

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
June 15, 2016**

**CALL TO ORDER**

The June 15, 2016 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman 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 Steve Moniak

Board members absent: Member Mark Shrift

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: *No one signed the attendance sheet. From observation, at least the following members of the public were in attendance: Ekrem Abdic, Lee Engle, and David Leader.*

**APPROVAL OF MINUTES**

On a motion by Member Moniak, seconded by Secretary Luttrell, and a unanimous vote, the May 18, 2016 minutes were approved as written.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Evan Pattishall (2016-11)  
Property location: 164 North Third Street, Hershey**
  
- B. Adoption of Decision in the Case of Charter Homes at The Point, Inc. (2016-12)  
Property location: North of Stoverdale Road and west of Buck Drive, Hummelstown**
  
- C. Adoption of Decision in the Case of David Bowser (2016-13)  
Property location: 102 Reese Avenue, Hershey**

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

**TOWNSHIP OF DERRY**  
**ZONING HEARING BOARD MEETING MINUTES**  
**June 15, 2016**

**NEW BUSINESS**

**A. Hearing in the Case of Ekrem Abdic (2016-15)**

**Property location: 245 East 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 covered porch addition to the rear of the dwelling. Relief is sought from maximum impervious coverage limitations.

Ekrem Abdic was sworn in and gave testimony. Mr. Abdic stated that he is proposing to construct a 14 foot, 6 inch by 16 foot covered porch at the rear of the property. The porch on the small, narrow lot will increase the impervious coverage to 33.84%.

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 Providence Place (2016-16)**

**Property location: 1528 Sand Hill Road, Hummelstown**

This property, located in the Neighborhood Commercial zoning district, is improved with the corporate offices for the Providence Place senior living facility owned by the George M. Leader Family Corporation. The applicant is proposing to construct a storage building on the property. The applicant is appealing the Zoning Officer's determination that the building constitutes a warehouse use, which is not permitted in this district. In lieu of this determination, the applicant is requesting that the Board grant the use of the storage building as an accessory use to the existing professional office building.

Lee Engle, Yingst Engineering, and David Leader were sworn in and gave testimony. Mr. Engle stated that the proposed storage building would be adjacent to the corporate office to allow ease of use for the office personnel. The proposed steel building would resemble a barn to better blend in with the neighborhood.

Member Moniak questioned what would be stored in the building. Mr. Leader stated that furnishings would be stored in the building and rotated in and out dependent upon the needs of the senior living facility's residents and public space renovations. Twice a week a company-owned box truck would make deliveries/pick-ups.

The 2.7-acre lot originally was a residence which now houses the corporate offices. The proposed building would be 5,000 square feet and will comply with all other requirements.

**TOWNSHIP OF DERRY**  
**ZONING HEARING BOARD MEETING MINUTES**  
**June 15, 2016**

Member Moniak asked how many employees work at this location. Mr. Leader replied that at a maximum, there would be 10-12 employees.

Member Moniak questioned how long items will typically be stored in the facility. Mr. Leader stated that the timeframe per item can vary from a few weeks to a few months.

Secretary Luttrell asked how much traffic is expected on the site. Mr. Leader replied that the 20-foot box truck would be parked on site. It would be used one to three times a week. Mr. Engle added that the plan was originally approached as a land development project and that parking and stormwater management were taken into consideration. Secretary Luttrell questioned whether any future expansion will be needed. Mr. Leader responded that while there are no immediate plans, perhaps in ten years there could be a need.

Mr. Leader also added that employees will frequently need to access the items in the proposed storage area, which necessitates the proximity of the proposed building. Mr. Leader also offered to attach the two buildings if the Township deems it necessary.

Assistant Director Williams indicated that Section 225-8 of the Township Zoning Ordinance defines "Business and Professional Office." Storage of goods or products is expressly prohibited in this definition, which led to the determination that the use is not a permitted accessory use. The products stored in the building will also be accessory to the off-site residential communities that Providence Place owns, and not accessory to the Providence Place administrative office functions that operate on the property. An accessory use must operate on the same property as the principal use that the accessory use is incidental to. Mr. Williams indicated that storage or warehousing of products is not a permitted principal use in the Neighborhood Commercial zoning district.

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 6:55 p.m.

**TOWNSHIP OF DERRY**  
**ZONING HEARING BOARD MEETING MINUTES**  
**June 15, 2016**

**DELIBERATIONS**

The Board met to deliberate in the cases of Ekrem Abdic (2016-15) and Providence Place (2016-16) and directed the Solicitor to prepare the draft decisions on each case for formal action at the July 2016 meeting.

Submitted by:

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Matthew Luttrell, Secretary