

**BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD**

IN THE MATTER OF: : NO. 2023 - 18  
:   
The Hershey Company :   
:   
:   
: PREMISES LOCATION:   
: 925 – 1000 Reese Avenue   
: Hershey, Derry Township, PA

**MEMORANDUM, FINDINGS, OPINION AND ORDER**

This is the application of The Hershey Company with regard to its property located at 925 – 1000 Reese Avenue, Hershey, Derry Township. A hearing in this matter was held on November 15, 2023, and continued, at applicant’s request, until December 20, 2023. Both hearings were held after proper advertising. At the hearings, Kenny Hinebaugh, Project Manager of the applicant, appeared with the applicant’s attorney, Peter Wertz. Mr. Hinebaugh, was sworn and testified.

The application indicates that the subject property is located in the Industrial and General Sign Overlay zoning districts. The property is improved with the existing Reese’s factory facility, and the applicant is constructing a new manufacturing/warehouse facility. The application seeks a special exception to increase the sign area and number of signs per street frontage greater than is permitted under the Ordinance.

The property is approximately 55 acres with street frontage of approximately 3,100 feet. The western portion of the property used to contain a Friendly’s Restaurant that has been demolished. The applicant is constructing a new manufacturing/warehouse facility next to its existing Reese’s factory. The existing Reese’s building is approximately 630’ x 670’ whereas the

new building will be approximately 695' x 401'. The new building will be at least 40 feet from Reese Avenue/University Drive.

The applicant seeks to install signs to identify its new building. The applicant already has two existing ground signs along Reese Avenue. It proposes a ground sign having face dimensions of 4.48 feet (vertical) and 7.98 feet (horizontal), with an overall height of 5.5 feet and a sign area that is 35.75 square feet. This sign would be located along Reese Avenue for the new building on the western portion of the property. The proposed sign would be similar to the existing signs in terms of area, height, and coloring.

The applicant already has two wall signs on its existing building. The applicant seeks to install three wall signs on the new building's Process Tower: (i) a sign with Hershey and the chocolate kiss on the West side of Process Tower, with a sign area of 212.31 square feet; (ii) a sign with Hershey and the chocolate kiss on the East side of Process Tower, with a sign area of 212.31 square feet; and (iii) the chocolate kiss on the South side of the Process Tower, with a sign area of 110.04 square feet.

The applicant argues that the proposed signage is necessary to more effectively communicate identification of the building, which enhances motorist safety. Because of the size of the property and the distance from the road, the applicant argues that the number and size of the signs must be greater than what is permitted under the Ordinance.

Mr. Hinebaugh testified that the proposed signs would not adversely affect the neighborhood. Similarly, he did not think the signs would overburden the utilities or public improvements. The applicant submitted exhibits, including maps, a site plan with the proposed

signs, sign drawings, renderings, and apparent height calculations, all of which were entered into the record. The renderings show the orientation of the signs. The applicant performed a perspective analysis to demonstrate that the signs are scaled properly to be recognizable. For example, from View 1 on the rendering, the Hershey sign with an actual height of 7.75' at a distance of 624 feet would appear to be 0.15 inches tall.

At the December zoning hearing, Theresa Peschel, who resides at 48 Half Street, testified at the hearing. She was interested in learning about the proposed signs and wondered if there would be any signs made of shrubbery. Mr. Hinebaugh testified that there were no such shrubbery signs under consideration at this time. Ms. Peschel testified that tourists like to stop at signs on Reese Avenue and take pictures, which interferes with traffic. In addition, there is trash left in the neighborhood.

The Ordinance limits ground sign face dimensions to 4 feet (vertical), 10 feet (horizontal), maximum height (vertical) to 4 feet, and the sign area to 24 square feet. *See* Ordinance, §225-401.1.F.B.1, Table 36. In addition, ground signs are limited to one ground sign per street frontage. *See* Ordinance, §225-401.1.F.B.1, Table 36; 225-401.1.F.B.3.c. Moreover, the Ordinance limits the allowable wall sign area to 45 square feet when the sign's vertical and horizontal dimensions both exceed 3 feet. *See* Ordinance, §225-401.1.F.B.1, Table 36. However, the Ordinance permits the Board to allow larger and a greater number of signs than otherwise permitted in a given district when the applicant can demonstrate compliance with the specific criteria applicable to the special exception. *See* Ordinance, §225-502-10. Those criteria include:

1. Demonstrating that unique conditions exist on the property or in the immediate area of the property which would cause signs of the normally prescribed areas, size, or location to be of lower communication value than that which would exist on another property in the same Sign District.
2. The modification of the sign regulations must be the least necessary to afford the relief.
3. The proposed signage must not be of a type of a sign that would otherwise be permitted in non-street fronting conditions.

*See Ordinance, §225-502-10.*

In this matter, the Board finds that the applicant is entitled to the relief requested. Initially, this Board has often held that special exceptions are neither special, nor exceptions, but are instead permitted uses so long as the applicant can demonstrate compliance with the specific criteria associated with the special exception request. Here, the Board finds that the applicant is entitled to the special exception. The property is unique because of its size, length of road frontage, and building's distance from the road. Consequently, the Board finds that the applicant has demonstrated the unique character of the property and that character reduces the communicative value of signage that might be sufficient on another property lacking these characteristics. In addition, the Board finds that proposed modification is the minimum relief necessary to afford relief. The Board finds that the proposed relief will not alter the essential character of the neighborhood.

In granting any relief, 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*, §225-1007.10.A. Based on the Board’s findings and conclusions, the Board adopts the following:

**ORDER**

AND NOW, this 17<sup>th</sup> day of January, 2024:

1. The applicant’s request for a special exception pursuant to §225-502.10 regarding the sign area of the proposed sign is GRANTED. The applicant may install the proposed signs as follows:

A. An additional ground sign (three total) along Reese Avenue with the new ground sign having face dimensions of 4.48 feet (vertical) and 7.98 feet (horizontal), with an overall height of 5.5 feet and a sign area that is 35.75 square feet; and

B. A new wall sign on the West side of the Process Tower with a sign area of 212.31 square feet;

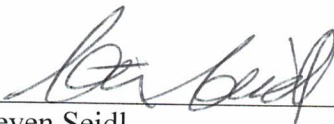
C. A new wall sign on the South side of the Process Tower with a sign area of 110.04 square feet; and

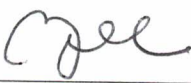
D. A new wall sign on the East side of the Process Tower with a sign area of 212.31 square feet.

2. The applicant shall construct the proposed signage 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.

  
\_\_\_\_\_  
Steven Seidl

  
\_\_\_\_\_  
Michael Angello

  
\_\_\_\_\_  
Thomas DeDonatis

  
\_\_\_\_\_  
William Tafuto