



TOWNSHIP OF DERRY

Board of Supervisors Public Hearing Minutes
Tuesday, June 25, 2024

CALL TO ORDER

Vice Chairwoman Nutt called the June 25, 2024, Public Hearing of the Township of Derry Board of Supervisors to order at 6:06 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 minutes. A role call was performed. Chairman Abruzzo was absent with excuse.

ROLL CALL

SUPERVISORS PRESENT:

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

ALSO PRESENT:

Christopher S. Christman, Township Manager
Patrick Armstrong, Township Solicitor
Chuck Emerick, Director of Community Development
Lynn Dawson, Recording Secretary
Maria O'Donnell, Stenographer

ABSENT:

E. Christopher Abruzzo, Chairman

Public in Attendance:

Craig Smith, Bryan Holt, Eric Holt, Barry Buck

NEW BUSINESS

Public hearing regarding Conditional Use Application No. 2024-03, as filed by Creekview Lawn and Landscapes, LLC, regarding establishing a landscape and garden center use on the property located at 970 Bullfrog Valley Road

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 is concluded, unless an extension of time is granted by the applicant. After the hearing is closed this evening, a decision will need to be rendered no later than August 9, 2024, keeping in mind that your closest regular meeting to that date is July 23, 2024. Staff and legal counsel will prepare a written decision to approve or deny the application as the Board directs.

-

INTRODUCTION

Vice Chairwoman Nutt introduced the hearing and requested Solicitor Armstrong to update the Board of Supervisors. Solicitor Armstrong stated the Public Hearing has been advertised and is open and is an application for a proposed use located at 970 Bullfrog Valley Road, Parcel No. 24-057-149, in the R-1 zoning district with the 012 zone overlay. The application is for a landscaping gardening center. Solicitor Armstrong confirmed the applicant was present for the public hearing and is represented by Craig Smith, RGS Associates. Solicitor Armstrong asked those present at the public hearing if anyone

Board of Supervisors Public Hearing Minutes – June 25, 2024

else needed to request party status and did not receive a request for party status.

Solicitor Armstrong entered the following exhibits into the record:

- Board 1: copy of the two-page conditional use application, dated May 7, 2024
- Board 2: two pages from RGS Associates showing the sketch plan and existing conditions of the property
- Board 3: depictions of the proposed use and facility of the conditional use application
- Board 4: copy of Exhibit A, conditional use narrative for Creekview Lawn and Landscapes, dated May 7, 2024
- Board 5: copy of the notice of public hearing
- Board 6: copy of the June 7, 2024, correspondence regarding the planning commission's recommendation to Creekview Lawn & Landscaping, LLC
- Board 7: document listing the abutting properties
- Board 8: proof of publication relating to the public hearing
- Board 9: photographs depicting the notice of the public hearing posted at the property
- Board 10: copy of the zoning hearing board decision, dated October 11, 2023

Stenographer Maria O'Donnell swore in Craig Smith, with RGS Associates and Bryan Holt. Craig Smith, RGS Associates, reviewed the conditional use relating to the property, stating approximately half of the land is comprised of a wooded and wetland area, with the other half of the property open and already developed, with their intent to not disturb or change the wooded or wetland area of the property. The proposal includes an 8,000 square foot building, parking spaces along the south side of the property, storage bins, and an access point along Bullfrog Valley Road which will be in a similar location as the current access point. Mr. Smith stated Creekview Lawn & Landscaping currently has a site on Chocolate Avenue and the plan will be to move to this location in the future, with ten employees working out of this location. Mr. Smith stated there will be an opportunity for retail to occur at the property, as permitted by the ordinance, for customer purchase of material such as mulch. A review was completed of hardscaping and landscaping planned for the property.

Mr. Smith reviewed the application in further detail, specifically section 225-501.15, A-F:

A) All vehicles and equipment associated with the business shall be parked in an enclosed building, or to the rear of the building, or screened from view by a fence or hedge row during off business hours.

B) Pick-up and receiving (loading and unloading) areas shall contain an all-weather, dust free surface.

C) Pick-up and receiving areas shall be located behind the front face of the building and otherwise compliant with the setbacks and screening of the underlying zoning district.

- Mr. Smith added that they did receive two variances for this proposal, one for the 50-foot setback, which was necessary for the circulation to occur. The additional variance was for the storage bins, technically needs to be set back 50 feet and with the combination of the two, received a waiver of a 30-foot setback.

D) Fenced-in areas shall contain a non-chain link variety fence complying with 225-407.

E) Outdoor storage of product and material is specifically permitted as a part of a non-retail or retail landscaping & garden center; however these areas shall be screened with a Class 1 or Class 2 landscape

Board of Supervisors Public Hearing Minutes – June 25, 2024

buffer from public roads and adjacent residential uses.

F) When located within the R-1 zoning district, landscaping and garden centers shall only be permitted in the Sand Hill Road (O12) Overlay. Landscaping and garden centers shall not be permitted within the Active-Adult Community (O14) Overlay of the PCW zoning district. This section applies to both non-retail and retail centers.

Mr. Smith went on to discuss the following criteria for conditional use applications:

- That the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
- That the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
- That 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.
- The use shall meet all other requirements of this Chapter that may apply.

Vice Chairwoman Nutt asked about lighting at the site and how it will impact the neighbors to the property. Mr. Holt confirmed they will have building and parking area lights, all of which will shine light directly down and not spanning the property.

Mr. Holt stated they are unsure as to whether or not they will have a closure type of gate on the property. A traffic pattern discussion was had relating to the neighboring business, Mary's Health and Fitness, and the entrance/exit areas for both businesses, with Mr. Smith confirming they had adequate spacing between the two business entrances. Mr. Smith and Mr. Holt reviewed the neighboring properties and the type of properties of each, as to whether they were business or residential.

Mr. Holt confirmed the loading area will be behind the structure and the parking area will also be in the rear of the property. Supervisor Corado asked questions relating to expansion and growth of the business, with Mr. Holt stating they plan to keep their staffing at the same level moving forward.

Solicitor Armstrong asked what the intent is as far as the retail aspect of the business, with Mr. Holt responding this portion of the business would be solely for material (mulch, aggregate, topsoil, stone, etc.) purchase and pick-up. Mr. Holt shared their future retail business will be 20 – 30% of their overall business, with operation efforts holding the remaining aspect of their business. A general discussion was had relating to parking options for potential retail area for material sales as well as parking locations for employees. The company vehicles will be staged inside the garage and will not be outdoors. Mr. Holt does not have intentions of having vehicles parked outside.

Mr. Holt stated their business hours currently are set as Monday through Friday 7 a.m. to 5 p.m., Saturday 8 a.m. to 2 p.m., and closed on Sunday. He confirmed the only time they would have variable hours would be during the winter months in response to snowstorms and the need for a staging area for snow removal preparation and will have road salt in one of their storage bays.

Mr. Holt confirmed they will not have bulk fuel storage and have offsite yard waste disposal locations. Supervisor Zmuda discussed environmental mitigation efforts planned for the property. Mr. Smith

Board of Supervisors Public Hearing Minutes – June 25, 2024

shared details of stormwater management and an underwater arch system planned, with a permanent filtration system. Supervisor Zmuda followed up as far as pollutants. Mr. Smith stated this was something to think about and address.

Mr. Holt discussed the firewood aspect of their business and the processor they use, confirming this would be during business hours, in the winter months. He explained their firewood business, with the logs being delivered by a tri-axle truck, approximately ten deliveries throughout the year, with all logs being processed with their processor to be sold as split firewood. This process is completed once or twice a week, during the winter months, for approximately four to five hours each time. He stated this work is completed fully outside, with the process currently being completed at the Bullfrog Valley Road property, for the past approximate 12 months. Solicitor Armstrong asked if this process was discussed with the Township at this point, as it is more of a processing task being completed on the property. Mr. Holt stated during the winter months, their business is made up of 80% snow removal and 20% firewood sales.

Solicitor Armstrong confirmed that the Board of Supervisors did not have any further questions or comments and closed the hearing. Solicitor Armstrong noted that the Board has 45 days to issue a written decision.

VISITOR/PUBLIC COMMENTS

No comments.

ADJOURNMENT

Vice Chairwoman Nutt closed the hearing at 7:01 p.m.

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary