

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
NOVEMBER 12, 2019-6:30PM

CALL TO ORDER

Chairwoman Susan Cort called the November 12, 2019 Public Hearing of the Township of Derry Board of Supervisors to order at 6:30 pm in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. A roll call was conducted.

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, Oleg Badmaev and Rich Gamble

INTRODUCTION:

Chairwoman Cort stated this is a Public hearing regarding Conditional Use Application No. 2019-07 for 1446 East Chocolate Avenue, as filed by Oleg Badmaev.

PRESENTATION:

Mr. Emerick stated this Conditional Use application is filed under Section 225-501.20 of the Zoning Ordinance. The requirements of Section 225-501.20 are as follows:

- 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 signage for 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 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 December 27, 2019, keeping in mind that your closest regular meeting to that date is December 17, 2019.

He recommended that the Conditional Use application No. 2019-05 be granted with the conditions outlined in his memo. He noted these conditions would be included in the decision document. The Derry Township Planning Commission, at their meeting on November 5, 2019, recommended that Conditional Use Application No. 2019-07 be granted.

PUBLIC COMMENT:

Mr. Oleg Badmaev, 417 7th Street New Cumberland, stated he agrees with the requirements outlined tonight. Supervisor Weir asked how many bedrooms are in the home. Mr. Badmaev stated 3 bedrooms. Supervisor Cort asked what was next to the home. Mr. Emerick showed the Board the neighborhood of this home and noted it was a mixed-use neighborhood. Supervisor Moyer asked about the driveway and paving. Mr. Emerick noted stones are not allowed and it is required to be paved.

ADJOURNMENT:

Chairwoman Cort made a motion to close the Public Hearing at 6:39pm. Supervisor Zmuda seconded the motion. Motion carried 5-0.

SUBMITTED BY:

Richard D. Zmuda
Township Secretary