



UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES

August 16, 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 July 19, 2023, meeting minutes. The motion was seconded by Chairman Deprill. 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 that there were no additions/deletions, just a rearrangement of agenda items.

IV. MPC TIMELINE REVIEW

Chairman Deprill asked if any action was necessary of the Planning Commission regarding active MPC Timelines on applications. J. Toner noted that the Township has received all the necessary timeline extensions.

V. 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 explained the application and noted that the application was before the Planning Commission at their April 2023, meeting where they recommended to the Board of Supervisors that they ask for an extension, so the applicant had more time to collect further information and address some of the Planning Commission's concerns that they had; the Board granted this extension.

Karley Sebia represented the applicant as the attorney. She handed out additional documentation to the Planning Commission and Staff as part of her presentation. She also noted the owner of Genesis Coach, George Haddat, was present to answer more questions for the Planning Commission as he is the other tenant of the building. He explained the nature of the business, day-to-day operations, and truck types on the property. He also noted that he performs light maintenance on trucks at the property. He also explained that he also has office space within the building on the property for his business. He stated to the Planning Commission that there is no issue with his business and Valley Pallets operating out of the same property. C. Walls wanted to clarify a statement from the April Meeting where Mr. Vargas, owner of Valley Pallets, stated that when he asked if any permits were needed to operate out of the building he was told "no" by the other tenant. Mr. Haddat said he did not recall saying that. He did want to state that Mr. Vargas has been an excellent tenant. C. Walls brought up the concern of the pallet stacks as they are not in compliance with the IFC but also mentioned vehicular moment.

Jose Vargas, owner of Valley Pallets, addressed the Planning Commission noting that he is willing to come into compliance with his stacked pallets and continue to be in compliance with any Township ordinances as required. The applicant was given the fire code by T. Helmer that was included in the Planning Commission review packets.

Further conversation was had regarding former resident complaints about truck idling and other property maintenance code matters. P. McNemar noted that in his opinion the uses as presented seem compatible to the building, which is the

item for review this evening. He recognizes that there are issues with the property at hand however, those are separate fire and code enforcement issues that need to be dealt with Township Staff.

P. McNemar made a motion to recommend to the Board of Supervisors approve the Conditional Use Application conditional upon the applicant correcting the placement of the existing fence that is crossing multiple lot lines and correcting any existing fire code violations. The motion was seconded by Chairman Deprill. The motion passed 3-1, C. Walls voting no.

B. Docket #2357 – XPO Logistics Expansion, Sketch Plan, 7649 Penn Drive, the plan proposes the expansion of the existing site with an additional 21,278 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 a sketch plan has been before the Planning Commission before at their May 2023 meeting where discussions of site circulation, sidewalk connections and driveway offsets took place. Erich Schoch, attorney on behalf of the applicant, presented the application. He noted that since the last meeting with the Planning Commission, the XPO team met with Township Staff to discuss the main topics of concern. He noted that the applicant is aware that they still need to go before the Zoning Hearing Board to discuss the expansion of the nonconformity however the applicant is still seeking comments on the concept plan before the Planning Commission this evening prior to applying for the Zoning Hearing Board.

Anthony Caponigro, Kimley-Horn & Associates, explained that the current concept plan represents a reduction in impervious coverage and greater setbacks and buffering taking the neighboring uses into consideration, a change to the driveway offsets and the addition of sidewalks to allow for safer passage to a from the existing LANTA bus stop.

Harrison Siefert, XPO Real Estate Team, explained the nature of the operation and noted that the use isn’t changing, just expanding noting that the required truck staging areas that are required in the zoning ordinance are essentially not needed for the operation, but they are willing to comply with the ordinance to the best of their abilities. P. McNemar wanted to clarify, in his opinion, that if the additional staging spaces were eliminated, they could come more into compliance with the ordinance and gain some additional buffering along the property lines where the Planning Commission is concerned about. The applicant needs to request relief for the number of staging areas regardless because of site constraints. The applicant stated that the spaces are nicer to have rather than needed for the operation. P. McNemar stated that in his opinion he doesn’t see the need for the extra truck storage spaces since the trucks there would be owned by one entity rather than different truck companies coming in. Further discussion ensued about snow scrapers, additional truck traffic and the reduction of staging spaces and reconfiguration of the parking was had to maintain the buffer yards rather than require the staging spaces.

P. McNemar made a motion to have Township Staff and Engineer comments be included in the Zoning Hearing Board packets when the applicant applies for their Special Exception in addition to having the Zoning Hearing Board consider allowing for a reduction or elimination in truck amenity spaces on the lot. The remaining spaces can be reconfigured to be smaller to comply with the required buffer yards to the east and west of the property. The motion was seconded by C. Walls.

Marty Raguckas, Township Resident, asked for clarification on circulation of the site and where the trucks will connect and disconnect on the site. He is concerned that depending on where the trucks perform those operations, they could back up onto Penn Drive. XPO Logistics representatives noted that all hook ups and disconnections will take place internally to the site and will not back up onto public roadways.

P. McNemar requested to amend the motion to have the Zoning Hearing Board consider a requirement to have the applicant provide enhanced noise buffering for the adjacent daycare to the northeast of the property. The motion was seconded by T. Helmer. The amendment passed unanimously (4-0).

Mr. Zack Fowler, of Gross McKinley in Allentown, represents Star Hospitality which owns a hotel adjacent to the site. He requests that the suggested noise buffering for the daycare could be extended to the hotels in the area as well for the respect of the guests staying there.

P. McNemar requested to amend the prior motion to include the adjacent Star Hospitality properties to also have enhanced noise buffering along the property lines. The motion was seconded by T. Helmer. The amendment passed unanimously (4-0).

P. McNemar made a motion to approve the first motion in addition to the amendments to the motion. The motion was seconded by C. Walls and passed unanimously (4-0).

C. Docket #2344 – Americold Expansion, Sketch Plan, 7150 Ambassador Drive, the plan proposes a 326,859sqft building addition to the existing site with associated site improvements such as parking and stormwater. The site is located within the Township’s LI – Light Industrial Park Zoning District.

J. Toner introduced the application noting on Monday night’s workshop meeting the Planning Commission discussed parking calculations, buffer yards, stacking requirements and sidewalk connections took place. The applicant is before the Planning Commission to discuss the concept before they apply for a Special Exception with the Zoning Hearing Board.

Graham Simmons, legal representative for Americold, noted again that they are here this evening to get feedback on the concept plan before proceeding to the Zoning Hearing Board. P. McNemar asked if there were any questions on Staff and Consultant comment letters. Mr. Simmons noted that many comments are “will comply” and will follow up with additional questions with Township Staff. Fidel Gonzales, Langan Engineering, noted that he will follow up with the Zoning Officer regarding some landscape screening, he noted the sidewalk comments that were in the Staff letters and wanted to discuss that further. J. Toner explained that in the Township’s Vision Zero Action Plan (VZAP) it noted a future side path on the opposite side of Ambassador Drive. Although not on the applicant’s property, in his opinion the applicant should install sidewalks to create a safe pathway to the future side path.

T. Helmer asked for clarification on truck flow and stacking. F. Gonzales explained that there is a proposed guard center on Ambassador Drive with ample queuing. A traffic study has been submitted and is currently still under review with the Township. P. McNemar noted proposed access drives along Mill Road and asked for clarification on their use. F. Gonzales noted that they are not going to be the main entrances to the facility, but they are intended on being used for access. P. McNemar’s concern is how often that access would be used considering that this is very low volume now.

Further discussion ensued regarding building code issues that the applicant is looking into for options on how to address that. Those issues are to be addressed with the Building Code Board of Appeals.

Supervisor Ghai asked questions regarding stacking issues on the site and in the street and how that can be addressed with the proposal and mentioned noise issues. It was noted that those issues are stemming from another parcel, owned by Americold, not the proposed this evening. S. Ghai acknowledged this and asked that this issue be taken into consideration for this proposal since the properties are owned by the same entity.

P. McNemar made a motion to forward Township Staff and Engineer comments to be reviewed by the Zoning Hearing Board when the applicant submits for their Special Exception review. The motion was seconded by C. Walls. The motion passed unanimously (4-0).

VI. OTHER BUSINESS

A. ZHB Advisory Review – 110 PA Route 100, the Zoning Hearing Board has requested an advisory review from the Planning Commission on Zoning Appeal No. 01 23 001 regarding the Special Exception Application for a proposed warehouse at the property.

P. McNemar announced that he would recuse himself from this discussion as there is a conflict of interest. Chairman Deprill announced that there was no longer a quorum for this evening and official action can no longer be taken.

VII. PUBLIC COMMENT

N/A

VIII. ADJOURNMENT

Chairman Deprill made a motion to adjourn the meeting at 8:45PM. The motion was seconded by C. Walls. The motion passed unanimously (3-0).