

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**JUNE 23, 2020 6 PM**

**CALL TO ORDER**

*On March 30, 2020, PA Governor Wolf put Dauphin County under a stay-at-home order. On June 12, 2020, Dauphin County entered the green phase. In order to ensure public safety during the COVID-19 crisis, the June 23, 2020 meeting was held by audio and video conferencing via a Zoom Virtual Webinar and shown live on YouTube on the Derry Township YouTube page.*

Chairman Abruzzo called the June 23, 2020 Public Hearing of the Township of Derry Board of Supervisors to order at 6:05 pm via video conferencing with a Zoom Virtual Webinar through the on-line Meeting Room. He advised that all public meetings are recorded for providing accurate notes. Before the Pledge of Allegiance, a roll call was performed.

**IN ATTENDANCE:**

**SUPERVISORS**

E. Christopher Abruzzo, Chairman  
 Natalie L. Nutt, Vice Chairwoman  
 Carter E. Wyckoff, Secretary  
 Richard D. Zmuda  
 Susan M. Cort

**ALSO PRESENT:**

Christopher Christman, Township Manager  
 Patrick Armstrong, Township Solicitor  
 Chuck Emerick, Director of Community Development  
 Lauren Zumbrun, Economic Development Manager  
 Julie Echterling, Recorder

**INTRODUCTION:**

Chairman Abruzzo stated this is a public hearing regarding Conditional Use Application No. 2020-03 for 1630 East Chocolate Avenue, as filed by Amit Jain.

**TOWNSHIP AND APPLICANT PRESENTATION:**

Mr. Emerick stated the applicant, Amit Jain, is intending to operate a short-term rental on the property located at 1630 East Chocolate Avenue, Hershey. The property is in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts. He showed the property on the map.

He introduced Mrs. Jackie Alexander who will be speaking for the owner of the property. The owner provided a notarized sworn statement that Mrs. Alexander will speak on his behalf tonight. She stated Mr. Jain purchased the property this year as a personal short-term rental and to rent out the property. The house has 3 bedrooms and 2 bathrooms and there are no plans to expand the size. She stated he will be adding 5 paved parking spaces and he hasn't marketed the property. At this time, Solicitor Armstrong asked that she be sworn in by Mrs. O'Donnell (the stenographer) and she was sworn in. She stated he has bought furniture and linens and will be doing minor landscaping as they do the parking spaces. The owner has contracted with Mr. Scott Weaber, Protus Realty, to be the local contact person and property manager. She then asked Mr. Emerick about the condition on the application with condition F. Mr. Emerick stated that his department will do a safety inspection checking for fire extinguisher and alarms and ensuring it is posted correctly. He asked her to go through each of the requirements of Section 225-501.20 and how they are being met. Below are the conditions and the response:

- A. Within the HMU zoning district, short-term rentals shall be permitted within the Downtown Core (O9.3) Overlay.

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**JUNE 23, 2020 6 PM**

- B. Within the PMU zoning district, short-term rentals shall only be permitted within the East Chocolate Avenue (O10) Overlay. *She stated the home is located in this area.*
- C. Short-term rentals are only permitted in buildings where the existing or prior approved use was a habitable single-family detached dwelling. *She stated the home is a habitable single-family home and it will stay the same.*
- D. A short-term rental must be a minimum of 25 feet from any other dwelling unit. *She stated the home is located 29 feet away from the next house.*
- E. Any outdoor amenities or improvements to the short-term rental such as decks, seating areas, horseshoe pits, patios, and the like must be at least 25 feet from any adjacent single-family dwelling. *She stated this was true.*
- F. Two off-street parking spaces are required, plus one additional off-street parking space per bedroom, after the first bedroom. Parking surfaces must be constructed of asphalt, concrete, brick, paver blocks, or cobblestone on a six-inch stone base. 2 Parking spaces shall be delineated by painted lines having a minimum width of four inches. *She stated they would be adding 5 parking spaces which would be paved and lined.*
- G. The exterior of the short-term rental must maintain a residential appearance. *She stated they would maintain the current appearance and contract with a lawn care service and a cleaning company.*
- H. Noise and disturbance must be comparable to typical residential uses. If the Derry Township Police Department receives excessive noise complaints regarding the use of the short-term rental, 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. *She stated they will communicate this with rentals and will not tolerate violations from their tenants. If they are required to install a system, they will comply.*
- I. Special events and public functions such as concerts, conferences or weddings are prohibited on the lot of a short-term rental. *She stated they agree to this condition.*
- J. Access to the property must be maintained and remain clear of obstructions to accommodate emergency vehicles. *She stated they would keep the property clear of obstructions and will not be installing any fences or barriers that would be an obstruction.*
- K. Signage is limited to a one square foot nameplate, excluding any signage identifying street address of the property. *She stated there is one number plate at the home and they will not be installing any additional signs.*
- L. Regardless of the number of dwellings on a property, there may only be one contract for rent at any given time. *She stated they would only issue one contract at a time with no overlapping contracts being issued.*
- M. The owner or operator must pay all State, County, and local hotel occupancy taxes that are applicable to the temporary lodging. *They agree to pay all taxes.*
- N. The owner or operator must register the unit(s) and pay the fee(s) for any rental inspection program operated by the Township. *They will register the home and pay the fees for the inspections.*
- O. 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. The applicant has addressed these requirements in their narrative, which is included in your information for this hearing as part of their application. *They provided the owner's information as required for contacting them.*

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**JUNE 23, 2020 6 PM**

Additionally, Section 225-501.K lists "general requirements" to be met by applicants seeking a Conditional Use authorization, which are as follows:

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. That 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.

Mrs. Alexander read the requirements above and agreed to them for the owner. Mr. Emerick stated the Derry Township Planning Commission, at their meeting on June 2, 2020, recommended that Conditional Use Application No. 2020-03 be granted with conditions.

He recommends that Conditional Use Application No. 2020-03 be granted with the following conditions:

1. The establishment of the short-term rental shall be in substantial compliance with the information presented with the Conditional Use Application and during the June 23, 2020 Board of Supervisors 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 short-term rental must at all times comply with the requirements of Sections 225-501.20.B through O of Chapter 225 (Zoning) of the Code of the Township of Derry. D. 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 two individuals (excluding children under the age of three) may occupy any bedroom.
4. 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 that may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
5. The granting of approval of the 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 grant of approval of the Conditional Use.
6. The short-term rental shall meet all other requirements of the Township that may apply.
7. The granting of approval of the Conditional Use shall not relieve the applicant from complying with any future requirement of the Township regarding the location (proximity) of the person responsible for the security and maintenance of the property.

After Mr. Emerick read the conditions, Mrs. Alexander agreed to the conditions. He stated it is not necessary to take any action at this hearing. He prepared a written Decision to approve the Conditional Use application, should the Board choose to do so, which is on the agenda for tonight's regularly scheduled meeting.

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**JUNE 23, 2020 6 PM**

**BOARD COMMENTS:**

Supervisor Cort asked if the owner of the property lived locally. Mrs. Alexander stated he lives in Virginia and bought the house in March. They are using Scott Weaber from Protus Realty to help them manage the home. Supervisor Zmuda asked about the driveway between the residences and potential parking issues. Mrs. Alexander stated there shouldn't be more than 1-2 cars and they will put no parking signs up.

Solicitor Armstrong asked if the house had 3 bedrooms and Mrs. Alexander stated it did. He asked if the document she was reading from tonight should be submitted as an exhibit today and she stated yes. He noted it would be. He also asked that the notarized letter received today to allow Mrs. Alexander to testify tonight on behalf of the owner be entered as exhibit B. He noted they need to ask if anyone at this hearing is requiring party status so that they can cross-examine the witness. Chairman Abruzzo asked if there was anyone attending this hearing that needed to claim this status and there were no hands raised in response to his question. The record showed there were no requests for party status for this hearing.

Chairman Abruzzo asked about the number of parking spaces, five, which could be foretelling since there are only three bedrooms. Mrs. Alexander stated they could reduce it to 4 and save money and stated it can be amended to four.

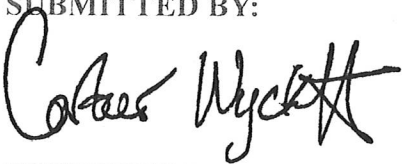
**PUBLIC COMMENT:**

Mrs. Colleen Stuart, 319 Laurel Drive, had a comment about something other than this ordinance and wasn't sure if she could comment. Solicitor Armstrong and Chairman Abruzzo asked her to keep those comments until the 7 pm meeting. There were no public comments about the ordinance.

**ADJOURNMENT:**

Supervisor Cort made a motion to **close** the Public Hearing regarding Conditional Use Application No. 2020-03 for 1630 East Chocolate Avenue, as filed by Amit Jain at 6:39 pm. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**



Carter E. Wyckoff  
Township Secretary