

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014**

CALL TO ORDER

The April 16, 2014 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:07 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; Secretary Philip Wood; Member Matthew Brouillette; Member Michael Kushner

Board members absent: None

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

Public registering attendance: Andy Rebeck, Patty Toth – Lamar Advertising; William Uffelman, 27 Bromley Court, Hershey; Judy Zimmerman Walter, Hummelstown REP; AJ Troncelliti, Jiffy Lube; Phyllis Noll, 31 Bromley Court; Rick Russell, Steve Balliet – The Hershey Company; Corey Bray, Gannett Fleming; Paula Leicht – Mette, Evans & Woodside, Harrisburg; Dale Holte, Ken Scardino – Deer Run HOA; Bob Smith, Hershey Auto; Samantha Elliott; Carolyn Akers, Michael Mohr – PSU Hershey Medical Center; Joe Burget, Burget & Associates; Jennifer Davis Lewis, 469 Carlton Road; Cindy Eckels, The Goddard School; Christine and Michael Weaber, 1104 Swatara Road, Hershey; Charles Huth, *The Sun*; Lou Mione, Titan Construction; Matt Weir, 1986 Church Road; Susan Eris, 26 Glasgow Court; Anne Newman, 531 Elm Avenue

APPROVAL OF MINUTES

On a motion by Vice Chairman Angello, seconded by Member Brouillette, and a unanimous vote, the March 19, 2014 minutes were approved.

OLD BUSINESS

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

This property, located in the Commercial Entertainment and General Sign zoning districts, is improved with Hershey's Chocolate World. The applicant is proposing to construct an entrance pole sign over the parking and ticket booths. Relief was sought regarding the

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

maximum permitted area and height of a pole sign, the maximum permitted number of colors on a sign, and maximum permitted sign area on a property.

Rick Russell, Director of Global Government Relations for The Hershey Company, and Steve Balliet, General Manager of Hershey's Chocolate World, were sworn in and gave testimony. Mr. Russell stated that their petition has a unique element because when the Park Boulevard project is complete, their requests for relief will no longer be necessary. Once the road is relocated, the old Park Boulevard will become a private road for The Hershey Company and Hershey Entertainment & Resorts Company, and the proposed sign would not be visible in any meaningful way from the relocated southern Park Boulevard alignment. The applicant would like to start the sign fabrication process so that it is ready for installation when the relocation project is complete.

Mr. Russell acknowledged that the proposed sign is a big change from what is there currently, but The Hershey Company believes that it represents a true entrance to the facility. It is estimated that 4 million people visited Chocolate World in 2013, representing 1 million vehicles. The size of the sign is representative of the amount of guests received.

In response to a question from Secretary Wood, Mr. Russell stated that they anticipate beginning construction on October 1, 2014.

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 Samantha Elliott (2014-04)
Property location: 940 Fishburn Road, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to place a chicken enclosure on the property that will house four hens. Relief was sought from the requirements that prohibit the keeping of farm animals, which by definition includes poultry, on a property within the Village Residential district.

Samantha Elliott was sworn in and gave testimony. Ms. Elliott stated that the practice of keeping "backyard" chickens is growing in suburban communities across the country. Organic and sustainable farming is important to her because she is allergic to most of the major antibiotics and the soy given to farm animals, and therefore she eats a very egg-centric diet. She does not intend to keep roosters, and believes that keeping chickens is harmless. The noise level for chickens is estimated to be approximately 60 decibels, whereas as the

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

noise level for traffic is between 50 and 70 decibels, and a dog's noise level is approximately 90 decibels.

Member Brouillette asked if dimensional relief is necessary. Brandon Williams answered no, because the use itself is prohibited. He added that it is usually hard to justify a use variance. Compared to other properties in the Village Residential zoning district, the subject property is larger than most at 1.22 acres. The proposed structure does not meet the front yard setback for a detached structure and would have to be moved further back to meet the required distance. Mr. Williams stated that if the Board views this petition favorably, conditions should be included that the structure meet the required setbacks, and that the hens not be permitted to roam freely on the property.

