

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
December 20, 2023**

CALL TO ORDER

The Wednesday, December 20, 2023, Derry Township Zoning Hearing Board meeting was called to order at 6:01 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; Member Mike Angello; Member Bill Tafuto

Board members absent: None

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: Teresa Peschel, 48 Half Street, Hershey; Brian Cleary, The Pettit Group; Kenny Hinebaugh, The Hershey Company; Peter Wertz, McNeese, Wallace, and Nurick; Jane Erikson, 2453 Zell Court, Hummelstown; Shanthi Rao, 2465 Zell Court, Hummelstown

APPROVAL OF MINUTES

On a motion made by Vice Chairman DeDonatis, seconded by Member Angello, and a majority vote, the November 15, 2023, minutes were approved as written. Secretary Drew abstained due to her absence from the November meeting.

OLD BUSINESS

**A. Adoption of Decision in the Case of Loudoun Centre, LLC (2023-13)
Property location: 2177 and 2181 Swatara Creek Road, 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 §225-306, Table 11, Item G, regarding the maximum height of a principal structure is DENIED.*

On a motion made by Chairman Seidl, seconded by Member Tafuto, and a 3-1 vote (Chairman Seidl, Member Angello, and Member Tafuto voted in favor; Vice Chairman DeDonatis voted in opposition), the Decision was adopted as written. Secretary Drew abstained due to her absence from the November meeting.

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B. Adoption of Decision in the Case of Raphael Peters (2023-16)
Property location: 1110 Middletown Road, 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 §225-30, Table 5, Item H, regarding the maximum height of an accessory structure is GRANTED. The applicant may construct the proposed garage to a maximum height of 24'9".*

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

C. Adoption of Decision in the Case of Richard H. Wilhelm II and Krishna C. Pulgar (2023-17)
Property location: 565 Hilltop Road, Hummelstown

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

1. *The applicants' request for a variance from §225-303, Table 5, regarding the side yard setback for an accessory structure is GRANTED. The applicants may encroach to within 5 feet of the side yard property line for the proposed garage.*

On a motion made by Member Angello, seconded by Member Tafuto, and a majority vote, the Decision was adopted as written. Secretary Drew abstained due to her absence from the November meeting.

D. Continuance in the Case of Hummelstown Investors, LLC (2023-15)
Property location: 570 Walton Avenue, Hummelstown

The property is located in the General Commercial and General Sign Overlay zoning districts. It is improved with a Taco Bell restaurant. The applicant desires to raze the existing building and construct a new Taco Bell restaurant and new signage on the property. Relief is sought from the location of a wall sign above the edge of the roof. The applicant is also seeking a special exception to allow for greater than the prescribed amount of sign area on the property and greater than the allowable number of signs per street frontage.

Brian Cleary, The Pettit Group, and Joseph DePascale, Summerwood Corporation, were sworn in. Michael Malloy, attorney for the applicant, explained the existing conditions for the Taco Bell property and the plans for signage on the property.

Mr. Cleary explained that the site currently has an existing pylon sign and a wall sign. The applicant desires to eliminate the pylon sign and replace it with a decorative freestanding sign. The property is limited on the total amount of sign area due to its narrowness. The relief

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being requested is 92 square feet of sign area between five signs. Mr. Cleary described the businesses surrounding Taco Bell and their signage.

In response to a question from Chairman Seidl, Mr. Cleary stated the total proposed sign area is 92.5 square feet and the total area permitted is 29.4 square feet.

In response to a question from Member Angello, Mr. Cleary explained that the height of the proposed building is 24 feet, and the signs are located on a portion of decorative wall that is 28 feet in height. Per the Zoning Ordinance, the maximum permitted building height is 40 feet.

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.

**E. Continuance in the Case of The Hershey Company (2023-18)
Property location: 925-1000 Reese Avenue, Hershey**

The property is located in the Industrial zoning district. It is improved with the Reese Candy Plant and another manufacturing/warehousing building presently under construction. The applicant desires to place a freestanding sign and wall signs on the property. Relief is sought in the form of a special exception to allow larger signs, greater than the prescribed total sign area, and a greater number of signs per street frontage.

Kenny Hinebaugh, The Hershey Company, was sworn in. Peter Wertz, attorney with McNees, Wallace, and Nurick, explained the current conditions of the property. At the conclusion of last month's meeting, the Zoning Hearing Board requested to see a perspective analysis of the proposed signage. Mr. Wertz provided the Board with the perspective analysis and explained it to them.

Public Comment:

Teresa Peschel of 48 Half Street was sworn in. Ms. Peschel was curious if the signage will include the "Hershey's" shrubbery that all the other The Hershey Company factories have. Mr. Hinebaugh responded that at this time, there is no plan for a shrubbery sign. Mr. Wertz explained that there will be a ground sign similar to the ground sign at the Reese's plant.

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.

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NEW BUSINESS

None.

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 6:53 p.m.

DELIBERATION

The Board met to deliberate in the cases of Hummelstown Investors, LLC (2023-15) and The Hershey Company (2023-18) and directed the Solicitor to prepare the draft decisions on the cases for formal action at the January 2024 meeting.

Submitted by:

Lindsay Drew, Secretary