

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
AUGUST 25, 2020 6 P.M.

CALL TO ORDER

In order to ensure public safety during the COVID-19 crisis, the August 25, 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 August 25, 2020 Public Hearing of the Township of Derry Board of Supervisors to order at 6:00 p.m. 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. After 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
Brian Blahusch, IT Manager
Maria O'Donnell, Stenographer
Julie Echterling, Recorder

INTRODUCTION:

Chairman Abruzzo stated this is a Public hearing regarding Conditional Use Application No. 2020-04 for 1527 East Caracas Avenue, as filed by Lisa Nguyen.

TOWNSHIP AND APPLICANT PRESENTATION:

Mr. Emerick stated this application requests a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-501.1 of the Code of the Township of Derry. The applicant proposes to establish a Single-Family Conversion on the property located at 1527 East Caracas Avenue, Hershey. The subject property is located in the Palmdale Mixed Use zoning district. The owners of record per Dauphin County Tax Assessment records are Lisa Ton Nguyen and Jacky Long Nguyen, 2903 East Collyer Lane, Anaheim, CA. A Single-Family Conversion is defined in the Zoning Ordinance as "The act of taking a dwelling unit which existed prior to the adoption of these regulations and converting it into a building containing two units, each with individual cooking, living, and sanitary facilities, and each designed and intended for occupancy by one family." This Conditional Use application is filed under Section 225-501.1 of the Zoning Ordinance.

The Derry Township Planning Commission granted approval of the request with conditions as outlined in the packet at their August 4 meeting. He noted the Board has 45 days after the hearing to render a written decision.

Solicitor Armstrong asked if there was anyone in attendance who would like to be granted party status. There were three in attendance from the public: Andy Andrews, Kelly English, and Linda. No one requested party status. Mr. Emerick turned over the hearing to the applicant Mrs. Lisa Nguyen who was sworn in by Mrs. Maria O'Donnell.

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Mrs. Nguyen stated they bought the property in December 2019 as an investment property. She spoke of growing up in the area and living in California now. She went over a presentation she prepared for the hearing. She spoke of splitting the house into two apartments. One would be upstairs with three bedrooms and one bath with 1,068 square feet. The basement apartment would be one bedroom and one bathroom with 900 square feet. They will have a property manager to manage the property which will include ensuring the grass, weeds, and landscaping is taken care of by them.

She went over the conditions required by the Township and *her response* as listed below:

- A. A maximum of two dwelling units per existing principal structure, per lot, shall be permitted.
The property is an existing detached single-family unit. Single family conversion will recognize as two dwelling units on lot as permitted.
- B. The property must support the required number of off-street parking spaces for each dwelling unit.
Off-street parking requirements as referenced in 225.402.5 Vehicular Parking Ratios for single family conversion require two off-street parking per dwelling unit. Existing property has a garage for two parking spaces. Inclusion of two additional off-street parking shall be created upon single family conversion authorization.
- C. Converted dwelling units must be served by public water and public sewer.
Existing dwelling units are served by public water and sewer. Units have a pre-existing bathroom and kitchen. No additional facilities need to be established to meet criteria of single-family conversion.
- D. Individual service lines and meters shall be provided for each dwelling unit where required by the standards, rules, and regulations of the service provider.
Individual service lines and meters will be created for each dwelling unit as requested by a service provider upon single family conversion authorization.
- E. The density limitation of the underlying zoning district shall not be applicable, but all other dimensional requirements shall be satisfied.
In compliance.

She went over the minimum conditions in the performance standards for each of the conditions and discussed *her response*:

1. The use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
Use of the property is intended for long term rental tenants that poses no safety or health concerns or risk of residents in the neighborhood.
2. The use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
Unit(s) have pre-existing facilities including kitchen and a bathroom requiring no additional use of public services. Occupancy and use of property will not create excess burden on water, sewer, public roads, storm drainage or other public improvements.

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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.
No structural building changes need to be made for conditional use. Thus, no building or structure is being erected, constructed, reconstructed, moved, or expanded. Maintaining existing character of property. Pre-existing entry point is near the building providing division of access to separate points to units. Access point is not visible to property front. Occupancy and use of property consistent with the neighborhood that includes several multi-unit dwellings, short-term rentals, mobile homes, apartments and hotel/motel within less than 1-mile radius.
4. The use shall meet all other requirements of this Chapter that may apply. *Satisfying all requirements set forth in Article V 225-501 relevant to Palmdale Mixed Use (PMU)*

She showed the Board pictures of the inside, outside and surrounding areas for their property. She showed the access door for both apartments, which is the back door. She showed where the parking spaces would be located on her maps.

BOARD COMMENTS:

Supervisor Zmuda asked if they were giving any thought to Air B&B. Mrs. Nguyen stated no since they are so far away, they are only looking for long-term rentals. Mr. Emerick added that the house is located in a district that doesn't allow short-term rentals.

Solicitor Armstrong asked her to acknowledge they would need four parking spaces in total. Mrs. Nguyen stated she will have two in the garage if it is not used for storage. Since they must add two spaces, they may just add or pave out four spaces. Mr. Emerick noted that with a three bedroom and one-bedroom apartment that a total of three spaces is required.

Solicitor Armstrong noted they would need separate sewer lines. Mrs. Nguyen stated she is working with the utilities for separate meters. Mr. Emerick noted that DTMA does not require a separate lateral from the street for rentals and they only bill the owner not the tenants. Supervisor Cort noted that the sewer bills are the owner's responsibility as there can be liens accessed for unpaid bills.

Solicitor Armstrong asked her about compliance with the egress windows for the bottom apartment. Mrs. Nguyen spoke about the window they installed and it being a few inches short after inspection by the Township. She has ordered the required parts for the window change needed, but there is a delay with the manufacturer. She stated she would comply with the requirements for the window.

Solicitor Armstrong noted that the applicant will need to comply with all the other zoning requirements of the Township. Mrs. Nguyen stated they would comply with all the Township's zoning requirements. He asked her to confirm there would not be exterior improvements to the home and she stated there would not be. Mr. Emerick noted that there were conditions for the approval of this request, and they were discussed at the Planning Commission meeting. He noted the applicant took no exception to the required conditions.

Solicitor Armstrong asked Mrs. Nguyen if she had any other witnesses and she stated she did not have anyone else to testify. He stated the Board could vote on this if they wanted to tonight. The Board

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discussed whether to vote on this request tonight or wait for the next meeting. The consensus of the Board was to wait until the next meeting to vote on this request.

PUBLIC COMMENT:

There were no public comments provided.

ADJOURNMENT:

Chairman Abruzzo closed the public hearing at 6:36 p.m.

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary