



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

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

April Cordts, Esq., Solicitor

Zoning Hearing Board Minutes **July 25, 2023**

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

AGENDA APPROVAL

It was noted that the Applicant for the first appeal has requested to be moved to the end of the agenda. Approval of the July 25, 2023 agenda as amended was moved by Brian Fenstermaker and seconded by Manny Changelis. The motion carried unanimously.

MINUTES

Approval of the June 27, 2023 minutes was moved by Brian Fenstermaker and seconded by Manny Changelis. Manny Changelis abstained. The motion carried.

HEARINGS

ZA2023-13, GREG PROPERTIES, LLC

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Greg Kelly, Applicant and Erich Schock, Esq., Blake Zelman, AGI, Inc. (attended remotely).

Blake Zelman provided testimony relative to Exhibit A-1, Dealer Presentation Package; Exhibit A-2, Dimensional Pages, consisting of 3 sheets; Exhibit A-3, 2008 Zoning Decision; and Exhibit A-4, photos of existing sign condition, consisting of (8) pages.

Relative to the pylon sign, the total area of the new sign is 28.59 s.f. compared to the previously approved area is 22.4 s.f. In regard to the wall signs, the proposed area of the signs is well below the 10% per façade prescribed by the Zoning Ordinance; however, the cumulative area is 20.14 s.f. over the maximum 200 s.f. allowed.

The difference in the area calculation of the signs is due to a change in the corporate "Nissan" logo.

Directional sign relief of 7.84 s.f. is needed due to the 2008 Zoning Decision.

Greg Kelly, Applicant, provided testimony. Mr. Kelly is partner and operator of Kelly Nissan. Exhibit A-5, Aerial photos were submitted. The history of the property and reasons for the sign change were discussed. Exhibit A-6, Street Views was submitted.

The motion to closed testimony was moved by Manny Changalis and seconded by Brian Fenstermaker. The motion carried unanimously.

Board Deliberation

The Board was in agreement that the request is diminimus.

Motion by the Board

The motion to grant the variance as requested consistent with the testimony and exhibits was moved by Manny Changalis and seconded by Brian Fenstermaker. The motion carried unanimously.

ZA2023-14, CONSTANTINE & KATHLEEN YIALAMAS

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Constantine and Kathleen Yialamas, Applicants; Anthony Giovanni, Esq.

Kathleen Yialamas provided testimony about the proposed use. Exhibit A-1, Mrs. Yialamas's cosmetology license; Exhibit A-2, floor plan of the proposed addition; Exhibit A-3, photograph of the property in the vicinity of the proposed addition. Mrs. Yialamas explained they intend to construct an addition for her parents and include a salon for her to work part-time.

The only sign will be the 2'x2' sign as permitted by the Zoning Ordinance. Customers will visit the site by appointment only, no walk-ins. Intended hours of operation: Tuesday 10-6, Wednesday 11-7, and Thursday 9-3. Four to 8 customers per day. Customers will park in her driveway. There will be no outward change in the appearance of the dwelling. No employees on the property.

Mr. Yialamas provided testimony regarding improvements to the septic system. A holding tank will be installed relative to the salon use. The holding tank will be emptied approximately every (6) months.

David Shaw, 354 Manor Drive, inquired about the location of the proposed addition.

The motion to close testimony was moved by Brian Fenstermaker and seconded by Manny Changalis. The motion carried unanimously.

Motion by the Board

Approve with stipulation that hours are 10-7 Monday-Saturday, with scheduling to avoid overlap, minimize congestion in the neighborhood, or off-site parking issues; no employees paid or otherwise; consistent with to the testimony and exhibits was moved by Manny Changalis and seconded by Brian Fenstermaker. The motion carried unanimously.

A ten-minute break was taken at 8 p.m.

ZA2023-12, 592 NAZARETH PIKE, LLC

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Paul Harak, Esq.; Patrick Hughes, Applicant.

A-1, Deed for 594 Nazareth Pike was submitted. Mr. Hughes parents live at that address.

Mr. Hughes and his parents own 592 Nazareth Pike. Several exhibits were submitted: Exhibit A-2 is the deed for 592 Nazareth Pike. A-3, Google Earth. A-4, photographs taken at the properties.

