



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

306 BUTZTOWN ROAD
BETHLEHEM, PA 18020-9718
TELEPHONE: 610-759-7434
FAX: 610-746-3317

Zoning Hearing Board
Manouel Changalis, Chairman
Michael Gable, Vice Chairman
Zachariah Cobrinik

Zoning Hearing Board Minutes May 28, 2013

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Also in attendance: Board Member Mike Gable and Zach Cobrinik; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator.

MINUTES

Approval of the April 30, 2013 minutes was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried.

CORRESPONDENCE

Attorney April Cordts acknowledged receipt of the May 24, 2013 correspondence from Attorney Victor Cavacini for Adams Outdoor, requesting a general continuance. April spoke to Attorney Cavacini regarding a more specific timeframe for the continuance and he agreed to a two month continuance which extends the time to the July 23 meeting. The motion to accept this continuance to the July meeting was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

HEARINGS

ZA2013-04 – Sallyann Laidacker

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Sallyann and Jeff Laidacker, Applicants.

Mrs. Laidacker explained that she was recently laid off from her long-time employer and decided to pursue the catering business, baking cakes, cookies, dessert favors, etc. for special events such as weddings, showers, parties, etc. She previously did this as favors for her friends but now she wants to do this as a home occupation. The PA Department of Agriculture requires zoning approval in order to consider her application. The business will be conducted in her kitchen and she will use a storage room in her basement to store supplies. She will not have any employees. Mike Gable stated a concern for the septic system and suggested a grease trap be installed.

Ann Abadessa, 518 Mountain View Rd, stated a concern regarding parking on the street. Due to the location of the Laidacker residence on a curve, she is concerned about cars parking on the street and creating a visibility problem at the intersection. Mrs. Laidacker said her volume will be low and for the most part, she will be delivering goods to her customers in lieu of them picking up from her. She does not anticipate FedEx or UPS deliveries. She will be mailing any goods that need to be shipped, and she will go directly to purchase her supplies – they won't be delivered. The motion to close testimony was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried.

Board Deliberation

The Board did not have any other concerns with the application.

There were no other comments under Courtesy of the Floor.

Motion by the Board

The motion to approve the Special Exception request for a home occupation pursuant to the testimony provided, was moved by Mike Gable and seconded by Zach Cobrinik, provided the Applicant complies with all regulatory authorities and the Zoning Ordinance as written, the Applicant installs a grease trap and obtains a septic permit (as necessary), and customers will be encouraged to park on the street. The motion carried unanimously. Mike Gable also recommended the Applicant pump the septic system once per year and track her water usage to make sure she is staying under the 500 gpd granted under her septic permit to ensure safe, efficient operation of the septic system.

ZA2013-05 – Wal-Mart Stores, Inc., an Arkansas Corporation

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

Present for the Application: Neil Sklaroff, Attorney, Adam Banowski, Bohler Engineering, and Charles Jordan, Architect.

Mr. Sklaroff reviewed the proposed project, Special Exception request, and variances. A document containing exhibits 1-7 was presented for the record. Adam Banowski provided a summary of the proposed project. Adam noted that there are 20 new parking spaces. The parking calculation is based upon a formula used when the shopping center was approved. Lori Seese confirmed the parking is adequate. Exhibit #8, Master Site Plan, dated 1/22/03, was presented. This plan provided for the Wal-Mart expansion, including additions on the back, plus Retail A.

Mike Gable inquired about a preliminary karst/geologic study and traffic patterns in the shopping center. Directional signage to encourage trucks to use Corriere Road was discussed. Harry Graak, 101 Mauch Chunk Road, adjoining property owner stated that he is not aware of any truck issues related to accessing this site.

Cart corrals were discussed. The applicant wishes to provide 10 corrals similar to those onsite. If the Board is not in favor, they would like to provide some with covers and some without. Exhibit #12, a blow-up of Exhibit #7, emphasized the gas station area. Gas use will be for members only. The canopy will have a variation in roof line, as prescribed in the ordinance. Exhibit #10 and the sign variance were discussed at length. The motion to close testimony was moved by Mike Gable and seconded by Zach Cobrinik.

Board Deliberation & Motion

Article 11 Section 1108.G, Maximum Impervious Coverage - The motion to allow up to 72.1% maximum impervious coverage and require adequate design conveyance as required under the NPDES was moved by Mike Gable and seconded by Manny Changalis. The stormwater management design was discussed. Adam Banowski confirmed that they cannot exceed pre-development conditions. The rear of the property will be curbed and the water directed into the stormwater management system. The motion carried.

Section 1502.A.62.g, Specific Requirements for shopping center corrals – The motion to accept 10 more car corrals as sufficient for development provided they meet the design standards of the ordinance was moved by Zach Cobrinik and seconded by Mike Gable. The motion carried unanimously.

Special Exception approval to operate an Auto Service Station, Article 10, Planned Industrial-Commercial district, Section 1002.C.1 – The motion to grant special exception approved with the condition that traffic movement is examined by the Township Engineer and the Planning Commission to insure safety of all movements was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

Article 18, Signs, Section 1817.A.4., 1817.A., 5 and 1818– Having heard the testimony and determination by the Zoning Administrator, the motion to grant a variance for (5) wall signs with a total area of 266.02 s.f. , in addition, approving the sign package as presented, was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

Article 15, Section 1502.A.10.h, Specific Requirements for service station canopies – The motion to allow a flat roof consistent with the plans and drawing submitted was moved by Zach Cobrinik and seconded by Mike Gable. The motion carried unanimously.

The motion to adjourn the meeting was moved by Mike Gable and seconded by Manny Changalis. The motion carried. The meeting adjourned at 9:07 p.m.

Respectfully submitted,



Lori B. Seese

Planning & Zoning Administrator

/lbs