



# LOWER NAZARETH TOWNSHIP

## ZONING HEARING BOARD

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### **Zoning Hearing Board**

Robert Hicks, Chairperson  
Manouel Changalis, Vice Chairperson  
Glenn Clearie, Board Member  
Rick Gangewere, Alternate  
Robert Latzanich, Alternate

## **Zoning Hearing Board Minutes February 23, 2010**

Acting Chairperson, Bob Hicks, called the meeting to order at 7:04 p.m. Also in attendance: Board Members, Manny Changalis and Glenn Clearie; Alternates, Rick Gangewere and Rob Latzanich; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator.

### **REORGANIZATION**

The motion to nominate Bob Hicks as Chairperson of the Zoning Hearing Board was moved by Manny Changalis and seconded by Glenn Clearie. The motion carried unanimously. The motion to nominate Manny Changalis as Vice Chairperson was moved by Bob Hicks and seconded by Rick Gangewere. The motion carried unanimously.

The motion to appoint April Cordts as solicitor to the Zoning Hearing Board was moved by Bob Hicks and seconded by Manny Changalis. The motion carried unanimously.

### **MINUTES**

The motion to approve the minutes of the December 22, 2009 Zoning Hearing Board meeting was moved by Glenn Clearie and seconded by Manny Changalis. The motion carried unanimously.

### **HEARINGS**

#### **Trio Farms PA, LLC & Ashley Development Corporation, #2010-01**

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn.

Present for the Application: Attorney James Preston; Applicants Lewis Pektor, Richard Brooks, and Ryan Pektor for Ashley Development; Engineers Mark Bahnick, Van Cleef Engineering and Robert Hoffman, Traffic Planning & Design.

Lori Seese provided a historical review of the project to date. Attorney James Preston reviewed the history of approvals, site construction, etc. Mr. Preston orally amended the application to bring their proposal in line with the Planning Commission's recommendation to remove the Age-Qualified provision from everything but the apartment buildings, and relief from requirement for a clubhouse. A transcription of the Applicant's appearance before the Lower Nazareth Township

Planning Commission the night before was provided for the Zoning Hearing Board's review. Mr. Preston stated that the Applicant's hardship is the significant investment, not only monetary, but also physical improvements of infrastructure which have already been installed.

Mr. Preston explained the two possible approaches that could be taken toward obtaining variance(s). Testimony was provided by Engineer Mark Bahnick regarding the approved plans, proposed and potential density of the project, and parking requirements. Applicant's Representative Ryan Pektor provided testimony on the infrastructure that has already been installed on the property. Mr. Preston read Township Engineer, Albert Kortze's February 18, 2010, letter into the record. Engineer Robert Hoffman provided testimony on traffic. Real Estate Broker, Linda Dietrick testified and provided market information for age-qualified housing. Linda Dietrick does not believe it is saleable in its current condition. Louis Pektor, President of Ashley Development, indicated they were under contract with a national homebuilder who backed out in 2007.

The Applicant concluded presenting testimony at this time. Exhibits presented during testimony were:

- A-1 Rendering for Trio Farms, Phase I, II and III
- A-2 Progress Exhibit for Trio Farms
- A-3 Infrastructure Exhibit
- A-4 Township Engineer Albert Kortze's February 18, 2010 letter

Comment was opened to Floor.

Gregory Naumovich, President for Everson Tesla, 614 Greinar Road, questioned if an evaluation was performed to return the zoning designation back to Light Industrial. Bob Hicks advised that was outside the Zoning Hearing Board's purview.

A break was taken at 8:55 p.m. Chairman Bob Hicks announced that due to the time and weather, the hearing would be continued to the next meeting date. Comments would be taken from the floor; however due to the weather he requested that only those who would be unable to attend the next meeting speak at this time. A handful of individuals raised their hands to speak. The Board would be keeping an eye on the weather and would continue taking testimony from the floor as long as the weather allowed.

Dr. Victor Lesky, Superintendent to Nazareth Area School Board, presented several documents for the ZHB review, which were labeled Board Exhibits #1 and #2. Discussion followed regarding how the School District predicts future populations for the schools. During this discussion, James Preston introduced a Demographic Study as Applicant's Exhibit A#5.

Shelly Recker, 682 Daniels Road, asked the ZHB to consider the implications of this kind of change 20-30 years down the road and how it will affect the township.

Lew Lengeyl, 685 Daniels Road, reviewed Article I, Section 111.E.3 of the Zoning Ordinance which outlines the criteria for granting a variance. Mr. Lengeyl does not believe they've met the criteria for a variance.

Zachariah Cobrinik, 4477 Briarwood Drive, requested a sketch to prove that the densities they allude to can be achieved if the property were developed as a market-rate development. He also advised that while the school will need sewer in the future, he doubts that the previous plan to cross his property with the sewer will be possible now that he has proceeded with construction of a dwelling on his property. In his role as Planning Commission member who was present at the meeting the night before, Zach explained the Planning Commission's request for traffic information.

David Lilly, 705 Daniels Road, stated that this not the resident's problem if the Applicant made bad business decisions. He is not in favor of granting the variance.

Melissa Brintz, 688 Concord Road, stated concerns for tax increases as a result of the large number of proposed dwellings. She is afraid she won't be able to continue to live in her house.

At 10:00 p.m., Chairman Bob Hicks asked that any further testimony be continued to the next meeting. Information the ZHB needed for the next meeting was reviewed, specifically: 1) Give NASD an opportunity to provide updated data, if possible, based upon the Applicant's demographic study for the project; and 2) A Traffic Trip Generation Report be provided showing the differences in the traffic between the Age-Qualified Development and a Market-Rate Development.

Discussion took place regarding the proposed prices for the dwellings. Lew Pektor stated the single family dwellings would be priced at \$325,000; and \$275,000 for the townhouses. The apartments will be 1-2 bedrooms, rental products at \$1,200-\$1,400 per month.

George Frack, 691 Daniels Road, stated that he purchased the adjoining property because it was an age-qualified development. He does not want to live next to a regular (market-rate) development.

Michelle Keglovits, 4373 King George Drive, inquired why her development did not receive notices about the hearing. She was unhappy that they did not receive a notice. Lori Seese explained the criteria for noticing adjoiners as dictated by the Township Ordinance and by the Municipalities Planning Code.

The meeting adjourned at 10:35 p.m.

Respectfully submitted,

Lori B. Seese  
Planning & Zoning Administrator