

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

**CALL TO ORDER**

The November 18, 2015 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Vice Chairman Philip Wood in the Briefing Room of the Derry Township Police Building, 620 Clearwater Road, Hershey, PA 17033.

**ROLL CALL**

Board members in attendance: Vice Chairman Philip Wood; Member Mark Shrift; Member Catherine Wagner

Board members absent: Chairman Michael Kushner; Secretary Matthew Luttrell

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

Public Registering Attendance: James DeAngelis, 564 Beech Avenue, Hershey; David Getz, Wix, Wenger & Weidner; Joe Eisenhauer, Light-Heigel & Associates; Susan McGarrity, 224 Java Avenue, Hershey; Scott Handley, 512 Hillcrest Road; Michelle Fogle, 512 Hillcrest Road; Anne Newman, 531 Elm Avenue; Steve Moniak, 2435 Raleigh Road, Hummelstown

**APPROVAL OF MINUTES**

On a motion made by Member Shrift, seconded by Member Wagner, and a unanimous vote, the October 21, 2015 minutes were approved as written.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Tomassi, LLC (2015-32)**  
**Property location: 10 Tomassi Drive, Hummelstown**
  
- B. Adoption of Decision in the Case of Main & Walton Development Company, LLC (2015-33)**  
**Property location: 550 East Main Street, Hummelstown**
  
- C. Adoption of Decision in the Case of Joseph Ryan (2015-37)**  
**Property location: 955 Hill Church Road, Hummelstown**
  
- D. Adoption of Decision in the Case of Justin and Julie Webb (2015-38)**  
**Property location: 734 Linden Road, Hershey**

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**E. Adoption of Decision in the Case of EON Development, LLC (2015-39)**  
**Property location: 962 Hersheypark Drive, Hershey**

**F. Adoption of Decision in the Case of the Derry Township Industrial and Commercial Development Authority (2015-40)**  
**Property location: 21 West Caracas Avenue, Hershey**

On a motion by Member Wagner, seconded by Member Shrift, and a unanimous vote, the decisions for items A-F were adopted by consent agenda.

**G. Continuance in the Case of Jeffrey S. Gelbaugh (2015-31)**  
**Property location: 565 Park Avenue, Hershey**

This case was continued to the January 2016 meeting.

**H. Continuance in the Case of James DeAngelis (2015-36)**  
**Property location: 564 Beech Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to maintain the location of an existing carport structure and two storage sheds, as well as expand the paved surface area of an existing driveway. Relief is sought regarding the side and rear yard setback requirements for a detached accessory use and maximum impervious coverage.

David Getz and James DeAngelis were sworn in and gave testimony. Mr. Getz clarified that the 14 foot by 16 foot existing shed is located 1 foot from the side property line and the existing 8 foot by 10 foot shed is located 2 feet from the side property line. The total impervious coverage for the lot is 36.08%.

No other persons provided testimony at this hearing.

Vice Chairman Wood 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 Michelle Fogle and Scott Handley (2015-41)**  
**Property location: 512 Hillcrest Road, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to construct a rear porch and elevated walkway connecting the porch to a side entry of the dwelling. Relief is sought regarding the required side yard requirements.

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Michelle Fogle and Scott Handley were sworn in and gave testimony. Mr. Handley stated that he would like to add a 12 foot by 24 foot deck with roof to the rear of his home. Due to the configuration on the house, the only access to the rear is via a side door. Mr. Handley is proposing to construct a 3 ½-foot-wide walkway from the side door to the proposed deck. The walkway will be elevated off the ground in order to connect the door with the deck. Mr. Handley stated that the proposed walkway will be 4 feet from the side property line. Mr. Handley has discussed his plans with his neighbor and the neighbor provided a letter to the applicant stating their approval of the project.

Member Wagner questioned whether other homes in the neighborhood have similar encroachments. Ms. Fogle replied that there are several whose driveways and carports are close to the property line.

No other persons provided testimony at this hearing.

Vice Chairman Wood informed the applicants that the Board has 45 days to render a decision and if the applicant are aggrieved in any way, they have 30 days to appeal the decision.

**B. Hearing in the Case of Susan McGarrity (2015-42)**  
**Property location: 850 East Chocolate Avenue, Hershey**

This property, located in the Neighborhood Commercial zoning district, is improved with a two-family detached dwelling. The applicant is proposing to renovate and convert the building use to an acupuncture office on the first floor and to maintain the residential unit on the second floor. Relief is sought regarding required minimum drive lane width for an access drive, required turn around area in a parking facility, required minimum parking spaces, and permitted encroachments into required yard areas.

Attorney David Getz; Joe Eisenhauer of Light-Heigel and Associates; and Susan McGarrity were sworn in and gave testimony. Dr. McGarrity is proposing a single operator acupuncture office which would serve one client at a time for an average appointment length of 60 minutes. Parking for the first floor business would be in the rear, utilizing two garage spaces and one handicapped-accessible space.

The second floor would remain an apartment. Parking for the residential use would remain in a gravel area in front of the building along Chocolate Avenue. The gravel area can accommodate a maximum of three vehicles and will be clearly marked as “tenant parking” only. Mr. Eisenhauer stated that PennDOT will not allow unpaved commercial parking in the right-of-way of Chocolate Avenue.

Mr. Williams suggested a condition be placed on the approval, limiting the business to a single proprietor/employee.

Member Shrift asked what the width of Plum Alley is and whether it is a one-way road. Mr. Eisenhauer replied that Plum Alley is a two-way alley and is 12 to 14 feet wide. Member Shrift

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further questioned whether any of the homes or businesses along this stretch use Plum Alley to access parking areas. Mr. Eisenhower replied that the private homes do, as well as the credit union located off Lane Street.

Member Wagner questioned if there is space for emergency vehicles. Dr. McGarrity replied that the space in front would be available for any emergency vehicles. Dr. McGarrity stated that the hours of the business will be 8 a.m. until 5 p.m., Monday through Friday. Dr. McGarrity added that she is in negotiations with the adjacent property owner regarding leasing garage space.

No other persons provided testimony at this hearing.

Vice Chairman Wood 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 Nicholas and Jacqueline Fanelli (2015-43)**  
**Property location: 837 Linden Road, Hershey**

This case was continued to the December 2015 meeting.

Hearings closed at 7:15 p.m.

**DELIBERATIONS**

The Board met to deliberate the cases of James DeAngelis (2015-36); Michelle Fogle and Scott Handley (2015-41); and Susan McGarrity (2015-42) and directed the Solicitor to prepare the draft decisions on each case for formal action at the December, 2015 meeting.

Submitted by:

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Matthew Luttrell, Secretary