

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of February 26, 2009

Members in Attendance

Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
Richard Freeburn
David Dowling
Gregory Sirb

Also in Attendance

James Turner, Solicitor
Lori Wissler, Planning & Zoning Officer
Jessica Kurtz, Community Development Intern

**Special Exception
#09-01**

Applicant: Triple Crown Corporation

Address: 5351 Jaycee Avenue, Harrisburg PA

Property: 1282 North Mountain Road

Interpretation: A carwash is permitted by Special Exception in the CN, Neighborhood Commercial District. The applicant proposes to operate a carwash.

Grounds: Article 306.B.2 of the Lower Paxton Township Codified Ordinances pertains to this application.

Fees Paid: February 2, 2009

Property Posted: February 17, 2009

Advertisement: Appeared in The Paxton Herald on February 11 & 18, 2009

Mr. Staub stated it is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

The following were sworn in: Mark Coakley, Triple Crown Corporation, 5351 Jaycee Avenue; Mark Tyndale, Carwash Systems, Inc., 7604 Allentown Boulevard; and Lori Wissler, Planning and Zoning Officer. Mr. F. Ric Martzolf, Esquire, was in attendance representing the applicant.

Mr. Martzolf stated that they have submitted a narrative addressing every criterion listed in the ordinance. Mr. Coakley stated they have purchased the property and intend to construct a carwash. The property was a gas station at one time, but has been out of service for quite some time. He presented copies of the existing conditions on the site, the proposed carwash layout, and a computer generated façade, which will face North

Mountain Road. There are two shallow bays which will be self-serve bays, and there are two bays capable of being automatic carwash bays. Initially one will be equipped as an automatic and the other will be a self serve. They plan to convert the second to automatic later on.

Mr. Coakley stated the front will be stone on the lower portion, and split face architectural block on the upper portion, with a high caliber architectural shingled roof. He indicated on the proposed layout plan where the vacuum stalls will be, with the intention that a vehicle can use the vacuums then proceed to the wash bays. The access points and impervious coverage will remain the same.

Mr. Coakley stated that the underground fuel tanks have been removed and the site is in the process of getting certification that the site has been brought to an environmentally acceptable standard. He felt that they have met the requirements for a special exception as laid out in the ordinance.

Ms. Cate asked if the applicant had been before the Zoning Hearing Board previously. Mr. Coakley and Mr. Martzolf did not think the application was before the Board, but noted that the applicant worked on an amendment to the Zoning Ordinance which was approved in November 2008. Mr. Martzolf suggested Sheetz may have come to this Board. Mr. Staub recalled something on this site as well. Mr. Sirb stated they have not held a hearing on this prior to tonight.

Ms. Cate asked about the work being done currently on the site. Mr. Coakley stated that work is the environmental remediation and demolition of the structures.

Mr. Dowling asked about criteria #4, site plan, specifically, buffering requirements. Mr. Coakley stated that the darker green on the proposed conditions plan represents thick tree area, and the light green represents planted grass areas. To the south of the property is an office and to the north is a bank. There is an existing area of thick trees between the property and the ReMax building. The existing grass area will be improved. Mr. Martzolf noted that there is a street tree shown in the required landscape area along Mountain Road.

Mr. Staub asked if the landscaping and planting areas are held to a higher standard for a use granted by special exception. Ms. Wissler stated buffering is required if the property is adjacent to an existing principle dwelling. This property is not adjacent to a residential property, only a bank, an office, and nearby is a school.

Mr. Staub asked if the Zoning Hearing Board was permitted to attach reasonable conditions to its decision. Mr. Dowling agreed that it is permitted under Section 116.D.

Mr. Staub asked if a carwash use requires off-street parking. He noted he did not think it was necessary, but noticed that there are none designated on the plan, except for

the vacuum stalls. Ms. Wissler stated that there must be 6 spaces awaiting entry, plus one space for each vacuum.

Mr. Staub asked if a land development plan will be required. Ms. Wissler answered that they would be required to do a land development plan.

Mr. Staub asked if the Planning Commission reviewed this application. Ms. Wissler stated that they reviewed the application at the February 11, 2009 meeting and advised that they find the application unobjectionable. Specifically, they discussed the regulation of the hours of operation.

Ms. Cate asked about minimum lot requirements. Ms. Wissler stated the minimum is one-half acre if they recycle most of the water, and this site will recycle most of its water.

Mr. Staub asked about the colors depicted. Mr. Coakley noted that the colors will more closely reflect the Triple Crown colors: silver-gray and maroonish-red.

Mr. Freeburn asked if sign variances will be needed. Mr. Coakley answered no.

Mr. Freeburn stated the driveway on the proposed layout looks like it is three cars wide to feed into four bays. Mr. Tyndale stated they bring the traffic off the street in one lane to control the traffic. Some vehicles will turn into the vacuum stalls, and will return to that one lane. Typically, the one-lane width will continue up to the point where the driveway bends to empty into the bays. Mr. Freeburn speculated that more than one lane would be needed to get cars around other cars to get into all four bays. Mr. Tyndale stated that 95% of the year this scenario is 95% adequate. There are about eight days a year, when there is snow and salt, that nothing is adequate for a carwash. The result is that the customers have a longer wait. In the winter, the self-serve bays are only used sporadically, so the primary use is the automatic bays. Mr. Freeburn asked if the driveway is intended to be three cars wide. Mr. Tyndale stated that the layout can be adjusted. Mr. Coakley pointed out that the drawings are not fully engineered plans at this time. The plan will go through the land development process with the Planning Commission and the Board of Supervisors, but they need to first get the use approved. These drawings do not represent the final plan, only the intended use. There will be revisions to the plan, and Mr. Coakley noted they will take all comments and suggestions into consideration. Mr. Tyndale felt that meeting the stacking requirement was a priority, after that, it can be adjusted as needed.

Ms. Cate asked how many cars can be stacked, noting she has been to carwashes where the line ends up out in the roadway. Mr. Tyndale stated there are about eight days a year when that occurs, and those days are getting less frequent, based on the big snow fall days. Experience has shown that people will not wait more than 45 minutes. Once the people realize that it takes too long from a certain point in line, they will see the line

and either go to another carwash or come back at another time. He stated that about three weeks ago, the weather was nice and carwashes were busy, and after about 4-5 cars in line, the other cars wanting in figure out that at seven minutes per car, the wait will be too long so they do not get in line.

Mr. Sirb asked if all the fuel tanks have been removed and if all necessary permits have been obtained. Mr. Coakley stated there are four continuing monitoring wells on the site, being monitored by HRG. The site is at an acceptable level. Monitoring wells are common on any former gas station site. Mr. Sirb was concerned about mixing the previous use with a known contamination, with the proposed use which will recycle water on-site. If that isn't remediated properly, there could be a real problem. Mr. Tyndale stated that the two things do not comingle. The remediation that was required was in the soil. The carwash water is contained, it comes in from public water, and goes out via public sewer. Mr. Tyndale noted that the site did not have any known contamination. Mr. Coakley stated the previous use is a valid concern, and Triple Crown wouldn't have considered the project if it weren't for the carwash system being proposed. Ninety-five percent of the water used is recycled, and the 5% that is not contained does not go into the ground, it goes into the public sewer system.

Mr. Sirb asked about the hours of operation, and if the carwash will automatically turn off. Mr. Tyndale stated that there are multiple ways to shut down the operation. The only thing that may not be turned off is the lights, because of security. Mr. Sirb asked if the carwash will be shut down from 10:00 pm to 7:00 am by a timer. Mr. Tyndale stated that is accomplished by turning off the money acceptors.

Mr. Freeburn asked for an explanation of the recycling. Mr. Tyndale stated there is a 14,000 gallon fiberglass tank that will be in the ground, and a series of pumps. Initially, the tank is filled. There are three chambers in the tank. The system is completely biological, so there are no filters to clean or change, there are no solvents or chemicals used for treatment. Air and nature remove all of the grime and bacteria from the water. The water leaves the carwash bay and goes into a grit separator in the bay. That water overflows into the sludge tank, the first of the three chambers. In that chamber, there are beds of plastic rings with a nutrient (similar to Rid-X used in septic tanks) which feeds the bacteria. The bacteria eats all of the grease, oil and solvents. Those items sink to the bottom, and the processed water flows to the next tank. The second tank aerates the water. Air is the most natural treatment of water to keep algae and dirt and bacteria out. The water then underflows to the third tank which is the freshwater tank, and the water then goes back up to the carwash. Every car gets washed with water from that final tank, and the last pass-through, the rinse, would be public water. The first system like this on the East Coast was done this summer on Briarsdale Road in Lower Paxton Township. The water quality is incredible.

Ms. Cate asked what happens to the sludge. Mr. Tyndale stated the biomass amounts to about a cupful per day, and there is a sump that pumps it into the public sewer

every night. That takes about two minutes. The system originated in Europe where they are very conscientious about water conservation.

Mr. Turner asked if the site is within 250 feet of a residential property. Mr. Coakley stated that two properties to the north are residential uses.

Mr. Staub asked if public water is available. Mr. Coakley stated the water line stops at the CET building. Mr. Staub asked if the water line will have to be run across CET's frontage. Mr. Coakley stated they were not sure at this point, but HRG has told them that the connection point would be in front of the CET property. Ms. Wissler noted that CET and the ReMax building are on the same property. Mr. Tyndale stated that past experience has shown that the water line would be required to front the property, so if there is water on the CET/ReMax site, they would have to run it to the far corner. Mr. Staub stated that if there is no water fronting the subject site, the applicant will be made to front that property with the water line running it to the far corner.

Mr. Staub noted the sidewalk seems peculiar. The northeast corner of sidewalk juts in towards the property, then along the island it is back along the roadway, then the southeast end is back along the property line again. He speculated the Supervisors may ask that that be revised. Mr. Coakley will take the comment into consideration.

There was no comment from the audience regarding this application.

Mr. Freeburn made a motion to grant the special exception as submitted and Mr. Sirb seconded the motion. There was no discussion on the motion. A roll call vote followed: Mr. Freeburn-Aye; Mr. Sirb-Aye; Mr. Dowling-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

Special Exception 09-01 was granted. The hearing ended at 7:40 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary