



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 May 14, 2024

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

Lower Nazareth Township Solicitor Gary Asteak was present on behalf of the Township.

APPROVAL OF THE AGENDA

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

MINUTES

Approval of the April 30, 2024 minutes is deferred to the May 28, 2024 meeting. Brian Fenstermaker motion and seconded by David McGinnis.

HEARINGS

ZA2024-01, Blue Moon Squire

The advertisement for the hearing was read aloud. No one was present for the applicant. The Board opened the hearing at approximately 6:35 p.m. Lori Seese provided a brief overview of communication with Attorney Scott Lipson to date. Attorney Lipson contacted Lori Seese at 6:43 p.m. notifying them they were on their way. The Board recessed until the Applicant arrived. Attorney Lipson arrived at 6:50 p.m. They were late due to a misunderstanding about the hearing time. The hearing announcement was read again.

Glen Chookolingo, General Manager of Taj Auto Mall and Star Auto Mall provided testimony about the history of their use. They have not received any complaints about the trucks using the property. The parking lot has normal dealership lights on the lot. The trucks are owned by independent contractors storing their trucks due to convenience. No repairs are performed on the truck storage. No disruption to the auto dealership use. They had approximately 15 trucks onsite when they first received the NOV. They now have 8-10 trucks using the lot. They do not believe it has a negative effect on the neighborhood, public welfare, etc. There is no loading or unloading on the lot. Request the trucks to park on the lot as they have been.

Steve Nordahl inquired about truck activity and cargo in the trucks. Glen stated the trucks come and go any time of the day, and he believes the trailers are empty. Steve stated a concern because the Applicant does not know if anything is being stored on this property.

Steve stated a concern about the Monocacy Creek proximity and potential of creek flooding. Glen stated he does not know if his lot has ever flooded.

Steve asked if Glen was aware that there are residential properties to the rear on Old Nazareth Pike. Glen stated they thought the houses were further away and they wouldn't hear anything.

Brian Fenstermaker inquired if they had any other hardship other than the economic hardship? The Applicant stated they did not.

Steve Nordahl commented that an Enforcement Notice was issued, has been ongoing and now they want relief. Steve asked what they were doing to mitigate that problem.

Attorney Lipson stated that if the variance request is denied, the trucks will be removed.

Gary Asteak, Lower Nazareth Township Solicitor cross-examined Glen Chookolingo.

Attorney Asteak inquired if he was aware that other car sales are up 12% across the nation.

Attorney Asteak asked how much their tenants pay to lease the spots for truck parking. Glen did not know. Mr. Asteak asked if he doesn't know the financials then how can he speak about it being an economic hardship.

Attorney Asteak asked how many cars they can fit on the lot. Glen stated they could fit approximately 400 cars; however, there were less than 100 cars presently onsite. Gary pointed out that the more cars they have on-site to sell the better their profits.

Glen admitted he did not read the Zoning Ordinance at the time he commenced this use. He didn't know he couldn't do this.

Attorney Constantine Vasiliadis appeared on behalf of the Estate for 151 Nazareth Pike.

Attorney Vasiliadis confirmed with Glen Chookolingo that there is nothing about the lot which caused the economic conditions they are speaking about.

Attorney Vasiliadis questioned the Applicant about how trucks access the property.

David McGinnis inquired about which parts of the lot are paved vs. gravel. The front is paved, and the back is gravel. The trucks park in the gravel area.

Frank Scattene provided testimony on behalf of the Estate for 151 Nazareth Pike. Mr. Scattene grew up at 151 Nazareth Pike. Mr. Scattene related that a truck got stuck going into the second entrance. He had to contact the police. Last week, a truck went over the curb trying to enter the site.

Frank Scattene stated concerns about the value of the estate.

Steve Nordahl asked about noise and the time when the trucks are going in and out of the property.

Frank Scattene stated concern about the visual pollution going forward. There was flooding in 2014. Frank Scattene stated all the lighting is in the front.

Attorney Asteak introduced Township Exhibits T-1 through T-6.

The motion to close testimony was moved by Steve Nordahl and seconded by Brian Fenstermaker. The motion carried unanimously.

Board Deliberation

Steve Nordahl outlined his concerns: environmental, lighting, and economic impacts.

Brian Fenstermaker stated the hardship was clearly economic and not related to the zoning of the property.

David McGinnis stated this is an auto sales and introduction of the trucking use is dangerous. Also stated concern about environmental issues.

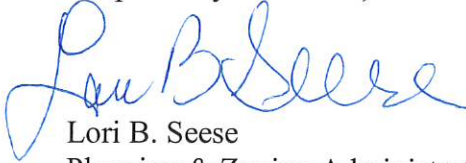
Motion by the Board

The motion to deny the requested variances as submitted was moved David McGinnis and seconded by Brian Fenstermaker. The motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:38 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.***