

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
October 19, 2022**

CALL TO ORDER

The Wednesday, October 19, 2022, Derry Township Zoning Hearing Board meeting was called to order at 6:01 p.m. by Chairman Steve Seidl in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Board members in attendance: Chairman Steve Seidl; Vice Chairwoman Sandy Ballard; Secretary Lindsay Drew; Member Mike Angello; Member Tom DeDonatis

Board members absent: None

Also present: Megan Huff, Solicitor to the Board; David Habig, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Valerie Wood, Community Development Secretary

Public registering attendance: Sam Moyer, 1505 East Caracas Avenue, Hershey; Rachel Stull, 532 Hilltop Road, Hummelstown; Maria DeCarmine-Bender, 1445 East Caracas Avenue, Hershey; Bob Fox, ReMax Pinnacle; Chuck Fisher, 1504, 1510, and 1514 East Chocolate Avenue, Hershey; Deborah Fisher, 1504, 1510, and 1514 East Chocolate Avenue, Hershey; Donald Davis, Davis Enterprises LLC

APPROVAL OF MINUTES

On a motion made by Member DeDonatis, seconded by Vice Chairwoman Ballard, and a unanimous vote, the September 20, 2022, minutes were approved as written.

OLD BUSINESS

**A. Adoption of Decision in the Case of McQuaide Blasko, Inc (2022-10)
Property location: 1223 West End Avenue, Suite 200, Hummelstown**

Chairman Seidl read a portion of the terms of the Decision into the record as follows:

1. *The applicant's request for a variance from §225-401.4.F.B.1 – Table 36, Special Note #2 regarding the location of a wall sign is **GRANTED**.*
2. *The applicant shall meet all other sign requirements, including dimensional requirements, imposed by the Ordinance.*

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
October 19, 2022**

On a motion made by Chairman Seidl, seconded by Member DeDonatis, and a majority vote, the Decision was adopted as written. Secretary Drew abstained from voting.

NEW BUSINESS

A. Hearing in the Case of Rachel Stull (2022-12)
Property location: 532 Hilltop Road, Hummelstown

The property is located in the Conservation zoning district. It is improved with a single-family dwelling. The applicant desires to add a shed to the property and is seeking relief from the front yard setback requirement for an accessory structure.

Rachel Stull was sworn in. She read a letter from her neighbor in affirmation of the proposed shed. Ms. Stull explained that she lives on a parcel of land that is sloped down into a valley and back up again to the rear of the property. There is also a drainage pipe that runs on the property and drains into the valley. The lot is very wooded with old trees that Ms. Stull does not wish to take down. Ms. Stull stated that while she has a decent area of land, her contractor advised her not to put the shed in the valley because of the stormwater runoff. Due to the slope and drainage pipe, the best location for the shed is within the 50-foot setback. Ms. Stull is requesting relief to place the 10-foot by 14-foot shed within 36 feet of the property line.

In response to questions from the Board, Ms. Stull explained what the purpose of the shed will be and that the requested relief is a 17.5-foot encroachment into the required front yard area.

No one else offered testimony.

Chairman Seidl 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 Davis Enterprises, LLC (2022-13)
Property location: 1512 East Caracas Avenue, Hershey

The property is located in the Palmdale Mixed Use zoning district. It is improved with an existing office building containing nonconforming uses. The applicant desires to change the use of a portion of the building from a medical-related research facility to a conference center with overnight lodging accommodations. Relief is sought in the form of a special exception regarding the substitution of a nonconforming use.

Member DeDonatis recused himself from participating in the hearing of this case.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
October 19, 2022**

Donald Davis and Robert Fox, ReMax Pinnacle, were sworn in. Mr. Davis explained the building's former uses. The building currently has a chiropractor's office, a healthcare practitioner's office, and a professional office use. The former property owner also operated a sleep study center in the building. Mr. Davis's intention is to convert the space that was previously used as a sleep study center into a conference center with overnight accommodations. The use would be no more detrimental than the prior nonconforming use. Guests would be staying overnight and not coming in and out of the building like a medical practice. There would be no food preparation on site. The guests would be required to bring their own food or use a caterer.

