

**DERRY TOWNSHIP  
ZONING HEARING BOARD MEETING MINUTES  
June 18, 2024**

**CALL TO ORDER**

The Tuesday, June 18, 2024, Derry Township Zoning Hearing Board meeting was called to order at 6:05 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: Ken Bolinger, Bolinger Group; Carlos Paniagua; Kelly Heffner Means, 257 Hemlock Court; H.W. Miller, Miller's, LLC

Chairman Seidl informed the public that the applicant for the case of Johnson Duffie (2024-16) has requested a continuance to the July 17, 2024, meeting.

**APPROVAL OF MINUTES**

On a motion made by Secretary Angello, seconded by Chairman Seidl, and a majority vote, the May 15, 2024, minutes were approved as written. Vice Chairman DeDonatis abstained due to his absence at the May 2024 meeting.

**OLD BUSINESS**

**A. Adoption of Decision in the Case of Carlos Paniagua (2024-07)  
Property location: 103 Cocoa 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 §225-315, Table 29, Item D, regarding the front yard setback for a principal structure is GRANTED. The applicant may encroach to within 12 feet of the right-of-way for the bed and breakfast.*
2. *The applicant's request for a special exception from §225-502.1, regarding the operation of a bed and breakfast is GRANTED. The applicant may establish a bed and breakfast at the subject property as represented during the hearing of this matter.*

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3. *The relief granted herein shall be strictly contingent upon:*

- A. *There shall be no cooking area in any room rented to the guests.*
- B. *The guests shall not be able to use any cooking area on the property.*
- C. *The bed and breakfast shall be limited to one bedroom.*
- D. *Any change in use shall require a permit from the Township.*

On a motion made by Secretary Angello, seconded by Member Tafuto, and a majority vote, the Decision was adopted as written. Vice Chairman DeDonatis abstained due to his absence at the May 2024 meeting.

**B. Adoption of Decision in the Case of Mountain Climb Partners, LLC (2024-09)**  
**Property location: 441 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 §225-401.4.I., regarding changes to existing nonconforming signs is GRANTED. The applicant may:*
  - A. *Install brackets to reinforce the sign foundation.*
  - B. *Move the face of the sign 2 feet out of the PennDOT right-of-way.*
  - C. *Remove the border around the sign.*

On a motion made by Chairman Seidl, seconded by Secretary Angello, and a majority vote, the Decision was adopted as written. Vice Chairman DeDonatis abstained due to his absence at the May 2024 meeting. Member Tafuto abstained due to his interest in the case.

**C. Adoption of Decision in the Case of Robert Yurich (2024-11)**  
**Property location: 535 Beech 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 §402.5.A., Table 35, regarding the off-street parking requirements for a single-family detached dwelling is GRANTED. The applicant may provide zero off-street parking spaces.*

On a motion made by Chairman Seidl, seconded by Member Tafuto, and a majority vote, the Decision was adopted as written. Vice Chairman DeDonatis abstained due to his absence at the May 2024 meeting.

**D. Adoption of Decision in the Case of Charles L. Duncan (2024-12)**  
**Property location: 348 Cedar Avenue, Hershey**

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

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1. *The applicant's request for a variance from §225-315, Table 29, regarding the spa pool with pavers and other improvements is DENIED.*

On a motion made by Chairman Seidl, seconded by Secretary Angello, and a majority vote, the Decision was adopted as written. Vice Chairman DeDonatis abstained due to his absence at the May 2024 meeting.

**E. Adoption of Decision in the Case of Frank Nardo (2024-13)**  
**Property location: 207 Cedar 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 §402.602, regarding the expansion of an existing nonconforming structure is GRANTED. The applicant may construct the proposed garage to 23 feet in height.*

On a motion made by Member Tafuto, seconded by Chairman Seidl, and a majority vote, the Decision was adopted as written. Vice Chairman DeDonatis abstained due to his absence at the May 2024 meeting.

**NEW BUSINESS**

**A. Hearing in the Case of Kenneth Bolinger (2024-14)**  
**Property location: 749 East Chocolate Avenue, Hershey**

The property is located in the Palmdale Mixed Use, East Chocolate Avenue Overlay, and General Sign zoning districts. It is improved with a hotel. The applicant desires to install a sign on the canopy of the hotel. Relief is sought from the size of a canopy sign and the ability to internally illuminate a canopy sign.

Ken Bolinger of the Bolinger Group was sworn in. Mr. Bolinger explained that the need for a variance from the size of the sign is because the name of the hotel is lengthy and there would be no way to shorten the name of the hotel to comply with the Zoning Ordinance. He is also requesting the sign to be lit so it is easily seen by customers looking for the hotel.

In response to a question from Secretary Angello, David Habig confirmed that a variance would not be needed if this were a wall sign. He also explained what a canopy sign is and why the regulations are more strict.

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.

**B. Hearing in the Case of Ken Bolinger (2024-15)  
Property location: 84 Sipe Avenue, Hummelstown**

The property is located in the General Commercial and General Sign zoning districts. It is improved with a hotel. The applicant desires to replace a wall sign. Relief is sought from the location of wall signs.

Ken Bolinger of Bolinger Group was sworn in. Mr. Bolinger is requesting a variance for the location of a sign. The current sign is nonconforming in that it is above the lowest sill of the uppermost story window. The sign has been removed due to the new branding of the hotel.

David Habig confirmed the sign is compliant with all other Zoning Ordinance regulations. When a nonconforming sign is replaced, it is required to be in conformity with the current Zoning Ordinance and that is why a variance is being requested.

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 Johnson Duffie (2024-16)  
Property location: 351 West Caracas Avenue, Hershey**

David Habig confirmed the applicant in this case has requested a continuance to the July 17, 2024, meeting. The counsel for the applicant has also granted a waiver of the deadlines regarding hearing the case and rendering a Decision.

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a unanimous vote, the continuance request was granted.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

On a motion made by Vice Chairman DeDonatis, seconded by Chairman Seidl, and a unanimous vote, the meeting was adjourned at 6:27 p.m.

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**DELIBERATION**

The Board met to deliberate in the cases of Kenneth Bolinger (2024-14) and Ken Bolinger (2024-15), and directed the Solicitor to prepare the draft decisions on the cases for formal action at the July 2024 meeting.

Submitted by:

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Mike Angello, Secretary