



UPPER MACUNGIE TOWNSHIP  
PLANNING COMMISSION  
MEETING MINUTES

April 17, 2024

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**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; Chris Walls, Secretary; Mike Werst, Timothy Helmer, Ray Boronyak, and Haikeem Nelson, Members.

STAFF PRESENT: Kalman Sostarecz, Asst. Township Manager/Director of Community Development; Meredith Keller, Township Planner; Dave Alban, Township Engineer; Jonathan Kiechel, Keystone Consulting Engineers; Andrew Schantz, Township Solicitor.

**II. MINUTES**

Secretary Walls moved to approve the meeting minutes of February 21, 2024, February 26, 2024, and March 20, 2024. Seconded by Commissioner Werst. The motion passed unanimously (7-0).

**III. ADDITIONS/DELETIONS TO AGENDA**

Mr. Sostarecz reported that there were no additions or deletions to 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 no action was necessary.

**V. PLAN REVIEW**

- A. Docket #2376 – ATAS Building Expansion – 6642 Grant Way, Preliminary/Final Land Development Plan**  
– The applicant proposes an expansion of the existing manufacturing facility with an additional 53,900 square foot building addition and parking lot expansion. The site is located within the Township’s LI – Light Industrial Zoning District.

Sam Cohen, Esq. of Gross McGinley LLP, and Chris Williams, P.E. of Barry Isett, represented the application. Mr. Williams stated that he would address all engineering comments in the review letter. He added that he applied for an expedited NPDES review, received a technical review letter, and submitted a response the previous week.

No public comment.

**Motion by Commissioner Helmer to recommend that Waivers 2 and 3 be deferred and that Waivers 1 and 4 be approved. Seconded by Vice-Chairman McNemar. The motion passed unanimously (7-0).**

**Motion by Commissioner Helmer to recommend that Docket #2376, ATAS Building Expansion, 6642 Grant Way, Preliminary/Final Land Development Plan, be approved, conditioned on the comments of the staff and Township Engineer’s review letters. Seconded by Secretary Walls. The motion passed unanimously (7-0).**

- B. Docket #2357 – XPO Logistics Expansion – 7649 Penn Drive, Preliminary/Final Land Development Plan**  
– The plan proposes an expansion of the existing site with an additional 21,278 square foot building addition and parking lot expansion. The site is located within the Township’s LI – Light Industrial Zoning District.

Vice-Chairman McNemar disclosed that he is working with the applicant’s counsel on a project in another township. He stated that there is nothing in that relationship that would preclude him from rendering a fair decision regarding this application.

Erich Schock, Esq. of Fitzpatrick Lentz and Bubba, and Anthony Caponigro, P.E. of Kimley-Horn and Associates, represented the application. Mr. Schock stated that they are amenable to the engineer's suggestions and will comply with the remaining items in the review letters.

Mr. Caponigro explained that additional square footage has been provided for truck turning. He noted that the traffic study does not illustrate that there would be queueing at the intersection of Penn Drive and Route 100. However, he continued, modifications have been made based on staff recommendations to widen Penn Drive to allow two lanes of stacking approaching the signal. He added that the widening extends from the driveway to the intersection, then tapers to the existing double line to the east.

Vice-Chairman McNemar questioned the proposed placement of arborvitaes on Star Road and requested that they continue along the entire Star Road frontage. He explained that the blacktop would need to be saw cut to install arborvitaes at certain areas of the frontage and noted that the sidewalk would need to abut the curb to accommodate the planting buffer. Mr. Schock responded that they will comply with the request and commented that some arborvitaes will be located in the right-of-way near Penn Drive rather than public property. Mr. Alban stated that arborvitaes should terminate at the grass strip to remain clear of the emergency access drive.

No public comment.

**Motion by Vice-Chairman McNemar to recommend that Waivers 2, 4, 5, 6, 7, and 8 be approved. Seconded by Commissioner Werst. The motion passed unanimously (7-0).**

**Motion by Vice-Chairman McNemar to recommend that Waiver 3 be approved, conditioned on the applicant's comment to provide arborvitaes or slats in the fence along Star Drive from the existing arborvitaes to the end of the grass strip, with preference given to installing additional arborvitaes. Seconded by Secretary Walls. The motion passed unanimously (7-0).**

**Motion by Vice-Chairman McNemar to recommend that Waivers 1 and 9 be denied. Seconded by Secretary Walls. The motion passed unanimously (7-0).**

**Motion by Vice-Chairman McNemar to recommend that Docket #2357, XPO Logistics Expansion, 7649 Penn Drive, Preliminary Land Development Plan, be approved, conditioned on the comments of the staff and Township Engineer's review letters. Seconded by Secretary Walls. The motion passed unanimously (7-0).**

- C. Docket #2048B – Mosser Road Residential Subdivision – 1050 Mosser Road, Revised Final Land Development Plan** – The applicant is proposing to revise the recorded plan to show increases in the impervious coverage to account for larger units and future amenities for the 10-unit single family development. The project is located within the Township's R-3, Medium Low Residential Zoning District.

No one was present to represent the application. Mr. Alban stated that the applicant had not informed him of a decision to table the review.

No public comment.

**Motion by Vice-Chairman McNemar to recommend that Docket #2048B, Mosser Road Residential Subdivision, 1050 Mosser Road, Revised Final Land Development Plan, be tabled, owing to comments in the staff and Township Engineer's review letters. Seconded by Commissioner Boronyak. The motion passed unanimously (7-0).**

## **VI. OTHER BUSINESS**

### **A. Ordinance #2024-04 – Repealing Mixed-Use Overlay**

Mr. Sostarecz introduced the ordinance to repeal the Mixed-Use Overlay, noting that the ordinance had been enacted approximately two years ago. He stated that few plans have utilized the zoning and of those plans, the projects have not reflected the intended vision of the overlay. He clarified that mixed-use development will

be integrated into the zoning rewrite. The ordinance to repeal the overlay, he continued, has been submitted to the Lehigh Valley Planning Commission.

No public comment.

**Motion by Commissioner Boronyak to recommend that Ordinance #2024-04 to repeal the Mixed-Use Overlay, with the exception of terms defined in Section 27.02, be approved. Seconded by Secretary Walls. The motion passed unanimously (7-0).**

**VII. PUBLIC COMMENT**

There was no additional public comment.

**VIII. ADJOURNMENT**

**Vice-Chairman McNemar moved to adjourn the meeting at 7:43 p.m. Seconded by Commissioner Werst. The motion passed unanimously (7-0).**