



TOWNSHIP OF DERRY

Board of Supervisors Public Hearing Minutes
Tuesday, January 23, 2024

CALL TO ORDER

Chairman Abruzzo called the January 23, 2024 Public Hearing of the Township of Derry Board of Supervisors to order at 6:07 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. Supervisor Corado attended the Hearing via phone.

ROLL CALL

SUPERVISORS PRESENT:

E. Christopher Abruzzo, Chairman
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
Julie Echterling, Recording Secretary
David Habig, Assistant Director of Community Development
Maria O'Donnell, Stenographer

Public in Attendance:

Scott Green, Mary Driscoll, Andy and Dan Driscoll, Sarah Alexander, Andy Billingsley, Will Driscoll, Kate Driscoll, Alicia Shulz, Lexi Shulz, Jovie Waver, Tara Valoczki, Tyler Valoczki

NEW BUSINESS

Public hearing regarding Conditional Use Application No. 2023-03, as filed by Mary Driscoll, amending previously approved Conditional Use Application No. 2022-04 regarding the property located at 981 Bullfrog Valley Road

Chairman Abruzzo introduced the Conditional Use Application 2023-03 as filed by Mary Driscoll, amending previously approved Conditional Use Application 2022-04 regarding the property located at 981 Bullfrog Valley Road.

Mr. Emerick spoke about the previous approved conditional use application for Mary Driscoll. He noted there were two conditions she is looking to modify. Below are two of the conditions:

The hours of operation for the proposed use shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturday. The facility shall be closed on Sundays.
K. The proposed use shall be limited to one-on-one training, small group training not to exceed a 1 trainer/instructor to 6 clients ratio, ACL recovery programs, physical therapy, a 'return to play after injury' program, sports psychology, a nutritionist, a Sportsmetrics™ Injury Prevention Program, and space rental for small group instructional clinics not to exceed 12 clients. No other activities, events and/or uses shall be permitted as part of the proposed use on the Property.

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He noted the Derry Township Planning Commission, at their January meeting, recommended that the conditional use application be granted subject to the conditions listed in the agenda item.

Solicitor Armstrong noted this was a Public Hearing for the property located at 981 Bullfrog Valley Road, parcel number 24-057-094. He asked if anyone was requesting party status, and no one requested party status. He entered into evidence the following exhibits:

Board #1=Copy of the 12/4/2023 Conditional Use Application

Board #2 =Notice of Public Hearing

Board #3=Two photographs showing the property was posted.

Board #4=Abutting property owner's notification

Board #5=Proof of Publication

Board #6=Derry Township Planning Commission January 9, 2024 Minutes

Board #7=Copy of the previous decision.

He asked if there were any objections to these exhibits being entered. There were no objections. He read the requirements of Section 225-501-40 related to 'uses similar to those permitted by right' that the original application was approved under.

Attorney Scott Grenoble, Attorney for Mary Driscoll, spoke about Mary's vision for the Center but that she did not have a full understanding of the decision and how it would affect her business. Her main focus is training. He spoke of her facility as a place for Township kids to train. He noted the Planning Commission was concerned about tournaments and he stated that has never been her intention. Her facility is not for spectators but for training. He noted the concerns about parking along Bullfrog Valley Road. This can be dealt with no parking signs with the expansion of hours. This will help with traffic flow. She will stagger her training and keep in mind the school and work traffic schedules.

Mrs. Mary Driscoll was sworn in by Stenographer O'Donnell. She spoke of expanding her hours from 5 a.m. to 10 p.m., 7 days a week. This would allow students to train prior to school. She spoke of not setting a specific number of clients so they can have 12 clinics going in their 28,000 square foot building. There are no plans for competition or tournaments, only for training. She spoke of a misunderstanding of the conditional uses on the previous approval and how it would impact her business.

Chairman Abruzzo spoke about the previous approval and that the Board understood her request and was concerned about the neighborhood that her facility is located. Attorney Grenoble stated the misunderstanding was between Mrs. Driscoll and her engineer, not the Board. Vice Chairwoman Nutt stated they came up with the conditions for the the last application based on her testimony. She spoke about the concerns they have with traffic as this is not an industrial area. She spoke about concerns with kids wanting to drive and running across the street to park in the dark on this busy street, based on the number of parking spaces in the lot. Mrs. Driscoll stated the public is not allowed in the facility and that she controls the parking with the schedule and will not allow them to park on the street. Vice Chairwoman Nutt asked for confirmation that there would be no tournaments. Attorney Grenoble stated there would not be. Mrs. Driscoll answered Supervisor Zmuda's question about enforcement. She stated that she would have people in the parking lot to monitor traffic. Attorney Grenoble noted that there are conditions written in the contract signed by those coming for training. She noted she has had no issues with her neighbors.

Chairman Abruzzo is concerned with the additional use being asked for in this application. He is

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specifically concerned with the number of people with the extended hours. He noted the facility could be sold and if restrictions are not put into this decision, tournaments and such could be held. Solicitor Armstrong went over the conditions she is asking for. They are requesting a change in the hours and number of clients. Discussion ensued about parking, traffic study, limiting the number of people in the facility at one time, and parking. Chairman Abruzzo asked them to suggest language about traffic, number of people training, and hours to meet her needs and the Board's concerns. Attorney Grenoble stated he would talk with Solicitor Armstrong.

VISITOR/PUBLIC COMMENTS

There were no public comments offered.

ADJOURNMENT

The hearing adjourned at 7:04 p.m.

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary