

**TOWNSHIP OF DERRY**  
**ZONING HEARING BOARD MEETING MINUTES**  
**August 20, 2014**

**CALL TO ORDER**

The August 20, 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; Member Matthew Brouillette

Board members absent: Chairman William Tafuto

Also Present: Anthony Nestico, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Diane Smith, Court Reporter; Tracy Telesha, Stenographer

Public attendance: Joy Mooney, Highlander Consultants, Inc.; Ron Lucas, Stevens & Lee; Charles Huth, *The Sun*; Steve Yingst, Yingst Engineers; Chris Fencel, Hillwood; Joel Price, 1614 E. Caracas Avenue; Denise Lahr, 709 Cricket Glen Road; Teresa Rowe, Everlasting Images; Michele Harnden, 303 W. Caracas Avenue; John Ingraham, 825 Olde Trail Road, Hummelstown; Joanne Monique; Andrew Peterson; Greg Gressel, 268 E. Areba Avenue

**APPROVAL OF MINUTES**

On a motion by Secretary Wood, seconded by Vice Chairman Angello, and a unanimous vote, the July 16, 2014 minutes were approved.

**OLD BUSINESS**

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

On a motion made by Secretary Wood, seconded by Vice Chairman Angello, and a unanimous vote, the decision was adopted as drafted.

**NEW BUSINESS**

- A. Hearing in the Case of New Cingular Wireless PCS, LLC (2014-32)**  
**Property location: 170 Washington Avenue, Hershey**

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This property, located in the Agricultural/Conservation zoning district, is improved with a wireless communications tower. The petitioner is proposing to place additional antennas on the existing tower. Relief is sought regarding maximum permitted antenna height.

Secretary Wood recused himself from this hearing.

Joanne Monique and Andrew Peterson were sworn in and gave testimony.

Mr. Peterson stated that the petitioner is proposing to remove six existing antennas and replace them with six 72.6-inch 4G compatible antennas on an existing tower. The antennas will be installed at 105 feet and will not extend above the tower structure. The new antennas will look similar to the ones that are being replaced.

Member Kushner questioned what effect this may have on wildlife and birds. Mr. Peterson replied that no wildlife will be affected. Mr. Peterson noted that some birds will nest in monopole structures; however, that is not the case with the tower in consideration.

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.

**B. Hearing in the Case of Joel T. Price (2014-33)**  
**Property location: 1614 E. Caracas Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The petitioner is proposing to enclose an existing side porch. Relief is sought regarding permitted expansion limitations of a nonconforming use.

Joel Price was sworn in and gave testimony. Mr. Price is proposing to enclose an existing 6 foot by 12 foot porch.

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.

**C. Hearing in the Case of LIT Palmyra, LP (2014-34)**  
**Property location: 350 N. Lingle Avenue, Palmyra, PA**

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This property, located in the Agricultural/Conservation and Industrial zoning districts, is within both Derry Township and Lebanon County. The Lebanon County side is improved with two existing warehouse/distribution buildings (General Mills), and the Derry Township side is improved with the property's access drive. Petitioner has received conditional approvals for construction of a warehouse/distribution building that will be in both Derry Township and Lebanon County; including prior relief granted by the Zoning Hearing Board on September 18, 2013, related to the blending of maximum impervious coverage calculations in the Agricultural/Conservation and Industrial zoning districts, maximum permitted floor area ratio, maximum permitted impervious coverage in the Industrial district, and the requirements to provide a commercial landscape buffer. Petitioner is requesting that a time extension be granted for these prior approvals until July 2, 2016.

Ron Lucas, Stevens & Lee, and Christopher Fencel, Hillwood, were sworn in and gave testimony. Mr. Lucas explained that there are no changes to the previously approved plan and the applicant only desires more time to complete the project.

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 Gregory M. Gressel (2014-35)**  
**Property location: 268 E. Areba Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The petitioner is proposing construct a cantilevered bump out of the existing kitchen. Relief is sought regarding expansion limitations into a nonconforming side yard setback.

Greg Gressel was sworn in and gave testimony. Mr. Gressel stated that he is remodeling his kitchen and would like to bump out a 90 inch by 21 inch area for a breakfast nook. The bump out will be completely contained under the home's current roofline and will be 8 feet, 11 inches from the side property line.

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.

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**E. Hearing in the Case of Michele Luongo-Harnden (2014-36)**  
**Property location: 20 Valley Road, Hershey**

This property, located in the Village Residential zoning district, is improved with a non-residential building being used as a beauty salon and massage therapy office. The petitioner is proposing to change the use to a chiropractor's office and photographer's studio, and to construct a paver patio adjacent to Valley Road. Relief is sought regarding the substitution of a nonconforming use, and the requirements of maximum impervious cover, minimum vegetative cover, and front and side yard setbacks.

