

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 21, 2017**

CALL TO ORDER

The June 21, 2017 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman Michael Kushner in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Chairman Michael Kushner; Vice Chairman Philip Wood; Member Steve Moniak; Member Mark Shrift

Board member absent: Secretary Matthew Luttrell

Also Present: Megan Huff, Solicitor to the Board; Chuck Emerick, Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Charles Huth, *The Sun*; Steve Klick and Amy Fox, 457 W. Areba Ave.

APPROVAL OF MINUTES

On a motion by Member Shrift, seconded by Vice Chairman Wood, the June 21, 2017 minutes were approved as written.

OLD BUSINESS

None.

NEW BUSINESS

**A. Hearing in the case of Ensminger Builder, Inc. (2017-02)
Property location: 457 West Areba Avenue, Hershey**

This property, located in the Hershey Mixed Use zoning district, is improved with a single-family dwelling. The applicant is proposing to install a roof over an existing porch stoop. Relief was sought from permitted front yard setback requirements.

Steve Klick, the property owner, was sworn in and gave testimony. Mr. Klick stated that he would like to install a roof over an existing 7-foot by 4-foot front stoop. The stoop

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encroaches two feet into the front yard setback. Mr. Klick has shared his plans with his neighbors and they have no concerns regarding this improvement.

No other persons provided testimony at this hearing.

Chairman Kushner 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 Mark Pierce (2017-04)
Property location: 2053 Church Road, Hummelstown

This property, located in the Conservation zoning district, is improved with a single-family dwelling. The applicant is proposing to construct an attached garage to the rear of the dwelling. Relief was sought from maximum impervious coverage requirements.

The applicant's contractor, Seth Souders, was sworn in and gave testimony. Mr. Souders presented a letter from the applicant, permitting him to speak on behalf of applicant. Mr. Souders is proposing to construct a 30-foot by 40-foot by 19-foot attached garage. The garage would house two vehicles and also provide extra area for storage. The garage will comply with required setbacks. An existing storage shed will be removed. Due to the small size of the lot, the impervious coverage will be increased from 30.79% to 36.9%.

Chuck Emerick stated that the Dauphin County Tax Map the applicant used to determine lot dimensions is incorrect. The 15,409-square-foot lot would have impervious coverage increased to 37.2% after the proposed improvements.

Mr. Souders stated that the proposed garage would be attached to the rear of the house and would align with the present driveway.

Mr. Souders requested a continuance to allow the property owner time to address the hardships that are necessitating the requested relief.

C. Hearing in the case of Frank Gaeta (2017-05)
Property location: 261 West Chocolate Avenue, Hershey

This property, located in the Hershey Mixed Use, Downtown Core Overlay, and Downtown Commercial Sign Overlay zoning districts, is improved with the Duck Donuts eating establishment. The applicant is proposing to alter the nonconforming pole sign on

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the property by removing the top panel and maintaining the existing illuminated lower sign panel. Relief was sought from permitted alterations to a nonconforming sign.

Frank Gaeta and Chuck Emerick were sworn in and gave testimony. Mr. Emerick stated that the former sign on the property was oversized. For the last 25 years, the Township has been trying to reduce the existence of oversized signs in the downtown area. While the proposed alterations will reduce the size of this sign, the sign will still not be in compliance with the zoning regulations.

Member Moniak questioned why the top portion of the sign is being removed. Mr. Emerick stated that signs are not subject to being grandfathered when alterations are made. In this case, the applicant agrees that the top portion of the sign is too large.

Chairman Kushner questioned whether the Design Advisory Board approved the proposed sign. Mr. Emerick indicated that the lower panel sign for Duck Donuts was a change to the sign face only. A message and color change to an existing sign would not need to be reviewed by the Downtown Core Design Board, which replaced the prior Design Advisory Board. With removal of the top sign panel, no additional changes would be made that would add new signage elements to the existing support structure; therefore, no design review would be necessary for the panel to be removed.

No other persons provided testimony at this hearing.

Chairman Kushner 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 6:45 p.m.

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DELIBERATIONS

The Board met to deliberate in the cases of Ensminger Builder, Inc. (2017-02) and Frank Gaeta (2017-05) and directed the Solicitor to prepare the draft decisions on each case for formal action at the July 2017 meeting.

Submitted by:

Matthew Luttrell, Secretary