

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

The Board of Commissioners met on August 3, 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

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

5. ANNOUNCEMENTS & PRESENTATIONS

5.1. An Executive Session was held after the July 24, 2023 Workshop to discuss potential litigation, land acquisition and conditional use deliberations.

6. HEARINGS & APPROVALS

6.1. Consideration of the Conditional Use Application of Landston Equities, LLC for the Lehigh Valley Town Center Project

Motion by Commissioner Robert, seconded by Commissioner Beitler, to authorize the Solicitor to prepare a written decision approving the Conditional Use Application of Landston Equities, LLC, to authorize a Mixed Use Development at the property located at 361 Schantz Road & 4511 Cedarbrook Road, Lower Macungie Township, subject to the conditions set forth in Township Exhibit 8, titled “the Motion to recommend Conditional Use Approval of the Proposed Lehigh Valley Town Center and Top Golf Project Conditioned Upon the Following (6/29/2023)”, and any others discussed on the record at this hearing.

Commissioner Higgins noted that the approval has 53 conditions, which to provide transparency, the conditions were included in the agenda packet on the Township’s website. We want to be good neighbors and will continue to inform South Whitehall and Upper Macungie Township on the project through the land development stage. Dennis McCarthy, Solicitor for Upper Macungie Township, noted that Upper Macungie is not seeking to be part of the approval processes, but has interest due to impacts in their township and looks forward to working with LMT. Thomas Petrucci, Manager of South Whitehall Township, stated they are not seeking to intervene; however, they would like to reserve their right to review and comment on the project that may impact their township. The applicant’s attorney, Erich Schock, reiterated their concern with condition #17, which requires final approval and commencement of construction of the mixed use portion within 5 years of the conditional use approval. They requested that, if there were extenuating circumstances, LMT would be cooperative in regard to the timeline.

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There were 5 ayes. Motion carried.

The regular meeting adjourned for the following hearing at 6:07 p.m.

- 6.2. Conditional Use Hearing for Prachi Realty, LLC for the Project located at 801 N. Broad Street – A stenographic record was taken of the hearing. The applicant is requesting to permit a mixed use for two story apartments and offices. The property is located in the WC-Wescosville Commercial Zoning District. Currently, there is a single family dwelling on the property. Core samples were taken of Broad Street and the applicant will upgrade a section of the road and will also provide an area for a K-turn using a sewer easement on New Street. Signage will be installed so motorists do not use the private road, New Street. The fire truck plan states Upper Macungie Township and the applicant will double check the length of Lower Macungie’s fire truck during the land development stage.

Hearing closed at 6:38 p.m.

Public Comment:

Ajay Narang, 5475 Hamilton Blvd. Lots 4 & 24, expressed concern with adding traffic on Hamilton Blvd. He said there have been several accidents at the intersection on N. Krocks Road and Hamilton Blvd.

Willian and Judith Trach, 5541 New Street, requests that New Street is obtained by the Township and improved. Any additional traffic on New Street will create problems.

Paul White, 5475 Hamilton Blvd. Lot 5, noted that the residents of the mobile home park see the traffic impact of the development along Hamilton Blvd. and are concerned with adding more.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to authorize the Solicitor to prepare a written decision approving the Conditional Use Application of Prachi Realty, LLC, to authorize a Mixed Use Development at the property located at 801 N. Broad Street, Lower Macungie Township, subject to the conditions discussed on the record at this hearing. There were 5 ayes. Motion carried.

The regular meeting reconvened at 6:46 p.m.

- 6.3. Resolution 2023-41 – A RESOLUTION GRANTING SUBDIVISION APPROVAL TO PAUL STEPNIAK FOR THE STEPNIAK 3-LOT MINOR SUBDIVISION PROJECT LOCATED AT 2072 ELBOW LANE, ALLENTOWN, PA

This is a 3-lot minor subdivision plan that abuts Mountain View Estates. The existing home will remain in place and the two new lots will be for two single family dwellings. Frontage improvements will be added on Elbow Lane to match Mountain View Estates.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-41. There were 5 ayes. Motion carried.

- 6.4. Resolution 2023-42 – RESOLUTION APPROVING THE PRELIMINARY/FINAL LAND DEVELOPMENT PLAN OF RAISING CANE’S FOR A 3,589 SQUARE FOOT DRIVE-THRU ESTABLISHMENT AT THE TREXLER BUSINESS CENTER, UNIT 6, 6240 HAMILTON BOULEVARD, ALLENTOWN PA 18106

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This is the final lot to be developed from the Trexler Business Center subdivision. There will be a double drive thru, parking, outdoor seating, and a walking trail to Hamilton Blvd. The street wall will match Wawa's wall next door to block headlights onto Hamilton Blvd. There is a generous landscaping plan and the elevation design meets our guidelines. Significant layout changes were made from the first plan submission for safety. The applicant expressed concern for the condition to place garbage receptacles on both their site and the Movie Tavern site. The applicant will attempt to obtain approval from the Movie Tavern for placement, but cannot promise they'll approve it. Mr. Jones noted that it is the same condition for Wawa and the condition was inserted for uniformity knowing that both could generate a lot of trash. Everyone was thanked for working together on the design of this project. The rear elevation is the only one designed like it in the country.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-42. There were 5 ayes. Motion carried.

