



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
Stephen Nordahl, Alternate

Zoning Hearing Board Minutes May 26, 2020

~ Virtual Meeting ~

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Board Members Daniel Cortright; Alternates, Robert Stocklas and Stephen Nordahl; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were in attendance. Board Member Mike Gaul was not present.

MINUTES

The motion for approval of the February 25, 2020 minutes was moved by Dan Cortright and seconded by Rob Stocklas. The motion carried unanimously.

HEARINGS

ZA2020-03 – David W. Durka

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: David Durka

Dr. Durka described his practice. He sees some patients using telemedicine; however, some respond better in person. He intends to work 12-15 patients per week as he winds down his practice. He proposes to operate until the end of this year. Manny Changalis reviewed the home office requirements with Dr. Durka. Dr. Durka will be the only employee. He estimates he may have 5 trips per day related to patient visitation. His appointments last approximately 45-50 minutes. He usually schedules them 15 minutes apart. Dr. Durka does not intend to do any remodeling to his home to accommodate this use. All patients will enter through his front door. Parking can be accommodated in the driveway or at the top of the driveway. Dr. Durka did not intend to post a sign but will do so if the Zoning Hearing Board requires it.

Debra Degenhart, 4657 Hillview Drive, expressed concern about patients getting lost and coming to her house instead. She does not want anyone knocking on her door. She would prefer Dr. Durka install a sign.

Debra Cooper, 4673 Hillview Drive, stated a concern about patients not coming on time and if they would be coming after it got dark. She also stated concern about the patient's mental stability.

Dennis Dolan, 4662 Hillview Drive, stated while Dr. Durka is a good neighbor, Mr. Dolan does not believe this use is appropriate for the neighborhood.

Dr. Durka stated that he does not see anyone who is dangerous and does not intend to see anyone new. He feels the neighbors are comparing his patients with inpatient individuals, which he stated they are not. He stated most of his patients see him for relief from physical pain or loss. They are the type of person he would want as a friend.

Thomas Schmitt, 4663 Hillview Drive, stated concern for strangers in the neighborhood. He is against posting a sign because he believes it will devalue adjoining properties.

Allison Rothrock, 403 Hillview Drive, inquired if this use is permitted, would it be permanent? Lori Seese explained, and April Cordts confirmed that because the request is limited to December 2020, the use itself will sunset and not carry over to anyone who may purchase the house in the future.

April Cordts read aloud the uses which are permitted as home occupations.

Stephen Nordahl asked Dr. Durka if he had considered getting a lease to extend thru this period. Dr. Durka stated that he had not been successful in finding anything workable.

The motion to close testimony was moved by Stephen Nordahl and seconded by Robert Stocklas. The motion carried unanimously.

The Zoning Hearing Board discussed the testimony and fact that Dr. Durka meets the regulations for a home occupation. Conditions were discussed between the Board and Dr. Durka.

The motion to approve the request for a home occupation provided the uses ceases to operate on December 18, 2020, visits are limited to (4) per day with the last appointment ending no later than 6 p.m., Dr. Durka's name and house number shall be added to the mailbox in large, visible letters, Dr. Durka shall provide written notification that the use has stopped on December 18, 2020, and all shall be in accordance with testimony and documents provided, was moved by Dan Cortright and seconded by Rob Stocklas. The motion carried unanimously.

*** A break was taken from 7:50 p.m. to 8:00 p.m. ***

ZA2020-01 – Lehigh Valley Health Network

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Graham Simmons, Esq.; Dallas Pulliam, LVHN;

Graham Simmons reviewed the proposed project and requested variances. Dallas Pulliam provided testimony regarding the local area and surrounding businesses. The closest residential property belongs to Randy and Jeffrey Setzer, who have provided a letter of support. LVHN obtained an easement from the Setzer's to put the sign on their property. Mr. Pulliam stated the request to display the sign 24/7 is because the hospital is open those hours and they do not have any road frontage on Route 33, which is the easiest way to the hospital. They will not be allowing third party advertising on their sign, except for allowing local government control for emergency services.

Manny Changalis noted that the proposed sign is twice the size allowed by the Township Ordinance – why? Mr. Pulliam stated this would be addressed by Ed Reed; however, the sign was sized according to highway speed and ability to read the sign from far enough away that a person would be able to access the Hecktown Road exit.

Dan Cortright inquired if they would be using the blue wayfinding signage you normally see along the road. Stephen Nordahl inquired if they intended to provide wayfinding messages on

the sign. