

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
August 16, 2023**

CALL TO ORDER

The Wednesday, August 16, 2023, 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; Vice Chairman Tom DeDonatis; Secretary Lindsay Drew

Board members absent: Member Mike Angello; Member Bill Tafuto

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: Bonnie Gildersleeve, 1081 Greenlea Road; John Gildersleeve, 1081 Greenlea Road; Justin Kuhn, Integrated Consultants; Dave Getz; Cindy Eckels, 1035 Middletown Road; Heather Melick, 1035 Middletown Road; Andrew Speacht, 2053 Colonial Way; Ray Wenger, Strickler Signs

APPROVAL OF MINUTES

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a majority vote, the July 19, 2023, minutes were approved as written. Secretary Drew abstained due to her absence from the July meeting.

OLD BUSINESS

**A. Adoption of Decision in the Case of Milton Hershey School (2023-07)
Property location: Intersection of Bachmanville and Homestead Roads, Hershey**

Chairman Seidl read a portion of the terms of the Decision into the record as follows:

1. *The applicant's request for a variance from §225-309, Table 17 regarding the front yard setback for an accessory structure is GRANTED. The applicant may encroach to within 5 feet of the road right-of-way for the proposed gateway structure.*

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a majority vote, the Decision was adopted as written. Secretary Drew abstained due to her absence from the July meeting.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
August 16, 2023**

B. Adoption of Decision in the Case of Andrew Speacht (2023-08)
Property location: 2053 Colonial Way, Hummelstown

Chairman Seidl read a portion of the terms of the Decision into the record as follows:

1. *The applicant's request for a variance from §225-305, Table 9 regarding the side and rear yard setbacks for an accessory structure is GRANTED. The applicant may encroach to within 4 feet of the side and rear yard property lines for the shed.*

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a majority vote, the Decision was adopted as written. Secretary Drew abstained due to her absence from the July meeting.

NEW BUSINESS

A. Hearing in the Case of Kevin Pauza (2023-09)
Property location: 790 Stauffers Church Road, Palmyra

The property is located in the Conservation zoning district. It is improved with agricultural buildings. The applicant desires to develop the land with a Residential Cluster Development. Relief is sought from the maximum number of dwelling units served by a Common Driveway in Cluster Development.

Dave Getz, attorney for Kevin Pauza, and Justin Kuhn, project engineer, were sworn in. Mr. Getz explained to the Board that the previous relief granted expired due to circumstances in the subdivision plan process. The applicant is asking the Board to grant the relief again and to tie the relief to the approval of the subdivision plan.

Mr. Kuhn testified to the plan being proposed. The applicant is proposing a Cluster Development on the subject property and is seeking to have the private road serve seven driveways. In response to a question from Chairman Seidl, Mr. Kuhn confirmed there are no changes to the layout of the plan from what was proposed previously. Mr. Kuhn also confirmed there will be no additional access from Stauffers Church Road.

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.

B. Hearing in the Case of John A. and Bonnie S. Gildersleeve (2023-10)
Property location: 1081 Greenlea Road, Hershey

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
August 16, 2023**

The property is located in the Hershey Mixed Use zoning district. It is improved with a single-family detached dwelling. The applicants desire to build a detached garage. Relief is sought from the minimum front yard setback requirements for an accessory structure.

John and Bonnie Gildersleeve were sworn in. Mr. Gildersleeve explained that they desire to add a detached garage to the property but due to being a corner lot, the property has two frontages and the garage would not meet the setback requirements.

In response to a question from Chairman Seidl, Mr. Gildersleeve explained the reason for the size of the garage. Also, they will not be altering the shrubbery that is already in place that will disguise the garage from Route 322.

David Habig confirmed Route 322 is a state road and PennDot has the authority over the right-of-way. Had this not been a corner property, the applicants would have been able to meet the minimum side setback requirement of five feet.

Mr. Gildersleeve confirmed that the garage will sit 40 feet from the rear property line.

No one else 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.

C. Hearing in the Case of Strickler Signs (2023-11)
Property location: 1035 Middletown Road, Hummelstown

The property is located in the Planned Campus West and General Sign Overlay zoning districts. It is improved with The Goddard School daycare facility. The applicant seeks to add a wall sign to the new building annex. Relief is sought in the form of a special exception for sign area.

Ray Wenger with Strickler Sign Company was sworn in. Mr. Wenger explained the reasoning for the placement of the sign. The property is unique because the main entrance to the facility is a private road and is not counted as building frontage. While the proposed sign meets the dimensional criteria for a wall sign as outlined in the Zoning Ordinance, the property will exceed the maximum total sign area. The sign will give visibility to the back entrance of the school. The sign will not detract from the neighborhood as it is a commercial area.

In response to a question from Chairman Seidl, Mr. Wenger explained where the existing signage is on the property that faces Middletown Road and that it is the only sign for the building.

In response to a question from Secretary Drew, Mr. Wenger explained there was no discussion about more signage on Middletown Road as opposed to what is being proposed.

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
August 16, 2023**

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 Vice Chairman DeDonatis, seconded by Secretary Drew, and a unanimous vote, the meeting was adjourned at 6:36 p.m.

DELIBERATION

The Board met to deliberate in the cases of Kevin Pauza (2023-09), John and Bonnie Gildersleeve (2023-10), and Strickler Signs (2023-11) and directed the Solicitor to prepare the draft decisions on the cases for formal action at the September 2023 meeting.

Submitted by:

Lindsay Drew, Secretary