6.5. Resolution 2023-43 – RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE PENNSYLVANIA TURNPIKE COMMISSION FOR ACCESS THROUGH THE TURNPIKE LIMITED ACCESS RIGHT-OF-WAY IN CAMP OLYMPIC

As discussed in previous Workshops, this agreement memorializes our use to allow us to pass under the Turnpike bridge in Camp Olympic.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve Resolution 2023-43. There were 5 ayes. Motion carried.

6.6. Consideration of Requests for Additional Street Lights on Lincoln Drive in an Existing Street Light District – Residents of Lincoln Drive requested additional street lights. Staff reviewed the street light layout and realized that Lincoln Drive had one or two less lights than other streets. PPL confirmed it is feasible to install two additional lights. There would be no additional Street Light Tax revenue since the residents are already assessed. Each additional light would cost \$21.00 per month.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve two additional street lights on Lincoln Drive in an existing Street Light District. There were 5 ayes. Motion carried.

7. PUBLIC COMMENT ON NON-AGENDA TOPICS

- 7.1. Jane Guglielmello, 6513 Charles Court, reported smelling paint fumes and expressed concern with health effects. She suspects the fumes come from Mack Trucks. We will look into the matter and update the Board at a future workshop.
- 7.2. Janet Polizzi, 2851 Donegal Drive, asked if there was an update to the concern previously raised regarding truck traffic on Willow Lane. Manager Beitel noted that this is be reviewed by our Traffic Engineer and his report will be shared with the Board when received. The Township did request additional patrol from the state police.

8. COMMUNICATIONS

- 8.1. Jon Hammer, Planning Commission – Letter of resignation.

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

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Mr. Hammer’s term expires 1/1/2025. It was noted to consider the experience level when making the appointment because three of the four current members on the Planning Commission are new.

8.2. Sanford Ames, Jr. Astound powered by RCN – Notice of rate increase.

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

10. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

It was noted to correct the motion made after the Conditional Use Hearing (Item #6.1). The motion was to table the vote, not table the hearing. Minutes will be corrected.

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

11. APPROVAL OF TRANSFERS, BILL LIST AND PAYROLL

11.1. Mr. Beitel reviewed the August 3, 2023 Bill List, which is always available to view on the Township’s website prior to the meeting.

01	General Fund	\$514,721.85		33	Open Space Fund	
08	Sewer Fund	\$529,503.20		35	Liquid Fuels	\$357,491.98
19	Debt Service Fund			37	Developers Impact	
30	Capital Projects Fund	\$77,316.65		01	Payroll	\$186,245.12
32	Federal Grants Fund			36	Developers Escrow	\$66,838.26
					Total Funds	\$1,732,117.06

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve the August 3, 2023 Bill List as drafted. There were 5 ayes. Motion carried.

12. DEPARTMENTAL MATTERS

12.1. **Engineering**

12.1.1. Engineer’s Report – No Report

12.2. **Planning**

12.2.1. Planner’s Report – No Report

12.3. **Solicitor**

12.3.1. Solicitor’s Report: 1) The written decisions will be ready at next meeting for both conditional use hearings.

12.4. **Township Manager**

12.4.1. Consideration of Costars Contract to Purchase a Leaf Vacuum Truck Chassis from - Lowe & Moyer Garage, Inc. in the Amount of \$140,886.49 (Costars Vendor # 118646: Contract 025-E22-490) – The truck will be used for leaf collection. It’s possible that it may be grant funded, but haven’t received approval yet. There is a delay for the cab and chassis, so staff would like to move forward with the purchase. If we later need to cancel the order due to not receiving the grant, we must reimburse the vendor a \$5,000 fee. We’re not able to purchase a Mack truck because a right-side steering wheel was needed.

Motion by Commissioner Robert, seconded by Commissioner Beitler, to approve the Costars Contract to purchase a leaf vacuum truck chassis from - Lowe & Moyer Garage, Inc. in the amount of \$140,886.49 (Costars Vendor # 118646: Contract 025-E22-490). There were 5 ayes. Motion carried.

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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 Albutis Road, Gehman Road & Willow Lane (Awaiting Review)
- 13.1.6. Resolution Updating the Hunting and Trapping Map for Bow & Arrow or Crossbow on Township Owned Property (Consider August 17th)

13.2. **New Business** – None

14. BOARD OF COMMISSIONERS REPORT

- 14.1. The next Board Regular Meeting is August 17, 2023 at 6 p.m.
- 14.2. The next Board Workshop is August 28, 2023 at 6 p.m.

15. EXECUTIVE SESSION – None

16. ADJOURNMENT

President Higgins adjourned the meeting at 7:15 p.m.

Bruce Beitel
Township Manager

Renea Flexer
Asst. Township Manager/Secretary
August 11, 2023