



LOWER MACUNGIE TOWNSHIP

3400 BROOKSIDE ROAD

MACUNGIE, PA 18062-1428

PHONE: 610 966-4343 • FAX: 610 965-3654

WEBSITE: www.lowermac.org

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Planning Commission of Lower Macungie Township will hold its regular meeting on December 13, 2011 at 7:00 p.m. at the Lower Macungie Township Municipal Campus, 3400 Brookside Road, Macungie, Pennsylvania 18062. Items on the meeting scheduled to come before the Commission are as follows:

1. Approval of Minutes from Regular Meeting of November 8, 2011 and Workshop Meeting of November 15, 2011
2. Carl & Bonita Hardner
4154 East Texas Road
Preliminary/Final
Lot Line Adjustment
3. Faith Evangelical Free Church
6528 Hamilton Boulevard
Children & Student Building Zoning Site Plan
Master Zoning Site Plan
4. Pending Projects/Administrative Reviews (IF ANY)
5. Planning Modules (DEP) recommendation for approval (IF ANY)
6. Time Extensions
7. Continued Discussion of November Workshop items
 - Draft Forestry ordinance
 - Draft Outdoor Fuel Burning Appliances ordinance
 - Draft Airport District Overlay ordinance

Any scheduled applicant not appearing by the end of the meeting is notified that the application will be considered and voted upon despite the absence.

If time permits, the Commission will consider other duly made requests for information.

The Lower Macungie Township Municipal Building is accessible to the physically handicapped. Any person that requires special assistance to understand the nature of the business conducted at the above meeting because of visual, hearing or other impairment is requested to contact the Township Secretary at least five (5) days prior to the scheduled meeting to arrange for the necessary assistance.

LOWER MACUNGIE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING – NOVEMBER 8, 2011

The November 8, 2011 meeting of the Lower Macungie Township Planning Commission was called to order by Chairman Irv Keister at 7:00 p.m. in the Lower Macungie Township Municipal Building, 3400 Brookside Road, Macungie, Pennsylvania. Commission members in attendance: Ann Bartholomew, Thomas Beil, Kevin Drake, Irv Keister, Brent McNabb and Maury Robert. Also present were Sara Pandl, Director of Planning and Community Development;; Peter Lehr, Solicitor to the Planning Commission; William Erdman, Township Engineer, Keystone Consulting Engineers, Inc.; and Melissa Zellner, Keystone Consulting Engineers, Inc. Neill Dekker, James Lancsek, Zoning Officer and Alan Fornwalt, Assistant Township Engineer were absent.

On a motion of Mr. Robert, second of Mrs. Bartholomew, all in favor the October 11, 2011 regular meeting minutes were approved with an abstention by Mr. McNabb.

Alburtis Crossings Industrial Park
Land Development
2929 Schoeneck Road
Application Date: 10/17/11

Joe Baran of Bohler Engineering appeared before the Commission. Sara Pandl gave an overview of the project and stated that this is an amended plan and there is currently an approved preliminary/final plan and the changes proposed are minor. Ms. Pandl questioned the landscape plan with the stormwater pipes which would need to be clarified through notes on the final plan. Mr. Erdman said that two significant things would result from this plan. The intersection of Route 100/Schoeneck Road would be improved. There is also a problem with trucks stacking on Schoeneck Road and this plan would change the circulation. Ms. Pandl said there is a comment in the Zoning Officer's letter stating the Planning Commission should make a determination whether this change is a substantive change or minor. Mr. Baran said that with respect to Parcel A the parking will be shifted from one side of the building to the other. The majority of the traffic will now be coming off of Schoeneck Road as originally it was coming from Alburtis Road. With respect to Parcel C (Allen Distribution), it is a separate plan but it is shown on this plan since Bohler Engineering is the engineer on both projects and since this plan will be recorded it seems practical to include all the current changes. Mr. Robert asked a question regarding the waiver being requested conditional upon offsite improvements and Mr. Lehr stated that the Planning Commission has wide latitude with respect to the granting of waivers and legally it can be done. Mr. Erdman said when PennDOT issued the Highway Occupancy Permit there were two conditions. The improvements at Route 100/Schoeneck Road have to be approved prior to the certificate of occupancy for the second building and they also need to be constructed prior to the certificate of occupancy for the third building. Dan Hudson of Panattoni then appeared before the Commission and stated that they would like to get started on this building as soon as possible. They are under agreement with Jaindl Land

Company to complete the intersection improvements. He cannot start this building until the improvements are approved since he has no guarantee of getting a certificate of occupancy. Jaindl hopes to have approval around March from PennDOT. Mr. Keister asked if this is a substantial change and the Commission agreed that it was not. Mr. Drake inquired if there would be any truck traffic on Alburdis Road and Mr. Erdman stated that it will not divert all of the truck traffic but most of it. Mr. Baran said that some roadway improvements have already been done such as the curve where Alburdis Road and Orchard Road intersect. In addition, widening on Parcel B and Alburdis Road/Schoeneck Road has already been done.

On a motion of Mr. Robert, second of Mr. Drake, to view this plan as a minor plan revision, all in favor.

On a motion of Mr. Robert, second of Mrs. Bartholomew, to recommend acceptance of the waiver for SALDO 741.6 requiring widening of Alburdis Road to not require the full widening but only the improvements that have been done and shown on the plan conditional upon the construction of the new Schoeneck Road/Route 100 intersection as documented in an e-mail dated November 8, 2011 from the Applicant's engineer (copy attached), all in favor.

On a motion of Mr. Robert, second of Mr. Drake, to recommend approval of the modifications to the plans last revised 10/14/11 and conditional upon the acceptance of the request for a waiver, all in favor.

Faith Evangelical Free Church
Land Development
6528 Hamilton Boulevard
Application Date: 10/17/11

Bud Newton of The Newton Engineering Group and Pastor Jack Wilson from Faith Evangelical Free Church appeared before the Commission. Ms. Pandl said this plan is for an expansion of the existing facility. The Applicant is looking for a recommendation to the Zoning Hearing Board on the variances they have requested. The Applicant is asking for a variance to exceed the maximum square footages for uses in a "Place of Worship", a variance for the 25-foot buffer and a variance to increase the amount of impervious cover above the 60% allowed in the ordinance. They also are asking for a special exception to allow for shared parking as the uses at the facility are at different times. Mr. Erdman said in comparing the current Zoning Hearing Board appeal, they are asking for the exact same variances that were previously granted by the Zoning Hearing Board. Mr. Newton said the Church would like to do away with the temporary modular facilities that are currently on the site. Mr. Newton said the difference in this proposal from the one submitted in 2010 is that this would be approximately 140,000 SF but it occupies a larger footprint. The Zoning Officer suggested that they come before the Planning Commission again since the plan has changed. Mr. Newton said the amount of office space increased, religious education space decreased and social gathering area increased quite a bit, and the miscellaneous area has increased. The sanctuary area has changed and the church

would like to have two sanctuary spaces now. Pastor Wilson said the reason for the change was that they needed to address the ministry needs now. They would like to have more security and consolidation of the children that attend the Building Blocks Preschool program. This plan would also allow them to remove the four modulars they now have on the property. Their gathering space is severely limited and the proposed layout would dramatically increase this space. The third floor would be dedicated for the middle and high school children. They have two services on Sunday – a traditional service and a contemporary service. Mr. Robert stated that the biggest concern before was parking and that his concern has increased even more. Mr. Newton said the previous plan from last year showed 707 parking spaces. The church has a cooperative agreement with the school district for parking in that the school can use the church facilities for an emergency event and the church can use the school parking lot for larger services and bus the parishioners to the remote parking facility. The services are a contemporary service at 9:00 a.m., a traditional service at 9:30 a.m., children's classes start at 9:00 and last until 10:30 and then there is an 11:00 a.m. contemporary service. Right now they are not having an issue with parking and are not running out of spaces. Mr. Newton said they are proposing to re-stripe the parking lot which will create more spaces and the modulars will also be removed which will provide more spaces. Mr. Newton said they are trying to stay under one acre of earth disturbance on the site to avoid the NPDES permit which would substantially increase the cost of the project. Ms. Pandl said that the variances requested last year were based on 929 parking spaces and now it would be roughly 1,220 parking spaces which is quite a significant increase. Mr. Robert said he is not prepared to make a recommendation to the ZHB this month based on what he has heard so far and also given the fact that the Planning Commission was not given enough information. It was stated that there are 707 spaces and they would need approximately 1,220 spaces if all the uses would occur simultaneously. Ms. Bartholomew said she has concerns regarding impervious coverage. Mr. McNabb asked if they will be providing public water to the site. Mr. Newton said there is water to the site but it is not yet connected. It will be connected during this phase. Mr. McNabb asked if they will be installing fire hydrants and sprinklers. Mr. Newton said that this issue will need to be discussed with the architect.

On a motion by Mr. Keister, second of Mr. Drake, to make a recommendation to the Zoning Hearing Board to accept the Applicant's request for waivers of Zoning 201.149, Zoning 1006, Zoning 1007 and 1704.5 consistent with what was recommended in the letter from the Planning Commission to the Zoning Hearing Board on 02/19/10. With respect to Zoning 2000.D.1 and 2001.5, the Planning Commission recommends opposing any variance or special exception associated with parking at this time, all in favor.

On a motion of Mr. Robert, second of Mr. Drake, to table the Preliminary/Final Plan, all in favor.

Red Maple Acres Mobile Home Park Expansion
Land Development
1170 Grange Road
Application Date: 07/21/11

Larry Turoscy of Lehigh Engineering and James Preston, the Applicant's attorney, appeared before the Commission. Mr. Preston said the only open issue he is aware of is the recreation fee since the traffic impact fee has been resolved. Mr. Preston said there were to be two pavilions, some fencing and plantings. They would again offer the \$78,052 as the threshold to be offset by like-kind improvements on the property. The Applicant would like to modify the plan to expand the 20x30 pavilion to 20x40 and eliminate the east pavilion. Mr. Robert asked what total acreage of recreation is required for this expansion and the last expansion. It was stated that it is on the Recreation Plan. Mr. Erdman said the current proposal requires 58,000 SF. The previous proposal required one acre, or 43,560 SF, for a total of 101,560 SF. Mr. Robert said that since they are eliminating the one pavilion, that area should not count toward the square footage required for recreation. Mr. Turoscy said they think it is a better idea to take away the one pavilion and make the other one larger. They could provide park benches along the path and in the area where the other pavilion was proposed and is now being eliminated. Mr. Erdman said he listened to the tape of the meeting when the Applicant was previously before the Board of Commissioners and he recalled that Chairman Reis did not support giving dollar-for-dollar credit since it was on private property, Mr. Pugliese said it was a good idea for full credit, Ron Eichenberg did not make comments on the recreation issue, Ryan Conrad did not comment and may not have been at the meeting and Mr. Brown asked a question about it. Mr. Erdman's impression, although not totally clear, was that the Commissioners were not in favor of the proposal and remanded it back to the Planning Commission for a recommendation. Mr. Turoscy said they went to the recreation board for input and it was stated at a public meeting by the Zoning Officer that they would get 100% credit and that is the reason they proceeded with this plan. Mr. Lehr asked Mr. Preston what they are proposing. Mr. Preston stated \$78,052 would be the threshold and if they were under this amount then they would make a cash contribution. They would expand the front pavilion and eliminate the back pavilion. Mr. Robert asked if the Applicant would be willing to contribute \$15,000 towards recreation fees. Mr. Preston said no and Ms. Pandl said that there could be a contribution if there was a shortfall after the improvements were made to get to the \$78,052 total. Mr. Robert said there are a few options. First, forget about providing recreation space and just pay the cash in lieu of. Another option would be to contribute \$20,000 cash, eliminate the proposed pavilions to the west and not expand the east pavilion. The Applicant will eliminate the west pavilion and everything else on the plan will be built. Mr. Drake asked if a concrete floor will be put in the pavilion. Mr. Keister asked that the Applicant provide a time extension and Mr. Preston handed the Commission a time extension letter dated 11/08/11 which extends their project until 12/31/11. Mr. Preston then asked the Commission for a brief recess so he could confer with his client. Mr. Preston came back after meeting with his client and asked for a clarification for the floor of the pavilion and asked if blacktop would be an acceptable hard surface. Mr. Drake stated that would be fine. Mr. Preston then said for the record that his client proposes to eliminate the rear

(east) pavilion, make a cash payment to the Township in the amount of \$20,000 and install the rest of the improvements shown on the plan, without the requirement for a cost reconciliation. In addition, the pavilion (20x30) in the front will have a hard surface on the floor (blacktop in lieu of concrete) and the pathway will be six-foot wide and be blacktop.

On a motion of Mr. Robert, second of Mr. Drake, to recommend to the Board of Commission the recreational facilities shown on the plan be constructed with the exception of the east pavilion being eliminated and the Applicant make a cash contribution to the Township in the amount of \$20,000 for cash in lieu of recreation as full satisfaction of the recreational requirement, and conditional upon the items in the Township Engineer's letter dated 08/03/11 (copy attached), all in favor.

Pending Projects/Administrative Reviews

Nothing to discuss at this time.

Letter(s) of Extension

By motion of Mr. Robert, second of Mr. Drake, and a unanimous vote, the Planning Commission accepted the letter(s) of extension as follows and for the Big Bear Management Fund, Red Maple Acres project which was hand-delivered at this meeting.

<u>Project</u>	<u>Date of Letter</u>	<u>Date of Extension</u>
Bastian Company Land Development	10/18/11	06/30/12
Diocesan Pastoral Center Subdivision	10/18/11	06/30/12
Diocesan Pastoral Center – Lot 1 Land Development	10/18/11	06/30/12
Diocesan Pastoral Center – Lot 2 Land Development	10/18/11	06/30/12
Jaindl Land Company – Subdivision 1 Subdivision	10/17/11	03/31/12
Jaindl Land Company – Subdivision 2 Subdivision	10/17/11	03/31/12
Red Maple Acres Expansion Land Development	11/08/11	12/31/11

Romig Subdivision Subdivision	10/18/11	12/31/12
Trexler Business Center – Lot 1 Lot Line Adjustment & Land Development	10/18/11	06/30/12
Trexler Senior Living Center Conditional Use	10/17/11	04/30/12
Trexler Senior Living Center Land Development	10/17/11	04/30/12
Wescosville Commons (Eastern Industries) Land Development	10/17/11	04/30/12
Wotring II Estates Subdivision	10/18/11	06/30/12

Mr. Erdman discussed a few of the older projects and stated that he sent an e-mail to the owner of the Belle Chase project and has not gotten a response yet. He will send an e-mail inquiring about the status of the Wotring Estates project which is in both Lower Macungie Township and Upper Macungie Township. With respect to the Wescosville Commons project, he understands that Eastern Industries is working with Petrucci on an agreement to proceed with the project. Mr. Erdman will also make inquiries on some of the other older projects and report back at the next meeting.

Mr. Beil stated that a policy be considered for adoption giving the applicants a maximum of three years for time extensions. Mr. Lehr cautioned that plan deficiencies would have to be listed since rejection for simply not providing an extension letter raises legal concerns. Mr. Erdman said that the plan deficiencies would be in the last review letter which was done.

Miscellaneous

Ms. Pandl stated there is an Ordinance to amend Section 27-706 and Section 27-1007 of the Zoning Ordinance in order to correctly identify chart headings regarding minimum lot area, maximum structure height, maximum building coverage and to make other minor typographic corrections.

On a motion of Mr. Robert, second of Mrs. Bartholomew, to recommend approval of this ordinance to the Board of Commissioners, all in favor.

There will be a workshop meeting this month on November 15th. Ms. Pandl passed out information for this upcoming meeting.

There being no further business, by a motion of Mr. Robert, second of Mr. Drake, all in favor, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Melissa Zellner
Keystone Consulting Engineers, Inc.

Lower Macungie Township
Planning Commission Workshop Minutes
November 15, 2011

The November 15, 2011 workshop meeting was called to order at 7:00 p.m. by Chairman Irv Keister. The following Planning Commission members were in attendance: Irv Keister, Ann Bartholomew, Tom Beil, Neill Dekker, and Brent McNabb. Also in attendance were Sara Pandl, Director of Planning and Community Development, James Lancsek, Zoning Officer; Carl Best, Deputy Zoning Officer, William Erdman, Township Engineer, Alan Fornwalt, Keystone Consulting Engineers, Inc., Peter Lehr, Planning Commission Solicitor, and Bobbie Brown, Keystone Consulting Engineers, Inc.

Ms. Pandl introduced Mr. Carl Best who will be taking over at the end of the year when Jim Lancsek retires. Mr. Best reviewed a draft ordinance he prepared for Act 164 Airport Overlay. The Township received a letter from the Department of Transportation dated June 1, 2011 requesting that the Township prepare a zoning ordinance. The Township is in a partial transitional zone and conical zone for the Queen City Airport and the Lehigh Valley Airport. He prepared a map showing these zones and looked at ordinances prepared by similar size townships throughout the central and eastern part of the state. He also used the model ordinance submitted by the Department of Transportation. The ordinance he prepared is about five pages long with definitions and maps included. He addressed comments in a review letter from the Township Engineer, with minor revisions, and an e-mail from Atty. Lehr. Mr. Erdman asked whether the Township is required to do this. Atty. Lehr then explained the legal mandatory and discretionary regulations. He recommended that it be read and the PC accept comments on it. He will look into guidance for the zoning overlay from the PA State Association of Township Supervisors. Mr. Fornwalt suggested height of buildings and lighting structure height be included. For the present, the Township can refer applicants to the Department of Aviation. Atty. Lehr was asked to do some research and the Commission decided to put this aside until more information is available.

