

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

**CALL TO ORDER**

The July 16, 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; Secretary Philip Wood; Member Michael Kushner (via telephone)

Board members absent: Chairman William Tafuto; Member Matthew Brouillette

Also Present: Anthony Nestico, Solicitor to the Board; Charles Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Court Reporter (*name not known*) from Hughes, Albright, Foltz, & Natale Reporting Service, Inc.; Tracy Telesha, Stenographer

Public registering attendance: Robin Zellers, 503 Maple Avenue; Charles Huth, *The Sun*; Anne Newman, 531 Elm Avenue; Gilbert Petrina

**APPROVAL OF MINUTES**

On a motion by Member Kushner, seconded by Secretary Wood, and a unanimous vote, the June 18, 2014 minutes were approved.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of the McNaughton Company (2014-09)  
Property location: 946 Clifton Heights Road, Hummelstown**
- B. Adoption of Decision in the Case of Ensminger Builder, Inc. (2014-22)  
Property location: 305 Cocoa Avenue, Hershey**
- C. Adoption of Decision in the Case of The Hershey Company (2014-23)  
Property location: 19 E. Chocolate Avenue, Hershey**
- D. Adoption of Decision in the Case of Tom DeDonatis (2014-24)  
Property location: 125 Elm Avenue, Hershey**

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- E. Adoption of Decision in the Case of C. Matthew Imes (2014-25)**  
**Property location: 206 Linden Avenue, Hershey**
- F. Adoption of Decision in the Case of C. Matthew Imes (2014-26)**  
**Property location: 208 Linden Avenue, Hershey**
- G. Adoption of Decision in the Case of The Main and Walton Development Company, LLC (2014-27)**  
**Property location: 550 E. Main Street, Hummelstown**
- H. Adoption of Decision in the Case of Paul and Lisa Rabon (2014-28)**  
**Property location: 924 E. Chocolate Avenue, Hershey**
- I. Adoption of Decision in the Case of Yingst Engineers & Associates, Inc. (2014-29)**  
**Property location: 503 Maple Avenue, Hershey**
- J. Adoption of Decision in the Case of The Greenskeeper (2014-30)**  
**Property location: 2033 Southpoint Drive, Hummelstown**

On a motion made by Member Kushner, seconded by Secretary Wood, and a unanimous vote, the decisions for items A-J were adopted by consent agenda

On a motion by Secretary Wood, seconded by Member Kushner, and a unanimous vote, Vice Chairman Angello and Secretary Wood were appointed as Hearing Officers. *At this point Member Kushner left the meeting.*

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

This property, located in the Neighborhood Commercial zoning district, is improved with a building, formerly a conforming use as a law office, which has since been converted to a non-permitted use as a storage building. The applicant is appealing the determination of the Zoning Officer regarding the principal use classification of the building.

Gilbert Petrina was sworn in and gave testimony. Mr. Petrina stated that he purchased the property in 1981 and used it as a law office until 1989 when he purchased the adjacent property and moved the law office next door. Mr. Petrina added that the building at 228 Hockersville Road was used for file storage.

Mr. Petrina confirmed that the building no longer has water or electrical service and that he uses a small generator to power lights when necessary.

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Mr. Petrina added that both buildings have been broken into several times and that rather than replace the glass, he had the windows boarded up to deter future break-ins and to protect the interior from the elements.

Mr. Petrina has considered selling both properties. A deal to sell them to the adjacent property owner did not occur; however another potential buyer is in negotiations with him. Mr. Petrina does not wish to spend any more money on a property he is planning to sell. Mr. Petrina asserts that the issues with the building are more cosmetic in nature and added that Yingst Engineers had inspected the property in 2011 and determined the building to be structurally sound. The Township has placed a \$6,000 lien against the building to have it razed.

Mr. Emerick added that according to his research, the properties at 228 and 238 Hockersville were both purchased in 1978 and there is no record that the properties had been combined into a single deed.

Mr. Emerick also stated that a letter from Yingst Engineers stated that the main structure can be reasonably repaired; however the front and rear porches need extensive repairs. The Township declared the porches unsafe and required their removal. Mr. Emerick added that Mr. Petrina has received notice of the unsafe porches and numerous other maintenance issues over the years.

Mr. Emerick said that the Township has declared the building to be unfit for human habitation due to the lack of utilities. PPL removed the electric meter in 2003, United Water has not had water service to the building since 2003, and the DTMA has collected only the minimum flat rate, showing no usage.

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.

**NEW BUSINESS**

**A. Hearing in the Case of Penny and Dan Koval (2014-31)**  
**Property location: 301 W. Caracas Avenue, Hershey**

The applicants withdrew this case prior to the meeting.

Hearings closed at 6:40 p.m.

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**DELIBERATIONS**

The Board met to deliberate in the case of Gilbert E. Petrina (2014-11) and directed the Solicitor to prepare the draft decision for formal action at the August, 2014 meeting.

Submitted by:

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Philip Wood, Secretary