

**DERRY TOWNSHIP DOWNTOWN CORE DESIGN BOARD**  
**MEETING MINUTES**  
**July 25, 2022**

The July 25, 2022 meeting of the Derry Township Downtown Core Design Board was called to order at 5:05 p.m. by Chairman George Achorn in the Meeting Room of the Administration Building in the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, Pennsylvania.

**ROLL CALL**

Members Present: George Achorn, Chairman; Pam Moore, Vice Chairwoman; Rick Zmuda, Secretary; Jim George

Members Absent: None

*(Note: The Board of Supervisors have not yet appointed members to fill the vacancies created by Susan Cort, Matt Luttrell, and Andy Bowman at the end of 2021.)*

Township Staff Present: Chuck Emerick, Director of Community Development; David Habig, Assistant Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator

Public Registering Attendance: Lloyd Dochterman, Wells Fargo; Dean Morgan, Kazi Co.; Ryan Felty, Displays and Graphics; Matt Luttrell, Sean Flanagan – ThYNK Design, LLC; Jeff Roth, TKS Hershey Realty, LLC; Neal and Sara Goulet, 142 West Caracas Avenue; Rich Gamble, 39 Hockersville Road; Louis Paoletti, 156 West Areba Avenue; Jonathan M. Crist, 2865 Church Road; Chris Luttrell, 254 Cedar Avenue; Zach Luttrell, Scottsdale, Arizona; Doug Eby, Beef Jerky Experience; Melissa Miller, Downtown Hershey Association

**EXECUTIVE SESSION**

Chairman Achorn stated that the Board met in Executive Session prior to the start of the meeting to discuss legal matters regarding the Township's lease for a portion of the parking lot at 150 West Chocolate Avenue.

**APPROVAL OF MINUTES**

On a motion made by Secretary Zmuda, seconded by Vice Chairwoman Moore, and a unanimous vote, the minutes from the June 27, 2022 meeting were approved as presented.

**OLD BUSINESS**

**A. Consideration of free-standing sign at 27 Ridge Road (Lititz Sign Company, on behalf of Wells Fargo; DCDB 469)**

Lloyd Dochterman, an employee of the corporate division of Wells Fargo, apologized for not being at the June Downtown Core Design Board meeting when this matter was first considered. He explained that Wells Fargo's pylon sign was destroyed during the snowstorm on January 18, 2022. He presented a picture of the previous sign and a rendering of the proposed replacement sign. Based on the Board's input at the June meeting, the proposed sign has been moved further away from the intersection.

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Secretary Zmuda commented that he has the same concerns as those he expressed at the June meeting. He has a problem with the sign being that low to the ground because it is adjacent to an unusual intersection and may interfere with sight distance. He recommended putting the sign on a post, with the overall height of the sign and post not to exceed eight feet, per the Zoning Ordinance.

David Habig noted that the previous sign did not comply with the current Zoning Ordinance, and the Ordinance requires that when a nonconforming sign is replaced, regardless of the reason, it has to be brought into compliance.

Mr. Dochterman asked if the new sign can be in the same location as the old sign. Secretary Zmuda said that the location of the replacement sign should be further away from the intersection than the location of the old sign.

Tom Benjamin of Lititz Sign Company commented that they can move the sign location further back on the property and elevate the sign by putting a single pole with a narrow skirt under it so it will be similar to the previous sign. Secretary Zmuda noted that the applicant will have to return to the Downtown Core Design Board with a revised rendering. Mr. Habig added that the skirt cannot extend more than eight inches away from sign, otherwise it counts as part of the sign area. Mr. Benjamin and Chuck Emerick discussed permitted sign materials and illumination options.

Mr. Benjamin granted an extension until August 30, 2022, for the Downtown Core Design Board to make a recommendation on the proposal.

Motion

On a motion made by Member George, seconded by Secretary Zmuda, and a unanimous vote, the Downtown Core Design Board tabled making a recommendation on the proposal until the August 2022 meeting to allow the applicant to provide a revised proposal for consideration.

**NEW BUSINESS**

**A. Consideration of sign replacement at 310 West Chocolate Avenue (Displays and Graphics, Inc., on behalf of Hilary Vesell, Esq.; DCDB 470)**

Ryan Felty of Displays and Graphics, Inc., stated that the sign material will be painted or powder-coated aluminum, and the dimensional elements can be changed from acrylic (as initially shown) to metal. The proposed sign is essentially the same as the existing sign but with a slightly different message and a different material. No illumination is proposed.

Motion

On a motion made by Secretary Zmuda, seconded by Vice Chairwoman Moore, and a unanimous vote, the Downtown Core Design Board issued a Recommendation of Appropriateness for the proposal with the condition that the applicant provides the Township with a revised rendering showing materials that adhere to the Zoning Ordinance regulations.

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**B. Consideration of demolition of existing building and construction of new building/signage for Tikka Shack restaurant at 150 West Chocolate Avenue (ThYNK Design, LLC; DCDB 471)**

Chairman Achorn recused himself from participating in the discussion and vote on this item because he is a client of ThYNK Design, LLC.

Matt Luttrell and Sean Flanagan of ThYNK Design and Jeff Roth of TKS Hershey Realty (TKS) were present. Mr. Luttrell explained that TKS is interested in being a long-term partner in the Hershey community, especially in the downtown, and that Mr. Roth currently owns the Fuddruckers restaurant in Hershey.

Mr. Luttrell stated that TKS purchased the subject property approximately two years ago and during those two years, they have been making every effort to reuse the building in its current configuration for the proposed restaurant. ThYNK Design has evaluated the building and discovered there are challenges regarding adding a commercial kitchen and from a visual standpoint because the building was a residence at one time.

Mr. Luttrell explained that in going through the design process of converting the building into the Tikka Shack use, some of the design criteria they were trying to achieve were greater accessibility for building access and usability; providing a more open and visually appealing building; and complementing the historic character of the downtown area. ThYNK Design was very diligent in looking at massing, sight lines, patterning, and materials in an effort to comply with the criteria of the Downtown Core Design Standards. They are attempting to promote walkability and include features that make the site more accessible than it currently is. The existing building was designed as a residential structure in 1930. The applicant hired a structural engineer to evaluate the building, and they determined that the building's current structural capacity does not support the proposed restaurant use, meaning that all of the floor structures will have to be modified. Additionally, the applicant is looking at opening the building up to provide for more interior visibility which will impact the lateral loading on the structure. Another consideration is the accessibility to the existing building, which currently sits approximately 12 inches above the parking lot grade. There is a ramp in place, but the side doors enter at a midlevel. The existing stairs on the interior do not meet current design standards. They can continue to be used under the existing building code in specific situations, but they would need to be modified for the proposed use.

Regarding the proposed signage, Mr. Luttrell stated that the applicant recognizes there are some design deficiencies in terms of permitted materials and lighting, and they will be addressing those deficiencies when the project moves forward. They also recognize that the proposed locations of the wall signs will require relief from the Zoning Hearing Board because of their proximity to the sills. Chuck Emerick inquired if the restaurant building will have a second story. Mr. Luttrell answered no, it is intended to match the building height requirements. Mr. Emerick noted that the Zoning Ordinance does not allow wall signs to be placed higher than the lower sill of an upper story window. Since the proposed building will only have one story, Zoning Hearing Board relief would not be required for the wall signs.

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Regarding the site plan, Mr. Luttrell said that depending on how the project moves forward, a final survey will be completed but for now ThYNK Design used the information that was available to them to provide an estimate of the location of the property lines. The project occupies two parcels, one of which is owned by the Township and is subject to a parking agreement. An ADA ramp is proposed to provide access from the sidewalk to the site. The existing footprint will be utilized, but sidewalks will be added and eliminated. A patio is proposed using pervious materials. The net effect is intended to reduce impervious coverage associated with the site. The proposed stairs on the front are similar to the existing stairs, but they will be code compliant. The applicant is proposing to enclose the front and back porch areas to maintain the massing and scale of the neighborhood.

Mr. Luttrell noted that given the nature of the project, the floor plan is mainly compromised of kitchen, refrigeration, and service areas. If the existing building were to be utilized, there would be limited seating options and the applicant would need to reduce the size of the kitchen. The proposed seating would accommodate the existing parking, plus the addition of bike racks.

Mr. Luttrell said that the proposed exterior elevations are intended to demonstrate the use of materials, sight lines, and color palettes to accommodate some of the more recent construction in the downtown area as well as the historic structures.

Mr. Emerick reviewed the requirements of the Downtown Core Design Standards regarding the demolition of an existing building. Mr. Luttrell commented that the property owner recognizes the intent of the Downtown Core Design Standards is to reuse existing structures to the greatest extent possible. ThYNK Design made every effort to evaluate that, and it has become apparent that the owner will not be able to achieve their desired level of success by reusing the existing building. Mr. Luttrell is not sure what the purpose is of retaining an existing building simply because of its age if rebuilding can better achieve the desired fabric of the downtown area. The existing structure is very challenged in many ways. It is not going to fall down, but it is not structurally sound relative to the proposed use.

Mr. Emerick asked Mr. Luttrell to elaborate on how the proposal will enhance the safety of vehicular and pedestrian access to the building. Mr. Luttrell explained that they are proposing lowering the building to be level with the parking lot to be more accessible from a pedestrian standpoint. The building will be accessible and there will be a ramp along the side that will be ADA compliant.

Regarding site features, Mr. Emerick noted that the proposed style of bicycle parking is compliant with the Zoning Ordinance. He stated that the lease area for the parking adjacent to the building is specific to an area of 1,126 square feet. The parking proposed will extend approximately four feet beyond the lease area. Mr. Luttrell responded that was not the applicant's intention, based on the information that was available to them. Mr. Emerick also pointed out that some of the bicycle parking and the ramp are proposed to be on the Township's property. Mr. Luttrell said the bike rack can be relocated and acknowledged that discussions with the Township will be necessary regarding the location of the ramp.

