



UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES

March 16, 2022

I. CALL TO ORDER/PLEDGE TO THE FLAG:

Meeting called to order at 7:00 PM by Vice-Chairman Paul McNemar

MEMBERS PRESENT: Vice Chairman; Paul McNemar, Kim Snelling, Chris Walls, Mike Werst

STAFF PRESENT: Director of Community Development Daren Martocci, Planning & Zoning Specialist John Toner; Township Solicitor, Andrew Schantz; Township Engineer Dave Alban, Permits Clerk Roxann Colfer

Vice Chairman Paul McNemar opened the meeting and asked all present to join him in the Pledge of Allegiance to the Flag of the United States of America. J. Toner announced that the applicants for Docket Nos. 2337 & 2317 have requested to table themselves from this evening so they can address comments from Staff and Engineer prior to appearing before the Planning Commission.

II. ACTION ITEMS:

A motion was made to approve the February 16, 2022, meeting minutes. Motion was made by C. Walls, to approve the Minutes. It was 2nd by K. Snelling, Motion passed unanimously (4-0).

III. PLANNING DOCKET REVIEW TIMETABLE:

	Projects in Review	
Docket	Project	90 or 45 Day Period (MPC Section 508)
2326	Carriage East – Preliminary Sub/LD Plan	5/14/2022
2325	Green Hills Commerce Center Building III Addition – Prelim/Final	5/15/2022
*2332	<i>Subdivision of Patrick Steward – Subdivision Plan</i>	<i>5/16/2022</i>
2330	Taco Bell – Prelim/Final Land Development	5/24/2022
2337	Sam Adams Parking Lot Additions – Final Land Development	6/8/2022
2305	5239 W Tilghman Street Addition – Land Development	6/9/2022
2324	Glenlivet Drive W Extension & Subdivision – Sub/LD Plan	6/12/2022
*2316	<i>Fallbrooke – Subdivision & Land Development</i>	<i>6/13/2022</i>
2317	1001 Glenlivet Drive – Prelim/Final Land Development	6/14/2022

**Projects being heard in March*

IV. PLAN REVIEW

- A. #2332 The Subdivision of Patrick Steward, Major Subdivision, 145 Adams Road, the plan proposes to subdivide a 2-acre parcel from the parent 56.02-acre tract located at 145 Adams Road. The newly created lot will be serviced by on-lot water and on-lot sewer systems. The proposed plan is located within the Township's R1 – Rural Residential Zoning District.

J. Toner explained the plan and noted that the Planning Commission has seen the plan at their December 2021 Meeting where discussions of site distances, site disturbance being close to an acre, and woodland

preservation took place. The applicant's engineer, Cody McCuen, stated that he has received the comment memos from Township Staff and Township Engineer and is willing to comply with the comments stated noting that most of them are simple drafting items. C. McCuen brought up the existing property and the comment that the property was never conveyed with the County. He explained that the property owner is in the middle of getting the deed for the property to present to the Township to satisfy that comment prior to going before the Board of Supervisors for plan approval.

D. Alban noted that the one item he would want to review before the plan goes before the Board of Supervisors is the depiction of the woodland preservation on the plan. The plan does note woodland preservation calculations, but it would just need to be shown on the plan which shouldn't be an issue. He suggested to not recommend that deferral as requested by the applicant. C. McCuen agreed.

P. McNemar opened the floor for public comment; there was none.

C. Walls made a motion to recommend to the Board of Supervisors approve the following waiver and deferral requests based on comments found in a letter from the Township Engineer, Dave Alban, dated March 14, 2022:

1. **A Waiver from Section 22-403.1: to allow the applicant to submit the existing features plan in 1" =150' scale instead of the required 1" = 50' scale.**
2. **A Waiver from Section 22-403.5(D): to allow the applicant to submit the required landscaping plan and with a future building permit for the proposed lot.**
3. **A Waiver from Section 22-403.5(E): to allow the applicant to not submit the required utility plan.**
4. **A Waiver from Section 22-503.1: to allow the applicant to submit the plan as a combined Preliminary/Final Subdivision Plan.**
5. **A Waiver from Section 22-709.4(C)(1): to allow the applicant to not engage in a Professional Geologist review as required.**
6. **A deferral from Section 22-403.5(B): to allow the applicant to supply the required contour grading plan at the time a building permit is submitted to the Township.**
7. **A deferral from Section 22-403.5(C): to allow the applicant to supply the requires E&S plans at the time a building permit is submitted to the Township.**
8. **A deferral from Section 22-403.5(G): to allow the applicant to supply typical cross sections for proposed streets, access drives, and adjoining sanitary sewer, storm drainage and water system improvements in the event that development proposes impervious coverage greater than 10,000sqft and/or development of the parent tract.**
9. **A deferral from Section 22-403.5(K)(3): to allow the applicant to supply the required sewage disposal service planning module and percolation test results at the time a building permit is submitted to the Township.**
10. **A deferral from Section 22-704.1(H): to allow the applicant to not improve adjacent streets to the subdivision until future development takes place on the newly proposed lot.**
11. **A deferral from Section 22-704.9(A): to allow the applicant to not install sidewalks until the Township deems it appropriate.**

12. A deferral from Section 22-705: to allow the applicant to not provide sanitary sewage disposal, on the parent parcel only, until proposed development on the parent parcel would take place.

13. A deferral from Section 22-706: to allow the applicant to not provide water supply, to the parent parcel only, until proposed development on the parent parcel would take place.

The following deferral was recommended to the Board of Supervisors for denial in the motion:

1. A deferral from Section 22-403.4(K)(18): to allow the applicant to not supply the required woodland preservation plan

The motion was seconded by M. Werst and passed 4-0. There was no public comment on the motion.

K. Snelling made a motion to recommend to the Board of Supervisors grant approval of the Major Subdivision of Patrick Steward based on the following conditions:

1. The applicant shall address all questions, comments, concerns, or conditions listed in the Upper Macungie Township Planning Commission Memo from John Toner, Planning & Zoning Specialist, dated March 14, 2022.

2. The applicant shall address all questions, comments, concerns, or conditions listed in the Engineering Report from Dave Alban, P.E., Keystone Consulting Engineers, dated December 14, 2022.

The motion was seconded by C. Walls and passed 4-0. There was no public comment on the motion.

B. #2316 Fallbrooke, Preliminary Subdivision & Land Development, 9160 Schantz Road & 410 Twin Ponds Road, the plan proposes the construction and development of ninety (90) single family dwellings and five (5) open space lots. The plan also consists of construction of sanitary and storm sewer systems and roadway improvements. The plan intends to utilize the Conservation by Design requirements in Part 9 of the Township Zoning Ordinance. The proposed plan is located within the Township's R1 – Rural Residential Zoning District.

J. Toner explained the plan noting that the Planning Commission has seen this plan at their December 2021 Meeting where the Planning Commission made a recommendation on the proposed conservation areas, which were ultimately approved by the Board of Supervisors at their February 2021 Meeting. The applicant is back before the Planning Commission seeking a recommendation on the plan itself. John McRoberts, the applicants engineer, stated that he has received the comment letters from Township Staff and Engineer and has no objections to the comments and will address them before going before the Board of Supervisors for approval.

D. Alban noted that no major issues were seen on the plan except for one stormwater basin which he is confident that a solution can be worked out. J. McRoberts agreed. At the workshop meeting, P. McNemar asked Township Staff to reach out to Parkland School District to see if they had any comments or opinions on the proposal as it would border the new Elementary School. J. Toner explained that he did reach out and the School District just asked for clarification on sidewalks and whether they would be connected into the school property, which is shown on the plan. P. McNemar asked for clarification on where the requested deferrals for sidewalk and curbing were located on the plan. Supervisor Ghai noted that the LVPC suggested to have sidewalks throughout the entirety of the development and wondered why a deferral is being entertained. Staff explained that the deferral would only be for the identified sections on the plan, sidewalks would still be constructed throughout the internal portions of the development and connected to the school. The areas in question for the deferral do not lead to any pedestrian amenities at the moment. The suggestion

from Staff and Engineer is to defer the sidewalks and curbing in only the specific sections until the results from the Township-Wide Trails & Connectivity Study are obtained.

P. McNemar opened the floor for public comment prior to entertaining a motion. There was no public comment.

K. Snelling made a motion to recommend to the Board of Supervisors approve the following waiver requests based on comments found in a letter from the Township Engineer, Dave Alban, dated March 14, 2022:

1. A Waiver from Section 22-704.4(D): to allow the applicant to not use 2% cross slopes for roadways, access drives, and parking lanes and to allow the applicant to not use the 6% cross slopes for shoulders.
2. A Waiver from Section 22-707.4(C)(1): to allow the applicants detention ponds return to normal within 72 hours rather than the required 12 hours.
3. A Waiver from Section 22-403.4(K)(17): to allow the applicant to depict 1-foot contour lines to determine the direction of predevelopment drainage patterns and grading design on the plan.
4. A Waiver from Section 22-702.2: to allow the applicant to have block length greater than the maximum 1,600 feet on Street B.
5. A Waiver from Section 22-705.3(C): to allow the applicant to not extend the public sewer along the frontage of the property.
6. A Waiver from Section 22-707.5(A)(3): to allow the applicant to not have the minimum 0.10-foot drop through pipe junctions.

The following deferrals were recommended for approval to the Board of Supervisors under the same motion:

1. A deferral from Section 704.9(A): to allow the applicant to not install sidewalks along the following areas until the Township receives results from the Township Wide Trails & Walkability Study and deems it appropriate:
 - a. Along Twin Ponds Road frontage along Lot 1
 - b. Along the Twin Ponds Road frontage from Lot 38 to the intersection with Long Lane, and along the entire Long Lane frontage
 - c. On the entire frontage of Schantz Road
2. A deferral from Section 704.9(B): to allow the applicant to not install curbing along the following areas until the Township deems it appropriate:
 - a. Along Twin Ponds Road, for the norther 15' frontage of Lot 1
 - b. Along Twin Ponds Road from Lot 38 to the intersection with Long Lane, and the entire frontage of Long Lane
 - c. On the entire frontage of Schantz Road

The motion was seconded by M. Werst. There was no public comment on the motion. The motion passed 4-0.

C. Walls made a motion to recommend to the Board of Supervisors grant approval of the Preliminary Subdivision & Land Development Plan based on the following conditions:

1. The applicant shall address all questions, comments, concerns, or conditions listed in the Upper Macungie Township Planning Commission Memo from John Toner, Planning & Zoning Specialist, dated March 14, 2022.
2. The applicant shall address all questions, comments, concerns, or conditions listed in the Engineering Report from Dave Alban, P.E., Keystone Consulting Engineers, dated December 14, 2022.

The motion was seconded by K. Snelling. There was no public comment on the motion. The motion passed 4-0.

V. OTHER BUSINESS

A. Glenlivet Drive W Residential Subdivision: Act 537 Discussion

D. Martocci explained the history of the Act 537 Line that the Township has. This line depicts where public sanitary sewer is located or can be expanded within the Township. There is a portion of the property within the proposed Glenlivet W Residential Subdivision that is depicted as outside of this line however the line borders three sides of this property and other properties within the proposed development would be connected to public sanitary sewer.

D. Alban noted that going through Township records and subdivision plans throughout this area, it was found that the parcel in question was inside the Act 537 Boundary Line in 1992. In 2007, the parcel, along with several others, was taken out due to downstream capacity issues which have since been rectified.

Additionally, if the Township were to not include this parcel within the Act 537 Boundary Line, the lots created would be required to have on-lot sanitary sewer systems. If these systems were to fail, the Township would require the property owner to hook into the public system regardless and may cause the Township to incur future costs to expand the sewer lines. C. Walls explained that he would be in favor of this considering the possibility of backflows if the on-lot systems were to fail, P. McNemar agreed.

P. McNemar noted that there may have been some confusion on the motion made by the Board of Supervisors when this item was before them at their February Meeting and asked if the Planning Commission needed to make a motion to go back before the Board of Supervisors since the Board already made a motion and did not want to contradict them. A. Schantz advised the Planning Commission to make a motion whether or not to include this parcel for clarification purposes moving forward. Supervisor Ghai stated that, in his opinion, the motion he thought he voted on was to include this parcel contingent on Planning Commission review and to limit lot sizes. A. Schantz noted that if this parcel is included the Township cannot regulate the lot size other than what is already allowed by the zoning ordinance. When the plan goes through the planning process and if approval is given, the approval would correct that issue.

K. Snelling asked if she should abstain from voting since her property neighbors the proposed development. A. Schantz and the applicant's attorney, J. Zator, stated that there doesn't seem to be a conflict of interest.

Members of the public, and Supervisor Ghai, asked if allowing this property into the Act 537 Boundary Line would add additional homes into the site. D. Alban explained that an additional 10 or 11 homes could be added to the proposal if the parcel was included as the ordinance would allow for smaller lots. He also noted that the current design shows the lots larger than the minimums to preserve open space and steep slopes within the area. Other questions ensued regarding extending the boundary line from members of the public. D. Martocci noted that including this parcel wouldn't extend the physical boundary, this would essentially close a gap in the boundary line and correct an administrative error from years prior.

P. McNemar made a motion to recommend to the Board of Supervisors that they include Parcel Identification Number (P.I.N) 545642574354 into the Act 537 Boundary area to allow for public sanitary sewer connections. The motion was seconded by K. Snelling. There was no public comment on the motion itself. The motion passed 4-0.

Public Comment

Ms. Marilyn Lieby, of Fogelsville, asked for clarification regarding the Glenlivet Drive Residential Subdivision and whether the roadway would be considered a truck route. She noted at the Board of Supervisors Meeting in February discussions of this nature were brought up in this area. D. Alban, D. Martocci and J. McRoberts explained that the proposed roadway in the proposed subdivision plan would be designed to withstand truck traffic, but the Township is not considering labeling the roadway as an official truck route. Ms. Lieby asked if anything could be done to deter trucks of larger sizes from using the proposed roadway. J. McRoberts and J. Zator, the applicants engineer and attorney for the proposed Glenlivet Subdivision, explained that the roadway has been present on the Township Comprehensive Plan as early as 1992 to prevent heavy truck traffic from traveling through downtown Fogelsville so the road was designed to accommodate truck traffic. J. McRoberts noted that he and the applicant are willing to work with the Township, and the public, on any solutions to make that proposed roadway safer and accommodating for everyone.

Ms. Meg Wieand, of Fogelsville, along with Ms. Lieby brought up concerns regarding the possible placement of a STOP sign on Church Street, heading towards Glenlivet Drive. Ms. Weiand also presented a letter from a neighbor on Creek View Drive that expressed similar concerns citing road conditions in the winter, sun glare, and a blind curve that may create potential for an accident if a STOP sign is erected and vehicles are backed up. Mainly noting drivers who may not be familiar with the area. The letter was presented to the Planning Commission and Township Staff. Township Staff has noted and filed the letter. Township Staff and Engineer did explain that Church Street is a PennDOT owned road and the decision would ultimately be PennDOT's.

K. Snelling made a motion to adjourn the meeting at 8:15 PM. The motion was seconded by C. Walls and approved 4-0.