

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

**CALL TO ORDER**

The Wednesday, April 17, 2024, 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 Mike Angello; Member Bill Tafuto

Board member absent: Member Joe Nocera

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: Ron Woleslagle, Fontana Outdoors; John & Anita Fugate, 127 Goodbar Court; Lou Verdelli, 762 Linden Road; Nikki Soliday, 40 Northeast Drive

**APPROVAL OF MINUTES**

On a motion made by Chairman Seidl, seconded by Secretary Angello, and a majority vote, the March 20, 2024, minutes were approved as written. Vice Chairman DeDonatis and Member Bill Tafuto abstained due to being absent at the March meeting.

**OLD BUSINESS**

**A. Continuance in the Case of John Fugate (2024-03)  
Property location: 86 Rear East Derry Road, Hershey**

The property is located in the Hershey Mixed Use and Compact Development Overlay zoning districts. It is improved with a single-family dwelling. The applicant desires to construct a detached garage in the setback where a shed used to be located. Relief is sought from the side and rear setbacks for an accessory structure.

John Fugate of 137 Goodbar Court was sworn in. Mr. Fugate explained he had taken down a shed when he first bought the property and filled it in with a concrete slab. His intentions were to place a detached garage in the space, but he never did so. He is looking to add the detached garage in the same location, which is four feet off both the rear and side property lines. Mr. Fugate stated the footprint of the garage will not be changing. It will be on the concrete slab that already exists.

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.

**NEW BUSINESS**

**A. Hearing in the Case of Hershey History Center (2024-04)  
Property location: 40 Northeast Drive, Hershey**

The property is located in the Hershey Mixed Use, Compact Development Overlay, and General Sign Overlay zoning districts. It is improved with The Hershey History Center facility. The applicant desires to remove their existing sign and construct a new sign in the same location. Relief is sought in the form of a special exception for sign area.

Lou Verdelli of 762 Linden Road was sworn in. Mr. Verdelli explained the current state of the sign located at the Hershey History Center. Mr. Verdelli explained the unique circumstances of the property and surrounding area that are prompting the request for relief. The new sign will be at the same location as the existing sign.

In response to a question from Chairman Seidl, Mr. Habig explained that sign area does not include the structure the sign is on. The Zoning Ordinance allows for one ground sign and one freestanding sign per street frontage. In this case, the applicant is proposing one sign instead of two signs. If the applicant was to do two separate signs, the Zoning Ordinance would allow a total of 56 square feet of sign area, and the applicant is proposing one sign with 54 square feet of sign area.

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 Fontana Outdoors, LLC (2024-05)  
Property location: 110 Forest Avenue, Hershey**

The property is located in the Hershey Mixed Use zoning district. It is improved with a single-family detached dwelling. The applicant desires to add a greenhouse to the property. Relief is sought from rear setback for an accessory structure.

Ron Wolesslagle from Fontana Outdoors was sworn in. Mr. Wolesslagle said the permit process started in November 2023 and he was told the side and rear setbacks for the property were five feet. The greenhouse was designed to meet those setbacks. On February 18, 2024, the Zoning Ordinance changed setbacks for this zoning district and the new rear setback is 10 feet from the property line. In order to meet the 10-foot setback, the concrete slab would be over top of a Verizon handhole. The permit application was only mailed on

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February 17, 2024, so it was received by the Township after the new ordinance went into effect. Mr. Wolesslagle provided letters from two of the neighbors who do not oppose the greenhouse.

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.

**C. Hearing in the Case of Michael Angello (2024-06)  
Property location: 20 Linden Road, Hershey**

The property is located in the Hershey Mixed Use and Downtown Core (O9.2) Overlay zoning districts. It is improved with an office building. The applicant desires to convert a portion of the office space into a personal service establishment. Relief is sought from off-street parking requirements.

Michael Angello was sworn in. Mr. Angello is requesting relief from off-street parking requirements. When the property was purchased by Mr. Angello in 2016, the lower level was occupied by a hairdresser and the upper level was in the process of being vacated. The property was renovated and brought up to code. There was a stormwater management issue that the previous owner made Mr. Angello aware of, and while it was not required that Mr. Angello fix it, he decided to remedy the situation at his expense. After renovations were completed, Mr. Angello looked for tenants for the upper-level space, and he occupies the lower-level space for his office. Due to difficulties in finding tenants, he has decided to downsize his portion of the lower level and rent out the other to an aesthetician/massage therapist. The current parking allowance for the property is nine off-street parking spaces. Based on the addition of the new tenant, the parking requirements for off-street parking would be 10 spaces. As the building exists currently, there are only two parking spaces that are utilized in a week by the upper-level tenant. On the lower level there is one space required for Mr. Angello's own office use, which is limited to two days a week from 10:00 a.m. to 12:00 p.m. The eyelash company needs two spaces for its use. The new tenant will require two spaces. The maximum number of spaces that would be utilized if all the offices were operating during the same hours would be seven spaces. The entire property is sidewalk and building so there is no room to create off-street parking.

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.

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**ADJOURNMENT**

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a unanimous vote, the meeting was adjourned at 6:43 p.m.

**DELIBERATION**

The Board met to deliberate in the cases of John Fugate (2024-03), Hershey History Center (2024-04), Fontana Outdoors (2024-05), and Michael Angello (2024-06) and directed the Solicitor to prepare the draft decisions on the cases for formal action at the May 2024 meeting.

Submitted by:

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Mike Angello, Secretary