

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

**CALL TO ORDER**

The Wednesday, September 18, 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: Elizabeth Vanasse, Barley Snyder; David Anthony Macrina, 314 Townhouse; Jim Nolt, 4190 Nolt Road, Mount Joy; Amy Backenstose, 731 Sand Hill Road

**APPROVAL OF MINUTES**

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a unanimous vote, the August 21, 2024, minutes were approved as written.

**OLD BUSINESS**

**A. Adoption of Decision in the Case of ThYNK Design, LLC (2024-18)  
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.*
2. *The applicant's request for a variance from §225-314, Table 27, regarding the side yard setback for an accessory structure is GRANTED. The applicant may encroach to within 5 feet of the side yard property line for the proposed addition.*

On a motion made by Vice Chairman DeDonatis, seconded by Secretary Angello, and a majority vote, the Decision was adopted as written. Chairman Seidl abstained due to his dissent on the previous application.

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**B. Adoption of Decision in the Case of Samuel S. McCorkel and Nancy J. McCorkel (2024-19)**  
**Property location: 309 McCorkel Road and Church Road Lot 5, Hummelstown**

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

1. *The applicants' requests for variances from §225-303, Table 5, Item A and Item B, regarding the minimum lot width and minimum lot depth are GRANTED. The applicant may maintain a minimum lot width and minimum lot depth for the proposed lots as follows:*
  - A. *Proposed lot 3 may have a minimum lot width of 50 feet and a minimum lot depth of 190 feet.*
  - B. *Proposed lot 4 may have a minimum lot width of 105 feet and a minimum lot depth of 148 feet.*

On a motion made by Chairman Seidl, seconded by Vice Chairman DeDonatis, and a unanimous vote, the Decision was adopted as written.

**NEW BUSINESS**

**A. Hearing in the Case of David A. Macrina (2024-20)**  
**Property location: Parcel East of Sand Hill Road**

The property is located in the Conservation zoning district. It is currently unimproved. The applicant desires to construct a single-family detached dwelling on the property. Relief is sought from the disturbance of land areas having slopes in excess of 20%.

Timothy Nolt of Nolt Engineering and David Macrina were sworn in.

Elizabeth Vanasse, attorney for the applicant, explained the applicant is seeking to construct a single-family dwelling on the property. Due to the topography of the property, the applicant would need to disturb slopes greater than 20%.

Mr. Macrina explained that his father is the owner of the property, but he will be the one building the dwelling. The property was purchased by his father in March of 2024. Mr. Macrina explained that there is no place on the property where he could construct the dwelling that would not disturb slopes. Mr. Macrina does not think building the home would alter the characteristics of the neighborhood because of all the other single-family dwellings that already exist.

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In response to a question from Member Tafuto, Mr. Macrina acknowledged that he was not aware of the restrictions on steep slopes when the property was purchased.

In response to a question from Chairman Seidl, Mr. Nolt explained the topographic survey. If the property was developed farther away from Sand Hill Road, there would be more steep slope disturbances and more impervious coverage. The lot is also wooded, so there would be extensive tree removal. The property would also be developed with a series of retaining walls. The applicant will reduce the water runoff by leveling out the property around the dwelling. Mr. Nolt explained the erosion and sediment controls they will be using; however, they have not been designed yet.

In response to a question from Secretary Angello, Mr. Nolt confirmed that by leveling off the area around the dwelling, it will improve water runoff from the property. Mr. Nolt explained he does not know the height of the retaining wall yet because it has not been designed.

In response to a question from Vice Chairman DeDonatis, Mr. Nolt confirmed that the property is in the Conservation zoning district. David Habig explained that a typical property in the Conservation zoning district has 50-foot front, side, and rear setbacks; however, there is a provision in the Zoning Ordinance for Conservation lots less than two acres to have a 30-foot front setback, 12-foot side setbacks, and a 30-foot rear setback.

In response to a question from Member Tafuto, Mr. Nolt confirmed he did not evaluate building in the plateau that did not have steep slopes. There would be more impervious coverage to get the driveway to the dwelling but not a significant amount more. Mr. Macrina confirmed he is willing to do what is necessary to control erosion and sediment.

*Public Comment:*

Amy Backenstose of 731 Sand Hill Road was sworn in. Ms. Backenstose is concerned about what the effects there may be on her property when the applicant digs into the stone.

In response to a question from Member Tafuto, Ms. Backenstose clarified that she is concerned about what digging into the rock will do to the surrounding 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.

**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 6:39 p.m.

**DELIBERATION**

The Board met to deliberate in the case of David A. Macrina (2024-20) and directed the Solicitor to prepare the draft decision on the case for formal action at the October 2024 meeting.

Submitted by:

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Mike Angello, Secretary