

LOWER MACUNGIE TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING – JUNE 8, 2010

The June 8, 2010 meeting of the Lower Macungie Township Planning Commission was called to order by Chairman Maury Robert at 7:00 p.m. in the Lower Macungie Township Municipal Building, 3400 Brookside Road, Macungie, Pennsylvania. Commission members in attendance: Thomas Beil, Neill Dekker, Kevin Drake, Irvin Keister, Brent McNabb, and Maury Robert. Also present were Sara Pandl, Director of Planning and Community Development; Peter Nelson, Solicitor to the Board of Commissioners; William A. Erdman, Township Engineer, Keystone Consulting Engineers, Inc.; and Melissa Zellner, Keystone Consulting Engineers, Inc.

On a motion of Mr. Keister, second of Mr. Dekker, all in favor, the May 11, 2010 regular meeting minutes were approved.

On a motion of Mr. Keister, second of Mr. Beil, all in favor, the May 18, 2010 workshop meeting minutes were approved.

Jaindl MOU Settlement Rezoning and SALDO Amendments

The Lehigh Valley Planning Commission (LVPC) comments on the proposed Zoning Ordinance Amendments were discussed.

- The LVPC is concerned about increasing the number of access points along Route 100 and is recommending using their report, *Access Management for Arterial Roads* as a traffic management tool.
- With respect to a traffic impact study, Mr. Erdman stated that a master traffic study of the entire area is required to determine what improvements are required, to propose the improvements needed and to develop a maximum number of peak hour trips. This study would be based on the extension of Sauerkraut Lane across the Norfolk Southern RR tracks. If the Township is not able to obtain approval of that crossing, the Developer would then have to go back and do another comprehensive traffic study of that area to show what improvements are required absent of extension of Sauerkraut Lane. As the individual projects come in, there would then also be individual traffic analyses done for each project. Mr. Erdman stated that the Township is working on the Sauerkraut Lane extension.
- Recreation – Ms. Pandl stated that in the master plan there is a primary recreation area and floodplain area and the Township is developing a greenway plan to develop trails along the 500-year floodplain. Outside the floodplain there is a substantial area available for park development. Ms. Pandl also said that the open space area and recreational space will be in

excess of what is required for the proposed number of residential units. The area will include well over 80 acres of active park land, plus another 80 acres of open space. The Planning Commission had no comments on this matter.

Mr. Robert asked if anyone from the audience had any comments with reference to the LVPC letter. Dan Hunsicker of Hilltop Road, Mertztown inquired as to why there is a piece of land at the southwest corner of the proposed re-zoning that is not proposed to be changed. It currently is zoned Agricultural. This is Mr. Hunsicker's property and he would like this parcel to be re-zoned industrial also. Attorney Nelson stated that Jaendl is not required to do improvements unless he uses that section of Smith Lane. Mr. Robert stated that Mr. Hunsicker would like Smith Lane updated to today's standards with respect to ROW. Mr. Hunsicker requested that his small parcel of land be zoned the same as the Jaendl property and he would also like to extend the ultimate right-of-way up to the railroad.

The Lehigh Valley Planning Commission (LVPC) comments on the proposed SALDO Amendments were discussed.

- Area is zoned rural and sewer hookups would be required. The LVPC recommends on-lot systems. As this property will be somewhat densely developed, the Commission feels that this is not practical at this point and the project would need public sewer.
- Requiring 6 inches of topsoil be retained on-site rather than retaining all of the topsoil which is consistent with the LVPC's model SALDO. The Commission had no comments or questions on this issue.
- The LVPC recommends that the documents specify the standards from the May 2004 Little Lehigh Creek Act 167 Water Quality Update. Mr. Erdman assured the Commission that the most current Act 167 would be used.
- The LVPC recommends that the current provisions requiring lots to front on public roads be retained. Ms. Pandl explained that the SALDO revisions would allow for frontage on private roads. Active adult is a proposed use. It is customary that the roads are private in such development and Ms. Pandl believes that both standards of having public and private streets would be beneficial. Mr. Beil has a concern regarding the maintenance of private streets and wants to make sure they are maintained and that it is addressed in the ordinance.

Mr. Robert then asked the audience for additional comments. Mr. Hunsicker would like a notation on the cover sheets of plans that this is an active farming area and that there will be nuisances such as dust, dirt, odors, etc. associated with the agricultural use.

Ms. Pandl's memorandum of May 6, 2010 was discussed. She stated this was a planning analysis of the proposed rezoning and proposed SALDO amendments. As the LVPC has said, this area has been planned as agricultural use and this is a change from that use. Lower Macungie Township will be working with the other communities who are partners in the Lehigh County Southwestern Comprehensive Plan to address comprehensive plan concerns. This proposal includes four new zoning districts: Urban Residential, Highway Industrial, Highway Commercial, and Agricultural Protection Overlay Districts.

The Agricultural Protection Overlay (APO) is about 217 acres and would allow for park development, some infrastructure and stormwater management. Mr. Robert asked if there were any questions or comments and the Commission has none.

Urban Residential Overlay – Eight dwelling units/acre and 28-foot cartway widths. Mr. Robert said he is concerned that the recreation/open space would be within 12,000 feet from the development. Also, eight dwelling units per acre makes for a fairly dense population. Mr. Keister also has some concerns about the eight dwelling unit per acre density.

Commercial Spring Creek District – Mr. Keister said that a 75-foot height limit seems high for this district as this is proposed for commercial. Mr. McNabb stated that a 75-foot high building would need an aerial truck and the fire department might require a second aerial truck to provide adequate fire protection. The Commission would like a clarification from the BOC on this requirement of “adequate fire protection”.

Highway Industrial Spring Creek – Mr. Robert stated a concern with shopping centers in that zone since Commercial Spring Creek does permit shopping centers, warehouses, distribution centers. It does exclude billboards, junkyards, recycling centers, and petroleum storage yards. Mr. Robert stated that currently shopping centers are permitted in the Highway Industrial zone.

With reference to SALDO, the primary changes are insertion of a new set of design standards, many of which are the same. Mr. Robert said he is in agreement with the LVPC about the extra provisions. Mr. Erdman said that with respect to ponding of water on Mertztown Road which currently floods there is an exemption to allow some reasonable level of flooding. For the most part, storm drainage has been left intact.

Mr. Robert is very concerned about having two SALDO books and he would like everything incorporated into one book with exceptions noted. Mr. Dekker would also like only one set of design standards.

Mr. Robert asked if there were any additional comments from the audience. Mr. Hunsicker is concerned about the drainage from the park land onto his property and he is concerned that his property will flood and his farming will be impacted. Mr. Erdman

stated that Act 167 standards are much more strict with stormwater discharge. Mr. Hunsicker wants something in writing and would like these issues addressed.

Mr. Don Denburg commented on the SALDO issue regarding sanitary sewer pumping stations and the maintenance of these stations. Attorney Nelson said that it is in both versions of the SALDO and that the developer will have to fund a perpetual maintenance fund for the station.

Mr. Ira Lehrich said that only rezoning Jaindl's land is not fair and Jaindl should have to give more land to the Township. Mr. Lehrich suggested that 25% of the land should be dedicated to the Township. Mr. Lehrich also would like to see the land taxed at the developed rate now instead of after the land is developed since this land is under Act 319. Attorney Nelson said that after each parcel is developed it would be taxed at the appropriate rate instead of the reduced rate under Act 319.

Julie McDonnell stated she is glad that Jaindl was willing to negotiate something other than a quarry on the land.

#### Key points of concern:

Urban Overlay District - Access from the urban area into the future park and ensuring that there is adequate access between the residential zone and the park that it will serve. One of the issues is with the cul-de-sac on Smith Lane – will that effectively block the use of that road for access to the park. If that road will be primary means of access for approximately 1,200 dwelling units and this will be the primary recreation area which is further than what people would want to walk, what kind of other access (other than pedestrian) will be provided from the urban area to the recreation area that is being provided for its use? Ms. Pandl stated that this will also be a regional park. There must be reasonable provision for park access. How do you provide access to the park without encouraging through traffic from the development. It was also stated that the bridge on Smith Lane has a 15-ton weight limit and is in good condition.

Urban Overlay District – Concern of design standards – setbacks have been reduced – parking area frontage. Mr. Keister suggested reducing the density from 8 to 6 units/acre or using the current design standards.

About 125 acres of land in addition to the park land will be preserved through covenants prohibiting development.

There is no open space requirement for residential development, only a recreational requirement and the 160 acres of floodplain/park exceeds these requirements.

Commercial District – There is an increase in height requirements to 75-foot. There is a concern for the building height in the commercial zone. The

Commission recommends the building height should be 50-feet instead of the proposed 75 feet. The 75-foot building height restriction in the industrial district is acceptable. Mr. Drake said it does not fit the landscape to have a 75-foot height and it is inconsistent with the rural character of the area. With respect to fire protection, there should be an additional clarification of what is meant by “adequate fire protection”. Mr. Beil asked if there was public water for this area. All non-residential uses are required to have public water, and Mr. Scott Pidcock clarified that there absolutely will be public water for the site.

Highway Industrial Spring Creek – Concern for allowing shopping centers as a use. Remove them as a use permitted by right from the industrial zone. The reasoning is that this is a rural area that the road network and infrastructure would not support a mall-type development.

Another concern is the two sets of design standards and the ongoing maintainability of two. Mr. Robert said having two different standards is not conducive to highlighting what the differences really are and prefers to see a single design standard with the exceptions noted (comprehensive SALDO change).

There is still Agricultural Preservation land adjacent to the parcels that are being rezoned and that every care must be taken to minimize the impact on the agricultural uses and to make the new occupants aware that there are active agriculture activities nearby.

With respect to the Hunsicker tract, this Commission is recommending this parcel, east of Smith Lane, be included in the Highway Industrial Spring Creek zone as part of the Quick Fix ordinance/zoning map change.

There is concern associated with not offering increased right-of-way for some collector status roads adjoining the parcels (specifically Smith Lane).

The Planning Commission supports the zoning and subdivision map revisions associated with the MOU subject to the above.

On a motion of Mr. Robert, second by Mr. Keister, it was decided to write a letter to the Board of Commissioners with the above conditions.

Ms. Pandl announced that on July 1<sup>st</sup> the BOC will be addressing the Jaindl MOU settlement and reviewing the Planning Commission recommendations.

Mr. Robert stated that there is a workshop meeting scheduled for Wednesday, June 9, 2010 to discuss the “Quick Fix” ordinance.

Letter(s) of Extension

By motion of Mr. Robert, second of Mr. Dekker, and a unanimous vote, the Planning Commission accepted the letter(s) of extension as follows:

<u>Project</u>	<u>Date of Letter</u>	<u>Date of Extension</u>
Bastian Company Land Development	05/26/10	12/31/10
Belle Chase Subdivision	05/28/10	12/31/10
Romig Subdivision	05/26/10	01/29/11
Trexler Business Center Lot 1 Lot Line Adj. and Land Development	05/26/10	12/31/10
Wescosville Elementary School – Athletic Fields FINAL PLAN - Land Development	06/03/10	11/08/10
Wotring II Estates Subdivision	05/26/10	01/29/11

There being no further business, by a motion of Mr. Drake, second of Mr. Dekker, and a unanimous vote, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,  
Melissa Zellner  
Keystone Consulting Engineers, Inc.