

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
June 19, 2019

CALL TO ORDER

The June 19, 2019 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman Steve Moniak in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

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

Board members absent: None

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

Public Registering Attendance: Spencer Myers, 34 E. Derry Road; Fay Faust, 65 Trinidad Avenue; Charlene and Robert Betz, 163 E. Derry Road; Steve Shuey, 78 E. Derry Road; Andrew J. Fisher, II, 239 E. Derry Road; Steve Yingst, Yingst Engineers; Brandon Johnson, Cacao Way, LLC; Mike and Leslie Button, 1335 E. Chocolate Avenue; Tracy Brown, 319 Park Avenue

APPROVAL OF MINUTES

On a motion by Member Drew, seconded by Secretary Ballard, and a majority vote, the May 15, 2019 minutes were approved as written. Member Wood abstained from voting due to his absence at the last meeting.

OLD BUSINESS

A. Adoption of Decision in the Case of Cacao Way, LLC (2019-07)
Property location: 50 Northeast Drive, Hershey, PA

On a motion made by Vice Chairman Luttrell, seconded by Secretary Ballard, and a majority vote, the decision was adopted as written. Member Wood abstained from voting.

B. Adoption of Decision in the Case of Karen Pearson (2019-08)
Property location: 113 North Lingle Avenue, Hershey, PA

On a motion made by Secretary Ballard, seconded by Member Drew, and a majority vote, the decision was adopted as written. Member Wood abstained from voting.

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NEW BUSINESS

A. Hearing in the Case of Yingst Engineers & Associates, Inc. (2019-09)
Property location: 1335 East Chocolate Avenue, Hershey, PA

This property, located in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts, is improved with a single-family dwelling. The applicant is proposing to convert the use of the property to a healthcare practitioner's office. Relief is sought from side yard setback requirements and design and construction standards regarding the proposed parking lot.

Engineer Steve Yingst and owners Michael and Leslie Button were sworn in and gave testimony.

Mr. Yingst stated that the existing structure shares a driveway off Chocolate Avenue. He is proposing to create a parking area to the rear of the building accessible by an existing alleyway. Mr. Yingst added that there will be an agreement with the adjacent neighbor to share the new proposed driveway off the alley so both structures will have access to parking in the rear. Presently, the adjacent property is for sale. An easement agreement will be created with the new buyer.

Chairman Moniak questioned whether the agreement will cover items such as snow removal and maintenance. Mr. Yingst affirmed that the agreement will clearly cover those areas.

Chuck Emerick added that conversion of the building from residential to commercial will require a building permit that will need to show proof of an easement agreement.

The existing alleyway is 11.5 feet rather than the 24 feet as required.

Mr. Yingst explained that creating a parking area to the rear of the building using the alleyway for access is the least impactful solution. The alternative is to increase the size of the existing driveway in both width and length to reach the rear parking area.

Member Wood questioned how the proposed plan would be beneficial to the adjacent neighbor. Mr. Yingst stated that the existing driveway in the rear would be widened and it would allow both properties to have access from a lesser traveled road than Chocolate Avenue. The improvements would also allow both neighbors to turn their vehicles around without impacting the alleyway.

Vice Chairman Luttrell questioned whether there would be changes to the parking area for the neighbor. Mr. Yingst stated that no changes would be made on the neighbor's property, but they would benefit from being able to back onto the adjacent property to better maneuver their vehicles.

Chairman Moniak questioned whether the proposed parking area could be accessed off of Chocolate Avenue. Mr. Yingst agreed that it was possible; however, the existing driveway is

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narrow and could not be altered enough to conform or be of practical use due to the buildings being only 18 feet apart.

Mrs. Button added that the two properties were owned by a single owner which is why there is a shared driveway.

Mrs. Button stated that she will operate a mental health counseling business and she will be the only practitioner in the immediate future. She has yet to determine whether her sessions will be group or individual.

Mr. Yingst stated the east side of the proposed parking lot will be 2.6 feet from the property line, requiring 2.4 feet of relief. Mr. Yingst also amended the application to request a variance rather than a special exception.

Mr. Button clarified that the property lines are not square so the access drive width fluctuates slightly.

Secretary Ballard questioned whether shared driveways and access off the alleyway is common in this area.

Mr. Emerick stated that this proposal is not common. He cautioned that a well-written easement agreement needs to be done to clearly determine who is responsible for maintenance.

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.

The hearing closed at 6:55 p.m.

Chairman Moniak announced that Member Wood was resigning from the Zoning Hearing Board and thanked him for his service.

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DELIBERATIONS

The Board met to deliberate in the case of Yingst Engineers & Associates, Inc. (2019-09) and directed the Solicitor to prepare the draft decision on the case for formal action at the July 2019 meeting.

Submitted by:

Sandra Ballard, Secretary