

**DERRY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
June 2, 2020**

**CALL TO ORDER**

The Tuesday, June 2, 2020 Derry Township Planning Commission meeting, which was conducted via video conference (Zoom Webinar) due to COVID-19, was called to order at 6:00 p.m. by Chairman Don Santostefano.

**ROLL CALL**

Commission Members Present (*via video conference*): Don Santostefano, Chairman; Joyce St. John, Vice Chairwoman; Tom Wilson, Secretary; Matt Tunnell

Commission Member Absent: Glenn Rowe

Also Present (*via video conference*): Chuck Emerick, Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator

Public Attendance (*via video conference*): Emma Irving, *The Sun*; Jackie Alexander; Jim Gainer

**APPROVAL OF MINUTES**

On a motion made by Member Tunnell and seconded by Vice Chairwoman St. John, the Planning Commission approved the minutes from the May 5, 2020 meeting, as written.

**OLD BUSINESS**

**A. Report on the Board of Supervisors' action regarding the Third Revised Final Land Development Plan for Hershey High Pointe, Plat 1329**

Chuck Emerick stated that the Board approved the plan, with conditions.

**NEW BUSINESS**

**A. Review and recommendation of Conditional Use Application No. 2020-03 for 1630 East Chocolate Avenue, as filed by Amit Jain**

Mr. Emerick explained that this application requests that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.20 of the Code of the Township of Derry. The applicant proposes to establish a short-term rental on the property located at 1630 East Chocolate Avenue. The subject property is located in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts.

Mr. Emerick reviewed the required performance standards for the Conditional Use and the applicant's responses as to how they will meet the standards.

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**June 2, 2020**

Chairman Stantostefano asked if the paved off-street parking will be located between the house and the garage at the rear of the property. Mr. Emerick answered yes and added that the garage could be used for additional off-street parking.

Chairman Santostefano asked how the Township monitors whether the short-term rental owner is paying all State, County, and local hotel occupancy taxes as required by the Zoning Ordinance. Mr. Emerick replied that the Township would want to see a report at the end of each year. The Township currently does not have a rental property registration program in place. Regulations have been drafted for adoption in 2020, but due to budget difficulties related to COVID-19, the regulations will likely not be adopted until 2021 at the earliest. Until the rental property registration program is enacted, the Township is trusting the owner to pay the required taxes.

Vice Chairwoman St. John asked if the short-term rental's 24-hour contact will be located in the Hershey area. Jackie Alexander, representative for applicant/owner, responded that was not the original plan because the owner can get to the property within approximately an hour and a half; however, if it is a requirement, Ms. Alexander will inform the owner. In response to a question from Vice Chairwoman St. John, Mr. Emerick stated that the Zoning Ordinance does not restrict the 24-hour contact person's physical proximity to the short-term rental; however, the rental property registration program regulations will restrict the proximity.

Mr. Emerick recommended that the Conditional Use authorization be granted, subject to the following conditions:

- A. 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.
- B. If, in the future, the applicant proposes to increase the number of bedrooms in the dwelling beyond the existing four, they must apply for further approval from the Township.
- C. 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 2 individuals (excluding children under the age of 3) may occupy any bedroom.
- E. 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.

**DERRY TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
**June 2, 2020**

- F. 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.
- G. The short-term rental shall meet all other requirements of the Township that may apply.

**MOTION**

On a motion made by Vice Chairwoman St. John, seconded by Member Tunnell, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2020-03 be granted with conditions ‘A’ through ‘G’ as outlined by Township staff (above), plus the condition that the applicant complies with any future requirement of the Township regarding the location (proximity) of the person responsible for the security and maintenance of the property.

**OTHER BUSINESS**

Vice Chairwoman commented she saw in *The Sun* that an appeal has been filed regarding the approved settlement agreement between the Township and the developer of the Towneplace Suites hotel. She inquired about the impact of that appeal and if that means the plan will go back through the Township review process. Mr. Emerick responded that the appeal has been turned over to the Township Solicitor.

**ADJOURNMENT**

On a motion by Member Tunnell, seconded by Secretary Wilson, and a unanimous vote, the meeting adjourned at 6:25 p.m.

Respectfully submitted,

---

Thomas P. Wilson  
Planning Commission Secretary

Submitted by:

---

Jenelle Stumpf  
Planning/Zoning Coordinator (*acting as stenographer*)