

**DERRY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
September 2, 2014**

CALL TO ORDER

The Tuesday, September 2, 2014 Derry Township Planning Commission meeting was called to order at 6:03 p.m. in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA, by Chairman Matt Tunnell.

ROLL CALL

Commission Members Present: Matt Tunnell, Chairman; Joyce St. John, Vice Chairwoman; Ned Wehler

Commission Members Absent: Glenn Rowe, Secretary; Gregg Mangione

Also Present: Chuck Emerick, Director of Community Development; Diane Krug, Dauphin County Planning Commission representative; Jenelle Stumpf, Community Development Secretary

Public Registering Attendance: A. J. Troncelliti, Christian Maldonado – Jiffy Lube; Cate Wagner, Strokoff and Cowden; Matt Weir, Church Road; Charles Huth, *The Sun*; Amy Harrod

APPROVAL OF MINUTES

On a motion made by Member Wehler and seconded by Vice Chairwoman St. John, the Planning Commission unanimously approved the minutes of the August 5, 2014 meeting as written.

OLD BUSINESS

- A. Report of the Board of Supervisors' action regarding the adoption of Ordinance No. 649 to amend Chapter 225 (Zoning) of the Code of the Township of Derry by changing the zoning classification of certain parcels of land located along the west side of Sand Hill Road from a Neighborhood Commercial classification to a Suburban Residential classification**

Mr. Emerick stated that the Board of Supervisors held a hearing and considered adoption, but no action was taken. There was a motion to adopt the ordinance, which died for lack of a second.

- B. Report of the Board of Supervisors' action regarding the Preliminary/Final Land Development Plan for the Pennsylvania State Police Historical, Educational, and Memorial Center, Plat #1241**

Mr. Emerick stated that the Board of Supervisors conditionally approved the plan.

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NEW BUSINESS

A. Review and recommendation of the Preliminary/Final Land Development Plan for Hilton Garden Inn Hershey – Building Addition, Plat #1244

The applicant has requested that the plan be tabled so that they have time to address the review comments.

B. Review and recommendation of Zoning Petition No. 2014-04 as filed by Catherine E. R. Wagner, Esq., on behalf of A. J. Troncelliti, to amend the text of the Zoning Ordinance by adding definitions for ‘Automotive Car Wash Facility’, ‘Automotive Lubrication Facility’, Motor Vehicular Repair Garages’, and ‘Motor Vehicular Sales and Service’

Mr. Emerick explained that in 2006, the Township amended the Zoning Ordinance to include automotive car wash facilities and automotive lubrication facilities as conditional uses within the Neighborhood Commercial zoning district. The ordinance amendment enabled the establishment of Zimmerman’s Rapid Lube and carwash facilities, located behind Turkey Hill on Middletown Road. In April 2013, the owner leased the property to Jiffy Lube, and Jiffy Lube began expanding the services of an automotive lubrication facility to include state inspections. Mr. Emerick, as Zoning Officer, issued a Cease and Desist order, noting that this practice was out of compliance with the Zoning Ordinance because in his opinion, the term ‘automotive lubrication facility’ only includes the core business model of a Jiffy Lube facility. Mr. Emerick noted that the 2006 ordinance amendment did not contain a definition for ‘automotive lubrication facilities.’ Jiffy Lube appealed Mr. Emerick’s determination to the Derry Township Zoning Hearing Board and the Zoning Hearing Board upheld the determination. Jiffy Lube is now proposing to amend the Zoning Ordinance by adding these four terms and definitions, which would enable them to perform the state inspections. Mr. Emerick stated that he is not necessarily opposed to the idea of Jiffy Lube performing state inspections, as long as that does not transition into automotive repairs and other noisy activities.

