

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
January 16, 2019**

CALL TO ORDER

The January 16, 2019 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Member Steve Moniak in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Member Steve Moniak; Member Matthew Luttrell; Member Sandra Ballard; Member Philip Wood; Member Lindsay Drew

Board members absent: None

Also Present: Megan Huff, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Chuck Emerick, Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Dave Getz, Wix, Wenger & Weidner; John Hrabovsky, Travel Champs; Kurt McCombs, 25 Maple Avenue, Hershey; Jay and Carol Carr, 10 Ridgeview Road, Hummelstown; Kenny Hinebaugh, Evans Engineering; Terry Kerwin, Kerwin & Kerwin; Jamie Strong, McNees, Wallace & Nurick; Kathy and Steve Seidl, 450 West Granada Avenue, Hershey; Zach Conner; Terry Connor; Alice Winters; Tamar Thomas; Mark Winters

APPROVAL OF MINUTES

On a motion by Member Ballard, seconded by Member Luttrell, and a unanimous vote, the December 12, 2018 minutes were approved as written.

REORGANIZATION

On a motion by Member Wood, seconded by Member Drew, and a unanimous vote, the Board made the following appointments:

Chairman:	Steve Moniak
Vice Chairman:	Matthew Luttrell
Secretary:	Sandra Ballard

OLD BUSINESS

- A. Adoption of Decision in the Case of Cellco Partnership, d/b/a Verizon Wireless (2018-15)
Property location: 1215 Fishburn Road, Hershey**

On a motion made by Vice Chairman Luttrell, seconded by Secretary Ballard, and a majority vote, the decision was adopted as written. Member Drew recused herself.

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NEW BUSINESS

A. Hearing in the Case of Carol Carr (2018-16)
Property location: 10 Ridgeview Road, Hummelstown

This property, located in the Hershey Mixed Use zoning district, is improved with a single-family dwelling. The applicant is proposing to install a 6-foot fence in the prior location of a 5-foot fence. Relief is sought from the maximum permitted height of a fence panel when located within 10 feet of a street right-of-way.

Carol Carr was sworn in. Ms. Carr stated that the current fence is in poor repair and she would like to replace it in the same exact location with a six-foot-high fence to give her more privacy and reduce noise and dirt from the nearby street. Ms. Carr stated that the sight line for the street would not be impacted, nor would any nearby neighbors.

Brandon Williams stated that the Township received an anonymous letter protesting the requested relief.

Chairman Moniak questioned whether the applicant had discussed the proposed fence installation with her neighbors. Ms. Carr replied that she had not, as the fence would not impact any of her neighbors in any way.

Chairman Moniak 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 Diocese of Harrisburg, St. Joan of Arc Catholic Church (2018-17)
Property location: 359 West Areba Avenue, Hershey

This property, located in the Hershey Mixed Use zoning district, is improved with an elementary school. The applicant is proposing to construct a 3-story addition to the school. Relief is sought from regulations regarding expansion of an existing non-conforming building.

Terry Kerwin, attorney, and Kenneth Hinebaugh, engineer, were sworn in. Mr. Kerwin stated that the school would like to construct a 3-story, 13,000-square-foot addition on the northeast side of the existing building. The proposed addition will not encroach in the setbacks. The only relief needed is for a small portion of the existing building that encroaches in the right-of-way. The belief is that the building did conform at the time it was built, and there will be no changes to the non-conforming section.

Chairman Moniak 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.

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C. Hearing in the Case of Hrabovsky Enterprises, LLC and Joe Sgrignoli, dba Travel Champs (2018-18)

Property location: 1028 East Governor Road, Hershey

This property, located in the Conservation zoning district, is improved with a vacant commercial structure that was formerly used as a restaurant. The applicant is proposing to use the structure for a custom embroidery and printing business, including retail sales of merchandise. Relief is sought from the substitution of a nonconforming use, maximum sign area, and maximum number of signs.

Joe Sgrignoli and John Hrabovsky were sworn in.

Mr. Sgrignoli is seeking to convert a former restaurant into an eco-friendly, waterless logo-wear business specializing in screen printing and embroidery of apparel. The business will house a maximum of 4 employees and be open for normal business hours during the week, as well as Saturday mornings. Foot traffic to the business will be minimal as appointments will be used when possible. The site currently contains more than adequate parking.

Mr. Sgrignoli is seeking to move an existing pole sign further away from the road. The sign is proposed to be 8 feet by 7 feet and lighted. Mr. Sgrignoli is also proposing to install a 9-foot by 3-foot wall sign which will comply with requirements. Mr. Sgrignoli added that a larger pole sign is necessary due to the higher speed of traffic on Route 322 in front of his business and nearby trees that limit the view of the sign.

PUBLIC COMMENT

Josh Thomas, adjacent neighbor, stated that he is supportive of the new proposed business and appreciates the sign being moved back which will allow for him to have better visibility when leaving his property. Mr. Thomas asked if the pole sign would be illuminated 24 hours a day. Mr. Sgrignoli responded that the sign will not be illuminated overnight.

Tamar Thomas, adjacent neighbor, stated her support of the proposed business and appreciates the aesthetics of the proposed signs.

Mark Winters, adjacent neighbor, also voiced his support.

Steve Seidl supports the change in use but is concerned about the precedent that could be set in permitting a larger sign.

Mr. Hrabovsky stated that he is willing to reduce the size of the pole sign to 5 feet by 7 feet to be more in compliance.

Chairman Moniak 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.

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Hearings closed at 7:25 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of Carol Carr (2018-16); Diocese of Harrisburg, St. Joan of Arc Catholic Church (2018-17); and Hrabovsky Enterprises, LLC, and Joe Sgrignoli, dba Travel Champs (2018-18), and directed the Solicitor to prepare the draft decisions on each case for formal action at the February 2019 meeting.

Submitted by:

Sandra Ballard, Secretary