

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES

May 23, 2023

The May 23, 2023, Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Mr. Charles Ervin. Members present were Avery Smith, Jared Hanna, Ron W. Beitler, and Charles Ervin. Also, in attendance were Vince Tranguch, 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 Mr. Hanna, second by Ms. Smith and a unanimous vote (Mr. Beitler was absent for the vote), the minutes for April 25, 2023, were approved.

On a motion by Mr. Hanna, second by Mr. Ervin and a unanimous vote (Mr. Beitler was absent for the vote), the Invoice for Attorney Ron Corkery was approved.

Mr. Tranguch 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.

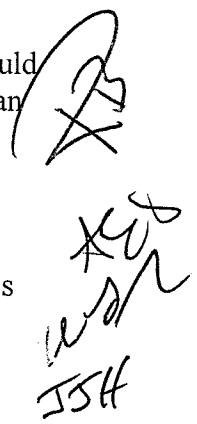
Appeals to the Zoning Hearing Board:

Appeal No. 12-2023 of Cesar W. and Ramona Caba-Martinez 2024 Elbow Lane Allentown, PA 18103.

Project Manager Paul Szewczak represents the applicants. Mr. Szewczak and Mr. Martinez are sworn in. The property is located at 2024 Elbow Lane in the S-Suburban Residential Zoning District. Mr. Martinez purchased the property in 2005. The home on the property is a single-family dwelling. The applicant is seeking a variance to Section 27-706 for a non-conforming lot frontage to create two lots.

Mr. Szewczak shared that the exhibits presented were the deed to the property to prove ownership, the tax map to show location of parcel, a plan for a proposed sub-division that would create two one-acre lots from the current two-acre lot parcel. Mr. Szewczak states that this plan has been before the Planning Commission. A 1998 plan for the Hess Circle sub-division was presented showing the given frontage of 35 feet.

The planned sub-division will keep the existing residence on lot one and build a new residence on newly created lot two per Mr. Szewczak. Attorney Corkery questioned the access for both the existing lot and the proposed lot. Mr. Szewczak states that lot one will retain its

Handwritten signatures and initials in the bottom right corner. A large signature, possibly 'RB', is written over the text. Below it, there are initials 'KCS', 'WJH', and 'JSH'.

existing gravel road access off Elbow Lane and lot two will have access off that will be created onto Hess Cir with the proposed sub-division. Mr. Hanna questions Mr. Szewczak if there will be access to lot two from the gravel road access. Mr. Szewczak states that the only access to lot two will be from Hess Cir and no additional traffic will occur on the gravel rd.

Mr. Szewczak states that the existing residence on the parcel is currently on well and septic and the proposed lot will have provisions to tie into public water and sewer on Hess Cir. There are proposed easements on lot two to get public water and sewer connections to the existing house if ever it is needed.

Mr. Szewczak states that the proposed lots will be consistent with current zoning and no further relief would be needed. All other setbacks and coverages have been met apart from the frontage issue. Mr. Szewczak states the proposal fits into the existing neighborhood and the most that would be seen would be the proposed driveway on Hess Cir.

Mr. Hanna questions Mr. Szewczak on the grading of the lot and Mr. Szewczak states that the lot does slope towards the side of the parcel abutting the turnpike.

Attorney Corkery states that the required frontage is 80 feet. The applicant states that they are asking for 35 feet. Mr. Szewczak states that they are asking for the variance for one lot to have no frontage and the other for the variance between the required and proposed frontages. Attorney Corkery states that the existing lot is already non-conforming, and the applicant is asking for two non-conforming lots.

Mr. Hanna questions if this is the only variance needed to which Mr. Szewczak states that is correct. The newly proposed driveway will meet the current setbacks as well as that the future home will also meet setback requirements.

Mr. Ervin questions if the existing gravel driveway is shared with other existing properties. Mr. Martinez states that it is, and it is maintained by the three homes who access it. Mr. Martinez states that this shared maintenance has been occurring since 2005. Mr. Martinez states that part of the existing access is blacktop near his and one other neighbors' home, but not the neighbor closest to Elbow Lane.

Mr. Hanna questions who own the existing access and Mr. Martinez states that it is owned by another parcel owner.

With no further questions from the board, Attorney Corkery opens the floor to the public.

Jay Strohl of 2008 Elbow Lane Allentown, PA 18103 is sworn in. Mr. Strohl's property backs up to the stem shape of the existing lot. Mr. Strohl questions who will be responsible for maintenance for the stem portion of the property. It will be maintained by the future owner of the lot. Mr. Strohl questions how utilities will get to the proposed lot. Mr. Szewczak states that there will be two easements for water and sewer, and they can be run under the proposed driveway, and they will come off Hess Cir.

No further comments or questions from the Board or the public.

On a motion by Mr. Hanna with a condition of lot one having an easement to use the new driveway that will exist on lot two, second by Ms. Smith and a vote in favor by Mr. Royer, Ms. Smith, Mr. Hanna, and Mr. Beitler, the Variance is approved by a 4-0 vote. (Lot one having zero feet of frontage with an 80-foot variance and lot two having 35 feet of frontage with a 45-foot variance).

Appeal No. 13-2023 of Lehigh Valley Health Network Realty Holding Co. 2100 Mack Blvd. Allentown, PA 18103.

Attorney Graham Simmons, Bob Kaplan, LVHN, and Dave Ott, Reed Signs represent the applicants. Attorney Simmons, Mr. Kaplan, and Mr. Ott are sworn in. The properties are located at 3369 and 3371 PA Rt 100 Macungie, PA 18062 in the C-Commercial Zoning District. Lehigh Valley Health Network Realty Holding Co. purchased the property in 2022. The existing garage/shed will be used for storage only. The applicant is seeking a variance from the following: (1) Section 27-2207.1.D- Monument Signs. (2) Section 27-2207.1.D- Monument Signs. (3) Section 27-2210.1.B.- Signs Prohibited in All Districts. (4) Section 27-2210.1.L- Signs Prohibited in All Districts. (5) Section 27.2211.2- Signs and/or Structures Identifying Major Residential or Business Developments. (6) Section 27-2211.4- Signs and/or Structures Identifying Major Residential or Business Developments. (7) Section 27-2213- Height of Signs. (8) Section 27-2216-1.C (2)- Signs Permitted in Commercial Districts.

Attorney Graham states that all the requested variance requests are for a proposed monument sign which is located at the corner of the property. Mr. Hanna questions the location of the property and Attorney Graham states that both parcels are situated in Lower Macungie Township but are right on the border of Macungie Borough.

Attorney Corkery states that the first variance is regarding the approved square footage for a monument sign with LED changeable signage. The allowed portion of the LED sign square footage is 32 Sq Ft. The proposed portion of the LED sign is 78.5 Sq Ft. The applicant is looking for a 46.5 Sq Ft variance.

Attorney Corkery states that the second variance is regarding the approved square footage for a monument sign with LED changeable signage. The allowed portion of the LED sign has a maximum height of 6ft. The proposed portion of the LED sign has a height of 7ft 9in. The applicant is looking for a 1ft 9 in variance.

Attorney Corkery states that the third variance is regarding the allowance of changing messages on the LED sign. The current allowance is no changing of the signage unless it was time and temperature. Attorney Simmons states that the signage would potentially have proposed Emergency Room wait times, and other Public Safety announcements. The applicant is looking for a variance to allow changes in the displayed signage.

Attorney Corkery states that the fourth variance is regarding the amount of time that is allowed for change in LED sign information. The current allowance is once every three minutes. Mr. Kaplan states that the proposed change is a minimum of 5 seconds as established by PennDOT. The applicant is looking for a 2 minute and 55 second variance.

