

**DERRY TOWNSHIP
ZONING HEARING BOARD MEETING MINUTES
December 15, 2021**

CALL TO ORDER

The Wednesday, December 15, 2021, 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, Secretary Dean Morgan, Member Lindsay Drew, Member Mike Angello

Board member absent: Vice Chairwoman Sandy Ballard

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: Randall Wright, Hanover Engineering; Thaddeus Stager, 8 Edgehill Drive; Kathy Walters, 95 Laurel Lane; Ruger Carpenter, 95 Laurel Lane; Gail Pauza, Palmyra; Scott Campbell, Brownstone Brokers

APPROVAL OF MINUTES

On a motion made by Secretary Morgan, seconded by Member Angello, and a unanimous vote, the November 17, 2021, minutes were approved with the following changes:

- On page 4, paragraph 4, line 11-12, the sentence should read "Over a four-week timeframe, the applicant was able to count the number of cars in Brownstone's lot daily."
- On page 4, paragraph 4, line 14-16, the sentence should read "The only change necessary to the building to have Hershey Care rent the space would be to make the entrance to the building handicap accessible."
- On page 5, paragraph 8, the sentence should read "Chairman Seidl confirmed with Mr. Campbell that during his observation of Brownstone's parking lot, the maximum space usage was 13."

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OLD BUSINESS

**A. Adoption of Decision in the Case of Thaddeus Stager (2021-12)
Property location: 8 Edgehill Drive, Hershey**

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

1. *The applicant's request for a variance from §225-304, Table 7, Item H, regarding the maximum height of an accessory structure is GRANTED. The applicant may construct the proposed garage to a maximum height of 25.51 feet.*
2. *The applicant shall construct the improvements in strict compliance with the revised plans and specifications submitted to the Board during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally constructed, require less relief than granted by the Board herein, no additional relief from this Board shall be required.*
3. *Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicant has not, within the time period provided herein, commenced operations, applied for a building permit relative to the improvements where permits are necessary, or constructed the improvements not requiring permits, the relief granted herein shall be deemed to have expired, and the applicant shall be required to comply with the then existing terms of the Zoning Ordinance.*
4. *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.*

On a motion made by Member Angello, seconded by Secretary Morgan, and a unanimous vote, the Decision was adopted as written.

**B. Adoption of Decision in the Case of Brownstone Brokers, LLC (2021-13)
Property location: 501 West Governor Road, Hershey**

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

1. *The applicant's request for a special exception from §225-603, regarding the substitution of one nonconforming use for another is GRANTED. The applicant may establish a closed-door pharmacy as represented during the*

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hearing of this matter.

2. *The relief granted herein shall be strictly contingent upon there being no change in the use of the business without additional review by the Board under §225-603 for substitution of a nonconforming use.*
3. *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.*

On a motion made by Member Drew, seconded by Secretary Morgan, and a unanimous vote, the Decision was adopted as written.

**C. Adoption of Decision in the Case of Jeffrey Mackneer (2021-14)
Property location: 593 Hilltop Road, Hummelstown**

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

1. *The applicant's request for a variance from §225-303, Table 5, regarding the side yard setback for an accessory use is GRANTED. The applicant may encroach to within 38 feet of the side yard property line for the proposed pool.*
2. *The applicant shall construct the improvements in strict compliance with the plans and specifications submitted to the Board during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally constructed, require less relief than granted by the Board herein, no additional relief from this Board shall be required.*
3. *Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicant has not, within the time period provided herein, commenced operations, applied for a building permit relative to the improvements where permits are necessary, or constructed the improvements not requiring permits, the relief granted herein shall be deemed to have expired, and the applicant shall be required to comply with the then existing terms of the Zoning Ordinance.*
4. *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*

On a motion made by Member Drew, seconded by Secretary Morgan, and a unanimous vote, the Decision was adopted as written.

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NEW BUSINESS

**A. Hearing in the Case of Kevin Pauza (2021-15)
Property location: 790 Stauffers Church Road, Palmyra**

The property is located in the Conservation zoning district. It is improved with agricultural structures. The applicant desires to develop the land with a Residential Cluster Development. Relief is sought from the maximum number of dwelling units served by a Common Driveway in a Cluster Development.

Randall Wright, Landscape Architect with Hanover Engineering, was sworn in. Testimony was given on a Conditional Use approval granted by the Board of Supervisors to build a cluster development, as well as a description of how the area is laid out. The subject of this hearing is to ask for a seventh driveway for the cluster development where only six are allowed by the Zoning Ordinance. The common driveway is roughly 1,300 square feet in length, and the driveways are spaced about 200 to 300 feet apart. In adding the seventh driveway to the common driveway, it will increase the sight distance by about 100 feet as opposed to the existing driveway, which has a sight distance of about 250 feet. The community would have shared responsibility in maintaining the common driveway.

In response to questions from the Board, Mr. Wright explained the existing house and driveway have been removed. Mr. Wright explained where the removed driveway was and where the buildings that remain are located on the submitted plans. If the barn remains, it will stay on Lot 1 with a house. If the request for relief were to be denied, the applicant would use the gravel drive or resume the use of the pre-existing driveway that was removed as access to Lot 1. All driveways on Lot 1 would be removed with all access on the common drive. The owner of Lot 1 would be responsible for the maintenance of that easement.

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 Member Drew, seconded by Secretary Morgan, and a unanimous vote, the meeting was adjourned at 6:27 p.m.

DELIBERATION

The Board met to deliberate in the case of Kevin Pauza (2021-15) and directed the Solicitor to prepare the draft decision on the case for formal action at the January 2022 meeting.

Submitted by:

Dean Morgan, Secretary