

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
PUBLIC HEARING MINUTES
JANUARY 24, 2017 – 6:00 P.M.**

CALL TO ORDER

Chairman John W. Foley, Jr., called the January 24, 2017 Public Hearing of the Township of Derry Board of Supervisors to order at 6:04 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. A roll call was performed after the Pledge of Allegiance.

IN ATTENDANCE:

SUPERVISORS

John W. Foley, Jr., Chairman
Susan M. Cort, Vice Chairwoman
Justin C. Engle, Secretary
Matthew A. Weir
Marc A. Moyer

ALSO PRESENT:

James N. Negley, Township Manager and Treasurer
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Julie Echterling, Recorder

Public in Attendance:

Thomas Spratt, Tiffany Papetsis, Robert Krubitzer, Caran Colden, Karen Reed, Tom Sprat, Lisa Walker, Mark Jarman, and Charles Huth.

INTRODUCTION:

Chairman Foley stated this is a public hearing regarding a Conditional Use Request, No. 2016-02, as filed by the Vista Foundation for 1649 Melrose Drive, Hummelstown.

Mr. Emerick stated this is the conditional use application filed by the Vista Foundation, who intend to operate a Group Home for Persons with Disabilities under the Vista Adult Services division of the Foundation, to be located at 1649 Melrose Drive, Hummelstown, PA in the Indian Run development. The property is in the Village Residential zoning district, where a Group Home for Persons with Disabilities is permitted, subject to the approval of a conditional use. The Foundation presently serves three male residents at this location, which the Township treats as a single-family dwelling. The addition of the fourth resident triggers the need for the conditional use. A Group Home for Persons with Disabilities is defined as a dwelling shared by four, but not more than eight persons with disabilities, excluding resident staff.

They filed their application under Section 225-113 of the Zoning Ordinance, which provides the criteria and required conditions for establishing a Group Home for Persons with Disabilities. Those conditions are as follows: The applicant shall submit the following:

1. A statement describing the character of the facility.
 - In their narrative, the applicant notes the disability of the anticipated residents, the development and mission of the Foundation's adult services division, and the desire to offer a "meaningful and relaxed setting that honors and respects individual differences" while teaching independent living, and social and job- related responsibilities.
2. The program's policies and goals and means proposed to accomplish the goals.
 - In their narrative, the applicant notes that their policies and procedures are consistent with all required elements of their county and state licensing. They state that their residential sites are subject to yearly licensing by the Bureau of Human Services Licensing and annual and

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biennial licensing by the Office of Developmental Programs. They also describe the custom, comprehensive, and on-going training that their staff serving the independent living residents receive.

3. A description of the characteristics of the residents of the proposed group home, noting their ages, number and any impairment which they may possess.
 - The report accompanying the application clearly notes the ages and abilities of each of the intended residents. They all have some level of autism requiring 24-hour support. Each has a job or is training to obtain a job, and each has a hobby or other activity they enjoy.
4. A study documenting the need for such a facility in Derry Township.
 - The Foundation provided local statistics showing the growing number of adults with autism needing this type of service in Dauphin County. They state that Dauphin County and particularly Derry Township is well known for its concentration of expertise in autism services and treatment supported by the Milton S. Hershey Penn State Medical Center and the Vista School. They infer that their adult services, including Group Homes for Persons with Disabilities, are presently and will continue to be needed for autistic individuals.

Mr. Emerick went over the following specific standards:

1. Any group home shall have a minimum of 350 square feet of habitable floor area provided for each occupant.
 - The home contains 2,200 square feet. The proposed four residents for the home would require 1,400 square feet which is met with the proposed home.
2. A group home shall be conducted in a single-family detached dwelling.
 - The home is a qualifying single-family home.
3. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites.
 - The applicant states that there is only 1 common kitchen and dining facility in the home.
4. All group homes shall be connected to public water and public sanitary sewage facilities.
 - The applicant states that the home is connected to public water and sewer facilities.
5. A group home shall not be located within 2,000 feet of any other group home.
 - Community Development has researched records and found that there is not another group home that was permitted by conditional use within the Township.
6. The applicant shall demonstrate that adequate off-street parking facilities shall be provided to meet the needs of the group home use.
 - The lot contains a two-car garage and what appears to be enough space for 3 additional cars in the driveway. There will never be more than 3 employees present at the property for any extended time during any 24-hour period. The residents of the property are non-drivers. On weekdays, there might be up to 6 cars present for a short period.
7. The group home use, after having been authorized as a conditional use by the Board of Supervisors, shall not be changed to serve a greater number of residents or residents with impairments which differ substantially from those which were described in the initial application, unless the change in the characteristics of the residents is reconsidered by the Board of Supervisors pursuant to procedures for approving conditional uses, and such change is approved by the Board.
 - This is listed in the suggested conditions.

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8. The Board may require any outdoor play or recreation (passive or active) to be enclosed by a six-foot-high fence, if it is deemed necessary to protect the general welfare of the surrounding community.
 - The Foundation has indicated a willingness to establish a fence if deemed necessary as a part of the conditional use approval.
9. A grant of conditional use may be revoked by the Board if it is determined that the residents of the group home have endangered the general welfare of the surrounding community due to a breach of security or lack of adequate supervision.
 - This is listed in the suggested conditions.

The Board of Supervisors is required to render a written decision within 45 days after the last hearing before the Board is concluded. If the hearing is closed tonight, a decision will need to be rendered no later than March 10, 2017, keeping in mind that the closest regular meeting to that date is February 28th. In consideration of this application being submitted on November 15, 2016 and, due to the holidays, the applicant has already granted an extension for action on the application, I have listed this so that the Board can act on this application tonight. The Derry Township Planning Commission, at their meeting of December 13, 2016, recommended that the conditional use be approved, subject to conditions.

Supervisor Moyer asked if the neighbors were notified. Mr. Emerick stated the property was posted and the neighbors adjacent to the property received letters.

PUBLIC COMMENTS

Mr. Tom Spratt, 580 Indian Run Drive, stated there should have been more communication, as he found out from a neighbor who received the notice. He stated that they have been a good neighbor. He isn't sure about the parking on the street as there is always three cars. He thinks that four residents in that house should be the maximum allowed and he would oppose any more. Chairman Foley stated there would be four residents. Mr. Emerick stated if they would want to add an additional person they would need to come to the Township for approval.

Mrs. Lisa Walk, Macintosh Way, stated she lives behind the house. She stated she is confused because she saw a man, woman, and child there and thought there was a family living there.

Mr. Mark Jarman, Vista Foundation, stated the Foundation started in 1999. Adult services provides job training. He stated there were no group homes in Pennsylvania for autism. He spoke about autism and how it affects the mind and body. Currently, they have four group homes with seven residents. There is space available in this home to add another resident who interacts well with the current three residents. He stated this home began in May 2016. The residents of this home are 18-23 years old. He spoke about an issue they had with a resident and explained how they have changed their procedures. Chairman Foley asked what the risks are if a resident leaves unexpectedly. Mr. Jarman stated the risk is the resident will get lost or be taken advantage of by a stranger. Supervisor Moyer asked if there is any type of notification requirements for changes in the residents and their conditions. Mr. Jarman stated there is no requirement to notify the Township and the intent is to keep the environment the same with no intent of changing it.

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Mr. Bob Krubitzer, Macintosh Way, asked if there was an option of a fence for safety. He asked if the Foundation was comfortable with the residents in the home being able to interact with the neighbors. Mr. Jarman stated the people who supervise them are comfortable. He stated the residents have behavior issues, the residents are not out of control and they are supervised constantly. He stated they are willing to install a fence if they are required. He stated there is constant supervision. Mr. Emerick stated a fence is a discretionary item and isn't required.

Supervisor Moyer asked about the shifts for the home and credentials of the staff for the home. Mr. Jarman stated there are three shifts per day and there will always be three staff members. He stated the staff for the home meet the criteria for a group home. He spoke about the impairments that autistic people face including speech, behavior, social and intellect. He stated one out of 68 individuals born today have autism and some have all four impairments not just one. He stated no one has it down completely because this is a new venture. He stated that since the Foundation started, they have lost three students. One was with their mother and ran out in traffic and two died in their sleep. He spoke about the nervous system being different and the possible cause of death for the two. He spoke about the residents' skills. He stated they are only taking residents where the only other option is institutionalization.

Supervisor Engle asked if the staff of the home could park in the driveway versus the street. Mr. Jarman stated he will address that immediately. Tiffany Papetsis, 1657 Melrose Ave, asked if they have questions or concerns who should they contact. Mr. Jarman stated if there are issues or concerns, please contact him.

Caron Colden stated that her son lives there and has transitioned well in to the home. Her husband died suddenly and she needed help. She visits her son twice a week. She is very grateful to the Vista Foundation and the home available to her son. She stated that this home is an avenue for children to leave home and to be productive. She stated she was here tonight as a voice of the parents. She asked everyone to be patient with them as this is new to everyone.

ADJOURNMENT:

Chairman Foley adjourned the public hearing at 6:50 pm.

SUBMITTED BY:

Justin C. Engle
Township Secretary