Attorney Corkery states that the fifth variance is regarding the maximum allowed sign face. The current allowance is a maximum of 30 Sq Ft and a height of 8ft. Attorney Simmons states that the proposed sign has a height of 15ft and a square footage of 126.ft. The applicant is looking for an 7ft height and a 96 Sq Ft variance. Attorney Corkery states that this is only if the section is found to be applicable.

Attorney Corkery states that the sixth variance is regarding the allowance of what is permitted on a sign. The current allowance is only a name and logo on the sign. The applicant is requesting to display not only the name of the development, but also additional information on the EMC portion of the sign.

Attorney Corkery states that the seventh variance is regarding the height of the sign that is to be allowed. (See attachment Exhibit B Sign Height Table.) The applicant is looking to exceed the maximum height limitations for allowable signs. Mr. Ervin asks for clarification of Section 27-2213 Height of Signs. Mr. Tranguch (Zoning Officer) clarifies that per the Sign Height Table the maximum height in the Commercial District is 8 feet.

Attorney Corkery states that the eighth variance is regarding the maximum total square footage of an allowable sign. The allowable maximum square footage is 80 square feet. The applicant is looking for a variance to exceed 80 square feet with the proposed signage.

Attorney Simmons introduces Mr. Robert Kaplan, Director of Design and Construction for Lehigh Valley Health Network, to answer questions. Mr. Kaplan states that his role is to oversee the design and construction of most of the outbuildings within the network. Exhibits A1A and A1B are verified by Mr. Kaplan to be the deed to the properties and that they are owned by Lehigh Valley Health Network Realty Holding Co. Mr. Kaplan states that the properties used to house a Weis Markets Grocery Store and that it is surrounded by residential properties to the north, a Wawa to the west, a commercial parcel to the east and across the street is a Weis Market. Attorney Simmons verifies that on these parcels will be a neighborhood hospital and a medical office building. The hospital will offer an emergency department as well as a small inpatient unit, as well as imaging services. The medical office building will have typical business hours. There will be a Health Network Laboratory as well as pediatrics, express care, physical therapy, family medicine, orthopedics, and diagnostic care.

Attorney Simmons directs attention to Exhibit A4 which is a depiction of the proposed monument sign. Mr. Kaplan states that the network has experienced that feedback from patients' state wayfinding is crucial to their care particularly for emergent care. Mr. Hanna questions why the electronic sign is necessary for the monument sign. Mr. Kaplan states that in addition to the wayfinding signs, the electronic sign will provide relevant information to the community strictly from Lehigh Valley Health Network. Mr. Kaplan states that the proposed monument sign will

not be visible from the residential area to the north and will not alter the character of the neighborhood.

Mr. Hanna questions if there is another sign that changes along Rt. 100 within a mile of the proposed sign. Mr. Kaplan is unaware of any other signs of this type, and states there are no other facilities like this in the area. No further questions for Mr. Kaplan.

Attorney Simmons brings Mr. Dave Ott to the table to testify. Mr. Ott is employed by and is a partner of Reed Sign Company. Mr. Ott states that he is very familiar with the area and the requirements of the Lower Macungie Township Zoning Ordinance. Attorney Simmons brings attention to Exhibit A4 which Mr. Ott's company designed. Mr. Ott states that the proposed monument sign is typical sizing of what healthcare facilities are moving toward. Mr. Ott verifies that the standard timing for sign change by PennDOT is five seconds which differs from the allowance from the township. Mr. Ott states that the goal is to have a car see one displayed sign as it passes per the regulated speed limit. Attorney Simmons asks if the proposed building signage has been approved by the township. Mr. Ott states that it has not been approved but he does not foresee any issues with approvals. Attorney Simmons questions if there will be removal of any mature trees along Rt. 100 for the monument sign. Mr. Ott states that nothing will be removed and that there will be landscaping installed surrounding the sign.

Attorney Simmons questions if there will be flashing or sudden bursting lights or sounds, or any types of animation. Mr. Ott states that the images will be stagnant and will change instantaneously. Attorney Simmons questions if the proposed sign will emit smoke, visible vapors, particles, sound, or smells. Mr. Ott states that the proposed sign will not do any of that. Mr. Ott states that all LVHN signage is the highest end of electronic message centers with automatic dimming mechanisms. Mr. Ott states that they have installed over one hundred of these types of signs and have never had a complaint about the sign being too bright. Mr. Ott testifies that the brightness of the signs adjusts based on outside ambient lighting. Mr. Ott states that there will be about a one hundred thirty degree viewing angle from the sign and will not spill over to the properties across the street. Mr. Ott states that the lighting from the monument sign will not be visible from the residential properties to the north. Attorney Simmons questions the electronic messaging system on the monument sign and how it is programmed. Mr. Ott states that it is all done through a cellularly controlled program within the network to be sent to the sign and cannot be changed from outside sources.

Attorney Simmons asks Mr. Ott that to his knowledge other than the size, height, and timing changes if the monument sign conforms to the Zoning Ordinance. Mr. Ott states that yes, the construction does conform to the Zoning Ordinance. Mr. Ott feels that the proposed sign is the minimum size to adequately direct patients to the sight and to not get diminishing returns on the electronic display. Mr. Ott does not feel it will impair or preclude the use of other property. Mr. Ott does not feel there will be any public safety issues with the use of the proposed signage.

Mr. Ervin questions if PennDOT will be putting any informational signage along Rt. 100 for the hospital. Mr. Ott states that he cannot speak for PennDOT as to the possibility of them placing signage.

Attorney Corkery questions the proposed static building signage and if it has been approved and how many signs there will be. Mr. Ott states that it has been submitted to the Township but has not yet been approved. Mr. Ott states he is unaware of the number of signs that have been submitted. Attorney Corkery questions if the static signage will be enough identification for the buildings, to which Mr. Ott states that the bottom of the proposed monument sign will have the static identifying information. The top of the sign will be the electronic messaging system that will be for urgent, seasonal healthcare information and public information such as Silver Alerts and Amber Alerts.

Mr. Beitler states that based on viewing renderings of the hospital there are multiple static building signs that will be visible to drivers along Rt. 100. Attorney Simmons states that those signs will not be easily visible due to existing tree locations. Mr. Ott states that the static building signage is not meant to be wayfinding from the street.

Mr. Hanna questions where the non-compliance of the signage would come in if the proposed monument sign did not have any electronic components other than the height. Ms. Smith states that the full square footage will still be over the allowed maximum. Mr. Hanna questions what the wording on the non-electronic portion of the monument sign will be. As proposed, there is no site-specific information, just a Leigh Valley Health Network identifier. Attorney Simmons states that there can be a static portion to the electronic messaging sign and gave the example of Lehigh Valley Hecktown Oaks campus.

With no further questions from the board, Attorney Corkery opens the floor to questions from the public.

Mr. Jeffrey Hartman of 212 W. Main St. Macungie is sworn in. Mr. Hartman questions the scope of the variance and whether the proposed signage was part of the original approval by the Planning Commission. Attorney Corkery states that the Zoning Hearing Board would not know that, but that submissions are made where the applicant knows that they will need to submit for variances. Mr. Hartman states that he has lived in his residence for 26 years and he feels that the signage changing every five seconds will be a safety hazard. Mr. Ott states that he cannot testify to this proposed sign, but that the signs he has seen do not change as fast as every five seconds, but it is also not every three minutes. He feels that it will be something in between. Mr. Hartman states that he feels there should not be an additional need for signage other than what is static on the buildings due to the height of the proposed buildings. Mr. Hartman questions what impact the signage would carry and why it is necessary what the hardship would be to approve these variances. Mr. Ott states that it will not be advertising, but community information, and the hardship would be based on which specific variance he was questioning.

