

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
May 16, 2012**

**CALL TO ORDER**

The May 16, 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

Board members absent: Member Philip Wood

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

Public registering attendance: David Fantom, 1473 Jill Drive; Mike Berner, 1249 Cocoa Avenue; Kent V. Littlefield, 1751 Kaylor Road, Hummelstown; David Sachs, 827 Glen Road; George Porter, 909 East Chocolate Avenue; Suzie Gloeckler, 15 Bonnywick Drive, Harrisburg; Peter L. Gawron, 279 Clark Road, Hershey; Gloria J. Alexander, 1 Skyview Drive, Hershey; Patricia H. Querry, 36 Oakglade Drive, Hummelstown; Debbie Hough, 148 Juniper Street, Palmyra; Susan George, 348 William Drive, Hershey; Rae Hardy and William E. Hardy, Jr., 1140 Hetrick Drive, Palmyra; Renee Wise, 38 Westbrook Court, Palmyra; Kristy Koons, 203 Hummel Street, Hummelstown

**APPROVAL OF MINUTES**

On a motion by Member Angello, seconded by Vice Chairman Hammer, and a unanimous vote, the April 18, 2012 minutes were approved.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Ryan and Ashleigh Zimmerman (2012-05)**  
**Property location: 1250 Shopes Church Road, Hummelstown**
  
- B. Adoption of Decision in the Case of Melvin Blumberg (2012-06)**  
**Property location: 637 Fishburn Road, Hershey**

On a motion by Vice Chairman Hammer seconded, by Member Angello, and a majority vote, the decisions for items A and B were adopted by consent agenda.

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
May 16, 2012**

**NEW BUSINESS**

**A. Hearing in the Case of Casey S. Littlefield (2012-07)  
Property location: 1731 Kaylor Road, Hummelstown**

This property, located in the Agricultural/Conservation zoning district, is presently improved with a single family dwelling. The applicant has constructed a carport closer to the property line than permitted by regulations.

Relief is sought as follows:

- a. A Variance from Article 5, Section 225-25.D(3) regarding side yard setback

Kent Littlefield was sworn in and gave testimony. Mr. Littlefield owns this property along with the adjacent property. He has constructed a free standing wooden shelter to house a portable sawmill for hobby use. Due to the slope of the property and a nearby creek, seven feet of side yard relief is needed.

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, he has 30 days to appeal the decision.

**B. Hearing in the Case of David Fantom (2012-08)  
Property location: 1473 Jill Drive, Hummelstown**

This property, located in the Suburban Residential zoning district, is presently improved with a single family dwelling with an attached garage. The applicant is proposing to expand the footprint of the garage.

Relief is sought as follows:

- a. A Variance from Article 3, Section 225-10.A(2) regarding expansion of a non-conforming structure

David Fantom was sworn in and gave testimony. Mr. Fantom stated that he would like to expand his garage by 70% to accommodate a classic car and provide additional storage.

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, he has 30 days to appeal the decision.

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
May 16, 2012**

**C. Hearing in the Case of Michael D. Berner, dba Cocoa Medical Center (2012-09)**  
**Property location: 1249 Cocoa Avenue**

This property, located in the Neighborhood Commercial zoning district, is presently improved with a building last used as the Vista School. The applicant is proposing to convert the building to mixed use professional/office space.

Relief is sought as follows:

- a. A Variance from Article 27, Section 225-129.B(2)(a) regarding wall signage

Michael Berner was sworn in and gave testimony. Mr. Berner stated that he purchased the building five years ago with the intention to convert it into office suites, but instead leased the building to the Vista School. The school outgrew the space and recently moved into a new building. The new tenants expressed an interest in having conforming wall signage on the building along with a multi-use free standing sign. The property is one inch shy of the necessary road frontage to be conforming.

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, he has 30 days to appeal the decision.

**D. Hearing in the Case of Justin Engle (2012-10)**  
**Property location: 150 W. Chocolate Avenue**

The applicant requested a continuance.

**E. Hearing in the Case of Derry Presbyterian Church and Discovery Days  
Preschool (2012-11)**  
**Property location: 248 E. Derry Road and 405 E. Chocolate Avenue,  
Hershey**

The property at 248 East Derry Road is located in the Village Residential and Limited Sign zoning districts, and the property at 405 East Chocolate Avenue is located in the Neighborhood Commercial, Chocolate Avenue Preservation, and Downtown Commercial Sign zoning districts. The applicant is proposing to alter a sign located on each property to contain advertisement for the Discovery Days Preschool.

Relief is sought as follows:

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
May 16, 2012**

- a. A Variance from Article 27, Section 225-129.B(1)(a) regarding square footage of free standing sign
- b. A Variance from Article 27, Section 225-129.B(j) regarding use/purpose of directional sign

George Porter was sworn in and gave testimony. Mr. Porter stated that one sign is located on the church property and one sign is located on the property of Dale Achenbach (405 East Chocolate Avenue). Mr. Achenbach is in agreement with the proposed alteration of the sign. An additional sign will hang below the existing signs by chain or bracket with the name of the preschool on it. The colors will match the existing signs.

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 6:40 p.m.

**DELIBERATIONS**

The Board met to deliberate in the cases of Casey S. Littlefield (2012-07), David Fantom (2012-08), Michael D. Berner, dba Cocoa Medical Center (2012-09), and Derry Presbyterian Church and Discovery Days Preschool (2012-11) and directed the Solicitor to prepare the draft decisions on each case for formal action at the June, 2012 meeting.

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