

**DERRY TOWNSHIP  
ZONING HEARING BOARD MEETING MINUTES  
January 18, 2023**

**CALL TO ORDER**

The Wednesday, January 18, 2023, Derry Township Zoning Hearing Board meeting was called to order at 5:59 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, Mike Angello, Bill Tafuto, Tom DeDonatis, Lindsay Drew

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: Dwayne Morris, 117 West Governor Road; Ellen Stoute, 2146 Southpoint Drive; Kathy Cantore, 420 Elm Avenue

**APPROVAL OF MINUTES**

On a motion made by Member DeDonatis, seconded by Member Angello, and a majority vote (Member Drew and Member Tafuto abstained), the December 21, 2022, minutes were approved with the following changes:

Paragraph 3, Line 1 should read "...Vice Chairwoman Sandy Ballard..."  
Paragraph 12, Line 8 should read "...three indoor seats and one space..."

**REORGANIZATION**

On a motion made by Mike Angello, seconded by Lindsay Drew, and a unanimous vote, the Board appointed Steve Seidl to serve as Chariman.

On a motion made by Lindsay Drew and a unanimous vote, the Board appointed Tom DeDonatis to serve as Vice Chairman.

On a motion made by Steve Seidl, seconded by Tom DeDonatis, and a unanimous vote, the Board appointed Lindsay Drew to serve as Secretary.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of Stephanie Tuccio (2022-15)  
Property location: 1250 Cocoa Avenue, Hershey**

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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 variance from §§225-401.4.F.B., Table 36, regarding the maximum sign area of a wall sign is GRANTED. The applicant may install the proposed GIANT wall sign that measures no more than 79.66 square feet.*

On a motion made by Chairman Seidl, seconded by Member Angello, and a majority vote, the Decision was adopted as written. Secretary Drew and Member Tafuto abstained.

**B. Adoption of Decision in the Case of Matthew R. Luttrell (2022-16)  
Property location: 840 East Chocolate 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 variance from §225-402.2.B., regarding entering the public street in a forward direction is GRANTED. The applicant may construct seven head-in parking spaces.*

On a motion made by Vice Chairman DeDonatis, seconded by Member Angello, and a vote of two to one, (Chairman Seidl opposed; Secretary Drew and Member Tafuto abstained), the Decision was adopted as written.

**NEW BUSINESS**

**A. Hearing in the Case of Dwayne Morris (2022-17)  
Property location: 117 West Governor Road, Hershey**

The property is located in the Hershey Mixed Use zoning district and is improved with a single-family detached dwelling, a pool, and a detached garage. The applicant is seeking a special exception for the placement of an accessory dwelling unit on the property.

Dwayne Morris of 117 West Governor Road was sworn in.

Mr. Morris is requesting to put a modular home in the backyard of his property for his granddaughter to live in. Mr. Morris explained that his property has a six-foot-high white fence around the property for a pool that will screen the modular home.

In response to a question from Chairman Seidl, Mr. Morris explained how the parking and access to the property will work. He already has the three parking spaces needed for the accessory structure. The height of the structure is less than the permitted maximum height of 20 feet.

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David Habig explained that the property meets the minimum dimensional requirements to have an accessory dwelling. The contractor was informed that the pool's overflow will need to be tied into the sanitary sewer system; therefore, the impervious coverage for the pool's water area will be negated. The applicant will also need to install a new barrier for the pool. They can either install code-compliant door/window alarms or a new fence as a barrier inside the existing fence. Mr. Morris explained that they will use door/window alarms for the barrier.

In response to a question from Member Angello, Mr. Habig explained that the agreement with the Township that the owner will need to enter into will require that the modular home be removed if the property is sold in the future.

In response to a question from Secretary Drew, Mr. Morris confirmed that his granddaughter will be the only relative living in the modular home.

Mr. Habig confirmed the lot size to be 16,500 square feet and confirmed that the proposed location of the modular home meets all setback requirements.

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 6:27 p.m.

**DELIBERATION**

The Board met to deliberate in the case of Dwayne Morris (2022-17) and directed the Solicitor to prepare the draft decision on the case for formal action at the February 2023 meeting.

Submitted by:

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Lindsay Drew, Secretary