Member Brouillette asked whether such a request for relief has typically been approved or denied in the past. Mr. Williams responded that there have been no similar requests for relief prior to this one.

Ms. Elliott commented that her property used to be a farm lot and when a townhouse community was constructed behind it, it was rezoned. She stated that she can meet the conditions posed by Mr. Williams.

Phyllis Noll, 31 Bromley Court, was sworn in and gave testimony. She stated that she lives in the condominium development adjacent to the subject property. She objects to chickens being permitted this close to a residential community and is concerned about the noise and odor.

William Uffelman, 27 Bromley Court, was sworn in and gave testimony. He lives directly behind the subject property, and he agrees with Ms. Noll. He understands Ms. Elliott's health issues and her desire to have chickens, but he finds the sound, smell, and overall use of chickens to be somewhat alien to a residential area.

Ms. Elliott noted that landscaping barriers exist between her property and those on Bromley Court, which would help to block noise and smells. When chickens are properly kept in small quantities, the noise and smells are not an issue. Additionally, the waste can be used as a fertilizer for gardening.

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 Jiffy Lube (2014-05)
Property location: 1900 Kaylor Road, Hummelstown

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

This property, located in the Neighborhood Commercial zoning district, is improved with an automotive lubrication facility and car wash. The applicant desires to offer automotive PA state inspections and other services on the property, and is appealing the determination of the Zoning Officer relating to the automotive inspections and other services not being a permitted component of an automotive lubrication facility.

AJ Troncelliti, Jiffy Lube, was sworn in and gave testimony. He believes that state inspections are a normal part of his business, and that more than 600 Jiffy Lube facilities across the country offer state inspections. His other Jiffy Lube facilities have been offering state inspections for more than 10 years. The subject facility does not perform repairs or any services involving brakes or tires.

Chairman Tafuto commented that the letter distributed by Mr. Troncelliti implies that not all of the Jiffy Lube facilities in the country perform state inspections. Mr. Troncelliti responded that Jiffy Lube is not found in every state and additionally, not every state offers state inspections or the government performs the inspection, not an independent service station. Chairman Tafuto asked if all of the other Jiffy Lubes perform state inspections. Mr. Troncelliti was unable to answer that question due to Jiffy Lube being a franchise. He stated that the inspection service takes less than an hour and is convenient to customers.

Chuck Emerick gave a Powerpoint presentation to explain his reasoning in determining (as Zoning Officer) that Jiffy Lube is in violation of the Zoning Ordinance by performing state inspections.

Secretary Wood asked how long Mr. Troncelliti has operated this Jiffy Lube and how long they have been performing state inspections. Mr. Troncelliti responded that he has been leasing the facility for approximately one year and started performing state inspections in November 2013.

Chairman Tafuto asked Mr. Emerick why something "observational", such as an inspection, is not permitted. Mr. Emerick stated that the inspection use exceeds the typical services offered at a lubrication facility, and he needed to draw the line somewhere.

Member Kushner asked if there are any aspects of the inspection service that Jiffy Lube could not perform that would have to be done by another facility. Mr. Troncelliti answered no, they are fully certified by the state; however, if the vehicle fails the inspection the customer has to go to another facility for mitigation services.

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.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

C. Hearing in the Case of William and Michele Thurman (2014-06)
Property location: 525 Chestnut Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants propose to widen an existing driveway and construct a storage shed and patio on their property. Relief was sought from maximum impervious cover and required setbacks for the side and rear yards. The applicants are also requesting an extension to the period of time in which any approvals granted by the Board remain valid.

William Thurman was sworn in and gave testimony. He stated that he and his wife bought their property in December 2013, and they are seeking relief in order to add a patio that would be approximately 12 feet by 20 feet. Sometime in the future they would like to add a shed with dimensions of approximately 10 feet by 16 feet. Mr. Thurman added that the driveway is narrow and makes it difficult to turn into the alley, so expanding it would alleviate this problem and also make it easier to access the 2-car garage.

Chairman Tafuto inquired about the impervious coverage, existing and proposed. In response to Chairman Tafuto's question, Brandon Williams stated that the existing impervious coverage on the property is 3,806 square feet and the applicants are proposing an additional 468 square feet, for a total of 38% coverage of the lot (30% is permitted). The applicants are proposing to place the shed 5 feet from the rear property line (20 feet is required); and 12 feet from the side property line (15 feet is required). Mr. Williams commented that there would have to be a stipulation that the patio would somehow be joined to the dwelling, because then the Township could consider the patio to be an extension of an existing nonconformity. The side wall of the dwelling is approximately 10.5 feet from the side property line, and it is 32 feet in length. The applicants would propose a 12-foot extension for the patio, which would be well under the permitted 75% linear expansion.

Chairman Tafuto advised the applicants that several properties in the surrounding area have experienced sinkholes, and with the stormwater infiltration system proposed as part of the Township's Stormwater Management Ordinance, the applicants are at risk for creating sinkhole activity on their property.

Member Brouillette asked how the proposed location of the shed fits in with the rest of the properties on this street. Mr. Thurman responded that at this point, the shed does not look like a viable option for the future, so it will ultimately be a non-issue. Mr. Williams stated that the removal of the shed would reduce the proposed total impervious coverage from 38% to 36.6%. Mr. Thurman withdrew his requests for relief regarding side and rear yard setbacks for the shed.

Vice Chairman Angello asked how much the applicants are proposing to increase their existing impervious cover percentage. Mr. Williams answered that it will be increased by approximately 3%.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

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.

D. Hearing in the Case of Titan Construction & Maintenance, LLC (2014-07)
Property location: 710 Stauffers Church Road, Palmyra

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicant proposes to construct a first and second floor addition, expand the existing garage, and construct a patio on the property. Relief was sought regarding maximum floor area expansions of a nonconforming structure relating to both the existing dwelling and garage, and minimum side yard setbacks for construction of the patio.

Matt Flickinger, Titan Construction, was sworn in and gave testimony. He stated that the dwelling was constructed in 1975 and the property contains 5 acres.

Solicitor Tony Nestico asked Brandon Williams if he has something on file that the Board can put on the record showing the existing and proposed square footage. The plans the Board has are very small and difficult to read. Mr. Williams said this information is not on what was submitted to the Board. Mr. Flickinger offered to provide the original house plans if needed, and also a full set of working drawings.

Chairman Tafuto stated that this information needs to be available to the Board and its Solicitor for a decision to be written. Mr. Nestico commented that there has been no testimony from the applicant in terms of numbers and he recommended the case be continued. Mr. Flickinger requested the continuance.

On a motion by Secretary Wood, seconded by Member Brouillette, and a unanimous vote, the Board continued the case to the next meeting.

E. Hearing in the Case of Michael and Christine Weaber (2014-08)
Property location: 1104 Swatara Road, Hershey

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicants propose to construct a two-story addition on the property. Relief was sought in the form of a special exception for expansion of a nonconforming structure, and a variance was requested for maximum impervious cover requirements.

Christine Weaber and Michael Weaber were sworn in and gave testimony. Mrs. Weaber stated that the dwelling has been owned by her family for many years, and it used to be a one-room schoolhouse. The Weabers would like to construct the addition so that Mrs. Weaber's mother can live there as well. She noted that her parents constructed an addition

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

to the dwelling in 1988 and that expansion exceeded the impervious coverage limit for the property at the time. The old addition will be remodeled, and the proposed addition will be constructed as a second floor. Brandon Williams stated that the applicants are proposing 19% impervious coverage. Mrs. Weaber stated that the property is surrounded by land owned by the Milton Hershey School.

Regarding the request for a special exception, the applicants propose to increase the floor area by more than 25% but less than 50%.

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 the McNaughton Company (2014-09)
Property location: 946 Clifton Heights Road, Hummelstown

The applicant requested a continuance to the June meeting.

On a motion by Secretary Wood, seconded by Member Brouillette, and a unanimous vote, the Board continued the case.

G. Hearing in the Case of Capital Telecom Acquisition, LLC; New Cingular Wireless PCS, LLC; and Cellco Partnership d/b/a Verizon Wireless (2014-10)
Property location: 1250 Cocoa Avenue, Hershey

This case was withdrawn by the applicant.

H. Hearing in the Case of Gilbert E. Petrina (2014-11)
Property location: 228 Hockersville Road, Hershey

The applicant requested a continuance to the May meeting.

On a motion by Secretary Wood, seconded by Member Brouillette, and a unanimous vote, the Board continued the case, with the conditions that the applicant pay the \$30 continuance fee and that this is a one-time continuance.

I. Hearing in the Case of Pennsylvania State University (2014-12)
Property location: 500 University Drive, Hershey

This property, located in the Medical Campus zoning district, is improved with the Milton S. Hershey Medical Center campus. The applicant requested modifications to two previously-approved variances in anticipation of a future land development project. The first modification pertains to the definition of the term "lot", and the applicant requests that three

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

separate tracts of land be considered one lot for the purposes of complying with zoning requirements, including, but not limited to, maximum impervious cover, floor area ratio, and minimum vegetative cover. The second request pertained to landscape buffer requirements, and the applicant requested permission to maintain an existing buffer in lieu of providing additional plantings. The applicant also requested an extension to the period of time in which any approvals granted by the Board remain valid.

Paula Leicht of Mette, Evans & Woodside; Marvin Smith, Director of Facilities for the Medical Center; and Corey Bray of Gannett Fleming were sworn in and gave testimony. Ms. Leicht requested the incorporation of the two previous approvals (from 2005 and 2007) in the current case. She stated that the main purpose for the variance request involves an unusual situation. Lot 1 was the first property that was dedicated by the Hershey Trust Company to the Medical Center use, and Lots 2 and 3 were acquired by Penn State University separately from the Trust Company property. This results in a condition where the 3 lots cannot be consolidated, creating a hardship to the applicant. In 2005 and 2007, the Zoning Hearing Board granted relief to consider Lots 1, 2, and 3 as one lot for zoning and construction purposes. The applicant requests that the Board grant an extension of this relief until any such time that any of the following occur: 1) The calculations relating to the floor area ratio, maximum impervious coverage, and vegetative coverage become nonconforming; 2) There is an amendment to the Zoning Ordinance to change those circumstances in a way that they would become nonconforming; and 3) Penn State University requests that the parcels be construed differently instead of as one lot.

Ms. Leicht stated that the other relief request involves the southern boundary line of Lot 2 and the requirement for a landscaping buffer. The applicant requests that the previously-granted relief also be considered in this case because the southern, eastern, and western boundaries of Lot 2 are completely wooded. Also, per Chuck Emerick's recommendation, Ms. Leicht requested that if the Board deems it necessary, relief be granted regarding yard setbacks if any part of the property were conveyed to an entity other than the Medical Center.

Mr. Smith stated that the Medical Center is preparing to file a land development plan for a data center building, and there will be other development plans in the near future for projects that are still in the conceptual phase. The applicant is requesting relief for several projects to eliminate the need to return to the Zoning Hearing Board for each project individually.

Mr. Bray stated that the Medical Center uses the existing campus roadways to access Route 322 for traffic circulation, and that is simplified by assuming Lots 1, 2, and 3 are one lot. The effectiveness of handling stormwater across the 3 lots and conveying it to existing facilities is also made easier.

Mr. Bray noted that there will be 14 employees on the main shift for the data center, and 2 non-peak shift employees, resulting in 16 peak hour traffic trips. The data center will create additional stormwater flows and at this point, the flows will be handled either by a new stormwater management facility or the expansion of the Bullfrog Valley Road detention basin.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

Secretary Wood asked if there are any deed restrictions regarding selling Lot 2 in the future. Mr. Smith responded that there are no restrictions, but there are some physical implications that would make the selling of Lot 2 very unlikely, if not impossible. For example, most of the utility infrastructure is on Lot 2. Secretary Wood asked if the subdivision of Lot 2 would significantly impact the calculations regarding impervious coverage and other requirements. Mr. Bray stated that it would because the majority of the development is on Lot 1.

Secretary Wood asked if the proposed data center is for commercial purposes or solely for the benefit of the Medical Center campus. Mr. Smith answered that it would only serve Penn State University, including the Medical Center campus.

Solicitor Nestico asked if the applicant expects to submit a land development plan and build the data center within a one year period. Mr. Smith responded that they intend to submit the land development plan within the one year period. There are other smaller projects that will be submitted over the next 5-year period.

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.

J. Hearing in the Case of Lamar Advertising (2014-13)
Property location: 650 Walton Avenue, Hummelstown

This property, located in the General Commercial and General Sign Overlay zoning districts, is improved with a Bob Evan's restaurant and a billboard. The applicant proposes to reconstruct the existing billboard, or in the alternative, construct one new off-premises sign. Relief was sought from the requirements that alterations to a nonconforming sign must result in a sign that fully conforms to current zoning standards, the setback requirements for a billboard structure, the maximum number of colors permitted on a sign structure, and in the form of a special exception to permit a larger sign with a greater than permitted sign area.

Vice Chairman Angello recused himself from this case because he received financial gain from the sale of some of his assets to Lamar Advertising approximately 1 year ago.

Andy Rebeck, Lamar Advertising, accompanied by legal counsel, Peter Henninger, was sworn in and gave testimony. Mr. Rebeck stated that they would like to replace an antiquated, 477-square-foot billboard with a new billboard structure measuring 10'-6" in height and 36' in length and containing 378 square feet of area. He believes the new billboard will be a big improvement over the one that was constructed prior to 1950. The existing billboard is, and the proposed billboard is proposed to be, located in the floodplain. The applicant intends to install an electronic, changeable message billboard. A new ad would appear on the billboard every 8 seconds. There will be no scrolling or flashing

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

features, only a change of message. Mr. Rebuck noted that the proposed billboard will not alter the characteristics of the neighborhood because it is a highly-traveled commercial area and is the perfect location for a billboard. No residential properties will be able to see or will be impacted by the billboard.

Chairman Tafuto asked for verification that, contrary to applicant's testimony, the billboard is being moved from outside of the floodplain to inside of the floodplain, as per the plan submitted by the applicant. Chuck Emerick confirmed this. Chairman Tafuto asked the applicant why it is a good idea to move the structure into the floodplain. Mr. Rebuck stated that he had not been made aware of this situation. He explained the change of location as his company's desire for the billboard to be more visible, but the relocation is not something that must happen. Mr. Rebuck stated that they will place the footer of the monopole outside of the floodplain.

Chairman Tafuto commented that the letters submitted by the applicant's clients, supporting the proposal, are impressive but he questioned if any of the entities are receiving free advertising from the applicant. Mr. Rebuck said some of the entities have received free advertising in the past, but not in conjunction with the letters of support.

Member Kushner asked why the applicant had not cleared away some of the trees in order to gain visibility for the existing billboard. Mr. Henninger stated that the trees are not the issue, it is the layout of the existing billboard and its distant location from the road.

Member Brouillette asked what entity has to grant relief for the relocation of the billboard into the floodplain. Mr. Emerick stated that the plan depicting the floodplain was done for the development of the Bob Evans restaurant, and it is not a FEMA-mapped floodplain; therefore, it is not a floodplain that Derry Township needs to impose floodplain regulations on. Mr. Emerick clarified that it is preferable for the billboard to not be located within the floodplain.

Secretary Wood questioned when Route 39 was relocated. Mr. Rebuck estimated at least 20 years ago.

Mr. Emerick gave a detailed Powerpoint presentation, explaining why he thinks the requested relief should not be granted. During this presentation, he also refuted some of the testimony of the applicant relating to the size of the proposed billboard, noting that the detailed plans submitted with the application resulted in a sign face of 356.52 square feet and that the sign presently on the property was constructed under a permit issued in 1973. He also noted that the special exception was meant for on-site signs, and that conditional use approval from the Board of Supervisors will be necessary.

Chairman Tafuto asked Mr. Emerick to explain the circumstances behind the Township's approval of the changeable message sign located at the intersection of Hersheypark Drive and Park Boulevard. Mr. Emerick responded that the sign at the Giant Center is, for the most part, an on-premises sign and was approved under a different process than the billboard

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

proposal presently being considered. A difference to note is that there is not the clutter of signs in the vicinity of the Giant Center sign like there is in the area of the proposed billboard.

Mr. Henninger pointed out that the Giant Center billboard has scrolling and flashing elements in the changeable messages, and the intersection where it is located is even more complicated and busy than the intersection adjacent to Bob Evans.

Member Kushner asked the applicant if there is anything that would preclude them from showing videos on the billboard. Mr. Rebeck answered that the state permit allows the message to be changed every 5 seconds, but there cannot be any moving or flashing aspects.

Upon prompting by Secretary Wood, Mr. Henninger requested that the petition be amended to include the additional necessary relief noted by Mr. Emerick in his presentation.

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.

K. Hearing in the Case of Perry Petroleum Equipment, Ltd. (2014-14)
Property location: 1158 East Chocolate Avenue, Hershey

This property, located in the Neighborhood Commercial and General Sign Overlay zoning districts, is improved with a Shell convenience store and fueling station. The applicant proposes to replace a damaged canopy over the auto fuel dispensing area and replace/update various signage. Relief was sought from the maximum sign area permitted on an awning, sign illumination requirements regarding a digital display of fuel pricing, maximum allowable sign area on a property, maximum number of allowable signs, and requirements relating to canopy lighting.

Joe Burget, Burget & Associates, was sworn in and gave testimony. He stated that the canopy over the fuel dispensing area had collapsed over the winter because it was not able to withstand the snow load. The canopy has been removed and now needs to be replaced, and Shell has protocol signage that is used. The size of the canopy had been 28' x 60', and the replacement canopy is proposed to be slightly smaller at 28' x 59'-8". The applicant also proposes to light the canopy.

NOTE: A stenographic record of the remainder of this hearing does not exist. The recording system malfunctioned at this point in the meeting, and due to illness, the stenographer was not in attendance to take notes. However, details of the case are documented in the Zoning Hearing Board's Decision.

No other persons provided testimony at this hearing.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
April 16, 2014

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.

L. Hearing in the Case of the Hershey Trust Company, Trustee for Milton Hershey School (2014-15)
Property location: 1079 Hersheypark Drive, Hershey

The applicant requested a continuance to the May meeting.

On a motion by Vice Chairman Angello, seconded by Member Kushner, and a unanimous vote, the Board continued the case.

Hearings closed at 8:30 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Hershey's Chocolate World (2013-76); Samantha Elliott (2014-04); Jiffy Lube (2014-05); William and Michele Thurman (2014-06); Michael and Christine Weaber (2014-08); Pennsylvania State University (2014-12); Lamar Advertising (2014-13); and Perry Petroleum Equipment, Ltd. (2014-14) and directed the Solicitor to prepare the draft decisions on each case for formal action at the May, 2014 meeting.

Submitted by:

Philip Wood, Secretary