

TOWNSHIP OF DERRY BOARD OF SUPERVISORS

PUBLIC HEARING

Tuesday, April 26, 2011

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The April 26, 2011 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:40 p.m. by Chairman E. Christopher Abruzzo.

Chairman Abruzzo advised that all public meetings are recorded for providing accurate minutes.

ROLL CALL – All present.

E. Christopher Abruzzo, Chairman
Sandy A. Ballard
Kelly C. Fedeli, Vice-Chairman
Marc A. Moyer, Secretary
Todd Pagliarulo

Also Present:

Charles Emerick - Assistant Director of Community Development
James N. Negley - Township Manager/Township Treasurer
Edward Small - Director of Community Development
Jon Yost - Solicitor
Brenda Van Deursen - Recorder

Public Present: Matt Weir, Charleton E. Zimmerman

NEW BUSINESS:

Public Hearing regarding Proposed Ordinance No. 605 amending Chapter 225 (Zoning) of the Code of the Township of Derry regarding the establishment of zoning permits.

The purpose of the hearing is to receive public comment regarding Proposed Ordinance No. 605.

Mr. Small said the proposed ordinance amendments will take care of a number of issues. One issue that was brought to the Board by a citizen was that in the past, violations were caught after the project was underway and having zoning permits will eliminate that. Now that the stormwater regulations have been enacted (Act 167), we are keeping track of the impervious coverage by virtue of zoning permits.

In addition, there are pending FEMA regulations that will now cause us to keep track of every activity in the flood plain. Items that we might not have wanted to be regulated otherwise are required to be monitored, regulated and recorded. We are doing a lot of work and users are not paying for our time in the reviews that come through as part of

the building permits. This will be taken care of by a requirement for a reasonable fee that will cover our time.

The County Tax Office will be notified of every one of our activities now. It will also enable us to follow up with inspections to make sure that what was permitted is installed at the right locations. Without this requirement, that would have been a missing feature.

We are now doing zoning reviews for nearly everything that comes through a building permit application. There will be times when only a zoning permit is required. This will take staff time, but we don't expect it will be overwhelming. Mr. Emerick said it will take less time to issue the zoning permits than to do the enforcements when things are done wrong. We expect an increase in revenue.

Chairman Abruzzo asked about the process involved for a builder or resident if he is going to put an addition on a house or build a house. Mr. Emerick said on a larger project, they will not experience anything different except a \$25 fee. The current building code application has been adapted to include zoning permits. One permit can be used to apply for both building and zoning permits.

For things that don't fall under a state-wide building code, sheds, etc., there will be an actual review and information shared regarding setbacks, etc. Mr. Emerick said he is proposing to offer a site visit prior to the placement of the project if they want and then do a follow up inspection to see if it is placed where they said it would be. A zoning permit all by itself under the Fee Schedule would be \$50.00.

Chairman Abruzzo asked if there have been any issues expressed since the proposed zoning was advertised. Mr. Emerick said no.

Supervisor Ballard noted that it was Jon Shepperd, a developer in town, who suggested to the Board that we consider zoning permits. In addition, the Planning Commission mentioned that it is very important that we do public education regarding zoning permits. We need to put the information out via website and the newsletter to let the residents know zoning permits are required.

Solicitor Yost referred to a sketch plan that was submitted awhile ago. The sketch plan of the lot was larger on the plan than what the records showed. Are we going to have to have them locate the corners of the property so we actually know what they are doing when they give us the sketch plan? Mr. Emerick said if they are comfortable when we go to the property identifying where the common boundary is, then they do not have to have the property surveyed. If they don't know, then maybe it has to be surveyed.

Solicitor Yost asked if the interior of a structure can be rearranged with no increase in space, without getting a zoning permit. Mr. Emerick said we are more targeted towards the change of a commercial use rather than interior renovations of a residential dwelling. Education is a key factor.

Public Comment:

Charleton Zimmerman, 1300 Block of East Derry Road, Palmdale – Mr. Zimmerman asked what proof of approval it is referring to under Ordinance 605, subsection C1 – K. Solicitor Yost said it states in subsection C-K, where applicable. Mr. Emerick said elevators are still permitted through Labor & Industry. If you need an accessibility waiver, it comes from Labor & Industry. Mr. Zimmerman mentioned the two elevators at Harvest House have no certificate.

Mr. Zimmerman said all the Townships that readjust their building codes have to get approval from Labor & Industry. Before you vote on this, you need to get approval from Labor & Industry. Chairman Abruzzo said he would have Solicitor Yost look into this.

Matt Weir, Church Road – Mr. Weir shared a situation he had with a neighbor six years ago. He had no idea his neighbor was building a garage until construction began. It cost Mr. Weir \$900 to have his property surveyed for a second time in two years. He wonders if adjoining neighbors will get notification of where the property line is on a sketch plan. Mr. Small said as a routine matter, the answer is no. He asked Mr. Weir if relief was granted and it was.

Supervisor Ballard asked how we would know if a sketch plan is correct. Mr. Small said it is not a requirement of law to survey, but we will be on the site and looking for the corners. It is the same as a building permit, we don't survey.

Supervisor Moyer asked if there is a way to make the public aware of who has applied for zoning permits. Mr. Emerick said they are looking at some permit tracking software. Some of these programs allow you to do this on the website. He doesn't see a problem publishing their internal list they keep on the website.

ADJOURNMENT

Chairman Abruzzo adjourned the public hearing at 7:10 p.m.

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary