



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 February 24, 2026

Chairman Steven Nordahl called the meeting to order at 6:30 p.m. Board Member Mike Gaul; Alternates David McGinnis and Roberto Reyes, Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance. Board Member Brian Fenstermaker was not present. Stenographer was Paige Labar. Attorney Gary Asteak was present on behalf of the Township.

APPROVAL OF THE AGENDA

Approval of the agenda as corrected to February 24, 2026 was moved by Michael Gaul and seconded by David McGinnis. The motion carried unanimously.

MINUTES

Approval of the January 27, 2026 minutes was moved by Michael Gaul and seconded by Roberto Reyes. The motion carried unanimously.

HEARINGS

ZA2025-08 – Windrift Real Estate Associates, LLC - Continuation

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Applicant, David Ronca; Attorney John VanLuvanee, Engineer, Steven Walsh.

David Ronca provided testimony. Lower Nazareth Commercial Park was developed by Mr. Ronca's father. Windrift Real Estate owns all parcels within the development except for the animal hospital.

Exhibit A-1 – Google Earth photograph of the commercial park. The property in question is approximately 2 acres. Met-Ed power line traverses the property which limits the buildable area.

Exhibit A-2 – ZA2023-16 Order & Opinion. Development proposal for a 22k s.f. building. Zoning district at that time was LI.

The zoning district changed in December 2023 to TD-9 with adoption of Lower Nazareth Zoning Ordinance.

An application for land development was submitted in June 2025, similar to the land development approved under Zoning Appeal ZA2023-16. Exhibit A-4 is Lori Seese's land development review letter.

The reason they needed relief is because they were exploring several different building configurations. They need to be sure if they change the building configuration they would still be guaranteed the relief. The third relief request is related to the dumpster location.

Exhibit A-3 was presented, Subdivision and Land Development Application.

Conditional Use approval is pending upon zoning relief being granted. They do not have an end user for the building at this time.

Property is not connected to sanitary sewer and sanitary sewer service is not available. There is a holding tank on the site. The Zoning Ordinance requires connection to public sewer.

An on-lot septic system is proposed. The closest sanitary sewer is owned by Bethlehem Township, approximately 1400 feet south of Mikron Road/Route 191 intersection.

Exhibit A-6, existing Holding Tank Agreement was entered into the record.

Mr. Ronca stated they would agree to connect when sanitary sewer is available to the property.

Under cross examination by Attorney Asteak, David Ronca testified that the roads in the commercial park were constructed with dry sewers with anticipation that sewer would come to their development in the future.

Mr. Ronca also testified that the township would not accept the road and lines without confirmation that they were installed to township standards (approximately 2021). An engineering study was provided certifying the roads were acceptable for use.

David McGinnis inquired where the dry sewer lines terminate. Mr. Ronca confirmed it ends at the loop.

Roberto Reyes inquired how Mr. Ronca would know the septic system would be sufficient if he doesn't know who the end user is. Engineer Walsh would provide testimony to that question.

Steven Walsh, Dynamic Engineering, provided testimony.

Exhibit A-5 – Copy of plan submitted with the application. Steve described the subject property and improvements.

The septic system has been designed to accommodate (15) employees, 10 gpd , maximum of 150 gpd. A primary and secondary system has been provided on site. There will not be any water processing.

Michael Gaul inquired about the holding tank. The tank must be removed as part of the agreement.

Steve Walsh does not believe the variance is necessary for the dumpster. Exhibit A-

Lori Seese provided testimony regarding the zoning ordinance and sanitary sewer requirements.

Discussion about the setback requirements and requested zoning relief.

David Ronca stated he still wants the flexibility to change the building configuration.

Attorney Asteak stated the Zoning Hearing Board can't grant a variance in the abstract. There needs to be a factual basis to determine hardship.

Michael Gaul stated that the plan submitted with the application must justify the requested relief.

Testimony continued regarding the proposal to reconfigure the building. The Applicant was told he could not be granted relief for something that might happen in the future.

Attorney Asteak stated the test for the variance is outlined in the Zoning Ordinance and they are requesting multiple choices. In regard to the sanitary sewer relief, they haven't provided any testimony to the hardship and they cannot do it.

Attorney VanLuvanee stated the township's interpretation is inconsistent with the MPC because the sewer line is an off-site improvement. Attorney VanLuvanee provided further argument.

Attorney Asteak stated Attorney VanLuvanee is conflating SALDO with Zoning Ordinance. Attorney Asteak stated the record is devoid of any evidence he has tried to connect, investigate if sewer is available, and made no request to the Board of Supervisors.

Roberto Reyes asked if the property was 1,000 feet from the connection, would they still request a variance?

Attorney VanLuvanee said they would not because they wouldn't need a variance, and then he said he might challenge the Ordinance.

Continued discussion about the SALDO and Zoning Ordinance requirements.

The motion to close testimony was moved by Michael Gaul and seconded by Roberto Reyes. The motion carried unanimously. Executive session at 8:21 p.m.

The Zoning Hearing Board returned at 8:39 p.m.

Michael Gaul stated the Board would like to see the parties file briefs and the hearing be continued to the April 28, 2026 meeting. Paige stated she could have the transcript within 3 weeks/March 13th. It was also suggested the briefs be submitted by April 1, 2026 with a decision made at the April 28, 2026 meeting. The Board would also request a time extension to May 13, 2026 to render the written final decision.

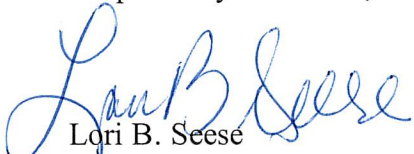
On the record, Attorney VanLuvanee granted the Board an extension to May 13, 2026 to render a written decision on the application.

Michael Gaul made the motion to continue the case to the April 28, 2026 meeting, request the parties submit briefs in support of their positions no later than April 1, 2026, and convene on April 28, 2026 to render a decision. The motion was seconded by David McGinnis. The motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 8:50 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.***