



TOWNSHIP OF DERRY

Board of Supervisors Public Hearing Minutes
Tuesday, January 28, 2025

CALL TO ORDER

Chairwoman Nutt called the January 28, 2025, Regular Meeting 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. She advised that all public meetings are recorded for providing accurate notes. A role call was performed.

ROLL CALL

SUPERVISORS PRESENT:

Natalie L. Nutt, Chairwoman
Carter E. Wyckoff, Vice Chairman
Michael P. Corado, Secretary
Richard D. Zmuda, Supervisor
Dominic V. Giovanniello, Supervisor

ALSO PRESENT:

Zachary Jackson, Township Manager
Patrick Armstrong, Township Solicitor
Chuck Emerick, Director of Community Development
Lynn Dawson, Recording Secretary
Maria O'Donnell, Stenographer

ABSENT:

Public in Attendance:

Dave Buffington, Meghan Walter, Paul Hollowell, Keith Heigel

NEW BUSINESS

Public hearing regarding Conditional Use Application No. 2024-06, as filed by Chocolate, LP, regarding establishing a Group Child Care Facility use on the property located at 1143 East Chocolate Avenue

It is not necessary to take any action at this hearing; however, Zoning Ordinance regulations require that the Board render a written decision within 45 days after the last hearing before the Board is concluded, unless an extension of time is granted by the applicant. If the hearing is closed on January 28, 2025, a decision will need to be rendered no later than March 14, 2025, keeping in mind that your closest regular meeting to that date is March 11, 2025. Staff and legal counsel will prepare a written decision to approve or deny the application as the Board directs.

INTRODUCTION

Chairwoman Nutt introduced the hearing and requested Solicitor Armstrong and Mr. Emerick to update the Board of Supervisors.

Solicitor Armstrong confirmed the advertised public hearing was open for a conditional use application, No. 2024-06, for the property at 1143 East Chocolate Avenue, parcel numbers 24-006-131, 24-006-130 and 24-006-129. The application is for a group child care facility. Solicitor Armstrong asked the

Board of Supervisors Public Hearing Minutes – January 28, 2025

audience if anyone needed to request party status, and confirmed no one requested party status, beyond the applicants, Keith Heigel, with Light-Heigel & Associates, Inc. and Paul Hollowell, Chocolate LP.

Solicitor Armstrong marked the following exhibits:

Board 1: copy of the December 10, 2024 conditional use application

Board 2: copy of the proof of publication regarding the advertisement of the hearing

Board 3: copy of the list of abutting properties receiving written notice of the hearing

Board 4: copy of the photograph of the property being posted

Board 5: copy of the January 9, 2025 correspondence regarding the recommendation for the Township's Planning Commission for the application

Board 6: copy of the January 3, 2025 supplement to the narrative of the application submitted by the applicant

Solicitor Armstrong asked the applicant, Keith Heigel, if he had any objections to exhibits of Board 1 - 6. Mr. Heigel responded he did not have any objection. Solicitor Armstrong admitted the exhibits as record.

Solicitor Armstrong confirmed for the Board of Supervisors, that the conditional use application is for a group child care facility on the property, pursuant to Sections 22501 of the zoning act ordinance, and 225501.512 of the zoning board, specifically relating to group child care use within the Palmdale mixed use district.

Mr. Emerick stated this application was filed on December 10, 2024, requesting a conditional use authorization for a group child care facility, located at 1143 East Chocolate Avenue, with the subject property owned by Chocolate, LP, 805 3rd Avenue, 10th Floor, New York, NY. The group child care facility is proposed as a one-story, 10,000-square-foot structure and is planned to be situated on a 1.43-acre parcel of land, located on the north side of East Chocolate Avenue, adjacent to and west of Wilson Avenue. The property is in the Palmdale Mixed Use zoning district and within the East Chocolate Avenue Overlay.

Keith Heigel was sworn in by stenographer, Maria O'Donnell.

Mr. Heigel, with Light-Heigel & Associates, gave an overview to the Board of Supervisors relating to the conditional use application. He noted the plan included four tracks in the area known as Palmdale, and with an approved application, the four lots would be combined to make up the 1.4 acre lot of land. Mr. Heigel discussed the proposed child care facility as well as the outdoor play area for the lot of land along East Chocolate and Wilson Avenues, as well as North First Street as the alley along the rear of the property. He gave details relating to the access way to the facility, sidewalks, and an overview of the six conditions that will need to be met, according to the conditional use agreement. Mr. Heigel reviewed the four staff comments detailing additional requirements they will need to be in compliance with as per Section 225501.52 and Section 225501.K.

Chairwoman Nutt requested further details relating to the play area along East Chocolate Avenue. Mr. Heigel confirmed there will be a 4' differential in the height of the play area in comparison to the road, with an approximate 40' spacing between the play area and the road. Chairwoman Nutt asked about the plans to allow for a school bus entry/exit to the facility for before and after school care. Supervisor

Board of Supervisors Public Hearing Minutes – January 28, 2025

Zmuda shared additional concerns relating to the overall safety of the outdoor play area. Mr. Heigel responded by offering to research further options. Mr. Heigel confirmed they have not completed a traffic study at this point in the process. Supervisor Zmuda requested further review of issues relating to pedestrian traffic. Supervisor Giovanniello asked about the anticipated 4' fence height. Mr. Hollowell confirmed the play area currently has a fence presented with a height of 6' in their application.

Chairwoman Nutt confirmed the Board of Supervisors will have an opportunity to further review any issues again during the land development review.

Solicitor Armstrong noted that the Board has 45 days to issue a written decision and confirmed that this is not a land development application and that the applicants, if approved, will need to return with a land development plan.

After confirming no public comment, Solicitor Armstrong closed the public hearing.

VISITOR/PUBLIC COMMENTS

No comments

ADJOURNMENT

Chairwoman Nutt closed the hearing at 6:34 p.m.

SUBMITTED BY:

Michael P. Corado, Secretary