Mr. Best commented on the Outdoor Fuel Burning Appliance Ordinance. More and more people are turning to renewable energy. These appliances consist of an outdoor shed with a pipe running underground to the home to provide heat. Environmental protection does regulate some of the items required for this type of heating system. The facility requires a minimum separation of 200 feet from any lot line. The minimum requirement for the chimney is 20 feet due to the smoke and the lot size is a minimum of three acres. Anything with open flame has to have a chimney for units used to supplement heat only. Mr. Lancsek suggested it would be better as a "stand alone" ordinance. If a new appliance is to be erected they must follow the new regulations. These appliances may only be used between September 1st and May 15th and would require a building permit and inspection. Mr. McNabb said he would check on fire code restrictions.

Ms. Pandl commented on the Forestry ordinance which has to be a permitted use. There are no setbacks or regulations for Forestry. They are required by the MPC in every district. We can reasonably regulate forestry and timber harvesting regulations. Previously, it was intended to be a conditional use approval. There are regulations that the zoning officer should review. We have regulations for tree removal for land development but this would be for any property owner who has a timber stand to be logged. Our old ordinance regulated more than 3 large trees, 6" caliper, chest high. It would be too few trees to regulate and require a submission of a plan to get a permit. Therefore, we may want to look at an acre requirement and the type of timber harvest and prohibit highgrading and clear cutting. DCNR forester recommends two methods: 1) Shelter Wood Method – Select, prune and leave space for seedlings to grow. 2) Leave small clearings where there is not a lot of sunlight entering. Concept of Buffer Zone – an area that needs to be untouched. Previous ordinance requires setback of 25 feet along streams and the Conservation District would like it be extended to 50 feet. Ms. Bartholomew questioned slash piles and methods of clearing. Mr. Lancsek suggested an exception be given for power companies. Mr. McNabb suggested the hours of operation for clearing should be inserted in the ordinance. It should coincide with SALDO regarding number of trees and apply outside of land development. It should limit taking down no more than 3 trees per year. It should prohibit processing onsite; give definition of processing. Replace trees to replant. Those who do not get a permit, penalty goes back to Township. Suggest \$500 penalty plus replace trees. Atty. Lehr said not to put in ordinance about replacement of trees. Ms. Bartholomew suggested that once an ordinance is drafted it should be sent to the foresters for their input. Mr. Lancsek stated this should be a "stand alone" ordinance as well. The draft will be cleaned up and brought back for discussion in December.

Mr. Beil is a representative to the Environmental Advisory Council. He explained some recommendations that were endorsed by the EAC. The recommendations address Underground Storage Tanks, Wetland Buffer, Riparian Buffer, Secondary or Backup On-Lot Sewage Disposal Systems and Steep Slopes. The changes as recommended by the EAC were discussed and will be looked into.

Since there may be only one item on the agenda for the Planning Commission meeting on December 13, 2011, the workshop items may be discussed at that meeting.

There being no further business, by motion of Mr. Dekker, second of Mr. McNabb, and a unanimous vote, the meeting adjourned at 8:55 pm.

Respectfully submitted,
Bobbie Brown,
Keystone Consulting Engineers, Inc.

MARTIN H. SCHULER COMPANY

ENGINEERS - LAND SURVEYORS
SUBDIVISION ENGINEERING - MUNICIPAL ENGINEERING
SITE PLANNING

1143 WALNUT STREET - ALLENTOWN, PA 18102

(610) 433-5201

Fax (610) 433-6510

Email: edschlaner@martinschuler.com

Date: November 30, 2011

To: Lower Macungie Township
3400 Brookside Road
Macungie, Pa. 18062

Attn: Carl Best, Zoning Officer

**Re: Carl Hardner Lot Line Adjustment Plan
Intersection of Riverbend Road and East Texas Road**

Dear Carl,

This is to inform you that we wish to withdraw the Lot Line Adjustment Plan prepared for Carl N. and Bonita L. Hardner.

We will submit new plans in the near future showing a building addition on the adjacent Hardner property. Per our conversation we understand that there will be no new filing fees required when the new plan is submitted.

Sincerely,



Edward A. Schlaner, PE & PLS

Cc: Carl Hardner



Lower Macungie Township
3400 Brookside Rd.
Macungie, PA 18062
Phone: 610 966-4343

www.lowermac.com

TO: Lower Macungie Township Planning Commission
DATE: December 7, 2011
SUBJECT: Faith Evangelical Free Church

Dear Planning Commissioners,

Faith Evangelical Free Church has submitted a sketch plan and request for zoning relief to expand its current church complex by constructing a 3 story education building wing, a 48,447 square foot 2 story sanctuary and expanding the parking area at 6528 Hamilton Boulevard.

Southwestern Lehigh County Comprehensive Plan: The area is shown for Commercial Land Uses. The Plan describes this use as intended to provide for a wide range of commercial development, particularly in areas of more "highway" oriented commercial development. The Plan recommends coordinated traffic access among different uses and encourages pedestrian orientation through locating the parking in side or rear portions of the site, provision of sidewalks and locating buildings relatively close to the street. Traffic should be controlled through minimizing driveway entrances onto a major road and the interconnection of interior roads and drives.

Lehigh Valley 2030 Comprehensive Plan: The General Land Use Plan identifies this area for Urban Development. Urban development areas include community facilities, offices, stores and businesses as recommended land uses. The 2030 Plan recommends access management measures, street connectivity and providing sidewalks and bikeways, as well as traffic impact fee ordinance adoption.

Zoning Classification: The property is currently located in the C (Commercial) District. The Purpose of the Commercial District is to "provide a place where township residents and others can purchase goods and services. Development standards will be applied to ensure compatibility with nearby residential uses and to prevent traffic congestion on major roads such as Route 222 and Route 100. Place of Worship and community center operated by a.....religious institution are permitted uses in the Commercial District.

Existing conditions: The approximately 13.68 acre site is located on the south side of Hamilton Boulevard, west of Mill Creek Road. The site is developed with a large church complex and extensive surface parking areas. Access is provided in two locations; one driveway from Hamilton Boulevard and the other from Mill Creek Road. Several temporary structures are located to the rear and side of the permanent structures.

Proposed Development: The applicant proposes construction of a large addition to its 51,294 square foot building consisting of three parts: 1. A 40,569 square foot three-story addition at the rear of the existing church facility to replace the two temporary buildings that house educational programs, 2. A 48,447 square foot two-story sanctuary wing to the front of the building and 3. An expanded parking lot. The Church presented a sketch plan in early 2010 to the Planning Commission showing an extensive project that included an expanded sanctuary. This application is new configuration which requires similar Zoning relief.

Planning Considerations:

- Sketch Plan The applicant has submitted a zoning plan indicating variances that may be needed for the ultimate development of the site (see Zoning Officer Memo, attached). At November's Planning Commission meeting, the Commission recommended approval of variances for lot coverage, buffer yards and building space allocation for place of worship. The parking variance and special exception were not resolved pending further clarification from the applicant.
- Access The onsite circulation design has been modified to direct traffic to a reconfigured parking lot at the rear of the site and an expanded parking area in front of the building along Hamilton Boulevard. Existing driveway access from Hamilton Boulevard and Mill Creek Road will be widened and improved
- Parking Variance A total of 707 parking spaces will be provided, while the Zoning Ordinance requires 1,164 spaces. A **Variance** for the number of spaces is requested anticipating a reduction in demand because children who are not of driving age are included within the parking generation figures. Children under 16 years of age would not drive to the church on their own, so a discount in parking generation is requested as a Variance.
- Parking Special Exception Additionally, a **Special Exception** is requested to acknowledge that parking demand occurs at different and off-setting times, thereby further reducing the need for the maximum required number of spaces. Typically the highest demand is on Sunday morning and the applicant feels that the proposed parking will adequately cover the peak demand. In addition, the Church has provided the Township with a memo from East Penn School District acknowledging a mutual agreement to allow church parking at the Middle School in exchange for use of the Church as an emergency shelter, should the need arise in either case.
- Pedestrian Access Sidewalks are provided around the building and into the extensive parking lots. A sidewalk is shown along the Hamilton Boulevard frontage, as well as along both access drives to permit pedestrian access from Hamilton Boulevard or Mill Creek Road. Trees are required to be planted along Hamilton Boulevard within the parking area, but are not shown. Planting of sycamore trees outside of the utility line area would complement the established character of this section of the Boulevard.
- Project Design Building elevations and landscaping concepts have not been provided with this submittal. It is our understanding that this project is likely to be built in two phases with the educational wing first.
- Fire Department Comments The Lower Macungie Fire Department has provided a memo resulting from their review of the sketch plan. They have the following recommendations: 1. Installation of Two (2) fire hydrants one within 200 feet of the fire department connection, 2. Providing a Knox Box for emergency access, 3. Trees and shrubs around the fire hydrants planted so that they do not block the use of the hydrants, 4. Proposed addition be filled with a sprinkler system.

Respectfully Submitted,

Sara Pandl

Director of Planning and Community Development



Lower Macungie Township
3400 Brookside Rd.
Macungie, PA 18062
Phone: 610 966-4343

Memorandum

To: Sara Pandl, Planning Director
Date: December 6, 2011
From: Carl L. Best, Deputy Zoning Officer
Subject: Faith Evangelical Free Church
Land Development Plan

The subject property is located in a **C-Commercial** zoning district. The proposed Land Development Plan proposes to construct new and future building additions, along with the expansion of the existing parking lot. Plan prepared by Newton Engineering; Two (2) sheets, plan dated November 16, and October 17, 2011. My Zoning comments are as follows;

1. The maximum lot coverage allowed for "Places of Worship" in a **C-Commercial** zoning district is Sixty (60 %) percent. The plan indicates a 69.94 % (or 70% max.) area in proposed lot coverage. The plan should be revised or a variance would be required. **Zoning; 27-1007**
2. A twenty-five (25') foot buffer yard area is required along the eastern property line. The parking areas along the eastern property line encroach five (5') foot into the required buffer area. The plan should be revised or a variance would be required. **Zoning; 27-1803 c.**
3. The proposed building additions (including Master Plan Addition) along with the proposed uses, do not meet the zoning requirements within the definition section regarding Places of Worship. A variance would be required. **Zoning; 27-202**
4. Two or multiple uses may provide for the required parking in a common parking lot if the total number of spaces provided is not less than the sum of the spaces required for each use. The total number of spaces required may be reduced by **Special Exception** if the applicant demonstrates that the hours or days of peak parking needed will be adequate for all uses served by these facilities. **Zoning; 27-2302 5.**
5. A lighting plan shall be submitted for all non-residential uses. The plan shall include (in detail) items such as hours of lighting; photometric plan; installation details with respect to generally-accepted outdoor lighting and design standards. **Zoning; 27-2303 5.**
6. A variance is required for the number of proposed parking spaces required for Churches or other Places of Worship **Zoning; 27-2301 D. (1)**

**CIVIL ENGINEERS & SURVEYORS**

6235 Hamilton Boulevard, Suite 100, Wescosville, PA 18106-9797 • 610-395-0971 • FAX 610-391-8942

East Office: Bethlehem, West Office: Wescosville, North Office: Kresgeville

December 7, 2011

LOWER MACUNGIE TOWNSHIP

Planning Commission

3400 Brookside Road

Macungie, PA 18062-1428

RE: **FAITH EVANGELICAL FREE CHURCH**

Parking Requirement Zoning Relief

6528 Hamilton Boulevard

Members:

Materials submitted for the Applicant by The Newton Engineering Group, P.C. include the following:

- A. Children & Student Building Zoning Site Plan, Sheet SK-01 of SK-02, dated November 16, 2011;
- B. Master Zoning Site Plan, Sheet SK-02 of SK-02, dated November 16, 2011;
- C. Letter of Intent and Parking Generation Report, dated November 17, 2011

PROPOSAL: This submission describes a proposed phased expansion of the existing Church facilities.

The first phase is called "Children and Student Building." This phase includes removal of the existing modular units, construction of the 3-story Children and Student Building and striping revisions on the main parking lot.

Proposed Children and Student Building floor areas (per description on plan):

1 st floor: 14,215 SF	
2 nd floor: 14,572 SF	TOTAL: 40,569 SF
3 rd floor: 11,782 SF	

The second phase is described on the Master Zoning Plan and includes demolition of a portion of the existing structure and construction of a new sanctuary, offices, and classroom space, as well as parking changes. The seats in the main sanctuary would increase to 1,200 seats from the existing 800 seats. The primary changes anticipated in this phase result from moving the Contemporary Service from the Family Life Center with temporary seating to a new facility designed for this activity. The Applicant's Engineer reports that the Family Life Center would then return to its designed functions that are typically used during the week and not on Sunday mornings.

The Applicant is requesting the Planning Commission to forward a recommendation to the Zoning Hearing Board for the Children and Student Building and the Master Plan for relief of various sections of the Zoning Ordinance as identified in the Applicant's Engineers letter dated November 17, 2011.

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The following comments are directed to the variance request for the number of parking spaces and related planning issues:

Phase 1: Children and Student Building

1. For the first phase of the project, the Children and Student Building Zoning Site Plan shows required parking of 818 spaces. The plan also sets forth deductions for all office space (3,776 SF; 19 parking spaces), a significant portion of the religious education space (17,637 SF; 176 parking spaces) and all social gathering area (13,085 SF; 131 parking spaces) for a total deduction of 326 parking spaces, leaving a net total of 492 spaces, not accounting for the 44 spaces for miscellaneous area (see Table 2 in the Letter of Intent and Parking Generation Report). The application memorandum states the office space is not used on Sundays, the religious education area is somewhat occupied by children who are too young to drive, the social gathering areas are not used on Sundays and the miscellaneous space is 'transitional' and not requiring parking spaces. The ITE rate of 0.45 per maximum attendance results in 466 required parking spaces per the parking report. Although the report references Table 7 as the source for the 466 spaces, Table 7 does not designate the total number of attendees which was used as the basis for the calculation. As shown on the Zoning Site Plan, the total number of parking spaces provided for the first phase is 546 parking spaces.
2. The Letter of Intent and Parking Generation Report state a 20% increase is expected in the first hour of Sunday service due to the limitation of space in the Family Life Center for the contemporary church service. However, the report does not reflect increases for the other two church services.
3. The report states a field verified rate of parking spaces per person was to be conducted on Sunday, November 20, 2011, after the date of the parking report of November 17, 2011. This data has not been submitted for review.
4. The building first floor area of 14,215 S.F. for the Children and Student Building listed on the plan approximates the area outlined on Plan Sheet SK-01. This plan sheet also lists a second floor area of 14,572 S.F. which results from the conversion of a 357 square foot. balcony on the second floor to interior floor area.
5. The assumption that the sanctuary capacity will solely drive the parking requirements is probably not valid for special events and holidays. Attached is a copy of a series of e-mails which identifies the overflow parking arrangement with the East Penn School District. Presumably, the purpose of this arrangement is to address parking needs for special events and holidays. As a matter of background information, we are also attaching a photocopy of page 136 from the ITE Parking Generation Manual which shows the impact of holidays on church attendance, particularly Easter.
6. There are 16 handicapped parking spaces proposed for Phase 1 which are clustered in the rear of the building.
7. Table 3 in the Letter of Intent and Parking Generation Report lists floor areas which total 46,243 S.F. whereas the plan shows a total of only 40,569 S.F.

Phase 2: Master Plan, Reconstruction with New Sanctuary

8. For the second phase of the project, the Master Zoning Site Plan shows required parking of 1,164 spaces. The plan also sets forth deductions for all office space (9,289 SF; 46 parking spaces), a significant portion of the religious education space (14,261 SF; 143 parking spaces) and all social gathering area (28,782 SF; 288 parking spaces) for a total deduction of 477 parking spaces, leaving a net total of 687 spaces, not accounting for the 56 spaces for miscellaneous area (see Table 4 in the Letter of Intent and Parking Generation Report). The application memorandum states the office space is not used on Sundays, the religious education area is somewhat occupied by children who are too young to drive, the social gathering areas are not used on Sundays and the miscellaneous space is 'transitional' and not requiring parking spaces. The ITE rate of 0.45 per maximum attendance results in 598 required parking spaces per the parking report. As in the case of the previous ITE calculation for Phase 1, Table 8 also does not set forth the total number of attendees. As shown on the Master Zoning Site Plan, the total number of parking spaces provided for the second phase is 707 parking spaces.
9. There are a total of 15 handicapped parking spaces proposed for the second phase which is less than the 16 handicapped spaces designated for Phase 1.
10. The Letter of Intent and Parking Generation Report state a 50% increase is expected in the first hour of Sunday service due to the limitation of space in the Family Life Center for the contemporary church service. However, the report does not reflect increases for the other two church services.

We are attaching a copy of a supplemental Zoning Application Memorandum which was not included in the initial submission. From our perspective, this document simplifies the presentation of the parking relief analysis contained in the Letter of Intent and Parking Generation Report.

If there are any questions regarding this review, please contact the undersigned.

Sincerely,

KEYSTONE CONSULTING ENGINEERS, INC.



William A. Erdman, P.E.

WAE/mgz

pc: Planning Commissioners Individually
Board of Commissioners Individually
Bruce Fosselman – Township Manager
Sara Pandl, AICP, RLA – Director of Planning & Community Development
Richard Somach, Esquire – Tallman, Hudders & Sorrentino
F. Peter Lehr, Esquire – Tallman, Hudders & Sorrentino
Lower Macungie Township Fire Department
Public Safety Commission (via e-mail only)
Parks & Recreation Commission (via e-mail only)
Environmental Advisory Committee (via e-mail only)
James F. Lancsek, CET, Zoning Officer
Faith Evangelical Free Church
Thomas Dredge, P.E. – The Newton Engineering Group, P.C.

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Melissa Zellner

Subject: Lehigh County, Lower Macungie Township, Faith Evangelical Free Church

From: Seidenberger, Thomas [<mailto:TSeidenberger@eastpennsd.org>]
Sent: Wednesday, November 23, 2011 4:01 PM
To: Harold H. Newton
Subject: RE: Lehigh County, Lower Macungie Township, Faith Evangelical Free Church

Dear Mr. Newton:

The East Penn School District has valued our long standing relationship. We thank you for offering your church as an emergency staging area if the need arises. We, in return, are pleased to give you our permission to use the Lower Macungie Middle School parking lot should you need additional parking for special events or in emergency situations.

Please let me know if this e-mail is sufficient proof our mutually beneficial relationship.

We look forward to many years of this cooperative relationship

Sincerely:

Thomas L Seidenberger
Superintendent of Schools
East Penn School District

November 23, 2011

From: Robyn F. Petrie [<mailto:RPetrie@newtonengineering.us>] **On Behalf Of** Harold H. Newton
Sent: Monday, November 21, 2011 1:05 PM
To: Seidenberger, Thomas
Cc: Barry Long; Jack Wilson; Joseph Zator II., Esq.; International Custom Built Homes, Inc.; Team Pink (Snell)
Subject: Lehigh County, Lower Macungie Township, Faith Evangelical Free Church

Dear Dr. Seidenberger:

We are writing on behalf of Faith Evangelical Free Church, the church is proposing to seek Zoning approval for the expansion of their facility on Hamilton Blvd. In discussions with personel at the church we have been advised that they have a verbal agreement with Lower Macungie Middle School that the school can utilize the Church as an emergency staging area when necessary. In return the church has the right to utilize the parking facilities for overflow parking on certain Sundays and when they have other events that do not conflict with the school calendar.

For the purpose of the Zoning Hearing Board it would be beneficial to the Church to have written confirmation of this. This would add weight to the presentation to the Zoning Hearing Board.

Could you please advise us in how to proceed with obtaining this confirmation from the District. If necessary we can meet with you or whomever to discuss this previous verbal agreement.

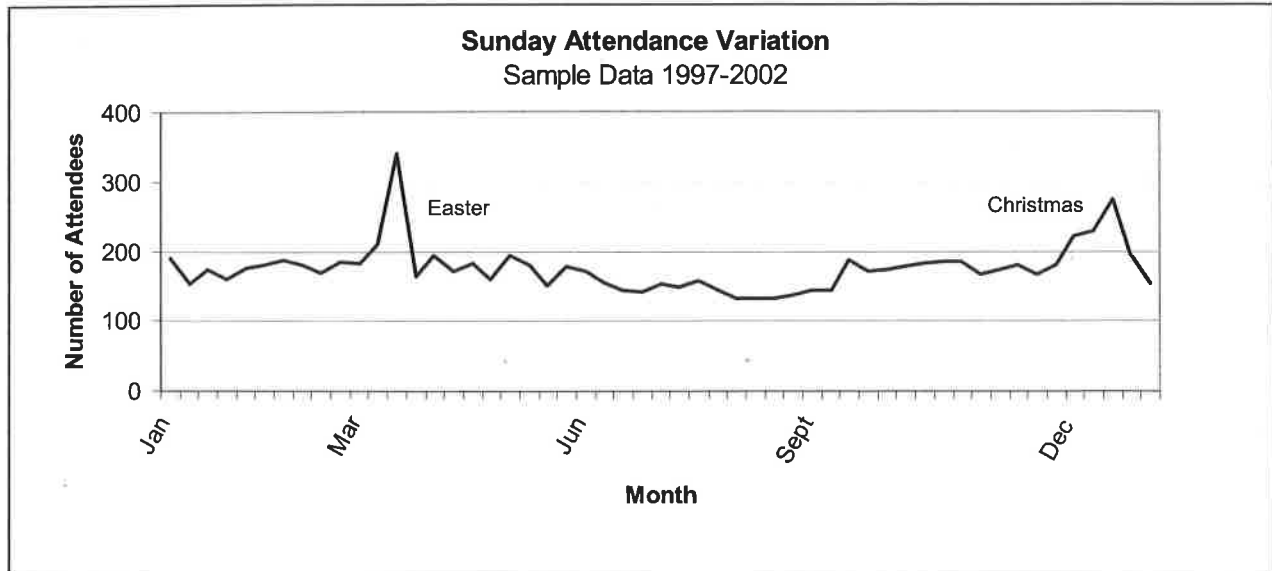
We are meeting with the Planning Commission on December 13, 2011 and if possible would like to have this confirmation before then.

Thank you in advance for your cooperation in this matter.

Land Use: 560 Church

Additional Data

The graph below provides a sample of the weekly variation in church attendance for Sundays during the course of the year, based on a church with 230 members in Oregon. Peak attendance points were associated with the Easter and Christmas seasons. Summer months have the lowest Sunday attendance. Variations in church activities and functions may affect the Sunday attendance characteristics shown in the graphic.



SOURCE: DKS Associates, 2002.

Study Sites/Years

Newport Beach, CA (1981); Anaheim, CA (1983); Bollingbrook, IL (1983); Burr Ridge, IL (1983); Anaheim, CA (1984); Syracuse, NY (1984); Oklahoma City, OK (1986); Anaheim, CA (1988); Rochester, NY (1989); Clearwater, FL (1996); Goleta, CA (1999); West Chester, PA (2001); Philadelphia, PA (2002)

Faith Evangelical Free Church - Zoning Application Memorandum

Background

Faith Evangelical Free Church (hereinafter “**Applicant**” or “**Church**”) seeks zoning relief for its property located at 6528 Hamilton Boulevard (“**Property**”). The Property is located in the Commercial Zoning District (“**C**”). The Property currently contains a church and modular units used for religious education. Applicant seeks zoning relief to expand its existing building to accommodate its growing congregation.

The Church was before the Zoning Hearing Board in February 2010 seeking similar relief. The Zoning Hearing Board granted all of the Church’s requested relief. However, after reevaluating the Church’s needs and architectural constraints it became necessary to alter the footprint and revise the dimensions of the uses. The following outlines the relief necessary for the Church’s expansion:

Requested Relief

Place of Worship (Interpretive Relief or Variance - Article 2, 201.149):

Applicant seeks relief from Section 201.149 which limits the amount of interior space that can be used for purposes other than a sanctuary. The following table outlines the maximum space for each use pursuant to 201.149, the existing usage, and the Church’s proposed usage.

Use	Maximum (sf)	Existing (sf)	Proposed (sf)
Office	4,000	3,776	9,289
Religious Education	8,000	20,740	28,008
Social Gathering*	8,000	9,300	9,300
Miscellaneous**	4,000	5,223	25,053

* Social gathering space includes a gymnasium and stage area. This space is currently used a sanctuary on Sundays. However, after the renovation it will not be used as a sanctuary and will only be used as a gym and stage during the week.

** Miscellaneous space includes the main lobby (approximately 14,000 sq/ft), library, kitchen, receiving area of the nursery, music rooms, and a lounge area.

Last February, the Zoning Officer determined that the second paragraph of Section 201.149 allows a place of worship to have other uses, i.e. office space, larger than outlined in Article 201.149, so long as they are treated as principal uses whereby other applicable Ordinance provisions apply. The Church is asking this Board to either apply that same interpretation or grant variance relief.

If the above interpretive relief is not granted, the Church seeks variance relief from Article 201.149 to allow for the size of the uses outlined above. The Church meets the criteria for variance relief pursuant to 2303, 5.4. 5.4.2 and § 910.2(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq* (“**MPC**”). Granting variance relief from 201.149 will not be detrimental to the public health, safety, or welfare. The restrictions were enacted to protect *residential* neighborhoods. Here, the restrictions offer no benefit to the surrounding area – the

Church is an existing use and is located in the Commercial Zoning District where traffic, people, and numerous other commercial activities are expected. The Church is adjacent to a busy Wal-Mart and other business. Nor has Applicant's hardship has not been self created, as the Church was built before the above restrictions were adopted by the Township. Relief from the space restrictions is necessary to provide safe and effective facilities for the Church's growing congregation.

Expansion of a Nonconforming Use (Approval & Variance – Articles 22, 2202 & 22, 2202, 2.2., 2.2.2):

The religious education space is a nonconforming uses pursuant to Article 22, 2201. Therefore, Applicant seeks approval by the Zoning Hearing Board pursuant to 2202.2 to expand said use.

Applicant is entitled to variance relief to expand the nonconforming use/structure because the increases result de minimus dimensional variance relief. Pennsylvania courts recognize the "doctrine of natural expansion." As such, restrictions on the expansion of a nonconforming must be reasonable and cannot be arbitrary. Courts have held that the "doctrine of natural expansion" permits a landowner to develop or expand a use as a matter of right notwithstanding its status as a nonconforming use. Shaner v. Schuylkill County Zoning Hearing Bd., 859 A.2d 859 (Pa. Cmwlth. 2004).

Maximum Lot Coverage (Variance - Article 10, 1006):

The maximum lot coverage for a place of worship is 60%. The Church seeks relief to increase lot coverage to 70%. Applicant meets the criteria for variance relief pursuant to 2303, 5.4 5.4.2 of the Township Zoning Ordinance and § 910.2(a) of the MPC. Variance relief from the maximum lot coverage restriction will not be detrimental to the public health, safety, or welfare, nor will the granting of the requested variance alter the essential character of the neighborhood, or in any way impair the appropriate use or development of adjacent properties. The situation presented by the Applicant has not been self-created. Furthermore, the Church has an agreement with the adjacent property owner to utilize a detention basin located on the adjacent property. The detention basis was designed to accept stormwater runoff from Applicant's property at 70% impervious coverage.

Buffer Yard (Variance - Article 10, 1007):

Applicant seeks variance relief from the 25-foot buffer yard requirement set forth in Article 10, 1007. The Applicant proposes a 20-foot buffer yard along its easterly property line. The Church designed the parking lot to include two landscaped islands that are ten (10) feet wide (larger than the required five (5) feet wide). The purpose of the larger islands is to provide a protected walkway for pedestrian traffic. However, in order to have the larger islands, the buffer yard along the easterly property must be decreased from 25 feet to 20 feet.

Variance relief from the buffer yard requirement will not be detrimental to the public health, safety, or welfare, nor will the granting of the requested variance alter the essential character of the neighborhood, or in any way impair the appropriate use or development of adjacent properties. The Church's easterly property line abuts the buffer yard of the neighboring property, which also contains a planting screen. In addition, the neighboring property consists of a strip mall and a heavy commercial use (Wal-Mart) is across the street.

Parking Requirements:

Applicant seeks interpretive relief, a special exception, and variance relief from the parking requirements set forth in Article 20 of the Ordinance. The following table outlines the parking requirements for each use.

Use	Ordinance	Proposed seats / sf	Required Parking
Sanctuary:	1 per 3 seats	1650 seats	550
Office:	1 per 200 sf	9,289 sf	46
Meeting Room Area:			
Religious Education	1 per 100 sf	28,008 sf	280
Social Gathering	1 per 100 sf	9,300 sf	93
Miscellaneous	1 per 100 sf	25,053 sf	251
<i>Total Required Parking</i>			1220
<i>Total Actual Parking</i>			707 (-513)

Interpretive relief - Article 20, 2000 D.1:

The Church seeks interpretive relief from the parking requirements set forth in Article 20, 2000 D.1. The Ordinance does not define “meeting room area” and therefore the Church requests that the Board determine that the term “meeting room area” include religious education space, social gathering space, and miscellaneous space. This interpretive relief gives the Church a consistent way to calculate required parking.

The Church also requests that its “miscellaneous space” not be included in the parking requirement. The Church’s miscellaneous space is comprised of the main lobby (which quite large at approximately 14,000 sq/ft), library, kitchen, receiving area of the nursery, music rooms, and a lounge area. These spaces are not destinations nor are they typical “uses” as contemplated by the Ordinance. Instead they are transitional spaces that do not require dedicated parking. For example, the lobby is used when parishioners are leaving the sanctuary and either going home or going to a classroom. Clearly the lobby is not a destination or use per se.

Special Exception Relief - Article 20, 2001.5:

The Applicant requests the parking requirement be reduced by special exception and be based only on the uses which take place on Sundays. The sanctuary and religious education spaces are used only on Sundays, while the office and social gathering spaces (gym/stage) are not used on Sundays and are only used on the other days of the week. Therefore, the parking requirement on Sundays would be reduced by 139 parking spaces (46 required parking spaces for office space plus 93 required parking spaces for social gathering space).

Variance Relief - Article 20, D.1:

The Applicant seeks variance relief to deduct space dedicated for use by children who are under the driving age from the parking requirement calculation. Approximately, 14,261 square feet of the religious education space is dedicated to children less than 16 years of age. By deducting

space dedicated to children under the legal driving age (16 years old) from the parking requirements, the Church would be deducting 143 parking spaces from the required parking.

Summary of Parking Relief:

1. The Church requests the Board grants interpretive relief and find that the term “meeting room area” includes religious education space, miscellaneous space, and social gathering space. Such relief gives the Church a consistent way to calculate required parking.
2. The Church requests the Board grant interpretive relief and find that its “miscellaneous space” not be included in the parking requirements. This relief would reduce the total parking requirement by 251 parking spaces. The miscellaneous space does is comprised of transitional spaces and does not require additional parking.
3. The Church seeks a special exception to deduct from the total required parking the number of spaces for office and social gathering because these uses do not take place on Sundays. This relief would reduce the total parking requirement by 139 parking spaces.
4. The Church seeks variance relief to deduct space dedicated for use by children who are under the legal driving age from the parking requirement calculation. This relief would reduce the total parking requirement by 143 parking spaces.

The following chart outlines the parking requirements along with the deductions that the above-described relief would provide:

Use	Ordinance	seats / sf	Req'd Parking	Summary of Requested Relief	Req'd Pkg. with Relief
Sanctuary	1 per 3 seats	1650 seats	550	No relief requested	550
Office	1 per 200 sf	9,289 sf	46	Office space is not used on Sunday (deduct 46 spaces)	0
Religious Education	1 per 100 sf	28,008 sf	280	14,261 sq/ft is dedicated to children below driving age (deduct 143 spaces)	137
Social Gathering	1 per 100 sf	9,300 sf	93	Social gathering space is not used on Sunday (deduct 288 spaces)	0
Miscellaneous	1 per 100 sf	25,053 sf	251	Miscellaneous space is "transitional" (deduct 56 spaces)	0
Total Required Parking			1220		687
Total Actual Parking			707		707
+/-			-513		+20

Therefore, by deducting the required number of parking spaces for miscellaneous use, office use, and social gathering use, and by deducting the square footage of the religious education space dedicated to children under the legal driving age, the required number of parking spaces becomes 687. The Church will have 707 parking spaces.

Respectfully submitted by:

Trisha M. Majumdar, Esq.
Zator Law Offices, LLC

Attorneys for the Applicant



ORGANIZED 1924

LOWER MACUNGIE FIRE DEPARTMENT
P.O. Box 3002 • WESCOSVILLE, PENNSYLVANIA 18106

Board of Commissioners
Lower Macungie Township
Planning Commission
3400 Brookside Road
Macungie, Pa 18062

November 29, 2011

RE: Faith Church

Dear Board of Commissioners:

The Lower Macungie Fire Department has reviewed the plans for Faith Church. We have some concerns regarding fire protection.

1. We recommend the installation of Two (2) fire hydrants.
2. The installation on a Knox Box for emergency access.
3. Recommend that the trees and shrubs around the fire hydrants be placed so that they do not block the use .of the hydrants.
4. The proposed addition be sprinkled and a fire hydrant be located within 200 feet of the fire department connection

We thank you for your consideration of the above requests and for your cooperation with regarding to these matters.

Sincerely,

Brent A. McNabb Assistant Chief
Assistant Chief
Lower Macungie Fire Department

**Lower Macungie Township
Subdivision / Land Development Projects Under Review
December 13, 2011**

Project Name	Project Type	Number of Lots	Location	Application Date	Time Clock Start	Time Clock End	Extension Letter Date	Plan Status
Alburtis Crossings (P/F) Revised	Land Development	--	2929 Schoeneck Rd.	10/17/11	11/08/11	02/06/12	--	--
Bastian Company (P/F)	Land Development	--	6176 Hamilton Blvd.	05/15/09	07/14/09	06/30/12	10/18/11	PC 09/08/09
Belle Chase (F)	Subdivision	70	6280 Lower Macungie Rd.	05/09/08	06/10/08	01/28/12	08/04/11	PC 07/18/08
Diocesan Pastoral Center (P)	Subdivision	6	617 N. Krocks Rd.	04/15/09	05/12/09	06/30/12	10/18/11	PC
Diocesan Pastoral Center - Lot 1 (P)	Land Development	--	617 N. Krocks Rd.	04/15/09	05/12/09	06/30/12	10/18/11	PC
Diocesan Pastoral Center - Lot 2 (P)	Land Development	--	617 N. Krocks Rd.	04/15/09	05/12/09	06/30/12	10/18/11	PC
Faith Evangelical Free Church (P/F)	Land Development	--	6528 Hamilton Boulevard	10/17/11	11/08/11	02/06/12	--	--
Goldco Partners/Lee A. Goldstein, et al (P/F)	Lot Line Adjustment Consolidation	--	818 & 886 Krocks Court	03/14/11	04/12/11	02/29/12	09/22/11	BOC
Gonton Property (P/F)	Subdivision	5	2120 Mill Creek Road	08/20/08	09/09/08	08/31/12	07/26/11	PC 10/14/08
Hamilton Crossings (P)	Land Development	--	5285 Hamilton Blvd.	04/01/09	04/14/09	02/29/12	09/23/11	PC
Hamilton Crossings (P/F)	Lot Line Adj.	--	5375 & 5285 Hamilton Blvd.	04/01/09	04/14/09	02/29/12	09/23/11	PC
Hamilton Crossings	Conditional Use Subdivision	--	5375 & 5285 Hamilton Blvd.	04/01/09	04/01/09	Open ended (1)	03/20/09	NA
Jaindl Land Company - Subdivision 1 (P/F)	Subdivision	14	Spring Creek Road/Mertztown Road Area	08/16/10	09/14/10	03/31/12	10/17/11	PC 04/12/11
Jaindl Land Company - Subdivision 2 (P/F)	Subdivision	--	7790 Quarry Rd. & 2500 Rt. 100	08/16/10	09/14/10	03/31/12	10/17/11	PC 04/12/11
Krocks Acquisition II (P)	Land Development	--	5415 Hamilton Blvd.	04/01/09	04/14/09	02/29/12	09/23/11	PC
Krocks Acquisition I	Conditional Use	--	735 Krocks Court & 5415 Hamilton Blvd.	04/01/09	04/01/09	Open ended (2)	03/20/09	NA
Krocks Acquisition II (P)	Land Development	--	735 Krocks Court	04/01/09	04/14/09	02/29/12	09/23/11	PC
Krocks Acquisitions I & II (P/F)	Lot Line Adjustment	--	735 Krocks Court & 5415 Hamilton Blvd.	04/01/09	04/14/09	02/29/12	09/23/11	PC
Red Maple Acres (F)	Land Development	--	1170 Grange Road	07/21/11	08/09/11	12/31/11	11/08/11	PC
Romig Subdivision (P/F)	Subdivision	2	2500 Route 100	07/25/07	08/14/07	12/31/12	10/18/11	PC 08/14/07
Shepherd's Corner (P) (formerly Andrew Yastishok Retail Center)	Lot Line Adj. & Land Development	--	5621 Hamilton Blvd.	04/15/09	05/12/09	04/01/12	05/19/11	PC 10/13/09
Trexler Business Center (P) Lot 1	Lot Line Adj. & Land Dev.	--	6126 Hamilton Blvd	05/15/09	07/14/09	06/30/12	10/18/11	PC
Trexler Senior Living Center	Conditional Use	--	1500 Trexletown Road	12/20/10	12/20/10	04/30/12	10/17/11	--
Trexler Senior Living Center (P/F)	Land Development	--	1500 Trexletown Road	12/20/10	01/18/11	04/30/12	10/17/11	PC 04/12/11
Wescosville Commons (Eastern Industries) (P)	Land Development	--	619 Schantz Road	11/03/09	11/10/09	04/30/12	10/17/11	PC
Woring II Estates (P/F)	Subdivision	2	2021 Ash Lane	11/21/07	12/11/07	06/30/12	10/18/11	PC 02/19/08

(1) Open ended extension granted by letter from Zator Law Offices dated 03/20/09

(2) Open ended extension granted by letter from Zator Law Offices dated 03/20/09

P - Preliminary plan submission

F - Final plan submission

P/F - Preliminary/Final plan submission



M E M O R A N D U M

TO: Lower Macungie Township Planning Commission

FROM: Bill Erdman

DATE: December 8, 2011

RE: Plan Time Extensions

CC: Bruce Fosselman

Following is a synopsis of the status of the various projects based on responses to my inquiries:

Belle Chase Subdivision

The developer's attorney stated that he would prefer to not withdraw the pending plan until a new plan is submitted. I am awaiting feedback on when a new plan will be submitted.

Wotring II Estates Minor Subdivision

The residential project in Upper Macungie Township which is dependent on the detention pond proposed on the subdivided lot is on hold. In addition, a portion of the property is included in the preservation area associated with the Spring Creek Properties project which is in limbo due to the litigation.

Trexler Senior Living Center

The applicant's engineer is having more difficulty than expected with the NPDES permit and the associated infiltration requirements.

Wescosville Commons

A Developer (Petrucci?) submitted a letter of intent to Eastern Industries in early November and I presume they are in a due diligence period.

Gorton Subdivision

The Developer's engineer informs me that Mr. Gorton has put the project on hold due to the economy.

2120. Forestry

This section recognizes that the presence of living trees in our surroundings is important and desirable from an ecological and environmental standpoint and that no forestry, logging or cutting of trees, six (6) inches or more in diameter at breast height (DBH) measured at a point four and one-half (4.5) feet about the ground level, shall be permitted in the steep slope overlay district, the flood hazard overlay district, and the hydric soil overlay district (see Article 18), unless in accordance with the following provisions:

1. It shall be lawful to cut down such trees six (6) inches or more in diameter if the tree is sick, infected, damaged, dead is in such position or condition that it constitutes a danger to neighboring property or to the public generally, or is located within the legal right-of-way of a public street provided that except in case of emergency, no such tree shall be cut down unless and until a permit to do so has been obtained from the Zoning Officer. In case of emergency where time does not allow the prior obtaining of such permit, a permit shall be applied for within seventy-two (72) hours of the cutting down of any tree.
2. It shall be lawful in any calendar year for the owner of any tract of land to cut down on said tract of land up to three (3) trees six (6) inches or more DBH not of the type referred to in Section 2120.1 for any private or commercial purpose upon first obtaining a permit do so.
3. When a Zoning Permit is issued for a building, structure or use it shall be lawful to cut down any trees which exist in the space to be occupied by such building, structure, or use, any space within fifteen (15) feet of any such building or structure, and any space to be occupied by, and all space within ten (10) feet of all sides of any driveway parking area, water system, or sewage disposal system provided that no such trees shall be cut down until the Zoning Officer has issued a permit for the marked trees to be cut down in such manner that it can be determined after the cutting that only those trees for which the permit was issued have been cut down.
4. Logging shall be done only in accordance with a timber harvest plan prepared for sustainable harvest (either shelterwood harvest or group selection harvest) by a forester, a copy of which plan shall be filed with the Zoning Officer. All timber harvest plans and the logging operation itself shall comply with the following requirements:
 - 4.1 The logging shall be by a sustainable harvest method. Clear cutting is prohibited.

- 4.2 An erosion and sedimentation control plan designed to prevent erosion and sedimentation during and after the logging operation shall be submitted at the same time the forest management plan is filed.
- 4.3 All cutting, removing, skidding and transporting of trees shall be planned and performed in such manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.
- 4.4 Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
- 4.5 Roads and trails shall be only wide enough to accommodate the type of equipment used and grades shall be kept as close as possible to existing grades so as to minimize earth disturbance.
- 4.6 Where possible, stream crossings shall be avoided but where deemed necessary, crossings shall be made at a right angle across suitable culverts or bridges.
- 4.7 Skidding across live or intermittent streams is prohibited except over bridges or culverts.
- 4.8 Natural and uncut buffer zones of a minimum of fifty (50) feet shall be maintained on the property on which the logging operation is being conducted along all streets and abutting properties.
- 4.9 Natural and uncut buffer zones of twenty-five (50) feet shall be maintained along any streams, wetlands and springs.
- 4.10 Everything practicable shall be done to prevent damage or injury to young growth and trees not designated for cutting.
- 4.11 All limbs and stubs shall be removed from felled trees prior to skidding.
- 4.12 All trees bent or held down by felled trees shall be released promptly.

- 4.13 No trees shall be left lodged within other trees or power lines in the process of felling.
- 4.14 Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township roads or PennDOT in the case of state roads.
- 4.15 No tops or slash shall be left within fifty (50) feet of any public street or adjoining property; within twenty-five (25) feet of any stream or within ten (10) feet of any drainage ditch. Maximum height of a slash pile is four (4) feet.
- 4.16 The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes. Stumps shall extend no more than two feet above grade.
- 4.17 During the periods of abnormal forest fire danger, as determined by the Zoning Officer and Lehigh County Fire Chief's Association, the Zoning Officer shall have the right to order a suspension of logging operations until the danger subsides.
- 4.18 Littering is prohibited. During and upon completion of a log operation, all cans, bottles, paper, garbage and other litter of any type shall be removed from the property.
- 4.19 Upon completion of a logging operation, all roads shall be graded to eliminate any wheel ruts and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked.
- 4.20 Before the logging operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No trees shall be felled which have not been designated for removal on the forest management plan.
- 4.21 The holder of a permit to conduct a logging operation shall notify the Township at least forty-eight (48) hours before the cutting of trees is to begin in connection with the construction of roads or trails.

