

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
September 20, 2023**

CALL TO ORDER

The Wednesday, September 20, 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 Mike Angello; Member Bill Tafuto

Board member absent: Secretary Lindsay Drew

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: Frank Nardo, Loudoun Centre; Laure Veet; Carlos Garay; Kati Lett, 311 Beech Avenue; Eric Holt, Creekview Lawn and Landscapes, LLC; Bryan Holt, Creekview Lawn and Landscapes, LLC; Craig Smith, RGS Associates; Karen Ocamb, 341 Beech Avenue; Karen Hunt, 349 Beech Avenue; Joan Steele, 342 Beech Avenue; David Pappariella, 325 Beech Avenue; Shirley Frank, 319 Beech Avenue; Geoffrey Crout, 319 Beech Avenue

APPROVAL OF MINUTES

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a majority vote, the August 16, 2023, minutes were approved as written. Member Angello and Member Tafuto abstained due to their absence at the August meeting.

OLD BUSINESS

**A. Adoption of Decision in the Case of Kevin Pauza (2023-09)
Property location: 790 Stauffers Church Road, Palmyra**

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 §225-501.43.B.4, regarding the maximum number of dwelling units served by a common, private driveway is GRANTED. The applicant may construct a common, private driveway that serves no more than seven dwelling units.*
2. *The relief granted herein shall be strictly contingent upon the following:*

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- A. *The common, private driveway shall be used solely for residential and related residential purposes only.*
 - B. *All proposed lots shall be single-family residences.*
 - C. *The applicant shall remove all other access to Stauffers' Church Road, particularly the gravel driveway of Lot 1 on the applicant's site plan, except for the common, private driveway. No future access from the property to Stauffers' Church Road, other than the access from the common, private driveway, shall be permitted.*
 - D. *The applicant shall remove the gravel from Lot 1 on the applicant's site plan.*
3. *Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof or from the date of subdivision plan approval, whichever occurs last.*

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a majority vote, the Decision was adopted as written. Member Angello and Member Tafuto abstained due to their absence at the August meeting.

**B. Adoption of Decision in the Case of John A. and Bonnie S. Gildersleeve (2023-10)
Property location: 1081 Greenlea Road, Hershey**

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

- 1. *The applicants' request for a variance from §225-315, Table 29, regarding the side yard setback for an accessory structure is GRANTED. The applicant may encroach to within 7 feet the road right-of-way for the proposed garage.*

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a majority vote, the Decision was adopted as written. Member Angello and Member Tafuto abstained due to their absence from the August meeting.

**C. Adoption of Decision in the Case of Strickler Signs (2023-11)
Property location: 1035 Middletown 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 special exception pursuant to §225-502.10 regarding the sign area of the proposed sign is GRANTED. The applicant may install the proposed sign that is 96 square feet in area.*

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On a motion made by Chairman Seidl, seconded by Member DeDonatis, and a majority vote, the Decision was adopted as written. Member Angello and Member Tafuto abstained due to their absence from the August meeting.

NEW BUSINESS

**A. Hearing in the Case of Carlos Garay and Laure Veet (2023-12)
Property location: 333 Beech Avenue, Hershey**

The property is located in the Hershey Mixed Use zoning district. It is improved with a single-family dwelling and detached garage. The applicants desire to raze the existing structures to build a new dwelling with attached garage. Relief is sought in the form of a special exception for the establishment of an accessory dwelling unit.

Laure Veet of 48 Hillside Avenue, Florham Park, New Jersey, was sworn in. Ms. Veet explained she is requesting relief for an accessory dwelling unit above the garage. The garage will be attached to the main dwelling via a breezeway. The accessory dwelling unit will consist of one bedroom and will only be occupied by one or two people. The main occupant will be Ms. Veet's sister. Ms. Veet also said the accessory dwelling unit could be used in the future for in-home domestic care. There will be enough off-street parking for four vehicles, giving the occupant of the accessory dwelling unit one parking space.

In response to questions from Chairman Seidl, Ms. Veet explained the site plan and said the garage is proposed to be located about 12 feet from the alley. David Habig confirmed the garage will meet the rear setback as outlined in the Zoning Ordinance. Ms. Veet was unsure of the height of the proposed unit, but the garage will be nine feet in height. The accessory dwelling unit will be on top of the garage, but it will not be any taller than the proposed main dwelling which is under the 35-foot maximum height.

Member Angello requested clarification on the Zoning Ordinance pertaining to the primary dwelling unit being an existing or an approved use. Megan Huff clarified that the single-family dwelling is a permitted use on the property.

In response to a question from Member Tafuto, Mr. Habig confirmed that the proposed dwelling meets all zoning requirements.

Public Comment:

Karen Ocamb of 341 Beech Avenue, Hershey, was sworn in. Ms. Ocamb wanted to know how far the dwelling must be from the neighboring property. Mr. Habig stated that the stormwater management plan that was submitted shows a nine-and-a-half-foot setback and the minimum requirement is five feet.

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Kati Lett of 311 Beech Avenue, Hershey, was sworn in. Ms. Lett wanted to let the Board know that she does not know how many accessory dwellings are in the Village of Hershey, but she believes a precedent should not be set if this is the first one.

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 Loudoun Centre, LLC (2023-13)
Property location: 2177 and 2181 Swatara Creek Road, Hummelstown

The applicant in this case has requested a continuance until the November 15, 2023, meeting.

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a unanimous vote, the continuance was granted.

C. Hearing in the Case of Creekview Management, LLC (2023-14)
Property location: 970 Bullfrog Valley Road, Hummelstown

The property is located in the R-1 and Sand Hill Road Overlay zoning districts. It is currently unimproved. The applicant desires to build a landscaping business on the property. Relief is sought from the disturbance of environmentally sensitive areas and the minimum front setback requirement for an accessory structure.

Craig Smith of RGS Associates and Bryan Holt of Creekview Management, LLC, were sworn in.

Mr. Holt explained the business that he and his brother currently own. They are currently at 425 West Chocolate Avenue, but their business has outgrown that facility and they purchased the subject property last year in order to expand.

Mr. Smith explained the proposal. It is an 8,000-square-foot building that will be used for office space and vehicle storage. There are 12 parking spaces proposed for the business and some outdoor bins located on the south side of the property and the Bullfrog Valley Road side of the property that will be used for material storage, such as mulch, sand, and firewood.

The configuration of the property makes it difficult for development in that there is a drainageway that runs on a portion of the property that the Township requires a fifty-foot environmental setback for. This drainageway makes about 40 percent of the property undevelopable.

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Mr. Smith explained that the applicant is also asking for relief to be able to build the storage bins within the setback. If the storage bins were built outside of the setbacks, there would not be enough space for landscaping vehicles to maneuver the site properly.

In response to a question from Chairman Seidl, Mr. Smith confirmed the tree line will remain the same. Mr. Holt explained that the tree line is in line with the slope of the property and the proposed project will not be encroaching past the slope.

When questioned by Ms. Huff regarding the relief being requested, Mr. Smith stated that the precise encroachment will not be known until a new survey and stream study are completed.

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 Chairman Seidl, seconded by Vice Chairman DeDonatis, and a unanimous vote, the meeting was adjourned at 7:00 p.m.

DELIBERATION

The Board met to deliberate in the cases of Carlos Garay and Laure Veet (2023-12) and Creekview Management, LLC (2023-14) and directed the Solicitor to prepare the draft decisions on the cases for formal action at the October 2023 meeting.

Submitted by:

Lindsay Drew, Secretary