

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
AUGUST 24, 2021 6 PM

CALL TO ORDER

Chairman Abruzzo called the August 24, 2021 Public Hearing of the Township of Derry Board of Supervisors to order at 6:02 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. 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
Maria O'Donnell, Stenographer
Julie Echterling, Recorder

PUBLIC IN ATTENDANCE:

Mrs. Nora Campanella & Mr. Kevin Wiest with K&N Property's, LLC.

INTRODUCTION:

Chairman Abruzzo stated this was a public hearing regarding Conditional Use Application No. 2021-03 for a Short-Term Rental use on property located at 1533 East Chocolate Avenue, as filed by K&N Property's, LLC.

Mr. Emerick stated the application was filed by K&N Property's LLC, for the property located at 1533 East Chocolate Avenue, Hershey. The property is in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts. This Conditional Use application is filed under Section 225-501.20 of the Zoning Ordinance. He stated the requirements for the conditional use were outlined in his notes to the Board. In the Derry Township Planning Commission's August 3rd meeting, the Board recommended the application be granted with conditions. The Board of Supervisors is required to render a written decision within 45 days after the last hearing before the Board is concluded.

Solicitor Armstrong noted that this hearing has been duly advertised as required by law. He noted that this is an application for a short-term rental. He asked if anyone who would like party status. He noted that no one requested party status. He admitted the following exhibits:

1. T1=Applicant's Conditional Use application dated July 6, 2021.
2. T2=Proof of Publication from the Sun.
3. T3=Proof of Publication from the Patriot News. *He noted it was put in the Patriot News as the Sun was on vacation one of the two required weeks.*
4. T4=Conditional Use Notification posted on the property.
5. T5=Notice of Hearing Mailing List-notice sent out to abutting neighbors.
6. T6=August 4, 2021 correspondence representing the Planning Commission's recommendations

He asked if there were questions or objections to entering these into the record and there were none raised.

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Mr. Kevin Wiest, K&N Property's, LLC, was sworn in by Mrs. O'Donnell. He stated their goal is to provide a home away from home for those coming to visit the area. He went over the following requirements in the zoning and their answer as outlined in their application:

- A. Within the HMU zoning district, short-term rentals shall be permitted within the Downtown Core Overlay. *He stated N/A*
- B. Within the PMU zoning district, short-term rentals shall only be permitted within the East Chocolate Avenue Overlay 181. *He stated the home is located at 1533 E Chocolate Ave.*
- C. Short-term rentals are only permitted in buildings where the existing or prior approved use was a habitable single-family detached dwelling. *1533 E Chocolate Ave was most recently a single-family home when we purchased it in 2020 and to our knowledge has been a single-family home since constructed.*
- D. A short-term rental must be a minimum of 25 feet from any other dwelling unit. *The structure meets the required distance from the dwelling on the east side of the property. To the west is a commercial business.*
- 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. *He stated they meet that with their one neighbor and the other neighbor is a commercial business.*
- 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. Parking spaces shall be delineated by painted lines having a minimum width of four inches. We would like to request an exception to the number of required parking spaces. *The property has two off-street parking spaces in the rear, plus a single car garage that can be utilized if necessary. With our target clientele of families coming to the area to visit Hershey Park, we do not foresee needing more than 2 spots per guest booking. We have the garage for the additional capacity of another vehicle. If needed, additional parking could be created directly off the First Street alley, but at the current time feel we have enough parking capacity.*
- G. The exterior of the short-term rental must maintain a residential appearance. *The house's appearance has been greatly improved since our purchase of it and our core values and marketing strategies are based on maintaining it to the level we have brought it back to.*
- 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. *Our targeted clientele is families with children coming to the area and we screen applicants to the absolute best of our ability to provide service only to respectful guests.*
- I. Special events and public functions such as concerts, conferences or weddings are prohibited on the lot of a short-term rental. *Our property will not be a venue for any such events as mentioned above.*
- J. Access to the property must be maintained and remain clear of obstructions to accommodate emergency vehicles. *We have immediate access via the curb along East Chocolate Ave in addition to the off-street parking in the rear which is directly off the First Street alley.*

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- K. Signage is limited to a one square foot nameplate, excluding any signage identifying street address of the property. *We have no signage other than the numbers on the house and no current plans for anything additional.*
- L. Regardless of the number of dwellings on a property, there may only be one contract for rent at any given time. *We do not book in excess of one guest at any given time.*
- M. The owner or operator must pay all State, County, and local hotel occupancy taxes that are applicable to the temporary lodging. *Acknowledged and understood.*
- N. The owner or operator must register the unit(s) and pay the fee(s) for any rental inspection program operated by the Township. *Acknowledged and understood.*
- 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. *Acknowledged and understood. We will provide a location to both departments as soon as we have the process complete.*
- P. In addition to the minimum conditions contained in the performance standards of each conditional use, the applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
 - 1. That the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located. *The property has been brought back to a condition much better than previously maintained which can only positively impact the health and safety of neighboring residents. Further- the property will be maintained to nothing less than the highest standards which currently exceeds that of the neighboring properties.*
 - 2. That the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements. *Our guest base is not of a capacity or type of clientele that will negatively impact any of the above concerns.*
 - 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. *As referenced in the above sections of this document, our core guest clientele is not of a number or type that will negatively impact any of the above concerns. Further, my wife and I live less than 10 miles from the location and are on sight multiple times per week and will work to proactively prevent any issues that could negatively impact the neighborhood. If an issue should arise, we are able to swiftly address.*
 - 4. The use shall meet all other requirements of this Chapter that may apply. *Acknowledged and understood.*

Pictures of the before and after of the front of the property was shown to the Board. Chairman Abruzzo asked how many beds as he has seen some with large number of beds in each bedroom. Mr. Wiest stated there would be two beds (king and full) and a set of bunk beds and they would be requiring a three night stay at the rental. Supervisor Cort asked if the neighbors had been notified. Mr. Wiest stated yes, and they have developed a relationship with them. Supervisor Wyckoff asked if they have any other rentals. Mr. Wiest stated this is their first short-term rental and they have other long-term rentals.

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Solicitor Armstrong asked if they agree to the conditions for the Conditional Use Application. Mr. Wiest stated yes. Solicitor Armstrong asked if they were providing four parking spaces and how many in the garage. Mr. Wiest stated four parking spaces and only one in the garage. Solicitor Armstrong asked if they had the deed if they could submit it to the Township. Mr. Wiest stated they have it and will submit it. Solicitor Armstrong confirmed with Mr. Wiest the number of beds that would be in the property. Solicitor Armstrong asked that the July 28, 2021 DTMA letter be entered as Exhibit T7. Mr. Wiest had no objection.

Mr. Emerick noted that according to the ordinance for these types of uses, there are only to be two occupants per room. Mr. Wiest stated they do not want a lot of people because they want to maintain the property. Solicitor Armstrong asked if the commercial property was within 25 feet. Mr. Wiest stated it is. Solicitor Armstrong asked if it is strictly a commercial property and that no one resides there. Mr. Wiest stated that is correct.

Mrs. Nora Campanella, owner of K&N Property's LLC was sworn in by Mrs. O'Donnell. Mrs. Campanella stated they have been landlords for 18 years and have year-round properties including a property in Ocean City. She stated they run a tight ship.

PUBLIC COMMENT:

There was no public comment offered.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the public hearing at 6:24 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary