

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS**

PUBLIC HEARING

Tuesday, February 25, 2014

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The February 25, 2014 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:45 p.m. by John W. Foley, Chairman.

ROLL CALL

Supervisors Present:

Sandy A. Ballard
Justin C. Engle, Secretary
John W. Foley, Chairman
Marc A. Moyer, Vice-Chairman
Matthew A. Weir

Also Present:

Charles E. Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
Matt J. Mandia, Director of Parks & Recreation
James N. Negley, Township Manager/Township Treasurer
Chief Patrick O'Rourke, Chief of Police
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: August Memmi, Marilyn Ferguson, George Haverstraw, Frank Ferguson, Rev. James Stough, Valerie Angeli, William S., Kim Sharp, Scott Stein, Adam Cray, Pat Leonard, Michael McCoy, Christopher Fink, Jason Hottenstein, Braeden Stein, Doug Beatty, James Chestnut, John Moore, Derrick Powell, Brian Shiflett, Steven Walls

NEW BUSINESS:

The purpose of this hearing is receive public comment regarding proposed Ordinance No. 641, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry regarding municipal building and uses.

Charles Emerick, Director of Community Development – One purpose of this amendment is to better constitute what a municipal building and use is. Presently, our ordinance reads: *Municipal Building and Uses are buildings, structures, and uses owned and/or operated by the Township of Derry.* Mr. Emerick is proposing to change that to: *Municipal Building and Uses are any building or use owned or operated by the Township or by an authority created by the Township or under contract to the Township which shall include, but not limited to, facilities operated by or for administration, police, recreation, and public works uses.* This is just a more modern definition of what other municipalities are doing.

This term is utilized in two other sections of the proposed amendment. The first is under the prohibitions for outdoor firing ranges. They presently read: *An outdoor firing range whereupon firearms are discharged if such range is located within 1,500 feet of any structure or building used for human habitation.* Mr. Emerick is proposing to add to that: *not including municipal-operated outdoor firing ranges.* That same term is in the preceding section of the ordinance under Prohibited Uses as it relates to junk yards, where it excludes municipally operated recycling facilities.

Mr. Emerick does not believe this section of the ordinance was ever intended to regulate municipal-operated firing ranges where the principal use is to train and qualify our police officers. This is in the prohibited section of the ordinance and Mr. Emerick believes it is meant to prohibit private clubs, like the Palmyra Sportsman Club. There are very little similarities between that and what would be a municipal-operated police qualifying range.

We are looking at establishing a municipal-owned firing range for the training of our officers. It is anticipated this range would closely follow the range design guidelines as published in the National Rifle Association (NRA) and would be operated by NRA-certified instructors.

The other proposed revision is a modification of Section 225-164 to include municipal building and uses in the list of uses that are afforded minimum lot area; minimum lot width, and minimum lot depth exceptions. The other items listed under this section are agricultural uses not involving buildings, structures, or keeping of animals; private or public utility service structures, and Firehouses. This proposed exclusion of lot size requirements is not uncommon among municipalities. Many municipalities exempt themselves from all elements of zoning.

The Derry Township Planning Commission and the Dauphin County Planning Commission recommended that this Ordinance be adopted. Mr. Emerick read an excerpt from the Dauphin County Planning Commission's letter which stated that municipalities act to provide adequate levels of public services, utilities and facilities to residents and businesses and will do so the least detriment possible. The proposed zoning text amendments allow the provision of the services in the most expedient manner.

Discussion:

Assistant Chairman Moyer stated that if the Board would adopt this ordinance it does not say that the firing range will be constructed, but merely that the zoning will permit the construction of such a range.

Supervisor Engle asked about the approval for the firing range. Mr. Emerick said the Police Department would notify any adjoining property owners to make them aware. Also if a structure is built, they would need to apply for a permit.

Supervisor Ballard asked if there would be regulations regarding how far away from residential areas. Mr. Emerick said they would follow the NRA guidelines. In his research of what other municipalities are doing, Swatara Township allows a firing range within 250 feet of a residential property line. Supervisor Ballard asked how the noise and actual shooting would be regulated.

Mr. Emerick responded that the police would follow the NRA regulations. It is believed that the Board of Supervisors would have discretion of limiting the hours of operation and where that range would be constructed. The Supervisors would probably even have to authorize the Police Department to develop a range.

Supervisor Ballard expressed concern about the unintended consequences in the future regarding the ownership and management of the range. Chairman Foley said our Police Department still needs to be under the direct supervision of their weapons instructors. She asked if this ordinance says the property would have to only be owned by the Township. Mr. Emerick said no. He replied that he doesn't think the police could set up a firing range without approval by the Board of Supervisors nor does he believe the police would change the operation of the range without the authorization of the Board. Mr. Emerick explained that if he was writing an ordinance for public ranges, he would probably make them a conditional use in the Ordinance where it would take oversight by the Supervisors. He thinks a municipal-operated range already has that oversight.

PUBLIC COMMENT

No one came forward

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 6:55 p.m. Supervisor Weir seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary