

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
May 21, 2014**

CALL TO ORDER

The May 21, 2014 meeting of the Township of Derry Zoning Hearing Board was called to order at 5:30 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 Michael Kushner

Board members absent: Secretary Philip Wood; Member Matthew Brouillette

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: Matt Flickinger, Titan; Rafe Smith, Titan; David Leader, GML Corp.; Brad Petchulij, GML Corp.; Betsy & Larry McDonald, 119 McKinley Avenue; Millie Morris, 1259 Harding Avenue; Estreya Cruz, Legacy Homes, LLC; Angel Rosado, Jr., Legacy Homes, LLC; Lisa & Bill Gallagher, 52 W. Caracas Avenue; Ralph Boyd, 1661 E. Derry Road; Judd Mellinger-Blouch, 1255 Harding Avenue; Anne Newman, 531 Elm Avenue; Jessica Demopoulos, 204 W. Areba Avenue; Mark Winter, 310 W. Chocolate Avenue; Patty Toth, Lamar

APPROVAL OF MINUTES

On a motion by Vice Chairman Angello, seconded by Member Kushner, and a unanimous vote, the April 16, 2014 minutes were approved as presented.

OLD BUSINESS

- A. Adoption of Decision in the Case of Hershey's Chocolate World (2013-76)
Property location: 251 Park Boulevard, Hershey**
- B. Adoption of Decision in the Case of Samantha Elliott (2014-04)
Property location: 940 Fishburn Road, Hershey**
- C. Adoption of Decision in the Case of Jiffy Lube (2014-05)
Property location: 1900 Kaylor Road, Hummelstown**
- D. Adoption of Decision in the Case of William and Michele Thurman (2014-06)**

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
May 21, 2014**

Property location: 525 Chestnut Avenue, Hershey

- E. Adoption of Decision in the Case of Michael and Christine Weaber (2014-08)
Property location: 1104 Swatara Road, Hershey**
- F. Adoption of Decision in the Case of Pennsylvania State University (2014-12)
Property location: 500 University Drive, Hershey**
- G. Adoption of Decision in the Case of Lamar Advertising (2014-13)
Property location: 650 Walton Avenue, Hummelstown**
- H. Adoption of Decision in the Case of Perry Petroleum Equipment, Ltd. (2014-14)
Property location: 1158 E. Chocolate Avenue, Hershey**

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

- I. Continuance 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 is proposing to construct a first and second floor addition, expand the existing garage and add a patio. Relief is sought regarding maximum floor area expansion of a nonconforming structure and minimum side yard setback.

Matt Flickinger and Rafe Smith were sworn in and gave testimony. Mr. Flickinger stated that the current dwelling is not in compliance and he has attempted to keep most of the improvements to the front of the home which faces towards the inside of the property.

The additions will add 3,694 square feet to the dwelling and increase the floor area by 42.65%.

The proposed patio expansion will encroach into the side yard, coming within 30 feet 6 inches of the 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.

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
May 21, 2014**

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

The applicant requested a continuance to the June meeting.

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

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

This case was withdrawn by the applicant.

NEW BUSINESS

**A. Hearing in the Case of David Leader (2014-17)
Property location: 1528 Sand Hill Road, Hummelstown**

This property, located in the Neighborhood Commercial zoning district, is improved with an office building. The applicant is proposing to improve a parking area. Relief is sought from minimum design requirements for parking areas.

David Leader was sworn in and gave testimony. Mr. Leader would like to improve a parking area that contains 16 regular spaces and one handicapped-accessible space. Presently, the driveway is 18 feet, which is less than the required 25 feet. No other improvements are being made other than resurfacing. Mr. Leader stated that typically only 5-7 spaces are utilized by employees.

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 Judd Mellinger-Blouch (2014-18)
Property location: 1255 Harding 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 2-car, detached garage at the rear of the property. Relief is sought regarding rear and side yard setbacks and maximum impervious cover.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
May 21, 2014

Judd Mellinger-Blouch was sworn in and gave testimony. Mr. Mellinger-Blouch stated that by adding a garage, he would be in keeping with other neighboring homes, as most of the properties in the neighborhood have detached garages. Mr. Mellinger-Blouch added that his lot is narrow. A 24 foot by 24 foot garage is proposed to be located 3 feet from the side property line and 11 feet off the alleyway, to allow for turning into the garage without going onto the neighbor's property.

An existing shed will be removed. The addition of the garage will bring the total impervious cover to 32.8%.

Mr. Mellinger-Blouch is working with his contractor to manage storm water run-off and direct it into the grassy area in his yard rather than into the alley.

PUBLIC COMMENT

Attorney Mark Winters; neighbor to the east, Millie Morris; and neighbor to the rear, Betsy McDonald were sworn in and offered testimony.

Mrs. McDonald is concerned that the proposed location of the garage will not allow sufficient driveway space which may cause vehicles to back into her property across the alley. Mrs. McDonald is also concerned that any storm water run-off would run across the alley and be directed to her yard which is down slope from the Mellinger-Blouch property.

Ms. Morris is concerned that 3 feet between her garage and the proposed garage is not enough space for ease of access for maintenance purposes.

Mr. Mellinger-Blouch clarified that each garage will be located 3 feet off the property line, thereby being a total of 6 feet apart.

Mr. Mellinger-Blouch responded to Mrs. McDonald's concerns regarding vehicles possibly backing into her property that as a driver, it is Mr. Mellinger-Blouch's responsibility to not drive on neighboring properties.

Chairman Tafuto added that moving the proposed garage closer to the house would increase the impervious cover even further.

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 Kathy J. Boyd (2014-19)
Property location: 1661 E. Derry Road, Hershey

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
May 21, 2014

This property, located in the Village Residential zoning district, is improved with a single family dwelling and detached garage. The applicant is proposing to construct a shed on the property. Relief is sought regarding side yard setback and maximum impervious cover.

Kathy Boyd was sworn in and gave testimony. Ms. Boyd would like to place an 8-foot by 12-foot shed 10 feet 9 inches from the side property line. Ms. Boyd added that her lot is small and narrow. The 96-square-foot shed would bring her impervious cover up to 40.4%.

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 Angel Rosado (2014-20)
Property location: 52 W. Caracas Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct an addition to the rear of the dwelling. Relief is sought regarding expansion limits for a nonconforming structure, side yard setback, and maximum impervious cover.

Angel Rosado and William Gallagher were sworn in and gave testimony. Mr. Rosado stated that due to his growing family, he would like to remove a rear porch to add a 16-foot addition to expand the family room and create a master bedroom and bathroom. The living space will increase by 58%. The proposed addition will be over a full basement which will be used for storage and feature an exterior staircase for emergency egress that will come within 3 feet of the property line.

Mr. Rosado added that he will be removing an existing sidewalk to reduce the amount of impervious cover.

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.

E. Hearing in the Case of Timothy and Jessica Demopoulos (2014-21)
Property location: 204 W. Areba Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct an addition to the dwelling and a detached garage and associated driveway. Relief is sought regarding maximum impervious cover, expansion limits for a nonconforming structure, and rear yard setback for a detached structure.

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
May 21, 2014**

Jessica Demopoulos was sworn in and gave testimony. Mrs. Demopoulos stated that she will be removing an existing rear entry, one-car garage with a side entry, two-car garage. A side entry garage will allow for turning around on the property rather than in the alley. The total impervious coverage for the property will be increased to 34.76%.

The garage will be set 5 feet 2 inches from the rear 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.

Hearings closed at 6:55 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Titan Construction & Maintenance, LLC (2014-07); David Leader (2014-17); Judd Mellinger-Blouch (2014-18); Kathy J. Boyd (2014-19); Angel Rosado (2014-20); and Timothy and Jessica Demopoulos (2014-21), and directed the Solicitor to prepare the draft decisions on each case for formal action at the June, 2014 meeting.

Submitted by:

Philip Wood, Secretary