



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

623 MUNICIPAL DRIVE
NAZARETH, PA 18064
TELEPHONE: 610-759-7434
FAX: 610-746-3317

Zoning Hearing Board

Manouel Changalis, Chairman
Michael Gable, Vice Chairman
Michael Gaul, Board Member
Daniel Cortright, Alternate

Zoning Hearing Board Minutes May 23, 2017

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

MINUTES

Approval of the March 28, 2017 minutes was moved by Dan Cortright and seconded by Michael Gaul. The motion carried.

HEARINGS

ZA2017-02 – Richard Kozo

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Richard Kozo, Applicant and Wilbur Westwood

The Zoning Officer's file was entered into the record as Exhibit Z-1. Lori Seese explained that the proposed garage exceeds the Zoning Ordinance requirement of a maximum of 1000 s.f. for accessory structures. It meets the setback requirements. A second option is also available to connect the garage to the house; however it would require a dimensional variance for the rear yard setback. Mr. Kozo chose to seek a variance for the size of the accessory structure.

The property is owned jointly with Carol A. Kozo, Wilbur Westwood and Kristin Westwood. Mr. Westwood was present and provided consent to proceed with the application. Mr. Kozo submitted exhibits to be added to the record.

Residents of the dwelling are Mr. Kozo, his wife, daughter, son in law, and two grandsons. They have seven cars and are unable to park them all in the garage. One of the garage bays is occupied by a ramp and miscellaneous pieces of yard equipment. With the new garage, they would be able to use two of the bays in the existing dwelling. The new garage would provide parking for three of the cars, leaving only two cars outside. In addition, it will also provide a shop area for Mr. Kozo to do woodworking. All woodworking will be done inside with the doors closed.

Jeff Nichols, 304 Hillview Drive, stated that he has already had conversation with Mr. Kozo and has no questions.

Gregory Albert, 302 Hillview Drive, asked to see the proposed garage and exhibits supplied by Mr. Kozo. He had no comments.

Motion to close testimony by Michael Gaul and seconded by Dan Cortright.

Manny Changalis stated that due to the size of the lot and the setbacks being met, he did not have a problem with granting the variance. Mike and Dan were in agreement.

The motion to grant the variance in accordance with the testimony and exhibits submitted, and with the provision that it will meet all building code regulations was moved by Michael Gaul and seconded by Dan Cortright. The motion carried unanimously.

ZA2017-03 – St. Luke’s Health Network

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Erich Schoch, Esq.; Fitzpatrick, Lentz & Bubba; David Gava, St. Luke’s; and Edward Reed, Reed Sign.

Erich Schoch added the following exhibits to the record:

A-1 – Acknowledgement of the Owner

A-2 – Attachment to Appeal Application

David Gava, St. Luke’s Network Property Manager provided testimony regarding the property, uses therein, and electronic changing message signs at other St. Luke’s locations.

Mike Gaul asked if Mr. Gava thought that Lehigh Valley Hospital Network could have a similar sign. Do you believe there is an entitlement if you only had one use? Mr. Gava stated that all of their locations have multiple users. They would not be there if they only had one message to put out there.

Mike Gaul stated that due to the building being located so far back in the lot, he did not think it would be practical to place a sign on building that would advertise all the different medical uses available in the building.

Edward Reed provided testimony regarding signs. Mr. Reed also made a correction to the size of two the signs on Exhibit A-3. Testimony was provided regarding the size, brightness, dimming, and visibility on bright and cloudy days. Mr. Reed stated that they are not proposing any blinking or flashing lights. The manufacturer will pre-set according to township regulations. The sign will hold a message for 5 seconds and then change to another message.

Mike Gaul inquired about the purpose, why a digital sign? The explanation was that the sign can provide more information than you would otherwise need a much larger sign to provide. It also avoids temporary A-frame signs and sign clutter.

The proposed sign would be off when they are closed. If the sign would malfunction, the sign would go blank (black). In the evening, the only portion of the sign to be turned off would be the electronically changing message. The Board suggested that sign actually say “Closed” when the facility is closed. The facility is open 7:30 a.m. -5:00 p.m., possibly 7 days per week.

Board Deliberation and Vote

Manny Changalis recused himself from the vote since he is employed by St. Luke’s Hospital.

Article 18, Sections 1816.A.3.b, 1816.A.4.b, and 1813.B: Mike Gaul and Dan Cortright feel they have proved their case. The motion to approve the interpretations in accordance with the testimony provided was moved by Michael Gaul and seconded by Dan Cortright. The motion carried unanimously.

Article 18, Section 1811.B: In regard to the digital message sign, Michael Gaul noted that it is a commercial area, the neighbors were notified, and no one is present to object. He stated it is a reasonable use of the property, and makes it more aesthetically pleasing by minimizing the number and size of signs. In light of the layout of the property and the desire to maximize the size, that this makes sense. Michael Gaul made the motion to approve the requested variance with the following conditions:

1. All message, images or displays shall remain unchanged for a minimum of 8 seconds;
2. The time interval used to change one complete message, image or display to the next message, image or display shall be a maximum of one second;
3. There shall be no appearance of a visual dissolve or fading in which any part of one message, image or display appears simultaneously with any part of a second message, image or display;
4. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, movement, or flow of the message, image or display within the sign;
5. The intensity and contrast of light levels shall remain constant throughout the sign face;
6. The sign shall be equipped with automatic dimming software to reduce the illumination intensity of the sign and the sign shall be turned off one hour after closing and may turn on one hour before opening;
7. If lit at times of darkness, must be reduced to no more than 25% after sunset;
8. The sign shall have a fixed message that is displayed if the sign malfunctions; and
9. Shall be in accordance with all testimony and exhibits provided.

The motion was seconded by Dan Cortright and carried unanimously. Manny Changalis recused himself.

The motion to adjourn was moved by Dan Cortright and seconded by Manny Changalis. The motion carried unanimously.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,



Lori B. Seese
Planning & Zoning Administrator

/lbs

**** Note: These minutes are only a brief summation of the actual hearing. All Zoning Hearing Board hearings are officially transcribed by a professional stenographer. Should any parties wish to view these transcripts, please contact the Zoning Officer. If an official copy has not been requested, the requestor must pay for the transcript.***