



# LOWER NAZARETH TOWNSHIP

## ZONING HEARING BOARD

623 MUNICIPAL DRIVE  
NAZARETH, PA 18064  
TELEPHONE: 610-759-7434  
FAX: 610-746-3317

### **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**

### **April 22, 2025**

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.

Court Stenographer: Paige LaBar

### **APPROVAL OF THE AGENDA**

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

### **MINUTES**

January 28, 2025 - Steve Nordahl noted a correction. On the 2<sup>nd</sup> page last paragraph, Steve noted a change to who moved and seconded the motion. The change should reflect the motion moved by David McGinnis and seconded by Roberto Reyes. The motion to approve the January 28, 2025 minutes as corrected was moved by David McGinnis and seconded by Roberto Reyes. Brian Fenstermaker abstained. The motion carried.

January 30, 2025 - Steve Nordahl noted a correction. Second Page, first paragraph, Steve suggested adding language stating that Mr. Peterson was in attendance due to a subpoena by the Zoning Hearing Board. Approval of the January 30, 2025 minutes as corrected was moved by David McGinnis and seconded by Roberto Reyes. Brian Fenstermaker and Mike Gaul abstained. The motion carried.

### **CORRESPONDENCE**

#### **Zoning Appeal ZA2025-02, SIND, LLC**

The February 21, 2025 letter from Attorney John VanLuvanee was read into the record. The letter requested a continuance through April 11, 2025, and waived the MPC hearing requirements.

The April 10, 2025 letter from Attorney John VanLuvanee was read into the record. The letter requested a continuance through June 15, 2025, and waived the MPC hearing requirements.

The motion to accept both pieces of correspondence from Attorney VanLuvanee was moved by Steve Nordahl and seconded by Michael Gaul. The motion carried unanimously.

### **HEARING**

#### **ZA2023-03 – Nazareth Nest, LLC**

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Justin Huratiak, Applicant

Neighbors Joshua Nemeth, 738 Nazareth Pike and Hillary Taylor, 741 Nazareth Pike were present in opposition to the application.

The motion to grant standing was moved by Mike Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

Applicant Justin Huratiak, Nazareth Nest, LLC provided testimony. Justin stated he is looking for approval of the occupied space to be 35 feet and allow a variance for the pitched roof line. Justin stated they can comply with the Zoning Ordinance limitation of 35 feet with a flat roof; however, that architectural image would not be consistent with architecture throughout the community.

Justin stated the apartment buildings would have (3) stories and there would not be any occupied, habitable space above 35 feet. There would not be any storage above the 3<sup>rd</sup> floor. It will be unconditioned space.

Justin stated he is asking for 48 feet because they have not determined the top of roof. Justin believes they can achieve 45 feet; however, he does not want box themselves in if they have an issue with grade.

The dormers are decorative. They do not get built into the units. They are blacked out.

There will not be any HVAC units on the roof. The HVAC units are through the wall units. Common condensing units are first floor.

Hillary Taylor, 741 Nazareth Pike questioned the reason for discussing the living height versus the building height.

Justin Huratiak and Lori Seese explained the previous approval allowed for a taller building.

Steve Nordahl inquired about the existing slope and how it would look from the road. Justin Huratiak stated that the road does have a natural downslope.

Mike Gaul agrees with the thought process that the pitched roof is in keeping with the neighborhood. Brian Fenstermaker agreed.

Joshua Nemeth 738 Nazareth Pike inquired about the number of units and complained about the introduction of apartments and the increase in traffic.

The exhibits included with the application were discussed.

Josh Nemeth commented on the visual of an apartment next to a single-family dwelling. Justin Huratiak shared a phone picture of Mr. Nemeth's house. Josh Nemeth stated his objection to the variance.

Justin Huratiak stated his hardship is what he believes is an oversight in the Zoning Ordinance. The previous 55+ apartment project was approved at 58 feet. Mr. Huratiak's hardship is the new Zoning Ordinance change. Mr. Huratiak commented on the premium paid for the property.

Justin commented that the building height in Lower Nazareth Township is 35 feet in general and reiterated his belief that the height allowance for apartments is an oversight.

Mike Gaul stated that with a neighbor objecting the Zoning Hearing Board needs to strictly follow the rules. The Board understands there is an approved plan where the building could be 58 feet high. Mr. Gaul stated he knows there is some flexibility with a dimensional variance; however, the Zoning Hearing Board needs to hear more information.

Justin Huratiak again pitched his idea that the asterisk on the T-6 Quickview was an oversight and there should have been another height allowance for apartments.

Lori Seese explained the planning process involved in amending the Zoning Ordinance and the 35-foot height limitation was not an oversight. The intention was to maintain the average building height throughout the township and when someone wanted a taller building, they must seek relief.

Mike Gaul agreed that it is a better look; however, the relief needs to go by the book.

Neighbors Joshua Nemeth and Hillary Taylor both agreed that a peaked roof is preferred over the flat roof.

Hillary Taylor inquired about trees and a berm. Justin Huratiak explained the project will have a berm and trees. The landscaping plan was brought up on the Meeting Room monitor. Justin described the proposed landscaping on the site.

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

Michael Gaul made a motion to move into an executive session which was seconded by David McGinnis. The motion carried unanimously. Deliberations began at 7:45 p.m.

The Zoning Hearing Board returned at 7:58 p.m.

#### Motion by the Board

Michael Gaul made motion to grant the requested relief of 48 feet consistent with application, testimony, and exhibits presented, in particular pages 4 through 8 of Applicant's Exhibit A, which are renderings showing what the structure will look like and showing the lack of any structures, along with the following comments and conditions:

1. The Board of Supervisors must grant Conditional Use approval.
2. There shall be no equipment or structures added to the roof beyond what was depicted in the application. Additional relief must be sought to add equipment or structures to the roof.
3. Based on the neighbor's comments, a pitched roof is preferred to a flat roof.

The motion was seconded by Brian Fenstermaker and carried unanimously.

#### ADJOURNMENT

The motion to adjourn at 8:01 p.m. was moved by Mike Gaul and seconded by Brian Fenstermaker.

Respectfully submitted,

Lori B. Seese  
Planning & Zoning Administrator

/lbs

***\* Note: These minutes are only a brief summation of the actual hearing. A court stenographer attends all Zoning Hearing Board hearings. All hearing transcripts must be purchased directly from the stenographer of record.***