



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

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

Zoning Hearing Board Minutes September 7, 2017

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Also in attendance: Board Members Mike Gable and 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 25, 2017 minutes was moved by Mike Gable and seconded by Michael Gaul. The motion carried unanimously.

HEARINGS

ZA2017 -04 – Jeremy Chupella - Continuation

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Attorneys James Preston and Mickey Thompson, Engineer David Harte, Applicant, Jeremy Chupella.

Manny noted that this is a continuance from a previous meeting. Manny read the Notice aloud. April queried Lori Seese regarding the history of the zoning and use of the property.

Mr. Preston stated an objection to Attorney Cordts questioning. Manny Changalis explained our normal procedures. Michael Gaul requested that the Board and April Cordts go into Executive Session at 6:50 p.m. The Board returned at 6:58 p.m.

The motion to return to the public hearing was moved by Mike Gable and seconded by Mike Gaul. The motion carried unanimously.

David Harte provided testimony. The Hecktown Building Supply business use began in 1955. The warehouse building was constructed in 1985. An aerial photograph showing the two properties was provided as Exhibit A-2. SR International Rock, Granite and Marble Distribution (SRIR) is presently occupying the warehouse building (northern building). There have not been any expansions or enlargements and nothing has been moved around. There has not been an increase in total floor area or impervious surface increase. The building will serve as a satellite location. SRIR will bring in raw stone, to be stored inside and outside. There may be fabrication of countertops. They will also bring customers to the site to select their stone. They considered the use to be consistent with what was Valley Millwork. Traffic will also be very similar.

The occupant of the second building will be Jeremy Chupella. The front is proposed for future retail, with a showroom and offices in the back. To the rear is a warehouse with mezzanine space. Jeremy Chupella contracts with banks to turn foreclosed homes into serviceable condition. The products he removes are sometimes still usable and he would like to stockpile his products in the building. He may bring customers the property to look at the products he salvages. Dave Harte stated his belief that it's a similar use.

Mr. Harte agreed that a flatbed truck was parked in front for a while and does not know if its functioning. Mr. Harte testified there will not be any auto maintenance on the property. There are no plans to change the paving on the property.

Two exhibits were entered into the record:

Exhibit A-3, a package of photographs showing the commercial properties in the immediate neighborhood.

Exhibit A-4, satellite images of the property 2009-2014 along with two current images of the property.

Michael Gaul inquired if the property had always been used for a single entity. David Harte stated the property had multiple uses. Mike Gable suggested the property had been used by one principal use with an accessory use.

Mickey Thompson provided testimony. He stated that SRIR has been operating at the site and suggested that Lori Seese did not see SRIR operating there because their business level is still low.

Regarding Mr. Chupella's use, Mr. Thompson stated it would be used for light warehouse and personal storage of his business equipment. He stated Mr. Chupella would like to use the retail portion to sell the items from the houses. Customers will be brought by appointment only. No auto repairs, paint or body work are proposed; however, if a building he cleaned out had an abandoned car, he may store the car. The flatbed truck is used to haul the items he removes from houses. There will not be any deliveries of concrete or wood.

Attorney Jim Preston confirmed they would agree to a condition there be a single entity on the Use & Occupancy Certificate.

Brent Sergent, 286 Butztown Road, stated he has lived at his property for 30 years and the operating hours of Hecktown Lumber were never 7 days a week. Mr. Sergent noted that the driveway onto Butztown Road is not paved. Mr. Sergent inquired about the operating hours. Hecktown Lumber's hours were usually 7 a.m. – 5 p.m. Monday-Friday and Saturday, 7 a.m.-12 p.m.

Allison Benicoff, 4414 Hecktown Road agreed with Brent Sergent that the hours of Hecktown Lumber were 5.5 days per week. Mrs. Benicoff also stated that she has photographs of the items that have recently been stored there.

In response, Mr. Thompson stated the hours of operation would be 9 a.m.- 5 p.m., 7 days per week. Mr. Thompson stated that Valley millwork operated 7 a.m. - 4:30 p.m., 7 days per week.

There will not be any work done exterior to the building. The showroom will have household goods that he has recovered from the abandoned homes.

Mike Gable inquired if the gravel drive will be used. Mr. Thompson stated the driveway was chained to keep people from cutting in or out and they will not use that driveway for commercial purposes. It can easily be blocked or only used for emergencies.

Mike Gable asked for possible mitigation for blind fence. Mickey Thompson said they would comply with any request.

Michael Gaul inquired if the businesses would have separate bathrooms and separate parking. Mr. Thompson said they would. They will have parking provided for both uses, and can meet the parking requirements as outlined in the Zoning Ordinance.

Mr. Thompson said there will not be any vehicle storage outside. Any vehicle storage will be inside.

It was confirmed that no other use can occupy these properties without being the same or very similar to the uses in question.

The motion to close testimony was moved by Mike Gable and seconded by Michael Gaul. The motion carried unanimously.

The Board discussed that they want them to keep the site as clean as possible and add buffering.

On the premise that Mr. Chupella is not operating on this property, Mickey Thompson suggested to stay the revocation of the Use and Occupancy Certificate with the condition that the site plan would be submitted within 30 days. Upon approval of the site plan and Mr. Chupella obtaining his proper paperwork, then the enforcement would go back into effect. Discussion followed.

Michael Gaul made a motion to accept the continuance request of the applicant based on the township agreeing to the stay with the understanding Jeremy Chupella will not operate actively out of the building, the site plan will be filed within 30 days, the Applicant has agreed to waive the 45-day requirement to render a decision with a new deadline of 60 days. Mike Gable seconded the motion. The motion carried unanimously.

Mike Gable made a motion to allow for two principal uses with the following conditions:

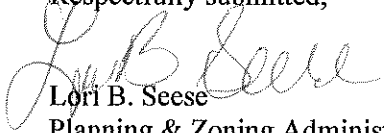
1. Time of operation: Open to the public 9-5, 6 days per week for retail sales. Any activity on the 7th day must be inside and no deliveries on the 7th day. Any activity on the 7th day cannot be noticeable from the property line (seen or heard).
2. A site plan must be submitted, showing buffering in the side yard and rear yard areas, providing what goes in the buffer is per the Zoning Ordinance.
3. They shall discontinue any use of the rear entrance and use the rear entrance for emergency use only.
4. The Applicant shall comply with all requirements for Use and Occupancy and the Building Code.
5. Any vehicle not registered through an appropriate agency shall not be stored outside.

Discussion came up regarding the proposed hours of operation.

Mike Gaul seconded the motion. The motion carried unanimously.

The meeting adjourned at 8:34 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.***