

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS MEETING MINUTES**

The Board of Commissioners met on February 16, 2023 for a regular meeting. The meeting was held both via Zoom.com, an online audio/video meeting, and at the Township Building, 3400 Brookside Road, Macungie, PA 18062.

1. CALL MEETING TO ORDER

President Higgins called the meeting to order at 6:01 p.m.

2. PLEDGE TO THE FLAG

3. <u>ROLL CALL</u>	Brian P. Higgins, President	Present
	Richard V. Ward, Vice President	Absent
	Ron R. Beitler, Commissioner	Present
	Maury G. Robert, Commissioner	Present
	Brian L. Shoemaker, Commissioner	Present
	Bruce Beitel, Township Manager	Present
	David Brooman, Township Solicitor	Present
	Renea Flexer, Asst. Manager/Secretary	Present via Zoom
	Nathan Jones, Director of Planning	Present
	Bryan McAdam, Township Engineer	Present

4. AGENDA MODIFICATIONS (At Discretion of Board President) – None

5. ANNOUNCEMENTS & PRESENTATIONS – None

6. HEARINGS & APPROVALS

President Higgins adjourned the regular meeting at 6:01 p.m. for the following hearing.

- 6.1. Conditional Use Hearing for Lower Macungie Mixed Use Development, LLC – Solicitor Brooman explained the conditional use procedure. A stenographic record was taken of the hearing. The applicant proposes a mixed-use land development at 617 N. Krocks Road, located in the HC-Highway Commercial Zoning District. The development consists of 10 three story apartment buildings with 318 units, 19,800 SF of retail space and a four-story hotel with 160 rooms. Two people requested party status; Julie Bernstein with Kaplin Stewart, representing Hamilton Crossings, and Anthony Giovannini, Jr. with Broughal and DeVito representing Country Meadows. Scott Bieber of 6071 St. Peters Road, Upper Milford Township, commented that the traffic study should include the traffic lights on Hamilton Blvd. at Minesite Road, Brookside Road and Mill Creek. The applicant's attorney objected to the comment because Mr. Bieber doesn't live near the property; the objection was noted. It was noted that traffic and stormwater will be looked at during the land development stage.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to authorize the Solicitor to prepare a written decision approving the Conditional Use Application of Lower Macungie Mixed Use Development, LLC, to authorize the proposed mixed use development consisting of 318 apartment dwelling units (with a pool, a dog park, walking trails and a clubhouse), a 160 room hotel and a single commercial building consisting of 19,800 S.F. of retail at the property located at 617 N. Krocks Road, Lower Macungie Township, subject to the conditions set forth in the Planning Commission Recommendation dated December 14, 2022, and to adhering to the recommendations in the Traffic Study

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(Exhibit A7), but are subject to outside agency approvals, and any other conditions discussed on the record at this hearing. There were 4 ayes. Motion carried.

The hearing concluded at 6:55 p.m. There was a recess until 7:02 p.m. when the regular meeting reconvened.

- 6.2. Ordinance 2023-01 – AN ORDINANCE AMENDING LOWER MACUNGIE TOWNSHIP CODE CHAPTER 1, ADMINISTRATION AND GOVERNMENT, PART 2, BOARDS, COMMISSIONS AND COUNCILS, SECTION 1-212, PLANNING COMMISSION, TO REDUCE THE NUMBER OF PLANNING COMMISSION MEMBERS FROM SEVEN TO FIVE, TO REVISE THE RESTRICTIONS ON MEMBERSHIP ON THE COMMISSION, AND TO REVISE THE REQUIREMENTS FOR THE COMMISSION’S RULES OF PROCEDURE

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Ordinance 2023-01. Roll Call Vote: Beitler, aye; Higgins, aye; Robert, aye; Shoemaker, aye. Motion carried.

- 6.3. Resolution 2023-09 – A RESOLUTION RETROACTIVELY APPROVING AN EMERGENCY REPAIR OF THE TOWNSHIP SANITARY SEWER SYSTEM ON WILLOW LANE BETWEEN MANHOLES ET-3 AND ET-4

It was necessary to make an emergency repair of the public sewer line on Willow Lane, due to a collapse of the liner in the main lateral. The cost for the repair was \$53,794. Three quotes were requested and we received two quotes.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-09. There were 4 ayes. Motion carried.

7. PUBLIC COMMENT ON NON-AGENDA TOPICS

- 7.1. Dennis Seman, 1375 Heather Circle West, noted that there is a basketball hoop placed on the curb at 7455 Hearthstone Circle and requests the Township look into it.
- 7.2. Rev. Jeff Whitcomb, 3475 Chester Drive, wanted to confirm what he was told at an Alburts Council meeting, which was that it'll be a year until Lower Macungie decides if we'll be reopening the Church Street bridge. Mr. Beitel noted that the bridge cannot be repaired; the Township recently completed a bridge evaluation and we're are working on a long term bridge replacement plan. Staff is not recommending replacement of the Church Street bridge due to multiple other access avenues, but the full bridge replacement plan will be before the Board for consideration. Rev. Whitcomb asked if Norfolk could stop blowing the horn since it's not an active crossing. Mr. Beitel noted that we started exploring what is needed for a quiet zone and will need to officially close the crossing with Norfolk.

8. COMMUNICATIONS

- 8.1. Matthew Lunning, 1174 Valley View Drive – Statement of Interest for Planning Commission and Zoning Hearing Board.
- 8.2. Michael Siegel, 1939 Aster Road – Statement of Interest for Planning Commission.
- 8.3. Lisa Fedullo, 6184 Putter Drive – Expressing concern for the Lehigh Valley Town Center Proposed Land Development project.

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9. APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS – None

10. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

Motion by Commissioner Robert, seconded by Commissioner Shoemaker, to approve the February 2, 2023 minutes as drafted. There were 3 ayes, 1 abstained (Beitler was absent). Motion carried.

11. APPROVAL OF TRANSFERS, BILL LIST AND PAYROLL

11.1. Mr. Beitel reviewed the February 16, 2023 Bill List, which is always posted to the Township’s website prior to the meeting.

01	General Fund	\$93,174.77	33	Open Space Fund	\$1,643.00
08	Sewer Fund	\$2,834.34	35	Liquid Fuels	\$17,188.59
19	Debt Service Fund		37	Developers Impact	
30	Capital Projects Fund	\$1,191.50	01	Payroll	\$151,925.30
32	Federal Grants Fund		36	Developers Escrow	\$58,703.38
				Total Funds	\$326,660.88

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve the February 16, 2023 Bill List as drafted. There were 4 ayes. Motion carried.

12. DEPARTMENTAL MATTERS

12.1. **Engineering**

12.1.1. Engineer’s Report: 1) The crack sealing project is out to bid and bids will be out shortly for fog seal, nova chip and microsurfacing. Recommendations to follow.

12.1.2. Residents have questioned Commissioners as to why we kill the grass at the Brandywine swale and then replant grass. Engineer McAdam explained that in order to have the correct grass growing, it was necessary to remove the invasive grass.

12.2. **Planning**

12.2.1. Resolution 2023-10 – A RESOLUTION REDUCING FINANCIAL SECURITY FOR THE STONE HILL MEADOWS PHASE 2 FINAL SUBDIVISION AND LAND DEVELOPMENT

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-10. There were 4 ayes. Motion carried.

12.2.2. Resolution 2023-11 – A RESOLUTION REDUCING FINANCIAL SECURITY FOR THE STONE HILL MEADOWS PHASE 2 FINAL SUBDIVISION AND LAND DEVELOPMENT

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-11. There were 4 ayes. Motion carried.

12.2.3. Planner’s Report: 1) At the Board’s February Workshop, they will review the Macungie Crossings (Home Depot) Condo Unit #2 and 3510 Macungie Road will be before the Board with some policy questions.

