



LOWER NAZARETH TOWNSHIP ZONING HEARING BOARD

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Zoning Hearing Board
Manouel Changalis, Chairman
Michael Gable, Vice Chairman
Zachariah Cobrinik
Darin Lueders, Alternate
Robert Hicks, Alternate

Zoning Hearing Board Minutes January 10, 2012

The Zoning Hearing Board deferred Reorganization until all members are present.

Acting Chairman Bob Hicks called the meeting to order at 6:30 p.m. Also in attendance: Board Members Michael Gable, and Zach Cobrinik; Alternate Darin Lueders; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator.

MINUTES

Approval of the December 20, 2011 minutes was moved by Mike Gable and seconded by Darin Lueders. The motion carried.

CORRESPONDENCE

HEARINGS

ZA2011-09 – Adnan Qayyum

The new advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Dr. Qayyum, Applicant; Robert Toedter, P.E., and Christopher Spadoni, Attorney.

The testimony was re-opened to clarify the number of employees for the business, which will consist of (1) dentist and (3) employees.

Ben Flurer, 4893 Hanoverville Road, adjacent westerly property owner was present at the hearing. He indicated that he is in favor of the application. He feels the development would be a benefit to the neighborhood. He also understands that the common driveway will be eliminated and returned to grass. Testimony was closed.

Board Deliberation

Board Member Zach Cobrinik pointed out that the property could continue as a residence; however since the requested variances are dimensional, the Zoning Hearing Board has the latitude to grant them. The Zoning Hearing Board was in agreement that the change would be an improvement over the existing condition of the property.

There were no comments under Courtesy of the Floor.

Motion by the Board

Michael Gable made a motion to grant the variances as outlined below, given the location and current condition of the property:

Article 11,	Section 1108.B. -	1.6 acres
	Section 1108.C. -	85 feet
	Section 1108.D. -	2 feet
	Section 1108.E -	42 feet
	Section 1108.H -	24 feet
	Section 1108.I -	16 feet
	Section 1108.L -	8 feet
	Section 1108.M -	120 feet
	Section 1108.N -	36 feet
Article 17,	Section 1703.G.4	6 feet
Article 14,	Section 1404	65-foot variance to allow for a 10-foot buffer to extend from the rear pin of the common property line to the right-of-way of Hanoverville Road.

Discussion followed regarding the buffer requirements of Section 1404. The motion to re-open testimony was moved by Mike Gable and seconded by Bob Hicks. The motion carried unanimously.

The Board asked Ben Flurer if he would prefer grass or a screen of trees. Ben stated he prefers grass. Testimony was again closed.

Relative to Article 14, Section 1404, the motion was amended as follows:

Article 14,	Section 1404	70 feet and waive the entire screening requirement with the exception of grass in that area.
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The motion to grant all variances as outlined and amended was seconded by Darin Lueders. The motion carried unanimously.

ZA2011-010- Lawrence Marra, Jr.

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Erv McLain, Esq., Lawrence Marra, Jr., Applicant, and Property Owner, Denise Lipsky.

Denise Lipsky provided testimony regarding 592 and 594 Nazareth Pike. The following exhibits were entered into the record:

- A-1 - Agreement of sale between Denise Lipsky and Lawrence Marra for 594 Nazareth Pike;
- A-2 - Land Development Plan, Auto Plaza of Jerome Lipsky, last revised 2/20/91;
- A-3 - Aerial photograph of properties, flown ±2006

Mrs. Lipsky stated she purchased 592 Nazareth Pike in 1986 and 594 Nazareth Pike around 1995. The shed business has occupied the property since approximately 2003. The garage on

592 was leased to independent contractors to provide service for Lipsky's auto sales business, specifically John's Automotive, Ralph's Automotive, Color-All, and Bill's Automotive.

Mrs. Lipsky's efforts to sell the property (#592) were discussed. She stated that she sought buyers as far as Philadelphia however no one was interested. A local car dealer suggested she speak with Mr. Marra. She stated that 98% of her communications with other dealers were verbal.

Zach Cobrinik asked if she had a term lease with Amish Shed. Mrs. Lipsky stated that she did have a 1-year lease with them for the first year and it has been year-to-year since then. Copies of the leases were not available at the hearing.

Bill Hughes, owner of Bill's Service, LLC was present in the audience. He stated that he has been leasing the garage space for approximately 5 years. He did not obtain any permits to occupy the space. Mr. Hughes does custom car restoration, and some mechanical, detailing work. He does sell some cars that he restores. The cars are stored inside and he markets them by word-of-mouth.

The use of the dwelling, 594 Nazareth Pike was discussed. Presently, the house has two apartments and a small office space. Prior to 2004, the office was used for the auto sales business and her son lived in the house. In 2004, Mrs. Lipsky had the idea to split the house into apartments. Exhibits entered:

A-4 - Receipt of Building Permit and copy of letter to Trent Sear regarding residents in the house, Mrs. Lipsky's mother and aunt.

A-5 - Photographs of house

The Zoning Hearing Board noted that there is presently a sign on the property, formerly used by LMS Signs, a former tenant.

Lori Seese noted that there is no copy of the letter in the Township files, and that the letter is actually dated after the permit was issued for electrical service. The Building Permit for electrical service was discussed at length.

Mrs. Lipsky confirmed that she has written leases for her niece and aunt.

Courtesy of the Floor

Bill Day, 578 Nazareth Pike inquired about existing stormwater which runs off the property. The Board advised Mr. Day that no improvements are proposed which will affect the current stormwater system, and stormwater is not under review in this application. Mr. Day stated his concerns and then left the meeting.

Bill Newhard, 591 Nazareth Pike pointed out that the plan submitted as Exhibit A-2 is an outdated plan. The improvements depicted on that plan were not constructed. Mr. Newhard stated his recollection was that the Lipsky's purchased the house so they could get proper road frontage for the auto sales dealership.

A-6 - Deed for the house, purchased in 1998 was entered into the record.

If Mr. Newhard is correct, the Board questioned why the properties were not consolidated. The Board noted they needed more information, particularly the most recent recorded plan for this property.

Mr. Newhard stated his concerns were the mixed use of a residential property with a commercial business and the traffic generated by a used car lot.

Mrs. Lipsky clarified that if they are successful in getting approved, the shed business will stay and the used car lot will only occupy approximately 20 spaces in the front parking lot. Concerns for parking and multiple use of the property were discussed. Mike Gable suggested the Applicant have a zoning plan prepared showing their proposal and that they can meet the zoning requirements.

The Zoning Hearing Board stated they want to continue the hearing and request the following information be provided, specifically: written documentation of leases for house and shed use; current deeds; most recent recorded plan; permits for the Amish Shed business; a chronology of the uses, permits, etc. for the property.

Mr. McLain stated he also wanted to prepare a memorandum of law to outline how they are basing their proposed attempts to market the property by Mrs. Lipsky.

Mr. McLain moved to enter all exhibits into the record.

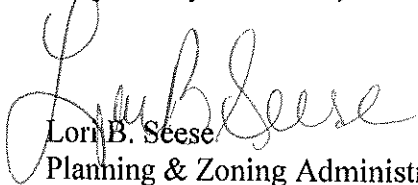
There were no additional comments under Courtesy of the Floor.

April Cordts noted that Lori Seese will not be available until the meeting scheduled for February 28. Given the list of information they need to gather for their next appearance, Ms. Cordts suggested that the hearing be continued until the February 28 meeting. The applicant had no objection. The applicant agreed to continue the hearing and waive all time requirements as imposed by the PA MPC. They will follow up with a written waiver.

The motion to continue the hearing to February 28 was moved by Mike Gable and seconded by Darin Lueders. The motion carried unanimously.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,


Lori B. Seese
Planning & Zoning Administrator

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