

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
December 19, 2012**

CALL TO ORDER

The December 19, 2012 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman William Tafuto in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

ROLL CALL

Board members in attendance: Chairman William Tafuto; Secretary Matthew Davies; Member Philip Wood; Member Michael Angello

Board members absent: Vice Chairman Rick Hammer

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

Public registering attendance: Michael Callahan, Rettew Associates; John Stipe, Rettew Associates; Dennis Phillippy, Holy Trinity; Jeff Budgeon, Holy Trinity; Tom Nehalla, Rhoads & Simon, LLP; William Haak, Holy Trinity; Rich Gamble

APPROVAL OF MINUTES

On a motion by Secretary Davies, seconded by Member Wood, and a unanimous vote, the November 14, 2012 minutes were approved.

OLD BUSINESS

- A. Adoption of Decision in the Case of Country Meadows Retirement Communities (2012-47)
Property location: 731 Cherry Drive, Hershey**

- B. Adoption of Decision in the Case of The Hershey Company (2012-48)
Property location: 1033 Old West Chocolate Avenue, Hershey**

- C. Adoption of Decision in the Case of Michael Suter (2012-49)
Property location: 1642 Bachmanville Road, Hershey**

On a motion by Secretary Davies, seconded by Member Wood, and a unanimous vote, the decisions for items a-c were adopted by consent agenda.

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
December 19, 2012**

- D. Continuance in the Case of The Evangelical Lutheran Church of the Holy Trinity (2012-32)**
Property location: 20 West Granada Avenue, Hershey

- E. Continuance in the Case of The Evangelical Lutheran Church of the Holy Trinity (2012-33)**
Property location: 128 Cocoa Avenue, Hershey

Representative for the applicant Dave Miller, Rettew Engineering, stated that he had received a second review letter from HRG proposing an updated storm-water methodology. The applicant will comply with the proposed methodology.

No other persons provided testimony at this hearing.

Chairman Tafuto 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 Site Enhancement Services (2012-50)**
Property location: 305 Governor Road, Hershey

This property, located in the Neighborhood Commercial and General Sign zoning districts, is presently improved with a retail convenience store, including motor vehicle fuel dispensing facilities. The applicant is proposing to alter the existing freestanding sign with a new, larger sign face containing LED lighting, and to maintain existing sign violations on the canopy, gas pumps, and exterior wall of the building.

Relief is sought as follows:

- a. A Variance from Article 27, Section 225-129.B(2)(a) regarding total allowable sign area on the main frontage

- b. A Variance from Article 27, Section 225-129.B(2)(b) regarding total allowable sign area on a secondary street frontage

- c. A Variance from Article 27, Section 225-129.B(1)(d) regarding maximum height of a wall sign

- d. A Variance from Article 27, Section 225-129.B(1)(c) regarding height of a pole sign

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
December 19, 2012

- e. A Variance from Article 27, Section 225-129.B(5)(d) regarding number of colors allowed per sign
- f. A Variance from Article 27, Section 225-126.S regarding square footage and number of signs per gasoline pump
- g. A Variance from Article 27, Section 225-129.B(5)(f) regarding illumination of signs
- h. A Variance from Article 27, Section 225-129.B(1)(c) regarding maximum sign area of a freestanding sign

Patrick Huyge was sworn in and gave testimony. Mr. Huyge stated that the property has been a gas station/convenience store since its construction in 1966. In order to comply with Sunoco's new branding, the signage needs to be updated.

Mr. Huyge detailed the following current and proposed sign changes:

Freestanding pole size is currently 44.69 square feet, the proposed size is 50.82 square feet.

Wall sign is currently 149.96 square feet and will remain the same size.

North canopy is currently 99 square feet and will remain the same size.

West canopy is currently 132 square feet and will remain the same size.

South canopy is currently 99 square feet and will remain the same size.

East canopy is currently 132 square feet and will remain the same size.

The eight pump signs will also have no change in size.

Mr. Huyge stated that the LED price board will not flash or be animated and will only change when gas prices change. LED boards can be changed indoors therefore being safer for the employees who will no longer need to stand near a busy intersection, manually changing the price board.

Mr. Huyge added that Sunoco's partnership with NASCAR will include the NASCAR logo in its new branding signage. The NASCAR logo includes five colors.

Member Angello questioned whether the NASCAR logo would be lit. Mr. Huyge stated that the logo would be backlit.

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
December 19, 2012

PUBLIC COMMENT

Ann Newman stated that she had concerns with the LED portion of the sign, but now understands that the LED portion will only be used for pricing. Ms. Newman believes that the number of previous violations and variances should be taken into consideration and that the application should be denied.

Rich Gamble stated that he doesn't believe the proposed project should suffer because past ordinances were not enforced.

No other persons provided testimony at this hearing.

Chairman Tafuto 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 6:55 p.m.

DELIBERATIONS

The Board met to deliberate in the cases of The Evangelical Lutheran of the Holy Trinity (2012-32 and 33) and Site Enhancement Services (2012-50) and directed the Solicitor to prepare the draft decisions on each case for formal action at the January, 2013 meeting.
