

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
November 16, 2022**

CALL TO ORDER

The Wednesday, November 16, 2022, Derry Township Zoning Hearing Board meeting was called to order at 6:00 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: Susan Newkam, 1675 Sand Hill Road; Justin Newkam, 1676 Sand Hill Road; Nicholas Newkam, 1676 Sand Hill Road; Danielle Newkam, 1676 Sand Hill Road; Donald Davis, Davis Enterprises; Maria DeCarmine-Bender, 1445 East Caracas Avenue; Ginger Lowe, 453 Chestnut Avenue; Patricia Boyle, 353 Maple Avenue; Deborah R Fisher, 1510 East Chocolate Avenue; Lanxang Somsamaivong, 1444 East Caracas Avenue; Steve Hine, 918 Roush Road

APPROVAL OF MINUTES

On a motion made by Chairman Seidl, seconded by Vice Chairwoman Ballard, and a unanimous vote, the October 19, 2022, minutes were approved as corrected:

Page 3 line 3 should read, "The former property owner also operated a sleep study center in the building."

Page 3 line 9 should read "...would be required to bring their own food or use a caterer."

OLD BUSINESS

A. Adoption of Decision in the Case of Rachel Stull (2022-12)

Property location: 532 Hilltop Road, 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 §225-303, Table 4, regarding the front yard setback for an accessory structure is GRANTED. The applicant may encroach to within 32.50 feet of the front yard property line for the proposed shed.*

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
November 16, 2022**

2. *The applicant shall construct the improvements in strict compliance with the plans and specifications submitted to the Board during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally constructed, require less relief than granted by the Board herein, no additional relief from this Board shall be required.*

On a motion made by Member Angello, seconded by Secretary Drew, and a unanimous vote, the Decision was adopted as written.

**B. Continuance 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. The applicant is currently engaged in an Agreement of Sale to purchase the property. The property is improved with an existing office building from a medical-related research facility to a guest lodging, dining, and conference facility. Relief is sought in the form of a special exception regarding the substitution of nonconforming uses.

Member DeDonatis recused himself from the case.

Donald Davis with Davis Enterprises was sworn in.

The applicant revised the application to be a Guest Lodging, Dining and Conference Facility. The approximate square footage of space to use is 3,500. There would be 6 rooms for overnight lodging limited to two persons per room and food would be provided by conference attendees or catering brought into the facility. Parking is adequate for the proposed use.

Public Comment:

Maria DeCarmine-Bender of 1445 East Caracas Avenue was sworn in. Ms. DeCarmine-Bender is concerned the proposal will have an impact on the neighborhood. She is concerned that there will be strangers in the neighborhood and an increase in traffic. She believes the operation of the facility will be 24/7. She is also concerned about light pollution due to the possibility of parking lot lights being on. Ms. DeCarmine-Bender noted that .4 miles east is a Best Western with conference space and one mile west is a Hampton Inn and Suites that has conference space.

Ginger Lowe of 453 Chestnut Avenue was sworn in. Ms. Lowe is president of Derry Township Community Cats and explained the program. At the back of the subject property there is a feeding station for the colony of cats in the area. It is the hope of DTCC that a new owner will stay cooperative with them in caring for the cats.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
November 16, 2022**

Mr. Davis noted that there is a sidewalk all along the property and the side door referenced by Ms. DeCarmine-Bender is on the first floor and the activity for the proposed use is on the second floor. It is his intention to use the facility as efficiently as possible and as least detrimental to the neighborhood as possible.

In response to Chairman Seidl, Mr. Davis confirmed there is a chiropractor on the first floor and another professional office space on the second floor.

Mr. Davis confirmed he would like to replace an existing nonconforming use with another nonconforming use.

Ms. DeCarmine-Bender questioned the dining portion of the request. She also wanted to know the plan for the building in case the board does not approve the use. Mr. Davis said he would be looking at using the space as professional office space.

In response to the Board, David Habig explained the zoning ordinance pertaining to this request and clarified which ordinance is being discussed.

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.

NEW BUSINESS

**A. Hearing in the Case of Justin Newkam (2022-14)
Property location: 1676 Sand Hill Road, Hershey**

The property is located in the R-1 zoning district. It is improved with a single-family detached dwelling, a detached garage, and multiple sheds. The applicant desires to build an addition to his existing nonconforming single-family dwelling. Relief is sought from the maximum floor area expansion for a nonconforming structure.

Justin Newkam of 1676 Sand Hill Road and Steve Hines of 918 Roush Road were sworn in. Mr. Newkam seeks a variance to put an addition on his house that is nonconforming. The addition will be kitchen and living room space. The living room and family room are very small so they would like to extend the living space. Mr. Newkam went through the application to explain the hardship and reasons for the requested relief.

Chairman Seidl confirmed the setbacks with Mr. Newkam.

No one else offered testimony.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
November 16, 2022**

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 Stephanie Tuccio (2022-15)
Property location: 1250 Cocoa Avenue, Hershey**

The property is located in the Hershey Mixed Use, Southern Core Overlay, and General Sign Overlay zoning districts. It is improved with a grocery store. The applicant desires to replace an existing wall sign. Relief is sought from the maximum sign area for wall signs in the General Sign Overlay.

On a motion made by Chairman Seidl, seconded by Vice Chairman Ballard, and a unanimous vote, the Board agree to have Township staff reach out to the applicant to have them ask for a continuance or withdraw the application due to no one being present to present the case to the Board.

OTHER BUSINESS

Mr. Habig requested a special meeting in reference to the Newkam application. A stormwater plan was needed for this project and Township staff did not recognize that need in time. The applicant missed two possible hearing dates for the application. Mr. Habig is requesting this special meeting to vote on this Decision so the applicant can break ground earlier. The meeting is set for December 5th at 11:00 a.m.

ADJOURNMENT

On a motion made by Chairman Seidl, seconded by Member DeDonatis, and a unanimous vote, the meeting was adjourned at 7:04 p.m.

DELIBERATION

The Board met to deliberate in the cases of Davis Enterprises, LLC (2022-13), Justin Newkam (2022-14) and directed the Solicitor to prepare the draft decisions on the cases for formal action at the special meeting December 5th, 2022.

Submitted by:

Lindsay Drew, Secretary