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Regarding the proposed signage, Mr. Emerick stated that Zoning Hearing Board relief will be necessary regarding maximum sign area. Additionally, the canopy sign would not be considered a permitted sign as currently proposed. In response to Mr. Emerick's suggestion, Mr. Luttrell withdrew the sign package from consideration at this point.

In response to a question from David Habig, Mr. Luttrell said they have considered the dumpster location and screening but have not identified a final solution. Mr. Emerick noted that these items will also require Downtown Core Design Board approval.

Vice Chairwoman Moore asked if enough parking is provided to accommodate the proposed number of seats. Mr. Habig responded that due to the difference in the leased Township area and the proposed area, it is difficult for the Township to say for certain that the amount of parking is compliant; however, based on the current plans it appears to be acceptable. Mr. Luttrell added that the seating was adjusted according to the amount of available parking.

Secretary Zmuda commented that he has an issue with the proposal to demolish the existing building because he does not think the applicant and owner have done their due diligence. The report from the structural engineer is essentially based only on the fact that a restaurant is proposed. The structural integrity of the building is fine. There is no immediate reason to demolish it. Secretary Zmuda believes there is architectural value in these old buildings, and they need to be reutilized.

Vice Chairwoman Moore referenced the numerous different ways that The Hershey Company showed they could not reuse the old factory building at 19 East Chocolate Avenue. Maybe there is another use for the building at 150 West Chocolate Avenue that would work.

Mr. Luttrell stated that he does not think the engineer's letter is up for debate because what they did was identify the structural requirements; however, he understands that it is Secretary Zmuda's opinion as to whether or not he feels it meets the requirements of the Downtown Core Design Standards. Secretary Zmuda commented that the letter was based on a single use. Mr. Luttrell replied that the current use of the building is not code compliant. Almost any use other than a residential use is going to require structural remediation. When considering the value of the property, it becomes very challenging to a residential rental property because of the location and amount of traffic. He is not arguing with the intent or desire to preserve the historic character of the downtown, he is questioning the viability of it in this case because east of Cocoa Avenue is a very institutional feel; west of Ridge Road has houses that have been converted into businesses, and it has a very distinct and unique feel to it. The area between Cocoa Avenue and Ridge Road is a different situation. Mr. Luttrell feels that what is proposed is very much in character with what is happening in the downtown and helps to enhance everything.

Member George said he is also concerned about the proposed demolition of the existing building and the fact that other formerly residential buildings in the downtown have been able to be adapted for other uses. He agrees that the proposed building matches very well with the redevelopment on the north side of West Chocolate Avenue, but he thinks the character

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on the south side of West Chocolate Avenue is different. He is concerned about changing the integrity of the block of housing throughout that area.

Public comment

Rich Gamble, 39 Hockersville Road, thinks we are getting a little carried away with Mr. Luttrell's comment that this is the best they can do with the building. Mr. Gamble disagreed and referenced Alfred's Victorian restaurant in Middletown. The owner knew what they were getting into when they bought the property at 150 West Chocolate Avenue and that does not mean they should not have to comply with the regulations if the regulations do not accommodate the proposed use. Mr. Gamble thinks the owner should use the money that they are investing in the tear down/rebuild concept to keep the outside of the building the way it is. Let's start saving the heritage of this town and stop tearing down the old buildings for the benefit of a few.

Jeff Roth, the owner of subject property, stated that he has owned Fuddruckers on West Chocolate Avenue since 1999. The building at 150 West Chocolate Avenue as it exists cannot withstand what is proposed and in actuality, it cannot withstand its current use. Mr. Roth appreciates the Board's concerns, but time moves on. He believes that corner of downtown would be better fitted with what is proposed. He thinks it has a lot to offer the downtown and is a positive look.

Motion on demolition of existing building

On a motion made by Secretary Zmuda, seconded by Member George, and a unanimous vote, the Downtown Core Design Board made a recommendation to the Board of Supervisors that approval of the demolition be denied.

Motion on construction of new building

On a motion made by Secretary Zmuda, seconded by Member George, and a unanimous vote, the Downtown Core Design Board made a recommendation to the Board of Supervisors that approval of the new construction be denied, due to the motion to deny approval of the demolition of the existing structure.

Motion on site elements/exterior lighting devices

On a motion made by Member George, seconded by Secretary Zmuda, and a unanimous vote, the Downtown Core Design Board made a recommendation to the Board of Supervisors that approval of the proposed site elements and exterior lighting devices be denied, due to the motion to deny approval of the demolition of the existing structure.

Mr. Emerick noted that the proposal will now go before the Board of Supervisors for final action based on the Downtown Core Design Board's recommendations for denial.

**OTHER BUSINESS**

None.

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**ADJOURNMENT**

On a motion made by Secretary Zmuda, seconded by Member George, and a unanimous vote, the meeting was adjourned at 6:23 p.m.

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Rick Zmuda, Secretary