

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES

January 24, 2023

The January 24, 2023 Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Mr. Charles Ervin. Members present were Avery Smith and William Royer. Also, in attendance were Carl Best, Zoning Officer and Ronald Corkery, Solicitor. The hearing was held at the Lower Macungie Township Municipal Campus, Meeting Room A, 3400 Brookside Road, Macungie, PA. 18062.

On a motion by Ms. Smith second by Mr. Royer and a unanimous vote, the minutes for December 20, 2022 were approved.

On a motion by Mr. Royer second by Mr. Ervin and a unanimous vote, the Invoice for Attorney Ron Corkery were approved.

Mr. Best is sworn in and testifies that he is the Zoning Officer for Lower Macungie Township and that the following Appeals were properly advertised, that adjoining property owners were notified and that the properties were posted and a record of the Appeals are on file.

Appeals to the Zoning Hearing Board:

Appeal No. 01-2023 of Bruce and Kristina Thomas 4614 Berwyn Lane Macungie PA. 18062.

Attorney Gavin Laboski represents the applicants. Mr. Thomas is sworn in. The property is located at 4614 Berwyn Lane in a S-Suburban Residential Zoning District. Mr. Smith purchased the property in 2019. The home on the property is a single-family dwelling. The applicant is seeking a Variance to Section 27-706 for the maximum impervious lot coverage requirements of 33.06% for the proposed inground pool. The maximum allowed is 30%.

Mr. Best stated that in late winter, early spring the Planning Commission will recommend that the impervious lot coverage, in several residential Zoning Districts, which include the Suburban District, will increase from 30% to 35%. Attorney Corkery questioned Mr. Best on whether the percent requested this evening was diminimus.

Mr. Ervin question Mr. Thomas on whether he spoke to his neighbors about his Appeal. Mr. Thomas stated that he spoke to each adjoining neighbor and none of them had any objection to his Appeal.



Attorney Laboski stated that the lot is undersized and is only 8,500 square feet. The minimum lot area now required in the Suburban District is 12,000 square feet. If Mr. and Mrs. Smith met the minimum lot area of the current requirements, there would be no need for the Appeal.

There are no objectors or interested parties in this Appeal.

On a motion by Mr. Ervin, second by Ms. Smith and a vote in favor by Mr. Royer, the Variance is approved by a 3-0 vote. (as amended to allow up to 33.10% Impervious Lot Coverage)

Appeal No. 02-2023 of Corey Zavec 4561 Indian Creek Road Macungie PA. 18062.

Mr. Zavec is sworn in. The property is located at 4561 Indian Creek Road in a S-Suburban Residential Zoning District. Mr. Zavec purchased the property in 2007. The home on the property is a single-family dwelling. Mr. Zavec operates a small contracting business. The existing garage/shed will be used for storage only. The applicant is seeking a Special Exception to Section 27-2503 regarding the expansion of a non-conforming use. The property contains approximately one-half acre of land.

Mr. Zavec stated that he would like to construct an addition to the existing 32 X 64 garage. The addition would face the rear of the property. The addition would be 13' X 32' ft. The addition would be located approximately 3 ft. from the rear property line. There is one house on the left side of Mr. Zavec's property. The rest of the property is surrounded by the church property. Across the street is a commercial (contractor) business. Mr. Zavec also attached a sign onto the garage, advertising his business and would need a Variance. The sign is 32 square feet. The Ordinance only allows a 2 square foot sign. Mr. Zavec would need a 30 S.F. Variance

There are no objectors or interested parties in this Appeal.

On a motion by Ms. Smith second by Mr. Royer and a vote in favor by Mr. Ervin, the Variance is approved by a 3-0 vote. (an eight (8) foot rear yard setback Variance for the addition).

On a motion Ms. Smith, second by Mr. Ervin, and a vote in favor by Mr. Royer, the Variance is approved by a 3-0 vote. (sign Variance)

On a motion by Mr. Ervin, second by Mr. Royer, and a vote in favor by Ms. Smith, the Special Exception is approved. (expansion of a non-conforming use)

Appeal No. 03-2023 of EMI Landscape c/o Robert Marks 7457 Industrial Way, Macungie PA. 18062.

Attorney Erich Schock represents the applicant. Mr. Robert Marks is sworn in. Attorney Schock stated they are here this evening requesting a Use Variance to store landscape

equipment in the existing out building and to allow some outdoor storage on a gravel area. The gravel area is located on the west side of the pole building. That area will have a buffer with a 6' ft. high fence and a berm with plantings. There are three (3) out buildings on the property along with a historic farmhouse. The farmhouse will be rented as a single-family dwelling. A Variance is also needed because of its second use. Two of the out buildings will be used for storage and the third building (garage) will be used for parking for the farmhouse. There are numerous junked vehicles, car and truck parts, storage trailers, tires and other debris on the property. Mr. Marks stated that he would have these items removed from the property.

The outdoor storage area would be the area where the outdoor storage would be, next to the large outbuilding. Additional gravel would be added to the existing gravel area to be used as outdoor storage. The property is zoned R-Rural and contains 7.85 acres of land. There will be no expansion of any buildings on the property. They have 45 full time employees. There will be no employees or customers at this property. EMI is a commercial landscape and snow removal business. The headquarters are located at 7457 Industrial Way in Lower Macungie Township. They will continue to operate the main office from this location.

Only off-season equipment will be stored at this site. All landscape equipment will fit inside the building. Normal hours of operation would be from 7 am. to 5 pm. Monday thru Friday. Most of the activity would occur two (2) weeks in the winter and two (2) weeks in the summer to switch equipment for seasonal purposes. There is a pond on the property but it will remain in its natural state. There are no plans for any earth disturbance or construction other than adding additional gravel for the parking area and the buffer.

Attorney Schock stated that the applicant is proposing a screening fence and enhanced landscaping and that these improvements will enhance the area and will not have a negative impact on the surrounding neighbors.

Linda Leayman 3003 Smith Lane, Alburtis PA. 18011. Ms. Leayman lives to the west of the applicant. Ms. Leayman is concerned about keeping the site in its natural habitat due to the amount of wildlife that are in the area. She has no objection to this Appeal.

Diane Gehman 8845 Longswamp Road Alburtis PA. 18011. Ms. Gehman is concerned about security. Mr. Marks stated that the area where the construction equipment will be parked will be fenced in. Also concerned about the pond. She has no objection to this Appeal.

Lynn Lopresti 8722 Longswamp Road Alburtis PA. 18011. Ms. Lopresti is concerned about any commercial use in the future if Mr. Marks sells the property. Attorney Corkery assures her that tonight's Appeal is only for a Use Variance and that the Zoning District does not change. Also, any future change of use on this property would require that the applicant would need to file an Appeal to this Board.

On a motion by Mr. Ervin, second by Ms. Smith and a vote in favor by Mr. Royer, the Variance is approved by a 3-0 vote with the following conditions; that there be no customers allowed on the property, no employees working on site, there are no signs permitted, no chemicals or combustible materials stored on the property and that a buffer be installed along the gravel parking area.

Appeal No. 04-2023 of Carl Swartzentruber dba Green Acres Lawn and Garden 515 South 5th Street Hamburg PA. 19526.

Attorney Elizabeth Magovern represents the applicant. Brian Rodenbach, Valley Wide Signs is sworn in.

Mr. Best explains to the Board that the applicant needs three (3) Variances this evening as part of this Appeal. They need a Variance for the Electronic LED monument sign, the number of wall signs and the allowable square footage for the wall signs. Also, Electronic LED monument signs are only permitted in the Commercial Spring Creek, Highway Enterprise, Highway Industrial and ORLIC Districts.

Attorney Magovern submits Case Law regarding Sign Variances to the Board. Also, submits Exhibits A-1 to A-11.

The applicant is seeking a dimensional Variance (Section 27-2217 1, D,) to allow three (3) wall signs which exceed the 10% maximum allowed. Also, a Variance (Section 27-2217 1.) is required to allow an electronic LED monument sign in this District. Lastly a Variance (Section 27-2217 1. D.) is required to exceed the square footage of a wall sign.

The property is located at 219 Schantz Road. The proposed use is a retail store sells sheds, outdoor living items, home furnishing items and grills. The applicant is proposing three (3) wall signs on the north side of the building which indicates "Home Furnishings" "Outdoor Living" and "Green Acres" The western side of the building indicates "The Grill Center" The monument sign is proposed along Schantz Road, adjacent to the entrance. It would be a total of 24 square feet.

Access to the property is from Schantz Road and is adjacent to US Route 309/I-78. The larger wall signs are need for visibility and identification purposes. Mr. Rodenbach states that the proposed signs are similar to the signs which were allowed in the Hamilton Crossings Shopping Center.

There were no objectors or interested parties in this Appeal.

On a motion by Mr. Ervin, second by Ms. Smith and a vote in favor by Mr. Royer, the Variance is approved by a 3-0 vote. (signs on the north wall).

On a motion Mr. Ervin, second by Mr. Royer, and a vote in favor by Ms. Smith, the Variance is approved by a 3-0 vote. (sign on the west wall)

On a motion by Mr. Royer, and with no second, the motion does not carry. (to allow the LED Monument Sign)

On a motion by Mr. Ervin and a unanimous vote, the meeting was adjourned.

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

Respectfully submitted; Carl L. Best, Zoning Officer