

Lower Macungie Township  
Board of Commissioners' Workshop Minutes  
March 12, 2009

The March 12, 2009 workshop was called to order at 7:00 p.m. by Vice-President Deana Zosky. The following individuals were present: Doug Brown, Julianna Timmcke, Peter Nelson, Esq., Maury Robert, James Lancsek, and Jean Moore. E. Keller Kline, William Spaide, Bruce Fosselman, and William Erdman, P.E. were absent. Individuals in the audience were Kevin Drake, Joseph Zator, Esq., Sarah Jolly, Esq., Robert Knauer, Esq., Timothy Siegfried, Esq., Mark Malkames, Esq., Bud Newton, P.E., Michael Leader, and Dale Dries.

The following is a brief description of items discussed:

Amendments to the Zoning Ordinance of 1998 of Lower Macungie Township, as amended, Revision #15, 12/09/08 (Change on page 4, 200.133 to 2001.33); Revision #15A, 1/23/09 (Joseph A. Zator, II, Esq., letter dated December 31, 2008, Proposed Zoning Ordinance Changes, Multiple Uses in Neighborhood Commercial and Highway Industrial Zoning Districts); and Revision #15B, 2/16/09 (Section 1912.1 – Wall sign heights).

Official Road Classification Map and Zoning Map.

Maury Robert gave a summary of the revisions and stated that there were very few changes to the Road Classification Map--Krocks Court changed from collector road to local road and Reppert Lane changed to local road from collector road. Neighborhood Commercial includes new Krocks Road over to Krocks Court. There will be no change to the Zoning Map and the Road Classification Map date will be revised.

Peter Nelson, Esq. discussed his memorandum, dated March 11, 2009, to the Board of Commissioners, regarding reduction in number of conditional uses listed in the Zoning Ordinance. Mr. Nelson stated that he believed there are three broad types of uses that should be allowed either as a conditional use or a special exception--uses that are likely to become public nuisances; uses that will probably result in strong community opposition to their establishment; and uses that need to comply with complex zoning requirements. Certain proposals may fall under all three of these categories such as a quarry. Article 21 was discussed and what uses should remain as conditional uses.

Mr. Nelson looked at the provisions for each Zoning District to make recommendations as to which of the allowed uses within that District should be moved around to reduce the number of uses permitted as conditional uses and discussed his recommended changes. Based on these three categories, Mr. Nelson reviewed all of the uses listed in Article 21 to determine which uses should remain as a conditional uses and gave his recommendations.

Mr. Nelson also looked at the provisions for each Zoning District as to which of the allowed uses within that District should be moved around to reduce the number of uses permitted as conditional uses and gave his recommendations.

A draft Ordinance will be prepared by Mr. Nelson which will be reviewed by the Board of Commissioners, Planning Commission, and Lehigh Valley Planning Commission. Written notification by certified mail will be sent to appropriate property owners affected by rezoning, properties posted, and a public hearing will be held by the Board of Commissioners.

Joseph Zator, Esq. and Sarah Jolly, Esq. discussed three letters, dated March 12, 2009, as follows: Proposed Zoning Ordinance and Map Changes—The Roman Catholic Diocese of Allentown; Revised Rezoning Request of the Estate of Edward Weiner, SW Corner of Brookside and Lower Macungie Roads; and Proposed Zoning Ordinance Changes, 50,000 Square Foot Limitation on Warehouses.

In reference to the Roman Catholic Diocese of Allentown property, Mr. Zator is requesting that the Board of Commissioners zone all five of the Diocese tracts as Commercial.

In reference to the Estate of Edward Wiener parcel, Mr. Zator stated that he would like to revise his current rezoning request from Commercial to the new Neighborhood Commercial District classification.

In reference to the 50,000 square foot limitation on warehouses, Mr. Zator stated the following: that the proposed amendments limiting the size of warehousing facilities would be oppressive to businesses that would like to construct and operate warehousing facilities in Lower Macungie Township; 50,000 square foot warehouses are not economically feasible or practical in today's marketplace especially considering the current trends in Pennsylvania and the northeastern United States in general; warehouses in excess of 50,000 square feet are a legitimate and proper use under zoning; and by precluding warehouses in excess of 50,000 square feet, the Township would be pursuing unlawful exclusionary zoning.

Dale Dries, discussed his letter, dated March 12, 2009, and gave the history of the subject property (3580 Brookside Road) which was purchased in 1957, the Zoning Map Change, and the request to the Board of Commissioners to consider a zoning map change to zone two parcels as Commercial. It was suggested that Mr. Dries submit a plan stating what uses he would like to include—one list for the existing building and one list for the other site.

Michael Leader discussed the Country Meadows of Allentown 46-acre parcel which is split between 39-1/2 acres existing in Upper Macungie Township and 6-1/2 acres in Lower Macungie Township. Mr. Leader is requesting that the parcel be changed to Suburban which would permit a life care center.

Mark Malkames, Esq. represented Bill Mayo, Red Maple Acres, and stated the parcel is landlocked and is adjacent to Commercial zoning. The land where the existing mobile home park is located has been rezoned from Rural to Urban. Mr. Malkames' client would like to expand the mobile home park. A discussion took place regarding the filing of a use variance.

Other items discussed:

Special Exceptions.

Zoning Hearing Board.

Uses Permitted By Right.

Zoning Districts.

Ultimate right-of-way and legal right-of-way.

Local road will be changed from 50 feet to 60 feet.

Private roads..

Variances or Interpretations.

Accessory dwelling units.

By-pass project.

Road widening, sidewalks, street trees.

Highway Industrial District

In Industrial District, shopping centers were removed.

Eastern portion of Hamilton Boulevard-rezone to Neighborhood Commercial  
limiting size of uses to 40,000 sq. ft.

Minor revision to Commercial Zone – Home Depot to add piece to Urban Zone.

High intense uses.

Traffic problems.

Impact to intersections.

Shopping centers restricted to access on collector road.

Schantz Spring recharge area.

Village Center Zone allowed commercial uses on small parcels-was replaced with  
Village Overlay District.

Spot zoning.

PPL easements.

Tighten up buffers.

Article 19 – signs (free speech signs). Peter Nelson will add this to amendments.

Live models.

Group care facilities.

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Carnivals.  
Street sales.  
Digital external signs.  
Maintenance of advertising signs.  
Selection of street trees.  
Species of trees.  
Nursery size of trees.

The workshop adjourned at approximately 11:15 p.m.

Respectfully submitted,  
Jean A. Moore  
Keystone Consulting Engineers, Inc.