



**UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES**

April 17, 2023

I. CALL TO ORDER/PLEDGE TO THE FLAG:

Meeting called to order at 7:00 PM by Chairman Charles Deprill

MEMBERS PRESENT: Chairman; Charles Deprill, Vice Chairman; Paul McNemar, Chris Walls, Tim Helmer, Mike Werst

STAFF PRESENT: Asst. Township Manager/Director of Community Development; Kalman Sostarecz, Planning & Zoning Specialist; John Toner, Township Engineer; Dave Alban, Jonathon Kiechel, Keystone Consulting Engineers, Township Solicitor; Andrew Schantz, Permits Clerk; Roxann Colfer; Township Secretary, Jazmin Vazquez

Chairman Deprill opened the meeting and asked all present to join him in the Pledge of Allegiance to the Flag of the United States of America.

II. ACTION ITEMS:

P. McNemar made a motion to approve the March 15, 2023, meeting minutes noting the corrections that need to be made prior to posting. The motion as 2nd by M. Werst. The motion passed unanimously. (5-0).

III. ADDITIONS/DELETIONS TO AGENDA

Chairman Deprill asked if there were any changes to tonight's agenda.

P. McNemar remade a motion to add an item to the agenda pertaining to time limits on Public Comment. T. Helmer 2nd that motion. The motion passed unanimously (5-0).

A discussion ensued on implementing a time limitation for public comment to 5-minutes for individual and 10-minutes for an individual representing a group. When time is up, the Planning Commission will decide if the conversation shall continue or if their time limit is up. P. McNemar wanted to clarify that this was for the public comment period after the Planning Commission makes a motion, not to limit the applicants time for presentations or response to questions from Staff or the Planning Commission.

Chair Deprill made a motion to establish the time limitations on public comment as discussed. P. McNemar 2nd the motion. The motion passed unanimously (5-0).

With the resignation of Aubrie Miller, the Planning Commission would need to appoint a new Secretary moving forward. T. Helmer made a motion to appoint Chris Walls as the new Planning Commission Secretary. The motion was 2nd by Chair Deprill. The motion passed unanimously (5-0). C. Walls accepted.

J. Toner noted that Docket Nos. 2338, Twin Ponds and 2339 Air Products Redevelopment of Cetronia Road Site have requested to table themselves to a future meeting.

IV. PLAN REVIEW

- A. Docket #2360 – 818 Hickory Lane, Conditional Use Review**, the applicant is proposing to operate two businesses within a single building. One business being the recycling of wood pallets and the other for the storage of office supplies related to a transportation business. The site is located within the Township's LI – Light Industrial Zoning District where two business operating within the same building is permitted by Conditional Use.

J. Toner introduced the application, briefly reviewed the process of a Conditional Use, and explained that the applicant is seeking a Conditional Use to continue operating a Flex Use Building at 818 Hickory Lane where he will continue operating his business of restoring and selling pallets. Karly Sebia, the applicant's attorney, presented the case and distributed further documentation to the Planning Commission for their review. It was noted that the Township Secretary, Jazmin

Vazquez, was present to provide translation for the applicant. The applicant, Jose Vargas, explained the business he conducts within the building, hours of operation, number of employees, and traffic that is produced by his business. Mr. Vargas explained which portion of the property and the building he occupies for his business under the sublease agreement. He explained that when he signed his sublease, he assumed he needed permits, but was told that they were not necessary.

Further discussion between the Planning Commission and the applicant ensued mainly on the fact that the property owner should be present in this case as there are many questions that would need to be answered regarding lot lines errors, the business, operation of the other tenant(s), Genesis Coach, and possible upgrades to the building that Mr. Vargas would, presumably, not be responsible for, or cannot answer because he is not the owner of the property.

Chairman Deprill asked if there was any public comment:

Donna Gregory, asked for clarification on a discussion regarding sprinkler system installation and why that would be on the tenant to install and not the property owner. The Planning Commission explained that comment came about because of the specific use of the business, it's not up to the Planning Commission to make the applicant pay for it, that would have to be a discussion between the property owner and the tenants.

Jake Windt, 820 Rebecca Lane, expressed concerns at the property regarding the property as a whole. It was stated that the property operates 24/7, trucks are pulling in and out of the parking lot, some are idling on the road behind his house or within the parking lot. Mr. Windt is aware that Mr. Vargas is most likely not the cause of these concerns after hearing his testimony but wanted to address his concerns. The Planning Commission explained that they could discuss that with the property owner of this lot considering the multiple uses but also suggested to address concerns with the Board of Supervisors in addition to the police department in the meantime.

T. Helmer made a motion to recommend to the Board of Supervisors that they request a continuance for the applicant until a time that the other tenants and the property owner can come before the Planning Commission to answer their questions and address their concerns and have additional 3rd Party Fire Inspections as stated in the report. The motion was 2nd by C. Walls. The motion passed unanimously (5-0).

B. Docket #2361 – Roman Catholic Diocese of Allentown, 547 N Krocks Road, Sketch Plan, the applicant is proposing to abandon their current maintenance building and office, in Lower Macungie Township, and construct a new office building and maintenance building within Upper Macungie Township. The site is located within the Township's R3 – Medium Low Density Residential District.

J. Toner introduced the application noting Monday nights discussion was mainly based on logistics of this plan as it appears some improvements on the lot rely on another development within Lower Macungie Township. It was suggested that the Planning Commission discuss that further with the applicant.

Mark Bradbury, Applicant's Engineer, David Wong, behalf of the Archdiocese, and Andrew Hoffman, applicant's legal counsel were present to represent the application. Mr. Bradbury explained the plan further explaining that the sketch plan was submitted to the Township to get a clearer path on how to move forward as this plan has many moving parts to it. He asked additional questions regarding Staff and Engineer's review letters noting that some of the comments can be addressed when the neighboring development is constructed. Another issue brought up for discussion was the comment regarding disturbance of more than 10,000sqft which would classify this plan as a Major Land Development and require an ND PES Permit from the Lehigh County Conservation District (LCCD). Mr. Bradbury explained that because the current office and garage would be demolished, the impervious coverage would even out when built on the Upper Macungie side of the property. The Planning Commission agreed that further discussion with Staff would have to be had on that matter as the current structures exist in Lower Macungie Township and not Upper Macungie Township.

If reviewed as a Major Land Development Plan, curbing, sidewalk, and road widening were noted in the Engineer's report and a discussion ensued regarding those items. Mr. Bradbury mentioned that offering the dedication of those items could

be discussed but at this point in time doesn't think those are warranted considering the use of the cemetery but could be part of a larger development in the future.

There was no public comment on this application.

No formal recommendations were made on this application.

C. Docket #2362 – William & Holly Smith, 941 Arrowhead Lane, Minor Subdivision, the applicant is proposing to subdivide the existing +/- 28-acre parcel into two parcels, the newly created parcel will be +/- 6.7 acres in size. The site is located within the Township's RU1.5 – Rural 1.5 Zoning District.

J. Toner introduced the application noting Monday night's discussion touched on the requested waivers and request of a right-of-way exemption. Mark Bradbury, applicant's engineer, and Mr. Smith were present to present the application. Mr. Bradbury noted that the exemption that was requested for the ROW could be solved by offering it as ultimate ROW with the plan but not be offered fee simple until a time where the Township would need to act upon it. Most of the other comments noted were mainly drafting items and does not see any other issues within Staff or Engineer's review letter. P. McNemar asked for clarification on the ROW dedication. The ROW will be dedicated on the plan and signed over to the Township, it will then be up to the Board of Supervisors to act on that ROW if needed. He also asked if there was a specific reason that a deferral is being suggested for sewer planning. At this time, the applicant is unsure on where the house would be placed, however testing on the site has been done within the last six months and is feasible for future sewage systems.

P. McNemar made a motion to recommend to the Board of Supervisors that they approve the requested waivers:

1. **A Waiver from Section 22-403.1: to allow the applicant to have a scale of 1" = 100ft shown on the plan instead of the required 1" = 50ft.**
2. **A Waiver from Section 22-403.5.A(3): to allow the applicant to not show a map illustrating the characteristics of rock formations underlying the tract, including a delineation of karst features, aquifers (specifically those locally subject to pollution) and shallow bedrock areas as required.**
3. **A Waiver from Section 22-403.5.C: to allow the applicant to not submit an erosion and sediment control plan and narrative as required.**
4. **A Waiver from Section 22-403.5.D: to allow the applicant to not submit a landscape plan as required.**
5. **A Waiver from Section 22-403.5.E: to allow the applicant not submit a utility plan showing storm, sanitary sewer, waterline, gas and electric, cable and lighting as required.**
6. **A Waiver from Section 22-403.5.F: to allow the applicant not submit a storm drainage plan as required.**
7. **A Waiver from Section 22-503.5.A(3): to allow the applicant not submit a contour grading plan as required.**
8. **A Waiver from Section 503.9: to allow the applicant not show the location of proposed potable water well locations and isolation distances as required.**

The motion was 2nd by M. Werst and passed unanimously (5-0).

P. McNemar made a motion to recommend to the Board of Supervisors that they grant a deferral for the following requests:

1. **A deferral from Section 22-403.5.K(2): to allow the applicant show SEO's approval of a Sewage Facilities Planning Module for when a home is proposed to be built.**

The motion was 2nd by C. Walls and passed unanimously (5-0).

P. McNemar made a motion to recommend to the Board of Supervisors that they grant Preliminary/Final Subdivision approval for Docket No. 2362, Minor Subdivision of William and Holly Smith, conditional upon Staff and Engineer review letters. The motion was 2nd by C. Walls and passed unanimously (5-0).

A. PUBLIC COMMENT

Mr. William Smith, 2106 Beechwood Street, expressed concerns over the truck along Route 100 specifically regarding the number of trucks traveling down Route 100 without mufflers which increases the noise output exponentially in addition to air pollutants, especially in the overnight hours. The Planning Commission suggested that Mr. Smith attend a Board of Supervisors meeting to bring this concern to them as this matter wouldn't be under Planning Commission purview.

Chairman Deprill made a motion to adjourn the meeting at 8:37PM. The motion was seconded by P. McNemar. The motion passed unanimously 5-0.