In response to questions from the Board, Mr. Davis confirmed the use will be a conference center with overnight lodging. David Habig explained the definition of a conference center with overnight accommodations and how it relates to the Zoning Ordinance. The Board had several more questions about the definition and how it relates to what the applicant is proposing to do.

Public comment

Maria Decarmine-Bender, 1445 East Caracas Avenue, was sworn in. Ms. DeCarmine-Bender is against the use because there are 10 children between the ages of three and 10 who live within a block of the subject property. The school bus stops at the building by the side door. She is not comfortable with the number of strangers that would be coming and going from the facility. The neighborhood is on a quiet street with a park and a riding/walking path.

Samuel Moyer, 1505 East Caracas Avenue, was sworn in. He lives directly across the street from the building and is concerned about the overnight accommodations. He stated that there are five hotels within a mile of the subject property. He is also concerned about food trucks being in the area and delivering food for overnight stays.

Deborah Fisher, 1504, 1510, and 1514 East Chocolate Avenue, was sworn in. She asked why she did not receive a Notice of Hearing in the mail. Mr. Habig explained that only properties within a 200-foot radius of the subject property are notified by mail. Ms. Fisher feels that she should have been notified by mail even though her property is located outside of the 200-foot radius. Ms. Fisher's other concern is about traffic. She did not hear anything from the applicant about a traffic impact study and does not believe there will not be an impact on traffic as a result of the proposed use. Ms. Fisher wanted to know if the applicant is looking to expand beyond the scope of the current project and if they would need to come back before the Zoning Hearing Board. Mr. Habig explained that with special exceptions, the Board can place conditions on an approval such as a maximum number of attendees and a maximum number of rooms. If the applicant wants to expand beyond the current proposal in the future, they would need to come back to the Zoning Hearing Board for additional approval.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
October 19, 2022**

Ms. DeCarmine-Bender asked how many conference rooms are proposed. Mr. Davis confirmed there are two spaces that could be used as conference rooms. The larger room would accommodate 12 persons. The smaller room would allow the group to break up into smaller groups, if needed. There still would not be additional people.

In response to a question from Vice Chairwoman Ballard, Mr. Davis said they could limit what conference attendees are allowed to do on the property. The land does not provide a lot of space to have large gatherings or games. There may be space for picnic tables for an outdoor meal, but not much else.

In response to a question from Secretary Drew, Mr. Davis explained that approval from the Zoning Hearing Board is not a condition in the sales agreement.

Mr. Fox confirmed the square footage of the building and the spaces that are occupied and not occupied.

Ms. Fisher asked if there is anything limiting the conference attendees' ability to park on the street if the parking lot capacity is maxed out. Mr. Habig explained that parking is required to be provided on site, but the Board could make no off-site parking a condition of approval. Mr. Davis stated it is not practical to accommodate larger groups in that space without making the space larger. There is no plan to make the space any larger than it is now.

A brief recess took place to allow the Board to go into executive session.

Chairman Seidl brought the meeting back to order. He presented the applicant with the choice to continue the hearing and present his amended application at the next meeting or to proceed with closing the case now and having the Board make a decision based on the information presented. Mr. Davis requested a continuance of the hearing until the November 2022 meeting, with an amended application.

On a motion made by Vice Chairwoman Ballard, seconded by Member Angello, and a majority vote, the Board granted a continuance for this hearing until the November 16, 2022, meeting. Member DeDonatis abstained from voting.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairwoman Ballard, seconded by Member DeDonatis, and a unanimous vote, the meeting was adjourned at 7:57 p.m.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
October 19, 2022**

DELIBERATION

The Board met to deliberate in the case of Rachel Stull (2022-12) and directed the Solicitor to prepare the draft decision for formal action at the November 2022 meeting.

Submitted by:

Lindsay Drew, Secretary