

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
JUNE 25, 2019

CALL TO ORDER

Chairwoman Susan Cort called the June 25, 2019 Public Hearing of the Township of Derry Board of Supervisors to order at 6:32 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA.

IN ATTENDANCE:

SUPERVISORS

Susan M. Cort, Chairwoman
Justin C. Engle, Vice Chairman
Richard D. Zmuda, Secretary
Marc A. Moyer
Matthew A. Weir

ALSO PRESENT:

Christopher Christman, Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Linda Eyer, 2321 Raleigh Rd, Rich Gamble, 39 Hockersville Rd, Dennis Trout, 2010 Locust Lane, Tracy Brown, 319 Park Ave, Teresa Peschel, 48 Half Street, Steven Bennett, 1231 E. Derry Road, Jeremy Ireland, Keystone Properties, Bob Welsh, Hilltop Road, Carol Yaksis, Sandie Pharmen, John Porter, Tony Porter, R. W., 101 Almond Drive.

INTRODUCTION:

Chairwoman Cort stated this is a public hearing regarding the Conditional Use Application No. 2019-03, as filed by Keystone Solo 401k Trust regarding 34 Half Street.

Mr. Emerick stated a specialty home is like an Airbnb and is defined as any dwelling or portion of any dwelling containing a single cooking area used as a rental for a period of less than 30 consecutive days for up to 2 individuals per bedroom serving a maximum of 10 individuals. Children under the age of 3 are excluded from this count. This is the Conditional Use application filed by Keystone Solo 401k Trust, who is intending to operate a home on property they own at 34 Half Street, Hershey. The property is located in the Hershey Mixed Use (HMU) and Downtown Core Overlay zoning districts.

He stated the applicant must show they meet the criteria of the regulations. Below are the requirements:

1. The home is within the HMU zoning district, specialty homes shall only be permitted within the Downtown Core Overlay zoning district.
2. The home is within the PMU zoning district, specialty homes shall only be permitted within the East Chocolate Avenue Overlay zoning district.
3. Specialty homes are only permitted in buildings where the existing or prior approved use was a habitable dwelling.
4. A specialty home must be a minimum of 25øfeet from any other dwelling unit.
5. Two off-street parking spaces are required, plus one additional off-street parking space per bedroom, after the first two bedrooms. Parking surfaces must be constructed of asphalt, concrete, brick, paver blocks or cobblestone on a six-inch stone base. Parking spaces shall be delineated by painted lines.
6. The exterior of the specialty home must maintain a residential appearance.
7. Noise and disturbance must be comparable to typical residential uses.
8. Special events and public functions such as concerts, conferences or weddings are prohibited on the lot of a specialty home.

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9. Access to the property must be maintained and remain clear of obstructions to accommodate emergency vehicles.
10. Signage is limited to a one square foot nameplate, excluding any signage identifying street address of the property.
11. Regardless of the number of dwellings on a property, there may only be one contract for rent at any given time.
12. The owner/operator must provide the name and 24-hour contact phone number of the person responsible for the security and maintenance of the property to the Township Department of Community Development and the Township Police Department. The contact phone number must also be posted in a visible, but discreet location on the property.

Additionally, the following "general requirements" must be met by applicants seeking a Conditional Use authorization:

1. The use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
2. The use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
3. The use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Township Board of Supervisors shall consider, at a minimum, the impact of noise, dust, light, odor and adequacy of parking.
4. The use shall meet all other requirements of this Chapter that may apply.

The applicant has addressed these requirements. The Board of Supervisors is required to render a written decision within 45 days after the last hearing. If the hearing is closed tonight, a decision will need to be rendered no later than August 9, 2019, keeping in mind that your closest regular meeting to that date is July 23, 2019. The Derry Township Planning Commission, at their meeting on June 4, 2019, recommended that Conditional Use Application be granted with the condition that if, in the future, the applicant proposes to increase the number of bedrooms in the dwelling beyond the existing three, they must apply for further approval from the Township.

