

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

The Board of Commissioners met on July 20, 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 6:00 p.m.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Brian P. Higgins, President	Present
Richard V. Ward, Vice President	Present via Zoom
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
Nathan Jones, Director of Planning	Present
Bryan McAdam, Township Engineer	Present via Zoom

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

5. ANNOUNCEMENTS & PRESENTATIONS

5.1. A Proclamation was presented to Tom Beil for his 13 ½ years served on the Planning Commission, where he served as Chair since 2019.

5.2. A Proclamation was presented to Kathee Rhode for her 18 ½ years served as the Executive Director of the Lower Macungie Library and the BOC wished her well in retirement.

5.2.1. Ms. Rhode introduced the incoming Executive Director, Debbie Jack, who is coming from the Parkland Library.

The regular meeting adjourned at 6:06 p.m. for the following hearing.

6. HEARINGS & APPROVALS

6.1. Conditional Use Hearing for Landston Equities, LLC for the Lehigh Valley Town Center Project – The applicant is seeking conditional use approval for a mixed use development of 550 apartment dwelling units, 100 room hotel, 70,000 SF of office space, 65,000 SF of medical office space, a 12,500 SF grocery store, 170,000 SF of retail space, a 20,000 SF restaurant, a 72 bay mixed use golf driving range, a 60,000 SF commercial recreation building and a 6 story parking garage at the properties located at 361 Schantz Road and 4511 Cedarbrook Road. The parcels are located in the HE-Highway Enterprise Zoning District and total approximately 60 acres. A stenographic record was taken of the hearing. Zachary Fowler of Gross McGinley, 33 S. 7th Street, Allentown, represents Penn Sheet Metal, 421 Schantz Road and received party status approval. The Planning Commission recommended approval with several conditions. The applicant is concerned with condition #17, which requires final approval and commencement of construction of the mixed use portion within 3 years of the conditional use approval. The developer proposes to reuse stormwater rather than discharging to a stream. Improvements to Schantz Road will be required. The two-story Topgolf drive range hours would be from 9 a.m. to 2 a.m. Friday and Saturday and 9 a.m. to 12 a.m. Sunday thru Thursday. The drive range is lit from fixtures integrated at the tee line and dissipates as you get closer to the net poles. Hours for lighting are 9 a.m. to 12 a.m. Sunday thru Thursday and 9 a.m. to 2 a.m. Friday and

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Saturday. Lighting will operate at dim levels all days until 4 a.m. for maintenance. Lighting and the TV screens in the outfield will be in accordance with zoning ordinances. The lights on the tee line are LED and should not issue a lot of heat. The EAC expressed concern with birds getting caught in the nets and bright lights being harmful to migration. Topgolf said birds are freed if stuck in the net, which is a rare occurrence, and the venue and parking lot lights will be dimmed at night. A photometric plan of the lighting will be provided during land development, which will be close to 0.0 foot candles at the property line.

The testimony closed at 7:35 p.m. The applicant requests that the conditions requested by Upper Macungie Township and South Whitehall Township not be included in the conditions of approval. The applicant doesn't feel they should have approval rights and that the traffic should be governed by PennDOT.

Public Comment:

Robert Thomson, 6184 Putter Drive, said that he has seen a lot of change in the area with land development and feels the traffic and lifestyle has degraded. He's very concerned with what traffic this project could bring if the construction is allowed beyond 5 years of the approval. He used Home Depot as example that took so long to build after approval. Mike Siegel, 1938 Aster Road, expressed concern for the Schantz Road spring reservoir and the need for a closed stormwater system to protect it from harming the drinking water. He also said the development will become a destination point and to think about upgrading the one-lane bridge.

The record closed at 7:48 p.m. Due to the unique project, the Board wanted time to review the 53 conditions submitted by the Planning Commission and to also look at the applicants concern with condition #17. The Board will look to render a decision on August 3rd.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to table the vote on the Conditional Use request for the Lehigh Valley Town Center project. There were 5 ayes. Motion carried.

The regular meeting reconvened at 7:52 p.m.

- 6.2. Resolution 2023-37 – A RESOLUTION GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL TO GM 001 LLC FOR THE SPRING CREEK ESTATES 2022 LAND DEVELOPMENT PROJECT LOCATED AT 6159 STEIN WAY AND 1255 DANNER ROAD, MACUNGIE, PA

This land development proposes eight townhouses on two parcels, for a total of 16 townhouses, on two infill lots in the Spring Creek Estates development. There will be connections to pathways, a dog run area and visitor parking spaces. The stormwater will go to existing basins. The landscape and design are in accordance with our existing guidelines. There is some minor drafting and engineering matters to be addressed before plan recording. The Resolution will be amended to add the recreation fee.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-37 as amended. There were 5 ayes. Motion carried.

- 6.3. Resolution 2023-38 – A RESOLUTION GRANTING SUBDIVISION APPROVAL TO DY STONE HILL LLC FOR THE STONE HILL HAVEN SUBDIVISION PROJECT LOCATED AT 6079 MOUNTAIN ROAD, MACUNGIE, PA

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This is a minor two lot subdivision to create one buildable lot. The site includes natural resource waterways. To keep in line with the rural area, it is recommended to waive the requirement of sidewalks and street trees. There are some drafting items to be done on the plan before recording. Right of ways will be offered for dedication and a pedestrian easement will be provided through the property.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-38. There were 5 ayes. Motion carried.

7. PUBLIC COMMENT ON NON-AGENDA TOPICS

7.1. David DeRemer, 6642 Blue Heather Court, expressed concern with truck traffic on Willow Lane. He has spoken with the state police, PennDOT and LMT about the concern. He suggested to PennDOT to put signage on Rt. 100 so trucks don't turn onto Willow Lane, but PennDOT feels it's an enforcement problem and that signs aren't needed. PSP stopped a few trucks and PennDOT said there is not enough data to add signage. Mr. DeRemer is requesting that LMT request PennDOT do a study; he also submitted a Traffic Concern Signage Request to LMT. Mr. Beitel will check on the status of his request.

8. COMMUNICATIONS

- 8.1. Gregory Brown, 1799 Farmstead Lane – Statement of Interest for the Parks and Recreation Committee.
8.2. Tom Beil, Planning Commission – Letter of resignation.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to regretfully accept the resignation from Tom Beil from the Planning Commission. There were 5 ayes. Motion carried.

- 8.3. Mandy Book, PA Financing Authority – Notice of Multimodal Transportation Grant Award for the Hillside School Trail Connection Project. Senator Coleman and Representative Mackenzie were thanked for their support. The pathway is being designed and we'll look to move forward with the project next year when school is not in session.
8.4. Christopher Sacchi, EAC Chair – Comment letter regarding Topgolf at Lehigh Valley Town Center. This was part of the hearing tonight.

9. APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS

9.1. Consideration to Fill the Vacancy on the Parks and Recreation Advisory Committee with a Term to Expire December 31, 2023

Motion by Commissioner Robert, seconded by Commissioner Beitler, to appoint Dania Kessler to the vacancy on the Parks and Recreation Advisory Committee with a term to expire December 31, 2023. There were 5 ayes. Motion carried.

9.2. Consideration to Fill the Vacancy on the Library Board of Directors with a Term to Expire January 31, 2026

Motion by Commissioner Robert, seconded by Commissioner Beitler, to appoint Heather Shirk to the vacancy on the Library Board of Directors with a term to expire January 31, 2026. There were 5 ayes. Motion carried.

9.3. Review and Possible Consideration of Appointment to Fill the Vacancy on the Planning Commission with a Term to Expire January 1, 2024 – Since the vacant term expires at the end of this year, the Board was presented with four volunteer applications currently on file

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and all four are still interesting in serving; each applicant was interviewed at the beginning of this year. It was discussed that the Board could also seek more volunteer applications for 60 days before making an appointment. The Board felt it was important to fill the current vacancy now since there are four people still interested and the term expires at the end of the year. Mr. Jones recommended appointing Mr. Kennedy if the Board so chooses to move forward with the appointment at this time.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to appoint Ryan Kennedy to the vacancy on the Planning Commission with a term to expire January 1, 2024. There were 5 ayes. Motion carried.

10. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve the June 15, 2023 minutes as drafted. There were 5 ayes. Motion carried.

11. APPROVAL OF TRANSFERS, BILL LIST AND PAYROLL

11.1. Mr. Beitel reviewed the July 20, 2023 Bill List, which is always available to view on the Township’s website prior to the meeting.

01	General Fund	\$1,309,131.94	33	Open Space Fund	
08	Sewer Fund	\$82,373.98	35	Liquid Fuels	
19	Debt Service Fund		37	Developers Impact	
30	Capital Projects Fund	\$184,518.55	01	Payroll	\$522,960.23
32	Federal Grants Fund		36	Developers Escrow	\$117,757.21
				Total Funds	\$2,216,741.91

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve the July 20, 2023 Bill List as drafted. There were 5 ayes. Motion carried.

12. DEPARTMENTAL MATTERS

12.1. Engineering

12.1.1. Engineer’s Project Status Report: Additionally, Mr. McAdam reported 1) they are working with staff on updating Township maps that will be presented at the Workshop and 2) they are working on various Capital Improvement bid projects and construction projects.

12.2. Planning

12.2.1. Resolution 2023-39 – A RESOLUTION REDUCING THE FINANCIAL SECURITY FOR THE COMMERCIAL LAND DEVELOPMENT OF POSH STORAGE SOLUTIONS NO 1, LLC, LOCATED AT 4316, 4320, 4330 AND 4344 HAMILTON BOULEVARD, ALLENTOWN, PENNSYLVANIA

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-39. There were 5 ayes. Motion carried.

12.2.2. Resolution 2023-40 – A RESOLUTION REDUCING AND TERMINATING THE FINANCIAL SECURITY, AND CLOSING OUT THE HAMILTON CROSSINGS SHOPPING CENTER DEVELOPMENT PROJECT

The Notice to Terminate was received from the Conservation District. The prior Township Engineer ensured that the secured items are complete. The project is still under the Tax Increment Financing. Permits were pulled for the Shelby Restaurant addition, which was an amendment to this plan; the design was agreed upon between the landlord, Shelby, and the Planning Department. Resident, Mike Siegel,

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questioned a pipe that collapsed at the project. Solicitor Brooman noted that it was a natural sinkhole that the developer fixed and the Township paid for it.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-40. There were 5 ayes. Motion carried.

12.2.3. Planner's Report: 1) Due to lack of a quorum, the July Planning Commission meeting was postponed until July 27th at 6 p.m.,

12.3. **Solicitor**

12.3.1. Solicitor's Report – No Report

12.4. **Township Manager**

12.4.1. Manager's Report: 1) The July recreation newsletter should be delivered to homes in the next week or two. 2) Resident, Mike Siegel, noted that there is still a parking problem on Aster Road and a portion of Buttercup Road. Mr. Beitel explained that staff worked with our traffic engineer and yellow curbing was added to try to deter parking in those areas; code enforcement can issue parking violations in the designated zones.

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. Chapter 15 Ordinance for Bridge Weights, Parking & Stop Signs (To be drafted)

13.1.5. Traffic Signal Applications (TE-160) for Signal Timing Modifications on Rt. 100 at Alburts Road, Gehman Road & Willow Lane (Awaiting Review)

13.1.6. Conditional Use Hearing – Prachi Realty, 801 N. Broad St. (August 3rd)

13.1.7. 2023 Roadway Pavement Marking Program (Bids Opened July 17th)

13.1.8. Land Development Plan for Paul Stepniak, 2072 Elbow Lane, 3-Lot Minor Subdivision (Consider August 3rd)

13.1.9. Long-term Agreement with Turnpike Commission for Access Under Bridge (Consider August 3rd)

13.2. **New Business** – None

14. BOARD OF COMMISSIONERS REPORT

14.1. The next Board Workshop is July 24, 2023 at 6 p.m.

14.2. The next Board Regular Meeting is August 3, 2023 at 6 p.m.

15. EXECUTIVE SESSION – None

16. ADJOURNMENT

President Higgins adjourned the meeting at 8:34 p.m.

Bruce Beitel
Township Manager

Renea Flexer
Asst. Township Manager/Secretary
July 28, 2023