

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
FEBRUARY 26, 2019

CALL TO ORDER

Chairwoman Susan Cort called the February 26, 2019 Public Hearing of the Township of Derry Board of Supervisors to order at 6:00 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. A roll call was completed.

IN ATTENDANCE:

SUPERVISORS

Susan M. Cort, Chairwoman
Justin C. Engle, Vice Chairman
Richard D. Zmuda, Secretary
Marc A. Moyer
Matthew A. Weir

ALSO PRESENT:

Christopher Christman, Township Manager
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Annette Means, Terry Miller, Doug Miller, Tracy Brown, and Dr. Robert Hamilton.

INTRODUCTION:

Chairwoman Cort stated this is a public hearing regarding the Conditional Use Application No. 2019-01 as filed by A to Z Realty, LLC, to convert a building formerly used as a medical office at 739 Fishburn Road into a group child care facility.

Mr. Emerick showed the Board the location of the property and the driveway. He stated it is Dr. Hamilton's property and was used as a doctor's office. He discussed the following conditions associated with the Conditional Use, as listed in Section 225-501.52, along with his assessments (in italics) as to whether the conditions have been met:

1. Facility operators shall be responsible for meeting all State and Federal licensing and registrations requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers et seq.
 - *Understanding that the Millers operate two adjacent properties for the same use, we expect that the operators will be able to meet this condition.*
2. Indoor and outdoor play areas shall be provided for Group Child Care Facilities in accordance with State requirements—in addition, the following requirements shall also apply:
 - 1) Required parking areas shall not be utilized as play areas.
 - 2) All outdoor play areas shall be located a minimum of 20 feet from rear and side property lines and shall not be located between the front face of the building and a public right-of-way.
 - 3) All outdoor play areas shall be enclosed with a minimum four-foot high fence meeting the requirements of §225-407.
 - *A play area is proposed adjacent to the parking area, 20 feet from the property line, which is permissible. The dimensions of the play area are 69 feet by 20 feet (1,380 square feet). The requirement for an outdoor play area is 65 square feet per child. The proposed play area would serve 21 children at a time, which is approximately half of the proposed number of students. Township staff expects that the applicant is willing to provide the required fencing.*

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In addition to the specific conditions contained in the performance standards of Section 225-501.52, Section 225-501 .K requires the applicant to demonstrate that the following general conditions have been addressed to the maximum extent applicable:

1. The use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
2. The use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
3. 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.
4. The use shall meet all other requirements of this Chapter that may apply.
 - *Township staff believes that the applicant has the ability to meet these conditions, and they have corresponded through e-mail (included with the supporting information for this hearing) to that effect.*

The Derry Township Planning Commission recommended the conditional use be granted with several conditions. They are concerned about the driveway and added the following condition: The applicant shall contact PennDOT to determine if a revised or new Highway Occupancy Permit is required for the property's driveway connection to Fishburn Road and must report the findings to the Township prior to issuance of a building permit. Vice Chairman Engle asked about the driveway and Mr. Emerick showed the grass line that separated the driveway between the two houses.

Mr. Doug Miller, co-owner of Seedlings, stated they plan on operating the childcare facility with one way in and using the alley as the exit. They will post signs. Dr. Robert Hamilton, current owner, stated he operated his doctor's office as a one-way and one-way out. Vice Chairman Engle isn't sure they need to go to PennDOT since they are going to use the driveway the same way it is being used. Supervisor Moyer expressed concern about the property line not being clear and the concern with owner changes which could result in a property dispute. Mrs. Annette Means stated they will have a survey done and will make it the lines clear with signs. She noted that the driveway is wide enough for one car to come in. She believes since it is a narrow driveway, traffic will go slow. Supervisor Weir asked about site distance with turning and Mr. Miller stated they can see as they slowly pull out.

Supervisor Zmuda asked about signage and Mr. Miller explained where the signs would be located. Chairwoman Cort asked if the building would be age specific. Mr. Miller stated they would be divided between the ages and would have approximately 40-50 children in them.

PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT:

Chairwoman Cort closed the Public Hearing at 6:20 pm.

SUBMITTED BY:

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Richard D. Zmuda
Township Secretary