

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES

January 25, 2022

The January 25, 2022 Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Mr. Scott Aquila. Members present were Charles Ervin, Avery Smith, William Royer and Jared Hanna. Also, in attendance were Carl L. Best, Zoning Officer, Vincent Tranguch, Codes, and Catherine Durso, Solicitor. The hearing was held at the Lower Macungie Township Municipal Campus, 3400 Brookside Road, Macungie, PA. 18062.

On a motion by Mr. Ervin and a unanimous vote, the invoice for Mark Malkames Law Office was approved.

On a motion by Mr. Ervin and a unanimous vote, the minutes for November 16, 2021 were approved (with correction on Pg. 3)

Mr. Best is sworn in and testifies that he is the Zoning Officer for Lower Macungie Township and that the following Appeals were properly advertised, that adjoining property owners were notified and that the properties were posted and a record is on file.

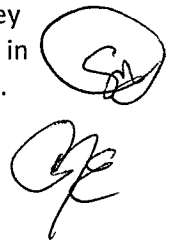
Appeals to the Zoning Hearing Board:

Attorney Erich Schock, representing the applicant, Serfass Development, LLC. **Appeal No. 03-2022.** Attorney Schock stated that he is here this evening requesting a continuance due to the fact of the absence of Attorney Malkames and with Attorney Durso as this evening's solicitor being a conflict. Attorney Schock requests that the ZHB consider a special meeting due to time constraints with his client. The ZHB agreed that a special meeting will occur on Monday, February 7th at 6 pm.

Mr. Best stated that in the event that Attorney Malkames is not well on the 7th of February, that he would be able to appoint a second conflict solicitor. Mr. Best stated that in the past, Attorney Ronald Corkery, filled that position.

On a motion by Mr. Aquila, and a unanimous vote, to continue the meeting to Monday, February 7th., and that Mr. Best contact Attorney Corkery as conflict solicitor should Attorney Malkames not be available.

Appeal No. 01-2022 of Troy and Lori Newcomer, 5582 East Texas Rd. East Texas PA. 18046. Mrs. Newcomer is sworn in and stated that they would like to install a patio and fence between their property and their neighbor's property owned by Mr. Kevin Stump. Mrs. Newcomer stated that they need that Variance due to how close both properties are close to one another. Mr. Stump is sworn in and stated that his home was built on the property line. There is only 8'-6" feet between dwellings.

Handwritten signatures and initials in the bottom right corner. One signature appears to be 'SM' inside a circle, and another is a stylized signature below it.

Turf Pro, who are the contractors, prepared the plan. They are proposing to install a paver patio, connecting both properties along with a fence and gate, which will be common to both properties.

Mr. Best explains to the ZHB what the issues are and exactly what Variances the applicant needs.

There were no objectors or interested parties in this Appeal.

On a motion by Mr. Ervin, second by Ms. Smith and a unanimous vote, the applicants request for a Variance is granted by a 3-0 vote.

Appeal No. 02-2022 of New Cingular Wireless PCS c/o Christopher H. Schubert, Esq. P.O. Box 1265, Exton PA. 19341.

Attorney Christopher Schubert represents the applicant. Attorney Schubert submits Applicants Exhibits A-1 to A-16 to the Board. They are proposing a single small cell tower, replacing the existing lattice tower that supports a microwave dish that is approximately 100' feet tall located at 1015 Village Round, in the Meadowyck Condominiums, just south of Hamilton Blvd. The existing tower is an existing nonconforming use. The proposed tower would be less nonconforming.

Mr. Andrew Petrshon, Radio Frequency Design Engineer is sworn in. Mr. Petrshon shows the FFC licensing issued to AT&T for Lehigh County to transmit and receive radio frequency in the area. There is a gap in service along Hamilton Blvd. and by the mall area (Hamilton Crossing). Mr. Petrshon prepared the map indicating the areas that have low coverage. The second plan indicates new coverage which would cover a larger both in a north and south direction with the new 60' foot wooded pole with new equipment that is proposed. The existing pole is approximately 100' feet tall with outdated equipment. The new antenna will have 4G technology.

Mr. Hanna questioned the height of the existing power line poles in comparison to the proposed pole. Mr. Petrshon is unsure of the height.

Mr. Robert Altenbach, employed by AT&T as a Site Acquisition Consultant is sworn in. Mr. Altenbach stated that his job is to find potential sites for AT&T in the area. Their office is located in Blue Bell PA.

Mr. Altenbach prepared the lease agreement between AT& T and Meadowyck Condominium Association. Mr. Altenbach explains where the existing pole is located and what features are in the surrounding area. The process for the new pole takes approximately 5 to 7 business days.

There were no objectors or interested parties in this Appeal.

On a motion by Mr. Ervin, second by Ms. Smith and a unanimous vote, the applicants request for a change of one nonconforming use to another, is granted, with the condition that the equipment attached to the pole be set at a height of 12' ft. (11' ft. was proposed) meeting the requirements of the Zoning Ordinance, by a 3-0 vote.



Appeal No. 04-2022 of Shangy's Inc. 40 E. Main Street Emmaus PA. 18049.

Attorney Davin C. Berger represents the applicant. Mr. Sean Donahue, Real Estate Agent for the applicant is sworn in. Mr. Donahue explains what types of uses surround the subject property which are commercial and industrial. The property was first developed by Eckert Drug in 2013 and was later acquired by Rite Aid drug stores. The building was later occupied by Oxi Fit, which was a Gym that closed shortly thereafter. The building remained closed since then. The proposed signage will front Rt. 100 and Alburdis Road.

Nemah Hadian, Principal for the applicant, is sworn in. Mr. Hadian runs the store in Emmaus and approved the size and type of proposed in signage. The store will be a beer distributor. They will also sell snacks, novelty clothing, etc. The signs will be channel letters, back lit LED. Signs will probably be on from 6 am. to 11 pm. The proposed signage will be in proportion with the large building. The property has access from Route 100 and Alburdis Road.

Exhibit A-3 shows the sign Variance that is being sought which would be 115' S.F. Total or a 66 S.F. Variance. (Route 100 side)

Exhibit A-5 shows the sign Variance that is being sought which would be 83' S.F. Total or a 10' S.F. Variance. (Alburdis Rd. side)

There were no objectors or interested parties in this Appeal.

On a motion by Ms. Smith, second by Mr. Ervin and a unanimous vote, the applicants request for a Variance is granted by a 3-0 vote.

ZHB Reorganization:

On a Motion by Mr. Ervin, and a unanimous vote, Mr. Scott Aquila is reappointed as Chairman to the ZHB.

On a Motion by Mr. Royer, and a unanimous vote, Mr. Charles Ervin is reappointed as Vice Chairman to the ZHB.

On a Motion by Mr. Aquila, and a unanimous vote, Mark R. Malkames is reappointed as the Solicitor to the ZHB.

On a Motion by Mr. Aquila, and a unanimous vote, Catherine H. Durso is reappointed as the Conflict Solicitor to the ZHB.

On a motion by Mr. Ervin, and a unanimous vote, the meeting was adjourned.

The minutes are only a summary of the meeting. The official transcript should be consulted for completeness and accuracy.

Respectfully submitted; Carl L. Best, Zoning Officer



LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES

February 7, 2022

The February 7, 2022 Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Mr. Scott Aquila. Members present were Charles Ervin, and Jared Hanna. Also, in attendance were Carl L. Best, Zoning Officer, Vincent Tranguch, Deputy Director for LMT and Ronald Corkery, Solicitor. The hearing was held at the Lower Macungie Township Municipal Building, 3400 Brookside Road, Macungie, PA. 18062.

Mr. Best is sworn in and testifies that he is the Zoning Officer for Lower Macungie Township and that the following Appeals were properly advertised, that adjoining property owners were notified and that the properties were posted and a record is on file.

Appeals to the Zoning Hearing Board:

Appeal No. 03-2022 of Serfass Development, LLC. 3764 Mauch Chunk Rd. Allentown PA. 18104.

Attorney Erich Schock represents the applicant. Attorney Schock there were originally six (6) Variance requests but the applicant has reduced the number to four (4) plus a favorable interpretation of Section 27-2303 5. C. Kevin Serfass, Manager of Acquisitions for Serfass Development is sworn in. The property is owned by Robert Bosak and is located in the WC-Wescosville Commercial District. The lot size is 1.111 acres. Multi-family dwellings are permitted by Conditional Use. The applicant is proposing forty-six (46) units in a four (4) story apartment building. The first floor would have parking, a gym, office and a place to gather. Sixty (60%) percent of the complex will be one (1) bedroom and forty (40%) percent will be two (2) bedroom units. The building will be fully sprinklered and will have a security system.

Attorney Schock reads some of the permitted uses in the WC Zone. The property is unique in that on one side there is the Hamilton Crossing Shopping Center and on the other side is residential. There are many other uses in this District that would have a greater impact on the neighborhood than this use.

The ZHB has concerns on how the residents of the apartment complex would access some of the stores and restaurants in Hamilton Crossing.

Mr. Maury Robert, 2250 Woodbarn Road, Macungie PA. 18062. Mr. Robert stated he wrote the Zoning Ordinance. Mr. Robert questioned the applicant on what the density is in the Urban Zone.



William Trach, 5541 New St. Allentown PA. 18106. Mr. Trach questioned will the building meet the applicable building code requirements.

Bartine Mummey, 814 N. Broad St. Allentown PA. 18106. Mr. Mummey questioned if parking was allowed in the buffer yard. Will a traffic study be submitted and when would it be available.

Erik Heckler 828 N. Broad St. Allentown PA. 18106. Mr. Heckler questioned what the square footage would be in the complex. (per unit) Also, what would be the average rent cost for the one bedroom and 2-bedroom units.

Michael E. Jeitner, Bohler Engineering is sworn in. Mr. Jeitner stated that apartment uses are one of the lowest traffic generators according to the traffic study and the traffic manuals. Mr. Jeitner reads portions of the Lehigh Valley Regional Plan which focused on density, growth, mixed-use development and future strategy of the area. There are two (2) access drives, twenty-four (24') in width. There are thirty-six (36) parking spaces on the ground floor and thirty-four (34) spaces, outside in the lot area. The buffer yards will comply with the Zoning Ordinance. (50' ft). Mr. Jeitner explains how the parking ratio was arrived for this project and that it was based on the ITE Manual as required by the Township Zoning Ordinance. Parking spaces that are designed for uses in "Low Turnover" such as apartments or office buildings usually have smaller spaces. Parking spaces that are designed for uses in "High Turnover" such as retail stores or restaurants usually have larger spaces. The Variance requests for building setbacks only about the shopping center portions of the property which would be the side and rear yard.

Mr. Best confirms that the Hamilton Crossing development received Zoning relief for the buffer requirements in this area.

Ms. Judith Trach 5541 New St. is concerned about the amount of traffic using New Street as an access.

Mr. Best stated that if the applicant is successful this evening, a traffic study would be required during the land development process. The traffic study would be available for the public to view at that time.

Mr. Bartine Mummey raised concerns about of units in the apartment complex and would impact his neighborhood.

Mr. Erik Heckler is concerned that there are too many units proposed and not enough open space.

Mr. Maury Robert is concerned about density and the number of units they are proposing. Also, he believes the Zoning Ordinance is flawed when it comes to limiting the density. The applicant has not met the requirements in order to a Variance being given. Mr. Robert has traffic concerns as well.

Mr. Paul White 850 N. Broad St. Allentown Pa. 18106. Mr. White is concerned that there will not be enough parking for the number of residents in the apartment complex. Most people have more than one (1) car. Also there are no proposed outdoor areas for people to congregate. Also, he has concerns about how people will access the mall from the apartment complex.

Keith Meck, (speaking in his mother's behalf) 6274 St. Peters Rd. Zionsville PA. Mr. Meck is concerned about traffic in the area and access to the apartment complex.

Attorney Schock gives closing remarks.

On a motion by Mr. Ervin, second by Mr. Aquila, the applicants request for a Variance to Sec. 27-10B08 is denied by a 2-1 vote.

On a motion by Mr. Hanna, second by Mr. Ervin, the applicants request for a Variance to Sec. 27-2303 2. A. is denied by a 3-0 vote.

On a motion by Mr. Ervin second by Mr. Hanna, the applicants request for a Variance to Sec. 27-2301 is denied by a 3-0 vote.

On a motion by Mr. Hanna second by Mr. Aquila, the applicants request for a favorable interpretation to Sec. 27-2303 5.C is approved by a 3-0 vote.

On a motion by Mr. Ervin second by Mr. Hanna, the applicants request for a Variance to Sec. 27-2406 1.Y. (4) (a) is denied by a 3-0 vote.

On a motion by Mr. Hanna, and a unanimous vote, the meeting was adjourned.

The minutes are only a summary of the meeting. The official transcript should be consulted for completeness and accuracy.

Respectfully submitted; Carl L. Best, Zoning Officer