



LOWER NAZARETH TOWNSHIP ZONING HEARING BOARD

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Zoning Hearing Board

Manouel Changalis, Chairman
Daniel Cortright, Vice Chairman
Michael Gaul, Board Member
Robert Stocklas, Alternate

Zoning Hearing Board Minutes April 21, 2020

~ *Virtual Meeting* ~

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Mr. Changalis took a roll call. Board Members Mike Gaul and Daniel Cortright; Alternates, Robert Stocklas and Stephen Nordahl; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were in attendance.

The Chairman announced that this virtual meeting has been advertised on the Lower Nazareth Township website and *The Express Times*.

MINUTES

The motion for approval of the February 25, 2020 minutes was moved by Michael Gaul and seconded by Daniel Cortright. The motion carried unanimously.

CORRESPONDENCE

April Cordts noted that two other matters which were submitted to the Zoning Hearing Board have been continued due to COVID-19, specifically the hearings for Lehigh Valley Health Network and David Durka. All appropriate documents have been received for those continuances.

Senate Bill 841 has recently been passed which pauses any and all periods for review and approval for land development, hearings, etc. during the COVID-19 emergency declaration. This bill also allows municipal boards to hold their meetings virtually.

Michael Gaul made a motion to accept the continuances and make them part of the record. The motion was seconded by Daniel Cortright and carried unanimously.

HEARING

ZA2020-02 - JW Development Partners III, LLC

Present for the Application: Joseph Zator, Esq. and Rick Roseberry, P.E., Maser Consulting.

Township Solicitor Gary Asteak was also present.

A letter was received from Attorney Zator withdrawing the height variance request and providing for a continuance due to COVID-19. April noted that Court Reporter, Karen Mengel has transcribed the previous hearing. April noted that the transcript contains testimony by Rick Roseberry relative to the proposed pipe.

Attorney Joseph Zator provided a review of the remaining request before the Board. Rick Roseberry explained the purpose of the proposed irrigation pipe, intended to transport stormwater from the detention basin to the spray irrigation system. The proposed 6" plastic pipe is located within a 12" sleeve, approximately 4 feet below the bottom of the stream bed. The PA DEP permit has been obtained and the work will be constructed in accordance with DEP requirements. The 6" pipe is located in the sleeve for maintenance purposes. If it needs to be repaired or replaced it can be pulled out of the sleeve without any future disturbance to the stream bed. The work is temporary construction activity meaning once the pipe is installed, the bed will be completely restored to its existing condition. No changes in elevation and no fill in the flood zone. The work will be conducted with an open trench, lasting approximately one week. A coffer dam will be employed to redirect the water during that short duration.

Mr. Roseberry explained that they do not believe that special permit is necessary.

Stephen Nordahl stated that he has read the transcript from the February 25, 2020 meeting.

Mike Gaul inquired about the stream encroachment permit. Rick Roseberry stated it was a PA DEP General Permit #5 for the utility crossing. The permit outlines the specific construction techniques that must be followed to perform the work. The DEP Permit details were included as part of the plans submitted to the County Conservation District and the Township for soil erosion and sediment control.

Mike Gaul inquired if they will be performing the work continually. Rick Roseberry stated the work will continue start to finish – there will not be a break in the work time.

Manny Changalis stated his opinion that if the PADEP approved this work that they could also approve the work. Discussion followed regarding the option to approve or to agree that a special permit is not necessary.

Matt Mikol, 3966 Hollo Road, was present in the audience. Mr. Mikol suggested that the Zoning Hearing Board table any action due to the present economic situation. Manny Changalis explained that the economics of whether the project should proceed is outside the scope of the Zoning Hearing Board. The only matter before the Board this evening is relative to the installation of the pipe.

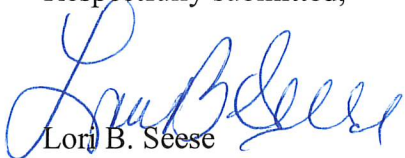
The motion to close testimony was moved by Mike Gaul and seconded by Rob Stocklas. The motion carried unanimously.

The motion to approve issuing the special permit per the specifications in the application presented the DEP guidance and testimony provided was moved by Manny Changalis and seconded by Michael Gaul. A roll call vote was taken. All votes were in favor of approving the application.

Manny Changalis asked Attorney Asteak for any comments prior to closing the meeting. Attorney Asteak stated he was only there to ensure that the variance request was removed, and it was reflected on the record. Mr. Asteak commended the Board for moving forward with the hearing virtually.

The motion to adjourn was moved by Daniel Cortright and seconded by Stephen Nordahl. The motion to adjourn was moved unanimously. The meeting adjourned at 7:06 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.***