

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
December 16, 2015**

**CALL TO ORDER**

The December 16, 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: Megan Huff, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Nicholas and Jacqueline Fanelli, 1923 Preserve Lane, Palmyra; Randy Wright, Hanover Engineering; Robert Smith, 1016 Old West Chocolate, LLC; Jim Peaso, McCrossin Foundation; Robert DeAngelis, DeAngelis Martial Arts; Michelle Fogle, 512 Hillcrest Road; Scott Handley, 512 Hillcrest Road; Barry Burkholder, 33 Long Avenue

**APPROVAL OF MINUTES**

On a motion by Vice Chairman Wood, seconded by Member Shrift, and a unanimous vote, the November 18, 2015 minutes were approved as presented.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of James DeAngelis (2015-36)  
Property location: 564 Beech Avenue, Hershey**
  
- B. Adoption of Decision in the Case of the Michelle Fogle and Scott Handley (2015-41)  
Property location: 512 Hillcrest Road, Hershey**
  
- C. Adoption of Decision in the Case of Susan McGarrity (2015-42)  
Property location: 850 East Chocolate Avenue, Hershey**

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On a motion by Vice Chairman Wood, seconded by Member Shrift, and a unanimous vote, the decisions for items 'A' through 'C' were adopted by consent agenda.

**D. Continuance in the Case of Nicholas and Jacqueline Fanelli (2015-43)**  
**Property location: 837 Linden Road, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling and detached garage. The applicants are proposing to demolish the existing buildings and construct a new dwelling and detached garage on the property. Relief was sought regarding side yard setback requirements for an egress stairwell and central air conditioner unit, maximum impervious coverage requirements, and expansion limitations of an existing nonconforming use for the detached garage.

Vice Chairman Wood recused himself.

Nicholas Fanelli was sworn in and gave testimony. Mr. Fanelli stated that he bought the property in June, 2015 which consisted of a 1,100-square-foot ranch style home with a 15-foot by 23-foot detached garage. Mr. Fanelli stated that he is planning to raze the existing home and replace it with a new two-story home. The proposed basement egress and HVAC pad, which will be hidden on three sides by a fence, will come within 25 feet of the side property line. The impervious coverage will be 32%, which will require 2% relief. The detached garage will be 1 foot from the side property line and 12 feet from the rear property line.

Mr. Fanelli also requested a special exception regarding front yard setback requirements, to allow 4 feet of relief in order to match with adjacent neighbors' setbacks.

Public Comment

Janice Gamble, whose garage is across the alley from the proposed garage, questioned whether the proposed garage would be directly behind hers. She is concerned about access to her garage.

Mr. Fanelli stated that the proposed garage would be on the opposite side of the lot and not directly behind hers.

Philip Wood stated that he is pleased with the details and effort to retain the look of the neighborhood.

No other persons provided testimony at this hearing.

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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.

**NEW BUSINESS**

**A. Hearing in the Case of Robert W. Smith (2015-44)**  
**Property location: 1016 Old West Chocolate Avenue, Hershey**

This property, located in the Industrial zoning district, is improved with a commercial contractor's office and equipment storage yard. The applicant is proposing to expand the existing outdoor storage area on the property. Relief was sought regarding rear yard setback requirements.

Robert Smith was sworn in and gave testimony. Mr. Smith is proposing to expand an impervious area in the rear of the property to house service vehicles and equipment. A fence, which will come within 17.8 feet of the rear property line, will enclose the 2,645-square-foot area. The storage area will not be visible from Old West Chocolate Avenue and will be adjacent to the railroad tracks to the rear.

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 Robert DeAngelis (2015-45)**  
**Property location: 30 Baum Street, Hershey**

This property, located in the Village Residential zoning district, is improved with a nonresidential building. The applicant is proposing to operate a karate studio in the building. Relief was sought in the form of a special exception to permit the substitution of one nonconforming use for another

Robert DeAngelis was sworn in and gave testimony. Mr. DeAngelis stated that the 4,000-square-foot building houses the Modern Rug Company on the upper floor. He is proposing to operate a karate studio in the lower level. The two businesses will have opposite hours, with the exception of Saturday morning. The Modern Rug Company lists hours, but the owner rarely does business on Saturdays. Mr. DeAngelis added that most of his students are minors who are dropped off for their lessons by their parents.

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Member Wagner asked how many employees will be at the studio. Mr. DeAngelis stated that there will be one employee in addition to himself and his wife, who live nearby and would normally walk to the studio.

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 7:00 p.m.

**DELIBERATIONS**

The Board met to deliberate in the cases of Nicholas and Jacqueline Fanelli (2015-43); Robert W. Smith (2015-44); and Robert DeAngelis (2015-45) and directed the Solicitor to prepare the draft decisions on each case for formal action at the January, 2016 meeting.

Submitted by:

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Matthew Luttrell, Secretary