

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS PUBLIC HEARING MINUTES**  
**JULY 23, 2019**

**CALL TO ORDER**

Chairwoman Susan Cort called the July 23, 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.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

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: Mr. Tucker Hull, Tucker Hull Law, Pastor Jon Weigle, 574 Hill Church Road, Scott Landis, Kristyne Wager and Kimberly Reeder, all of 228 McCorkle Road.

**INTRODUCTION:**

Chairwoman Cort noted that this is a public Hearing regarding Conditional Use Application No. 2019-04 as filed by Kimberly Reeder and Kristyne Wagner regarding 228 McCorkle Road.

**PUBLIC COMMENTS:**

Mr. Emerick showed the Board the location of the church on the map. The applicants propose to use the facilities at the Living Legacy Church located at 228 McCorkle Road, Hershey, for the establishment of a homeschool cooperative (öCo-opö) for learning support for students in kindergarten through 12th grade. The applicants contend that their Co-op use is similar to a School use, which is defined in the Zoning Ordinance as öA facility that provides on-site instruction of a State-approved curriculum including, but not limited to, elementary, secondary, and all other levels of higher education such as colleges, universities, academies, and similar career training facilities.ö Their use is similar to a School use, as they provide learning assistance. The meaningful difference is that they do not teach a öState-approved curriculum.ö

The following are conditions associated with this Conditional Use, as listed in Section 225-501.40 of the Zoning Ordinance:

- A. The proposed use shall be similar to and of the same general character as a by-right permitted use in the zoning district in which the use is proposed. He believes this condition has been met. The applicants have stated that, similar to a School use, the Co-op will offer learning assistance in English, math, science, and social studies and will also offer elective courses such as physical education, art, music, computer skills, and bible study. The hours of operation will be 8:30 a.m. to 3:00 p.m., Monday through Friday, from late August until late May. The Co-op may also offer additional care before and after normal operating hours (7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 5:00 p.m., respectively), depending on needs.
- B. The use may not substantially injure or detract from the lawful existing or permitted use of other properties. Additionally, it is anticipated that the Co-op will only have a total of 12-15 students and of that number, typically no more than 5-6 students will be in attendance at any one time.

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- C. The proposed use shall not generate noise or traffic in excess of other by-right uses permitted in the district. He believes this condition has been met. The applicants have stated that given the small number of students anticipated, noise and traffic levels for the proposed use will be significantly less.
- D. The proposed use shall not generate sewer or water usages in excess of other by-right uses permitted in the district. He believes this condition has been met.
- E. The net density shall not exceed that which is permissible for the Zoning District in which it is proposed. He believes this condition has been met. The applicants have stated that the proposed use will have no impact on the net density.
- F. In zoning districts where residential uses are permitted, parking and site circulation shall be designed to be residential in scale and appearance. He believes this condition has been met, as the parking and site circulation already exists for the church.
- G. One shade tree per 8 required parking spaces shall be designed and constructed as part of the development. He is estimating that 17 parking spaces may be needed to support the proposed use. This is based on 1 parking space per 2 students, with a maximum of 25 students, plus 1 parking space per teacher, with a maximum of 4 teachers. Three trees are needed to meet the requirement.

The Derry Township Planning Commission, at their meeting on July 2, 2019, recommended that Conditional Use Application No. 2019-04 be granted, with the following conditions:

- 1. The establishment of the homeschool cooperative shall be in substantial compliance with the information presented with the Conditional Use Application.
- 2. The grant of approval of the Conditional Use request shall not relieve the applicants from filing and having the Township approve any permit, land development, subdivision, or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
- 3. The grant of this Conditional Use 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 the Conditional Use.
- 4. The homeschool cooperative shall meet all other requirements of the Township that may apply.

He recommends that Conditional Use Application No. 2019-04 be granted, with the below additional conditions:

- 1. The homeschool co-op hours of operation are limited to 7:30 a.m. to 5:00 p.m., Monday through Friday.
- 2. The homeschool co-op shall have a maximum attendance of 25 students and 4 teachers at any one time.
- 3. They will maintain three parking lot trees on the property.

Mr. Tucker Hull, attorney representing the applicant, stated he agrees with Mr. Emerick's summary of the application and the applicants and pastor of the church are here if they have any questions.

Chairwoman Cort asked if the co-op alters the setup would they need to receive approval. Mr. Emerick stated they would have to come here for approval.

**PUBLIC COMMENT:**

There were no public comments offered.

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**ADJOURNMENT:**

Chairwoman Cort closed the Public Hearing at 6:11 p.m.

**SUBMITTED BY:**

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Richard D. Zmuda  
Township Secretary