



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 **November 30, 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 October 26, 2010 minutes was moved by Manny Changalis and seconded by Rick Gangewere. The motion carried unanimously.

CORRESPONDENCE & ANNOUNCEMENTS

Chairman Bob Hicks read the following letters into the record:

1. From Attorney Gary Brienza to April Cordts regarding Zoning Appeal ZA2010-06, Kenyon Energy, Inc., dated November 23, 2010, granting a general continuance;
2. From Township Solicitor Gary Asteak to April Cordts regarding Zoning Appeal ZA2010-06, Kenyon Energy, Inc., dated November 24, 2010, regarding Mr. Brienza's November 23 letter; and
3. From Attorney April Cordts to Attorney Gary Brienza regarding Zoning Appeal ZA2010-06, Kenyon Energy, Inc., dated November 29, 2010, acknowledging the general continuance.

HEARINGS

ZA2010-08, AAA Northampton County

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

Present for the Application: Steven Lindemann and Thomas Stitt for AAA; Emil Kantra, Attorney, and Aaron Kinsman, Vanguard Energy Partners.

Chairman Bob Hicks recused himself due to his business relationship with AAA East Penn. Mr. Lindemann and Mr. Hicks explained the relationship between the two different clubs; however they understood Mr. Hick's position and agreed to go with a 2-member board.

Mr. Kantra offered to provide copies of exhibits to anyone in the audience; none were accepted.

Shortly after the hearing began, Mr. Hicks reconsidered his request to recuse himself and asked to be included in the hearing. No exception was taken to this request.

In conjunction with their business property, AAA owns the lot to the west across Country Club Road. Mr. Lindemann provided testimony regarding the property structures, geography of the property, etc. He also stated that the solar panel array would be the sole responsibility of AAA. Vanguard is responsible for installation and then maintenance once the array is operational. Mr. Lindemann indicated he spoke to several of his neighbors and no one provided him with any negative feedback.

Aaron E. Kinsman, Vanguard Energy Partners, provided testimony regarding his experience, construction of the solar panels and system and how this particular project would be constructed. Of the total electricity generated by this project, approximately 7-8% would be used annually by the house and barn buildings with the remainder of the excess energy to be credited to AAA's business across the street. This electricity will represent approximately 1/3 of the annual electricity requirements for AAA.

Mr. Kinsman explained the differences between net metering and virtual metering aggregation, in which the PUC allows for a property owner to over generate electricity on one property and apply those credits to another property owned by that same owner within a 2-mile radius of the generation property. Mr. Kinsman also explained the concept of SRECS or Solar Alternative Energy Credits, and how they are bought and sold. There was extensive discussion regarding these concepts. Mr. Kantra suggested that as these regulations are adopted by the PUC, Lower Nazareth Township does not have any jurisdiction because it is allowed for by the PUC. Bob Hicks commented that the PUC and the PA Municipalities Planning Code (MPC) seem to be in conflict with each other because the MPC gives municipalities the right to regulate land use. Mr. Kantra provided copies of the referenced regulations to Attorney Cordts.

Robert Hoyer, adjoining property owner, arrived and was sworn in. Mr. Hoyer stated that he and his wife Beverly have met with AAA and they are satisfied with the answers to their questions. They do not have any objection to this application.

Lori Seese passed along that adjoining property owner to the south, Gary Fox, inquired about the project after he received his notice in the mail. The project was explained to him; however Mr. Fox did not express any concerns to Mrs. Seese.

Due to the amount of information provided to the Board regarding PUC regulations and jurisdiction, the Board decided to continue any further discussion until the next meeting to allow Attorney Cordts the opportunity to review the regulations presented and possibly resolve some of the Board's questions. April Cordts and Emil Kantra will communicate in the interim to get the information the Board needs.

Due to a conflict for Mr. Kantra in December, AAA deferred their continued hearing to the January 25, 2011 meeting. The Applicant indicated they waived any and all time requirements for hearing this application.

The record was closed at this time. This hearing concluded at 8:50 p.m.

ZA2010-09, John and Sarajane Panovec

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

Present for the Application: Applicants John and Sarajane Panovec; Attorney Richard Pepper.

Lori Seese provided a brief explanation of the appeal which involved a dimensional variance for a 1,500 s.f. accessory building. The matters at issue were the size of the structure and the size of the property.

Discussion followed regarding the plan submitted with the application which depicts the lot size at 2.0073 acres and whether this could be considered that the lot is more than 2 acres, and therefore whether a variance would be required. It was agreed to allow the applicant's to provide testimony and make a decision following their testimony. The plan in question was the "Site Plan for In ground Pool, prepared by Kenneth R. Hahn, PLS, dated October 20, 2010.

Mr. Panovec stated that his dwelling is an old converted barn, which does not allow for the storage of vehicles in the garage bays underneath due to height and width limitations. The proposed accessory structure would store vehicles and pool equipment, along with typical household storage on the second floor. It would be pole barn construction.

The Board accepted the Applicant's testimony and the evidence presented. All were in agreement that the lot is greater than 2 acres and therefore, no variance is required. The plan shall be considered as part of the record. No motion was made.

There were no comments under Courtesy of the Floor.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Lori B. Seese
Planning & Zoning Administrator

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