

## BOARD OF SUPERVISORS

The monthly meeting of the Board of Supervisors of Upper Macungie Township was held on January 5, 2015, at 7:00 PM, in the Municipal Building, 8330 Schantz Road, Breinigsville, PA 18031. Those present were Chairman, James M. Brunell; Vice-Chairman John P. "Sean" Gill; Secretary, Kathy A. Rader; Solicitor, Andrew Schantz; Township Engineer, Scott Stenroos; Township Manager, Daniel Olpere, Treasurer, Barry Moyer; Director of Public Works, Scott Faust; UMTA Manager, Joseph Bateman; Fire Commissioner, Grant Grim; and, Police Chief Edgardo Colón.

Chairman James M. Brunell opened the meeting and asked all present to join him in the Pledge of Allegiance to the flag of the United States of America.

**MINUTES** - Chairman Brunell stated that the minutes of the previous meetings of December 4, 2014 and December 22, 2014, would not be read unless there was some objection. Upon a motion by Vice Chairman Gill, seconded by Chairman Brunell, and unanimously approved, it was agreed to waive the reading of the minutes of the previous meetings and approve the minutes as presented.

### PUBLIC COMMENTS – None

**PRESENTATIONS/COURTESY OF THE FLOOR** – The presentation of a Proclamation to Samir Ashmar's family has been postponed until the entire family can attend.

### ORDINANCES - None

### RESOLUTIONS

**Resolution #2015-01** – A RESOLUTION AMENDING THE UPPER MACUNGIE TOWNSHIP FEE SCHEDULE FOR THE YEAR 2015 BY ADOPTING CERTAIN PROFESSIONAL FEES FOR SERVICES PROVIDED BY KEYSTONE CONSULTING ENGINEERS, INC., IN ITS CAPACITY AS TOWNSHIP ENGINEER; SEWAGE ENFORCEMENT OFFICER AND ANY OTHER SERVICES PROVIDED FOR HEREIN AS ADOPTED BY UPPER MACUNGIE TOWNSHIP BOARD OF SUPERVISORS. Upon a motion by Secretary Rader, seconded by VC Gill and unanimous, BE IT RESOLVED that Resolution #2015-01 is hereby adopted.

**Resolution #2015-02** – A RESOLUTION OF THE UPPER MACUNGIE TOWNSHIP BOARD OF SUPERVISORS AUTHORIZING UPPER MACUNGIE TOWNSHIP'S MEMBERSHIP IN THE PENNSYLVANIA PUBLIC ENTITY ENERGY CONSORTIUM ("PPEEC") AND FURTHER AUTHORIZING PARTICIPATION IN ITS CONSORTIUM ENERGY SERVICES IN ORDER FOR THE COORDINATED PURCHASE AND/OR MANAGEMENT OF NATURAL GAS, ELECTRICITY, TRANSPORTATION FUEL SERVICES, AND ANY GOODS OR SERVICES (THE "ENERGY SERVICES") NECESSARY AND USEFUL FOR THE OPERATION OR ADMINISTRATION OF UPPER MACUNGIE TOWNSHIP AND UNDER THE AUSPICES OF PPEEC. The Township's third party provider electrical contract is expiring. This option to join the PPEEC does not commit the township and gives us the option for different quotes. This could be a substantial savings to the Township. Chairman Brunell made the motion to adopt this resolution conditional upon there being no fees involved with joining PPEEC. Motion was seconded by Secretary Rader and unanimous. BE IT RESOLVED, Resolution #2015-02 is hereby adopted.

**Resolution #2015-03** – RESOLUTION GRANTING A MODIFICATION TO A PREVIOUSLY APPROVED CONDITIONAL USE APPLICATION TO ALLOW FOR THE CONTINUED USE OF WAREHOUSE/DISTRIBUTION OF BUILDING MATERIALS AT A PROPERTY SITUATED IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT AND HAVING AN ADDRESS OF 8500 WILLARD DRIVE, UPPER MACUNGIE TOWNSHIP, PENNSYLVANIA. A public Conditional Use Review Hearing was held. There will be 250 trips per day, in and out. In lieu of a traffic study the applicant will pay \$12,000. This is being recommended by the Planning Commission. Upon a motion by Chairman Brunell, seconded by VC Gill and unanimous, BE IT RESOLVED, Resolution #2015-03 is hereby adopted.

### MOTIONS

**Lehigh Wheelmen Association – March Training Series** – This event has been held in previous years every Sunday in March in the William Penn Industrial Center. Secretary Rader made a motion to give the Lehigh Wheelmen Association approval to have this event conditional upon the approval of Solicitor Schantz regarding the insurance and a hold harmless agreement. Motion was seconded by Chairman Brunell and unanimous.

**Keystone Wounded Warriors 5K** – August 8 or 9, 2015 – The request is to use Lone Lane Park pavilion and the same route the Township uses for our Park to Park 5K. Secretary Rader made a motion to give approval conditional upon the approval of Solicitor Schantz regarding the insurance and a hold harmless agreement; also, waive the pavilion fees. Motion was seconded by Chairman Brunell and unanimous.

**2014 Manhole Full Depth Lining (Sewer Authority Bid)** – Three bids have been received: Utility Services Group, Inc., total bid \$59,200.00; SWERP, Inc., total bid \$64,885.00; PIM Corporation, total bid \$72,560.00. Chairman Brunell made a motion to award the bid to Utility Services Group, Inc., the low bidder. Motion was seconded by Secretary Rader and unanimous.

**Traffic Projects for Lehigh Valley Transportation Study Meeting** – Scott Stenroos reported that the Lehigh Valley Planning Commission has requested that municipalities submit potential traffic projects with presentations being held on January 26, 2015. After much discussion Stenroos suggested six projects be presented: I-78 and Adams Road Interchange; I-78 Eastbound Lane Widening; Route 222 and Grim Road/Cetronia Road Intersection; Route 222 and Mill Creek Road/Grange Road Intersection; Route 222 and Breinigsville Road; and, to support Lower Macungie Township with Route 222 and I-78 Interchange. Upon a motion by Secretary Rader, seconded by Chairman Brunell and unanimous, motion is passed.

**Sale of Excess Equipment** – Director of Public Works Faust requested that the Board, at Manager Olpere's discretion, give permission to allow the sale of excess equipment anytime during the 2015 calendar year. This would include equipment and vehicles, from the departments of police, fire and public works. Upon a motion by VC Gill, seconded by Chairman Brunell and unanimous, permission is given.

#### DISCUSSIONS & UPDATES - None

#### REPORTS

**Treasurer's Report – December Bills – General Fund \$4,211,513.83; Sewer Fund \$116,242.07** – Secretary Rader reported that she must abstain from the firefighter reimbursement, in the sum of \$667.50 for Brad Rader. With Brad being her son, this creates a conflict of interest for this vote. She, therefore, requested that the full Board vote on the other payments, excluding Brad's reimbursement. Then, after that action, Supervisors Brunell and Gill vote on this issue. A motion was then made by Chairman Brunell, seconded by VC Gill and unanimous to pay the General Fund & Sewer Fund bills, less the \$667.50 for Brad Rader's reimbursement. A motion was then made by Chairman Brunell, seconded by VC Gill to pay the reimbursement for Brad Rader.

**Recreation Board Report** – The Recreation Passport listing coming events is on the table for distribution.

**Planning Commission Report** – Scott Stenroos reported the follow from the December Planning Commission meeting:

Docket # 2154 – Home Depot Parking Lot Expansion - Conditional Use Review – recommended for approval.

Docket #2120 – Liberty at Mill Creek – Preliminary Subdivision Plan – recommended for conditional preliminary/final approval.

Docket #2161 – Oakview Value Place & Hotel – Preliminary Land Development Plan – recommended for conditional preliminary approval.

Docket #2169 – SunOpta Site Improvements – Preliminary / Final Land Development Plan – recommended for conditional preliminary/final approval.

#### **Upper Macungie Township Police Report – Chief Colón**

610	Total Calls for Service
32	Reportable MVAs
55	Non-Reportable MVAs
7	Criminal Arrest (Misdemeanor/Felony)
8	Non-Traffic Citations (summary)
145	Traffic Citations
13	Parking Tickets
31	Written Warnings
75	Alarms
1	Assault
2	Burglaries
2	Disturbing the Peace Crime
4	Drug/Alcohol Violation
2	DUI Offense
2	Fraud Crime



- 11 Theft
- 3 Vandalism/Criminal Mischief
- 9 Vehicle Break-in/Theft

Chief Colón reported that there have been numerous “vehicle break-ins” with items, such as purses, wallets and small electronics stolen. He also reported that the Hero’s & Helpers (Shop with a Cop) program was a very successful event.

**Fire/EMS Report** – Fire Commissioner Grim reported: Fire Inspections - 76. Emergency responses: Station 8-- 22; Station 25 – 31; Station 56 - 36; Total 89 responses for 70 incidents. EMS Responses for December were not available at the time of the meeting. Commissioner Grim reported that eight proposals for the fire study have been received. The new fire truck for Station 8 should be delivered by January 17<sup>th</sup>.

**Public Works Report** - Director Scott Faust – Copy of his report is on the back table. Crew is working on tree trimming. There is work being done on the pond at Independent Park. DPW Faust is also working on getting prices for the ground floor renovations at Independent Park.

**Zoning Report** – Copies of the report are available on the table in the rear of the room. Chairman Brunell also reported the upcoming Zoning Hearing Board Appeals.

During the month of December 54 permits were issued, including:

- 22 Permits for New Single Family Dwellings
- 13 Permits for Residential Additions/Alterations & Roofs
- 10 Permits for Commercial/Industrial Additions/Alterations
- 9 Zoning Permits

- 16 Electrical Licenses issued
- 7 Plumbing Licenses issued

**December 2014 Zoning Hearing Board Meetings:** There were no Zoning Appeals heard in the Month of December 2014.

**December 2014 Conditional Use Hearings:**

On **December 15<sup>th</sup>, 2014 at 6:00 PM** the Upper Macungie Township Planning Commission held a Public Hearing for the Conditional Use Application of Home Depot, USA, Township Docket Number 2154, to allow for an expansion of a previously granted “Warehouse/Distribution” use at a building within a Light Industrial (LI) District having an address commonly known as 8500 Willard Drive.

### 2014 Annual Zoning Report

576	Total Permits Issued
127	Total Licenses Issued
119	Permits for New Residences
192	Permits for Residential Additions, Alterations and Repairs
4	Permits for New Commercial/Industrial Buildings
102	Permits for Commercial/Industrial additions/alterations
159	Zoning Permits
82	Electrical Licenses issued
45	Plumbing Licenses issued

**Zoning Hearing Board Report:**

10	Total Zoning Appeals
6	Commercial Zoning Appeals
2	Residential Zoning Appeals

1	Special Exception	
1	Zoning Interpretation	
		Application Fees collected and deposited into the General Fund
		\$9,850.00

### **Report of 2014 Upper Macungie Township Zoning Hearing Board of Adjustments**

#### **March 26<sup>th</sup>, 2014:**

**#03 14 001** The Zoning Appeal of **Matthew S. Stephens, Stephens Funeral Home, Inc. 310 Krocks Road, Allentown, PA 18106**; for a variance from the requirements of The Upper Macungie Township Zoning Ordinance **Section § 27-306. Table of Permitted Uses by District**, to permit a crematorium as an accessory use to the principal use of a funeral home. The property is at the southwest corner of Krocks and Cetronia Roads, and is situated in the R3 Zoning District. ***The Zoning Hearing Board voted to deny the request for a variance to Section § 27-306.***

**#03 14 002** The Zoning Appeal of **Allentown SMSA d/b/a Verizon Wireless, 8935 Breinigsville Road, Breinigsville, PA 18031**, for a variance from the requirements of the Upper Macungie Township Zoning Ordinance **Section § 27-306(B)** to permit a commercial communications tower within the R2 Zoning District, **Section § 27-402.R.(2)** to permit a freestanding commercial communications tower with a height greater than 50 feet above the natural ground level in the R2 Zoning District and **Section § 27-402.R.(1)** to permit a commercial communications tower which will be set back less than a minimum distance of the tower height to all lot lines and existing street right-of-way lines. The property is located near the intersection of Breinigsville Road and Butz Road within the Earl Adams Memorial Park (Breinigsville Park) and is situated in the R2 Zoning District. ***The Zoning Hearing Board voted to continue Zoning Appeal #03 14 002 to the Zoning Hearing Board Meeting that will occur at 6:30 p.m. on Wednesday April 23<sup>rd</sup>, 2014 at the Township Building at 8330 Schantz Road, Breinigsville, PA 18031. The Appeal was subsequently withdrawn by the Applicant on April 23, 2014.***

**#03 14 003** The Zoning Appeal of **Allentown SMSA d/b/a Verizon Wireless, 8330 Schantz Road, Breinigsville, PA 18031**, for a Special Exception as required by the Upper Macungie Township Zoning Ordinance **Section § 27-306(B)** to permit a commercial communications tower within the LI – Light Industrial Zoning District and a Zoning Appeal of **Section § 27-402.R.(1)** to permit a commercial communications tower which will be set back less than a minimum distance of the tower height to all lot lines and existing street right-of-way lines. The property is located at the south east corner of the intersection of Schantz and Grim Roads within the Upper Macungie Township Municipal Building Complex and is situated in the LI – Light Industrial Zoning District. ***The Zoning Hearing Board voted to grant A Special Exception in accordance with Section § 27-306(B) to permit a commercial communications tower within the LI – Light Industrial Zoning District. The Board also voted to grant a variance from Section § 27-402.R.(1) to permit a commercial communications tower which will be set back less than a minimum distance of the tower height to all lot lines and existing street right-of-way lines.***

#### **April 23<sup>rd</sup>, 2014:**

**#04 14 004** The Zoning Appeal of **Kay Builders, Inc., 306 Milkweed Drive, Allentown, PA**

**18106;** for a variance from the requirements of The Upper Macungie Township Zoning Ordinance **Section § 27-307.B.2.e. Minimum Building Setback for a Principal Structure**, to allow for a minor encroachment upon the required Front Building Setback Line. The property is located along Milkweed Drive near the intersection of Bellflower Way within the Laura Fields Development, and is situated in the R5 Zoning District. *A Zoning Variance was granted from Section § 27-307.B.2.e. Minimum Building Setback for a Principal Structure.*

**#03 14 002**

**Continuance of The Zoning Appeal of Allentown SMSA d/b/a Verizon Wireless, 8935 Breinigsville Road, Breinigsville, PA 18031,** for a variance from the requirements of the Upper Macungie Township Zoning Ordinance **Section § 27-306(B)** to permit a commercial communications tower within the R2 Zoning District, **Section § 27-402.R.(2)** to permit a freestanding commercial communications tower with a height greater than 50 feet above the natural ground level in the R2 Zoning District and **Section § 27-402.R.(1)** to permit a commercial communications tower which will be set back less than a minimum distance of the tower height to all lot lines and existing street right-of-way lines. The property is located near the intersection of Breinigsville Road and Butz Road within the Earl Adams Memorial Park (Breinigsville Park) and is situated in the R2 Zoning District. *The Zoning Appeal was withdrawn by the Applicant.*

May 28<sup>th</sup>, 2014:

**#05 14 005**

**The Zoning Appeal of Glenn and Kathleen Ray, 5554 Merry Lane, Allentown, PA 18104;** for a variance from the requirements of The Upper Macungie Township Zoning Ordinance **Section § 27-307.B.1.e. Minimum Building Setback for a Principal Structure**, to allow for a minor encroachment upon the required Front Building Setback Line. The property is located along Merry Lane near the intersection of Krocks Road within the Pennwood Development, and is situated in the R2 Zoning District. *A Zoning Variance was granted from Section § 27-307.B.1.e. Minimum Building Setback for a Principal Structure.*

July 23<sup>rd</sup>, 2014:

**#07 14 007**

**The Zoning Appeal of Gregory Singer, 1783 Creek View Drive, Fogelsville, PA 18105;** for a variance from the requirements of The Upper Macungie Township Zoning Ordinance **Section § 27-306.2. Table of Permitted Uses - Residential Districts**, to permit an **Accessory Apartment** within the basement of the existing single family detached dwelling. The property is located along on Creek View Drive north of the intersection of Church Street and Creek View Drive near the Township Boundary, and is situated in the R1 Zoning District. *The Zoning Appeal was denied.*

September 24<sup>th</sup>, 2014:

**#09 14 008**

**The Zoning Appeal of Michel Glower, 6959 Lehigh Court, Allentown PA, 18106;** for a Special Exception to permit a General Home Occupation as an Accessory Use as required by Section §27-306.B. (Table of Permitted Uses By District) of The Upper Macungie Township Zoning Ordinance. An existing accessory use of a Light Home Occupation was previously approved by Condition for the Applicant's use as a commercial real estate appraiser. Secondly, a Zoning Variance is requested from Section § 27-403.D.8.b.2) to permit a total of two (2) employees who are not permanent residents of the dwelling. The property is located on Lehigh Court at the intersection of Hilltop Drive and is situated in the R1 Zoning District. *The Special Exception request was approved for a General Home Occupation and A Zoning Variance was granted from Section § 27-403.D.8.b.2) to permit a total of two (2) employees who are not permanent residents of the dwelling.*

October 8<sup>th</sup>, 2014:

**#10 14 009** A request of the Zoning Hearing Board by Old Dominion Freight Line, Inc., c/o Jessica Gentile, North Star Construction, 6975 Ambassador Drive, Allentown PA, 18106; for an *Interpretation of the Upper Macungie Township Zoning Ordinance*, in accordance with Section §27-105D., with respect to the definition of a Trucking Company Terminal and Distribution/Warehouse. The property is located on Ambassador Drive near the intersection of Mill Road and is situated in the LI Zoning District. ***The Zoning Hearing Board ruled that the proposed project meets the definition of a Distribution/Warehouse. A Conditional Use will be required for this project.***

**#10 14 010** The Zoning Appeal of Allentown SMSA d/b/a Verizon Wireless, c/o Catherine E. N. Durso, Esquire, Fitzpatrick, Lentz & Bubba, PC, 4954 Schantz Road, Allentown PA, 18106; for a variance from the requirements of the Upper Macungie Township Zoning Ordinance Section § 27-306(2) to permit a commercial communications tower within the R2 Zoning District, Section § 27-402.R.(2) to permit a freestanding commercial communications tower with a height greater than 50 feet above the natural ground level in the R2 Zoning District, Section § 27-402.R.(1) to permit a commercial communications tower which will be set back less than a minimum distance of the tower height to all lot lines and existing street right-of-way lines and Section §402.R.(4) from landscape requirements. The property is located at the intersection of Schantz and Cetronia Roads and is situated in the R2 Zoning District. ***The Zoning Hearing Board granted variances from Sections § 27-306(2), § 27-402.R.(2), § 27-402.R.(1) and §402.R.(4).***

October 22<sup>nd</sup>, 2014:

**#10 14 011** The Zoning Appeal of Route 100 Associates, LP., 7797 Glenlivet West Drive, Fogelsville, PA 18051; for a variance from the requirements of the Upper Macungie Township Zoning Ordinance Section § 27-402.YY.4 to permit a drive-through restaurant on a lot or tract of land which does not have direct driveway access to a major arterial roadway. The property is located at the intersection of Route 100 and Glenlivet West Drive. The property was re-zoned from NC – Neighborhood Commercial to HC – Highway Commercial by a Zoning Map Change (Ordinance #2014-7) on July 3, 2014. ***The Zoning Hearing Board granted a variance from Section § 27-402.YY.4.***

November 12<sup>th</sup>, 2014:

**#11 14 012** The Zoning Appeal of S.A.P. Hotels, 5828 Memorial Road, Allentown, PA 18104; for a variance from the requirements of the Upper Macungie Township Zoning Ordinance Section § 27-307.B.3.a. to permit construction of a hotel on a parcel with an area of less than five (5) acres and a variance from Section § 27-307.B.3.g.1) to construct a hotel with a height exceeding thirty-five (35) feet. The property is located at the intersection of Memorial and Blue Barn Roads and is situated in the HC – Highway Commercial Zoning District. ***The Zoning Hearing Board voted for a continuance to Wednesday January 28<sup>th</sup>, 2014 to receive and advisory review from the Upper Macungie Township Planning Commission in accordance with Section §27-112.G.***

**Daren J. Martocci**  
**Zoning Officer**

**Lehigh Tax Collection Committee Report – None**

**TOWNSHIP MANAGER'S REPORT** – DANIEL P. OLPERE – The 2015 Budget has been approved. At the February Board of Supervisors meeting the intention is appoint Maillie, LLC, as the new township auditor. Mgr. Olpere introduced Joseph Bateman the new manager for the UMT Authority. Olpere is

working to fill employee vacancies for a Parks & Recreation Coordinator, Public Works, and Office Manager for UMTA. Other priorities are discussing upcoming projects for the department heads and the Request for Proposal for the Fire Study.

**SUPERVISORS**

**Chairman BRUNELL** – Nothing More

**Vice Chairman GILL** – Thanked everyone for the warm welcome. Also complimented Township administration, public works, police and fire departments on their professionalism.

**Secretary RADER** – Executive Sessions –

- December 5, 2014, at 12:00 Noon – Litigation Issue
- December 10, 2014, at 1:15 PM – Litigation Issue
- December 11, 2014, at 4:30 PM – Litigation Issue
- December 15, 2014, at 5:15 PM – Personnel Issue
- December 22, 2014, at 5:30 PM – Personnel Issue
- December 30, 2014, at 12:20 PM – Personnel Issue
- January 5, 2015, at 5:45 PM – Personnel Issues

**PUBLIC COMMENT** - None

Upon a motion by Chairman Brunell, seconded by Secretary Rader and unanimous, the meeting is adjourned at 8:10 PM.



Kathy A. Rader, Secretary

