

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
March 21, 2012**

CALL TO ORDER

The March 21, 2012 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman 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 Matthew Davies; Member Michael Angello; Member Philip Wood

Board members absent: none

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

Public registering attendance: Ralph Hetrick, 153 Elm Avenue; Kathy Taylor, 208 Elm Avenue; Casey Deller, C.S. Davidson, Inc.; Joe Bellissimo, 39 Elm Avenue; Paul Thompson, 33 Elm Avenue; George Porter, 909 E. Chocolate Avenue; Mike Jackson, 103 Elm Avenue; Lou Bushman, 32 Maple Avenue; Jodie Baker, McDonald's; Kimberly Feehrer, McDonald's; Maria Thompson, 33 Elm Avenue; Neil Martin, Tanger Outlets; Rebecca Masters

APPROVAL OF MINUTES

On a motion by Secretary Davies, seconded by Vice Chairman Hammer, and a unanimous vote, the February 15, 2011 minutes were approved.

OLD BUSINESS

- A. Adoption of Decision in the Case of Ron and Linda Eaton (2012-01)
Property location: 1182 Jill Drive, Hummelstown**

- B. Adoption of Decision in the Case of Valenti Mid-Atlantic Realty, LLC (2012-02)
Property location: 625 E. Main Street, Hummelstown**

On a motion by Vice Chairman Hammer, seconded by Member Wood, and a majority vote, the decisions for items a-b were adopted by consent agenda.

- C. Continuance in the Case of Joseph and Melanie Bellissimo (2011-57)
Property location: 39 Elm Avenue, Hershey**

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This property, located in the Village Residential zoning district, is presently improved with a single family dwelling. The applicant is proposing to enlarge the dwelling and construct a two-car detached garage. This case had appeared before the Zoning Hearing Board in January, 2012. All previous testimony is included.

Dr. Joseph Bellissimo stated that the home he recently purchased had been vacant for several years and was in need of structural and cosmetic improvements. Dr. Bellissimo is proposing to increase the floor area from 1600 square feet to 2611 square feet (62.2%). In deference to neighbor concerns, Dr. Bellissimo is proposing a detached garage in the rear of the property within 3 feet of the alley, rather than the originally proposed attached garage.

Architect Brian Bellissimo stated that he is using the original 1932 blueprints to retain the historical aesthetics of the home. The new detached garage will have a side entry for greater safety rather than backing into the alleyway. The total impervious cover for the proposed project will be 29.7%.

Attorney George Porter stated that 10 of 21 corner properties have garages that face side streets. Mr. Porter also added that the proposed changes comply with the 1933 Hershey Estates deed restrictions. Mr. Porter further added that the original plan when Elm Avenue was developed was to showcase large, grand homes and the proposed improvements are in keeping with that idea.

Mr. Emerick clarified that if the proposed unfinished basement is to be finished at any point, a floor area variance would be needed.

Public Comment

Kathy Taylor stated that she is a life-long resident of Elm Avenue and she supports the proposed plan.

David Franklin, architect on behalf of Chris Dawson, read a letter from Mr. Dawson supporting the proposed plan.

Mike Jackson, adjacent neighbor, supports the plan and appreciates the efforts to maintain the look and integrity of Elm Avenue.

Paul Thompson, adjacent neighbor, stated that he believes the lot size is comparable to others in the area and size alone is not a hardship, but the applicant's desire to create a single-floor living dwelling is a personal choice. Mr. Thompson is also concerned that the proposed changes will create a home that fronts on Linden Road, therefore creating the appearance of his home being in the Bellissimo's back yard.

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Maria Thompson, adjacent neighbor, stated that she believes the proposed small back yard area is out of character with the neighborhood. She is also concerned about storm water run off.

Mr. Porter stated that there will be no entrance on Linden Road. While the aesthetics will be improved, the main entrance will remain along Elm Avenue.

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 Jay and Debbie Johnson (2012-03)
Property location: 525 Linden Road, Hershey**

This property, located in the Village Residential zoning district, is presently improved with a single family dwelling. The applicant is proposing to construct a roof over an existing front porch.

Relief is sought as follows:

- a. A Variance from Article 3, Section 225-10 regarding expansion of a non-conforming use.

Jay Johnson was sworn in and gave testimony. Mr. Johnson would like put a roof over his existing 5' 6" by 9 foot front porch for weather protection purposes. Mr. Johnson stated that he has had some issues with roof damage due to ice dams in the past and believes the proposed would eliminate future damage.

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 Tanger Outlet Center (2012-04)
Property location: 46 Outlet Square, Hershey**

This property, located in the General Commercial zoning district, is presently improved with the Tanger Outlets. The applicant is proposing to expand the sidewalk areas along the storefronts.

Relief is sought as follows:

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- a. A Variance from Article 28, Section 225-132.H regarding minimum width of access drive.

Casey Deller, C.S. Davidson, Inc.; and Neil Martin, Tanger Outlets, were sworn in and gave testimony.

Mr. Deller stated that widening the existing sidewalks by four feet would increase pedestrian safety and allow ADA-compliant accessibility improvements. Mr. Deller stated that four feet of sidewalk plus 8 inches of curbing is proposed.

Member Wood questioned how ADA-compliant ramps could be done without extending the sidewalks. Mr. Deller replied that ramps could be added in the wider areas; however in the shallower areas, the ramps would be cut in and require handrails. The handrails would create a circuitous route to store fronts which may discourage pedestrians from using the delegated crosswalks due to lack of convenience. This would create an unsafe situation for pedestrians.

Vice Chairman Hammer questioned if many shoppers walk around the support beam and on to the driveway.

Mr. Martin replied that many do and the sudden stepping out into the driving lanes is a safety concern.

Vice Chairman Hammer asked if any consideration had been given to taking the driving lanes into the parking area.

Mr. Deller stated that parking spaces would be lost and the green space minimum would be affected adversely.

Mr. Emerick stated that the applicant will paint lines to delineate the fire lanes which in effect will narrow the travel lanes and slow the speed of traffic

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 7:25 p.m.

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DELIBERATIONS

The Board met to deliberate in the cases of Joseph and Melanie Bellissimo (2011-57), Jay and Debbie Johnson (2012-03), and Tanger Outlet Center (2012-04) and directed the Solicitor to prepare the draft decisions on each case for formal action at the April, 2012 meeting.
