

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**JULY 13, 2021 5:45 PM**

**CALL TO ORDER**

Chairman Abruzzo called the July 13, 2021 Public Hearing of the Township of Derry Board of Supervisors to order at 5:45 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for providing accurate notes. He noted all the Supervisors were present.

**IN ATTENDANCE:**

**SUPERVISORS**

E. Christopher Abruzzo, Chairman  
Natalie L. Nutt, Vice Chairwoman  
Carter E. Wyckoff, Secretary  
Richard D. Zmuda  
Susan M. Cort

**ALSO PRESENT:**

Christopher Christman, Township Manager  
Patrick Armstrong, Township Solicitor  
Chuck Emerick, Director of Community Development  
David Habig, Assistant Director of Community Development  
Maria O'Donnell, Stenographer  
Julie Echterling, Recorder

**PUBLIC IN ATTENDANCE:**

Kara Pierce, Keller William Realty, William Tafuto, Randy Wright, Hanover Engineering, William Pauza, 8 Stauffer Road Palmyra.

**INTRODUCTION:**

Solicitor Armstrong stated this was a public hearing regarding Conditional Use Application No. 2021-01 for a Residential Cluster Development use on property located at 790 Stauffers Church Road, as filed by Kevin Pauza. The hearing has been advertised as required by state law and the Township's ordinance. He asked if anyone was requesting party status. He explained what party status was and noted no one has requested party status.

Mr. Emerick stated the land which is the subject of this matter is located on the south side of Stauffers Church Road, in the area of the Dauphin County/Lebanon County border. The tract contains approximately 37 acres of area, a portion of which is located in Lebanon County. He showed the Board the property on the map. The property contains a stream, steep slopes, and wetlands. The lands in Derry Township are located within the Conservation zoning district, and the lands in South Londonderry Township are located in the Agricultural zoning district. This Conditional Use Application seeks authorization to cluster 7 dwelling units on the land, utilizing the density bonus of 25% that is available as part of the cluster, otherwise only 5 lots could be created. The development will be accessed by way of a "common driveway" connection to Stauffers Church Road. The Zoning Ordinance states a common driveway is required to have a pavement width of 24 feet, a right-of-way width of 42 feet, and can serve up to 6 dwelling units. The applicant is intending to apply to the Zoning Hearing Board for relief to allow 7 dwelling units to access the common driveway. The cluster regulations require that 45% of the 37.1-acre development site be set aside as open space. He agrees that if these tracts are to be developed, they should be developed by clustering, which yields the most lots. The Board of Supervisors is required to render a written decision within 45 days after the last hearing. The Derry Township Planning Commission, at their meeting on June 1, 2021, recommended that Conditional Use Application No. 2021-01 be granted.

Mr. Randy Wright, Hanover Engineering, stated the property is on the fringe of the Township. He asked that the Solicitor acknowledge the items they have submitted for this application. Solicitor Armstrong noted

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that applicant one is the following: May 4, 2021 conditional application filed by Mr. Kevin Pauza a 14 page document including a narrative from Hanover Engineering with respect to the conditions of the cluster option, homeowner's association annual fee tabulations, elevations and cluster development, buy-right development plans, and a correspondence from DTMA dated May 26, 2021. The applicant asked that the Planning Commission Minutes be entered. Solicitor Armstrong stated applicant two is the Planning Commission minutes from the June 1, 2021 Meeting. He asked if there were any objections and none were requested.

Mr. Wright stated the net developable land is 30 acres which will allow 7 lots with on lot sewer and water. The applicant owns the land across the street and is not part of this application. The buy-right sketches are minimal with long driveways with smaller lots of 2-4 acres. The 7<sup>th</sup> lot had a home on it with a driveway, which has been demolished. They will be going to the Zoning Hearing Board for relief with the driveway with 7 lots. The Homeowner's Tabulation includes costs insurance, driveway repairs, repaving and road maintenance. It would be \$1,793 cost per year for the residents. Chairwoman Nutt asked if this road could be dedicated to the Township or if that is even possible with the construction proposed. Mr. Wright answered no because of the cartways, and rights of way are smaller and will not be up to the Township's standards. Solicitor Armstrong asked if the driveway would be in compliance with SALDO 185. Mr. Emerick stated the right of way would be the homeowners instead of being dedicated to the Township. Solicitor Armstrong stated a shared driveway easement will be needed and Mr. Wright acknowledged it would. Supervisor Wyckoff asked about parking on the private road and would it be posted. Mr. Wright stated the cartway is 24 feet so there would not be space to park, and it would be up to the homeowners association to post the road. Supervisor Cort asked if it is large enough for emergency vehicles and Mr. Wright indicated it will large enough.

Supervisor Zmuda asked about the open space and asked about recommendations for the open space. Mr. Emerick stated for this lot, based on the number of lots, would be a quarter of an acre. The fee in lieu of would be \$8,662.38 for this space. The homeowners would be responsible for maintaining the open space. He showed the Board where the open space would be on the land. Mr. Wright stated the applicant sees the open space as meadows. Supervisor Zmuda asked if there would be trails and Mr. Emerick stated it is a remote area and difficult to connect to the Township's trails. Vice Chairwoman Nutt asked about the 2 lots that are in the middle of both Townships. Mr. Wright stated he has heard the location of the kitchen is the basis of the taxation.

Mr. Wright stated Section 225-501.K – general conditional use criteria is the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located. The use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements. Chairman Abruzzo noted that the homes are adjacent to the agricultural land and the associated smells with that usage.

Mr. Wright noted that Section 225-501.43 outlines requirements that he feels they have met which are : Preservation of open space, Lack of disturbance of sensitive environmental areas, if applicable, Lower housing costs, Lower road maintenance costs, Efficiency of traffic pattern, and Efficiency of utility systems. Supervisor Zmuda asked about the topography of the lot and runoff. Mr. Emerick showed the land on the map. Mr. Wright stated it has slopes and showed them on the property and noted there would be swales and

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stormwater on the lots. Supervisor Zmuda asked about runoffs during construction since there have been issues in the Township. Mr. Wright stated land moving is covered by DEP and the County.

Solicitor Armstrong asked that Mr. Wright be sworn in. Mrs. O'Donnell swore him in. Solicitor Armstrong asked if everything he presented is accurate and Mr. Wright stated yes. Solicitor Armstrong asked if he would change any of his testimony and Mr. Wright stated no, he would not. Solicitor Armstrong asked about the open space and a recording document restricting future development. Mr. Wright stated yes and it should be in the homeowners document. Solicitor Armstrong asked if the applicant understands that this is not a development plan and is only a conditional use application which is for the zoning and the use of the land. Mr. Wright stated yes. Solicitor Armstrong asked if the applicant understands they will need to come before the Planning Commission and this Board to receive appropriate approvals for a land development plan. Mr. Wright stated yes. Solicitor Armstrong asked if the applicant intends to comply with all the regulations for the cluster development provisions of the ordinance. Mr. Wright stated yes.

**PUBLIC COMMENT:**

There was no public comment offered.

**ADJOURNMENT:**

Chairman Abruzzo adjourned the public hearing at 6:20 p.m.

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary