



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

Manouel Changalis, Chairman
Steven Nordahl, Vice Chairman
Michael Gaul, Board Member
Brian Fenstermaker, Alternate

Zoning Hearing Board Minutes March 29, 2021

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Board Members Mike Gaul and Steven Nordahl; Alternate, Brian Fenstermaker, Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance.

MINUTES

Lori Seese advised that the March 23, 2021 Hearing Minutes are incomplete and will be presented for approval at the April 6, 2021 Continuance for the same matter.

HEARINGS

ZA2021-02 – Faust Family Limited Partnership No. 6

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Attorney Tim Charlesworth; Applicants, Troy Faust and James Faust; Engineer, Michael Preston.

Mr. Preston announced the withdrawal of relief requested for Article 7, Section 707.M.2.a.

Troy Faust provided testimony. Barn buildings will be used as storage after construction of the apartment buildings.

Engineer Michael Preston, Ott Consulting, provided testimony. Applicant's Exhibit A-1, Site Plan, as submitted with the application, was referenced for testimony.

Mr. Preston provided testimony regarding Section 707.E.4.b., Maximum Density. The total acreage of the property is 11.6 acres, 88 units, slightly over 8 units per acre. Total acreage is the same as gross acreage.

Discussion followed regarding net density vs. gross density. Mr. Preston noted additional right-of-way may be required by PADOT. If PADOT requires this additional ROW, it would further decrease the total acreage of the property.

Michael Gaul and Manny Changalis agreed that gross density can be used for density of acreage and density. Steve Nordahl stated concerns about whether utilities would require additional widening.

The motion to interpret that gross density means gross acreage as it pertains to the density of the project was moved by Michael Gaul and seconded by Steve Nordahl. The motion carried unanimously. Lori Seese confirmed that the interpretation was pertinent to the density only and it was confirmed by the Board.

Interpretation or a Variance from Section 707.AA.3, Streetscape

Driveway Access was discussed next. Based upon the definitions of accessway and street, it was suggested Section 707.AA.3 does not apply. Michael Preston showed the access to the property. Discussion followed regarding the definitions and the need for sidewalks.

Steve Nordahl stated a concern for mobility for the residents around the building. They need consistent paths to get where they need to go. There are some conflicts with traffic circulation. There should be more sidewalks to give different types of people the ability to move around the property. Steve does not see where they are exempt from the requirement to provide sidewalk. Steve stated concern for the width of the road, which is very close for a FedEx truck and a vehicle to pass each other.

Attorney Tim Charlesworth stated that Mr. Nordahl's concerns are planning concerns not zoning. Steve stated his opinion is that this is a "street". Mr. Charlesworth asked for the Board's opinion that this is not a street.

Mike Gaul stated that it is his opinion that this is an accessway, not a public or private street.

Mike Gaul believes that there should be internal sidewalks - it is an isolated piece of land. There are parking access points without clarity how residents will get to those spots.

Troy Faust stated that parking for the residents of the community will be under the building. The exterior parking will be for guests. They are providing the walking path to keep the residents off the accessway.

Parking spaces provided for the development was discussed.

Steve stated there is not guarantee that these people will not want to go one way or another, or even ride a bicycle.

Mike Gaul asked how someone living in Building A will get to the walking trail. Michael Preston noted a person would have to walk on the access drive to get to the walking trail.

Manny asked about the width of Mary Court which is 24 feet. Lori Seese noted that the Fire Chief has required in his review letter that the accessway on the property must be consistently 24 feet wide throughout.

The motion to interpret that Mary Court is a private access drive was moved by Michael Gaul and seconded by Steven Nordahl. The motion carried unanimously.

Article 17, Off-Street Parking and Loading, Section 1703.A.7, Design Standards for Off-Street Parking, Defined Traffic Ways

Sidewalk will be provided along the front of the buildings and curbing provide along the other side of Mary Court.

Exhibits were presented of the Giant parking lot and Township Park at Newburg Road to demonstrate there were no adverse conditions by not providing landscape islands or curbs.

Exhibit A-3 Conceptual Grading Plan was presented. The design intention is to provide better sheet flow. By not having curb around the exterior of the lots, it allows the rainwater to flow off the parking lot and into the pond.

Steve inquired about the conditions during a heavy thunderstorm. Lori Seese inquired about the intentions to install a guard rail to protect walkers from an errant driver.

Brian inquired about whether Northampton County Conservation District commented on the stormwater.

There was a 10-minute break at 8:06 p.m. The hearing resumed at 8:12 p.m.

Discussion followed about barriers in lieu of curbs. Troy Faust showed the Board where they would propose to install wooden barricade. If the overflow parking is required, they would install the guard rail behind those parking lots as well.

Manny inquired if anyone from the audience would like to make any comments. There were no questions.

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

A motion was made by Manny Changalis to grant a variance based upon the testimony and the exhibits provided, allowing that exterior curbing does not need to be installed, where there is parking along the detention pond, a guiderail shall be provided, and when the future parking is installed, a guard rail shall be installed along that parking area as well.

Steve Nordahl stated concerns for someone entering the detention pond if there is no guiderail or fence. Discussion followed regarding the need for guiderail between the accessway and detention pond, the requested relief, and the ordinance requirements.

The motion was seconded by Steve Nordahl. The motion carried unanimously.

The meeting adjourned at 8:35 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.***