



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

623 MUNICIPAL DRIVE
NAZARETH, PA 18064
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Zoning Hearing Board

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

April Cordts, Esq., Solicitor

Zoning Hearing Board Minutes June 27, 2023

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

APPROVAL OF AGENDA

The motion to approve the agenda as posted was moved by Mike Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

MINUTES

The motion to approve of the May 23, 2023, minutes was moved by Brian Fenstermaker and seconded by Mike Gaul. Brian Fenstermaker and Steve Nordahl voted aye. Mike Gaul abstained. The motion carried.

CORRESPONDENCE

Daniel DalMaso, Zoning Appeal ZA2023-03 – Steve Nordahl noted receipt of a Stipulation between Lower Nazareth Township and Daniel DalMaso, Applicant. The stipulation was read into the record. The Zoning Hearing Board voted to adopt the stipulation. Motion made by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

HEARINGS

ZA2023-10, T&S Development Company

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Steven Goudsouzian, Esq., Steven Selvaggio, Applicant, and Daniel Witczak, P.E.

Daniel Witczak provided testimony. The project is a proposed office building on the northern parcel with self-storage facility on the southern parcel. Exhibits A and B were submitted. Exhibit C was submitted – Lori Seese's February 13, 2023, letter. Exhibit D, Lori Seese's June 7, 2023, letter. Clarification was made that the proposed of the property would be an 30,000 s.f. office building, two stories, to be used by Selvaggio Enterprises. They will store equipment and materials with no retail use or showroom. No wholesale sales. They will have outdoor storage. Exhibit E, a map of the site was submitted. Tractor trailer traffic was discussed.

Steve Nordahl stated concern about truck restrictions on Country Club Road. Daniel Witczak stated they would comply with any existing truck restrictions. Steve inquired about where they post signs advertising the location. Steve stated concern about the dwelling on the adjoining lot.

Robert Hoyer, 365 Country Club Road inquired about the description of the business. Daniel Witczak stated the plumbing supplies would be stored inside the office. There would be some outdoor storage.

Robert Hoyer asked about the excavating business. Mr. Witczak said the employees would go from job site to job site with their equipment.

Robert Hoyer inquired about the property proposed for the self-storage use. Daniel Witczak stated there is no intention to sell the land; however, they are looking for a possible use for the property in the event Mr. Selvaggio does not need both lots. Mr. Hoyer stated a concern about the traffic generation for the self-storage facility.

Attorney Asteak entered his appearance to the Zoning Hearing Board on behalf of Lower Nazareth Township. Attorney Asteak submitted a letter dated June 27, 2023 (Township Exhibit T-1).

Attorney Asteak asked Mr. Witczak to verify the number of tractor trailers per week. Mr. Witczak deferred to Steve Selvaggio. Gary asked if they would agree to buffer the use by planting screen and fencing the western property line. Gary confirmed the use will be an electrical, plumbing and excavating business.

Beverly Hoyer, 365 Country Club Road, clarified the portions of the adjoining properties which are and are not preserved. Mr. Selvaggio agreed to the screening.

Beverly Hoyer stated concern for the (40) cars using Northwood Avenue and the existing width of the road.

Mr. Witczak stated the maintenance area in the area in the back will be paved. Mrs. Hoyer stated concern for any deposit of oils or chemicals used during vehicle maintenance. Mr. Witczak described the requirements of land development and environmental compliance which will control those activities.

Steven Selvaggio provided testimony. The businesses entities operating from the site will be Selvaggio Excavating, and Selvaggio Plumbing and Heating. Mr. Selvaggio stated employees start around 7 a.m. Many go directly to the job site. Equipment would stay at the site until they would go to the next project. Bulk supplies for plumbing or excavation would come in by tractor trailer, 1-2 times per week on average. Many times, materials are delivered to the jobsite to avoid handling twice. The office and job site shuts down at approximately 5 p.m.

Steve Nordahl confirmed there would be some heavy equipment stored on site at times. Mr. Selvaggio stated repairs will be made internally or off-site. Fuel delivery may be stored on-site. No soil or gravel would be stored on-site – mostly pipe.

Mr. Selvaggio said their vehicles are 14-foot cube vans. The facility will be fenced in with security lighting. They will comply with the Zoning Ordinance lighting requirements. They will make sure there is no light spillover.

The hours of operation were discussed. Monday-Friday, some Saturdays, for purposes of the use; however, do not normally work Sat.

April Cordts stated concern for any errant truck traffic going north on Country Club Road. Daniel Witczak stated most of his vehicles can maneuver the intersection. April asked about any plans for signs. Discussion followed regarding traffic direction.

Robert Hoyer asked if they could confirm the property will not look like the lot next to the township property at 623 Municipal Drive. Discussion about screening and fencing.

Discussion about truck traffic. Steve Selvaggio said some weeks he will have two trucks, no trucks, or more than two trucks. Attorney Asteak suggested if Mr. Selvaggio would be willing to provide roadway or paving repairs the Township would be glad to remove that condition as stated in Exhibit T-1.

Lori Seese confirmed that a traffic study will be required for this use. Lori also confirmed that it is Mr. Selvaggio's intention to consolidate his locations and relocate his current storage yard on Municipal Drive to the new location on Northwood Avenue.

Motion to close testimony moved by Mike Gaul and seconded by Brian Fenstermaker. The motion passed unanimously.

Motion by the Board

Michael Gaul made a motion to approve the requested variances, subject to following conditions:

1. The use is an office for an electrical, plumbing and excavation business, and storage for said business;
2. No retail or wholesale sales;
3. Traffic will be limited to employees and deliveries will be limited to business operations;
4. Outdoor storage for business and their equipment;
5. No more than (3) tractor trailer truck deliveries per week;
6. May not be used for warehouse distribution facility;
7. Screen and buffering by landscaping and fence must be provided to dampen sound to adjacent property;
8. Land development approval is required in accordance with the township's Subdivision and Land Development Ordinance;
9. General Business operations will be Monday – Saturday, 7 a.m. – 5 p.m.;
10. Lighting design and function to not face north or west directions;
11. In accordance with application, testimony, and compliance with all local rules and regulations;
12. The property will be fenced and gated.

The motion was seconded by Brian Fenstermaker and carried unanimously.

ZA2023-11, JLLH Associates, Ltd.

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: David Lear, Lehigh Engineering; Thomas Joyce, COO for Faulkner Automotive Group; Thomas Schlegel, Esq.

Attorney Schlegel noted with would be referencing the following exhibits:

Partial site plan, A-1

Rendering, A-2

Tilted Depth View, A-3

Project Site Schematic, A-4

Tom Joyce provided testimony regarding the subject property and the requirements imposed by Subaru. Two architectural features encroach into the setback. The doorway bump-out and the triangular canopy. The setback in the LI zoning district is 75 feet. The building structural walls comply with the setback. The rear of the building is on the rear property line so the building cannot be moved back. It is approximately 1% of the total building that is proposed to be within the front yard setback.

Mr. Joyce said the outdoor covered space is benefit for rain, sun and separation learned from the on-set of Covid.

David Lear, Lehigh Engineering provided testimony regarding the site and stormwater requirements, which limits locating the building on the site.

Steve Nordahl confirmed the curbing would be high enough to prevent a higher vehicle to jump the curb. Dave Lear confirmed.

The motion to close testimony was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

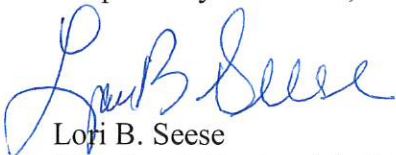
Motion by the Board

Given that the subject property is surrounded by car dealerships, the request will not affect the neighborhood; the shape of lot is unusual, and the design imposed by Subaru, the motion to grant the requested variance in accordance with application and testimony and provided they will comply with Lower Nazareth Township land use rules and regulations was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

ADJOURNMENT

Motion to adjourn at 8:15 p.m. was moved by Brian Fenstermaker and seconded by Mike Gaul. 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.***