

HANOVER TOWNSHIP, LEHIGH COUNTY
PLANNING COMMISSION MEETING

October 16, 2012
7:30 P.M.

Present: Bean; D'Ambrosio; Hess; Keim; Paulus; Susan G. Maurer, Esquire;
Frederick W. Hay, P.E.; Sandra A. Pudliner; Vicky Roth

Absent: Baillie; Thomas

Approval of Minutes: January 9, 2012 Reorganization Meeting

Motion: I move we waive the reading of the Minutes of the January 9, 2012
Reorganization Meeting and accept same as presented.

D'Ambrosio, Paulus: Moved and Seconded

Unan.

Correspondence: None.

New Business:

1. A. Duie Pyle Inc. – Petition to Amend the Text of the Zoning Ordinance
(Review and Recommendation)

Attorney Joseph Piperato appeared before the Planning Commission on behalf of his client, A Duie Pyle Inc. He indicated to all in attendance that along with himself in attendance at the meeting on behalf of A. Duie Pyle was James Milot of Hanover Engineering, Mr. Pete Latta and Mr. Tim Koch, representing A. Duie Pyle. Attorney Piperato advised that under the Municipalities Planning Code the Petition before the Board this evening must be reviewed by the Hanover Township Planning Commission and the Lehigh Valley Planning Commission for a recommendation with respect to the Petition in question. Attorney Piperato advised that they have submitted a Petition to Amend the Hanover Township Zoning Ordinance, specifically Section 27-402.6.e.11 which currently permits automobile repair garages within an enclosed building to “vehicle” repair garages. In addition, it is being requested that a change be made to Section 27-600e1 to change the word “automobile” to “vehicle” as it pertains to the required parking spaces.

Attorney Piperato indicated to the Board that he would attempt to present to them the history of this matter. He noted the property is in a Planned Unit

Development District. With respect to the history of the site, there was an original subdivision and then a resubdivision that created this lot. At this point in the meeting, Attorney Piperato began discussions including reviewing plans, aerial photos and testimony of A. Duie Pyle Inc. representatives as well as Mr. James Milot of Hanover Engineering Inc.

With respect to the history of this matter, a discussion ensued between Mr. Milot and Attorney Piperato regarding the history of the property in question. It was noted that the A. Duie Pyle property was created in 1996 as a result of the Tiffany H Corporation Subdivision which created five lots out of a 25-acre tract. The largest lot which comprised 16.5 acres houses the Carmike Theaters which received Zoning Hearing Board approval for a Special Exception on January 14, 1997 in the appeal of Anthony Properties, Appeal No. 1996-8. The Carmike property is identified as Lot 1 on the 1996 Subdivision Plan of Tiffany H Corporation. Note two of the Tiffany H Corporation Subdivision Plan required that during development of the subdivision "there shall be established a minimum of two of five of the permitted land uses as required under Section 903 of the Hanover Township Zoning Ordinance, providing for Planned Commerce Unit Developments." In its appeal before the Hanover Township Zoning Board, the Applicant, Anthony Properties proposed to dedicate an approximate 3.5 acre area of the Carmike property for retail use. Subsequent to obtaining zoning approval, Anthony Properties subdivided the Carmike property in 2000 creating the lot which is the subject of this proposal. Although the original Tiffany H Corporation Subdivision of five lots was subject to the provisions of Section 903.3 of the Ordinance, Anthony Properties was permitted to create a sixth lot and transfer the requirements of Section 903.3 to the new lot. Although the Zoning Hearing Board decision in Appeal 1996-8 required a second permitted Planned Commerce Unit Development use pursuant to Section 903 to be established within five years of the date of approval, the second use was never established and the five years expired as of January 2002. For informational purposes, Attorney Piperato noted that the five uses in question in a Planned Commerce Unit Development are professional and business office, retail sales and commercial services, lodging, recreation/leisure time (the Carmike Theater use), and specialized commercial-business.

The Petitioner reviewed with the Hanover Township Planning Commission aerial photos of the area in question. Carmike was constructed and the open area subdivided off from Carmike is still vacant. The other lots were realigned. In April, 2003, there was Yellow Freight and a maintenance building. Primo Foods was developed and the remaining lot behind Primo remained open and vacant.

There was a discussion regarding the Planned Unit Development Districts in the Township and Mr. Milot indicated that there are three Planned Unit Development Districts in Hanover Township. It was noted that there is one in the easterly area of the Township as well as the westerly area of the Township and also right down the street off of Grove Road and Schoenersville Road.

With respect to the PUD in the area of the A. Duie Pyle property, it was noted that there is a Carmike Theater, Primo Produce, U.S. Foodservice, and a shopping center. To the north, there is Red Roof Inn and to the west there are hotels and BJ's Wholesale Club, etc. With respect to the other two Planned Unit Development areas, Mr. Milot noted that the one is just a small sewer service area. The other PUD on Grove Road is a mixture of residential, commercial uses as well as converted residences into business uses on Schoenersville Road.

At this point in the meeting, Attorney Piperato and A. Duie Pyle presented documents to the Board and also a drawing of the proposed facility. They noted that it is roughly a 14,500 square foot building, which they would construct closer to the existing facility. With respect to the uses surrounding the property in question, Mr. Milot noted that there is the existing Carmike parking lot. There are residences to the east, a shopping center to the north as well as hotels to the west, BJ's Wholesale Club and restaurants. With respect to ingress and egress to the facility it was noted that they would utilize Hoover Avenue which ends at the A. Duie Pyle property. It was noted that all truck traffic would utilize the same roadway currently being utilized by A. Duie Pyle. It was noted that this maintenance facility would service the A. Duie Pyle vehicles and there would not be additional traffic. It was further stated that A. Duie Pyle would make sure that their drivers only utilize Hoover Avenue. Mr. Milot noted that the doors on the maintenance building would be on the north and south not east and west. Attorney Piperato indicated that it is their intent to create a green area around the facility, landscaping, possible berm, etc., and that all vehicle access would be to the west. Mr. Milot further noted that the new building would be placed as far west as possible.

There was a discussion wherein Mr. Latta of A. Duie Pyle advised all in attendance that they are the third generation owners of A. Duie Pyle Inc. The ownership is in his name and his two brothers. He advised that his company is basically a delivery service for such things as you would find in Lowe's, Home Depot, etc. He noted that in 1980 the industry was deregulated. In the 1990s, his company found the need to expand to become more service orientated and currently they are a complete northeast carrier providing overnight service. Mr. Latta noted that A. Duie Pyle also has a commercial warehouse business. There are 2,200 families in this organization. Mr. Latta indicated that his two brothers and he currently run the operation, but that the next generation is also becoming very active. Mr. Latta indicated that in 2009 his company bought seven facilities from Yellow Freight Company. Yellow Freight was in a difficult financial situation with respect to the facility on Hoover Avenue. Mr. Latta indicated that the property was in horrible condition. A Duie Pyle has completely renovated the facility, resolved storm water issues, etc. Mr. Latta noted that A. Duie Pyle is not a public company. He advised that A Duie Pyle does need to repair equipment. With increasing inspections by Penn DOT, it was important to them to have their own shop for such repairs.

Mr. Latta indicated that at a prior meeting that he heard from neighbors about Carmike issues, issues with U.S. Foodservice running reefers in the Township, etc. Mr. Latta was of the opinion that these are legitimate concerns for the neighbors. However, Mr. Latta indicated that his brothers and he are proud of their company. By the same token, they don't want to get involved with a fight with the neighbors. Mr. Latta felt that the folks here tonight had been understanding. Mr. Latta advised that A Duie Pyle understands their business and he did not feel that this project would impact the neighborhood. He indicated that if he thought this would be a problem he would not waste the Board's time. Currently, Mr. Latta indicated that A. Duie Pyle has repair shops at all their facilities. Here at this location in Hanover Township, they have to use an outside vendor. If something cannot be repaired in the yard, it must go off site. This can cause a problem with the need to unload a vehicle, and then it needs service and then reload. Mr. Latta indicated that with respect to their operation the noisier part of the business would be the actual trucking operation not the maintenance facility being proposed. He noted they would be willing to create a berm area with landscaping. He also said that unlike Primo Produce there would be no truck parking in the street. He also advised that U.S. Foodservice and Primo have outside carriers coming in. Mr. Latta advised that they have created 50 new jobs. They have a driver training program for unskilled drivers. He noted that the company pays them while they are in school. Mr. Latta indicated they've operated on Hoover Avenue since October 2011. Attorney Piperato questioned him as to whether or not A. Duie Pyle has received any citations or complaints since moving into the Township and Mr. Latta indicated that they have not. There was a discussion where Mr. Latta indicated that they have repaved a section of Hoover Avenue which was terrible with dangerous potholes. Mr. D'Ambrosio questioned how many trucks are on the site and Mr. Latta indicated 35 comprised of tractor trailers, forklifts, etc. Attorney Piperato advised all in attendance that this basically concludes their presentation and they would request that the Board give consideration to making a favorable recommendation to Council regarding the proposed amendment to the Township Zoning Ordinance.

At this point in the meeting, the Hanover Township Planning Commission heard comments from numerous residents of the Township in attendance at the meeting.

Joyce Nace of 1845 Sherwood Street indicated that in her opinion there is a vacant property right beside of them. Initially, Mrs. Nace noted that it appears that they are putting a small building on a big lot. Furthermore in the summertime, Mrs. Nace felt that the doors to the maintenance building would be opened and that this would create a noise situation for the neighborhood. Mr. Latta responded to Mrs. Nace by indicating that with respect to the property right next to them, same is in the ownership of Primo Produce. Attorney Piperato noted that A. Duie Pyle had tried to purchase that property from Primo Produce, but they will not sell it.

Mr. Steven Irving representing Carmike Cinemas, 1700 Catasauqua Road, approached the Board at this time. Mr. Irving noted that he is the General Manager of Carmike Cinemas. Mr. Irving complained that if A. Duie Pyle would put up a berm with landscaping it would create an even more difficult situation with people seeing the movie theater property. He noted that on occasion their lot is being used because of trucks parked on Hoover Avenue. He also felt that there have been many sinkholes in the area including the Carmike Cinemas property and felt that this situation could be increased by this project. Attorney Piperato noted that his client will address sinkhole issues. Mr. Irving also noted that Carmike Cinemas is considering a costly renovation of the theater property but felt that this project, if constructed, could impact any such renovation by the theater property.

There was a discussion at this time initiated by Attorney Piperato wherein he advised that two of the five uses for a PCUD have already been met. Attorney Piperato also indicated that with respect to the viability of this property being utilized for a commercial use one should bear in mind that Carmike Cinemas is a destination location and as such does not really necessarily need road visibility. However, with respect to marketing the lot in question as a retail use, that avenue has been sought for years to no avail; but realtors will indicate that for example for a restaurant use road visibility is key since those types of uses are not destination locations. Chairman D'Ambrosio questioned whether a Taste of Italy is the owner of the property. Attorney Piperato advised that A. Duie Pyle is the equitable owner of the property. The Taste of Italy people cannot get financing to build a restaurant.

Franklin Nace of 1845 Sherwood Street approached the Planning Commission. He complimented A. Duie Pyle on cleaning up the former Yellow Freight property. Mr. Nace noted that when Yellow Freight owned the property they had a maintenance building on the property. Mr. Latta noted that building was not structurally sound. Mr. Nace questioned why they didn't simply rebuild a maintenance facility on the property. Mr. Latta indicated that the property is too small. There was also some discussion with respect to controlling noise and Mr. Latta advised Mr. Nace that his company would control noise issues emanating from his property. Mr. Nace further noted that there is a berm separating the movie theater property from the residential area and that berm does not control the noise. He noted that he hears noise in the middle of the night.

Diane Sunny of 1904 Taft Street approached the Planning Commission and expressed her concerns concerning truck traffic coming through the shopping center adjacent to the Carmike Cinemas. Mrs. Sunny also felt that there would be visibility issues. Furthermore, Mrs. Sunny felt that if the Carmike Cinemas were to close she feared that whoever purchased that property would open the roads into the residential area. Mrs. Sunny also expressed concerns about environmental issues caused by the maintenance facility.

Attorney Piperato advised all in attendance that his client is not asking for rezoning. He noted they are asking for an amendment to the Zoning Ordinance which currently allows an auto repair garage to allow a vehicle repair garage. He noted that the Township has no tax base coming from a vacant parcel. At least if this property is developed by A. Duie Pyle, the Township would know that an A Plus facility will exist on the tract.

Eamon Murray of 1805 Sherwood Street reiterated to all in attendance his concerns being the same as the other residents who have spoken previously. He noted that in his neighborhood they still have trucks coming through the residential area. He showed all in attendance a picture he had taken the other evening when he had heard a truck on the street and the picture depicts an A. Duie Pyle truck in his area.

Frank Nace of 1845 Sherwood Street commented that he felt there should be signage in the residential areas indicating that tractor trailer traffic is not permitted. Attorney Piperato commented that his client is not proposing to increase traffic to their facility.

Mr. Richard Sunny of 1904 Taft Street advised that he has worked for 20 years in the warehousing business. He noted that there is an excessive amount of litter associated with that type of use. He also feared what would happen if the movie theater would move out. Mr. Sunny felt that a restaurant on the tract would be a better use.

Mr. Joseph Heimbecker of 1834 Sherwood Street approached the Planning Commission and indicated that he had looked up all the sites owned by A. Duie Pyle. His information indicated that none of those facilities are near residential areas. He expressed his concern regarding a decrease in property values for the residents. Mr. Latta indicated that he is grateful that the residents have shown him respect during these discussions. He commented, however, that one of the A. Duie Pyle locations borders a residential area.

John Martucci of 2033 Troxell Street entered into a discussion with Mr. Latta regarding the operation of A. Duie Pyle. There was a discussion of a pickup and delivery service offered by A. Duie Pyle. It was noted that the truck load division is only about one-third of their trucks. It was indicated that the trucks come to the facility after delivery and then use the maintenance facility. It was noted there is no underground fuel storage. With respect to oil, it was noted that there is aboveground storage. With respect to the truck load division, Mr. Martucci noted that those trucks also have to be maintained. Mr. Latta indicated that they have to maintain their own vehicles and that is only a small part of the A. Duie Pyle operation.

Joyce Nace of 1845 Sherwood Street questioned Mr. Latta as to the number of vehicles of A. Duie Pyle at this facility and Mr. Latta indicated that he would have to check to make sure he could provide her with a good number.

Attorney Maurer commented that whether this is a repair facility or not will not make a difference in the number of trucks coming in and out. Chairman D'Ambrosio commented that he has lived in the Township for 35 to 40 years and that he has heard about roads going through to the residential areas at this location for 35 to 40 years. He is of the opinion that will never happen. Chairman D'Ambrosio also advised he was on the Planning Commission when Taste of Italy came to them two years ago indicating they wanted to develop this property for a restaurant use and also that they required prompt action by the Board. Chairman D'Ambrosio questioned what happened to that proposal. Apparently, Chairman D'Ambrosio indicated that has gone away due to either finances or some other reason. Attorney Piperato noted that his company is not going away. They have invested large amounts of money in this community and would like to stay. Attorney Piperato advised that his client is respectful of the neighbors' concerns but would still like to service their fleet on site.

In resolution of this matter, the Board made the following motion:

Motion: I move that the Hanover Township Planning Commission recommends to the Hanover Township Council adoption of the proposed Ordinance of A. Duie Pyle Inc. to Amend the Zoning Ordinance to Allow as a Permitted Use in the Planned Unit Development District the Repair of Vehicles in an Enclosed Building and to amend the Parking Requirements for Such Use.

D'Ambrosio, Hess: Moved and Seconded

Bean, Keim, Paulus: Nay

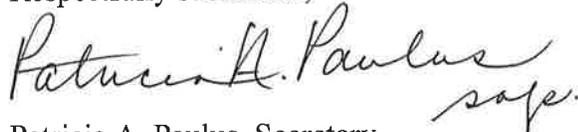
D'Ambrosio, Hess: Aye

Vice Chairman D'Ambrosio noted that by virtue of the vote, recommendation to Council did not support the request of A. Duie Pyle Inc.

Adjournment:

The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia A. Paulus" with a flourish at the end.

Patricia A. Paulus, Secretary
Hanover Township Planning Commission