

Conditional; Use Request  
Highlands Day Care Center  
March 15, 2017

V. Ch. Heasley called the Hearing to order at 7:30 P.M.

Commissioners Lilly, Heasley, Bergstrom and Dizard responded to roll call. Commissioner Poston was absent.

Solicitor Emily J. Mueller was present.

The court reporter was also present.

Solicitor Mueller said the applicant can speak first and advise of their plans and anyone who might have something to say should stand and be sworn by the court reporter.

Several citizens were sworn in.

Solicitor Mueller said she would like to admit certain documents pertaining to the case as evidence.

Marissa Colledge represented Highlands Area Day Care Center. She said she is the director of the day care, but once they move it will no longer be the same name. She said they have 53 kids and there is no other building in the Township that meets their needs.

Mrs. Bergstrom asked about the traffic flow during drop off and pick up of children.

Ms. Colledge said the DPH has procedures they follow when the parent parks the car, brings the child in and the reverse when the day is over. She said that staff will assist if necessary such as if the person has more than one child to bring to the center.

Mrs. Bergstrom asked how many kids would be dropped off at a time.

Ms. Colledge said the maximum would be four at the most.

V. Ch. Heasley asked about the recreational facilities.

Ms. Colledge said the State allows for indoor or outdoor motor activities and they do not have outdoor facilities where they are now.

Mrs. Bergstrom said from attending the Planning Commission meeting we found that our ordinance does not meet the current requirements that the State has.

V. Ch. Heasley asked what is the highest number of children that would be there are one time.

Ms. Colledge said about 20. She said they have school age kids who come then go to school and may come back after school which is about 8 to ten. She said they're open from 6:30 A.M. to 6:00 P.M.

Solicitor Mueller asked what licensing they need to operate and if they have it.

Ms. Colledge said they are approved by the State and the only thing they need now is the occupancy permit from the Township.

Mrs. Bergstrom asked can we approve the conditional use based on the fact that licensing is in place.

Mr. Dizard asked if the State knows of the plans to move to a different location.

Ms. Colledge said they're fully aware of the loans and it is approved.

Solicitor Mueller asked how many people are on staff and Ms. Colledge advised there are eight.

Solicitor Mueller asked if they have the resumes that are required by our ordinance and the background checks and child abuse history.

Ms. Colledge said that is required by the State and they have them.

Solicitor asked the age of the children they care for and Ms. Colledge said they are 6 weeks to 12 years of age.

Solicitor Mueller asked Ms. Colledge to explain the type of care they get at the center.

Ms. Colledge said they are fed breakfast which is provided by the parents then go to the individual rooms by age group. They have some learning time, then play time, lunch, a nap and a snack.

Solicitor asked the number of staff provided for each group.

Ms. Colledge said the ratio is 1-4 for babies, 1-5 for tots and 1-6 for toddlers. The ratio for school age is 1-12.

V.CH. Heasley asked if buses would be dropping off and picking u kids there.

Ms. Colledge said they would from the northbound side of the building and Joe Kolek, owner of the building, said they can go either north or southbound.

V. CH. Heasley said the reason for that question is that area is bad for sight line and traffic accidents.

Mr. Kolek said there haven't been accidents since the Township closed Ross Street to one way traffic only.

V. Ch. Heasley suggested that they come in northbound and go out southbound just for safety. He said coming and going out both northbound is where it is hard to see the oncoming traffic.

Mrs. Bergstrom said we would not want buses dropping off on the highway.

Ms. Colledge said the smaller buses will drop off on the property and the larger bus will have to stop on Ross Street which will cause a slight delay for other traffic until the kids are safely on or off the bus.

Mr. Dizard asked if staff is there to assist. Ms. Colledge said they always do so.

Nathan Lutz said there are always 2 or 3 staff members to help with the kids. He said right now they have to walk quite a distance then up to the 3<sup>rd</sup> floor of the current building. He said the alley has never been salted or plowed.

Solicitor Mueller said the site has 32 parking spaces and asked if that included parking for staff.

Ms. Colledge said the staff will park across the street.

Solicitor Mueller said another matter is a method to handle complaints by neighbors.

Ms. Colledge said they have never had any, and Solicitor Mueller said that is part of the conditional use request proves.

Mr. Kolek said he is the landlord and owns both properties.

Ms. Colledge said they can provide a plan for handling complaints.

Mr. Dizard said the current site has access off an alley and is on the third floor. The new site would have an elevator and is on the second floor.

Ms. Colledge said they have a child in a wheelchair now and they have to carry the child to the class.

Mr. Lutz said he is well aware of the steps, there are 42, and he has to carry a baby in a carrier up them every day.

Mrs. Bergstrom said if this is grant who are we granting the conditional use to?

Ms. Colledge said the new place would be called Highlands Child Care Center, since Highlands Area Day Care Center is closing.

Mr. Dizard said the application is in the name of the current owner and what happens since the new center will have a different name?

Ms. Colledge said the State is fully aware of the situation and they can close them down completely or the center can open up illegally until it is certified. She said they can have the necessary inspection with or without the kids there and it is a full inspection of everything if there are children using the facility.

Mr. Dizard said he knows the center and knows the kids and would hate to see the loss of a day care facility. He said there are not a lot of options available for daycare.

Mr. Dizard asked about the legality of issuing the use to one owner and then the actual new use by another name.

Ms. Colledge said that Highlands Area Day Care Center is closing March 31, 2017. She said they had hoped to start the new facility April 1, or actually the 3<sup>rd</sup> of April. She said most other day care centers are now full.

V. Ch. Heasley asked the capacity in number of children.

Ms. Colledge said they are permitted to have 69 at one time now but the capacity is less at the new location.

Mr. Dizard asked if we grant the conditional use can they go forward right away.

Solicitor Mueller said if that occurs they will have a letter tomorrow indicating the conditions to be met and the approval contingent upon meeting those conditions. She said they can start as soon as they documents are provided.

Theodora Durani from the day care center asked why the ordinance requires resumes?

Solicitor advised that is what is called for in our ordinance so that provision has to be met at this time. She said that the background checks are also required under our ordinance.

Barb Flaherty in the audience questions that, saying that anyone can state anything in their resume. The Township didn't have to have mine when I worked at Macy's.

Solicitor Mueller reiterated that it is a requirement of the ordinance and therefore, we have to receive them.

Ronald Banks said if the ordinance is out of date how you can make them meet these requirements.

Mr. Dizard said the Zoning Hearing Board heard the variance requests and awarded same or granted the variance based in deferring to the State requirements.

The Solicitor said we have to proceed with the ordinance as it stands, and that it is the same everywhere. The State and Federal and local requirements almost never take the same course.

Mr. Dizard said we will try to address that.

John Bua said what if it is approved and then traffic is a problem does the Township evoke the conditional use?

Solicitor Mueller said only certain issues were before the Zoning Board and they approved them, and procedures for loading and unloading seem to be in place.

She said if the Board feels they are sufficient they can approve the conditional use.

V. Ch. Heasley said they would work with the center to try to solve any traffic issues if they occur. He said they meet the conditions otherwise as stated.

Mr. Bua said his concern was for morning and afternoon traffic in that area.

Ms. Flaherty said she has been taking her daughter to the center since she was 6 weeks old and she is three now. She said the most she has ever seen is one or two other parents bringing their children and does not see how traffic will be a problem. She does not see the issue here. MS. Flaherty said she is concerned that the day care will be closed and she knows that the kids are well taken care of there. She said it would be a problem for the entire family and other families who could not find day care.

V. Ch. Heasley said we are not challenging the effectiveness of the day care

He said he was the traffic director at Highlands for a number of years and issues changed year to year and they sat down and found solutions for them. The bottom line is safety.

Mr. Bua said he is not trying to hinder the day care but is concerned for the safety of the children.

Solicitor Mueller said the conditional use would not be revoked if we found traffic problems and they would be worked out. She said the Township could issue an enforcement notice if the matter was not resolved in the case that it would occur.

Solicitor Mueller said as long as the operation meets the conditions of the ordinance it would be okay.

Lisa Necheff said her son John Svitek who is an officer here went to that day care with Marissa! She said his child goes there now and she knows the drop off is spread out.

V. Ch. Heasley said if there is a problem we will put John on it.

**Mrs. Necheff said it is a quality daycare center and if there is a problem she knows they would correct it.**

**Mr. Dizard said the approval would be conditioned upon the ordinance and moved to grant the request.**

**Mrs. Bergstrom seconded the motion.**

**Solicitor Mueller said they can provide the required documents with social security numbers redacted and if the State's letter shows that they are in full compliance that should be sufficient to meet the ordinance requirements.**

**Ms. Colledge said the State's approval is proof that they meet their requirements or they would not get it.**

**Motion carried by unanimous vote.**

**V. Chairman Heasley wished them good luck and closed the hearing.**

**Mr. Dizard asked about making a motion to review the zoning ordinance in this respect and Ms. Bergstrom and V. CH. Heasley both recommended doing it at a Board meeting.**

**Hearing adjourned at 8:10 P.M.**

**Faith A. Payne, Executive Secretary**