

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES

April 27, 2010

The April 27, 2010 Zoning Hearing Board hearing was called to order at 7:00 p.m. by Vice Chairman Larry Schneider. Members present were Larry Schneider, and Robert Rust, III. Mr. Horvath and Alternate, William Royer were not present. Also in attendance were Brian Joyce, Esq., Solicitor to the Zoning Hearing Board, James Lancsek, Zoning Officer, and Bobbie Brown, Keystone Consulting Engineers, Inc. The hearing was held at the Lower Macungie Township Municipal Campus, 3400 Brookside Road, Macungie, PA 18062.

On a motion of Mr. Rust, second of Mr. Schneider, the Zoning Hearing Board approved the minutes from the March 23, 2010 hearing.

On a motion by Mr. Rust, second of Mr. Schneider, the Zoning Hearing Board recommends payment of the invoice of Brian R. Joyce, Esq., dated April 20, 2010, in the amount of \$762.00.

Appeal No. 10-010, of Dallas AT, LLC was withdrawn and will be heard at the May 25, 2010 hearing.

Appeal No. 10-008 of Dries Building Supply Company, 3580 Brookside Road, Macungie PA 18062; property owner Dries Building Supply Company, property address 3500 Brookside Road, Macungie, PA 18062; Pin #548400346497, zoned Suburban, requests a hearing pursuant to Lower Macungie Township Ordinance No. 1998-11, as amended, to determine a Variance of Sections 700, 1704.7, 1605.1, and 2000.B.2, to permit rezoning to Urban district, buffer yard, traffic impact study, parking requirements, and any other relief as may be required from the Lower Macungie Township Zoning Ordinance.

The Applicant was represented by Robert Knauer, Esq. Also testifying were Dale Dries, owner of the property at 3500 Brookside Road and Tracy Snell, P.E. of Newton Engineering Group. The subject property contains 7.687 acres and is located in a Suburban district and is presently undeveloped. Brookside Country Club is located to the northwest, Tyler Pipe Company is located to the west, Dries Lumber and Building Materials Do It Center is located to the south and Lower Macungie Township property including the Community Center is located to the east on the east side of Brookside Road.

The property was previously zoned EC1, which allowed a variety of employment and commercial uses. Presently the property is zoned Suburban and the Township has been in the process of rezoning the property so that it is in the nature of an Urban zone. The Applicant wishes to obtain variances so that the property can be sold in the near future rather than waiting until rezoning occurs. A letter from the Planning Commission recommending the property be zoning Commercial was submitted as Exhibit #1. Mr. Dries testified that he has a contract with the Goddard School to construct a building on 2 acres and there is also interest to erect a 5,000 SF professional building on the property. In a few years, he is also interested in constructing a 20 -24 unit apartment complex overlooking the golf course.

The Applicant seeks a variance from the requirement that all buffer yards include dense planting screens. Due to the location of a sanitary sewer easement which would prohibit such a planting screen, the applicant has agreed to provide a six foot vinyl fence in lieu of this requirement. Regarding the requirement of a traffic study, the applicant and his engineer testified that the study had been previously performed and included the proposal similar to that planned by the applicant. The Board determined that the traffic study should not be required at this time, however, if the study is required by the Board of Commissioners, the applicant agreed to provide same. The applicant was seeking a variance for multi-family parking requirements, but has withdrawn his request at the time of this hearing. The variances as requested will not alter the essential character of the immediate neighborhood nor will they be detrimental to the public at large.

On a motion of Mr. Rust, second of Mr. Schneider, and a unanimous vote, to grant the variances with the condition that the Applicant shall provide a solid six foot vinyl fence on the west side of the property subject to staff approval of the Township and the Applicant shall provide a traffic study if required by the Board of Commissioners.

Appeal No. 10-009 of Image International, 4959 Hamilton Boulevard, Allentown PA 18106; property owner: Chad J. Schneider, 4959 Hamilton Boulevard, Allentown PA, 18106; property address 4959 Hamilton Boulevard, Allentown PA 18106; Pin # 547586487252, zoned Commercial, requests a hearing pursuant to Lower Macungie Township Ordinance No. 1998.11, as amended, to determine a Variance of Sections 1006, and 1007; to permit variance relief regarding proposed encroachment into front yard and side yard setbacks, maximum allowable impervious coverage, and any other relief as may be required from the Lower Macungie Township Zoning Ordinance.

Jeffrey Ott, P.E., of Ott Engineering, represented the applicant. Chad Schneider, the owner of the property testified. The property contains 10,110 SF in area and is currently improved with a commercial building used as a modeling and acting center. The Applicant proposes to expand the building at total of 252 SF, as shown on a plan submitted as Exhibit A-1 at the time of the hearing. The Applicant wants to add seats to his salon and the addition is to allow sufficient room for the additional seats. The request will encroach into the side yard 8 feet and into the front yard 22 feet as shown on the above-referenced plan.

The Ordinance limits lot coverage to 70%. The Applicant is currently at coverage of 76.4% and proposes a lot coverage of approximately 78 percent. The Board is determined that this of a de minimis change and should be permitted. The Ordinance also restricts side and front yards. The proposal of the Applicant is the minimum which will afford relief to the Applicant. The variances will not alter the essential character of the immediate neighborhood nor will they be detrimental to the public at large.

On a motion of Mr. Rust, second of Mr. Schneider, and a unanimous vote, the request for variances of the Ordinance are granted.

On a motion of Mr. Schneider, second of Mr. Rust, the hearing was adjourned at 8:05 p.m.

Respectfully submitted,
Bobbie Brown
Keystone Consulting Engineers