

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 18, 2014

CALL TO ORDER

The June 18, 2014 meeting of the Township of Derry Zoning Hearing Board was called to order at 5:30 p.m. by Vice Chairman Angello in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Vice Chairman Michael Angello; Member Michael Kushner; Member Matthew Brouillette

Board members absent: Chairman William Tafuto; Secretary Philip Wood

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: Joel McNaughton, The McNaughton Co.; Francis McNaughton, Golf Enterprises, Inc.; Steve Yingst, Yingst Engineers; Charles Huth, *The Sun*; Craig W. Smith, 2033 Southpoint Drive, Hummelstown; George Gish, 102-104 W. Granada Avenue; Matt Flickinger, Titan Construction; Kenny Hinebaugh, Evans Engineering; C. Matthew Imes, Imes Construction, LLC; Lou Mione, Titan Construction, LLC; Robin Zellers, 503 Maple Avenue; Dan Creep, LSC Design, Inc.; Mr. & Mrs. Steve Kruger, 305 Cocoa Avenue; Jake Ensminger, 1213 E. Chocolate Avenue; Tom DeDonatis, 345 Elm Avenue; Anne Newman, 530 Maple Avenue; Paul & Lisa Rabon, 924 E. Chocolate Avenue; Rick Russell, The Hershey Co.; Glen Sponaugle, Ross Santangelo – Room One Corporation; Ron Lucas, Stevens & Lee

APPROVAL OF MINUTES

On a motion by Member Kushner, seconded by Vice Chairman Angello, and a unanimous vote, the May 21, 2014 minutes were approved.

OLD BUSINESS

- A. Adoption of Decision in the case of Titan Construction & Maintenance, LLC (2014-07)**
Property location: 710 Stauffers Church Road, Palmyra
- B. Adoption of Decision in the Case of David Leader (2014-17)**
Property location: 1528 Sand Hill Road, Hummelstown

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 18, 2014**

- C. Adoption of Decision in the Case of Judd Mellinger-Blouch (2014-18)
Property location: 1255 Harding Avenue, Hershey**
- D. Adoption of Decision in the Case of Kathy J. Boyd (2014-19)
Property location: 1661 E. Derry Road, Hershey**
- E. Adoption of Decision in the Case of Angel Rosado (2014-20)
Property location: 52 W. Caracas Avenue, Hershey**
- F. Adoption of Decision in the Case of Timothy and Jessica Demopoulos (2014-21)
Property location: 204 W. Areba Avenue, Hershey**

On a motion made by Member Kushner, seconded by Member Brouillette, and a unanimous vote, the decisions for items A-F were adopted by consent agenda.

- G. Continuance in the Case of the McNaughton Co. (2014-09)
Property location: 946 Clifton Heights Road, Hummelstown**

This property, located in the Agricultural/Conservation zoning district, is currently unimproved. The applicant is proposing to construct a single family dwelling. Relief is sought in the form of a special exception to permit the proposed dwelling to contain a proper front yard setback in relation to existing adjacent dwellings.

Joel McNaughton was sworn in and gave testimony. Mr. McNaughton stated that while a 50 foot front yard setback is required, he is proposing a front yard setback at 30 feet to better conform to the homes located on either side of the property. These lots are smaller than the typical lots found in the Agricultural/Conservation zoning district. One house is 25.8 feet from the front property line and the other is 25.5 feet from the front property line. To follow the requirements would create a home that is out of character with the neighborhood.

No other persons provided testimony at this hearing.

Vice Chairman Angello 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.

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

The applicant requested a continuance to the July meeting.

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

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 18, 2014

NEW BUSINESS

A. Hearing in the Case of Ensminger Builder, Inc. (2014-22)
Property location: 305 Cocoa Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with one half of a duplex dwelling. The applicant is proposing to construct a detached garage. Relief is sought regarding side and rear yard setbacks, maximum impervious cover, and minimum vegetative cover.

Jake Ensminger and Steve Kruger were sworn in and gave testimony. Mr. Ensminger stated that he would like to place a 30 foot by 20 foot detached garage in the rear of the property, utilizing an existing concrete pad. The lots are narrow and there is no street parking in the front of the home. Garages of this size and placement are common in the neighborhood. Mr. Ensminger added that by using the existing concrete pad, an additional parking space will be added to the property without increasing impervious cover. The proposed vegetative cover will be 58.5% and the rear yard setback will be 19 feet.

No other persons provided testimony at this hearing.

Vice Chairman Angello 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 The Hershey Company (2014-23)
Property location: 19 E. Chocolate Avenue, Hershey

This property, located in the Village Core, Downtown Commercial Sign Overlay, and Chocolate Avenue Preservation Overlay zoning districts, is improved with an office building under renovation. The applicant was granted relief under Petition 2013-33 to display three temporary signs for a maximum of one year along Chocolate Avenue to notify the public of construction activities occurring on the property. Relief is sought regarding maximum area and number of permitted signs on the property, number of street frontage signs, and the number of permissible colors on a sign.

Rick Russell was sworn in and gave testimony. Mr. Russell requested another six months to display to signs while building renovations are being completed.

No other persons provided testimony at this hearing.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 18, 2014

Vice Chairman Angello 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 Tom DeDonatis (2014-24)
Property location: 125 Elm 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. Relief is sought regarding expansion limitations for a non-conforming building.

Tom DeDonatis was sworn in and gave testimony. Mr. DeDonatis stated that he would like to construct an addition consisting of a home office and expanded mudroom. The addition will increase the size of the house by 16%. An existing garage will be removed and a new garage, which will conform to setbacks, will be attached to the house.

No other persons provided testimony at this hearing.