Zoning Officer, Mr. Tranguch, states to the board that regardless of what variances may be granted by the board, per Ordinance 27-2206.2 a business or facility that is open 24 hours a day is not required to turn off their signage. This applies to both electronic and illuminated static signage and is permissible by right.

Ms. Smith questions for reference how the proposed sign compares to the two entrance signs along Cedar Crest Blvd at the network campus. Mr. Ott states that they are similar in both height and size.

Attorney Corkery questions if Mr. Ott was affiliated with the Lehigh Valley Health Network Cedar Crest sign installation and if variances were needed from Salisbury Township for the signs. Mr. Ott states that he was and that no variances were required from Salisbury Township. Mr. Beitler states that there are differences in the location due to the Cedar Crest site being near I-78 and the proposed signage being across the street from a planned mix-use development and surrounded in the rear by residences.

No further comments or questions from the board or the public. Attorney Simmons requests that the exhibits be entered into the record. Attorney Simmons states that if the board is not comfortable with the 5 second electronic sign change, the applicant is willing to make the timing longer, but requests it to be less than 3 minutes.

On a motion by Mr. Beitler second by Mr. Hanna, and a vote in favor by Ms. Smith, and Mr. Ervin, the Variance for Section 27-2207.1.D is denied by a 4-0 vote. (A 46.5 Sq Ft variance for the electronic sign).

On a motion by Mr. Beitler second by Mr. Ervin, and a vote in favor by Ms. Smith and a vote against by Mr. Hanna, the Variance for Section 27-2207.1.D is denied by a 3-1 vote. (A 1ft 9in variance in height for the electronic sign).

On a motion by Mr. Ervin second by Mr. Beitler and a vote in favor by Ms. Smith and Mr. Hanna, the Variance for Section 27-2210.1.B is approved by a 4-0 vote. (To recognize that the proposed sign falls into this category). On a motion by Mr. Ervin second by Mr. Beitler and a vote in favor by Ms. Smith and Mr. Hanna, the Variance for Section 27-2210.1.B is denied by a 4-0 vote. (To allow the electronic changing of the proposed sign).

On a motion by Mr. Hanna second by Mr. Ervin and a vote in favor by Ms. Smith and Mr. Beitler, the Variance for Section 27-2207.1.L is denied by a 4-0 vote. (To allow the electronic sign to change less than every three minutes).

On a motion by Mr. Ervin second by Mr. Beitler and a vote in favor by Ms. Smith and Mr. Hanna, the Variance for Section 27-2211.2 is denied by a 4-0 vote. (A 96 Square Foot and 7-foot height variance for the sign face).

On a motion by Mr. Ervin second by Mr. Hanna and a vote in favor by Ms. Smith and Mr. Beitler, the Variance for Section 27-2211.4 is approved by a 4-0 vote. (To allow the sign to include more than the name and logo of the business.).

On a motion by Mr. Hanna second by Mr. Ervin and a vote in favor by Ms. Smith and Mr. Beitler, the Variance for Section 27-2213 is denied by a 4-0 vote. (A variance to allow the sign to be more than the maximum of 8-feet in height.).

On a motion by Mr. Ervin second by Mr. Beitler and a vote in favor by Ms. Smith and Mr. Hanna, the Variance for Section 27-2216.1.C (2) is denied by a 4-0 vote. (A 46.5 Sq Ft variance for the total size of the sign).

Attorney Corkery states that the proposed digital portion of the monument sign is allowed to be 6ft high and 32 Sq Ft. The proposed total monument sign is allowed to be 8ft high and 80 Sq Ft.

Appeal No. 14-2023 of Raising Cane Restaurants, LLC. 6800 Bishop Rd. Plano, TX 75024.

This motion was continued. Per Atty. Corkery a notice was received from Raising Cane Restaurants, LLC waiving the time limitations for having the hearing.

Mr. Ervin welcomes Zoning Officer Vince Tranguch 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, Kimberly Boyer