

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
February 18, 2015**

**CALL TO ORDER**

The February 18, 2015 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; Secretary Matthew Luttrell; Member Mark Shrift; Member Catherine Wagner

Board members absent: none

Also Present: Anthony Nestico, Solicitor to the Board; Charles Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Pam Packer, Court Reporter; Tracy Telesha, Stenographer

Public registering attendance: Anne Newman, 531 Elm Avenue; Chadd R. Jovanelly, Aquavisions, Inc.; Matthew J. Lusk, Aquavisions, Inc.; Robin Zellers, 503 Maple Avenue; Dave Heidelberg, 260 Quarry Road, Hummelstown; Bill Fisher, 1354 Shopes Church Road, Hummelstown

**APPROVAL OF MINUTES**

On a motion by Vice Chairman Wood, seconded by Secretary Luttrell, and a unanimous vote, the December 17, 2014 and January 28, 2015 minutes were approved as written.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Timothy Todd Logan (2014-53)  
Property location: 785 Zurich Drive, Hummelstown**

On a motion made by Vice Chairman Wood, seconded by Secretary Luttrell, and a 4-1 vote, the decision for item A was adopted.

- B. Adoption of Decision in the Case of Hershey Square 2014, LP (2014-58)  
Property location: Southeast corner of Mae Street and Hersheypark Drive**

- C. Adoption of Decision in the Case of Kunj, Inc. (2014-59)  
Property location: 1806 East Chocolate Avenue, Hershey**

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On a motion made by Vice Chairman Wood, seconded by Secretary Luttrell, and a unanimous vote, the decisions for items B and C were adopted by consent agenda.

**NEW BUSINESS**

**A. Hearing in the Case of David Heidelmark (2015-01)**  
**Property location: 260 Quarry Road, Hummelstown**

This property, located in the Neighborhood Commercial zoning district, is improved with a single family dwelling and two detached accessory buildings. The applicant is proposing to expand the second floor area of one detached accessory building and replace the second detached accessory building with a larger one. Relief is sought from maximum expansion limitations of a nonconforming building.

David Heidelmark and Bill Fisher were sworn in and gave testimony. Mr. Heidelmark is proposing to make improvements to his garage by enlarging the footprint by 17% and the overall size by 175%. Mr. Heidelmark would like to add a second floor above the present garage for storage and workshop space. An existing shed that is adjacent to the garage will be removed and in that space a second garage by will be added. The garage and shed will contain personal items and will not be used for any commercial storage.

Mr. Heidelmark will be using construction materials to match the existing home and believes the improvements will increase the property's aesthetics. The property is small and was improved prior to the current zoning regulations.

Mr. Heidelmark also requested a variance regarding rear yard setback, as 15 feet of relief will be needed for the project.

Bill Fisher stated that he and other neighbors are working to improve their properties, and he believes the proposed plan will add to the neighborhood.

The Zoning Hearing Board acknowledged letters submitted by Barry Buck and Douglas Koons at the hearing; however, no one was present to provide testimony on the questions and concerns raised in the letters.

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, he has 30 days to appeal the decision.

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**B. Hearing in the Case of Robin Zellers and Glenna Marino (2015-02)**  
**Property location: 503 Maple Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to construct a patio and in-ground swimming pool in the rear yard. Relief is sought from maximum impervious cover requirements.

Matthew Lusk, Chadd Jovanelly, and Robin Zellers were sworn in and gave testimony.

Mr. Lusk stated that a custom pool is being proposed for this property and that, along with a patio and pool apron, will increase the impervious cover to 34.93%. The pool's run-off will be connected to the Township's sanitary sewer system. Two hundred square feet of existing patio will be removed in the process of installing the pool. The new paver patio will be on a stone base and allow for some water infiltration.

Member Wagner questioned what vegetation would be planted around the pool and patio. Mr. Lusk responded that a mixture of grass, flower beds, and shrubs will be planted.

Mr. Zellers added that he has shared the plan with his neighbors and they have all expressed their support.

No other persons provided testimony at this hearing.

Chairman Kushner informed the applicants that the Board has 45 days to render a decision and if the applicants are 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 David Heidelmark (2015-01) and Robin Zellers and Glenna Marino (2015-02) and directed the Solicitor to prepare the draft decisions on each case for formal action at the March 2015 meeting.

Submitted by:

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Matthew R. Luttrell, Secretary