

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
February 21, 2024**

CALL TO ORDER

The Wednesday, February 21, 2024, Derry Township Zoning Hearing Board meeting was called to order at 6:02 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, Secretary Mike Angello, Member Joe Nocera

Board member absent: Member Bill Tafuto

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: Mike Leonard, 130 Cedar Avenue, Hershey; Pete Howland, 508 North 2nd Street, Harrisburg; Randy Wright, Hanover Engineering; Joel Mayeski, Honor Engineering; Henry Thiesen, Mike Leonard's Plumbing; Michael Bruce, Hockersville, LLC; Glen Sponaule, Eby Road, Palmyra

APPROVAL OF MINUTES

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a unanimous vote, the January 17, 2024, minutes were approved as written.

OLD BUSINESS

**A. Adoption of Decision in the Case of Hockersville, LLC (2023-19)
Property location: 228 and 238 Hockersville Road, 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, Item B, regarding the minimum lot width is GRANTED. The applicant may maintain a lot depth of 70.1 feet.*
2. *The applicant's request for a variance from §225-501.3.C., regarding driveway access to a rear alley is GRANTED. The driveway access to Third Street is permitted instead of the private alley.*
3. *The applicant's request for a variance from §225-315, Table 29, Item D, regarding the front yard setback for a principal structure is DENIED.*

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
February 21, 2024**

4. *The applicant's request for a variance from §225-402.2.E., regarding the minimum width of an access drive is MOOT as a result of the granting of a variance under paragraph 2 of this Order.*
5. *The applicant's request for a variance from §225-206.H.16., regarding encroachment into the front yard for egress doors is MOOT as a result of the granting of a variance under paragraph 2 of this Order.*

On a motion made by Vice Chairman DeDonatis, seconded by Secretary Angello, and a unanimous vote, the Decision was adopted as written.

B. Adoption of Decision in the Case of SSN Hershey, LLC (2023-20)
Property location: 79 Lucy Avenue and 84 Sipe Avenue, 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 §225-402.2., Table 34, regarding the minimum width of the maneuvering aisle for parking is GRANTED. The applicant may maintain a maneuvering aisle for parking that is 16.5 feet wide as shown on the plans submitted at the hearing.*
2. *The applicant's request for a variance from §225-307, Table 13, regarding maximum impervious coverage is GRANTED. The impervious coverage shall not exceed 78%.*
3. *The applicant's request for a variance from §225-307, Table 13, regarding minimum vegetative coverage is GRANTED. The vegetative coverage shall be at least 22%.*

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

C. Adoption of Decision in the Case of Copenhaver Builders, LLC (2023-21)
Property location: 272 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 special exception from §225-602.B regarding expansion of nonconforming building by between 25% and 50% of the nonconforming of the floor area is GRANTED. The applicant may construct the proposed addition, containing 1,323 square feet, or 39.1% of the building's existing floor area.*

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
February 21, 2024**

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a unanimous vote, the Decision was adopted as written.

NEW BUSINESS

**A. Hearing in the Case of Glen R. Sponaugle (2024-01)
Property location: 975 Eby Road, Palmyra**

The property is located in the Conservation zoning district. It is currently improved with a single-family dwelling. The applicant desires to subdivide the property to create a new building lot. Relief is sought from minimum lot width.

Randy Wright of Hanover Engineering was sworn in. Mr. Wright explained the current conditions of the property referenced as Lot 3. The property is in the Conservation zoning district and the Airport Hazard Overlay. The requested variance is for minimum lot width. The entire property is served by one access point from Eby Road. Mr. Wright explained that the applicant would like to divide the existing 200-foot lot width into two 100-foot lots to serve the existing lot and the lot that would be created during the subdivision process.

In response to a question from Vice Chairman DeDonatis, Mr. Wright stated that Grandview Drive is a private street and could not be used as access for the new lot.

In response to Chairman Seidl, David Habig confirmed that Grandview Drive is a private drive. Mr. Habig also stated that any additional residential properties with driveway access to Grandview Drive may require zoning relief for maximum number of dwellings on a shared common drive.

Glen Sponaugle was sworn in. Mr. Sponaugle explained that these lots have been in his family for a long time. He built his home on the property and now he has two children who want to build homes on the property as well.

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 Michael and Diane Leonard (2024-02)
Property location: 1066 Old West Chocolate Avenue, Hershey**

The property is located in the Industrial zoning district. It is currently improved with a single-family dwelling and associated accessory structures. The applicants desire to raze the existing structures and construct a new office and warehouse building. Relief is sought from minimum lot width, minimum non-residential lot area, required yard areas for the principal

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
February 21, 2024**

building, required yard areas for an accessory building, required yard area for parking, and required yard areas for loading spaces.

Pete Howland of Wix, Wenger, and Weidner explained that the Leonards wish to move their plumbing business to the subject property. The property is currently under an agreement of sale pending the variance request.

Joel Mayeski of Honor Engineering was sworn in. Mr. Mayeski explained that the property contains 0.794 acres and is currently used as residential. The minimum lot size for the Industrial zoning district is one acre; therefore, any change of use will require relief from the Zoning Hearing Board. The required setback is 40 feet for the building and parking. The variance request for the building is a 20-foot setback, three feet for parking in the front, and four feet for parking in the rear. The loading space in the front would require a 23-foot setback. The shed to be placed in the rear of the property would require a setback of four feet. The current shed on the property is right on the property line and the dwelling is less than 40 feet from the right-of-way, which is noncompliant with the Zoning Ordinance. Mr. Howland noted that in 2023, the Board granted a variance for U-Haul for parking in the front setback.

Michael Leonard of 130 Cedar Avenue was sworn in. Mr. Leonard wanted the record and minutes to show his gratitude to the Community Development Department for their help and guidance on several of his ideas over the years. He stated he was never treated as though he were a nuisance and for that he thanks the department. Mr. Leonard explained he is a lifelong resident of Hershey and has been an active member of the community first as a volunteer firefighter and then as a business owner. He has helped in many different ways to support the food bank both personally and with his business. Mr. Leonard explained he wants to keep the business in the community that he and his business grew up in. His existing business is located to the rear of Rite Aid on West Chocolate Avenue. Due to all the changes taking place in that area, he wishes to relocate his business to this new location to be able to keep serving the community.

In response to a question from Vice Chairman DeDonatis, Mr. Leonard explained that the shed will be used for storing pipes and other materials. There will be nothing hazardous in the shed. The shed will provide room for vehicles to enter and fill up with the materials they need and to free up the office space.

In response to a question from Secretary Angello, Mr. Leonard confirmed that the shed will be three feet from the building. The reason for that is due to Mr. Leonard's experience in the fire service in buildings being too close to other buildings and for fire personnel to be able to move around the building on fire.

No one else offered testimony.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
February 21, 2024**

Chairman Seidl informed the applicants that the Board has 45 days to render a decision and if the applicants are 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 6:51 p.m.

DELIBERATION

The Board met to deliberate in the cases of Glen R. Sponaugle (2024-01), and Michael and Diane Leonard (2024-02) and directed the Solicitor to prepare the draft decisions on the cases for formal action at the March 2024 meeting.

Submitted by:

Michael Angello, Secretary