

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES

June 27, 2023

The June 27, 2023, Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Ms. Avery Smith. Members present were Jared Hanna, Ron W. Beitler, and William Royer. 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.

A motion was made by Mr. Hanna, second by Mr. Royer to approve the minutes of the May 23, 2023 Meeting. There were 4 ayes.

A motion was made by Mr. Royer, second by Mr. Hanna to approve the Invoice for Attorney Ron Corkery. There were 4 ayes.

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. 14-2023 of Raising Cane Restaurants, LLC. 6800 Bishop Road Plano TX 75024. Property located at 6240 Hamilton Blvd. Allentown PA. 18106 in the C-Commercial Zoning District. Lehigh County Tax Parcel No. 547512982095-1. Applicants are requesting a Variance to Ordinance 2019-10, Chapter 27, Part 22. Section 27-2205 and Part 18, Section 27-1805 regarding sign setback requirements and outdoor lighting requirements for the proposed restaurant and any other relief that may be required by the Lower Macungie Township Zoning Ordinance.

Attorney Eric Schrock, Engineer Harold Newton are representing the applicant and are sworn in. Witnesses Dustin Johnston (Architect for Raising Canes) and Michelle Robinson (Property Development for Raising Canes) are also acknowledged and sworn in at time of testimony.

Attorney Corkery reminds the board that the sign setback variance being requested is the same that the board approved for the Wawa at the same location in 2022. This sign meets all other requirements other than the setback location. The applicant agrees that all of the facts of finding are the same from the previous appeal of 17-2022.

Attorney Schrock provides exhibits to the board along with information on the proposal for the sign. The proposed business is the last unit in the Trexler Business Center (Lot #6). It will be a fast food restaurant with a drive-thru in the Commercial Zoning district. The proposed sign will be identical in terms of setback distances as the Wawa sign, however it will be larger, but still meets the requirements for sizing.

Mr. Newton states that the proposed signage will not be a distraction to the surrounding areas. It will be 27.86ft from the existing bike path pavement and will be being the existing sycamore trees. There is not a typical driveway off of Hamilton Blvd leading to the proposed business as access will be off of Commercial Center Dr and there will be a screening wall for added protections.

Regarding the site lighting variance requests, Attorney Corkery states that since the time that the Trexler Business Center plan had been approved, the lighting standards had been changed from 40ft high to now being 25ft high. The applicant team agrees that they will work within accordance of the new ordinance. The applicant team states that had the old standards been in effect, their proposed lighting would be in accordance with the standards, and no variance would be necessary. They are requesting a .4-foot candle variance (Ordinance is maximum of 5-foot candles and the request is for 5.4-foot candles) and an average .5-foot candle variance (Ordinance is average of 2-foot candles and the request is for 2.5-foot candles) for the site lighting.

The applicant team states that the oversized light levels are requested due to the use of a dual drive-thru service to serve the customers more efficiently. The requested lighting standards provide a higher level of safety and visibility for employees who are working in the drive-thru area. The proposed lighting standards will be slightly under the typical standards that the applicant uses for their other locations in order to meet the existing ordinances. The proposed site lighting will have no adverse impact on the surrounding area.

Attorney Corkery states that the canopy lighting is all in accordance with the existing ordinance, it is the lighting that falls outside of the canopy that is in question. The applicant states that there are three small areas that are outside of the maximum allowances (5.4-foot candles, 5.2-foot candles, and 5.1-foot candles respectively). The average of the proposed lighting is 2.5-foot candles.

The applicant team states that the canopy lighting that is approved could be raising the average foot candle, but they are requesting to keep it slightly higher for safety measures. The only parties that will be affected by the higher lighting request would be those who are sitting in their cars at the business. In the applicant's professional opinion, the requested standards are the minimum that meet their level of safety requests.

BOARD QUESTIONS

Mr. Beitler questions if the proposed lighting will meet the ordinance pertaining to the Dark Sky Lighting impact to which the applicant assures the board that the lighting is fully in

compliance with this ordinance and the property line levels. They will also have shields to direct the lighting to go downward and not outward.

No further questions.

There are no objectors or interested parties in this Appeal.

A motion was made by Mr. Beitler, second by Mr. Royer to allow a 5ft sign setback in accordance with the same standards of the Wawa at the same address and the findings of fact from Appeal 17-2022. The Variance is approved by a 4-0 vote.

A motion was made by Mr. Beitler, second by Ms. Smith to allow a maximum .4-foot candle variance and an average .5-foot candle variance for the site lighting. The Variance is approved by a 4-0 vote.

Mr. Tranguch reminds the board that the July meeting will need to have three members in order to convene.

A motion was made by Mr. Royer, second by Mr. Beitler, to adjourn the meeting. There were 4 ayes.

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

Respectfully submitted, Kimberly Boyer