

**DERRY TOWNSHIP DOWNTOWN CORE DESIGN BOARD  
MEETING MINUTES  
April 29, 2024**

The Monday, April 29, 2024, meeting of the Derry Township Downtown Core Design Board was called to order at 5:01 p.m. by Member Rick Zmuda in the Meeting Room of the Administration Building in the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, Pennsylvania.

**ROLL CALL**

Members Present: Rick Zmuda; George Achorn; Lou Paoletti; Jim George; Ajay Patel; Jack Raudenbush; Susan Fotos

Members Absent: None

Township Staff Present: David Habig, Assistant Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator; Billy Warner, Community Development Secretary

Public Registering Attendance: Phil Guarno, 108 West Chocolate Avenue, Hershey

**APPROVAL OF MINUTES**

On a motion made by Member George, seconded by Member Paoletti, and a unanimous vote, the minutes from November 27, 2023, meeting were approved as presented.

**REORGANIZATION FOR 2024 CALENDAR YEAR**

On a motion made by Rick Zmuda, seconded by Jim George, and a unanimous vote, the Board appointed Lou Paoletti to serve as Chairman.

On a motion made by Rick Zmuda, seconded by Jim George, and a unanimous vote, the Board appointed Rick Zmuda to serve as Vice Chairman.

On a motion made by Member Paoletti, seconded by Rick Zmuda, and a unanimous vote, the Board appointed Jack Raudenbush to serve as Secretary.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**A. Consideration of refrigerator/freezer replacement at 108 West Chocolate Avenue (Philip Guarno; DCDB 485)**

Philip Guarno shared with the Board that the main goal is to have Philip Arthur's be a standalone restaurant and not share refrigerator space with Fenicci's. Mr. Guarno will also have to go in front of the Zoning Hearing Board to seek relief regarding the minimum required side setback for an accessory structure. The Fenicci's property encroaches four feet into a flower bed and the Philip Arthur's property owns two feet of it. The refrigerator will be placed right at the end of Philip Arthur's. It is a standard unit that will be six feet wide and 14 feet long. It will require a concrete pad. The electric will be fed by Philip Arthur's. Mr. Guarno

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plans to do some landscaping around the refrigerator. The refrigerator will not impose on anything or take away from parking. Currently there are two dumpsters in that location. The only view is from the alley and not from West Chocolate Avenue.

Vice Chairman Zmuda asked if the unit will interfere with anything. Mr. Guarno answered that it will not. The staircase that goes down to Fenicci's is exactly six and a half feet away from the Philip Arthur's building, and the refrigerator will sandwich right in between there. The refrigerator does not affect the side door but will affect three windows. The unit will not block the door because then that only allows for one exit.

Member George asked if the refrigerator will encroach onto the Fenicci's property. Mr. Guano said yes. There is a need for setback relief and a need to establish an easement; however, since Mr. Guarno is currently the owner of both properties, that is not a problem. Member George inquired if Philip Arthur's can be a standalone restaurant once the easement is in place. Mr. Guano said yes; however, it will never be a full-service restaurant because there is not enough kitchen space. It will have to remain a pizza, hoagie, or ice cream shop.

Vice Chairman Zmuda asked if there will be enough lighting in that area. Mr. Guano responded that adding the refrigerator will not block any lights. The light on Philip Arthur's is short of it and there will also be an overhead gooseneck light above the refrigerator door. There are also two existing spotlights on the Fenicci's building.

In response to a question from Secretary Raudenbush about what is visible from the public right-of-way, Mr. Habig stated that the alley is not a public street so the Board would only need to worry about visibility from West Chocolate Avenue, and the refrigerator will not be visible from West Chocolate Avenue.

Chairman Paioletti commented that from the front of his property, Mr. Guarno has done a stellar job with maintaining the beauty of Downtown Hershey and its traditional looks. The alleys are not getting any nicer looking, and adding a refrigerator will not make the view from the alley any worse.

*Motion*

On a motion made by Vice Chairman Zmuda, seconded by Member George, and a unanimous vote, the Downtown Core Design Board issued a Certificate of Appropriateness for the proposal, as presented.

**B. Consideration of sign alterations at 441 East Chocolate Avenue (Mountain Climb Partners, LLC; DCDB 486)**

Pat Lyons, owner of Mountain Climb Partners, LLC, explained that the 'Welcome to Hershey' sign at the end of the property has been getting very dilapidated. For liability reasons, Mr. Lyons is proposing to put brackets on the back of the sign, which the Township views as an alteration to the sign. Mr. Lyons must also seek relief from the Zoning Hearing Board

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because of the alteration to a nonconforming sign. He may also have to move the sign a little due to the location of the sign encroaching on the public right-of-way. Mr. Lyons is hoping to use the sign for off-premises advertising.

In response to a question from Vice Chairman Zmuda, Mr. Habig stated that there were a few of these 'Welcome to Hershey' signs installed around the Township many years ago. In short, they are an enigma. Township staff has dug through different property histories, deeds, easements, and agreements, and has found no information on the signs. No one has any idea where these signs came from or who is supposed to maintain them.

In response to a question from Vice Chairman Zmuda, Mr. Lyons stated that his plan is to paint the sign and then do advertising on it for off-premises business/local advertising. The allowable advertising area is four feet by ten feet. The decorative area around the advertising area can go or stay, depending on the Board's preference.

Member Fotos commented that she thinks there is value in retaining it as a 'Welcome to Hershey' sign; however, it is so dilapidated that she does not know how it can be saved.

Member Patel stated he would prefer that the sign be removed because it causes a sight distance issue.

Secretary Raudenbush said he would like to review the proposal for the reason that the Downtown Core Design Board is supposed to review it for. What the Board needs to do is make sure the sign is appropriate. He suggested that the scrollwork be removed. If there is any rotten wood on the sign, it should be replaced. The sight distance issue would not be addressed by the Downtown Core Design Board.

Mr. Habig stated that the sign meets sight distance requirements. The Downtown Core Design Board is tasked with approving the alterations to the sign: the brackets, removing the scrollwork, and potentially moving the sign three inches out of the PennDOT right-of-way. The sign message is not something under the purview of the Downtown Core Design Board.

Mr. Lyons commented that in his opinion, the sign is worth saving because it adds value to the property in terms of advertising revenue.

*Motions*

On a motion made by Chairman Paioletti, seconded by Vice Chairman Zmuda, and a unanimous vote, the Downtown Core Design Board granted a modification from Section 225-429.G.6.a.(ii) of the Downtown Core Design Standards to allow the sign faces to not be dimensional.

On a motion made by Chairman Paioletti, seconded by Vice Chairman Zmuda, and a unanimous vote, the Downtown Core Design Board issued a Certificate of Appropriateness for the sign as modified to allow for the perimeter scrollwork to be removed.

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**OTHER BUSINESS**

None.

**ADJOURNMENT**

On a motion made by Vice Chairman Zmuda, seconded by Member George, and a unanimous vote, the meeting was adjourned at 5:34 p.m.

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Jack Raudenbush, Secretary