



UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES

September 20, 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, 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

II. ACTION ITEMS:

C. Walls made a motion to approve the August 16, 2023, meeting minutes. The motion was seconded by Vice-Chairman McNemar. The motion passed unanimously (5-0).

III. ADDITIONS/DELETIONS TO AGENDA

Chairman Deprill asked if there were any changes to tonight's agenda. J. Toner noted that Docket No. 2371 Robert Ehle Minor Subdivision Plan has requested to table themselves for this evening and will return at a future meeting.

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. OTHER BUSINESS

A. Zoning Ordinance Amendment – Proposed text amendments to Section 27-302(A)(a), minimum lot requirements for Distillery, Microbrewery, and Winery and text amendments to Section 27-603.4 Access Drive and Driveways.

J. Toner explained the proposed amendment noting that the first section being amended was lot a setback requirement for specific uses. When the mixed-use ordinance was passed last year, the new uses were not applied to the underlying zoning district. Township Staff proposed the amendment earlier in the year where concerns were expressed during public comments regarding breweries and distilleries within the residential zoning districts. The current proposal adds specific lot requirements to those uses in those specific districts to address the concerns raised.

The second part of the amendment pertains to off-street parking requirements, specifically for Conservation by Design developments. The amendment will now allow for my flexibility on where the driveway placement may be on the property. K. Sostarecz noted that a public hearing is scheduled for this amendment on Thursday, October 5, 2023, at 6:45pm in the Public Meeting Room.

T. Helmer made a motion to recommend to the Board of Supervisors approve the Zoning Ordinance amendments as presented by Staff. The motion was seconded by M. Werst. The motion passed unanimously (5-0).

B. Docket #2325 – Green Hills Commerce Center Waiver Request & Site Plan adjustment– a waiver request for Section 22-704.9(C) to allow the applicant to eliminate curbing along the north side of the north driveway. The applicant is also seeking approval of the loading zone adjustments.

J. Toner explained the waiver request. David Weinstein, property owner, and Stephen Pany, the applicant's engineer, represented the application. Mr. Pany explained the changes to the recorded plan noting a shift in the garage doors and moved the loading dock door to match what the tenant requested. Additional changes to the physical building itself included an additional light on the corner and the removal of the grass strip in the rear of the building. J. Toner noted that the building/layout changes were reviewed by the Zoning Officer, Building Code Official, and the Direct of Bureau of Fire and all had no comments or saw no issue.

The waiver request for the application is for the removal of the proposed curbing along the rear of the property. Both Mr. Weinstein and Mr. Pany expressed that this was done to reflect what the rest of the property looked like, which doesn't have curbing, and to allow for ease of landscaping in the rear. They also noted that it wouldn't affect stormwater either. P. McNemar noted that although our ordinance calls for curbing specifically for stormwater purposes, it serves another purpose, to prevent vehicles from parking on the grass and referenced problems with trucks parking in the grass throughout the Township. J. Kiechel noted that Staff would be in support of the waiver if the curbing was extended about 80 feet and then taper off. P. McNemar also noted the changes to the parking stalls on the east side of the building. He is personally okay with the change but requested striping after the last space to deter parking in that area.

P. McNemar made a motion to recommend to the Board of Supervisors that they approve the minor site plan changes of the recorded plan. The motion was seconded by T. Helmer. The motion passed unanimously (5-0).

T. Helmer made a motion to recommend to the Board of Supervisors that they approve the waiver request of Section 22-704.9(C) as modified by the Township Engineer in a letter dated September 18, 2023. The motion was seconded by M. Werst. The motion passed (4-0-1). P. McNemar did not cast a vote.

VI. PLAN REVIEW

- A. Docket #2336 – Sunset Orchards Preliminary Land Development, Schantz & Ruppssville Road**, the applicant is proposing the construction of a residential development consisting of 126 twin style homes and 85 townhome units. The project is located within the Township's R3 – Medium Low Density Residential Zoning District.

J. Toner explained the application noting that it has been before the Planning Commission multiple times for review. The applicant is here this evening to get feedback on the newest design before they sit down with the Township to correct more detailed comments then come back for a recommendation.

Steve McGrady, Landcore Engineering, explained the changes to the new design such as the realignment of Road A to allow for further buffering between the existing homes along Fir Rd and the proposed twins. With the Road A realignment, the new design allowed for a safer design of the intersection between Road A and Bastian Lane, now being proposed as a 3-way stop intersection. An additional request that was made was to extend some sanitary sewer line work to the property line to allow for the residents along Androksy Drive future connections.

P. McNemar noted that discussions on Monday night's workshop included the absence of sidewalks along Ruppssville and Schantz Roads stating that the Township Vision Zero Study is now complete and sidewalks, or some sort of pedestrian connection would be warranted along these frontages. Further discussion ensued regarding what kind of improvements could be made there as the ordinance would require boundary road upgrades which would require widening at the least. He stated that the applicant should discuss with the Township Engineer as to what those could look like.

C. Walls asked if Road A would become a private roadway referring to concerns from residents about school bus routes for children in the proposed neighborhood seeing that Parkland School District's policy is to only travel along public roadways. S. Grady explained that the applicant is prepared to dedicate Road A to the Township to address that concern and would like to discuss further the dedication of Road B to the Township as well. Staff made a statement noting that the Public Works Director is in favor of Road A becoming a Township Road, however discussions of Road B need to be had.

P. McNemar asked questions regarding stormwater and the status of their NPDES permitting. S. McGrady stated that they have had an informal preapplication meeting with the Lehigh County Conservation District (LCCD), and will be scheduling their formal shortly.

Chairman Deprill opened the floor for public comment noting that those who wish to speak are subject to a 5-minute time limitation.

Multiple residents in the neighboring development expressed their concerns over privacy, stormwater, safety, landscaping and screening, traffic, and the elevation of stormwater basins and berms throughout the property. Residents that spoke were:

Francis “Butch” Stopp, Deborah Barnes, Scott Weigel, Michael Milano, Andy Snyder, and Carol Facchiano.

- B. Docket #2338 - **Twin Ponds, Preliminary/Final Land Development, 8739 Hamilton Blvd**, the applicant is proposing to construct 132 residential apartment units within 22 buildings and a daycare facility utilizing the Township’s Mixed-Use Zoning Overlay. The project is located within the Township’s NC – Neighborhood Commercial Zoning District.

J. Toner introduced the application noting that the Planning Commission has seen this application before, and their concerns revolved around safety of the site in addition to traffic concerns. Nate Fox, attorney for DR Horton, stated that they will only be asking for a Preliminary recommendation this evening as they are withdrawing their waiver request for a Preliminary/Final Land Development Plan and the rest of the comments from both Staff and Engineer are *will comply*.

P. McNemar asked for clarification on whether landscaping would be on the Hamilton Blvd side of the proposed fencing. It was stated that landscaping would be on the inside of the proposed fencing however wanted to point out that there is existing vegetation on the property frontage that will not be disturbed so the entire length of the frontage will not be one long fence and screening along the roadway would not be required in this case under the Zoning Ordinance.

The requested deferral was also discussed regarding the sidewalk placement on the north side of the proposed *Lilly Lane*. P. McNemar, in his opinion, is okay with the deferral on the condition that the area is not only graded correctly for the future improvement but also the impervious coverage calculations are included so there is no problems in the future with the installation or the LCCD.

A further discussion was had regarding which waivers will be withdrawn this evening and which waivers applied moving forward with this submission.

Mr. Gary Andrews, 8739 Turkey Ridge Road in Green Acres, expressed concerns on the proximity of the proposed roadways as he lives just beyond the property lines. Clarification was given to him. He also stated that he is concerned about left hand turns out of the site as it is already difficult to make that maneuver now.

P. McNemar made a motion to recommend to the Board of Supervisors approve waiver numbers 3, 4, 5, 6, 7, 8 with Staff clarification, 9, 10, and 11 as noted in the Township Engineer’s review letter. He noted that the applicant withdrew requested waivers 1, 2, 12, and 13. The motion was seconded by C. Walls. The motion passed unanimously (5-0). The waivers being recommended for approval are as follows:

- **A waiver from Section 22-703.3.2(C): to allow the applicant to provide a fence in lieu of a three-foot high berm behind the apartment units.**
- **A waiver from Section 22-703.3.F(2)(c): to allow the applicants west access drive to the daycare be closer than 150 feet to the centerline of a street intersection if both streets are local streets.**
- **A waiver from Section 22-704.6.C(1-3): to allow the proposed “Lilly Lane” to be 355ft from Hamilton Blvd rather than the required 800ft.**
- **A waiver from Section 22-704.9.C: to allow the applicant not install curbing along their Hamilton Blvd road frontage.**
- **A waiver from Section 22-705.3.F: to allow the applicant to install the sanitary sewer main along their proposed road frontage rather than their Hamilton Blvd frontage. The applicant shall clarify that the**

proposed infrastructure will be accessible by the Township since the infrastructure will be in a private roadway.

- A waiver from Section 22-707.4.C(2)(b): to allow the applicant to construct 2:1 slopes in Basin #3 rather than the required 3:1 slopes.
- A waiver from Section 22-707.5.A(1): to allow the applicant to provide larger inlet sizes in lieu of flanking inlets.
- A waiver from Section 22-710.5.C: to allow the applicant to have street trees be spaced greater than the maximum 60 feet apart.
- A waiver from Section 22-704.9.A: to allow the applicant to not construct sidewalk along Hamilton Blvd.

P. McNemar made a motion to recommend to the Board of Supervisors that they approve the requested deferral. The motion was seconded by C. Walls and passed unanimously (5-0). The deferral requested is:

- A deferral from Section 77-704.9.A: to allow the applicant to not install the required sidewalk along the northern section of proposed Lilly Lane conditional upon grading the site for future installation and including the impervious coverage in the stormwater calculations.

P. McNemar made a motion to recommend to the Board of Supervisors that they approve Preliminary Plan Approval to Docket No. 2338 Twin Ponds 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 September 18, 2023.
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 September 18, 2023.

C. 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 he has a conflict of interest with this application and will be recusing himself from discussion or voting. It was noted and J. Toner explained the application.

Joe Burdini, the applicant's attorney, and Victor Grande, the applicant's engineer represented the application. They noted that since they were last before the Planning Commission, they have been working on addressing some of Staff and Engineer comments. They did recognize that the plan may not be ready for a Preliminary/Final recommendation this evening and will be withdrawing the waiver for a Preliminary/Final Land Development recommendation this evening.

Main point of discussion surrounded the availability of parking. The site is small as it is today and the proposal is for an expansion of the building, leaving only little parking available. The Planning Commission's concern is once the tenants go into the other two retail spaces being proposed, there won't be enough for the convenience store or the retail spaces. V. Grande stated that the applicant is willing to place a note on the plan that would dictate parking based on the use of the retail spaces. For example: of the next use is a small restaurant that takes up the rest of the available parking, the other retail space couldn't be occupied because the restaurant is using them all. The Planning Commission seemed okay with this. This is also the reason they are asking for Preliminary only this evening so they can start approaching potential tenants so they can get a feel for the parking moving forward with the Final Plan submission.

Further discussion was had regarding the requested waivers and which ones were being withdrawn this evening and which ones were up for consideration.

T. Helmer made a motion to recommend to the Board of Supervisors that they approve waiver numbers 3, 4, 6, & 7 as noted in the Township Engineer's review letter. He noted that the applicant has withdrawn waiver numbers 1, 2, 5, & 8. The motion was seconded by C. Walls and passed unanimously (4-0). The waivers recommended are as follows:

- **A waiver from Section 22-710.5.C: to allow the applicant to dedicate the required number of street trees to a Township Park chosen at the discretion of the Board of Supervisors.**
- **A waiver from Section 22-703.3.D(3): to allow the applicant to have a 10ft minimum radius at the right-in only driveway instead of the require 20ft radius.**
- **A waiver from Section 22-708.5: to allow the applicant to have proposed improvements be within the existing sanitary sewer easement located on the property.**
- **A waiver from Section 22-703.3.F(2)(a): to allow the applicant to have the proposed access drive be less than the required 300ft from an intersection.**

T. Helmer made a motion to recommend to the Board of Supervisors that they approve a Preliminary Plan for Docket #2265A, Trexlertown Retail Center. The motion was seconded by M. Werst and passed unanimously (4-0).

VII. PUBLIC COMMENT

There was no public comment.

VIII. OTHER BUSINESS

Chairman Deprill announced that John Toner, Planning & Zoning Specialist, has handed in his resignation with the Township. He wanted to thank J. Toner for all he has done for the Planning Commission and wished him best of luck moving forward in his career. J. Toner thanked the Planning Commission for the best wishes.

Informal discussions were had regarding the amount of time that the Planning Commission should allow public comment to go on for and how to manage that time correctly, so everyone feels heard but doesn't feel cut off. The Planning Commission asked Township Staff to place a note on the agendas moving forward about the five (5) minute limitation on public comment.

IX. ADJOURNMENT

M. Werst made a motion to adjourn the meeting at 9:18PM. The motion was seconded by C. Walls. The motion passed unanimously (5-0).