

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

CALL TO ORDER

The Wednesday, July 17, 2024, Derry Township Zoning Hearing Board meeting was called to order at 6:03 p.m. by Vice Chairman Tom DeDonatis in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Board members in attendance: Vice Chairman Tom DeDonatis, Secretary Mike Angello, Member Bill Tafuto, Member Joe Nocera

Board members absent: Chairman Steve Seidl

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: Kelly Heffner-Means, 257 Hemlock Court; Rachael Dugan, 216 Sawleaf Circle, Neal Walmer, 230 Sawleaf Circle; Joe Beal, 406 West Caracas Avenue; Karen Beal, 406 West Caracas Avenue; Milt Purcell, 1471 Woodhaven Drive; Linda Purcell, 1471 Woodhaven Drive; Richard Mattis, 316 Spring Road, Palmyra; Greg Hoover, 350 West Caracas Avenue

APPROVAL OF MINUTES

On a motion made by Secretary Angello, seconded by Member Tafuto, and a majority vote, the June 18, 2024, minutes were approved as written. Member Nocera abstained due to his absence from the June meeting.

OLD BUSINESS

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

Vice Chairman DeDonatis 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 sign with a sign area of 36 square feet.*
2. *The applicant's request for a variance from §225-401.4.F.B.1 – Table 36 regarding the illumination of the proposed canopy sign is GRANTED. The applicant may*

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internally light the proposed sign.

3. *The applicant shall meet all other sign requirements, including dimensional requirements, imposed by the Ordinance.*

On a motion made by Secretary Angello, seconded by Member Tafuto, and a majority vote, the Decision was adopted as written. Member Nocera abstained due to his absence from the June meeting.

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

Vice Chairman DeDonatis 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.1 – Table 36, Special Note #2 regarding the location of a wall sign is GRANTED.*
2. *The applicant shall meet all other sign requirements, including dimensional requirements, imposed by the Ordinance.*

On a motion made by Secretary Angello, seconded by Member Tafuto, and a majority vote, the Decision was adopted as written. Member Nocera abstained due to his absence from the June meeting.

**C. Continuance in the Case of Johnson Duffie (2024-16)
Property location: 351 West Caracas Avenue**

Milt Purcell of 1471 Woodhaven Drive was sworn in.

Megan Huff explained the attorney for Mr. Purcell had requested a continuance for the case, paid the required fee, and recommended the board grant the continuance to the August hearing.

Mr. Purcell agreed to continue the case until the August meeting.

On a motion made by Secretary Angello, seconded by Member Nocera, and a unanimous vote, the Board granted the continuance of this case until the August meeting.

NEW BUSINESS

**A. Hearing in the Case of Rachael Dugan (2024-17)
Property location: 216 Sawleaf Circle, Hummelstown**

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The property is located in the R-1 zoning district. It is improved with a single-family dwelling and the applicant has an established home occupation for one-on-one personal training in the basement of the dwelling. The applicant desires to move the home occupation to the dwelling's attached garage. Relief is sought from the requirement that not more than 25% of the floor area of a dwelling unit shall be devoted to a home occupation.

Rachael Dugan of 216 Sawleaf Circle and Kelly Heffner-Means of 257 Hemlock Court were sworn in.

Ms. Dugan, owner of DBK Strength, explained the current layout of her residence and her desire to move her in-home training business from her basement to her attached garage. Ms. Dugan also explained her business plan, emphasizing she is not going to have group training sessions in the garage. Her home business is strictly one-on-one. Group sessions are held outside of her home at the Derry Township Community Center and gatherings at local businesses. Ms. Dugan explained her mobility challenged clientele would have easier access to her garage instead of her basement due to the steps and the low ceiling. Ms. Dugan said her training sessions are quiet and will not be disruptive to the neighborhood.

Kelly Heffner-Means is a current client of Ms. Dugan. She has done several sessions where she arrives and parks in the driveway and goes down to the basement. Ms. Heffner-Means stated it would be nice to move into the garage where there is more space to move around. Ms. Heffner-Means confirmed the sessions are quiet. She testified there is some background music, but it is soft music to not create a disturbance and so instructions can be heard.

Public Comment

Neal Walmer, of 230 Sawleaf Circle, was sworn in. Mr. Walmer explained he was not aware of the business being run from the home and asked if there was a process to go through to run a business inside a home. David Habig, Assistant Director of Community Development, explained what a home occupation or no-impact home occupation is and the process for obtaining permission to have one.

Mr. Walmer asked if the garage doors would be required to be closed or if they would be allowed to remain open. He stated if the doors were to remain open then it would expose the business to public space, and he would then oppose the petition. He is also concerned about the business growing and possibly moving to the yard or other places on the property.

Ms. Huff explained if there were to be expansion of the business, Ms. Dugan would have to appear before the Zoning Hearing Board again to seek additional relief.

Ms. Dugan reiterated that she is only going to have one-on-one training sessions in the garage like she had in the basement. There will not be loud music playing during the sessions.

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In response to a question from Member Tafuto, Ms. Dugan stated she would like to have the garage doors open during nice weather to enjoy the day and have fresh air; however, she will comply if the Board decides to impose that restriction.

Mr. Walmer stated if the garage doors are allowed to be open then he is opposed to the petition.

No one else offered testimony.

Vice Chairman DeDonatis 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 Member Tafuto, seconded by Member Nocera, and a unanimous vote, the meeting was adjourned at 6:47 p.m.

DELIBERATION

The Board met to deliberate in the case of Rachael Dugan (2024-17) and directed the Solicitor to prepare the draft decision on the case for formal action at the August 2024 meeting.

Submitted by:

Mike Angello, Secretary