He stated he has some suggested conditions for the decision and below are the conditions discussed:

1. The establishment of the Specialty Home shall be in substantial compliance with the information presented with the Conditional Use Application and during the hearing.
2. If, in the future, the applicant proposes to increase the number of bedrooms in the dwelling beyond the existing three, they must apply for further approval from the Township.
3. The operation of the Specialty Home must at all times comply with the requirements of Sections 225-501.20.A through L of the Zoning Ordinance.
4. Any outdoor amenities or improvements to the Specialty Home such as decks, seating areas, horseshoe pits, patios, and the like must be at least 25 feet from any adjacent single-family dwelling.
5. The owner or operator must pay all State, County and local hotel occupancy taxes that are applicable to the temporary lodging.
6. If the Derry Township Police Department receives excessive noise complaints regarding the use of the Specialty Home, upon receipt of the third complaint the owner or operator shall install and

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monitor a noise monitoring system such as Noiseaware[®] , Hive Hub 360, or an equivalent device.

7. The granting of approval of the Conditional Use request shall not relieve the applicant from filing and having the Township approve any permit, land development, subdivision, or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
8. The granting of approval of this Conditional Use shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 12 months from the date of the granting of approval of the Conditional Use.
9. The Specialty Home shall meet all other requirements of the Township that may apply.

He stated this is not on the agenda for the action tonight.

Supervisor Zmuda asked the applicant if they had spoken to the neighbors about this. Mr. Jeremy Ireland, Maintenance Technician, Keystone Properties, stated the owner of the property has other Airbnb and doesn't believe they have spoken to any of the neighbors. Supervisor Zmuda asked if there needs to be a sign, even in the window, for emergency contact information. Mr. Emerick said yes, the emergency contact information must be displayed and provided to his department and the Police Department.

Supervisor Zmuda drove by the property today and spoke about the lawn and bushes not being kept. Mr. Ireland spoke about the long-term tenant that is living there and how the owner (Mr. Q) is working with her to help her to be able to purchase a home. The tenant could be in the house a year to two years with her current lease. He stated Mr. Q would be converting the property once this tenant moves out. He spoke about how once it is an Airbnb, he would be available to answer calls about the property and keys would be in a lockbox for authorities. He mentioned there would also be a housekeeper hired to keep up the property. He mentioned the tenant is responsible for the lawn. Supervisor Zmuda asked why he is applying for this condition now if the tenant maybe there for a year or two. Mr. Ireland stated he would like to convert it after the tenant leaves in the future.

Supervisor Zmuda mentioned that the Township is working on an ordinance for these types of rentals. Mr. Emerick stated it would include long term and short-term leases. Chairwoman Cort wondered about the timing of this application and the ordinance. Mr. Emerick stated the new ordinance would apply for all rentals.

PUBLIC COMMENTS:

Ms. Theresa Peschel, 48 Half Street, lives two doors down from this proposed rental. She is concerned as it is not being maintained now. She is concerned about the differences in a short-term rental for a family who visits the park versus a bunch of college students partying making noise. She is concerned that this is a residential area and isn't like a hotel where you can talk to the front desk if there is an issue like a hotel. She asked if these short-term rentals have to pay taxes to the Township like the hotels. She doesn't think it is fair for them not to pay as they are operating like one. She asked who will enforce the rental period and what if they want more than 30 or 60 days.

Mr. Al Bernard, 25 Half Street, has lived at his home since 1988. He spoke about the neighborhood of being half owned and half rented. He stated he has never had reason in the 30 years he has lived there to file a

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property maintenance complaint. This year he has filed 11 property maintenance issues. He doesn't want to live next to a hay field. He has been working with Mr. Emerick with these issues. He stated someone has to be responsible for maintaining these homes. He asked how many people are on the lease at the residency. Mr. Ireland stated there are two adults and 2 kids. He stated there are more than that living there.

Chairwoman Cort noted that the complaints just spoken about go beyond the scope of this hearing. She asked Mr. Emerick to address this issue. Vice Chairman Engle stated conditions can be put on these uses like stricter property maintenance requirements. Mr. Emerick stated that is correct. He spoke about the short-term rentals normally being more maintained because of renters and social media.

ADJOURNMENT:

Supervisor Moyer made a motion to close the Public Hearing at 6:55 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Richard D. Zmuda
Township Secretary