



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 22, 2014

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Also in attendance: Board Member Mike Gable and Zach Cobrinik; Alternate, Michael Gaul; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator. Alternate Daniel Cortright was not present.

MINUTES

Approval of the July 1, 2014 minutes was moved by Michael Gable and seconded by Zach Cobrinik. The motion carried unanimously.

HEARING

ZA2014-02 – Keystone Shed Co. t/a Amish Marketplace - Continuance

Present for the Application: Jacob Hayward and Trisha Moser, Applicant; and Gary Fox, Property Owner.

April Cordts provided a summary of the action to date. Lori Seese summarized the action taken by the Board of Supervisors and Planning Commission since the last hearing. Lori Seese also asked that the unapproved July 21, 2014 Planning Commission minutes and the Amendment to the Covenant approved by the Board of Supervisors be entered into the record as part of Exhibit Z-1. Lori Seese noted that as requested the Applicant has submitted a plan, "Sketch Plan for Keystone Shed Company", dated June 24, 2014, which has been distributed to the Zoning Hearing Board.

Given the action taken by the Board of Supervisors, Jacob Hayward requested that their application be amended to remove interpretation of the enforceability of Ordinance #110 from their appeal. Mr. Hayward provided a revised Sketch plan for the Board's review. Exhibit A-2, "Sketch Plan for Keystone Shed Company", dated June 24, 2014, was entered into the record. Exhibit A-3, "Sketch Plan for Keystone Shed Company", dated June 24, 2014 with no revision date, was entered into the record and marked as such. Exhibit A-3 shows the additional location of the drain fields, outdoor display of furniture, and notation regarding buffering.

The Board discussed the requirements for buffers, outdoor storage, PADOT Highway Occupancy Permits, and ADA handicapped parking. Trisha Moser stated that she has begun conversation with PADOT and they've indicated that there was a permit issued for this property in 1966.

Attorney Cordts noted that the Applicant agreed to provide landscaping and buffering as required as part of their appeal application.

Ken Green, 185 Butztown Road, stated a concern about the buffer and the utility easements, whether the buffer could be placed within the easement. Mr. Gable said that the location can be managed.

Maureen Reinert, 155 Butztown Road, requested that the buffer be installed along the tree line. Mike Gable stated that if anyone developed the portion of the parcel that is presently being farmed they would be required to provide additional buffer along that property line. Mrs. Reinert inquired if stormwater runoff had been addressed on the plan. Mike Gable stated there is a note on the plan which states that underground stormwater management to be provided. This will be further reviewed when the applicant submits a land development plan to the Planning Commission. The Applicant will also need an NPDES permit from the state. Lastly, Mrs. Reinert stated that the traffic on Route 191 is much more than when the permit was pulled in 1966 and it should definitely be looked over closely going by today's standards and level of traffic. Mike Gable stated that because Route 191 is a State road it will be in PADOT's hands to review.

Ken Green, 185 Butztown Road inquired about the relief granted by the Board of Supervisors. Zach Cobrinik read aloud the relevant portion of the covenant amendment.

The motion to close testimony was moved by Manny Changalis and seconded by Mike Gable. The motion carried unanimously.

Board Deliberation

Attorney Cordts reminded the Board that any relief shall be contingent upon execution and recordation of the declaration amendment.

Zach Cobrinik stated that the covenant is not part of the zoning ordinance, therefore the Zoning Hearing Board cannot interpret or determine as invalid. Zach suggested that any approval require compliance with covenant amendment, and that it must be executed and recorded.

Zach suggested that buffering should be required. Discussion followed about the extent and location of the proposed buffer. Michael Gaul pointed out that the Planning Commission made the recommendation to the Zoning Hearing Board to require the buffer. The Planning Commission cannot impose the requirement themselves unless it's in the Township SALDO or Zoning Ordinance.

Motion by the Board

Michael Gable made the following motion. Special Exception approval is granted provided:

1. The surface of shed storage area shall be a pervious surface.
2. All trucks, as defined by PADOT, shall be use the southern exit, which shall be reviewed and approved by PADOT. The plan must provide signage onsite to guide drivers where to exit the site.
3. The Applicant shall comply with the Declaration of Covenant as amended July 2014, which shall be executed and recorded with Northampton County Recorder of Deeds.
4. The easements shall be provided on the plan and reviewed for compliance in coordination with the Township Zoning Administrator and the utility holder.

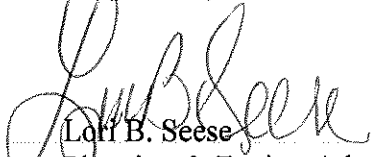
5. Screening shall be provided to the rear of the storage area in conformance with the Township Zoning Ordinance.
6. All outside agency approvals shall be obtained.
7. The land development shall provide appropriate handicapped parking for review during land development review.
8. Land development approval and zoning approvals are required.

The motion was seconded by Zach Cobrinik, and carried unanimously.

There were no additional comments under Courtesy of the Floor.

The motion to adjourn the meeting at 7:25 p.m. was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

Respectfully submitted,



Lott B. Seese
Planning & Zoning Administrator

/lbs