



UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES

December 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: Charles Deprill, Chairman; Paul McNemar, Vice-Chairman; Christopher Walls, Secretary; Michael Werst, Raymond Boronyak (virtually), Members. Absent – Timothy Helmer

STAFF PRESENT: Kalman Sostarecz, Asst. Township Manager/Director of Community Development; David Alban, Township Engineer; Jonathon Kiechel and Marv Walton, Keystone Consulting Engineers; Andrew Schantz, Esq, Township Solicitor; Roxann Colfer, Permits Clerk.

II. MINUTES

Secretary Walls made a motion to approve the November 15, 2023 meeting minutes as presented. Seconded by Commissioner Werst. The motion passed unanimously (5-0)

III. ADDITIONS/DELETIONS TO AGENDA

Mr. Sostarecz reported that the application for Docket #2355, TransEdge Truck Centers, requested their plan be tabled and as a result, they have been removed from the agenda.

IV. MPC TIMELINE REVIEW

Chairman Deprill asked if any action was necessary of the Planning Commission regarding active MPC Timelines on applications. Mr. Sostarecz noted that the Township has received all the necessary time extensions, and no action was necessary.

V. PLAN REVIEW

A. Docket #2304B – Trexler Point – North, West, & South Sections, Weilers & Schaefer Run Roads, Revised Final Plan – Mr. Sostarecz stated that this development was previously approved and is currently under construction. The applicant is proposing changes to the recorded plan. The property is located within the Township’s R3 – Medium Low Density Residential Zoning District.

During construction, inspectors discovered the construction plans were different than the recorded plans. The Developer was instructed to cease construction and submit a Revised Final Plan, noting that any continued construction until a revised plan was approved would be at their own risk. Keystone Consulting Engineers compared the recorded plans with the construction documents and worked with the developer to determine the changes that are required for the Revised Final Plan.

Mr. Alban reported the revisions primarily involve water and sanitary sewer line locations, which also affects stormwater, and the review comments are minor in nature. He also noted all SALDO waivers and deferrals that were previously granted are still valid, as are all previous outside agency approvals.

Nik Naidu of Levi Land Holdings was present representing the applicant. Vice-Chairman McNemar questioned why, per Comment #21 on Page 17 of the Keystone review letter, ADA Ramps were removed from the crossing at the proposed emergency access drive to the North parking area. Mr. Naidu replied the main concern was underground utilities, he isn’t aware why the ADA ramps have been removed. He believes it may have been because they were in the fire access lane.

Motion to table the plan by Vice-Chairman McNemar. Seconded by Secretary Walls. The motion passed unanimously (5-0).

B. Docket #2371 – Robert Ehle Minor Subdivision – 6119 Haasadahl Road, Preliminary/Final Subdivision Plan – The applicant is proposing to subdivide a 6.21-acre (net) parcel (Lot 2) from the parent tract (Lot 1). Lot 2 will contain the existing single-family dwelling and guest house, and Lot 1 will contain the existing pole

building and will contain 80.88 acres (net) after the subdivision. No new development is proposed at this time. The site is located within the Township's RU3 – Rural 3 Zoning District.

Mr. Sostarecz reported this is a Minor Subdivision and there are no new buildings proposed. David Lear and Brad Rock of Lehigh Engineering were present representing the applicant. Mr. Lear indicated they will have no problems addressing any remaining comments of the Township Engineer; however, he did want to clarify the sewer note to be added to the plan for the Remaining Lands (Lot 1) and Item 6B on the 12/13/23 Zoning Review, regarding the area between the PennDOT right-of-way and the ultimate ROW. Mr. Alban said the area should be labeled on the plan as future ROW and plats and descriptions should be submitted if that area is needed in the future.

Mr. Lear noted they are requesting waivers. First, regarding plan scale, Mr. Alban stated an overall plan at 1" = 80' is acceptable, but additional sheets at 1" = 50' should be included. If that is done, the Ordinance requirement will be satisfied and there will be no need for a waiver. D. Lear indicated they will comply and will withdraw the waiver request # 1 regarding plan scale.

Regarding Waiver #6, Mr. Alban stated they can submit a Non-Building Waiver to PADEP for Lot 1, but he would like alternate areas tested and shown on Lot 2 it is in a flood plain.

Mr. Rock stated North Whitehall Township did want to clarify that if there were any SALDO changes in Upper Macungie, they would have an opportunity for review in case Lot 1 would be subdivided with access from Armstrong Street. Mr. Sostarecz did speak with N. Whitehall, and they have no concerns. Mr. Rock did meet with South Whitehall Twp. and there are no issues, but he hasn't received the letter.

Vice-Chairman McNemar commented on using the existing stream crossing for Lot 1 and is requesting a note be placed on the plan documenting that no engineering work has been performed to confirm the existing access is adequate to support a future roadway. Mr. Lehr stated he has no issue with that, they will work with A. Schantz to develop suitable language for the note.

Motion by Vice-Chairman McNemar to recommend that Waivers 2, 3, 4, & 5 be approved. Seconded by Secretary Werst. The motion passed unanimously (5-0).

Motion by Vice-Chairman McNemar to recommend that Waiver 6 be approved, conditioned on that it is for Lot 1 only. Seconded by Secretary Walls. The motion passed unanimously (5-0).

Motion by Vice-Chairman McNemar to recommend that Docket #2371 be approved, conditioned on the comments of the staff and Township Engineer's review letters and a note being placed on the plan documenting that the existing stream crossing to access Lot 1 is not assumed to be an automatic roadway, language to be worked out with the applicant and the Township Solicitor, Seconded by Commissioner Werst. The motion passed unanimously (5-0).

- C. Docket #2344 – Americold Expansion, 7150 Ambassador Drive, Preliminary Land Development Plan –** The applicant is proposing an expansion of their existing facility along with associated site improvements such as parking and stormwater facilities. The site is located within the Township's LI – Light Industrial Parking Zoning District.

Mr. Sostarecz reported this is an existing facility and they are proposing a 330,512 sf expansion. There will also be a slight demolition (11,091 sf) of the northern portion of the building, resulting in a net increase in building size of 319,421 sf.

Graham Simmons, Esq of Norris McLaughlin, P.A., Doug Karmel and Dave Mason of Americold Logistics and Fidel Gonzalez, P.E. of Langan Engineering were present representing the applicant. Attorney Simmons indicated the applicant will be requesting the plan be tabled so that plan revisions can be done, however they would like to discuss the SALDO waiver requests.

Waiver #1 from SALDO Sec. 22-704.9. A.(1), which requires a 5' sidewalk with a 5' grass strip between the curb and sidewalk. The applicant is proposing a 5' sidewalk with a 4' grass strip along Mill Rd. so as to not

impact three (3) existing fire hydrants. Discussion was the 5' grass strip can be maintained except in the direct area of the hydrants.

Waiver #4 from SALDO Sec. 22-704.9.C. regarding curbing along the existing parking lots. Per discussion, this is a moot point because, as noted on the Township Engineer's review letter, this section does not apply to existing parking areas. As a result, the applicant withdrew this request.

Mr. Brian Cincera, 7321 Lochhaven Street, representing Friends of Lochhaven, which is a group of more than 100 residents that collectively have serious concerns about the expansion project; more specifically that the project will adversely impact noise, traffic congestion, truck stacking, illegal parking, traffic ingress and egress to and from Rt. 100, and pedestrian safety. Vice-Chairman McNemar encouraged Mr. Cincera to submit a list of specific concerns to the Township.

Mr. Brian Duvall, 7271 Lochhaven Street asked if any traffic impact studies were performed. Attorney Simmons replied they were performed and submitted to the Township.

Motion by P. McNemar to recommend SALDO Waiver #1 be approved, conditioned that it is limited to the immediate area of the fire hydrants. Seconded by Ray Boronyak. The motion passed unanimously (5-0).

Motion by P. McNemar to recommend SALDO Waivers #2 and 3 be denied, based on staff/engineer review letters, Seconded by M. Werst. The motion passed unanimously (5-0).

P. McNemar requested the minutes reflect SALDO Waiver #4 has been withdrawn by the applicant.

Motion by P. McNemar to table Docket #2344. Seconded by C. Walls. The motion passed unanimously (5-0).

- D. Docket #2379 – Trexler Travel Center, 5829 Tilghman Street, Sketch Plan** – The applicant is proposing to expand the existing use to include expanded buildings, a new building, new gas pumps, new truck repair and wash buildings, as well as associated parking and other improvements. The site is located within the Township's HC – Highway Commercial Zoning District.

Vice-Chairman McNemar recused himself as he is employed by the same engineering firm that the applicant is utilizing.

James Preston, Esq. of Broughal & DeVito, LLP, Har Dyal, owner, and Victor Grande, P.E. of RETTEW, Project Engineer were present representing the applicant. Attorney Preston reported that as this is a non-conforming use, the applicant will need to submit a Special Exception application to the Zoning Hearing Board for an expansion of a non-conforming use. Mr. Grande gave an overview of the project and advised they will be able to comply with most of the staff and Township Engineer's review comments. He had a question regarding the sizing of the required parking spaces for the truck repair facility. He was advised that since the repair facility will be solely for tractor trailers, the sizing should be the same as an off-street loading space, 10' x 80'.

Planning Commission members expressed concerns regarding the rental/leasing of parking spaces on the site, traffic stacking/queuing on Blue Barn Rd., truck parking on Blue Barn Rd., and traffic conflicts between this site and the CVS site.

Mr. Sunny Ghai, 6910 Lehigh Court, commended the owner on the improvements that have been made to the property. Mr. Ghai questioned whether the leasing of the parking spaces at the site is consistent with a truck stop use or whether the leasing of spaces is a separate land use. Mr. Ghai also asked the owner if there is an opportunity for ice scrapers on the site. Owner Har Dyal stated they have spoken to contractors and are working on ice scrapers.

As this is a Sketch Plan, no action was taken.

VI. OTHER BUSINESS

A. Upper Macungie Township Planning Commission By-Laws DRAFT

Mr. Sostarecz advised that it is recommended by PA DCED and the PA Municipalities Planning Code that all standing Boards and Commission of the Township have a set of By-laws under which to operate. A set of draft By-laws has been prepared and circulated to the Planning Commission members for review and comment. Chairman Deprill stated that since the Commissioners have not had a lot of time to review the draft, he feels it should be brought back to next month's meeting.

Motion by Chairman Deprill to table this item to next month. Seconded by Vice-Chairman McNemar. The motion passed unanimously (5-0).

VII. PUBLIC COMMENT

There was no additional public comment.

VIII. ADJOURNMENT

Chairman Deprill made a motion to adjourn the meeting at 8:39 p.m. Seconded by Commissioner Werst. The motion passed unanimously (5-0).