

TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
August 19, 2020

CALL TO ORDER

The Wednesday, August 19, 2020 Derry Township Zoning Hearing Board meeting, which was conducted via video conference (Zoom Webinar) due to COVID-19, was called to order at 6:00 p.m. by Chairman Steve Seidl.

ROLL CALL

Board members in attendance (*via video conference*): Chairman Steve Seidl; Vice Chairwoman Sandy Ballard; Secretary Dean Morgan; Member Michael Angello

Board member absent: Member Lindsay Drew

Also present (*via video conference*): Megan Huff, Solicitor to the Board; Chuck Emerick, Director of Community Development; David Habig, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public attendance (*via video conference*): Ken Gall, Mason McClellan – Hershey Trust Company; David Tshudy, Troutman Pepper; Don Papon, Amy Zeigler – M. S. Hershey Foundation; Charles and Betty Kovacs

APPROVAL OF MINUTES

On a motion by Vice Chairwoman Ballard, seconded by Member Angello, and a unanimous vote, the July 15, 2020 minutes were approved as written.

OLD BUSINESS

None.

NEW BUSINESS

A. Hearing in the Case of Charles and Betty Kovacs (2020-07)
Property location: 747 Olde Trail Road, Hummelstown

This property, located in the R-1 zoning district, is improved with a single-family detached dwelling. The applicants are proposing to add a patio to the rear of the property. Relief is sought from the maximum impervious coverage.

Charles and Betty Kovacs were sworn in and gave testimony.

Mr. Kovacs stated his intention to install a patio/terrace is for further enjoyment of his property and to also address an erosion issue. The patio is proposed to be 200 square feet, with the retaining walls adding an additional 100 square feet. Mr. Kovacs stated that the lot is irregularly

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shaped and sized. Mr. Kovacs further added that he is requesting the minimum amount of relief necessary to successfully complete the project.

Vice Chairwoman Ballard asked what changed in the application from the initial submission to the revised submission. Mr. Kovacs stated that he was not sure whether the stone walls were considered impervious and had not initially included them in his impervious coverage calculation.

No other person offered testimony.

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.

B. Hearing in the Case of Hershey Trust Company, Trustee for Milton Hershey School (2020-08)
Property location: 100 Mansion Road East, Hershey

This property, located in the Hershey Mixed zoning district, is improved with the former home of Milton S. Hershey, which is currently used as business offices for Hershey Trust Company. The applicant is proposing to change the use from office to a mixed-use building by adding a museum use to a portion of the building. Relief is sought from the permitted uses and minimum required off-street parking.

David Tshudy of Troutman Pepper, representing Hershey Trust Company as Trustee for Milton Hershey School; Mason McClellan, Hershey Trust Company; Ken Gall, Hershey Trust Company; Don Papsen, M. S. Hershey Foundation; and Amy Zeigler, M. S. Hershey Foundation, were sworn in.

Mr. Tshudy stated that the Trust Company would like to host public tours of the building by the M.S. Hershey Foundation. The tours would occur 2-5 days a week (post-COVID) and would be limited to 10 guests at a time. Experienced tour guides would be with the guests for the duration of their visit.

Chairman Seidl questioned how the public would register for a tour. Ms. Zeigler stated that the tours would be marketed on social media and at The Hershey Story museum. Timed and dated tickets would be purchased either online or at The Hershey Story museum.

Ms. Zeigler also added that only two-thirds of the building is currently occupied by office space and very few business customers visit the building.

Chairman Seidl questioned whether any new signage would be placed on the site to direct visitors.

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Mr. Papson replied that the Trust Company will need to experiment with a way to inform pre-registered visitors where to enter while still discouraging any drop-in traffic. Mr. Papson stated any new signage would conform to existing zoning requirements.

Vice Chairwoman Ballard questioned if walkability/bike-ability is being considered.

Mr. Gall replied that there are existing sidewalks in the area and a plan has been discussed to create a walking/biking path in the area of West Mansion Road, which has been closed to vehicular traffic, and connecting it to the existing walking/biking path.

Mr. Papson stated that the property can accommodate 40 cars.

No other persons 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.

Hearings closed at 7:15 p.m.

OTHER BUSINESS

Chairman Seidl asked that all members send any comments on the Zoning Ordinance update to him by September 1, 2020. A meeting will be organized in mid-September to draft language to send to the Board of Supervisors.

DELIBERATIONS

The Board met to deliberate in the cases of Charles and Betty Kovacs (2020-07) and Hershey Trust Company, Trustee for Milton Hershey School (2020-08), and directed the Solicitor to prepare the draft decisions on each case for formal action at the September 2020 meeting.

Submitted by:

Dean Morgan, Secretary