

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
February 17, 2016**

CALL TO ORDER

The February 17, 2016 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 Mark Shrift; Member Steve Moniak

Board members absent: Secretary Matthew Luttrell

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

Public Registering Attendance: Dave Getz, Wix, Wenger & Weidner; Jim Snyder, Snyder, Secary & Associates; Jeff Gelbaugh, P.O. Box 85, Hershey; Charles Huth, *The Sun*; Ekrem Abdic, Ekrem Abdic, Inc.; Bill Hoy; Sharon Rogues

APPROVAL OF MINUTES

On a motion by Member Shrift, seconded by Member Moniak, and a majority vote (Vice Chairman Wood abstained), the January 20, 2016 minutes were approved as written.

OLD BUSINESS

- A. Adoption of Decision in the Case of Jeffrey S. Gelbaugh (2015-31)
Property location: 565 Park Avenue, Hershey**
- B. Adoption of Decision in the Case of Randy Haldeman (2015-46)
Property location: 618 Appenzell Drive, Hummelstown**
- C. Adoption of Decision in the Case of Don Papon (2015-47)
Property location: 170 Hotel Road, Hershey**

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

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NEW BUSINESS

A. Hearing in the case of Ekrem Abdic (2016-01)
Property location: 1044 Hillview Lane, Hershey

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to maintain an egress window well that has been constructed in the side yard setback. Relief was sought regarding side yard setback requirements.

Member Moniak abstained from this hearing.

Ekrem Abdic was sworn in and gave testimony. Solicitor Huff indicated that she represents Mr. Abdic on an unrelated matter, and Mr. Abdic agreed to Solicitor Huff's involvement in this case. Mr. Abdic stated that he recently installed a basement egress window to the rear addition to this home. The window was installed to comply with the building code and to provide emergency egress. Placement of a desk and HVAC equipment limited where the window could be placed. The window is located 13 feet, 8 inches from the side property line. Mr. Abdic added that the neighbor approves of the window placement.

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 Chafia Capital Partners, LLC (2016-02)
Property location: 515, 555, and 565 East Chocolate Avenue, Hershey

The properties are located in the Neighborhood Commercial zoning district. A portion of the properties is currently improved with an office building (555 E. Chocolate Ave.), while another portion was once improved with an auto dealership (515 East Chocolate Ave.). The remaining area is currently undeveloped (565 E. Chocolate Ave.). The applicant desires to construct wall signage on a proposed hotel building. Relief was sought regarding maximum permitted height of a wall sign.

Dave Getz, Jim Snyder, and Bill Hoy were sworn in and gave testimony. Mr. Getz stated that the applicant is proposing to install three externally illuminated signs on both sides and the front of a proposed hotel building. The front sign will be 16 feet by 4 feet, 4 inches. The two side signs will be 3 feet, 4 inches by 12 feet, 8 inches.

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Mr. Getz clarified that due to the location of the proposed hotel, larger signage is needed for visibility and to adhere to the hotel branding suggestions.

Vice Chairman Wood questioned whether the selected signage were the smallest branded signs. Mr. Getz stated that these signs are the smallest branded signs offered by the hotel chain. Mr. Hoy indicated that if relief is not granted, he would have to negotiate with the hotel chain for compliant signage.

Chairman Kushner asked if the Design Advisory Board gave their approval, despite the size. Mr. Williams indicated that the Design Advisory Board reviewed the design and indicated no specific objections to the size of the signs proposed. Mr. Williams also stated that branding specifications, especially for hotels, are often larger than Township allowances.

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.

DELIBERATIONS

The Board met to deliberate in the cases of Ekrem Abdic (2016-01) and Chafia Capital Partners, LLC (2016-02) and directed the Solicitor to prepare the draft decisions on each case for formal action at the March, 2016 meeting.

Submitted by:

Matthew Luttrell, Secretary