

**LOWER MACUNGIE TOWNSHIP**  
**ZONING HEARING BOARD MINUTES**

January 26, 2021

The January 26, 2021 Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Mr. Scott Aquila. Members present were Charles Ervin, William Royer, William Smith and Jared Hanna. Also in attendance were Carl L. Best, Zoning Officer, Vincent Tranguch, Codes and Mark Malkames, Solicitor. The hearing was held at the Lower Macungie Township Municipal Building, 3400 Brookside Road, Macungie, PA. 18062.

On a motion by Mr. Ervin and a unanimous vote, the invoice for Mark Malkames Law Office was approved.

On a motion by Mr. Ervin and a unanimous vote, the November 17<sup>th</sup>, 2020 minutes 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 is on file.

**Appeals to the Zoning Hearing Board:**

**Appeal No. 01-2021** of Wendy and John Kofroth 7397 Green Hill Drive, Macungie, PA. 18062.

Ms. Kofroth is sworn in and stated that she is here this evening seeking a Variance from the Zoning Ordinance for the maximum impervious coverage allowed. Ms. Kofroth stated that they are proposing to construct an in-ground swimming pool and patio. She spoke to the neighbors on either side and they do not have any concerns. Ms. Kofroth submits a letter of support from the adjoining neighbor, Mr. Chinnakaruppan, who are the neighbors to the right of the applicant. The neighbors on the left side (Yorgey) only concern was safety. Ms. Kofroth stated that she informed them that they will have a fence and a pool cover because they both have small children.

The plot plan is listed as Exhibit A-1.

Mr. Ervin asked if the applicant ever experienced any flooding on their property.

Ms. Kofroth stated that they have never had flooding on their property. Also there are two (2) storm drains along the rear of their property which catch most of the water when it rains. The plan indicates a twenty (20) foot wide drainage easement in the rear of the property.

Mr. Aquila has a brief discussing with the applicant regarding the proposed fence location.



Attorney Malkames questioned Mr. Best on how much relief the applicants are looking for.

Mr. Best stated that the current property stands at 35.5% percent, which is already over the maximum allowed which is 30% percent. Mr. Best also stated that with the proposed pool and patio, the impervious coverage on the lot would be at 42.9% percent. The Variance they are seeking would be 12.9% percent.

Ms. Kofroth questioned why there are larger amounts of impervious coverage in different parts of the Township.

Mr. Best stated that each Zoning District has different minimum and maximum yard requirements. Also, commercial Zoning Districts allow increased amounts of impervious and building coverage.

Attorney Malkames question the applicant if she had ever spoke to Mrs. Krause (property owner to the rear) about their intentions to construct a pool and patio.

Ms. Kofroth stated that she had brief discussions with Mrs. Krause in the past about their intentions but she never really said anything about the pool. Ms. Kofroth also stated that the Krause property sets much higher then their property and that they (Krause) would be looking over the pool. Trees and shrubs separate the properties. The property is fairly flat and there will be limited grading. The current patio is constructed from patio pavers.

There were no objectors or interested parties in this Appeal.

On a motion by Mr. Ervin, second by Mr. Royer and a unanimous vote, the applicants request for a Variance is granted by a 3-0 vote.

There is a brief discussion regarding the letter that Attorney Malkames sent to the Board regarding applicants testifying to what they know in a hearing and what qualifications they have. A witness who is not a lawyer should only be testifying as to what they know and nothing further. Also a copy of the Zoning Appeal Instructions from South Whitehall Township was discussed as well.

Attorney Malkames is very satisfied with how the Board conducts its Zoning meetings.

Mr. Best requested that the Board briefly discuss the option of conducting Virtual Meetings. Mr. Best explains briefly how the meeting would be conducted. The Virtual Meeting would be conducted through Veritext, the Township court reporting agency. The applicant would provide all documents and exhibits to Veritext approximately two (2) weeks prior to the hearing. The Board could conduct the hearing from their home or at the Township Building. The court reporter (at tonight's hearing) explained in detail how the Virtual Meeting works on their end for submitting documents.

Mr. Best explains that the only reason he brought this issue up was because there may be a time when the Township receives numerous appeals which are commercial in nature or if there is a controversial appeal in which many interested parties would attend. The consensus of the Board was that it would be up to the Zoning Officer whether or not to have a public or virtual meeting, depending on the number of appeals or the appeal itself.



Several of the Board members discussed their personal experience with using virtual meeting where they are employed. Attorney Malkames shares some of his recent experiences with virtual zoning hearing meetings with the Board.

Reorganization for the 2021 Zoning Hearing Board

On a motion by Mr. Aquila and a unanimous vote, Attorney Malkames is reappointed as Solicitor to the Zoning Hearing Board and Attorney Catherine Durso as the Conflict Solicitor, by a 3-0 vote.

On a motion by Mr. Ervin and a unanimous vote, Mr. Aquila is reappointed as Chairman to the Zoning Hearing Board by a 3-0 vote.

On a motion by Mr. Royer and a unanimous vote, Mr. Ervin is reappointed as Vice Chairman to the Zoning Hearing Board.

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

A handwritten signature in black ink, appearing to be 'C. Best', is written over a circular stamp or seal. The signature is written in a cursive style.