Vice Chairman Angello 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 C. Matthew Imes (2014-25)
Property location: 206 Linden Avenue, Hershey

E. Hearing in the Case of C. Matthew Imes (2014-26)
Property location: 208 Linden Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a duplex dwelling. The applicant is proposing to construct a landing outside the front door of each side of the duplex. Relief is sought regarding side yard setback requirements.

Charles Matthew Imes was sworn in and gave testimony. Mr. Imes stated that a previous owner had enclosed the front porches and moved the main entrance to the side. Requirements call for a minimum 3 foot by 3 foot landing to be installed outside of the new main doors. The stoops will need to be raised to the level of the door. 208 Linden will be 10 feet from the side property line and 206 Linden will be 3 feet from the side property line.

PUBLIC COMMENT

George Gish stated that he is the adjacent neighbor, and he is concerned that a building permit was secured only after the porches had been enclosed to add more living space. As a result, Mr. Gish questions the integrity of the construction. Mr. Gish was also concerned

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 18, 2014

about construction occurring over property lines since no survey has been completed to verify proposed setbacks.

Mr. Imes stated that he was not the one who enclosed the porches and that he was hired to correct a previous contractor's mistakes. Mr. Williams confirmed that many of Mr. Gish's concerns would be addressed during permit reviews, and inspections would occur following permit issuance.

No other persons provided testimony at this hearing.

Vice Chairman Angello 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 Main and Walton Development Company, LLC (2014-27)
Property location: 550 E. Main Street, Hummelstown

This property, located in the General Commercial and General Sign Overlay zoning districts, is improved with the Hilton Garden Inn Hershey. The applicant is proposing to construct a three-story addition to the hotel and provide additional parking. Relief is sought regarding maximum floor area ratio.

Daniel Creep (LSC Design) and Ross Santangelo (Room One Corporation) were sworn in and gave testimony. Mr. Santangelo stated that the current trend in hotels is toward suite-style rooms. In order for the Hilton Garden hotel to stay relevant and competitive, he is proposing to construct a three-story addition that will contain 13 suite-style rooms.

The total proposed floor area will be 62,602 square feet, which will be a 17.56% increase.

The lot is irregularly shaped and has steep slopes in some areas. Placement of the addition on the north side of the existing hotel will make best use of the unique land features.

No other persons provided testimony at this hearing.

Vice Chairman Angello 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. Hearing in the Case of Paul and Lisa Rabon (2014-28)
Property location: 924 E. Chocolate Avenue, Hershey

This property, located in the Neighborhood Commercial and General Sign Overlay zoning districts, is improved with two office buildings. The applicants are proposing to retain the real

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 18, 2014

estate office use in the front part of the eastern building and establish an insurance agent office in the back part of the building. The applicants were granted relief under Petition 2005-66 to establish the real estate office use, and now seek relief from one of the conditions of approval that no second use can be established on the property.

Paul Rabon was sworn in and gave testimony. Mr. Rabon stated that the real estate office building is dual metered. He and his wife operate the real estate business and conduct very little business out of their office. Mr. Rabon would like to lease the office space in the rear of the building for one year to an insurance agent. Mr. Rabon believes the level of activity for the insurance office will be minimal.

Vice Chairman Angello questioned whether Mr. Rabon would be willing to agree to a restriction requiring him to receive additional approval if the tenant would change. Mr. Rabon agreed.

Mr. Williams stated that between the two adjacent properties owned by Mr. Rabon, there are 14 parking spaces.

Vice Chairman Angello asked how many employees would work at the insurance company. Mr. Rabon replied that only one would work out of the building, with one additional employee in the future as the business grew.

No other persons provided testimony at this hearing.

Vice Chairman Angello 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.

H. Hearing in the Case of Yingst Engineers & Associates, Inc. (2014-29)
Property location: 503 Maple 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 modify the existing front porch by expanding it and adding a roof. Relief is sought regarding expansion limitations for a nonconforming building and as a special exception to allow the encroachment of the front porch into the setback area, in line with adjacent dwellings.

Steven Yingst and Robin Zellers were sworn in and gave testimony. Mr. Yingst testified that the addition would add 46% more living space. Mr. Yingst also added that the front porch would be shortened, therefore lessening the current encroachment into the front yard setback. The front porch will also be covered to improve the home's aesthetics and bring it more in line with homes in the neighborhood. Mr. Zellers spoke with his adjacent neighbors and has received their approval of his plan.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 18, 2014

No other persons provided testimony at this hearing.

Vice Chairman Angello 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.

I. Hearing in the Case of The Greenskeeper (2014-30)
Property location: 2033 Southpoint Drive, Hummelstown

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct a patio to the rear of the house. Relief is sought regarding maximum impervious cover and rear and side yard setbacks.

Eric Allebach and Craig Smith were sworn in and gave testimony. Mr. Smith stated that his property is small and oddly shaped, and when the home was built the setbacks were only 8 feet. Mr. Smith is proposing to build an irregularly shaped patio with a pergola that will come within 6 feet of his side property line. Mr. Smith has shared his plans with his adjacent neighbor and received their approval.

No other persons provided testimony at this hearing.

Vice Chairman Angello 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 7:10 p.m.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 18, 2014

DELIBERATIONS

The Board met to deliberate in the cases of McNaughton Company (2014-09); Ensminger Builder, Inc. (2014-22); The Hershey Company (2014-23); Tom DeDonatis (2014-24); C. Matthew Imes (2014-25); C. Matthew Imes (2014-26); The Main and Walton Development Company, LLC (2014-27); Paul and Lisa Rabon (2014-28); Yingst Engineers & Associates, Inc. (2014-29); and The Greenskeeper (2014-30), and directed the Solicitor to prepare the draft decisions on each case for formal action at the July, 2014 meeting.

Submitted by:

Philip Wood, Secretary