12.3. **Solicitor**

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12.3.1. Authorize the Solicitor to Advertise an Ordinance Amending the HE-Highway Enterprise Zoning District Pursuant to the Request from Landston Equities, LLC – The Township has been working with Mr. Jaindl and his team for several months to draft an ordinance for mixed uses that includes recreation, apartments and retail. The Planning Commission recommended the ordinance on February 14th. The ordinance has defined design criteria for mixed uses, it allows unique recreation users like Top Golf and makes changes to sign requirements for large projects. It also allows more multifamily units and requires conditional use approval for the entire mixed-use component. The impervious coverage remains the same. Commissioner Robert suggested to figure the density based on the overall acres at 10 units per acre; the proposed ordinance is 12 units per acre. Staff does not have a concern with the number of units proposed because it will be dictated by the infrastructure necessary and the lively interior streetscape. The applicant said they don't know right now how many units there will be, but would like the flexibility. The Township will have the discretion to change things during the conditional use hearing; i.e. hours, units, etc. Commissioner Robert is also concerned for traffic with all the uses allowed in the ordinance. The applicant said that flexibility is key for what is allowed and they need to work hard on what the uses are actually going to be. Commissioner Higgins noted that this is the first step of the process and the Township will still have the ability to set conditions during the conditional use and land development stages. Because of the flexibility, he doesn't want to hold this up.

Motion by Commission Beitler, seconded by Commissioner Shoemaker to authorize the Solicitor to advertise the ordinance as drafted amending the HE-Highway Enterprise Zoning District pursuant to the request from Landston Equities, LLC. There were 3 ayes, 1 opposed (Robert). Motion carried.

12.3.2. Consideration of the Findings of Fact, Conclusions of Law and Decision - Approving FireFly Technologies, Inc. Conditional Use Application for the Property Located at 6265 Hamilton Boulevard, Application #LMT 22-0009 – This is for the hearing held on February 2nd for an ultra light manufacturer.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve the written decision of the Conditional Use Hearing for FireFly Technologies, Inc. There were 4 ayes. Motion carried.

12.3.3. Solicitor's Report: 1) Activities have picked up and there are several conditional use hearings coming up.

12.4. **Township Manager**

12.4.1. Resolution 2023-12 – RESOLUTION AUTHORIZING AN AGREEMENT OF SALE WITH THE PENNSYLVANIA TURNPIKE COMMISSION, AND A TEMPORARY EASEMENT IN FAVOR OF THE PENNSYLVANIA TURNPIKE COMMISSION, IN LIEU OF CONDEMNATION, IN CONNECTION WITH THE EXPANSION OF THE NORTHEAST EXTENSION OF THE PENNSYLVANIA TURNPIKE

As part of the Turnpike widening project, they need some of the open space property we recently acquired from the Dorney's. The Turnpike will need the land

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to install a stormwater basin and additional right of ways. If the Township doesn't want to execute the agreement, the Turnpike can condemn the needed land. The purchase price is \$615,100 for 9.422 acres, which is the same amount we paid the Dorney's and the money will go back into the Open Space Fund. Included is a temporary construction easement for two years at a purchase price of \$6,000.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-12. There were 4 ayes. Motion carried.

12.4.2. Resolution 2023-13 – RESOLUTION SANCTIONING SPECIAL FIRE POLICE APPOINTMENTS

This would affirm the recommendation to appoint Joseph Prat.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-13. There were 4 ayes. Motion carried.

12.4.3. Manager's Report: 1) The new newsletter will arrive in mailboxes next week. Staff was thanked for their work on it.

13. OTHER BUSINESS

13.1. **Old Business**

- 13.1.1. Chapter 18 Sewers Amendment for Updates (To Be Drafted)
- 13.1.2. Chapter 27 Zoning Amendment, Lookback (To Be Drafted)
- 13.1.3. Update Lower Macungie Emergency Operation Plan (Being Drafted)
- 13.1.4. Ordinance Amending Chapter 27 to Increase the Zoning Hearing Board Voting Members to Five and Eliminate the Alternates (Consider March 16th)
- 13.1.5. Ordinance Setting Bridge Weight Limits (To be drafted)
- 13.1.6. Farming of Township Land (Review Bids at February Workshop)
- 13.1.7. Roadway Crack Sealing Project (Review Bids at February Workshop)
- 13.1.8. Planning Commission Vacancy (Application Deadline is March 20th)

13.2. **New Business** – None

14. BOARD OF COMMISSIONERS REPORT

- 14.1. The next Board Workshop is February 27, 2023 at 6 p.m.
- 14.2. The next Board Regular Meeting is March 2, 2023 at 6 p.m.

15. EXECUTIVE SESSION – None

16. ADJOURNMENT

President Higgins adjourned the meeting at 7:51 p.m.

Bruce Beitel
Township Manager

Renea Flexer
Asst. Township Manager/Secretary
February 24, 2023