

TOWNSHIP OF DERRY BOARD OF SUPERVISORS

PUBLIC HEARING

Tuesday, September 27, 2011

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The September 27, 2011 Public Hearing of the Township of Derry Board of Supervisors was called to order at 6:00 p.m. by Vice-Chairman Kelly C. Fedeli.

Vice-Chairman Fedeli advised that all public meetings are recorded for providing accurate minutes.

ROLL CALL

E. Christopher Abruzzo, Chairman
Sandy A. Ballard
Kelly C. Fedeli, Vice-Chairman
Marc A. Moyer, Secretary
Todd Pagliarulo

Chairman Abruzzo was excused from the public hearing. Supervisor Moyer joined the Public Hearing at 6:15 p.m. All other Board members were present.

Also Present:

Charles Emerick – Assistant Director of Community Development
James N. Negley - Township Manager/Township Treasurer
Jon Yost – Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Suzanne Hoffer, Mike LaCesa, Brian Soyka, Ron Lucas, Nidia Werner, Patricia Hoffman, Nancy Nye, John M., Carol Manning, Mary Feith, Ray Feith, Don Garlin, Kim Smith, Tonya Kroshinsky, Sal Lando, Bill G., Dennis Trout, Donald Prowell, Jane Rickirt, Dorothy Nagle, Howard Andrews, John Ruths, Susan Finger, Jody Walter, Matt Weir, Deborah Litz, Art Brown, Becky Lengenich, C. S., Mark Shade, John Foley, Joanna F., David Phelps

NEW BUSINESS:

Public Hearing regarding Conditional Use Request No. 2011-01, as filed by Southside Community Partners, LP and Sheetz, Inc.

The purpose of the hearing is to receive public testimony regarding property located at the northeast corner of the intersection of Middletown Road and Stoverdale Road, addressed as 777 Middletown Road. The applicants request that a Conditional Use authorization be granted under the provisions of Chapter 225 (Zoning), Section 225-123.1 of the Derry Township Code of Ordinances to permit the establishment of an automotive car wash facility.

Vice-Chairman Fedeli announced that this is not a public hearing regarding Sheetz convenience store, but a hearing regarding a proposed car wash that is to be built on the property.

Ronald M. Lucas, Attorney at Law – Mr. Lucas introduced three witnesses on behalf of this Conditional Use request. Michael LaCesa, Director of Real Estate for Sheetz, Brian K Soyka, Engineering/Permits Manager for Sheetz, and Suzanne R. Hoffer, President of HB Engineering, Inc.

The following was presented by Mr. Lucas, Mr. LaCesa and Mr. Soyka. Mr. LaCesa is responsible for finding areas to open Sheetz stores and Mr. Soyka is responsible for assessing properties to get the sights developed and permitted. The Board was provided with a book containing exhibits involving this Request.

- Sheetz has 406 stores in six states. Of the 406 stores, 92 have car washes.
- The property is zoned Neighborhood Commercial which automotive car washes may be permitted as a conditional use if approved by the Board.
- The car wash proposed is a single bay, touch free car wash.
- Entrance to the car wash is off of Middletown and Stoverdale Roads.
- Exit towards Middletown Road.
- Vacuum cleaner is located on the backside of the building away from the residential area.
- Received "will serve" letters from the public utilities acknowledging they have the capacity and will serve the facility.
- The proposed detention basin is for the store itself. The car wash will be connected to this basin. There will be no separate discharge from the car wash. The water will be recycled and the process was explained.
- They will meet all requirements of the standards in the zoning ordinance.
- No overnight parked vehicles associated with the car wash.
- No storage of inoperable vehicles or equipment and materials.
- Car wash is more than 200 feet from nearest dwelling.
- The wash cycle was explained and included that while the wash cycle is occurring both doors are closed which will eliminate any noise to the residential area.
- The initial lighting design will consists of two wall packs outside above the doors and lighting inside the car wash.
- Of the 92 Sheetz car washes, they found it did not result in a lot of extra traffic and generated little or no new trips. It only added to the options offered by Sheetz. PennDOT and other municipalities agree with these findings.
- There will be no adverse affect on the residents of the community.
- Car wash will have no impact on existing public improvements. It will be part of the development of Sheetz.

Suzanne R. Hoffer, 443 Hershey Road, Hummelstown PA, President of HB Engineering, Inc. Ms. Hoffer's experience lies with traffic engineering for the past 12-13 years. She has prepared traffic studies and designs. She is familiar with this property and the proposed car wash. After extensive review, she does not anticipate a significant impact with the small number of trips to the car wash.

Supervisor Moyer asked Ms. Hoffer if she ever tried to pull out of Middletown Road at that area especially at peak hours. Ms. Hoffer acknowledged that it is very difficult. She is in the middle of preparing a traffic study to come up with ideas to fix that area.

Supervisor Pagliarulo asked if this Conditional Use met all 11 standards of Ordinance No. 554, Section 3. Mr. Lucas said the car wash itself does not cause an impact.

Vice-Chairman Fedeli asked Mr. Soyka for the specifics on the detention basin. Mr. Soyka will provide detail to Ms. Fedeli.

Supervisor Moyer said what he understands Mr. Soyka is saying is that the car wash will be an ancillary use for existing consumers at the Sheetz and it will not generate any more traffic into the site. Mr. Soyka said in most cases they have found that the customers are already at the store. There are some customers coming on just for the car wash, but we do not have a determined number.

Mr. Soyka stated that the existing stormwater management arrangements will sufficiently discharge any flow of water. It will be handled within the design of the convenient store.

Public Comment:

Nidia Werner, 606 Stover Court – Ms. Werner said she lives directly across from Middletown Road. She asked why they chose a residential area located only .4 miles away from an existing car wash. Do you realize the traffic impact on Middletown Road?

Mr. LaCesa said they were aware of a Turkey Hill down the street when they selected the sight. This sight meets a lot of criteria that we look for and it is zoned for our type of use. Mr. Lucas added that it is zoned neighborhood commercial and a car wash is already a permitted use by a conditional use.

Ms. Hoffer is working on a traffic study and will look at the impact the requested car wash may have.

Patricia Hoffman 603 Stover Court – Ms. Hoffman also lives directly across from the proposed sight. She expressed concern with the traffic impact.

Ray Feith, 673 Stover Court – Mr. Feith is concerned with the safety of residents when pulling out of Stover Court going left to Middletown or coming from Middletown and trying to turn into Deer Run. He said this project will greatly increase the number of people.

Don Garland, 653 Stover Court – Mr. Garland said his biggest concern is coming out of the car wash to turn right because you can't turn left. He asked if you can turn left when you enter Sheetz off of Stoverdale Road. Mr. LaCesa said that you could.

Mr. Garland is also concerned with the runoff of the water. Mr. LaCesa said the water goes into their sanitary system.

Matthew Weir, Church Road – Mr. Weir asked Mr. Emerick how many times we have conditional uses presented to the Board before land development plans. Mr. Emerick said it is a typical process for a conditional use to be presented before a land development approval.

Don Prowell, 538 Farmhouse Lane – He asked the Board how they would like to live at the entrance to Deer Run Development.

Dale Holt, 2079 Southpoint Drive – Mr. Holt is the current president of Deer Run Home Association. He said after living here for six years he is concerned there is no vision. It is the responsibility of the Board to consider if this development meets the community needs and what the impact is to the existing community. The Township needs to have a plan and vision. It has to be far reaching and not just a patchwork of approvals. Regarding the recent construction of 422, there was an opportunity to have a pedestrian bridge that would have elevated pedestrian and bicycle traffic. But that did not happen. The Board needs to think of ways things could be done. Is it desirable? Is it needed? What are the potential benefits? What are the impacts? We don't want our community to be like every where else.

Becky Lengerich, 917 Muirfield Drive, Hummelstown – Ms. Lengerich is concerned about the water going into our sanitary sewer section. She thinks we are already to capacity. This proposed car wash is a great concern. What are we giving up to put a car wash in? The area could be a planting bed to absorb some of the water. It could be green at the top of the hill instead of counting on the basin. The character of the neighborhood changes by putting in a car wash next to a graveyard and a church. We are already questioning traffic in this area, why do we want to add more. Why would you approve this before you have seen the traffic study?

Howard Andrews, Southpoint Drive – Mr. Andrews said he also objects to the car wash. All of us like and enjoy the Turkey Hill down the street. If this whole plan would move down to where the Exxon was, you would see people welcoming the Sheetz.

Vice-Chairman Fedeli reminded everyone again that this Public Hearing is for the car wash only, not the construction of a Sheetz.

Rich Gamble, Hockersville Road – Mr. Gamble is concerned that our natural watersheds are being taken away. We are going to be in a position where no stormwater drains will assist us.

Ms. Werner said she took her time to answer the recent survey that was sent out regarding the Township. She wondered if from the survey, there was a need expressed from the residents for more car washes.

Supervisor Ballard asked Mike LaCesa if it was his intention to compete with a competitor and perhaps reduce their business since he was aware of the Turkey Hill. Mr. LaCesa said they were aware of their competition, but we did not choose the area because there is a Turkey Hill. There is enough business for both of us.

Supervisor Ballard asked about the noise of the car wash and the vacuums and, if the applicant would consider limiting the use of car washes on Sunday or in the evenings. Mr. LaCesa said the car wash happens inside and the vacuum is located away from the residents. He said you would hear a car going down the road more than you would hear the vacuum.

It was asked if they are offering any other compromises. Mr. LaCesa said the doors will be closed during the wash which is not done at all car washes. The lighting is different so as not to interfere with the residents and the vacuum was located in an area less obtrusive to the residents.

Vice-Chairman Fedeli said the Board is required to render a decision within 45 days. The hearing is closed this evening and a decision rendered no later than November 11th.

ADJOURNMENT

Vice-Chairman Fedeli adjourned the public hearing at 7:20 p.m.

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary