



UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES

August 21, 2024

I. CALL TO ORDER/PLEDGE TO THE FLAG:

Meeting called to order at 7:02 PM by Vice-Chairman Paul McNemar and asked all present to join him in the Pledge of Allegiance to the Flag of the United States of America.

MEMBERS PRESENT: Paul McNemar, Vice-Chairman; Chris Walls, Secretary; Timothy Helmer; and Haikeem Nelson, Members. Absent – Charles Deprill, Chairman and Ray Boronyak, Member.

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 July 17, 2024. Seconded by Commissioner Nelson. The motion passed unanimously (4-0).

III. ADDITIONS/DELETIONS TO AGENDA

Ms. Keller reported that there were no additions or deletions to the agenda.

IV. MPC TIMELINE REVIEW

Vice-Chairman McNemar 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 and no action was necessary.

V. PLAN REVIEW

A. Docket #2336 – Sunset Orchards Preliminary/Final Land Development, Schantz & Ruppsville Road, the applicant is proposing the construction of a residential development consisting of 8 twin style homes and 197 townhome units. The project is located within the Township's R3 – Medium Low Density Residential Zoning District.

Jeff Strauss of D. R. Horton and Nate Fox, Esq. of Obermayer, represented the application. Mr. Fox stated that the previous plan had significant zoning comments that have been resolved. He described the plan revisions, noting that Sunset Boulevard has been relocated further north and west; the ownership has changed from condominium units; the total number of units has been reduced to 205; twin units have been added along the southeast side of Sunset Boulevard; the Road B cul-de-sac and Court 3 have been eliminated to provide significantly more open space; the intersection at Sunset Boulevard and Bastian Lane has been revised; and the stormwater management has been heavily revised to include detention basins with spray irrigation, infiltration basins, and retention basins.

The Planning Commission discussed the Sunset Boulevard and Bastian Lane intersection. Secretary Walls observed that the plan previously proposed a T intersection and expressed concern about the speed of cars at the curve given the proposed geometry. He noted that the property on the northwest corner of Fir Road and Bastian Lane has large trees that would be an impediment to sight lines. Mr. Strauss responded that the trees are in the right-of-way and could be removed. He also stated that he could return to the T intersection to resolve the issue and extend sidewalk along Bastian Lane but contended that one of the property owners would lose a significant buffer.

Vice-Chairman McNemar remarked that the Vision Zero Action Plan recommends sidewalks along Bastian Lane and asked that the sidewalks be extended from the property frontage to Fir Road. He then suggested reconfiguring the short stub in end wall A4 and considering the direction of flow and discharge if the intersection is revised. He then questioned whether the applicant would submit a study to determine whether the site contains woodlands, since it was previously an orchard and not true woodlands. Mr. Strauss agreed to submit a study.

Secretary Walls observed that a parking lot is proposed near Androsky Drive and stated that the Planning Commission had previously discussed providing a stub for water to serve Androsky Drive in the future. Mr. Strauss responded that the stub will be included in the plans, though he added that the sanitary lines have changed. The sanitary lines, he continued, will be extended up Ruppssville Road. Vice-Chairman McNemar commented that the Planning Commission previously discussed the potential for development along Androsky Drive and the possibility of installing a stub street to tie into future development. Mr. Strauss replied that an easement could be granted to allow any future development to tie into the end of the parking lot, though he noted that the parking lot is needed for the proposed Sunset Orchards development. Vice-Chairman McNemar asked that Mr. Strauss work with staff on a parking solution since other options, such as nonparallel parking, may exist. He also remarked that installing a stub would not conflict with the parking area.

Vice-Chairman McNemar inquired about the grading at Crystal Court at Ruppssville Road, noting that the proposed neighborhood appears to sit six to eight feet above Ruppssville Road. He commented that the grade change would afford customers on the Sunset Grill patio a direct view into the backyards of the Crystal Court residents. He recommended a hefty buffer that includes low-growing plants to prevent sight lines between the two locations.

Mr. Alban stated that the zoning officer determined that the units on Crystal Court and Court 2 would need an extra half parking space for units fronting on the courts. Courts, he continued, are not roads and do not front onto roads, so the additional half space applies only to the units not fronting a road.

Mr. Helmer noted that the landscape plans show evergreens planted along the northern property line, except where twin units are proposed. In this location, he continued, no landscaping is proposed. He asked how the lack of landscaping would impact the farm behind the twins. Neighbor Butch Stopp, 6651 Schantz Road, responded that the lack of landscaping would not impact him. Mr. Strauss commented that a swale is proposed to run along the property line to direct water to a basin.

The Planning Commission discussed the stormwater management plan and how water currently impacts several neighboring properties. Mr. Helmer asked whether the existing wetlands pose any safety concerns for young children and whether the area should be fenced. Mr. Strauss answered that the engineer completed a wetlands delineation survey and that the area of wetlands has been reduced since it is smaller than anticipated. He added that the area contains wet soil but not standing water.

Mr. Strauss asked the Planning Commission to comment on his interest in dedicating the area that includes the tot park, recreation field, and dog park to the township for public use. Mr. Sostarecz remarked that the applicant would need to make a proposal to the Park and Rec Board. Vice-Chairman McNemar responded that he had no objection to the potential dedication of recreation space.

Vice-Chairman McNemar inquired about the applicant's LCCD status. Mr. Strauss answered that he is in the very preliminary stages but that the application has standing because of the previous iterations of the plans. He added that he was unsure whether he would need to submit a new plan. Vice-Chairman McNemar noted that renderings would need to be submitted for the next review and are required per the zoning ordinance.

Vice-Chairman McNemar opened the floor to public comment. Mr. Stopp requested that the drawings include a note stating that his property at 6651 Schantz Road is a farm and spreads manure. Mr. Strauss agreed. Mr. Stopp asked that environmental testing be done to show whether there is arsenic in the soil resulting from the former Agway transfer station. Mr. Strauss replied that environmental testing has been completed and the results showed no concerns.

Andrew Snyder, 6471 Tupelo Road, expressed concern over vehicle congestion, noting that the state's average number of vehicles per household is 2 to 2.3. With 205 households, he continued, the development could generate between 410 and 472 vehicles. He asked how the traffic would be managed on adjacent roads. Mr. Alban responded that the applicant completed a traffic study that determined that the Ruppssville and Schantz Road intersection would not be degraded. He added that the township will likely add a right turn lane on Schantz Road and a left turn lane southbound on Ruppssville Road. Mr. Snyder countered that adding 200

drivers commuting to work in the morning would negatively impact the intersection, which already experiences queuing. Mr. Strauss commented that the computer modeling was thorough and that a left turn lane will reduce queuing. Mr. Snyder then raised concerns over the curve at Bastian Lane. The Planning Commission agreed that a T-intersection would be a more desirable improvement. Mr. Snyder asked about a plan for overflow in the retention basins. Mr. Strauss responded that emergency spillways are designed to direct water to the wetlands. He noted, however, that overflow of the basin would require an incredible amount of rainfall for the event to occur.

Charles Scott, 6407 Tupelo Road, raised concerns about water sitting in the retention basins for more than seven days. Mr. Strauss explained that water is pumped after a rain event to empty the basin over a seven-day period; however, multiple rain events will continually fill the basin. Vice-Chairman McNemar added that the basins are sized for a 100-year storm event and pumped for a 2-year storm. Mr. Scott inquired about ownership, maintenance, and enforcement. Mr. Strauss answered that the homeowners association will own and maintain the basins. Mr. Scott then commented on the proximity of the proposed intersection at Bastian Lane and Sunset Boulevard to the intersection at Bastian Lane and Fir Road. Mr. Alban responded that he would need to review the distance between the intersections.

Jody Millard, 242 Elm Road, inquired about the distance between the retention pond and rears of properties at Elm Road. Mr. Strauss stated that there would be between 20 and 25 feet, with significant shrubbery and evergreens for screening. He added that the retention pond would be lower than the adjacent properties and a row of pine trees would be planted at the top of a berm.

Lisa Weigel, 246 Elm Road, observed that the proposed recreation field would sit at a higher elevation than her property and asked where runoff would be directed. Mr. Strauss replied that water would be captured in a swale and would be carried into the stormwater system. Ms. Weigel noted that there is no landscaping shown behind the tot lot and recreation field, adding that she has concerns about trash collecting on her property. Vice-Chairman McNemar asked that the applicant consider landscaping behind the recreation areas.

Additional public comment was provided by Mike Milano and Jill Holland.

Motion by Commissioner Helmer to table Docket #2336, Sunset Orchards, Schantz & Ruppville Roads, Preliminary-Final Land Development Plan. Seconded by Secretary Walls. The motion passed unanimously (4-0).

VI. OTHER BUSINESS

- A. **Ordinance #2024-07 – Repealing Noise from Chapter 27 Zoning** – Per the MPC, the Planning Commission is provided the opportunity to review and comment on amendments to the Zoning Ordinance.

Mr. Sostarecz stated that the township held a public workshop on noise and that there is a desire to remove noise from the zoning ordinance and create a new standalone section, Chapter 10, Part 2. He commented that the proposed amendment to the zoning ordinance would remove noise and any references in the zoning ordinance would be revised to refer to Chapter 10, Part 2. Per the Municipalities Planning Code, he continued, the amendment must be reviewed by the Planning Commission in addition to LVPC. Mr. Sostarecz noted that LVPC has provided no comments at this time and that both the zoning ordinance update and the new noise ordinance would be discussed at the September 5 Board of Supervisors meeting.

Motion by Commissioner Helmer to recommend that Ordinance #2024-07– Repealing Noise from Chapter 27 Zoning be approved. Seconded by Commissioner Nelson. The motion passed unanimously (4-0).

VII. PUBLIC COMMENT

There was no additional public comment.

VIII. ADJOURNMENT

Secretary Walls moved to adjourn the meeting at 8:48 p.m. Seconded by Commissioner Helmer. The motion passed unanimously (4-0).