



# LOWER NAZARETH TOWNSHIP

## ZONING HEARING BOARD

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**Zoning Hearing Board**  
Manouel Changalis, Chairman  
Michael Gable, Vice Chairman  
Zachariah Cobrinik  
Daniel Cortright, Alternate  
Michael Gaul, Alternate

### **Zoning Hearing Board Minutes** **July 1, 2014**

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

#### **MINUTES**

Approval of the May 27, 2014 minutes was moved by Zach Cobrinik and seconded by Mike Gable. The motion carried unanimously.

#### **CORRESPONDENCE**

#### **HEARINGS**

##### **ZA2014-03 – Essroc Cement Corporation**

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. No other persons, other than representatives for the application, were present. Present for the Application: Karl Kline, Esq., Robert Romano, Plant Controller, Stephen Pany, P.E. and Larry Smith, Pany & Lentz Engineering

Karl Kline advised that pursuant to EPA and DEP requirements, Essroc will need to install a lime injection system. Robert Romano provided an explanation of the proposed project. Essroc needs to capture sulfur in the air so it doesn't become sulfur dioxide. They want to be up and running by October 1<sup>st</sup> in order to have enough time before shut-down on December 1<sup>st</sup>. The proposed silo will be 122 feet tall, located north of the most southerly driveway. There are 14 other structures on the property taller than this proposed structure. Applicant's Exhibit #1, the property deed, was submitted for the record. Discussion followed regarding the particulars of the consent decree between Essroc and DEP. Stephen Pany explained the lime injection process. Applicant's Exhibit #2, Drawing Y-1, last revised May 22, 2014; Applicant's Exhibit #3, last revised May 22, 2014; Applicant's Exhibit #4, Drawing #1, General Arrangement, last revised May 22, 2014; and Applicant's Exhibit #5, Site Plan of the Plant identifying buildings and structures throughout the plan, dated July 1, 2014 were presented for the record. The proposed silo will hold a 5-day supply. If it were made any smaller, it would be inefficient. The background noise in the plant will exceed any noise made by the operation of this silo. There will be delivery of approximately 2 trucks per day. Essroc has been in production since the early 1900's. Mike Gable commented on the condition of some of the buildings on the property. Manny Changalis inquired about the variance granted for the dome, which is no longer needed due to economic issues. The motion to close testimony was moved by Mike Gable and seconded by Zach Cobrinik.

### Board Deliberation

Mike Gable suggested that some of the maintenance issues be addressed as part of the application. April Cordts said that the Board could make recommendations however she didn't know that it was necessarily germane. Zach felt that they made a good case for their hardship. Mike Gaul stated it was good to cut down on pollution. Manny Changalis agreed.

### Motion by the Board

Motion to grant variance of 43 feet for the project conditioned upon meeting requirements of regulatory agencies, and due consideration be given to the dilapidated buildings on the site was moved by Mike Gable and seconded by Zach Cobrinik.

### ZA2014-04 – George Frack

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Applicant, George Frack, Jr. and Engineer Terry DeGroot, P.E. No one was present in the audience. L”

Applicant's Exhibit A-1, Site Plan C 1.0, dated 3/20/14 was submitted for the record. Applicant's Exhibit, A-2, consisting of 8 sheets, with floor plans and elevations.

George Frack explained that it is his intention is to make the garage match the house. His hobby is the collection of classic cars. He is presently storing his vehicles in multiple locations. He could store approximately 10-11 vehicles. Construction of the garage would also provide more room so he can store his day-to-day vehicles in the house garage. He does not have any intention of doing auto maintenance or repairs from the garage. That is not his profession. He would only be cleaning the vehicles. No one will live in the space, it will not be rented, it will be 100% for vehicles they he and his family owns. No commercial work will be conducted in this building. The square footage of the existing home with garage is approximately 2000 s.f.

Mike Gable made a motion to close the testimony which was seconded by Manny Changalis. The motion carried.

### Board Deliberation

The Board discussed the definitions of accessory structures, private garages, and household garage. A private garage is an incidental accessory use. A motion was made by Mike Gable that this is a private garage not a household garage, and the 1000 s.f. would apply. The 1000 s.f. requirement applies to this building because it is a private garage. The motion was seconded by Zach Cobrinik. The motion carried.

The hardship would be to store his vehicles on his property in lieu of off-site, in addition to requirements that may kick in for sprinklers, or relocation of the driveway. Mike Gable compared the use to an "estate type use" which would not be permitted anywhere in the township. The garage could be constructed, the same size, if it were connected to the house.

### Motion by the Board

The motion to allow for a dimensional variance due to the unusual limitation having vehicles that may fit in the junk category and the need to shelter them from view, causes Mr. Frack to build a garage larger than the limitations allowed for in the Zoning Ordinance, and as the applicant has provided architectural and site layout attractive to the neighborhood, it would be a benefit to the

neighborhood was moved by Manny Changalis and seconded by Mike Gable. Zach Cobrinik was opposed. The motion carried.

The motion to adjourn the meeting was moved by Mike Gable and seconded by Manny Changalis. ~~Zach Cobrinik was opposed.~~ The motion carried. The meeting adjourned at 8:42 p.m.

Respectfully submitted,



Lori B. Seese  
Planning & Zoning Administrator

/lbs