Mr. Emerick initially recommended that the zoning amendment not be adopted, due to the information that was submitted with the conditional use request, which stated that one of the requirements of a state inspection is for the vehicle to be driven in a road test. The Zoning Ordinance currently requires that automotive lubrication facilities perform all of their work inside of a building. However, after discussing the matter with the applicant, Mr. Emerick now believes that a conflict would no longer exist if Section 225-123.2.B.(8) of the Zoning Ordinance (which states “*All work must be performed in an enclosed building*”) is revised to include “*with the exception of a road test associated with state inspection.*” Mr. Emerick also recommended that additional language be added to the proposed definition for ‘automotive lubrication facility’ as recommended by the Dauphin County Planning Commission.

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Cate Wagner, attorney, and A. J. Troncelliti, Jiffy Lube franchise owner, represented the petition. Ms. Wagner stated that it is their goal to collaborate with the Township so that there are definitions for the words that require a conditional use application. The definitions are necessary to ensure that future applicants do not have an unfair burden of having to prove that they are not within the realm of the ordinance when the ordinance does not define what the use is.

Vice Chairwoman St. John asked if customers typically come in for an oil change, an inspection, or both. Mr. Troncelliti responded that it is usually both. He estimated that approximately 10 state inspections are performed in a week. Vice Chairwoman St. John asked what a road test entails. Mr. Troncelliti stated that they have to make sure the car stops within 20 feet when driven at 20 mph; that the parking brake works; that the speedometer works, etc. The inspection takes anywhere from 35 minutes to 1 hour. In his experience, the customers always wait at the facility while the inspection is being done.

Chairman Tunnell asked if a customer could drop their vehicle off in morning and come back later to pick it up. Mr. Troncelliti answered yes, as long as they come back the same day, because the Zoning Ordinance does not allow overnight parking. Chairman Tunnell asked what happens if someone does not return the same day – is the vehicle towed? Mr. Troncelliti stated that this happens so infrequently, they do not have a set procedure in place, but they move the vehicle indoors overnight.

Ms. Wagner confirmed that the applicant finds the amendments to the petition that were suggested by Mr. Emerick to be acceptable.

MOTION

On a motion made by Vice Chairwoman St. John, seconded by Member Wehler, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the proposed zoning amendment be adopted, with the addition of the phrase “*provided that no subsequent repairs are performed on site*” to the proposed definition for ‘automotive lubrication facility’ (as recommended by the Dauphin County Planning Commission), and with the addition of language to Section 225-123.2.B.(8) of the Zoning Ordinance regarding a road test for state inspections (as recommended by Chuck Emerick).

C. Review and recommendation of Conditional Use Request No. 2014-01, as filed by Catherine E. R. Wagner, Esq., on behalf of A. J. Troncelliti, to amend a previous conditional use approval for a “quick lube” facility to allow Pennsylvania State inspections to be conducted at the Jiffy Lube located at 1900 Kaylor Road, Hummelstown

Mr. Emerick listed the criteria that an applicant has to meet in order for the Board of Supervisors to grant a conditional use for an automotive lubrication facility. He believes that the applicant meets all of the criteria, with the exception of all of the work being performed within an enclosed building, but as discussed previously, this will be addressed with Zoning Petition No. 2014-04.

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Mr. Emerick asked where vehicles are taken for the road tests. Mr. Troncelliti stated that Middletown Road is more than sufficient. The access drive in between Turkey Hill and Jiffy Lube would also work. Mr. Troncelliti stated that he is amenable to having a stipulation added to the conditional use approval that the road test has to occur within the private commercial connector roads. Mr. Emerick commented that he is no longer concerned with additional traffic impact from the road tests since they will be performed on the access drive and not on a public road.

MOTION

On a motion made by Member Wehler, seconded by Vice Chairwoman St. John, and a unanimous vote, the Planning Commission made a recommendation to the Board of Supervisors that the conditional use request be approved, with the stipulations that road tests associated with state inspections are conducted on the private road adjacent to Jiffy Lube, and that the Zoning Ordinance amendment represented by Zoning Petition No. 2014-04 (as amended) is adopted.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairwoman St. John, seconded by Member Wehler, and a unanimous vote, the meeting adjourned at 6:34 p.m.

Respectfully submitted,

Glenn Rowe
Secretary

Submitted by:

Jenelle Stumpf
Community Development Secretary