- 4.22 The holder of a permit to conduct a logging operation shall notify the Township at least forty-eight (48) hours before the cutting of trees for removal from the site is to begin.
- 4.23 Logging operations shall only occur between the hours of 7:30 a.m. and 5:00 p.m.
- 4.24 The holder of a permit to conduct a logging operation shall notify the Township at least forty-eight (48) hours in advance of the expected suspension of the logging operation for more than five (5) successive working days for reasons other than weather conditions.
- 4.25 The holder of a permit to conduct a logging operation shall notify the Township at least one (1) week in advance of the expected completion date of the logging operation, and shall notify the Township immediately upon said operation's completion.
- 4.26 The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed logging operation after an application operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereof.
- 4.27 After a permit for a logging operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during, and after the logging operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.
- 4.28 Onsite processing harvested trees is prohibited.
- 4.29 Should any trees be cut that are not shown on the approved timber harvest plan, replacement trees at a ratio of two trees for every tree removed inadvertently shall be planted. The trees should be at least 2 inch caliper and of the same species.

Definitions

Shelterwood Harvest Method – Timber Harvest Method that leaves a large number of trees standing long enough to establish and protect seedlings and saplings until they are established

Group Select Harvest Method - Timber Harvest Method that removes trees in a number of small areas to create openings in the forest canopy.

**LOWER MACUNGIE TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO.2011- _____

**AN ORDINANCE OF LOWER MACUNGIE TOWNSHIP, COUNTY OF
LEHIGH, PENNSYLVANIA REGULATING THE INSTALLATION,
OPERATION AND USE OF OUTDOOR FUEL BURNING APPLIANCES
WITHIN THE TOWNSHIP.**

WHEREAS, the Board of Commissioners of Lower Macungie Township has the authority to promote the public health and safety and, specifically, the power to regulate the emission of smoke from chimneys, smokestacks and other sources, pursuant to all applicable provisions of the First Class Township Code; and

WHEREAS, the Board of Commissioners has determined that regulating the use of outdoor fuel burning appliances will promote the public health, safety, cleanliness, comfort and general welfare of the residents of the Township.

WHEREAS, Lower Macungie Township did hold a public hearing on _____

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners, Lower Macungie Township, Lehigh County, Pennsylvania the following be and is hereby adopted as an ordinance of Lower Macungie Township as follows;

Section 1. Purpose and Scope.

- A. The purpose and scope of this Ordinance is to promote the public health and safety by restricting operation and use of outdoor fuel burning appliances to those areas of the Township where the effects from the smoke and fumes emanating from such devices will be mitigated by the distance from surrounding properties and occupied residences.
- B. These regulations shall be applicable to the installation, operation and use within the Township of any outdoor fuel burning appliance, the primary purpose of which is to convert solid combustible fuel into a heat or energy source for interior spaces or accessory uses.
- C. Outdoor fuel burning appliances cause emission problems that may cross property lines because smoke stays close to the ground and can easily reach humans working or playing outdoors and can penetrate neighboring buildings. Low lying smoke may also cause visibility problems and may pose a health hazard by aggravating respiratory diseases.

Section 2. Applicability

- A. This Ordinance applies to all outdoor solid fuel burning furnaces, boilers and appliances within the Township of Lower Macungie.
- B. This Ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- C. This Ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building or structure used for human or animal habitation.
- D. This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device used for heating, construction or maintenance activities.

Section 3. Definitions.

Chimney. Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor fuel burning appliance, especially that part of such structure extending above a roof. The term “stack” shall apply to the structure located on the appliance which carries smoke from the Unit.

Outdoor Fuel Burning Appliance (OFBA). Any equipment, devices or apparatus, including a furnace, stove or boiler, which is installed, affixed or situated outdoors and which is designed and constructed to burn solid fuels, including wood, coal or other solid fuels, for the purpose of heating a building or structure used for human or animal habitation or any accessory use or structure such as a greenhouse or swimming pool. Other outdoor heating devices which do not involve the combustion of solid fuels, such as heat pumps, solar energy devices, or other heating devices utilizing electricity, oil, propane or natural gas fuels, are not considered “outdoor fuel burning devices” for the purposes of this Ordinance and are, therefore, exempt from these regulations.

Section 4. Prohibited Materials.

- A. The following items are prohibited from being burned within Lower Macungie Township; roof shingles, tires, paint or paint cans, aerosol spray cans, plastic, rubber, fiberglass, or any other polymers, pressure treated wood, or any wood treated with CCA, creosote or OSMOSE. Human or animal waste or any other substance which emit noxious or toxic fumes and smoke shall not be burned.

Section 5. Permits and Fees.

- A. No person shall install, maintain, or operate any outdoor fuel burning appliance within Lower Macungie Township without first obtaining a permit.

- B. The property owner shall be required to submit an application and a plot plan showing the proposed location of the appliance, the location and height of all existing structures on the property, distances from the proposed location of the appliance to the existing structures and to the boundary lines of the property. A copy of the manufacturer's specifications and instructions for the appliance shall also be submitted with the permit application.
- C. The fee for a permit shall be determined by resolution of the Board of Commissioners from time to time pursuant to the Township Fee Schedule.
- D. Any violation of the aforementioned conditions shall be deemed a violation of this Ordinance. Any violation of this Ordinance or the requirements of the issued permit shall void the permit.

Section 6. Outdoor Fuel Burning Appliances (OFBA)

An outdoor fuel burning appliance may be used in Lower Macungie Township only with the following provisions;

- A. The appliance shall not be used to burn any of the prohibited materials listed in Section 4. A. of this Ordinance.
- B. Appliances shall only be permitted as an accessory use in the **AP**- Agriculture Preservation and the **R**- Rural zoning districts as depicted on the Official Zoning Map of Lower Macungie Township.
- C. The lot on which any outdoor fuel burning appliance is located within the **AP** and **R** zoning districts shall have a minimum area of three (3) acres and the appliance shall not be located less than two hundred feet (200') from any lot line.
- D. The lot on which the any outdoor fuel burning appliance is located shall have a minimum setback of one thousand (1000") feet from any school.
- E. Any appliance shall have a minimum chimney height of twenty (20) feet or the maximum height allowed by the manufacturer. If less than twenty (20) feet; the applicant must provide the Township with documentation from the manufacturer indicating that the lower height will not adversely affect neighboring property owners and is required for reasons of safety. If the appliance is attached to the building, the chimney must be a minimum of two (2) feet above the elevation of the roof or eave.
- F. All appliances must comply with the emissions standards as required for outdoor solid fuel burning appliances as published by the Environmental Protection Agency (EPA), Title 25. All

emission standards currently required by the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.

- G. Ash or waste must be disposed of in an approved and timely manner pursuant to all Pennsylvania Department of Environmental Protection and/or Lower Macungie Township requirements.
- H. No more than one (1) appliance shall be permitted per building.
- I. No appliance shall be permitted in any front yard.
- J. The appliance shall only be in operation from September 1st to May 31st.
- K. All components used to convey between the appliance and the principal building must be located within the appliance enclosure, buried underground and contained within the enclosed building. No exposed conveyances shall be permitted between the appliance and the building.
- L. If the property owner(s) choose to construct or install the appliance themselves, the appliance must be ASTM certified, comply with the Outdoor Wood Furnace Best Burn Practices EPA HH Phase 2, and meet all Federal, State and Township requirements and codes

Section 7. Non-Conforming Appliances.

- A. The intent of this Ordinance shall not be retroactive and shall not require the removal of any outdoor fuel-burning appliance in working condition within the Township on the effective date of this Ordinance. All outdoor fuel-burning appliances in existence on the effective date of this Ordinance shall have or must erect a stack (chimney) which has a height at least two (2) feet higher than the peak of the roof of any residence not served by the outdoor appliance that is located within Two Hundred feet (200) of said appliance. The existing appliance may not be replaced if has not been utilized for a period of One (1) year and will be deemed abandoned and must be removed. If an existing outdoor fuel-burning appliance is more than fifty (50%) percent torn down, dismantled, deteriorated, or decayed, any rebuilding of said appliance shall be in violation of this Ordinance.

Section 8. Violation and Penalties.

- A. Any person(s) in violation of any provision of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine or penalty. The fine or penalty shall not more than \$ 1,000 dollars plus costs, and in default of the payment of the fines, penalties and costs, the defendant may be sentenced to imprisonment for a term not to exceed thirty (30) days. Each day that the violation of this Ordinance continues or each Section of this Part which shall be found to have been violated shall constitute a separate offence. The penalty section is enacted pursuant to the First Class Township Code, 53 P.S. § 7-204, Fire Prevention and Fire Protection.

Section 10. Severability.

- A. If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

ENACTED and **ORDAINED** this _____ day of _____, A.D., 2011

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS**

ATTEST:

Renea Flexer, Secretary

Roger C. Reis, President