

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
September 3, 2024**

CALL TO ORDER

The Tuesday, September 3, 2024, Derry Township Planning Commission meeting was called to order at 6:00 p.m. by Chairman Matt Tunnell in the main meeting room of the Derry Township Municipal Complex, Administration Building, 600 Clearwater Road, Hershey, Pennsylvania.

ROLL CALL

Commission Members Present: Matt Tunnell, Chairman; Sean Guay, Secretary; Glenn Rowe

Commission Members Absent: Mike Guntrum, Vice Chairman; Tom Wilson

Township Staff and Review Agency Representatives Present: Dave Habig, Assistant Director of Community Development; Jenelle Stumpf, Planning/Zoning Coordinator

Public Registering Attendance: Piotr M. Switalski, 950 Mae Street; Jeffrey A. Fertig, 74 Sipe Avenue

APPROVAL OF MINUTES

On a motion made by Member Rowe, seconded by Secretary Guay, and a unanimous vote, the Planning Commission approved the minutes from the August 6, 2024 meeting, as written.

OLD BUSINESS

- A. Report on the Board of Supervisors' action regarding adoption of a Decision for Conditional Use Application No. 2024-03, as filed by Creekview Lawn and Landscapes, LLC, regarding establishing a landscaping and garden center use on the property located at 970 Bullfrog Valley Road**

Mr. Habig reported that the Board adopted a Decision to grant the request, with conditions.

- B. Report on the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for Leonard's Plumbing, Plat 1388**

Mr. Habig reported that the Board approved the plan, with conditions.

- C. Report on the Board of Supervisors' action regarding the Final Land Development and Stormwater Management Site Plan for Hershey Square Proposed Outparcel Development, Plat 1353**

Mr. Habig reported that the Board rejected the plan.

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NEW BUSINESS

A. Review and recommendation of Conditional Use Application No. 2024-04, as filed by Piotr M. Switalski for 950 Mae Street

Dave Habig explained that this application requests 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 950 Mae Street, Hummelstown. The property contains a 2,432-square-foot, four-bedroom single-family dwelling unit built in 2022.

Mr. Habig reviewed the required performance standards for the Conditional Use and the applicant's 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 provided during the September 24, 2024 public hearing before the Board of Supervisors.
- 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.C through O of Chapter 225 (Zoning) of the Code of the Township of Derry.
- D. The two-car garage must at all times remain available for parking for the short-term rental use.
- E. Special events and public functions such as concerts, conferences, or weddings are prohibited on the lot of the short-term rental. Any rental lease or agreement for the short-term rental shall include language stating that restriction.
- F. 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. Any listing to rent the property shall be limited to eight persons over the age of three.
- G. The Applicant shall provide the required five parking spaces in a manner consistent with the Zoning Ordinance.

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

In response to a question from Jenelle Stumpf, Piotr Switalski explained that he and his wife no longer live in the dwelling at 950 Mae Street, so the property is currently vacant.

Member Rowe asked who the emergency contact person will be. Mr. Switalski responded that he will be the contact person, and he intends to hire a local individual to be available at any time for maintenance issues.

Member Rowe asked how the Township ensures that a short-term rental has a reliable 24-hours-per-day contact person. Mr. Habig stated that during the change of use permit inspection, the Township verifies that a contact number is posted in the dwelling; however, there is no process for making sure the information is updated.

MOTION ON CONDITIONAL USE APPLICATION NO. 2024-04

On a motion made by Secretary Guay, seconded by Member Rowe, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2024-04 be granted, subject to conditions ‘A’ through ‘K’ as outlined by Township staff.

B. Review and recommendation of Conditional Use Application No. 2024-05, as filed by Jeffrey A. Fertig for 74 Sipe Avenue

Dave Habig explained that this application requests 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 74 Sipe Avenue, Hummelstown. The property contains a 960-square-foot, three-bedroom single-family dwelling unit built in 1947.

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

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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 provided during the September 24, 2024 public hearing before the Board of Supervisors.
- B. If, in the future, the Applicant 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.C through O of Chapter 225 (Zoning) of the Code of the Township of Derry.
- D. Special events and public functions such as concerts, conferences, or weddings are prohibited on the lot of the short-term rental. Any rental lease or agreement for the short-term rental shall include language stating that restriction.
- 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. Any listing to rent the property shall be limited to six persons over the age of three.
- F. The Applicant 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 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.
- 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 Applicant 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.

Jeff Fertig introduced himself. In response to a question from Chairman Tunnell, Mr. Fertig stated that this will be his first short-term rental property, and it is possible he will establish more short-term rentals in the future.

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MOTION ON CONDITIONAL USE APPLICATION NO. 2024-05

On a motion made by Member Rowe, seconded by Secretary Guay, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the Conditional Use represented by Application No. 2024-05 be granted, subject to conditions 'A' through 'J' as outlined by Township staff.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Secretary Guay, seconded by Member Rowe, and a unanimous vote, the meeting was adjourned at 6:21 p.m.

Respectfully submitted,

Sean Guay
Planning Commission Secretary

Submitted by:

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