

**DERRY TOWNSHIP  
ZONING HEARING BOARD MEETING MINUTES  
August 21, 2024**

**CALL TO ORDER**

The Wednesday, August 21, 2024, Derry Township Zoning Hearing Board meeting was called to order at 6:00 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, Member Joe Nocera

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: Kelly Means, 257 Hemlock Court; Rachael Dugan, 216 Sawleaf Circle; Stephen Thurston, 2030 Church Road; Matt Luttrell, 1332 East Chocolate Avenue; Claudia Shank, NcNees; Nancy McCorkel, 2091 Church Road; Sam McCorkel Jr., 2091 Church Road; Mark Jones, Hartech Engineering; Irene Bartolomei, 840 East Chocolate Avenue; Mark Yingling, 2016 Church Road.

**APPROVAL OF MINUTES**

On a motion made by Secretary Angello, seconded by Vice Chairman DeDonatis, and a majority vote, the July 17, 2024, minutes were approved as written. Chairman Seidl abstained due to his absence at the July meeting.

**OLD BUSINESS**

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

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 §225-419.B.6 regarding the relocation of the one-on-one personal training home occupation from the basement to the garage is GRANTED.*
2. *Any violation of any condition imposed herein shall be a violation of the Township Zoning Ordinance and shall be enforced as provided in the Ordinance.*

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

**B. Continuance in the Case of Johnson Duffie (2024-16)**

The applicant has withdrawn the variance request and is addressing the violation in a different manner.

**NEW BUSINESS**

**A. Hearing in the Case of ThYNK Design, LLC (2024-18)  
Property location: 840 East Chocolate Avenue, Hershey**

The property is located in the Hershey Mixed Use and Downtown Core O9.3 Overlay zoning districts. It is improved with a bakery and coffee shop. The applicant desires to expand the building and modify the parking area. Relief is sought from side yard setbacks to expand a nonconforming structure and off-street parking standards.

Matt Luttrell of ThYNK Design, LLC, and Irene Bartolomei of 840 East Chocolate Avenue were sworn in. Mr. Luttrell explained their request to reinstate the variance that was granted in 2022 for off-street parking standards. This variance had expired prior to receiving a building permit. The request was for the seven parking spaces along the alley to be head-in parking. There are numerous businesses along the road that have the same parking situation so it would not change the character of the neighborhood.

Regarding the setback request, Mr. Luttrell stated that in 2000 they were granted a three-foot setback on the west side of the property and a four-foot setback on the east side of the property. The Zoning Ordinance was amended earlier this year and now requires a 15-foot side setback instead of the five-foot side setback that was the previous standard. The two original parcels, which were 40 feet wide and 50 feet wide, were combined to make a total width of ninety feet. The existing structure is set farther back on the property in comparison to adjacent structures. The original building was designed to meet older Zoning Ordinance criteria and to meet the current criteria, demolition and rebuild would be required.

In response to a question from Secretary Angello, Mr. Luttrell stated they will be designing the building so that all the baking that currently takes place in the basement will take place on ground level, so it is more accessible to employees.

In response to a question from Chairman Seidl, Mr. Luttrell confirmed there will be 14 parking spaces and one loading space for a total of 15 parking spaces. Mr. Luttrell also confirmed the proposed addition is closer to the property line but not closer than what was previously granted.

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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 Samuel S. McCorkel and Nancy J. McCorkel (2024-19)  
Property location: 309 McCorkel Road and Church Road, Lot 5, Hummelstown**

The property is located in the Conservation zoning district. It is currently unimproved. The applicants desire to subdivide the property into four new lots. Relief is sought from minimum lot width and minimum lot depth.

Nancy McCorkel and Mark Jones, Hartech Engineering, were sworn in.

Claudia Shank, the attorney for the applicants, gave a brief description of the properties and the owners' desire to subdivide the property for their use and for residential uses. Lot 1 is four acres and would have access from McCorkel Road. Lot 2 is approximately 4.5 acres and would have access from McCorkel Road. Lot 3 is 11.4 acres and would have access from Church Road. There would be a shared drive with Lots 3 and 4. Lots 3 and 4 will require relief from lot width and depth. Due to the unique circumstances of the properties, they cannot meet the 200-foot street frontage requirement. Lot 3 would have a depth of 193 feet and a width of 50 feet. Lot 4 would have a depth of 140 feet and a width of 105 feet.

Nancy McCorkel confirmed she and her husband are the current owners of the property. Their intention is to sell Lots 1-3, and they will keep Lot 4 for their own recreational use.

Mark Jones explained there are relatively steep slopes on Church Road that limit the applicants from using most of Church Road as an access point for the lots. Mr. Jones confirmed the lots could not be subdivided in accordance with the Zoning Ordinance and this is the minimum amount of relief the applicants can request.

In response to a question from Vice Chairman DeDonatis, Mr. Jones confirmed the frontage on McCorkel Road is 274.8 feet and 528 feet on Church Road.

*Public Comment:*

Stephen Thurston, 2030 Church Road, wanted to know if there were any deed restrictions for the properties that would allow someone to change the plan for the property. For example, building duplexes instead of single-family dwellings. David Habig confirmed that the only permitted residential use in the Conservation zoning district would be a single-family detached dwelling.

No one else offered testimony.

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Chairman Seidl informed the applicants that the Board has 45 days to render a decision and if the applicants are 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 7:13 p.m.

**DELIBERATION**

The Board met to deliberate in the cases of ThYNK Design, LLC (2024-18) and Samuel S. McCorkel and Nancy J. McCorkel (2024-19) and directed the Solicitor to prepare the draft decisions on the cases for formal action at the September 2024 meeting.

Submitted by:

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Mike Angello, Secretary