

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
December 21, 2022**

CALL TO ORDER

The Wednesday, December 21, 2022, Derry Township Zoning Hearing Board meeting was called to order at 6:00 p.m. by Chairman Steve Seidl in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Board members in attendance: Chairman Steve Seidl, Member Mike Angello, Member Tom DeDonatis

Board members absent: Vice Chairwoman Sandy Ballard, Secretary Lindsay Drew

Also present: Megan Huff, Solicitor to the Board; David Habig, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Valerie Wood, Community Development Secretary

Public registering attendance: David Rotunda, 814 East Chocolate Avenue; Irvin Hess, 840 East Chocolate Avenue; Irene Hess, 840 East Chocolate Avenue; Matt Luttrell, ThYnk Design; Elizabeth Delozier, Gable Signs

APPROVAL OF MINUTES

On a motion made by Member DeDonatis, seconded by Member Angello, and a unanimous vote, the November 16, 2022, and December 5, 2022, minutes were approved as written.

OLD BUSINESS

Due to the applicant for the Case of Stephanie Tuccio (2022-15) not yet being present, the Board decided to continue with New Business until the applicant for Case No. 2022-15 arrived.

NEW BUSINESS

**A. Hearing in the Case of Matthew R. Luttrell (2022-16)
Property location: 840 East Chocolate Avenue, Hershey**

The property is located in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts and is improved with a bakery and coffee shop. The applicant desires to expand the building and modify the parking area. Relief is sought from vehicular navigation from parking areas to allow for entry to a public street in a forward direction.

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Matthew Luttrell of ThYnk Design, 1332 East Chocolate Avenue; Irvin Hess, 840 East Chocolate Avenue; Irene Hess, 840 East Chocolate Avenue; and David Habig, Assistant Director of Community Development for Derry Township, were sworn in.

Mr. Luttrell explained the reason for the requested relief regarding parking at 840 East Chocolate Avenue for Desserts, Etc. He also explained the past Zoning Hearing Board cases involved with this property and described the plans for the property.

Chairman Seidl asked for clarification on the past Zoning Hearing Board cases. Mr. Luttrell responded that they are Case No. 2000-22, regarding required setbacks, and Case No. 2013-25, regarding maximum impervious coverage. Chairman Seidl inquired about Case No. 2012-39 regarding permitted uses. Mr. Luttrell stated that he read over the decision for Case No. 2012-39 and believes it will not impact the relief that is currently being requested, as it pertains to the current use and indoor seating, both of which are not impacted by the requested relief.

Mr. Luttrell commented that the owners of 840 East Chocolate Avenue would like to add seven parking spaces to the rear of the property in the setback that are head in/back out. This parking would allow for an addition to the building and would eliminate several parking spaces and reduce impervious coverage. The narrowness of the property limits the places available for parking spaces. The addition will allow for a safer work environment for employees by adding workspace. The neighborhood would not be impacted, as there are already several businesses that utilize the alley. Per the Zoning Ordinance, the parking requirements for the subject use are one space for every three indoor seats and one space for every six outdoor seats, which makes the parking adequate at 14 spaces. The number of allowable indoor seats is 21, which would require seven parking spaces, and for outdoor seating there are seven spaces available which would equate to 42 allowable seats. Mr. Habig confirmed that there are no other Township parking regulations for outdoor seating other than the one space per every three indoor seats and one space per every six outdoor seats ratios.

In response to a question from Chairman Seidl, Mr. Hess said the parking has not been altered since they purchased the property.

Per Mr. Habig, the current use of the property is food service without a drive-through lane.

In response to a question from Chairman Seidl, Mrs. Hess said there are 30 employees in total, but they do not work all at the same time. There would be a maximum of 10 employees working on any given day. When questioned about a box truck that is currently occupying a parking space, Mrs. Hess explained that the truck is used to store Christmas orders and it will not be there after Christmas. The Hesses do not have the refrigerated space at this time to accommodate the larger inventory; however, the addition will allow for that in the future.

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In response to a question from Chairman Seidl, Mr. Luttrell confirmed that the building contains two stories and a basement, and the second floor is used by the owners as office space.

Mr. Habig confirmed that the alley is designated as an on-road bike network on the Township's Official Map. Mr. Habig explained that back-out parking onto the alley is not ideal, but it is also not unique to the area.

Mr. Hess explained that they currently rent the parking area on the other side of the alley from Hershey Trust Company, and it is used for employee parking.

No one else 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.

OLD BUSINESS

**A. Continuance in the Case of Stephanie Tuccio (2022-15)
Property location: 1250 Cocoa Avenue, Hershey**

The property is located in the Hershey Mixed Use, Southern Core Overlay, and General Sign Overlay zoning districts and is improved with a grocery store. The applicant desires to replace an existing wall sign. Relief is sought from the maximum sign area for wall signs in the General Sign Overlay.

Elizabeth Delozier, Senior Account Manager for Gable Signs & Graphics, was sworn in.

Ms. Delozier explained that Giant has recently gone through a rebranding and wants to update their signage on the storefront. The current sign package has two less signs than what was there previously. The signage area proposed is 40 square feet less than what exists today.

In response to a question from Member Angello, Ms. Delozier explained the signs that are there now and the ones that will be replaced.

Ms. Delozier explained that she is not aware of any previous relief that may have been needed. Gable Signs has been working with Giant for 15 years and they have no record of when the current signs were installed.

Mr. Habig confirmed that any alterations to non-conforming signs will require that the signs be brought into conformity, or Giant will need a new variance. The requested relief is for sign area.

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No one else 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.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Chairman Seidl, seconded by Member DeDonatis, and a unanimous vote, the meeting was adjourned at 6:49 p.m.

DELIBERATION

The Board met to deliberate in the cases of Stephanie Tuccio (2022-15) and Matthew R. Luttrell (2022-16) and directed the Solicitor to prepare the draft decisions on the cases for formal action at the January 2023 meeting.

Submitted by:

Lindsay Drew, Secretary