

**BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD**

IN THE MATTER OF: : NO. 2022 – 05  
:   
Commonwealth of Pennsylvania :   
:   
: PREMISES LOCATION:  
: 175 Hersheypark Drive  
: Hershey, Derry Township, PA

**MEMORANDUM, FINDINGS, OPINION AND ORDER**

This is the application of the Commonwealth of Pennsylvania, with regard to the Pennsylvania State Police Academy property located at 175 Hersheypark Drive, Hershey, Derry Township. A hearing in this matter was held on March 16, 2022, after proper advertising.<sup>1</sup> At that time, Major George Bivens with the Pennsylvania State Police; Nathaniel Broughton, an architect with SOM; Ken Stuck, the Site Development and Maintenance Manager with the Bureau of Communication and Information Systems; Vincent Uglialoro, a radio communication specialist; and Gerad Hughes appeared with applicant’s counsel, David L. Narkiewicz, Assistant Chief Counsel with the Department of General Services, were sworn, and testified at the hearing.

The application indicates that the subject property is located in the Planned Campus North and General Sign Overlay zoning districts. The property is improved with the Pennsylvania State Police Academy and Museum, and the applicant proposes to continue that use. The application seeks variances for the maximum sign area and maximum horizontal dimension for signs.

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<sup>1</sup> Contemporaneously with this application, the applicant filed an application, filed to No. 2022-06, requesting a special exception for a communication tower greater than 50 feet in height. With the agreement of the applicant, the hearings on both applications were consolidated with the agreement of the applicant.

The applicant recently acquired more land to build a new state police academy to replace the existing training academy. The property now consists of 146.2 acres. The existing academy was built in the 1950s and occupied in the 1960s. It has become expensive to maintain and is outdated. The academy provides training for the state police as well as other Commonwealth agencies. The goal of this construction is to modernize the training experience for the state police cadets and the trainees from other Commonwealth agencies. During construction, the existing academy will continue to be operational.

There will be a new 5-story main marquee building with classrooms, a 500 seat auditorium, and administrative offices as well as dormitories in the top three floors. There will be 300 dormitory rooms, each with its own private bathroom to afford privacy. Currently, there is double occupancy in the existing dormitory rooms with group showers. Two other buildings, a gymnasium and medical treatment facility, will be attached to the new building, which will have an aluminum and glass appearance. From the back, it will appear that the new building is 4 stories because it will be built into a hill. The building will be visible from the road, but the rest of the campus will not really be visible from the road.

A new stable and garage will be constructed for thirty horses and the associated equipment such as horse trailers and trucks to haul the trailers. The new stable connects to a large pasture that will be surrounded by a white fence similar to the existing fence on Hersheypark Drive. The existing communication tower will be demolished and an amphitheater will be constructed in its place. As part of the renovations, there will be a 25 lane, 50 yard indoor shooting range constructed. In addition, an outdoor tactical village will be constructed for

training in a variety of scenarios. According to Major Bivens, the scenario-based training is more beneficial than classroom and simulation-based training. The existing outside shooting range and museum will remain on the property. In addition, there are clothing warehouse, groundskeeping, and automotive buildings on the property. The applicant will be maintaining most of the trees on the property and planting other new maple trees. The applicant does not anticipate an increase of traffic to the campus even though the facilities are expanding because they are already doing the training. The expanded facilities will ease the current overcrowding.

There are three entrances to the property: (i) the main entrance from Hersheypark Drive, (ii) the museum entrance from Swatara Road, and (iii) the service entrance from Kieffer Road. Hersheypark Drive and Swatara Road are more congested than Kieffer Road, which is generally limited to local traffic. Those making deliveries to the campus use Kieffer Road. Across the street from the entrance on Hersheypark Drive is the Hershey Outlets, vacation homes, and Troegs brewery. The applicant proposes to remove existing signs and replace them with two freestanding signs and one ground sign. These bigger signs will be placed at each entrance so that the cadets and other trainees, who are typically from out of the area, and members of the public do not miss the entrances.

The proposed new signs will be in roughly the same location as the existing signs. The sign for Hersheypark Drive will be constructed on a sloping hill. The sign for Swatara Road will replace two existing signs. All of the proposed new signs will have a dark base with a silver top with black lettering. The contrast will help make the signs more visible. In addition, all three signs will be illuminated with a light at the base of the signs. The proposed signs on

Hersheypark Drive and Swatara Road will be 5'1" high x 15' 5 7/8" long, and 72.57 square feet. The proposed sign on Kieffer Road will be slightly smaller, measuring 4' high x 10' long, and 36.45 square feet. The applicant is not concerned about the delivery trucks missing the entrances as they regularly deliver to the property. The applicant did not consider offsite signage because they do not own the other property and were concerned about sign overload for drivers. The applicant submitted site and sign drawings and other information in support of its application, all of which were admitted into the record.

Dan Panchik, who resides at 950 Front Street, Hershey, testified at the hearing in this matter. He owns the properties at 341 – 343 Laundermilch Road. He was concerned about the lighting of the sign on Swatara Road and was satisfied that only the base of the sign would be lit. He asked if other wireless carriers would use the tower. He was advised that it was possible that other wireless carriers could use the tower, but it would be used primarily for the Pennsylvania State Police.

Daniel Hess, who resides at 1040 Swatara Road, Hershey, testified at the hearing in this matter. According to Mr. Hess, there is only one residential house closer to the Pennsylvania State Police than his. He was pleased that the old water tower would be demolished. He considered it an eyesore. While the new tower will be in eyesight of his property, he has no problem with the applicant's proposal. He said the applicant's property is looking nicer and is manicured. Mr. Hess said Keiffer Road needs some attention as there are many potholes and the berm is breaking down. He was also in agreement with the sign proposal. He was of the opinion that the Swatara Road and Police Academy Drive intersection needs some work. The sign on

Hersheypark Drive needs to be bigger as there is a slight bend in the road, and drivers do not see the current sign until they are right up to it. He would like the Pennsylvania State Police to build a bunker for explosives training but understood this was beyond the jurisdiction of the Zoning Hearing Board.

The Ordinance limits freestanding signs to a maximum horizontal sign face of 8 feet and a maximum area of 32 square feet. *See* Ordinance, §225-401.4.F.B.1, Table 36. The criteria for issuing zoning variances are set forth in §225-1007.9.A of the Derry Township Zoning Ordinance. The Zoning Board may grant a variance provided that all of the following findings are made where relevant:

1. There are unique physical circumstances or conditions of the lot in question, and due to these conditions, an unnecessary hardship results to the property owner;
2. That because of the physical circumstances, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of the variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the applicant;
4. The variance will not alter the essential character of the neighborhood or otherwise impair the appropriate use or development of adjacent property or be detrimental to the public welfare; and
5. That the variance if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

In this matter, the Board finds that the applicant is entitled to the requested relief. Initially, the Board finds that the property is unique because of its multiple entrances on busy highways. There is no evidence on the record that the applicant created this hardship. Most significantly, the Board finds that the proposed relief will not have a detrimental impact on any other property in the area or the public welfare. The Board finds that the proposed relief will not alter the essential character of the neighborhood. There is no testimony in the record to indicate that the requested variances would negatively impact surrounding properties. The neighbors who testified did not oppose the application. Finally, the Board finds that this represents minimum relief necessary.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, and the Ordinance. *Ordinance*, §225-1007.9.B. Based on the Board's findings and conclusions, the Board adopts the following:

**ORDER**

AND NOW, this 20<sup>th</sup> day of April, 2022:

1. The applicant's request for a variance from §225-401.4.F.B.1, Table 36, regarding the maximum horizontal sign face and the maximum area for two freestanding signs and one ground sign is GRANTED. The applicant may install the following wall signs with the maximum horizontal wall face and maximum area as follows:

A. Freestanding sign: Hersheypark Drive: 5'1" high x 15' 5 7/8" long, and 72.57 square feet.

B. Freestanding sign: Swatara Road: 5'1" high x 15' 5 7/8" long, and 72.57 square feet.

C. Ground sign: Kieffer Road: 4' high x 10' long, and 36.45 square feet.

2. The applicant shall construct the improvements in strict compliance with the plans and specifications submitted to the Board during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally constructed, require less relief than granted by the Board herein, no additional relief from this Board shall be required.

3. Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicant has not, within the time period provided herein, commenced operations, applied for a building permit relative to the improvements where permits are necessary, or constructed the improvements not requiring

permits, the relief granted herein shall be deemed to have expired, and the applicant shall be required to comply with the then existing terms of the Zoning Ordinance.

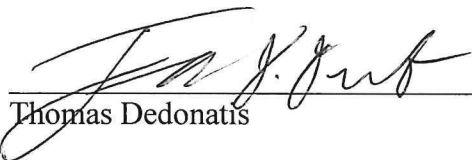
4. Any violation of any condition imposed herein shall be a violation of the Township Zoning Ordinance and shall be enforced as provided in the Ordinance.

  
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Steven Seidl

  
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Sandra Ballard

  
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Lindsay Drew

  
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Michael Angello

  
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Thomas Dedonatis