

LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

306 BUTZTOWN ROAD
BETHLEHEM, PA 18020-9718
TELEPHONE: 610-759-7434
FAX: 610-746-3317

Zoning Hearing Board

Manouel Changalis, Chairman
Michael Gable, Vice Chairman
Zachariah Cobrinik
Daniel Cortright, Alternate
Michael Gaul, Alternate

Zoning Hearing Board Minutes

May 26, 2015

Chairman Manny Changalis called the meeting to order at 6:40 p.m. Also in attendance: Board Member Mike Gable and Zach Cobrinik; Alternate, Daniel Cortright; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator. Alternate Michael Gaul was not present.

MINUTES

The motion to approve the April 28, 2015 minutes was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

There were no items of discussion under **CORRESPONDENCE**.

HEARINGS

ZA2011-02 – FedChem, LLC

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Deborah Trempe, Plant Engineer and Christopher Horvath, Sr. Chemist of FedChem; Terry DeGroot, P.E.; and Erich Schock, Esq.

Lori Seese entered the Zoning File into the record as Exhibit #Z-1 and provided a summary of the time extensions to date. Plant Engineer Deborah Trempe was the first witness. The Sketch Plan, Sheet Sk-1 was entered into the record as Exhibit #A-1. Debbie provided a review of the site. Their intent is to keep the improvements on the eastern side to limit forklift traffic and to eliminate the need to run piping from the east side to the west. Their 24/7 operation would remain the same. Approximately 2 additional employees will be required. Ms. Trempe stated an increase in truck traffic is not anticipated. Exhibit #A-2, Aerial Photograph, was introduced to show the uses in the vicinity of FedChem. FedChem produces organic aluminum compound additives for inks and greases. No explosives are manufactured; however, they do manufacture flammables. After product is treated inside, it is moved outside for storage. They have a laundry list of safety procedures to make sure nothing goes wrong. They need to do this project because they have times when they are at capacity. If they don't expand they will not be able to meet demand, and will have to look for another facility elsewhere.

Chemist Chris Horvath provided testimony regarding the chemicals used at the plant. They don't use any or produce any chemicals that fall under EPA or OSHA's list of highly hazardous chemicals.

Engineer Terry DeGroot provided testimony regarding the unique shape, configuration of the parcels, and reasons for the relief they are seeking. The properties are very shallow for industrial properties. They are located in more than one zoning district, which have differing setback requirements, and the property is split by a public street.

Terry reviewed the minimum lot size and impervious cover requirements. By combining both properties together, it will eliminate any relief required for impervious cover. FedChem had no issue attaching a requirement to the approval that the parcels have to be tied together. They also had no issue with a

condition requiring them to have to come back for approval if they should need to increase the impervious cover beyond this current application.

Terry stated that there is the natural buffer of the trees on the Prologis property. Prologis has no issue with the location of the proposed building and has no plans to improve their land in the vicinity of the property that adjoins FedChem.

Terry explained how the property handles stormwater presently and in the future. Mike Gable expressed concern about how they will be able to address DEP infiltration requirements. Mike suggested obtaining additional land to meet the requirements.

Terry noted that they have been to the Planning Commission and they have tried to address most of their concerns to get features out of the right-of-way. Exhibit #A-3, photographs of features within the right-of-way was introduced. Comments about the pictures are as follows:

Pictures 1 & 2, Steps to the office and retaining walls: Retaining walls can be removed and the banks re-graded; however the steps will remain.

Pictures 3 & 4: The pipe rail is installed there to protect an electrical junction box. Terry recommends the top be replaced. Egress stairs for the building have to remain.

Pictures 7 & 8: Retaining wall to the south of the office building cannot be removed. The water box is not in use and can be removed.

Pictures 9, 10 and 11: Water Meter and Electrical Box cannot be moved.

Zach Cobrinik expressed concern about the hardship request to allow the reduced setback on the southern boundary line. Mike Gable suggested again that they try purchase property from Prologis. Erich Schock offered an alternative of complying with the setback requirement on the south and in turn requests a larger setback variance in the front – approximately 13 feet.

The motion to close testimony was moved by Mike Gable and seconded by Zach Cobrinik.

Motion by the Board

Article 11, Section 1104.B - The motion to grant Special Exception approval to allow for a use similar to permitted uses in the LI zoning district was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

Article 12, Section 1203.A.4 and Section 1204.A.6 - A determination was made that special exception is not required because they are not bulk manufacturing of hazardous chemicals and therefore are denying the requested variance was moved by Zach Cobrinik and seconded by Mike Gable. The motion carried unanimously.

