

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
FEBRUARY 25, 2020 6 P.M.

CALL TO ORDER

Chairman Abruzzo called the February 25, 2020 Public Hearing of the Township of Derry Board of Supervisors to order at 6:08 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for providing accurate notes. A roll call was performed before the pledge of allegiance.

IN ATTENDANCE:

SUPERVISORS

E. Christopher Abruzzo, Chairman
Natalie L. Nutt, Chairwoman
Carter E. Wyckoff, Secretary
Richard D. Zmuda

ALSO PRESENT:

Chuck Emerick, Director of Community Development
Julie Echterling, Recorder

Public in Attendance: Stacy Longenecker, Light-Heigel, Ashwani Garg, Garg Enterprise LLC, Linda Eyer, 2321 Raleigh Road

INTRODUCTION:

Chairman Abruzzo stated this is a Public Hearing regarding Conditional Use Application No. 2020-01 for 759 Middletown Road, as filed by Garg Enterprise, LLC.

TOWNSHIP PRESENTATION:

Mr. Emerick stated this application requested conditional use under the provisions of zoning with similar uses. Mathnasium is similar to a school as they are providing educational services. He noted that the Zoning Ordinance for schools includes the requirement of “instruction of a State-approved curriculum”. However, they are not following a state approved curriculum. He noted the applicant also compares their use to karate or dance studio, which is permitted. It is most like a school and similar to the other uses in traffic and turnover of participants, all of which are permitted in the zoning district.

He went over each of the conditions listed below that are conditions associated with this Conditional Use, as listed in Section 225-501.40 of the Zoning Ordinance:

1. 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.*
2. The use may not substantially injure or detract from the lawful existing or permitted use of other properties. *He believes this condition has been met.*
3. The proposed use shall not generate noise or traffic in excess of other by-right uses permitted in the district. *He stated he found this to be credible.*
4. The proposed use shall not generate sewer or water usages in excess of other by-right uses permitted in the district. *He stated he found this to be credible.*

He stated in addition to the specific conditions contained in the performance standards of Section 225-501.40, 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.

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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.

APPLICANT PRESENTATION:

Mr. Ashwani Garg, applicant and owner of Garg Enterprise, LLC, discussed how he found a Mathnasium franchise in Lancaster for his son to attend. He discussed how they work with students after school on math only. The facility would be open four days a week and one day over the weekend. They would run about 20 hours a week. He stated there would be one Center Director, six instructors and about 20 students at one time at the facility. He showed the Board the location on the map. Vice Chairwoman Nutt asked if the instructors were certified and trained. Mr. Garg stated they would be trained and have background checks. He noted there would be cameras and that this is for students in grades K-12.

Mr. Emerick recommended Conditional Use Application No. 2020-01 be granted with the following conditions:

1. The establishment of the Mathnasium use 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 applicant 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 authorization by the Board of Supervisors.
4. The Mathnasium use shall meet all other requirements of the Township that may apply.

Mr. Garg noted he had no issues with the conditions.

PUBLIC COMMENT:

There were no public comments.

ADJOURNMENT:

Chairwoman Abruzzo **closed** the Public Hearing regarding Conditional Use Application No. 2020-01 for 759 Middletown Road, as filed by Garg Enterprise, LLC at 6:17 p.m.

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary