



**UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES**

June 19, 2024

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; Ray Boronyak, Timothy Helmer, and Mike Werst, Members. Absent – Commissioner Haikeem Nelson.

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

II. MINUTES

Commissioner Boronyak moved to approve the meeting minutes of May 15, 2024. Seconded by Vice-Chairman McNemar. The motion passed unanimously (6-0).

III. ADDITIONS/DELETIONS TO AGENDA

Mr. Sostarecz reported that the applicant for Docket #2343 121 Nestle Way & 8361 Schantz Road tabled the application, and the item has 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 all extensions have been received, except the extension for Docket #2334 BlueTriton, which is scheduled for review later in the meeting. He stated that if a written extension is not in hand before the review, then staff would suggest that the Planning Commission recommend denial since the timeline expires in July.

V. PLAN REVIEW

A. Docket #2356 Parkland Circle, 6045 Reppert Lane, Preliminary Land Development – the applicant is proposing the construction of 25 townhome units at 6045 Reppert Lane. The project is located within the Township’s R5 – Medium High Density Residential Zoning District.

Vice-Chairman McNemar disclosed that he is working on a project involving the applicant’s engineer, though he stated that it would not preclude him from rendering an unbiased decision on the project.

Developer Mariano DiFiore represented the application. Mr. Martocci commented that the plans show two units that meet the zoning definition of a twin rather than a townhome and explained that a twin has different setback and density requirements. He asked that the plans be updated to meet the definition of townhome by either spacing the units differently or adding one additional unit. He further remarked that the applicant must quantify density, setbacks, and open space on the plans. Mr. Martocci noted that the development needs access for water and sewer and that the plan proposes to vacate a public right-of-way and condemn a portion for utilities. Mr. Schantz stated that the applicant would need to approach the adjacent property owners, whose properties abut the right-of-way.

Commissioner Helmer commented on the open radius at the existing cul-de-sac and the parking lot closest to US-222, noting that the plan lacks flow from the parking lot. He asked that it be reconfigured to create a throughway from west to east and have parking spaces oriented north-south. He observed that there was no path to connect the lower parking lot to the upper section of units and asked that the plan include better connectivity.

Mr. Martocci added that the fire commissioner included a comment related to the access drive width, noting that it needs to be wider to meet code and allow vehicles to pass. He also stated that if the radius at the cul-de-sac is tightened, it would still need to meet the turning movements for fire apparatus.

Mr. Sostarecz stated that some units are proposed to be constructed up to the building restriction line, which would preclude people from building decks or patios.

The Planning Commission agreed that the applicant should work with staff to address the issues raised and the comment letters.

No public comment.

Motion by Commissioner Helmer to recommend that Docket #2356, Parkland Circle, 6045 Reppert Lane, Preliminary Land Development Plan, be tabled. Seconded by Commissioner Werst. The motion passed unanimously (6-0).

- B. 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.

Andy Woods, P.E. of Hanover Engineering, represented the application. Mr. Martocci stated that there were no outstanding engineering, zoning, or staff issues and that all recommend moving forward with plan approval. Mr. McNemar questioned whether the NPDES permit has been submitted. Mr. Woods responded that it was submitted on Monday.

Mr. Schantz asked whether there were covenants for each individual lot and if they were no longer needed, or if they have changed since the plans were recorded. He added that he needs to understand if the covenants need to be extinguished or if they have been satisfied.

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 approved, conditioned on the comments of the staff and Township Engineer’s review letters. Seconded by Secretary Walls. The motion passed unanimously (6-0).

- C. Docket #2355 TransEdge Truck Centers, 5344 Tilghman Street, Preliminary/Final Land Development Plan** – The applicant is proposing to demolish the existing northern-most building and construct a new 33,075 square foot building in its place, along with dedicated tractor parking spaces and employee parking areas. The site is located within the Township’s HC – Highway Commercial Zoning District.

Kate Durso, Esq. of Fitzpatrick, Lentz & Bubba, Don Peters, P.E. of Bohler Engineering, and Katie Dwyer of TransEdge Truck Centers represented the application. Mr. Martocci stated that the applicant went before the Zoning Hearing Board and received necessary relief; however, he noted that the plans show one nonconforming setback at Lot 5 that needs to be revised in the table, since the existing building is being removed.

Mr. Kiechel explained that the applicant has requested Waiver 3 for the curbing along Tilghman Street, Oakview Drive, and along the truck staging islands, though he noted that curbing is proposed throughout the site and those areas are not part of the waiver request. Vice-Chairman McNemar questioned why the applicant requested a waiver in the employee parking lot. Mr. Peters responded that curbs will be installed in the employee lot but not within the island areas of the tractor trailer parking lot to allow trucks to circulate.

Mr. Kiechel elaborated on several waiver requests submitted by the applicant that pertain to sidewalks and street trees along the frontage of Tilghman Street and Oakview Drive. He proposed moving the path away from Tilghman Street to allow the trees to be installed in 60-foot intervals and within 2 feet of the right-of-way, as required by the ordinance. Mr. Peters replied that the sidewalk would be outside the PennDOT right-of-way and agreed that the sidewalk and trees could be moved as suggested. He then clarified that the spacing of street trees was determined based on a conversation with the landscape architect to improve the property's appearance and noted that the plans meet the required number of trees though not the required spacing.

Mr. Martocci commented that the Planning Commission can work with the applicant to determine where the sidewalk or pathway should be located and that a deferral may not be necessary. Mr. Kiechel explained that the applicant has proposed to defer the installation of a 5-foot-wide sidewalk, adding that the Vision Zero Action Plan does not indicate any paths along Tilghman Street. If the deferral is recommended by the Planning Commission, he continued, the applicant would be required to install the internal path from the building to the access drive.

Vice-Chairman McNemar inquired about the status of the NPDES permit. Mr. Peters responded that he has had multiple pre-application meetings with the conservation district and the submission was made a week or two after the application was submitted to the township. He added that the application is still in the administrative process but has been pre-reviewed. Vice-Chairman McNemar asked whether a PennDOT occupancy permit would be required. Mr. Peters replied that it would not unless it would be needed for the storm sewer connection, since there are no proposed modifications to the driveway at the Tilghman Street right-of-way.

The Planning Commission discussed whether the plan should be considered for preliminary-final approval. Mr. Kiechel stated that the largest outstanding item is approval from LCCD. Mr. Sostarecz explained that for a favorable recommendation, the technical review should be well underway or completed and that cost estimates should be assembled. Ms. Durso asked to withdraw Waiver 1 for combined preliminary-final approval.

Vice-Chairman McNemar suggested changing Waiver 4 to a deferral and noted that Waiver 6 is also a deferral. The Planning Commission discussed whether it could defer curbing without requiring the applicant to design the curbing. Ms. Durso expressed concern that approving a deferral without requiring design would not provide relief, because the township could require curbing at any time. Regarding Waiver 6, Vice-Chairman McNemar stated that he would not be in favor of a deferral, owing to the known pedestrian safety issues on Tilghman Street. Mr. Peters explained that a swale runs along the property line and creates grading issues, so the sidewalk would terminate several feet short of the property line.

Vice-Chairman McNemar then asked that Waiver 3 be considered as two requests, with Waiver 3A referring to the curbing within the truck parking lot, and with Waiver 3B becoming a deferral for curbing along the Tilghman Street and Oakview Drive frontages. Ms. Durso responded that if the curbing on Tilghman Street and Oakview Drive needs to be shown as part of the stormwater plans, it may require a PennDOT permit. Mr. Martocci stated that in the past the Planning Commission has approved waivers in similar situations. Vice-Chairman McNemar expressed concern that granting a waiver associated with this plan will prevent curbing from being installed in the future. Mr. Schantz countered that a waiver should be granted for a particular hardship associated with a specific plan. Any future plan, he continued, would require a new waiver request, and the Planning Commission would need to determine whether that waiver should be granted.

The Planning Commission confirmed that Waiver 1 was withdrawn by the applicant and that Waiver 2 was not required and was subsequently withdrawn by the applicant.

No public comment.

Motion by Vice-Chairman McNemar to recommend that Waiver 3A, pertaining to curbing within the truck parking lot, be approved. Seconded by Commissioner Werst. The motion passed unanimously (6-0).

Motion by Vice-Chairman McNemar to recommend that Waiver 3B, pertaining to the curbing along the Tilghman Street and Oakview Drive frontages, be approved as a deferral, with the condition that engineering to support the deferral not be required. Chairman Deprill seconded. The motion passed 4-2. Commissioners Boronyak and Helmer dissented.

Motion by Vice-Chairman McNemar to recommend that Waiver 4 be approved as a deferral, with the condition that engineering to support the deferral not be required. Secretary Walls seconded. The motion passed unanimously (6-0).

Motion by Vice-Chairman McNemar to recommend that Waiver 5 be approved. Seconded by Commissioner Werst. The motion passed unanimously (6-0).

Motion by Vice-Chairman McNemar to recommend that Deferral 6 be denied, owing to the applicant satisfactorily addressing the SALDO requirements. Seconded by Commissioner Boronyak. The motion passed unanimously (6-0).

Motion by Vice-Chairman McNemar to recommend that Docket #2355, TransEdge Truck Centers, 5344 Tilghman Street, 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 (6-0).

- D. Docket #2334 BlueTriton Semi-Trailer Entrance, 405 Nestle Way, Preliminary/Final Land Development** – the application is proposing modifications to the access road around the site. Improvements on the site include widening of internal roadways, reconfiguring internal traffic patterns, and improving an abandoned roadway (*Previously Fogel Road*). The project is located within the Township's LI -Light Industrial Zoning District.

Patrick Boggs, P.E. of GHD, and Brent Clay of BlueTriton Brands represented the application and provided a signed time extension. Mr. Boggs stated that he is progressing with LCCD and hopes to have the administrative process complete soon. He asked that the Planning Commission discuss the two waiver requests, which include a deferral of the sidewalk requirements at the Nestle Way frontage, along with a deferral of the engineering, and a waiver to allow the landscaping plans to be stamped by an engineer rather than a landscape architect. Chairman Deprill responded that a landscape architect will be required to stamp the plans.

Vice-Chairman McNemar stated that the Vision Zero Action Plan identifies the Nestle Way frontage as an area for improvement and that he would not support a deferral. Mr. Boggs countered that the application proposes to address traffic issues on Nestle Way and that additional requirements would be onerous. The Planning Commission agreed that because the application is for land development, the requirement would need to be satisfied and that the street has significant foot traffic. Commissioner Helmer added that the commission could consider a sidepath instead of a sidewalk.

Mr. Boggs argued that stormwater management presents a challenged with Iron Run and Act 167 requirements. Vice-Chairman McNemar suggested that the applicant consider a porous surface, such as porous bituminous or porous concrete, provided the material meets ADA requirements.

Mr. Boggs noted that BlueTriton owns two parcels and questioned whether an access agreement would be needed between the two properties if they are under common ownership. Mr. Schantz responded that a draft agreement would be needed. Mr. Martocci added that an easement could be created for the second parcel.

Motion by Commissioner Helmer to recommend that Docket #2334, BlueTriton Semi-Trailer Entrance, 405 Nestle Way, Preliminary/Final Land Development Plan, be tabled. Seconded by Vice-Chairman McNemar. The motion passed unanimously (6-0).

VI. PUBLIC COMMENT

There was no additional public comment.

VII. ADJOURNMENT

Secretary Walls moved to adjourn the meeting at 8:13 p.m. Seconded by Chairman Deprill. The motion passed unanimously (6-0).