

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES
September 27, 2011

The September 27, 2011 Zoning Hearing Board hearing was called to order at 7:00 p.m. by Chairman, Larry Schneider. Members present were Larry Schneider, Robert Rust, III, Esq. and William Royer. Alternate Brian Higgins was not present. Also in attendance were James Lancsek, Zoning Officer, Mark Malkames, Esq., Solicitor, Bobbie Brown, ZHB Secretary. The hearing was held at the Lower Macungie Township Municipal Campus, 3400 Brookside Road, Macungie, PA 18062.

Mr. Schneider explained that because of a conflict of interest, our Solicitor, Mark Malkames, Esq., had to recuse himself for the Appeal No. LMZ 11-007, and the Alternate Solicitor, Catherine Durso, Esq., was not available, David Knerr, Esq., the former alternate solicitor was present for Appeal LMZ 11-007.

On a motion of Mr. Rust, second of Mr. Royer, and a unanimous vote, the minutes of the August 23, 2011 hearing were approved.

On a motion of Mr. Rust, second of Mr. Royer, and a unanimous vote, the Zoning Hearing Board recommends payment of the invoice of Mark Malkames, Esq., dated September 9, 2011, in the amount of \$270.00.

Appeal No. 11-007 of Gaspare DiCarlo, 4464 Spring Hill Drive, Schnecksville PA, 18078; property owner: Tri-Westchester, Inc., c/o Gaspare DiCarlo, 4464 Spring Hill Drive, Schnecksville PA, 18078; property address: 6465 Village Lane, Macungie PA 18062; Pin#:547359099202; zoned Commercial; requests a hearing pursuant to Lower Macungie Township Ordinance No. 1998-11, as amended, to determine a Variance of Sections 2000.E; 2001.5; and 2303.5.5, and any other relief as may be required from the Lower Macungie Township Zoning Ordinance.

Victor Cavacini, Esq., of Gross, McGinley, LLP, represented the Applicant. Gaspare DiCarlo, the principle for Tri-Westchester, Inc., Sue Kandil, P.E., of Jena Engineering, Applicant's engineer, and Dick Adams, the Applicant's real estate listing broker, testified on behalf of the Applicant. Mr. DiCarlo is requesting relief from Section 2001.5, and is asking the number of required parking space be reduced. Ms. Kandil submitted several exhibits including a plan (Exhibit A-1) and a photo board (Exhibit A-2) containing a number of photographs of the parking lot on different dates, days of the week and time of day, to show that the parking lot is not always full. Mr. Adams, the real estate broker, explained the frustration of the tenants regarding the parking requirements when applying to the Township for a permit Mr. Lancsek explained why the requirements are a problem. Traffic was also discussed.

Lower Macungie Township
Zoning Hearing Board
Minutes - September 27, 2011

On a motion by Mr. Royer, second by Mr. Rust, and a unanimous vote, the Board hereby grants a special exception pursuant to Ordinance #2001.5, so that the total number of parking spaces required in the common parking facility for the Property shall be equal to seventy percent (70%) of the sum of the parking spaces which would otherwise be required under the Ordinance for each use individually, provided that (a) at least one (1), but not more than (2), of the tenants are used as restaurants whose peak hours for demand are after 4:00 PM, and (b) all other non-vacant tenants have uses whose peak hours occur before 4:00 PM.

Appeal No. 11-002 of PPL Gold Credit Union, 4703 Hamilton Boulevard, Allentown PA 18103; property owner: PPL Gold Credit Union, 4703 Hamilton Boulevard, Allentown PA 18103; property addresses: 4703 Hamilton Boulevard, Allentown PA 18103; Pin #: 547597758443-1; zoned Commercial, requests to be continued until the r Macungie Township Ordinance No. 1998-11, as amended, to determine a Variance of Sections 2001.10, 2303.5.1, and any other relief as may be required from the Lower Macungie Township Zoning Ordinance.

The Applicant has again requested a continuance until the October hearing. Erich Schock, Esq., representing PPL Gold Credit Union, stated that the parties have been meeting, at times with Jim Lancsek, Township Zoning Officer. Atty. Schock thanked Mr. Lancsek for his help and suggestions. Atty. Schock told the Board that he feels they are close to a solution and should be agreeable by the October hearing. The Board agrees to the continuance.

Appeal No. 11-008 of Edward C. Wigfield, Jr., 7555 Alburtis Road, Macungie PA, 18062, property owner: Edward C. Wigfield, Jr., 7555 Alburtis Road, Macungie PA 18062; property address: 7547 Industrial Parkway, Macungie PA 18062; Pin#:546398470193-1; zoned ORLIC; requests a hearing pursuant to Lower Macungie Township Ordinance No. 1998-11, as amended, to determine a Variance of Sections 1704.3; 2015.3; and 2303.5.5, and any other relief as may be required from the Lower Macungie Township Zoning Ordinance.

Erich Schock, Esq., of Fitzpatrick, Lentz & Bubba, PC, represented the Applicant. Mr. Edward Wigfield, Jr., the Applicant and Kevin P. Markell, P.E., of Barry Isett & Associates, testified.

Atty. Schock is made a motion to amend the application to change the indicated address of the property from 7547 Industrial Park Way to the correct address of 7457 Industrial Parkway; and applicant originally requested a variance from Section 1704.3 relating to a fifty foot buffer yard to be conterminous with required side or rear yards; Section 2115.3 (identified as 2015.3 in the Zoning Appeal) relating to special requirements of a "General Construction Contracting Operation Involving the Storage of Construction Equipment or Materials"; and/or a special exception pursuant to 2303.5.5 governing the requirements for the grant of a special exception. Applicant also

Lower Macungie Township
Zoning Hearing Board
Minutes - September 27, 2011

amended the application to request relief from 1600.6.1 providing that side and rear yards are in addition to buffer yards required.

Mr. Wigfield testified that he is the owner of Estate Maintenance, Inc., a commercial landscaping business which also does snow plowing in Winter. His business is in operation from 7:00 AM to 5:00 PM with 12 employees. The business consists of 95% commercial work, leaf pickup and mowing parks and retention basins for Lower Macungie Township as well. There is some topsoil stockpiling to be used for any snow plow damage. Repairs and maintenance for the trucks and mowers is minimal.

Kevin Markell, P.E., applicants engineer, testified that 10% of the lot coverage would be building and 20% total impervious. They request relief from buffer yards along the eastern and western ends of the property due to easements for Buckeye Pipeline and UGI. There will be a 10 foot buffer on the north side of the lot and a rain garden constructed in the front of the lot. They propose to eliminate buffer yards and provide plantings on all sides. There were no objectors to this request.

On a motion of Mr. Royer, second of Mr. Rust, and a unanimous vote, to grant special exception of Sections 1303 and 2303.5.5.

On a motion of Mr. Royer, second of Mr. Rust, and a unanimous vote, to grant applicants request for a variance from Section 2115.2 permitting elimination of the requirement for an eight (8) foot high fence, on the condition that Applicant not have any outdoor storage of materials on the site.

On a motion of Mr. Rust, second of Mr. Royer, and a unanimous vote, to grant request permitting Applicant to eliminate the requirements for a ten (10) foot buffer in addition to the 50 foot yard setback, upon condition that Applicant provide the landscaping as shown on Exhibit A-1.

On a motion of Mr. Rust, second of Mr. Royer, and a unanimous vote, the meeting was adjourned at 9:30 pm.

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

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

