- G. Continuance in the Case of Hershey's Chocolate World (2013-76)**
Property location: 251 Park Boulevard, Hershey

The applicant requested a continuance to the March meeting.

NEW BUSINESS

- A. Hearing in the Case of J. Hubler Landscaping, Inc. (2014-01)**
Property location: 640 Linden Road, Hershey

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This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct a patio and to enlarge a porch stoop. Relief was sought from front yard setback requirements.

John Hubler was sworn in and gave testimony. Mr. Hubler stated that the property is a wedge-shaped corner lot with two front yard setbacks. Mr. Hubler is proposing to widen the driveway and attach an existing patio to the widened driveway for increased aesthetics. The driveway currently is only wide enough for one vehicle, which makes access to the garage difficult and causes vehicles to be backed from the driveway onto Ridge Road.

The improvements to the patio will include a bar/grill area and a fire pit with a sitting wall. The decorative wall will be 60 feet long and 1 foot wide. Due to the impervious coverage increasing to a total of 30.91%, the applicant also requested relief regarding maximum impervious coverage.

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 Tomassi, LLC (2014-02)
Property location: 15 Tomassi Drive, Hummelstown

This property, located in the Agricultural/Conservation zoning district, is currently unimproved. The applicant is proposing to construct a single family dwelling. Relief was sought regarding rear yard setback requirements.

Randall Wright and Massimo Rizzotto were sworn in and gave testimony. Mr. Wright stated that this property is Lot 4 of the Hill Church Glen subdivision and is located on the corner of Tomassi Drive and Hill Church Road. The property is located in the Agricultural/Conservation (A/C) zoning district and was subdivided under the lot criteria exception established by the Zoning Ordinance, which permits smaller lot sizes in the A/C district if the lot meets certain requirements. Even though the ordinance permits smaller-sized lots, setback requirements are still the same as those required on larger lots in the A/C district; therefore, the building envelope on the smaller lot is often too small to fit a dwelling and accessory uses within the setbacks.

Mr. Wright stated that while the majority of the dwelling will be in compliance with the 50-foot setback, a small bump-out and patio will be within 30 feet of the rear property line. The relief that is being requested is comparable to other adjacent zoning districts, including the Neighborhood Commercial district.

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Mr. Emerick questioned whether the house dimensions on the sketch plan would be the actual dimensions. Mr. Wright stated that the sketch is accurate and noted that if a larger patio is desired, a variance for impervious cover would need to be requested. Additionally, as planned, the dwelling and patio encroach on an existing drainage easement; therefore, revisions are necessary to the approved subdivision plan, or in-lieu of revising the subdivision plan, the applicant may submit a new stormwater management plan under the current Stormwater Management Ordinance.

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 PSPHEMC (2014-03)
Property location: 187 E. Hersheypark Drive, Hershey

This property, located in the Economic Development zoning district, is improved with the Historical, Educational, and Memorial Center for the Pennsylvania State Police. The applicant is proposing to reconfigure an existing access drive and construct a parking area off of the drive. Relief was sought regarding permitted encroachments in a rear yard setback.

Joe Eisenhower was sworn in and gave testimony. Mr. Eisenhower stated that this property, which contains 10.83 acres and has 6.5% impervious cover, abuts the PA State Police Academy. Improvement projects for the property include a 3,200-square-foot addition to the existing building, a 29-space parking lot, a memorial wall and walking path, a storm water management facility, and a widened driving lane.

The proposed parking area is being moved due to slopes on the lot and also to increase the solemnity of the memorial wall area.

Member Kushner questioned if the State Police have completed a traffic impact study. Mr. Emerick replied that the study will be considered when a land development plan is submitted.

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 6:55 p.m.

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DELIBERATIONS

The Board met to deliberate in the cases of Faird Soulimani (2013-75), J. Hubler Landscaping, Inc. (2014-01); Tomassi, LLC (2014-02); and PSPHEMC (2014-03), and directed the Solicitor to prepare the draft decisions on each case for formal action at the March, 2014 meeting.

Submitted by:

Philip Wood, Secretary