

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES
April 26, 2011

The April 26, 2011 Zoning Hearing Board hearing was called to order at 7:00 p.m. by Vice Chairman, Robert Rust III. Members present were Robert Rust, III, William Royer and Alternate Brian Higgins. Chairman Larry Schneider was not present. Also in attendance were James Lancsek, Zoning Officer, David Knerr, Esq., Alternate Solicitor, and Bobbie Brown, Keystone Consulting Engineers, Inc. The hearing was held at the Lower Macungie Township Municipal Campus, 3400 Brookside Road, Macungie, PA 18062.

Appeal No. 11-003 of Robert S. & Jean D. Becker, 4611 Hamilton Boulevard, Allentown PA 18104; property owner: Robert S. & Jean D. Becker, 2458 Riverbend Road, Allentown PA 18103-9230; property addresses: Lot 1 – 4555 Hamilton Boulevard; Lot 2 – 4539 Hamilton Boulevard, Lot 3 – 4576 S. Cedarbrook Road, and Lot 4 – 4580 S. Cedarbrook Road; Pin #'s: Lot 1 – 548507382168, Lot 2 – 548507482915, Lot 3 – 548507491703, and Lot 4 - 548507396492; zoned Commercial, requests a hearing pursuant to Lower Macungie Township Ordinance No. 1998-11, as amended, to determine a Variance of Section 1600.11.11.1, and any other relief as may be required from the Lower Macungie Township Zoning Ordinance.

The appellant, Robert S. Becker, was present, represented by his attorney, Erich J. Schock, Esq., of Fitzpatrick, Lentz and Bubba, PC. Testifying on behalf of Mr. Becker was Mark Bradbury, P.E. , of Martin, Bradbury & Griffith, Inc. Atty. Schock submitted Exhibits A-1 and A-2 to the Board. A letter, dated April 21, 2011, was received by the Zoning Hearing Board from the Planning Commission recommending the variance as requested.

Because of the new bypass cutting Cedarbrook Road in half, PennDOT is anticipating vacating the roadway from Hamilton Boulevard to the Bypass known as Cedarbrook Court. There are two dwelling houses with frontage on Cedarbrook Court. Mr. Becker is requesting the four lot area bounded on the north by the bypass, on the east by Kressler Road, on the South by Hamilton Boulevard and on the west by Cedarbrook Court, presently zoning commercial to be consolidated into a single parcel.

By motion of Mr. Royer, second of Mr. Rust, and a unanimous vote, a variance of Section 1600.11.1 was granted so that more than one principal use may be permitted as long as the uses remain the same as at present.

Lower Macungie Township
Zoning Hearing Board
Minutes - April 26, 2011

Appeal No. 11-004 of Four Seasons at Farmington Condominium Association, 7100 Queenscourt Lane, Macungie PA 18062, property owner: K. Hovnanian at Lower Macungie Township I, LLC, 110 Fieldcrest Avenue, Suite 39, Edison NJ 08837-3631; property address: 7040 Farmington Drive, Macungie PA 18062; Pin #: 546496036930-2; zoned S-R –Semi-Rural Residential; requests a hearing pursuant to Lower Macungie Township Ordinance No. 1998-11, as amended, to determine a Variance of Sections 1803, App.A, ArtIV, 4.01.2 and 1913.2, and any other relief as may be required from the Lower Macungie Township Zoning Ordinance.

The condominium association was represented by Kate Durso, Esq. of Fitzpatrick, Lentz and Bubba, PC. Ms. Barbara M'Gonigle, a resident of Four Seasons, testified on behalf of the condominium association, along with Mr. Harold "Bud" Newton, of Newton Engineering, the association's engineer. Ms. Durso submitted Exhibits A-1 through A-4 to the Board, and a letter from K. Hovnanian Homes, owner of property at 7040 Farmington Drive, dated March 30, 2011, authorizing the association to obtain approval for the swing gate, sign relocation and fencing along the bridge at their sole cost and expense.

The condominium association is requesting variances to install a swing gate and relocate the existing sign indicating the development name in the middle of the gate, all within the floodplain area. Ms. M'Gonigle stated the association is requesting this gate in order to deter motorists from entering the development from Spring Creek Road. The residents use the street area to walk and with these automobiles traveling through the development causes a safety problem for the residents. Ben Galiardo, questioned if there will be a "lock box" for emergency use. He also suggested an audio emergency access be installed to prevent loss of time entering the gate in an emergency situation.

There is a bridge over the Spring Creek before entering the gate area. The railings on the sides of the bridge cause buildup of debris when the creek is flooded. Also the railings will not deter a car from traveling off the bridge into the creek. Mr. Lancsek suggested the association look into a "guiderail" type of railing for safety and to eliminate collection of debris during flooding. The association was given a time schedule of one year to either replace the existing railing with a "guiderail" type of railing or remove the existing railing altogether.

The paved area immediately before the proposed gate should be widened sufficiently so that a vehicle coming to the gate after crossing the bridge would be able to turn around safely and re-cross the bridge without having to back out.

Lower Macungie Township
Zoning Hearing Board
Minutes - April 26, 2011

A motion of Mr. Royer, second of Mr. Rust, an a unanimous vote, to grant the installed of the swing gate and relocation of the development sign in the middle of the gate, within the floodplain; guiderail installed along the bridge within one year; satisfy the fire inspector for an audible emergency access to the gate; and widening the roadway area before the gate so vehicles can turn around without having to back out over the bridge.

On a motion of Mr. Royer, second of Mr. Rust, and a unanimous vote, the minutes of the February 22, 2011 hearing were approved.

On a motion of Mr. Royer, second of Mr. Rust, and a unanimous vote, the Zoning Hearing Board recommends payment of the invoice of David Knerr, Esq., dated March 21, 2011, in the amount of \$912.00.

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

There being no further business, the meeting was adjourned at 8:30 PM.

Respectfully submitted,
Bobbie Brown, Secretary
Zoning Hearing Board of Lower Macungie

A handwritten signature in black ink, appearing to read 'Bobbie Brown', is written over a printed signature line. The signature is stylized and cursive.