

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**NOVEMBER 12, 2019-6:10PM**

**CALL TO ORDER**

Chairwoman Susan Cort called the November 12, 2019 Public Hearing of the Township of Derry Board of Supervisors to order at 6:10 pm in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. A roll call was done.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

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

**Public in Attendance:**

The following were in attendance: Linda Eyer and Oleg Badmaev.

**INTRODUCTION:**

Chairwoman Cort stated this is a public hearing regarding Conditional Use Application No. 2019-06 for 826 Reese Avenue, as filed by Oleg Badmaev.

**PRESENTATION:**

Mr. Emerick showed the Board the house on the screen. This conditional use application is filed under Section 225-501.20 of the Zoning Ordinance which has the following requirements:

- 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.
- 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 street address of the property. Mr. Emerick noted there would be no sign on the property.
- K. Regardless of the number of dwellings on a property, there may only be one contract for rent at any given time.

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- 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 it isn't necessary for the Board to take action tonight. He stated if the Board approves, this item will be on a future agenda.

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 November 12, 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. 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.
5. 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.
6. The owner or operator must pay all State, County, and local hotel occupancy taxes that are applicable to the temporary lodging.
7. The owner or operator must register the unit and pay the fee for any rental inspection program operated by the Township.
8. 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™ or an equivalent device to monitor the noise levels in an attempt to circumvent complaints.
9. 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.

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10. 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.
11. The Specialty Home shall meet all other requirements of the Township that may apply.

**PUBLIC COMMENT:**

Mr. Oleg Badmaev, 413 7<sup>th</sup> Street New Cumberland, stated he will comply with the requirements. He stated he has owned the property for a year and has been doing renovations and short-term rentals.

Supervisor Moyer asked for the definition of a specialty home and asked that definitions be included in future packets for hearings. Mr. Emerick read the definition of a specialty home. Supervisor Moyer asked about Noiseaware™. Mr. Emerick explained the measuring of noise in decibels and how owners would receive notification on their phones of excessive noise. He spoke about the process of noise complaints with the Police and if it is ignored, the owner could be cited and receive a cease and desist notice.

Supervisor Zmuda is concerned with the owner being in New Cumberland, ½ hour away, if there were issues with the home. Mr. Oleg Badmaev stated he would talk to the cleaning folks he will hire to see if they would be available.

**ADJOURNMENT:**

Chairwoman Cort made a motion to close the Public Hearing at 6:23pm. Supervisor Moyer seconded the motion. Motion carried 5-0.

**SUBMITTED BY:**

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Richard D. Zmuda  
Township Secretary