

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
OCTOBER 8, 2019

CALL TO ORDER

Chairwoman Susan Cort called the October 8, 2019 Public Hearing of the Township of Derry Board of Supervisors to order at 6:00 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
 Matthew A. Weir

ALSO PRESENT:

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

SUPERVISOR ABSENT:

Marc A. Moyer

Public in Attendance:

The following were in attendance: Jim Gairer, 107 N. Lingle Ave., Brian & Laura Holton, 280 Jacobs Creek Dr., Jeff Gelbaugh, Box 85, Hershey, Brent & Connie Yocum, Shermans Dale

INTRODUCTION:

Chairwoman Cort stated this is a Public Hearing regarding Conditional Use Application No. 2019-05 for 1625 East Chocolate Avenue as filed by Brian and Laura Holton.

PRESENTATION:

Mr. Emerick stated this Conditional Use application was filed by Brian and Laura Holton, who are intending to operate a Specialty Home on property they own at 1625 East Chocolate Avenue, Hershey. The property is located at East Chocolate Avenue Overlay zoning districts. This Conditional Use application is filed under Section 225-501.20 of the Zoning Ordinance.

He stated the requirements of Section 225-501.20 are:

- A. Within the HMU zoning district, specialty homes shall only be permitted within the Downtown Core Overlay zoning district.
- B. Within the PMU zoning district, specialty homes shall only be permitted within the East Chocolate Avenue Overlay zoning district.
- C. Specialty homes are only permitted in buildings where the existing or prior approved use was a habitable dwelling.
- D. A specialty home must be a minimum of 25' from any other dwelling unit.
- E. 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 having a minimum width of four inches.
- F. The exterior of the specialty home must maintain a residential appearance.
- G. Noise and disturbance must be comparable to typical residential uses.
- H. Special events and public functions such as concerts, conferences or weddings are prohibited on the lot of a specialty home.

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
OCTOBER 8, 2019

- I. Access to the property must be maintained and remain clear of obstructions to accommodate emergency vehicles.
- J. Signage is limited to a one square foot nameplate, excluding any signage identifying the street address of the property.
- K. Regardless of the number of dwellings on a property, there may only be one contract for rent at any given time.
- L. 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.

He stated in addition, Section 225-501.K lists the following "general requirements" to 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.

He noted The Board of Supervisors is required to render a written decision within 45 days after the last hearing before the Board is concluded. If the hearing is closed tonight, a decision will need to be rendered no later than November 22, 2019, keeping in mind that your closest regular meeting to that date is November 12, 2019.

He recommended that the Conditional Use application No. 2019-05 be granted with the following conditions:

1. The establishment of the Specialty Home shall be in substantial compliance with the information presented with the Conditional Use Application and during the Board of Supervisors October 8, 2019 public 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 Chapter 225 (Zoning) of the Code of the Township of Derry.
4. The garage must remain accessible to and be used by the Specialty Home renters.
5. Notwithstanding any lesser restriction required by the Township's Property Maintenance Code, Chapter 143 of the Code of the Township of Derry, no more than 2 individuals (excluding children under the age of 3) may occupy any bedroom.
6. 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.
7. The owner or operator must pay all State, County, and local hotel occupancy taxes that are applicable to the temporary lodging.

139

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
OCTOBER 8, 2019

8. The owner or operator must register the unit and pay the fee for any rental inspection program operated by the Township.
9. 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 monitor a noise monitoring system such as Noiseaware™, Hive Hub 360, or an equivalent device to monitor the noise levels in an attempt to circumvent complaints.
10. The granting of approval of the Conditional Use request shall not relieve the applicants 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.
11. 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.
12. The Specialty Home shall meet all other requirements of the Township that may apply.

PUBLIC COMMENT:

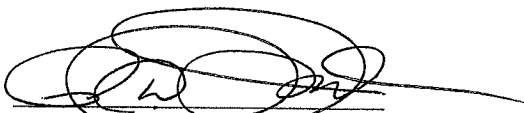
Mrs. Connie Yocum owns the house next door and asked about what a specialty home was like. Mr. Emerick read the definition of a specialty home. He explained it was like a short-term rental, Air B&B, and is typically rented online. He spoke about the rating system online and how it rates the home and the renters. She asked if the owners of the home lived close. Mrs. Holton stated they live nearby at 280 Jacobs Drive. Chairwoman Cort urged Mrs. Yocum to call the Township with any additional questions she may have.

Supervisor Weir asked when an inspection program would be implemented. Mr. Emerick stated he is putting it in the 2020 budget. He noted an ordinance is needed for this program. He hopes to have the ordinance ready for the end of the second quarter of 2020.

ADJOURNMENT:

Chairwoman Cort made a motion to close the Public Hearing at 6:13p.m. Supervisor Zmuda seconded the motion. Motion carried 4-0.

SUBMITTED BY:



Richard D. Zmuda
Township Secretary

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