

**TOWNSHIP OF DERRY  
ZONING HEARING BOARD MEETING MINUTES  
February 21, 2018**

**CALL TO ORDER**

The February 21, 2018 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 Steve Moniak; Secretary Matthew Luttrell; Member Philip Wood; Member Sandra Ballard

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: Lori Kelly, 710 Stauffers Church Road; Matthew Lusk, Aquavisions, Inc.

**APPROVAL OF MINUTES**

On a motion by Member Wood, seconded by Secretary Luttrell, and a unanimous vote, the January 17, 2018 minutes were approved as written.

**OLD BUSINESS**

- A. Continuance in the Case of 906 Newville Road, LP (2017-15)  
Property location: 1040, 1048, and 1052 Old West Chocolate Avenue, Hershey**

This case was withdrawn prior to the meeting. The Board acknowledged the letter requesting withdrawal of this application from consideration. No additional action was required.

**NEW BUSINESS**

- A. Hearing in the Case of Aquavisions, Inc. (2018-01)  
Property location: 710 Stauffers Church Road, Palmyra**

This property, located in the Conservation zoning district, is improved with a single-family detached dwelling. The applicant is proposing to construct an in-ground swimming pool and covered patio. Relief is sought from rear yard setback requirements.

Matthew Lusk, Aquavisions, Inc., was sworn in and gave testimony. Mr. Lusk stated that the existing home is non-conforming and is located inside the 50-foot rear yard setback. The property is oddly shaped with the house being located in the corner of the property, creating a very small backyard area.

**TOWNSHIP OF DERRY**  
**ZONING HEARING BOARD MEETING MINUTES**  
**February 21, 2018**

The proposed pool will be located 10 feet away from the house to protect the foundation. The pool and patio will be located 15 feet from the property line. Mr. Lusk stated that the front yard area, while large, is pasture land for the homeowners' pets. Aesthetically, placement of the pool in the front yard would be awkward.

Member Wood questioned whether the neighbors were informed of the project and whether they had any concerns. Mr. Lusk replied that the homeowners walked through the project with the neighbor and there are no concerns. Vice Chairman Moniak asked whether any other locations were considered. Mr. Lusk stated that no other locations were viable options.

Member Ballard questioned if the plantings area includes any structures or walls. Mr. Lusk responded that the planting area will feature a retaining wall to support the pool.

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 6:15 p.m.

**TOWNSHIP OF DERRY**  
**ZONING HEARING BOARD MEETING MINUTES**  
**February 21, 2018**

**DELIBERATIONS**

The Board met to deliberate in the case of Aquavisions, Inc. (2018-01) and directed the Solicitor to prepare a draft decision for formal action at the March 2018 meeting.

Submitted by:

---

Matthew Luttrell, Secretary