

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
March 18, 2015

CALL TO ORDER

The March 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; Tammy Baker, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Jacquelyn Huzvar-Gonder and Kenneth Gonder, 549 Cedar Avenue; Joe Eisenhauer, LHA; Larry Snyder, 228 McCorkle Road; Garrett Gallia, 27 W. Chocolate Avenue; David Haleig, 1087 Princeton Drive, Hummelstown; Charles Huth, *The Sun*; Tyler Boland, 59 Trinidad Avenue; Howard Trimble, 268 McCorkle Road; Charles Suhr, Steven & Lee; Beverly Heister, 270 McCorkle Road

APPROVAL OF MINUTES

On a motion by Vice Chairman Wood, seconded by Member Wagner, and a unanimous vote, the February 18, 2015 minutes were approved as written.

OLD BUSINESS

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

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

On a motion made by Vice Chairman Wood, seconded by Member Wagner, and a unanimous vote, the decisions for items A-B were adopted by consent agenda.

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NEW BUSINESS

- A. Hearing in the case of Kenneth Gonder and Jacquelyn Huzvar-Gonder (2015-03)**
Property location: 549 Cedar Avenue, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to maintain the location of a detached 2-car garage that has been constructed in the rear of the property. Relief was sought regarding rear yard setback and maximum impervious coverage requirements.

Jacquelyn Huzvar-Gonder and Kenneth Gonder were sworn in and gave testimony. Mrs. Huzvar-Gonder testified that she had been misinformed by the company that installed her pre-fabricated 2-car garage and was led to believe that since it is not a permanent structure, approval from the Township was not necessary. She would like to make amends and retain the location of her new detached garage.

The 24' by 20' garage is on a stone base and is located 15 feet from both the side and rear property lines. Mrs. Huzvar-Gonder stated that there are other 2-car garages in the neighborhood in similar locations. Mrs. Huzvar-Gonder also added that a 6' by 8' storage shed and a portion of a gravel parking area will be removed which will result in the impervious cover remaining at the same amount as before the garage was constructed.

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.

- B. Hearing in the Case of Hershey Entertainment & Resorts Company (2015-04)**
Property location: 100 West Hersheypark Drive, Hershey

This property, located in the Commercial Entertainment and General Sign Overlay zoning districts, is improved with the Hersheypark amusement facility, including a 25,000-square-foot attraction that is currently under construction. The applicant is proposing to place signs in the form of painted murals that depict images related to the Fun House theme on all sides of the exterior façade of the building. Relief was sought regarding maximum sign height and maximum number of colors on a sign face.

Garrett Gallia, representative from Hershey Entertainment & Resorts Company, was sworn in and gave testimony. Mr. Gallia stated that the new Laff Trakk rollercoaster is

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housed in a 70-foot-tall building. Full color panels ranging in size from 3 feet to 31 feet are to be installed within architectural features on the exterior walls.

Member Wagner questioned the manner in which the panels are to be lit. Mr. Gallia stated that while the lighting has not been finalized, the panels will most likely be under-lit.

Chuck Emerick added that the architectural panels are regarded as signs under the Township's Zoning Ordinance and suggested that the Board allow periodic changes to the panels so long as there are no advertisements or informational value to the signs, and that they remain a decorative feature.

Member Shrift questioned if the features will be painted directly on the wall or in some other manner. Mr. Gallia replied that the features will be painted on pre-fabricated panels and then applied to the walls. Chairman Kushner questioned whether the panels will be related to other rides within the park. Mr. Gallia stated that the panels will relate only to Laff Trakk.

Chris Brown, a planning consultant for the Township, stated that the building in its current state is very stark and the panels will enhance the aesthetics and heritage of the Township of which Hersheypark is a large part.

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.

C. Hearing in the Case of Tyler Boland (2015-05)
Property location: 268 McCorkle Road, Hershey

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicant is proposing to subdivide the property and create 2 residential lots. Relief was sought regarding front, rear, and side yard setbacks; minimum vegetative cover; maximum impervious cover; minimum lot area; and minimum lot width requirements.

Joe Eisenhower, Light-Heigel & Associates, was sworn in and gave testimony. Mr. Eisenhower stated that the lot contains 1.33 acres and is irregularly shaped. The zoning district directly adjacent to this lot is Village Residential and many homes in this area conform more closely to Village Residential rather than Agricultural/Conservation requirements. The existing home would remain on a new, smaller lot and the new lot will contain a single story home of about 1,600 square feet.

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Both proposed lots will have a 25-foot front setback, a 30-foot rear setback, and a 12-foot side yard setback to allow the homes to be evenly spaced. These proposed setbacks are consistent with the Village Residential district requirements, with exception of the side yard setback, which is consistent with the requirements for a lot that is nonconforming to the lot area requirements within the Agricultural/Conservation zoning district. The proposed impervious coverage will be 30%, with vegetative coverage being 60%. The lot with the existing home would be 122.05 feet wide and the proposed lot would be 113.86 feet wide.

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 7:10 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Kenneth Gonder and Jacquelyn Huzvar-Gonder (2015-03); Hershey Entertainment & Resorts Company (2015-04); and Tyler Boland (2015-05) and directed the Solicitor to prepare the draft decisions on each case for formal action at the April, 2015 meeting.

Submitted by:

Matthew R. Luttrell, Secretary