

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
July 19, 2023**

CALL TO ORDER

The Wednesday, July 19, 2023, 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 Chairman Tom DeDonatis, Member Bill Tafuto

Board members absent: Secretary Lindsay Drew; Member Mike Angello

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: Erika Gallisdorfer, 921 Carter Cove; Jim Wenger, Derck & Edson, LLC; Michael Katzman, 2054 Colonial Way; Andrew Speacht, 2053 Colonial Way; John Osmolinski, Milton Hershey School

APPROVAL OF MINUTES

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a majority vote, the June 20, 2023, minutes were approved as written. Member Tafuto abstained from voting because he was not present at the June meeting.

OLD BUSINESS

**A. Adoption of Decision in the Case of Chad Groff (2023-04)
Property location: 924 Parish Place, 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 §225-206.G.2, regarding the rear yard setback for a principal structure is GRANTED. The applicant may encroach to within 15 feet of the rear yard property line for the proposed 3-seasons room.*
2. *The applicant's request for a variance from §225-305, Table 9 regarding increased impervious coverage on the property is GRANTED. The applicant may increase impervious coverage to 33.10%.*

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On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a majority vote, the Decision was adopted as written. Member Tafuto abstained from voting because he was not present at the hearing for this case.

B. Adoption of Decision in the Case of Dave Kern (2023-05)
Property location: 147 Elm Avenue, Hershey

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 §225-315, Table 29, regarding the encroachment into the side yard setback for an accessory use is DENIED.*

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a majority vote, the Decision was adopted as written. Member Tafuto abstained from voting because he was not present at the hearing for this case.

C. Adoption of Decision in the Case of Clay Tully (2023-06)
Property location: 938 Carter Cove, 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 §225-305, Table 9 regarding increased impervious coverage on the property is GRANTED. The applicant may increase impervious coverage to 31.25%.*

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a majority vote, the Decision was adopted as written. Member Tafuto abstained from voting because he was not present at the hearing for this case.

NEW BUSINESS

A. Hearing in the Case of Milton Hershey School (2023-07)
Property location: Intersection of Homestead Road and Bachmanville Road, Hershey

The property is located in the Planned Campus South, Homestead/Fishburn Roads Overlay (O11), and General Sign Overlay zoning districts. It is improved with the Milton Hershey School educational facility. The applicant desires to construct decorative wall structures with attached signage at the entrance to the school campus. Relief is sought from front yard setback requirements for an accessory structure.

John Osmolinski, Milton Hershey School, was sworn in. Jim Wenger, attorney for Milton Hershey School, spoke about the proposed roundabout project at the subject location and the gateway signs the applicant is proposing. They are requesting a five-foot setback for an

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accessory structure because placing the signs at the required 50-foot setback will make the signs useless. The gateway signs are used to mark the entry to the campus and direct the travelers to where they wish to go.

In response to a question from Vice Chairman DeDonatis, Mr. Wenger explained the elevations of the roundabout and the landscaping that is proposed. It will not interfere with sight across the roundabout to see oncoming traffic.

Mr. Wenger confirmed the gateway signs will be 24 feet from the cartway and five feet from the right-of-way. He also explained the difference between the proposed gateway signs and the ones that exist at the Route 322 roundabouts.

David Habig confirmed there are no sightline issues with the location of the gateway signs.

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 Andrew Speacht (2023-08)
Property location: 2053 Colonial Way, Hummelstown

The property is located in the R-2 Small Lot, Single-Family Residential zoning district. It is improved with a single-family dwelling and a shed. Relief is sought from the side yard and rear yard setback requirements for an accessory structure.

Andrew Speacht of 2053 Colonial Way, Hummelstown, was sworn in. Mr. Speacht explained that he is seeking a variance for the location of his shed on the property. He spoke about the shape and irregularities of his property, including slopes and drainage grates. He is seeking to add a fence and some shrubbery to the landscaping to help blend the shed into the property.

In response to a question from Chairman Seidl, Mr. Speacht explained the location of the easement to the rear of the property. David Habig confirmed that it is a 20-foot-wide easement and runs almost entirely on Mr. Speacht's property. Mr. Speacht noted that moving the shed 10 feet inward would take away more space from the limited flat area the backyard has. He also explained which neighbors can see the shed and which ones could not see the shed due to trees in the area.

Public Comment:

Erika Gallisdorfer of 921 Carter Cove, Hummelstown, was sworn in. Ms. Gallisdorfer testified that the placement of the shed is causing water to pond at the back of her property.

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In response to a question from Member Tafuto, Mr. Speacht explained that there was some grading done at the rear of the property due to the stormwater drainage. The intention of the grading was to direct the water to the drains.

Michael Katzman of 2054 Colonial Way, Hummelstown, was sworn in. Mr. Katzman is the original owner of his property and explained the conditions over time. He questioned what the reason for this hearing is, and Mr. Habig explained that the minimum required setback is 10 feet for accessory structures. Mr. Katzman stated that the shed looks very nice on the property, and he has no issue with where it is located.

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.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a unanimous vote, the meeting was adjourned at 6:50 p.m.

DELIBERATION

The Board met to deliberate in the cases of Milton Hershey School (2023-07) and Andrew Speacht (2023-08) and directed the Solicitor to prepare the draft decision on the cases for formal action at the August 2023 meeting.

Submitted by:

Lindsay Drew, Secretary