

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
July 19, 2017**

CALL TO ORDER

The July 19, 2017 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman Michael Kushner in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Chairman Michael Kushner; Secretary Matthew Luttrell; Member Steve Moniak; Member Mark Shrift

Board members absent: Vice Chairman Philip Wood

Also Present: Anthony Nestico, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Tammy Baker, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Charles Huth, *The Sun*

APPROVAL OF MINUTES

On a motion by Member Shrift, seconded by Member Moniak, the June 21, 2017 minutes were approved as written.

OLD BUSINESS

- A. Adoption of Decision in the Case of Ensminger Builder, Inc. (2017-02)**
Property location: 457 West Areba Avenue, Hershey

- B. Adoption of Decision in the Case of Frank Gaeta (2017-05)**
Property location: 261 West Chocolate Avenue, Hershey

On a motion by Member Moniak, seconded by Member Shrift, and a unanimous vote, the decision for items 'A' and 'B' were adopted by consent agenda.

- C. Continuance in the Case of Mark Pierce (2017-04)**
Property location: 2053 Church Road, Hummelstown

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This property, located in the Conservation zoning district, is improved with a single-family dwelling. The applicant is proposing to construct an attached garage to the rear of the dwelling. Relief was sought from maximum impervious coverage requirements.

Mark Pierce was sworn in and gave testimony. Mr. Pierce stated that he would like to construct a 30-foot by 40-foot garage on his small lot. The impervious coverage on the property will increase from 31% to 37%; however, Mr. Pierce is willing to use as many pervious paving materials as possible for the 20-foot by 40-foot driveway. Mr. Pierce added that due to the location of the proposed garage, this project will not inhibit sight lines.

Member Shrift asked whether Mr. Pierce owned the adjacent lot and if combining the lots was a possibility. Mr. Pierce stated that he owns the unimproved lot to the north; however, he has no plans to combine or improve the property at this time.

No other persons provided testimony at this hearing.

Chairman Kushner informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, he has 30 days to appeal the decision.

NEW BUSINESS

**A. Hearing in the Case of Hershey Entertainment & Resorts Company
(2017-06)
Property location: 11 East Chocolate Avenue, Hershey**

This property, located in the Hershey Mixed Use, Downtown Core Overlay, and Downtown Commercial Sign Overlay zoning districts, is improved with a commercial building that is currently being renovated for a day spa and offices. The applicant is proposing to provide signage for the uses. Relief was sought from the permitted number of signs and sign types; permitted size of projecting and freestanding signs; and permitted materials and illumination for projecting and freestanding signs.

Garrett Gallia and Bob DeFiore of Hershey Entertainment & Resorts Company and Chris Dawson, architect, were sworn in and gave testimony. The applicant is proposing a total of nine signs on the property that would be subject to zoning reviews under the Ordinance. This includes a freestanding sign, blade sign, building wall and canopy signage, and vinyl window appliques. The Zoning Ordinance permits a total of two signs per business.

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Mr. Gallia stated that they are proposing to relocate a wall sign for JSBC Law offices from the center of the building to the top of the building to allow for better visibility and aesthetics. This would result in the wall sign being located above the lower sill of an upper story window, which would require an additional variance request that was not previously noted in the application. The proposed blade sign located on the south elevation of the building will be 37 square feet in area, and will also extend above the lower sill of an upper story window. An 8-foot-tall, 25-square-foot freestanding sign is proposed to be located to the west side of the building in order to direct customers of JSBC Law offices to the appropriate side entrance. The Ordinance permits a maximum area for freestanding signs of 20 square feet. The signs were designed with the downtown and building aesthetics in mind, as well as to draw attention to a building that had previously been a non-descript office building.

Chairman Kushner questioned what lighting is proposed for the signs. Mr. Gallia stated that while originally proposed to be internally illuminated, the Downtown Core Design Board suggested halo style lighting that would comply both with the Zoning and Downtown Core Design Standards Ordinances. The applicant verified they will change all lighted signs to the halo-style lighting to comply with the lighting requirements.

Member Shrift asked how many tenants will be housed in the building and whether there is room for any more. Mr. Gallia responded that there are presently three tenants. The only possible additional space for a tenant would be in the lower level, which can only be accessed in the rear of the building. If additional signage would ever be proposed in this area of the building, it likely would not be subject to zoning reviews since the signs will not be visible from a public street.

Member Shrift raised his concern that the number of proposed signs may be overkill. Mr. Moniak questioned whether the applicant could explain the hardship that would require such a substantial amount of relief being requested by this application. The building is presently being restored to a storefront appearance with a new canopy currently under construction. These aesthetic improvements are being completed in an effort to achieve the design goals and standards of the downtown area, and the signs will help to direct not only vehicle traffic, but also pedestrian travelers to each of the users in the building.

No other persons provided testimony at this hearing.

Chairman Kushner 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.

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**B. Hearing in the Case of Penn State Hershey Rehabilitation Hospital, LLC
(2017-07)**

Property location: 1135 Old West Chocolate Avenue, Hummelstown

This property, located in the General Commercial, Hersheypark Drive/Route 39 Overlay, and General Sign Overlay zoning districts, is improved with a rehabilitation hospital. The applicant is proposing to replace a wall sign to reflect the re-branding of the hospital's name. Relief was sought from permitted size of a wall sign.

Garry Kessler was sworn in and gave testimony. Mr. Kessler stated that due to the recent rebranding of the hospital's logo, a larger wall sign is desired to increase visibility from Hersheypark Drive. The canopy that will house the sign is 610 feet to the closest major thoroughfare, Hersheypark Drive. The proposed sign is 52 inches in height. Due to confusion between the hospital and the contractor, a permit was not received prior to installation.

Brandon Williams suggested that the applicant seek a special exception from Section 225-502.10 of the Zoning Ordinance that would enable the Board to grant relief for the size of a sign in unique circumstances. The rehab building contains a large setback from Hersheypark Drive, the main thoroughfare that provides access to the building. Mr. Williams indicated that there seems to be a valid argument here that a larger sign may be necessary to guide traffic to the parking areas for the medical facility. The applicant agreed to the change the request from a variance to a special exception.

Chairman Kushner questioned if there is difficulty locating the facility. Mr. Kessler replied that while the building is visible, visitors and patients often do not know what the building is or how to gain access from Hersheypark Drive. The canopy sign contains the Penn State Medical insignia which is a recognizable feature to help guide patients and other visitors to the appropriate entrances.

No other persons provided testimony at this hearing.

Chairman Kushner 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.

Hearings closed at 7:00 p.m.

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DELIBERATIONS

The Board met to deliberate in the cases of Mark Pierce (2017-04); Hershey Entertainment & Resorts Company (2017-06); and Penn State Hershey Rehabilitation Hospital, LLC (2017-07) and directed the Solicitor to prepare the draft decisions on each case for formal action at the August 2017 meeting.

Submitted by:

Matthew Luttrell, Secretary