

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
November 2, 2021**

CALL TO ORDER

The Tuesday, November 2, 2021 Derry Township Planning Commission meeting was called to order at 6:00 p.m. in the meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, PA, by Chairman Tom Wilson.

ROLL CALL

Commission Members Present: Tom Wilson, Chairman; Glenn Rowe, Vice Chairman; Joyce St. John

Commission Members Absent: Matt Tunnell, Secretary; Don Santostefano

Township Staff Present: David Habig, Assistant Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator

Public Registering Attendance: Abigail Myers, 775 Tallyho Drive; Clifford Myers, 1248 Harding Avenue

APPROVAL OF MINUTES

On a motion made by Member St. John, seconded by Vice Chairman Rowe, and a unanimous vote, the Planning Commission approved the minutes from the September 7, 2021 meeting, as written.

OLD BUSINESS

A. Report on the Board of Supervisors' action regarding Conditional Use Application No. 2021-03 for 1533 East Chocolate Avenue, as filed by K&N Property's, LLC

Jenelle Stumpf stated that the Board granted the Conditional Use request, with conditions.

B. Report on the Board of Supervisors' action regarding waivers from filing a land development plan, as requested by Musser Home Builders, Inc., regarding construction of a new home at 1410 Sand Hill Road

Ms. Stumpf stated that the Board granted the waivers.

C. Report on the Board of Supervisors' action regarding the Preliminary/Final Subdivision Plan for 323 East Areba Avenue, Plat 1345

Ms. Stumpf stated that the Board approved the plan, with conditions.

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
November 2, 2021

NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2021-04 to establish a Short-Term Rental use at 731 East Chocolate Avenue, as filed by Abigail Myers and Conrad Krawiec

David Habig 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 applicants propose to establish a short-term rental on the property located at 731 East Chocolate Avenue, Hershey. The subject property is in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts and contains a single-family dwelling with three bedrooms.

Mr. Habig reviewed the required performance standards for the Conditional Use and the applicants' responses as to how they will meet the standards.

Mr. Habig 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 the testimony during the November 23, 2021 public hearing before the Board of Supervisors.
- B. If, in the future, the Applicants proposes to increase the number of bedrooms in the dwelling beyond the existing three, 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. Any rental lease or agreement for the short-term rental shall include language stating that special events and public functions such as concerts, conferences, or weddings are prohibited on the lot of the short-term rental.
- E. 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.
- F. The Applicants shall provide the required four parking spaces in a manner consistent with the Zoning Ordinance.
- G. The granting of approval of the Application shall not relieve the Applicants 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

DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
November 2, 2021

applicable Township regulations.

- H. The granting of approval of the Application 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.
- I. The Applicants shall comply with all other applicable provisions of the Derry Township Zoning Ordinance.
- J. The short-term rental shall meet all other requirements of the Township that may apply.

In response to a question from Chairman Wilson, Abigail Myers stated that she agrees to comply with the conditions of approval as recommended by Township staff.

MOTION

On a motion made by Vice Chairman Rowe, seconded by Member St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2021-04 be granted with conditions ‘A’ through ‘J’ as outlined by Township staff above.

OTHER BUSINESS

Member St. John commented that she was recently in a neighborhood that has a short-term rental property, and she could tell that the property was being used as a short-term rental because of the painted lines delineating the designated parking spaces in the driveway, which is required by the Zoning Ordinance. Lined parking spaces are usually not found on a residential property and Member St. John thinks its appearance impacts the value of the neighboring properties. She understands the reasoning behind the Zoning Ordinance requirement but questions its importance based on the resulting impact on the neighborhood. She noted that painted lines are not required for long-term rental properties.

Vice Chairman Rowe believes it is important that there is designated parking and the right number of spaces is provided so that the people using the short-term rental can clearly see where they should be parking.

Vice Chairman Rowe inquired if there is a requirement in the Zoning Ordinance for short-term rentals to have a 24-hour emergency contact person. Ms. Stumpf answered yes. Vice Chairman Rowe asked if the contact person is required to live within a certain distance of the short-term rental. Ms. Stumpf answered that is not a requirement. There was discussion about including that as a condition of approval for future short-term rental Conditional Use requests.

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
November 2, 2021**

ADJOURNMENT

On a motion by Member St. John, seconded by Vice Chairman Rowe, and a unanimous vote, the meeting was adjourned at 6:16 p.m.

Respectfully submitted,

Matthew Tunnell
Planning Commission Secretary

Submitted by:

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