Patrick Hughes provided testimony. Bill's Service moved into the location ±2005. They do restoration to classic and antique cars. Mr. Hughes stated Colorall, Scratch and Dent have been at that location, along with John's Auto, and Landscaper in the other bay. Amish Shed was also on-site. There was a used car lot on the lot prior to him.

Amish Shed left the location in ± 2018, and they continued the outdoor storage after Amish Marketplace moved. Mr. Hughes stated that the sheds were there when they moved in. They obtained approval for an accessory building.

Miller Brothers, a lineman contractor, store their trucks onsite and the cars of their employees. They have approximately 10 trucks.

There are approximately (5) RV's stored there at this time. There are also landscapers who store trucks. There is no retail sales.

Mr. Hughes stated they also have parts cars on the location. They have (18) sheds storing projects.

In regard to the area they use for soda blasting, they intend to close in the sides and get a filter system.

Any cars for sale are sent to Morgantown.

It was noted that there were never (2) approved uses and not continuing a non-conformity.

Lori Seese provided a summary of the history of the property and the issues that exist today.

Mr. Hughes testified that the primary business is auto restoration, mostly in the main building, and the storage sheds are not leased out.

The Board commented that the parts cars need to be put away. It looks like a junk yard.

Mr. Hughes testified he is receiving compensation for renting the parking spaces.

Lori Seese submitted Exhibit #Z-2, Google Earth and Exhibit #Z-3, pictures printed from the Applicant's website to provide a visual aid to what the lot looks like in the rear.

Mr. Hughes explained the purpose of the vehicles stored on site, being used for parts. Any parts of a car which are not used get scrapped. The amount of time until the car is removed from the property varies, weeks to months.

Steve Nordahl inquired about how they have been reclaiming the baking soda. Patrick Hughes stated the baking soda is biodegradable.

Steve asked how they are reclaiming oils. Mr. Hughes stated they give their oil to Mark's Automotive.

Steve asked if they could limit the use of the property to a single entity auto operation only and give up leasing the space to outside agencies. Mr. Hughes said they would lose a lot of money.

Steve stated he is not inclined to open the door to multiple businesses operating from the property.

Manny stated that auto restoration and storage of vehicles is part of the restoration business. Anything else is a second use. Manny said he is okay if they want to lease for storage provided it does not get out of hand.

Brian Fenstermaker stated he is not in favor of granting a variance, possibly special exception with a lot of conditions. Brian does not like the junk yard issue.

Conditions were discussed. The board discussed the issue of limiting and monitoring the uses, the quandary of the secondary storage.

There are three landscapers: Prestige Lawn care, Luxury Landscape, and Tree Guy Now; the Miller Brothers; and RV storage. There are also junk cars on the property, which are part of his inventory.

Lori Seese suggested a condition that sheds must be permitted and limited to no more sheds. The area for the parts cars must be limited to a certain area, covered, restricted access. They have approximately 17-18 sheds.

Attorney Paul Harak submitted Applicant Exhibit A-5, where he drew a blue line on Google Earth photograph September 2020.

Mr. Hughes state that shipping containers were included in the (17) count.

The Board discussed condition that all parts cars must be covered, behind the blue line, and there cannot be any car sales on the property.

The motion to close testimony was moved by Manny Changalis and seconded by Brian Fenstermaker. Applicant moved to enter the exhibits.

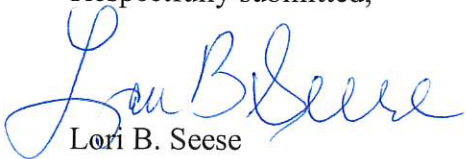
Regarding the primary auto repair use, Steve Nordahl made a motion to grant special exception approval and a variance for outdoor storage of vehicles provided there are no car sales from the property; all car parts must be covered and stored behind the building; the (18) accessory sheds must be permitted for zoning approval and stored in a location behind the building as depicted in Exhibit A-5; the soda blasting must be within a closed building, completed within 180 days from date of issuance of the Order & Opinion with no activity occurring within that structure within that time period; with the motion based upon the testimony and exhibits presented. The motion was seconded by Manny Changalis and carried unanimously.

The request for a variance from Article 14 Section 1401 is denied because the Zoning Hearing Board does not have authority to grant Conditional Use approval. The motion was moved by Steve Nordahl and seconded by Brian Fenstermaker. The motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 10:12 p.m. by motion of Brian Fenstermaker and seconded by Manny Changalis. 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.***