



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board
Robert Hicks, Chairperson
Manouel Changalis, Vice Chairperson
Rick Gangewere, Board Member
Robert Latzanich, Alternate

Zoning Hearing Board Minutes October 26, 2010

Chairman Bob Hicks called the meeting to order at 7:00 p.m. Also in attendance: Board Members Manny Changalis and Rick Gangewere; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator. Alternate Robert Latzanich was not present.

MINUTES

Motion to approve the September 28, 2010 minutes was moved by Manny Changalis and seconded by Rick Gangewere. The motion carried unanimously.

CORRESPONDENCE & ANNOUNCEMENTS

Bob Hicks read aloud letters from Attorney James Preston for Zoning Appeal ZA2010-01, Trio Farms, dated October 20, 2010, withdrawing the appeal; and Attorney Emil Kantra for Zoning Appeal ZA2010-08, AAA Northampton County, dated October 20, 2010, requesting a continuation to the November meeting.

HEARINGS

ZA2010-06, Kenyon Energy, LLC

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

Present for the Application: Michael Dykstra, Kenyon Energy; Attorney Gary Brienza; Dr. Victor Lesky and Lewis Lengyel, Nazareth Area School District.

Chairperson Bob Hicks requested an explanation of a variance by estoppel from Attorney Cordts, which was provided.

Attorney Cordts inquired about the lease between the School District and Kenyon Energy. Attorney Brienza stated that he did not bring it with him. Township Attorney Gary Asteak provided the Board with a Memorandum of Law regarding applicant's standing in a project, which supports the requirement that an applicant must be a tenant or lessee. Discussion followed.

Attorney Cordts recommended to the Board that the hearing be continued until they can provide evidence that they have legal standing and a proprietary interest in the project.

The motion to continue the hearing until the meeting in November was moved by Manny Changalis and seconded by Rick Gangewere. The motion carried unanimously.

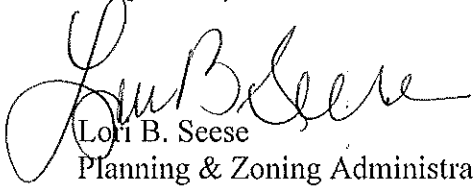
Attorney Brienza indicated an acceptance in the waiver of time requirements for hearing the appeal.

While the applicants and audience members were still present, Chairperson Hicks announced that the November meeting would be November 30 at 7 p.m.

There were no comments under Courtesy of the Floor.

The motion to adjourn the meeting was moved by Manny Changalis and seconded by Rick Gangewere.
The meeting was adjourned at 7:15 p.m.

Respectfully submitted,



Lori B. Seese
Planning & Zoning Administrator