



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 October 24, 2023

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

APPROVAL OF AGENDA

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

MINUTES

Approval of the July 25, 2023 minutes was moved by Brian Fenstermaker and seconded by Steve Nordahl. Mike Gaul abstained. The motion carried.

HEARINGS

ZA2023-15, AHOC, LLC

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Attorney Souders, Esq. Applicant Nishali Rose, and Matthew Longenberger, Bohler Engineering.

Nashali Rose provided testimony. An RV Sales Facility was originally on the property. The medical office was constructed after the RV facility was removed. Hampton Inn opened in 2004. The land, medical office building, and hotel are owned by different companies comprised of family members. Approximately 25% of the medical building is in use. The medical office has 56 parking spaces. Hotel has 130 spaces. Easement on racquet club has 19 spaces. Those spaces never get used by either building. They want to sell the medical building but cannot sell it as the lot presently exists.

Steve Nordahl inquired about commercial vehicles occupying spaces at the hotel. Nishali stated they are for electric lineman who are guests at the hotel.

Matthew Longenberger provided testimony. The minimum lot requirement is (2) acres. They propose to subdivide the lot into 2.61 acres for the hotel and 1.26 acres for the office building. Testimony provided regarding setback requests. They are (10) parking spaces short of the Ordinance requirement.

Mike Gaul asked about utilities and stormwater. Those items will be handled under the subdivision process through planning commission and board of supervisors. Based on survey,

those services are independent on each lot. If there is a need for cross access, they will provide that during subdivision process. Stormwater basin is a regional basin which services multiple properties.

Lori Seese confirmed that any cross-access easements for utilities and stormwater management would be covered under subdivision.

The applicant agreed that the construction trailer would either be brought into compliance or removed from the property.

Roberto Reyes inquired about the possibility of parking concerns for meeting rooms if the hotel is at full occupancy.

Mike Gaul made motion to close testimony which was seconded by Brian Fenstermaker. The motion carried unanimously.

Mike Gaul wants them to have cross access easements for access to the property, they have to keep the parking easement with the adjoining property and bring the construction trailer into compliance.

Discussion followed about the easements. A copy of the cross-easement agreement was submitted as part of the record as exhibit A-1.

Motion by the Board

Mike Gaul made a motion to grant the requested variances with the following conditions:

1. Subdivision must provide 2-way access to public streets;
2. Subdivision approval thru Lower Nazareth Township is required;
3. (15) spaces held in easement continue in place for benefit of the hotel;
4. Landowner must bring the frame structure on medical office property into compliance or have it removed; and
5. Limited to the application and testimony brought today.

The motion was seconded by Brian Fenstermaker and carried unanimously.

ZA2023-16, Windrift Real Estate Associates, LLC

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Attorney Gary Brienza and David Ronca, Applicant

David Ronca provided testimony regarding the property in question and proposed project. There is a tenant in a portion of the existing building. The intention is to demolish the existing 5,000 s.f. building and construct a 20,000 s.f. building for light industrial use. There are two separate lots, both owned by Windrift, to be consolidated and construct the 20,000 s.f. building. The existing tenant is a dental appliance fabricator.

The removal of the building will remove the rear yard non-compliance. They need a variance from the front yard requirement. The variance request would be for the office portion which would be 35 feet x 50 feet.

There is a Met-Ed primary transmission crossing along the southern part of the lot. They are restricted from locating a building in that area.

Steve Nordahl inquired about building height. Dave Ronca it would comply with the zoning ordinance.

Steve Nordahl asked about the septic system. Lori Seese does not know if it has been reviewed by the Sewage Enforcement Officer.

Steven asked about expected number of employees. Mr. Ronca stated the parking is based upon the formula in the Zoning Ordinance. Roberto Reyes pointed out that based upon testimony and the Zoning Ordinance they are deficient in parking.

Dave Ronca testified he would estimate business hours to be between 7 a.m. – 4 p.m. Mr. Ronca does not anticipate deliveries outside of those hours.

Mike Gaul inquired about stormwater, and stated concern that plan does not show compliance with parking. Discussion followed that approval would be conditioned upon the fact that it is on the setback relief only and not the parking or any other representations on the plan.

David McGinnis inquired about why they chose this design and not another that would make it conforming?

Josh Sewald, P.E. employed by Dynamic Engineering provided testimony. Mr. Sewald stated they comply with most of the bulk zoning requirements. It is a uniquely shaped lot and has limitations due to the overhead power line issue.

The property will need a new septic system.

It was designed to have 15 employees, 2 spaces. No company cars.

If there would be a need to increase the parking, it would be accommodated during land development.

Steve inquired about stormwater management. Josh Sewald stated that stormwater management is provided on the southern portion of the lot.

Mike Gaul made motion to close testimony which was seconded by Brian Fenstermaker. The motion carried unanimously.

Board Deliberation

Requirement is 75 feet for front yard. Rear yard non-compliance will be removed with building demolition.

Mike Gaul reluctant with the lack of specificity for the user; however, it is in keeping with the neighborhood.

Motion by the Board

Mike Gaul made a motion to grant the 35-foot variance limited to the 50-foot-wide shape of the building as depicted on Sheet 2 of the Zoning Site Plan;

Limited to application and testimony provided;

Approving no other features of the plan other than the specific variance requested, and

If the building changes significantly, it renders the relief null and void except as otherwise allowed by the Zoning Ordinance.

Dave Ronca wants the ability to make some adjustments to the rest of the building. Mike Gaul said the size and location can be changed; however, the relief is granted to the shape of the building as presented.

Mike Gaul restated the motion to grant a variance of 35 feet into the front yard setback for a distance of 50 feet as depicted on Plan Sheet 2 of the Site Plan included with the application further limited by the testimony of the applicant;

Operation hours limited to Monday-Friday, 7:00 a.m.- 4:00 p.m., with no deliveries outside those hours;

The landowner will remove the current non-compliance existing on the property; and

No approval is given for any other feature submitted including parking on the site.

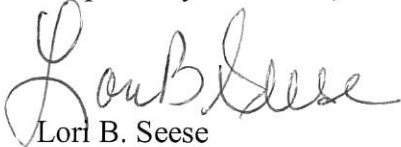
The motion was seconded by Brian Fenstermaker and carried unanimously.

There were no comments under **COURTESY OF THE FLOOR.**

ADJOURNMENT

The meeting adjourned at 8:33 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.***