



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

Robert Hicks, Chairperson
Manouel Changalis, Vice Chairperson
Rick Gangewere, Board Member
Michael Gable, Alternate
Darin Lueders, Alternate

Zoning Hearing Board Minutes September 27, 2011

Chairman Bob Hicks called the meeting to order at 7:07 p.m. Also in attendance: Board Member Manny Changalis and Alternate Michael Gable; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator. Board Member Rick Gangewere and Alternate Darin Lueders were not present.

MINUTES

Approval of the June 28, 2011 minutes was moved by Mike Gable and seconded by Bob Hicks. Manny Changalis abstained. The motion carried.

CORRESPONDENCE

Chairman Bob Hicks read the following correspondence into the record:

- A. **ZA2010-08** –July 28, 2011 correspondence from Attorney Emil Kantra to Attorney April Cordts withdrawing their application.

HEARINGS

ZA2011-04 – NC One Building Corporation

Present for the Application: Attorney Richard Somach, Tallman Hudders & Sorrentino; Gregory Elko, P.E., Langan Engineering; Jerry Bermingham, National Realty & Development Corp. and Caryl Scobbie, Panera Bread, for the Applicant.

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. The Zoning Administrator's file was entered into the record.

Jerry Bermingham provided testimony regarding the proposed application. It was noted that the present demising wall will be moved; however the middle tenant space will remain. Panera Bread will be occupying the former Blockbuster Video space and they are proposing a drive-thru to the rear of the building.

Greg Elko provided testimony. Submission of Exhibits A-1 thru A-6 was made for the record:

1. Zoning Site Plan, Sheet 20.01, prepared by Langan Engineering;
2. Color Rendering of the Site Plan, prepared by Langan Engineering;
3. Package containing signs, prepared by Mandeville Sign;
4. Drive-thru Preview Sign, prepared by Mandeville Sign;

5. Drive-thru Menu sign, prepared by Mandeville Sign;
6. Sheet V-167h, depicting a replica of existing free-standing sign with proposed monument sign, prepared by Mandeville Sign.

Referring to Exhibit A-2, Mr. Elko provided a review of the proposed plan and the requested variances. He also noted that since the application was submitted, they have decided to replace the existing sign; therefore, they are withdrawing their variance request for a second sign.

Mike Gable stated his immediate comments are that additional screening should be provided along the northerly side to block vision of the drive-thru from the Route 33 off-ramp. He also expressed concern about the location of the "compact car" parking space.

Caryl Scobbie, Project Manager, Panera Bread provided testimony. Discussion followed regarding the drive-thru and the number of cars that can stack in the drive-thru aisle.

Courtesy of the Floor

Frank Casio, owner/operator of Futon Experience, expressed concern for loading & unloading product both for his business and for delivery to his customers. The drive-thru area and loading concern was discussed at length. Mike Gable stated that the Applicant should provided a truck turning template when they appear before the Planning Commission. Jerry Bermingham stated he is willing to work out the loading concerns with his tenants.

Michael McIntyre, McDonalds simply stated his concern whether the business model will work out.

Board Deliberation

The Board discussed the application. There were no issues with any of the requested variances, however the Board wanted to add conditions to the approval relative to the compact parking space, screening along Route 33 off-ramp, and maximize the width of the loading zone. Additional discussion followed. Pursuant to further discussion with the applicant, it was decided to the switch the 10-foot lane to the inside to allow for (2) 12-foot drive-thru aisles on the outside and eliminate the need for a variance.

Motion by the Board

The motion to grant Special Exception approval, pursuant to Article 14, Section 1409.C.2 for expansion of a use within a non-conforming lot, with the condition as previously presented that one space be relocated to the rear of the building with the other parking spaces and the percent of impervious cover will be maintained, was moved by Mike Gable and seconded by Manny Changalis. The motion carried unanimously.

The motion to grant the following variances was moved by Bob Hicks and seconded by Mike Gable:

- Article 11, Section 1108.E, Minimum Front Yard Setback to allow for a 31-foot reduction from the setback requirement;
- Article 11, Section 1108.G, Maximum Impervious Coverage to allow for an increase of 6.5%;
- Article 11, Section 1108.L, Minimum Setback from Expressway or Arterial Street to allow for a 31-foot reduction from the setback requirement;
- Article 15, Section 1502.A.58.b, Area of outdoor menu board signs to allow for an additional 14 s.f. for the preview sign and an additional 30 s.f. for the menu board sign;

Article 15, Section 1503.E.4, Location of solid waste dumpster is permitted within the 50-foot front yard setback;

Article 15, Section 1503.F.5.c(2), Fence within rear/side yard setback abutting a public street, to allow for an 8-foot encroachment

Article 15, Section 1503.F.5.c(5), Fence within the paved area setback, to allow for an 8-foot encroachment;

Article 17, Section 1703.D.1, Width of Driveway/Accessway at Entrance, to allow for the width to be increased by 10 feet;

Section 1703.G.4, Minimum Paved Area Setback, to allow for a 5-foot encroachment on the Route 33 North side, 10-foot encroachment on the east side, and 11-foot encroachment on the west side;

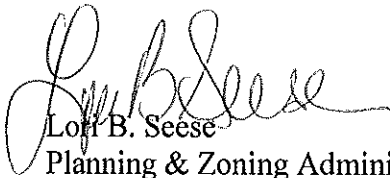
Article 17, Section 1703.G.6, Setback from Commercial and Industrial Buildings, to allow for a reduction to 0 feet;

With the conditions that an all-season landscaping screen be planted to prevent visibility from the Route 33 off-ramp, and thru the Planning Commission, a traffic turning template to be reviewed to insure trucks won't jump the curb at the entrance.

The motion carried unanimously.

The motion to adjourn the meeting at 9:00 p.m. was moved by Bob Hicks and seconded by Mike Gable. The motion carried unanimously.

Respectfully submitted,


Lori B. Seese
Planning & Zoning Administrator

/lbs