

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**APRIL 26, 2022 6:30 PM**

**CALL TO ORDER**

Chairman Abruzzo called the April 26, 2022 Public Hearing of the Township of Derry Board of Supervisors to order at 6:36 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA.

**IN ATTENDANCE:**

**SUPERVISORS**

E. Christopher Abruzzo, Chairman  
Natalie L. Nutt, Vice Chairwoman  
Carter E. Wyckoff, Secretary  
Richard D. Zmuda  
Michael P. Corado-by phone

**ALSO PRESENT:**

Patrick Armstrong, Township Solicitor  
Chuck Emerick Director of Community Development  
David Habig, Assistant Director of Community Development  
Maria O'Donnell, Stenographer  
Julie Echterling, Recording Secretary

**PUBLIC IN ATTENDANCE:**

Linda Eyer (Raleigh Road), Amanda Krall, Nora Campanella, Kevin Wiest (D & D REI) Jim Gould (Hershey), Wendy McClintock (HE&R).

**INTRODUCTION:**

Chairman Abruzzo stated this is a public hearing regarding Conditional Use Application No. 2022-03 for 1121 East Chocolate Avenue, as filed by Doors & Dreams REI, LLC.

Mr. Habig stated this is a hearing for a Conditional Use authorization to establish a short-term rental on the property located at 1121 East Chocolate Avenue. The property is located in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts. The property contains a former dwelling unit that was converted to an office building for a former used car dealership. The building will be converted back into a single-family dwelling with four bedrooms. He showed the Board the location of the building illustrating that the property is 25 feet from the neighbors. He reminded the Board they have 45 days to render a decision on this request.

Solicitor Armstrong stated this is a public hearing for conditional use hearing for 1121 East Chocolate Avenue and noted that Section 225-501-2 allows for short term rentals in these zoning districts. He noted the applicant needs to meet the conditions and general requirements of the Section. He asked if anyone wanted to request party status. He explained what party status. He asked that the record reflect that no one requested party status. He entered the following Township exhibits into evidence:

1. Township 1-Application for conditional use dated 3/8/2022.
2. Township 2-Copy-Proof of Publication for tonight's hearing
3. Township 3-Photograph showing the property was posted
4. Township 4-Legal notice and properties the notice was mailed to

He asked if there were any objections to the exhibits and no objections were noted.

Mr. Kevin Wiest, Doors & Dreams REI, LLC, was sworn in by Stenographer O'Donnell. He provided the following *testimony* for the requirements of Section 225-501.20:

- A. Within the HMU zoning district, short-term rentals shall be permitted within the Downtown Core (O9.3) Overlay: ***This is NA as they are not in that district.***

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**APRIL 26, 2022 6:30 PM**

- B. Within the PMU zoning district, short-term rentals shall only be permitted within the East Chocolate Avenue (O10) Overlay: ***The subject home is located at 1121 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. ***Has been a used car lot office but was clearly a four bedroom one and a half bath single family home. He submitted pictures to show it was a house.***
- D. A short-term rental must be a minimum of 25 feet from any other dwelling unit. ***The property on the east side is a commercial business and the distance to the property on the west side of the structure exceeds twenty-five feet.***
- 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. ***They currently do not have anything and if we do add something it will comply.***
- 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. ***They will have at least parking six parking spaces.***
- G. The exterior of the short-term rental must maintain a residential appearance. ***House is going through renovations and they have cleaned up the outside.***
- 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. ***Their targeted clientele is families with children coming to the area. He noted they have another rental and have received high ratings.***
- I. Special events and public functions such as concerts, conferences or weddings are prohibited on the lot of a short-term rental. ***Their property will not be a venue for any such events and it is in their welcome book and advertising.***
- J. Access to the property must be maintained and remain clear of obstructions to accommodate emergency vehicles. ***They have immediate access along East Chocolate Ave.***
- K. Signage is limited to a one square foot nameplate, excluding any signage identifying street address of the property. ***All signage from the previous owners has been removed. Other than house numbers there are no current plans for additional signage. Their goal is to have the house feel like a home away from home for our guests.***
- L. Regardless of the number of dwellings on a property, there may only be one contract for rent at any given time. ***They 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. The applicant has addressed these requirements in their narrative, which is included in your information for this hearing as part of their application. ***Acknowledged and understood.***

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**APRIL 26, 2022 6:30 PM**

Additionally, Section 225-501.K lists “general requirements” for a Conditional Use authorization, which are outlined below *with his testimony*:

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 is under process to be in a condition much better than previously maintained which can only positively impact the health and safety of neighboring residents. The property will be maintained to highest standards.***
2. That the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements. ***Their guest base is not of a capacity or type of clientele and will not be a burden.***
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. ***They have done a lot of work and more to do. Further, he and his wife, are officers of the applying company, owners of the property, and live less than 10 miles from the location. If an issue should arise, they are able to swiftly address.***
4. The use shall meet all other requirements of this Chapter that may apply. ***Acknowledged and understood.***

In addition, he provided *his response* to the following conditions outlined by the Planning Commission:

- 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 provided during the April 26, 2022 public hearing before the Board of Supervisors. ***Acknowledged and understood***
- B. If, in the future, the Applicant proposes to increase the number of bedrooms in the dwelling beyond the proposed four, they must apply for further approval from the Township. ***Acknowledged and understood***
- 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. ***Acknowledged and understood***
- 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. ***Acknowledged and understood***
- 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. ***Acknowledged and understood***
- F. The Applicant shall provide the required five parking spaces in a manner consistent with the Zoning Ordinance. ***They will adhere to the five and another one.***
- G. The granting of approval of the Application 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. ***Acknowledged and understood***
- 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. ***Acknowledged and understood***
- I. The Applicant shall comply with all other applicable provisions of the Derry Township Zoning Ordinance. ***Acknowledged and understood***

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**APRIL 26, 2022 6:30 PM**

- J. The short-term rental shall meet all other requirements of the Township that may apply.  
*Acknowledged and understood.*

Supervisor Zmuda asked about lighting for the house. Mr. Wiest stated they will have light in the front of the house and have LED lighting in the back. He spoke about the lights on the street. Supervisor Zmuda asked where the house number will be displayed. He is concerned with the speed and traffic on Chocolate Avenue and how the house is further back on the property. Mr. Wiest stated they can put something on the street so renters know.

Solicitor Armstrong reminded the Board that they have 45 days to decide on this request.

**PUBLIC COMMENT:**

There were no public comments offered.

**ADJOURNMENT:**

Chairman Abruzzo closed the hearing at 6:52 p.m.

**SUBMITTED BY:**

---

Carter E. Wyckoff  
Township Secretary