

LOWER MACUNGIE TOWNSHIP
ZONING HEARING BOARD MINUTES

October 26, 2021

The October 26, 2021 Zoning Hearing Board Meeting was called to order at 6:00 p.m. by Mr. Scott Aquila. Members present were Avery Smith, William Royer and Jared Hanna. Also, in attendance were Carl L. Best, Zoning Officer, Vincent Tranguch, Codes, and Mark Malkames, Solicitor. The hearing was held at the Lower Macungie Township Municipal Campus, 3400 Brookside Road, Macungie, PA. 18062.

On a motion by Mr. Royer and a unanimous vote, the invoice for Mark Malkames Law Office was approved.

On a motion by Mr. Royer and a unanimous vote, the minutes for September 28, 2021 were approved.

Mr. Best 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 is on file.

Appeals to the Zoning Hearing Board:

Appeal No. 23-2021 of F & R Macungie LLC 820 Surrey Drive, Gwynedd Valley PA. 19437.

Attorney Erich Schock represents the applicants. He is here this evening requesting a second (2nd) continuance until the November 16th ZHB Meeting. The continuance request would allow the applicants to return to the November meeting with new plans and Variance requests. The new plan is an Open Space Neighborhood Development with single family homes with some dimensional relief being requested. Mr. Best was given the new application and plans this evening.

On a motion by Mr. Hanna, second by Ms. Smith and a unanimous vote, the applicants request for a Continuance is granted by a 3-0 vote.

Appeal No. 24-2021 of Main Street Hospitality LLC. 707 N. Krocks Road, Allentown PA.

Attorney Joe Piperato represents the applicant. Mr. Donny Petridis, owner of the Shelby Restaurant is sworn in.

Attorney Piperato states that they are here this evening at the direction of the Planning Director, Nathan Jones. They have been before the Planning Commission and the Building Code Board of Appeals to allow They are not requesting a Use Variance They are here to request an extension of time for a

permit for the tent which seats patrons for the restaurant. Attorney Piperato stated that they are requesting the same amount of time that was granted by the BCBA on October 14th, which allowed the temporary tent to remain until July 30, 2022. Mr. Petridis plans on building a permanent addition to the restaurant where the existing tent is located once they secure approvals from the Township.

Mr. Petridis stated that he will use the tent over the winter months. Mr. Petridis stated that people enjoy the atmosphere inside the tent. Seating is spaced out for social distancing. Seating was removed (60 seats) from the restaurant into the tent area. The tent has a heating system inside. The heat melts the snow during the winter months. The Mall (Goldenberg Group) fully supports this application (tent) and for the proposed addition.

Attorney Piperato reads a letter from the National Restaurant Association empathizing the importance of allowing restaurants to have outdoor dining which stated that outdoor dining continues to serve as a lifeline for restaurants.

There is a brief discussion between Mr. Tranguch and Ms. Smith regarding the Building Code Appeal hearing and the Boards decision.

There is a total of six (6) Exhibits.

There were no objectors or interested parties in this Appeal.

On a motion by Ms. Smith second by Mr. Hanna and a unanimous vote, the applicants request for a Variance is granted by a 3-0 vote.

Appeal No. 25-2021 of Timothy and Karen Brion 6496 Carmel Drive, Macungie PA. 18062.

Mr. and Mrs. Brion are sworn in. Mr. Brion states that they are here this evening seeking a rear yard building setback Variance. Their dwelling sits right on the building restriction line due to the reverse frontage with is seventy-five feet in the rear. They are proposing to construct a 19' X 22' foot attached roof over the existing patio in the rear of their property.

Mr. Best explains to the Board that reverse frontage occurs when the property has a street/road on the front and rear of the property. The rear yard building setback is always seventy-five (75') feet. The applicant would need a twenty (20') foot Variance which would place the proposed attached roof fifty-five (55') feet from the rear property line. There is an existing swale in the rear yard.

Mr. Brion submits six (6) photos of the property to the Board as Exhibits.

There were no objectors or interested parties in this Appeal.

On a motion by Mr. Hanna second by Ms. Smith and a unanimous vote, the applicants request for a Variance is granted by a 3-0 vote.

Appeal No. 26-2021 of Daniel and Jennifer Fletes 1480 Promise Lane Wescosville PA. 18106.

Mr. and Mrs. Fletes are sworn in. Mr. Fletes stated that he would like to amend his application and request that the Board consider an additional four (4.8%) point eight percent to a total of thirty-eight (38.8%) percent. The additional concrete patio would help with the water problem they've experienced in the past by sloping the concrete away from the rear of the dwelling. They are also proposing a 12' X 12' shed. The property is currently at thirty (30%) percent impervious cover. The plan indicates an additional seven hundred eighty-three (783') square feet of additional concrete which will drain water away from the dwelling. They have had serious water issues, several times, especially in their basement. Mr. Fletes stated that they plan on constructing a French drain behind the dwelling (kitchen area) to help capture some of the water. Mr. Fletes stated that they have one of the smallest lots in their development.

Mr. Best states that if the Board approves the Variance request, the Township Engineer would have to approve their grading plan.

Ms. Kim 1470 Promise Lane Wescosville PA. is concerned where the pool water would go when they winterize the pool.

Mr. Fletes stated that they will direct the pool water to the front of the property and on to the street.

On a motion by Mr. Hanna second by Ms. Smith and by a 2-1 vote, the applicants request for a Variance to increase the impervious to 38.8% percent is denied, allowing only a 34% percent total increase.

On a motion by Mr. Aquila, 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; Carl L. Best, Zoning Officer