An interpretation of Article 12, Section 1206.H and 1206.B.2 in regard to the minimum lot size and the required impervious cover, and if necessary, variances from Article 11, Section 1108.G and Article 12, Sections 1206.H and 1206.B.2 as they relate to the required impervious cover;

Mike Gable made a motion suggesting the interpretation that if the lots were combined into a single inseparable parcel, the lot would be interpreted to meet the impervious cover requirements for the LI and GI zoning districts which was seconded by Zach Cobrinik. The motion carried unanimously.

The motion to grant a variance from Article 11, Section 1108.E, of 20 feet to rear setback to allow them 30 feet to the rear yard, grant a variance from Section 1108.H of 38 feet to allow 37 feet from the front yard, and deny the request for a side yard variance, Section 1108.I, because the board does not find they have a specific hardship, was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

Variance from Article 12, Section 1206.L, regarding the requirement for all manufacturing to occur within a building: Mike Gable moved to interpret that they are only transferring chemicals, not manufacturing and no variance is required, seconded by Zach Cobrinik. The motion carried unanimously.

Zach Cobrinik moved to grant a variance from Article 14, Section 1404 regarding the buffer requirement because there is a natural buffer and hardship due to the unique dimensions of the property, seconded by Mike Gable. The motion carried unanimously.

Mike Gable moved to grant the variances from Article 17, Sections 1703.D.1, 1703.G.4 and 1703.G.6 relative to driveway width, proximity of the paved area to the right-of-way line, and distance from the exterior walls. Seconded by Zach Cobrinik. The motion carried unanimously.

The above referenced variances are granted with the following conditions: 1. The Applicant shall work together with the Planning Commission and remove to the fullest extent possible all features within the travel way; and 2. The lots shall be combined and deed restricted to prevent them from being subdivide or split into separate uses in the future. Moved by Mike Gable, seconded by Zach Cobrinik and carried unanimously.

ZA2011-06 – The Vitamin Shoppe

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Jonathan Radlove, representing Vitamin Shoppe

Lori Seese entered the Zoning File into the record as Exhibit #Z-1. Mr. Radlove presented the reasons why Vitamin Shoppe needs a variance. The access to the site is from the rear the building off of Dryland Way. The front of the building is visible from Route 248. Customers see the building and lose track of it when they enter from the rear. The proposed sign is a single line, channel letters, internally lit. All signs, existing and proposed together, will not exceed the 200 s.f. limit prescribed in the Zoning Ordinance.

Motion to close testimony was moved by Zach Cobrinik and seconded by Mike Gable. The motion carried unanimously.

Motion by the Board

Zach Cobrinik made a motion to allow the 3rd sign provided it stays under 200 s.f. prescribed in the Zoning Ordinance and conforms to the application submitted to the Township. Seconded by Mike Gable. The motion carried unanimously.

ZA2011-07 – Palmerview Acquisition

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: James Preston, Esq.; Mark Bahnick, P.E.

Lori Seese entered Z-1 into the record, noting that Mr. Preston included a copy of the previous order with his application. April provided a copy of the entire order and opinion for Exhibit Z-1.

Mark Bahnick provided testimony. Exhibit A-1 was introduced showing the orientation of the subject property along with adjoining uses. Palmerview apartments are located entirely within Palmer Township. Finding the apartments from Route 248 and Corriere Drive is an issue due to its location. The applicant has worked out an agreement with the Joseph Group to allow use of one of the panels on their sign to advertise the Palmerview apartments. Mark Bahnick introduced Exhibit A-2 to show how they propose to be included in the sign already approved by the Zoning Hearing Board under the prior appeal. Including the advertisement for Palmerview Apartments makes the sign an” off-premise sign” because it is not part of the Joseph tract.

Jody Wright, property manager for Palmerview apartments, provided testimony. She related that they are receiving phone calls that people cannot find their development.

Robert Joseph, one of the owners, stated that they are aware that they are giving up one of the spots and they will not be coming back to request an additional sign or modify the existing sign.

Motion to close testimony was moved by Mike Gable and Dan Cortright. The motion carried unanimously.

Motion by the Board

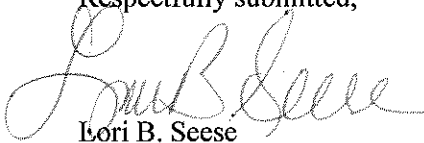
Mike Gable made a motion to grant the ability to advertise an off-premise property on the existing Joseph sign with the understanding that there won't be any future requests relative to hardship and no other off-premise signs shall be affixed to the structure. Manny Changalis seconded. The motion carried unanimously.

Adjournment

The motion to adjourn was moved Manny Changalis and seconded by Zach Cobrinik.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lori B. Seese".

Lori B. Seese
Planning & Zoning Administrator

/lbs