Michele Luongo-Harnden and Teresa Rowe were sworn in and gave testimony. Ms. Rowe stated that she is a semi-retired photographer who is down-sizing her business to a 180-square-foot space to be located within the chiropractor's office. Ms. Rowe stated that on average she has less than five personal appointments per week and most of her work is done outside the studio.

The present business leases six parking spaces from Yost & Davidson law firm at 320 West Chocolate Avenue. The proposed tenants would continue to lease the six spaces, plus use two on-site garage spaces.

Mr. Williams added that the off-site parking allowance was a grandfathered condition. He stated that the Township would like to have a copy of any new agreement.

The photography studio would have no specific hours; however, the chiropractor would normally have hours between 7 a.m. and 5 p.m., Monday through Friday.

Ms. Rowe explained that she will be doing improvements to the aesthetics of the building, including the installation of an 11 foot, six inch by 9 foot brick patio which would complement the new walkway at the adjacent store (Pronio's). The patio would be 103 square feet and would add 1.5% impervious cover. The patio would feature a chair or two, and potted plants.

Mr. Williams added that the building has been used as commercial space since at least 1960.

Secretary Wood stated that he appreciates the applicant's efforts to improve the aesthetics of the building.

**PUBLIC COMMENT**

Steve Yingst stated that his business had been a neighbor to Ms. Rowe's studio on West Chocolate Avenue, and he confirmed that parking by clients was minimal and never caused an issue.

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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 John and Elizabeth Ingraham (2014-37)**  
**Property location: 825 Olde Trail Road, Hummelstown**

This property, located in the Suburban Residential zoning district, is improved with a single family dwelling. The petitioners are proposing to construct an attached garage. Relief is sought regarding front and side yard setback requirements.

John Ingraham was sworn in and gave testimony. Mr. Ingraham stated that he would like to add a 21.8 foot by 23.4 foot front-loading garage to his home. Mr. Ingraham stated that his lot is one of the smallest in the Stoney Run development.

On a suggestion by the Township, Mr. Ingraham amended his application to include a request for a special exception from Section 225-177 regarding front yard setback, in order to bring the proposed garage more in relation with the setbacks of adjacent homes. The front yard setback will be 27 feet from the property line. Mr. Williams explained that the zoning regulations changed in 1993 after the home was built, changing the front yard setback requirement from 25 feet to 30 feet. Since the changes to the regulations occurred after the development was constructed, many of the homes in the development are already closer than the 30 foot requirement. Therefore, it would not alter the essential character of the neighborhood to consider a similar setback to prior regulations.

**PUBLIC COMMENT**

Denise Lahr, a neighbor to the Ingrahams, stated her concerns that the plans are too vague. She was curious to know if the Stoney Run Homeowners Association had reviewed the plan. Ms. Lahr was also concerned about roof runoff potentially being directed into a retention area located to the rear of the property.

Mr. Ingraham said that the HOA had not yet seen the plans, as he was waiting for Zoning Hearing Board approval to finalize the plans.

Mr. Ingraham added that he has spoken with his adjacent neighbors and received their support of his proposed plans.

No other persons provided testimony at this hearing.

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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 Yingst Engineers & Associates, Inc. (2014-38)**  
**Property location: 245 E. Derry Road, Hershey**

This property, located in the Neighborhood Commercial zoning district, is improved with a duplex dwelling and detached garage. The petitioner is proposing demolish the existing dwelling and garage and construct a new professional office building and detached garage. Relief is sought regarding rear and side yard setbacks, off-street loading and unloading requirements, and off-site parking.

Steve Yingst was sworn in and gave testimony. Mr. Yingst stated that the current dwelling is in poor condition. The property is owned by the Derry Presbyterian Church. The church is proposing to replace the dwelling with a 4-unit modular that will be placed on a foundation and appear to be a residential dwelling. The office will house three employees.

The floor area and impervious area are being reduced and setbacks will be improved from the current conditions. Parking for the office will be located in an area owned by the church that is two lots down from the subject property.

Additional relief is needed from Section 225-132.D regarding the minimum 25 foot driving lane for the one handicap-accessible parking space on the property.

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 6:55 p.m.

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**DELIBERATIONS**

The Board met to deliberate in the cases of New Cingular Wireless PCS, LLC (2014-32), Joel T. Price (2014-33), LIT Palmyra, LP (2014-34), Gregory M. Gressel (2014-35), Michele Luongo Harnden (2014-36), John and Elizabeth Ingraham (2014-37), and Yingst Engineers & Associates, Inc. (2014-38) and directed the Solicitor to prepare the draft decisions on each case for formal action at the September, 2014 meeting.

Submitted by:

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Philip Wood, Secretary