



UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES

May 17, 2023

I. CALL TO ORDER/PLEDGE TO THE FLAG:

Meeting called to order at 7:00 PM by Chairman Charles Deprill and asked all present to join him in the Pledge of Allegiance to the Flag of the United States of America.

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

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

II. ACTION ITEMS:

C. Walls made a motion to approve the April 17, 2023, meeting minutes noting the corrections that need to be made prior to posting. The motion was seconded by P. McNemar. The motion passed unanimously. (4-0).

III. ADDITIONS/DELETIONS TO AGENDA

Chairman Deprill asked if there were any changes to tonight's agenda. J. Toner noted none.

IV. OTHER BUSINESS

- A. ZHB Advisory Review – 918 Yorkshire Drive**, the Zoning Hearing Board has requested an advisory review from the Planning Commission on Zoning Appeal No. 04 23 005 regarding the placement of a pool barrier fence within a drainage & conservation easement.

J. Toner introduced the application explaining that the Zoning Hearing Board has requested an advisory review from the Planning Commission asking for their opinion on the matter. Mr. Bruckner, the property owner, presented his case to the Planning Commission noting that the Zoning Hearing Board noted that the physical pool was also encroaching into the Conservation Easement. He explained that revised pool plans will correct that issue however he still wishes for the fence to be constructed within the easements.

Township Staff noted that Mr. Bruckner's development was a result of the Conservation by Design regulations within the Zoning Ordinance. This gave the developer to ability to develop much smaller house lots in exchange for conserving areas throughout the development and placing restrictions within those areas including the raising of any structures. Planning Commission noted notes on the plan, covenants that run with the land, and a residential disclosure form that was signed acknowledging the easements and their restrictions. The Planning Commission made suggestions to Mr. Bruckner to possibly make the pool area smaller and be closer to the home, so it is in compliance with the ordinance.

C. Walls made a motion to recommend to the Zoning Hearing Board that they deny the application based on the notes and covenants on the plan that states that no structures shall be placed within the easements. The motion was seconded by P. McNemar and passed unanimously (4-0).

V. PLAN REVIEW

- A. Docket #2339 – Air Products Redevelopment of Cetronia Road Site, Final Land Development, 7201 Hamilton Blvd**, the applicant is proposing to redevelop the existing industrial campus. The project is project consists of the demolition of existing structures and associated underground utilities and the development of three (3) commercial warehouses an associated waterline, sanitary sewer, storm sewer, and stormwater management facilities.

J. Toner introduced the application noting that the applicant has received their Special Exception from the Zoning Hearing Board, received approval for their requested waivers from the Board of Supervisors in addition to receiving Preliminary Plan approval. They are here this evening seeking a Final Land Development recommendation before going before the Board of Supervisors for ultimate approval.

Blake Marles, the applicants legal counsel, stated that they have no formal presentation this evening noting that the applicant believes they have addressed all significant issues noted in Staff and Engineer reports. Township Staff and Engineer agreed. P. McNemar asked where the applicant was regarding their NPDES permits and comments from PennDOT. Bruce Anderson, the applicants engineer, explained that comments have been received and sent back to both agencies and they are awaiting comments.

P. McNemar made a motion to recommend to the Board of Supervisors that they approve Docket No. 2339, Air Products Redevelopment of Cetronia Road Site conditional upon Staff and Engineer review letters dated May 15, 2023. The motion was seconded by C. Walls and passed unanimously (4-0).

B. Docket #2343 - 121 Nestle Way & 8361 Schantz Road, Sketch Plan, the plan proposes the development of a 81,731 sqft warehouse, associated parking, stormwater management areas, and other associated site improvements. The proposed plan is located within the Township's LI – Light Industrial Zoning District.

J. Toner introduced the application noting that the Planning Commission has seen two other concepts of this plan. The major difference noted on the current application is that it looks as if the developer has either purchased, or is in the process of purchasing, the remaining residential homes adjacent to this lot. Jeff Brown, Dynmanic Engineering, was present to discuss the application. He wanted to discuss the future right-of-way improvements, mentioned at Monday night's workshop, that may impact the design that is before the Planning Commission. D. Alban stated that the Township has very preliminary designs as to what this intersection could look like and can share with the engineer to share the Township's thoughts for the future. P. McNemar noted that these comments are stemming from a future Adams Road interchange on Route 78 and what impacts that may have on the intersection of Nestle Way & Schantz Road.

Other discussions included proximity to the well area and regulations surrounding that. The applicant will have to talk to Lehigh County Authority who is the governing body that control that. The Planning Commission suggested to the engineer that he meet with Staff and consultants to discuss any other issues prior to submitting a Preliminary Plan application.

There was no public comment. No formal actions were taken on this application.

C. Docket #2357 – XPO Logistics Expansion, Sketch Plan, 7649 Penn Drive, the plan proposes the expansion of the existing site with an additional 18,402 sqft building expansion and a parking lot expansion to the rear of the property. The site is located within the Township's LI – Light Industrial Park Zoning District.

J. Toner introduced the application noting that the application portrayed zoning issues that must be addressed prior to coming back before the Planning Commission again. However general planning items were discussed at the workshop that would be helpful to any future design of the site. Chris McClean, Fitzpatrick, Lents & Bubba, represented the application. He acknowledged the zoning issues and will address those moving forward but wanted the Planning Commission's opinions on anything that may impact future designs further.

The Planning Commission noted driveway offsets to Penn Drive opposite the driveway across the street, sidewalk connections considering the surrounding the uses of the property and a LANTA bus stop, and the proximity of the adjacent daycare and hotels and how those uses could be affected. C. Walls noted that the application states a warehouse expansion however the company has been functioning as a trucking terminal, which wouldn't be allowed in the zoning district today. C. McClean noted that he is aware that is a hurdle that applicant needs to overcome. Further discussion was had on truck stacking and the proposed gated emergency entrance that would help with truck traffic flow coming out to Route 100.

There was no public comment. No formal actions were taken on this application.

D. Docket #2265A – Trexlertown Retail Center, LLC, Preliminary/Final Land Development, 5917 W. Tilghman Street - the applicant is proposing to demolish the existing buildings on site and construct an Auto Service Station with a convenience store, car wash, and retail spaces at the site. The site is located within the Township's HC – Highway Commercial Zoning District.

P. McNemar announced that prior to the Planning Commission reviewing this application, he must recuse himself noting that there would be a conflict of interest and will not be partaking in review or recommendations for this application. **Solicitor Schantz**

noted that since P. McNemar has recused himself, there is no longer a quorum to make official recommendations on this application. The application will be reviewed with general feedback until the next meeting.

Victor Grande, Rettew and Associates, represented the application as the engineer of the plan. Mr. Grande introduced the application noting that this site was before the Planning Commission several years ago for a land development plan. Since then, the original owner of the property has since sold, and the new owners are looking to develop the lot in a similar fashion. Township Staff and Consultants reviewed the proposal and determined that the new design would warrant and new land development plan. Mr. Grande noted that the layout is similar however the arrangement of the buildings has changed and, in his opinion, believes that the new design allows for better access and circulation on the lot. Additionally included on this plan is the connection to the adjoining Green Hills Commerce site, directly adjacent to this one, which would better connect the Green Hills community to the businesses along Tilghman Street.

Mr. Grande did want to have a brief discussion on the requested waiver for a Preliminary/Final plan submission as it was noted in the Engineer Report that Staff would not be in favor of this waiver. D. Alban explained that the Township's policy is that after plan approval, the applicant has 120 days to satisfy all the Township requirements (agreements, fees, etc.). The biggest difference between the previous plan and this plan is that an NPDES Permit is now required which the process for that takes several months, not resulting in saving the applicant any time on reviews. Rather than the Board keep granting an extension of recording the plan, if allowed to proceed with a Preliminary/Final Submission, what Staff and Consultants would rather see if a Preliminary Plan submission, the applicant get through most of the NPDES Permitting, and when that is entering the final phase of approval, come back for a Final Plan approval to be able to abide by the 120 timeline of getting the plan recorded.

A discussion was had regarding the limited parking spaces and the fact that the building could hold multiple uses. Depending on those uses, could impact the parking required. Mr. Grande agreed and noted that this was a concern when the former plan was before the Planning Commission. A note was placed on the plan noting that the parking would be dictated by the uses. If a use moves in that exhausts the parking proposed, no other parts of the building could be occupied because there is not adequate parking. This is something that can be discussed further with Staff and Consultants.

Another discussion was had regarding the proposed pervious pavement to the rear of the property to provide better access behind the building for the fire department. The Director of the Bureau of Fire noted the width was sufficient but wanted to see details on the pervious pavement to ensure it can withstand the weight of any fire apparatuses.

A brief discussion was had on the access drive to Tilghman Street that belongs to the Truck Stop property, which this new owner also owns now. The Planning Commission noted that they are aware that this is not part of this application but if the new owner could work with the Township on constructing the necessary improvements to prevent tractor trailers from making a left hand turn onto Tilghman, creating hazardous traffic conditions.

The last comment noted to the applicant that it is understood that street trees can't be placed on the property because of existing overhead easements and lack of space. They have requested to have those trees planted at Grange Road Park. The Planning Commission asked if they could consider those trees be planted at a closer Township Park as there are several within the proximity of the site.

VI. PUBLIC COMMENT

There was no public comment.

VII. ADJOURNMENT

C. Walls made a motion to adjourn the meeting at 8:08PM. The motion was seconded by T. Helmer. The motion passed unanimously 4-0.