

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
JUNE 25, 2019

CALL TO ORDER

Chairwoman Susan Cort called the June 25, 2019 Public Hearing of the Township of Derry Board of Supervisors to order at 6:03 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
Marc A. Moyer
Matthew A. Weir

ALSO PRESENT:

Christopher Christman, Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Linda Eyer, 2321 Raleigh Road, Dan Dalton, Hershey Hatchets, Inc., Tony Santensaria, 1334 Penn Avenue, Chelsea Fratelli, 59 Mill Road, Dennis Trout, 2010 Locust Lane, Rich Gamble, 39 Hockersville Road, and Tracy Brown, 319 Park Avenue.

INTRODUCTION:

Chairwoman Cort noted that this is a public hearing regarding Conditional Use Application 2019-02 as filed by Hershey Hatchet, Inc., regarding a portion of the property located at 515 Rear West Chocolate Avenue.

Mr. Emerick stated this application was filed by Hershey Hatchets, Inc., who is intending to operate a recreational facility under the name of Stumpyø Hatchet House which is a franchise. The applicant has proposed that their use is similar to an øExercise and Fitness Centerö which is defined in the Ordinance as øA business establishment where patrons use weights, machines, or other such equipment or floor space for the purpose of physical exercise and/or wellness. Exercise and fitness centers may include health spas and concession stands.ö

In this case, for uses similar to uses permitted, below are the requirements:

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.
2. The use may not substantially injure or detract from the lawful existing or permitted use of other properties.
3. The proposed use shall not generate noise or traffic in excess of other by-right uses permitted in the district.
4. The proposed use shall not generate sewer or water usages in excess of other by-right uses permitted in the district.
5. The net density shall not exceed that which is permissible for the Zoning District in which it is proposed. This is not applicable.
6. In zoning districts where residential uses are permitted, parking and site circulation shall be designed to be residential in scale and appearance. This is not applicable.
7. One shade tree per 8 required parking spaces shall be designed and constructed as part of the development.

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Additionally, there are general requirements to be met by applicants seeking a Conditional Use authorization, as follows:

1. The use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
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.

The applicant has noted that Menø Heath, Menø Journal, and Self Magazine all consider hatchet throwing as a form of fitness and exercise. Understanding that the Township promotes mixed-use buildings, this unusual use could more likely support and complement other uses in the neighborhood, rather than detract from them. There is no indication in the material provided that would show unusual use or excessive demand to the roadway system. He doesnø believe this will cause an issue with traffic as the applicant has indicated that they would have a full capacity of 63 patrons with 35 parking spaces. The Board of Supervisors is required to render a written decision within 40 days. I have listed consideration of adoption of the Decision as an item on the Boardø regular meeting agenda for tonight.

Mr. Dan Dalton, Hershey Hatchet, spoke about the franchise and being excited to bring it to Hershey. He spoke about how it will be a social hit to the downtown. He stated the hours would be Wednesday, Thursday and Sunday from noon to 10:00 p.m. and open late Friday and Saturday till midnight. He stated there would be 10 pits with several available additional pits for parties and private events. Each session will be 1-2 hours with up to 8 people per pit. Participants must be over the age of 21. He stated safety is paramount and there is zero tolerance for horse play and intoxication. He spoke about training and the throwing coaches who man the pits. He stated it is BYOB and everyone is checked at the entrance. There is full surveillance in facility. He stated reservations are done online and they do accept walk-ins.

Chairwoman Cort asked who watches for the alcohol issues. Mr. Dalton stated the throwing coaches are trained for these issues. She asked about traffic with other tenants. Mr. Emerick spoke about reviewing any traffic issues when there are 100 trips and a traffic study.

Supervisor Zmuda asked the benefit for them to apply under Part 40 for this use and if this is an amusement. Mr. Emerick stated applying under Part 40 allows for conditions to be assigned to it which he has attached with the decision. He stated this is not amusement but fitness, so it is not under the amusement tax. He stated if it was amusement, it wouldnø be permitted in this district. Supervisor Weir asked if hatchets go out of style will it go to knives. Mr. Dalton spoke about the popularity of this and how there are 20 franchises in Canada. Mr. Emerick stated if there are any changes to the original use, it would need to be applied for through the Township. Vice Chairman Engle thinks this is a great use for the property and it is good exercise.

PUBLIC COMMENTS:

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Mr. Rich Gamble, 39 Hockersville Road, is concerned about the BYOB. He is concerned if something went bad and got physical. He asked why you need alcohol for this. He thinks hatchets are okay but not with alcohol. He recognized accidents happen and when you mix booze and weapons, it can happen.

Mr. Dalton appreciates his concerns and noted that there hasn't been a reportable injury since it started in 2015. He has been to several franchises and it is about having the right staff in place to monitor it. He stated they check and inspect the alcohol when they come in and they limit what can be brought in and they can't go outside and bring it back inside. Once it is in there, it is in there he said.

ADJOURNMENT:

Vice Chairman Engle made a motion to close the Public Hearing at 6:21 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Richard D. Zmuda
Township Secretary