

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
January 17, 2024**

CALL TO ORDER

The Wednesday, January 17, 2024, Derry Township Zoning Hearing Board meeting was called to order at 6:00 p.m. by Member Steve Seidl in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Board members in attendance: Steve Seidl; Tom DeDonatis; Mike Angello; Bill Tafuto; Joe Nocera

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: Michael Bruce – Elsa Associates, Hockersville, LLC; Nevin Copenhaver, Copenhaver Builders; Nathan Wenger, Copenhaver Builders; Mitchell Brady, Pennoni; Stacey MacNeal, Barley Snyder; Kelly Steier, 272 Elm Avenue; Nick Steier, 272 Elm Avenue; Guiseppi Sparacio, 1615 Sand Hill Road

APPROVAL OF MINUTES

On a motion made by Member Angello, seconded by Member Seidl, and a majority vote, the December 20, 2023, minutes were approved as written. Member Nocera abstained due to not being present for the December meeting.

REORGANIZATION

On a motion made by Mike Angello, seconded by Tom DeDonatis, and a unanimous vote, Steve Seidl was appointed Chairman.

On a motion made by Steve Seidl, seconded by Bill Tafuto, and a unanimous vote, Tom DeDonatis was appointed Vice Chairman.

On a motion made by Bill Tafuto, seconded by Steve Seidl, and a unanimous vote, Mike Angello was appointed Secretary.

OLD BUSINESS

- A. Adoption of Decision in the Case of Hummelstown Investors, LLC (2023-15)
Property location: 570 Walton Avenue, Hummelstown**

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

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. *A free-standing sign with a sign area of 31.25 square feet;*
 - B. *A wall sign with the Taco Bell logo on the front façade with a sign area of 13.6 square feet;*
 - C. *A wall sign with the words "Taco Bell" on the awning with a sign area of 5.1 square feet;*
 - D. *A wall sign with the Taco Bell logo with a sign area of 13.6 square feet and the words "Taco Bell" with a sign area of 10.8 square feet each on two sides of the tower.*
2. *The relief granted herein is strictly contingent on the free-standing sign being moved out of the sight distance triangle.*
3. *The applicant's request for a variance from §225-401.4.F.B.3.a regarding the number of signs per street frontage is MOOT as a result of the special exception being granted.*
4. *The applicant's request for a variance from §225-401.4.F.B.1 – Table 36, Special Note #2 regarding the location of a wall sign is GRANTED. The applicant may install the wall signs above the roof eave.*

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a majority vote, the Decision was adopted as written. Member Nocera abstained due to not being present for the hearing.

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

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

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:*

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- 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.*

On a motion made by Member Tafuto, seconded by Chairman Seidl, and a majority vote, the Decision was adopted as written. Member Nocera abstained due to not being present for the hearing.

NEW BUSINESS

**A. Hearing in the Case of Hockersville, LLC (2023-19)
Property location: 228 and 238 Hockersville Road, Hershey**

The property is located in the Hershey Mixed Use and Compact Development Overlay zoning districts. They are currently unimproved. The applicant desires to build a four-unit townhouse building on the property. Relief is sought from minimum lot depth, required driveway access to a rear alley for single-family attached dwellings, minimum width of an access drive, encroachment into a required yard area for egress doors, and minimum principal structure front yard setback.

Michael Bruce of Hockersville LLC was sworn in. Mr. Bruce explained the current state of the property and the applicant's desire to construct a four-unit townhouse building. This development would be allowable through the Conditional Use process. There are two renderings for the project. One is proposing access directly off Third Avenue and the other shows the alley being used for access. The first relief requested is for minimum lot depth. The lot is 70 feet in depth and the Zoning Ordinance requires a minimum depth of 100 feet. The Zoning Ordinance requires access from a rear alley unless the property to be developed contains no alley frontage. Allowing the driveways to access Third Avenue would alleviate the need for variance requests 3 and 4 regarding the minimum width of an access drive and to permit egress landings and stairs within a front yard. Mr. Bruce explained the alley is 16 feet wide and they would request relief from the required 24-foot width, so the access driveways meet the width of the alley. The Zoning Ordinance allows for egress doors to be in the setbacks, but it is not clear whether the landings and stairs are allowed in the setbacks as well.

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In response to a question from Secretary Angello, Mr. Bruce stated the property would not be able to be developed in any way without these variances because of the abnormal shape, the PennDOT right-of-way and being a corner property. Mr. Bruce did consider other ways to develop the property but concluded that any development would require variances.

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 SSN Hershey, LLC (2023-20)
Property location: 79 and 84 Sipe Avenue, Hummelstown**

The property is located in the General Commercial zoning district. It is improved with a hotel and associated parking. The applicant desires to consolidate two parcels and construct a new commercial/retail building and associated parking on the property. Relief is sought from minimum width of a maneuvering aisle for parking, maximum impervious coverage, and minimum vegetative coverage.

Mitchell Brady of Pennoni was sworn in. Stacey MacNeal of Barley and Snyder asked Mr. Brady to describe the existing conditions of the two lots. Mr. Brady explained that on Lot 1, there is an existing hotel with 120 rooms and associated parking. Lot 2 is currently unimproved. If relief is granted, the intent is to redevelop the land by combining two parcels into one and building a commercial retail building and having shared parking with the hotel. The current site is maxed out on the allowable impervious coverage of 60%. There is nonconforming parking in the setback areas. The current drive aisles do not meet the Zoning Ordinance requirements. Mr. Brady explained the current flow of traffic onto the site.

Mr. Brady explained the intended project for both lots is to combine them and build a potential 4,500-square-foot retail building. Mr. Brady showed the plans for the potential redevelopment of the site and that it would improve the traffic flow and fix some of the nonconformities. The current drive aisles are smaller than the Zoning Ordinance allows, and relief is requested to keep the drive aisles under the allowable size but make them 18 feet instead of 16 feet.

Mr. Brady explained that in combining the two lots together they will increase the overall vegetative coverage from 21% to 22% but will need relief from the maximum impervious coverage due to the lot already being over the maximum allowed.

Mr. Brady explained that in combining the two lots they will share parking with both establishments. They will be required to have 137 spaces and 138 are being proposed.

No one else offered testimony.

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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.

**C. Hearing in the Case of Copenhaver Builders, LLC (2023-21)
Property location: 272 Elm Avenue, Hershey**

The property is located in the Hershey Mixed Use zoning district. It is improved with a single-family dwelling. The applicant desires to add an addition to the dwelling. Relief is sought in the form of a special exception regarding the expansion of a nonconforming structure.

Nevin Copenhaver and Nate Wenger of Copenhaver Builders, LLC were sworn in. Mr. Wenger explained the current conditions of the property and the desire for a special exception regarding the expansion of a nonconforming use. There is currently a sunroom at the back of the house with a garage underneath. The entrance to the garage sits lower than the alley and is below grade. Because of this grade problem there are issues with water coming into the home. The proposed addition would remove the sunroom and expand the living space for the residents. It would also solve the issues with water flow. A stormwater management plan is being done with this project as well.

In response to a question from Chairman Seidl, Mr. Wenger confirmed the addition will not encroach on the setback for Valley 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.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a unanimous vote, the meeting was adjourned at 7:29 p.m.

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DELIBERATION

The Board met to deliberate in the cases of Hockersville, LLC (2023-19), SSN Hershey, LLC (2023-20), and Copenhaver Builders, LLC (2023-21), and directed the Solicitor to prepare the draft decisions on the cases for formal action at the February 2024 meeting.

Submitted by:

Mike Angello, Secretary