

The April 13, 2011 meeting of the Macungie Zoning Hearing Board was called to order at 7:30 P.M. in Borough Council Chambers, Borough Hall, 21 Locust Street, Macungie, PA. Board Members present were Chris Becker, Greg Hutchison and Ronald Karboski. Also present were Solicitor Brian Joyce, Court Stenographer Sandy Capparell, Zoning Officer Brian J. Nixon and Administrative Assistant Cynthia Hartzell.

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APPEAL 2011-2 MARGARET S HILBERT, 3940 LILAC ROAD ALLENTOWN PA 18103-9750 is proposing to subdivide the property at 131 WEST MAIN STREET MACUNGIE PA into two lots. The applicant is requesting a dimensional variance from Zoning Ordinance Section 345-17 D (2)(f), Minimum Side Yard Setback, to allow a side yard setback of 6.06 feet where 15.00 feet is required. The site is located in the General Commercial (GC) Zoning District.

The hearing was properly advertised in the East Penn Press on March 30, 2011 and April 6, 2011. All adjoining property owners were notified and the property was properly posted.

Mark Bradbury of Martin, Bradbury & Griffith Inc. is the Engineer for Ms. Hilbert. Mr. Bradbury noted this plan subdivides the property at the lease line that was made when Turkey Hill was proposed. He remarked that Mrs. Hilbert would like to subdivide the property now to make a clean sale if one of the tenants wants to buy the property in the future. The variance request is for the side yard setbacks. The Turkey Hill building is 6 feet from the proposed property line and both parties have no problem with the location of the subdivision line. Exhibit A-1, Subdivision Plan, was submitted.

There was some discussion about realigning the property line between the two properties but it would require agreements and easements to be made between the two properties. Mr. Bradbury remarked that the subdivision line was at the proper place and should be maintained at that location.

Board Member Hutchison made a motion to grant the variance for the side yard width of the subdivision of 131 W. Main Street as requested by the applicant, second by Board Member Karboski. Motion carried: 3 ayes

After the hearing, Zoning Officer Nixon addressed the Board about a complaint pertaining to the minutes of the zoning hearings. The complaint claimed wrong information was in the zoning minutes. Zoning Officer Nixon noted the minutes are unofficial since they are not approved by the Board. Attorney Joyce noted the minutes would not hold up in court, the judge would look at the transcript. The Board agreed. Different practices were discussed but the Board did not have a problem with the current practice.

Board Member Hutchison made a motion not to change the practice pertaining to the minutes, second by Board Member Becker. Motion carried: 2 ayes, 1 nay (Board Member Karboski did not feel a motion was necessary)

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Board Member Karboski noted the complaint is an opinion but there was no information or a copy of the transcript to prove the error. The Board felt the current procedure is adequate.

Hearing no other business to be brought before the Board, the meeting was adjourned at 8:21 pm.

Respectfully submitted,

Brian J. Nixon
Zoning Officer

(These Minutes are not the official record of the Macungie Borough Zoning Hearing Board. They are only intended to provide a summary of the activities of the Zoning Hearing Board. All hearings are stenographically recorded and the transcript is available at cost. The official decision of the Zoning Hearing Board is the signed "Decision" which may be obtained at Borough Hall)