



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

Steven Nordahl, Chairman
Michael Gaul, Vice Chairman
Brian Fenstermaker, Board Member
David McGinnis, Alternate
Roberto Reyes, Alternate

April Cordts, Esq., Solicitor

Zoning Hearing Board Minutes August 26, 2025

Chairman Steven Nordahl called the meeting to order at 6:30 p.m. Board Member Mike Gaul; Alternates David McGinnis and Roberto Reyes, Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance. Board Member Brian Fenstermaker was not present.

APPROVAL OF THE AGENDA

Steve Nordahl noted due to the continuance of one of the hearings, we need to add an Item "Correspondence" to the Agenda. The Hyperion Capital Management Hearing will be moved to this Item. Approval of the agenda as amended was moved by Michael Gaul and seconded by Roberto Reyes. The motion carried unanimously.

MINUTES

Approval of the June 10, 2025 minutes was moved by Michael Gaul and seconded by Roberto Reyes. The motion carried unanimously.

CORRESPONDENCE

ZA2025-04, Hyperion Capital Management, LLC

Due to a request for a continuance by the Township Solicitor, this hearing is continued to September 9, 2025, 6:30 p.m. Steve Nordahl read correspondence from Attorney Gary Asteak dated August 15, 2025 and an email from Attorney Ronald Reybitz, dated August 25, 2025. The motion to enter into these documents into the record and approve the continuance was moved by Michael Gaul and seconded by Roberto Reyes. The motion carried unanimously.

HEARINGS

ZA2025-05, Mitchell D. Mogilski, Jr.

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Mitchell Mogilski, Applicant

The Township Zoning File was entered as **Exhibit Z-1**.

Mr. Mogilski stated his request to install a pole building to protect his belongings. Maintenance of the property is very important to him. He has several vehicles, trailers, lawn equipment, and recreational vehicles. He wants to protect and prevent potential theft of personal assets from sitting around in his yard.

Mr. Mogilski stated he is limited to 1000 s.f. due to the lot size. He needs a building with more area to store the vehicles.

Steve Nordahl inquired about the proposed 25 feet building height and the height of principal structure. Mr. Mogilski said he submitted a request regarding the height of the primary structure and has not received an answer. He feels he may need 4 feet over the permitted 25 feet.

Lori Seese provided a copy of the Northampton County Public Records “ncpub.org” print summary for this property, 4318 Christian Springs Road as **Exhibit Z-2**.

Lori Seese noted existence of a storage trailer onsite without a permit. This trailer must be removed.

Lori Seese presented **Exhibit Z-3**, an Accessory Building Comparison chart which compared the various accessory buildings outlined in Mr. Mogilski’s application.

Mike Gaul noted that the previous property owner deliberately made the lot smaller. Mr. Mogilski is not in a position to say that if his lot was larger, he would be entitled to a larger building.

John Walker, 4300 Christian Springs Road was present. He is the previous owner . He and his wife wanted to have a twenty-acre property. They purchased land from the Betz’s. They had a subdivision plan. Mr. Walker stated Mitch is a good neighbor and takes good care of his property. Mr. Walker provided a letter of support to the Board signed by John and Tracey Walker. **Exhibit A-1**.

George Frack, 4311 Christian Springs Road, lives across the street. Mitch is a good neighbor and maintains his property. Mr. Frack spoke in favor of Mr. Mogilski.

Mike Gaul pointed out that Mr. Mogilski could sell his property and someone else may not be as tidy as Mr. Mogilski.

Jason Jones, 4323 Christian Springs Road, present to support Mr. Mogilski.

Marie Cunningham, 4315 Christian Springs Road stated she has known Mitch for a while. She knows he will build something to complement his house.

Mike Gaul inquired if any of the neighbors had any particular criteria they may be concerned about i.e. aesthetics, no business, powered, whether it is lit, etc. Steve Nordahl touched on the building height. Mr. Mogilski did not seek relief for the building height; therefore, he is restricted to height of his dwelling. Mr. Mogilski must seek additional relief if he wants the building to be taller. Lori Seese commented there should be no business operation and that the storage building has to be removed.

Steve Nordahl inquired about stormwater management. Mr. Mogilski stated that it would be addressed at the engineering phase of the project.

Board Deliberation

Michael Gaul made a motion to go into executive session at 7:29 p.m. Robert Reyes seconded the motion. The motion carried unanimously. The Board returned at 7:46 p.m.

Motion by the Board

Michael Gaul made a motion to grant a variance from Article 5, Section 503.3.B(2), Maximum total floor area of all accessory buildings to allow a 2400 s.f. outbuilding with the following conditions:

1. Provided it is only used for residential purposes.
2. The building cannot be used by anyone other than the property owner.
3. The building cannot be taller than the dwelling, subject to the Zoning Administrator's determination.
4. There cannot be any other temporary buildings on the property, and the trailer must be removed.
5. There cannot be any power, water or sewer to the building; and
6. Finally, the approval is based upon the testimony presented.

The motion was seconded by Roberto Reyes and carried unanimously.

ZA2025-06, Keith M. Baltz

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Keith Baltz, Applicant

Mr. Baltz runs a small accounting practice. He just moved into the neighborhood. He is currently running his business out of his former property in Nazareth. He has no employees. He has additional (2) cars spaces in the driveway which he can provide for clients. The room where he will meet clients is the former dining room and is only 6.5% of the house. There is a ½ bath down the hall which clients may use when they visit. He has under 300 clients of which 26% are relatives. He has clients which he visits in their home. He has some clients who he interacts with online.

His busiest time of the year is February to April 15th. On his busiest day he may have ±10 people visit the house. After April 15, he may have only 1 visitor per month. Mr. Baltz tends to visit his commercial customers to collect their work and take it home.

The proposed drop box would be close to the house protected from the weather. At his old house the drop box is on the side porch.

Mr. Baltz has never had a complaint from any of his neighbors. He has done accounting work for his neighbors.

Lori Seese reviewed a photograph with Mr. Baltz which showed cars parked on the street and in his driveway. Mr. Baltz identified the cars as belonging to his future step-children, his fiancé, and himself.

Mr. Baltz's clients would visit 9-4, Monday-Friday. No weekend appointments.

Clients would park in the driveway. The previous owner had a basketball hoop where he will allow parking for clients.

Mike Gaul said if they would approve the request he would not be in favor of exterior signs.

Mr. Baltz said he would provide directions to his clients by letter for parking and the drop box.

Joseph Marchioni, 488 Magnolia Lane, chose the neighborhood for its appearance. Only moved in within the past year. He is against the request.

Tony Biancamano, 491 Magnolia Lane, described the residential neighborhood. The people that travel the roads are people that live there. Very concerned about the additional cars on the street. They already have a lot of cars parked on the street. Concerned about the potential real estate impact.

Ann Marie Ball, 4561 Fir Drive, not in favor of the application due to traffic in the neighborhood.

Joseph Brune, 4586 Fir Drive met Mr. Baltz personally. He has reservations about a business on the street. He has mixed emotions.

Frank DeRosa, 4568 Fir Drive - Concerned about a precedent being set.

Keith Baltz responded to the number of cars concern. Two of the cars will be garage kept once he finishes unpacking. His older step-children are in high school and college. Their cars will not be on the property all the time. In addition, he and his fiancé watch their grandchildren so there has been additional cars visiting when they babysit.

Returned at 8:25 p.m.

Board Deliberation

Motion to close testimony and go into Executive Session at 8:13 p.m. was moved by Michael Gaul and seconded by Roberto Reyes. The motion carried unanimously. The Board returned at 8:25 p.m.

Motion by the Board

Michael Gaul stated they've heard what the neighbors have said. The Board of Supervisors determines the Zoning Ordinance. The approval the Applicant is seeking is a Special Exception which is subject to certain standards. A Home Occupation is in keeping with the Zoning Ordinance. Michael Gaul asked the neighbors if they had any questions about conditions. He noted that the Township's rules for home occupation are very strict. Mike Gaul read the specific requirements for a home occupation.

A professional office is specifically permitted as a Special Exception Use.

Ann Ball inquired about the drop box. Michael Gaul stated that one of their requirements would be that the box must be on the property in a less conspicuous location. Should be at the end of the driveway. More discussion about the drop box followed.

Joe Marchioni stated it affects the reputation of his neighborhood.

Mr. Baltz stated that his business is not on Google. Roberto Reyes commented there are a lot of businesses that show up on Google that they neighbors may not be aware of.

Joseph Brune requested that Mr. Baltz give specific requirements to his clients that they park in the driveway. The Board agreed to that condition.

April asked that a photograph be marked indicating where the drop box must be located and made part of the record.

Michael Gaul made the following motion:

Special Exception for a home occupation be granted with the following conditions:

1. The hours he may be open to the public are limited to 9 a.m. – 4 p.m. Monday – Friday, with no weekend hours;
2. Mr. Baltz will have no employees;
3. No signs regarding the business, external or through a window;
4. The drop box must be placed on the side of the garage next to fenced in area so it is not visible from the street;

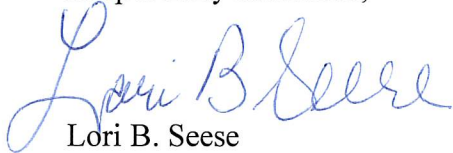
5. The driveway must be kept open for client's use and clients must be notified by Mr. Baltz to only use the driveway;
6. The garage shall be kept in condition available for vehicle use to mitigate need for parking on the street; and
7. Finally, the business shall be operated in accordance with standards in Zoning Ordinance except as limited in these conditions.

The motion was seconded by Roberto Reyes and carried unanimously.

ADJOURNMENT

The motion to adjourn the meeting at 8:42 p.m. was moved by Michael Gaul and seconded by Roberto Reyes. The motion carried unanimously.

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.***