

**TOWNSHIP OF DERRY**  
**ZONING HEARING BOARD MEETING MINUTES**  
**April 20, 2016**

**CALL TO ORDER**

The April 20, 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; Secretary Matthew Luttrell; Member Mark Shrift; Member Steve Moniak

Board members absent: Vice Chairman Philip Wood

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

Public registering attendance: David Christian, DCA, Inc., 227 Park Avenue, Mount Joy; John May, 435 W. Granada Avenue; Brad Sheaffer, 205 Grandview Road, Hummelstown

**APPROVAL OF MINUTES**

On a motion by Member Shrift, seconded by Member Moniak, and a majority vote (Chairman Kushner abstained), the March 16, 2016 minutes were approved as written.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Seth and Valerie Pantanelli (2016-03)**  
**Property location: 254 Maple Avenue, Hershey**
  
- B. Adoption of Decision in the Case of Penway Construction (2016-04)**  
**Property location: 325 Cedar Avenue, Hershey**
  
- C. Adoption of Decision in the Case of Burget & Associates, Inc. (2016-05)**  
**Property location: 810 and 848 West Chocolate Avenue, Hershey**
  
- D. Adoption of Decision in the Case of LIT Palmyra, LP (2016-06)**  
**Property location: 350 North Lingle Avenue, Palmyra**

On a motion by Member Shrift, seconded by Member Moniak, and a unanimous vote, the decisions for items 'A' – 'D' were adopted by consent agenda.

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**NEW BUSINESS**

**A. Hearing in the case of Robert and Beverly Leo (2016-07)**  
**Property location: 120 Almond Drive, Hershey**

This case was withdrawn prior to the meeting.

**B. Hearing in the Case of John E. May III (2016-08)**  
**Property location: 435 West Granada Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicant is proposing to construct a rear addition to the dwelling. Relief was sought regarding floor area expansion limitations for a nonconforming structure and maximum impervious cover.

John May was sworn in and gave testimony. Mr. May stated that he intends to enclose an existing breezeway and construct an addition to the rear of his home to create a master suite, laundry room, and family room. The 672-square-foot addition will increase the overall size of the dwelling by 50%. In addition, the impervious coverage will increase from 31.25% to 36.22%. Mr. May stated that his home is located on a small, narrow lot.

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 Colin and Christa Callahan (2016-09)**  
**Property location: 211 Maple Avenue, Hershey**

This property, located in the Village Residential zoning district, is improved with a single family dwelling. The applicants are proposing to maintain and replace portions of existing impervious cover on their property that were installed by prior owners above and beyond limits previously approved by Decision of the Zoning Hearing Board. Relief was sought regarding maximum impervious coverage and minimum vegetative coverage requirements.

David Christian, landscape architect, and Christa Callahan were sworn in and gave testimony. Mr. Christian stated that he intends to remove existing asphalt and stone beside the garage. He will also be replacing existing stepping stones with a concrete sidewalk. The overall impervious coverage will be reduced from 48.2% to 47.32%.

Ms. Callahan added that the lot is small and narrow.

No other persons provided testimony at this hearing.

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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.

**D. Hearing in the case of Charter Homes at Hershey, Inc. (2016-10)**  
**Property location: Deer Run Commons, Hummelstown**

This property, located in the Attached Residential zoning district, is improved with single-family attached dwellings that were previously granted variances for maximum building height requirements. The applicant is proposing to continue construction on 17 dwelling units. Relief was sought regarding time limitations so that prior variances remain valid.

Esch McCombie, attorney, and Josh Smith, Charter Homes, were sworn in and gave testimony. Mr. McCombie stated that the focus of this hearing is units 72-88 in the northern area of the development.

Upon being questioned by the Board, Brandon Williams stated that he had spoken with the Homeowners Association regarding parking issues in the neighborhood due to residents utilizing garages for non-parking uses. The added height to the structures will enable construction of two-car garages beneath the living area instead of one-car garages that were typical of other townhouses in the development. Mr. Williams added that a portion of the dwelling units subject to the prior variance approvals have already been constructed; however, since all buildings haven't been approved by issuance of a zoning permit, the time extension is necessary so that the prior approvals remain valid until zoning permits can be issued for the remaining dwellings.

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 7:15 p.m.

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**DELIBERATIONS**

The Board met to deliberate in the cases of John E. May III (2016-08); Colin and Christa Callahan (2016-09); and Charter Homes at Hershey, Inc. (2016-10) and directed the Solicitor to prepare the draft decisions on each case for formal action at the May 2016 meeting.

Submitted by:

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Matthew Luttrell, Secretary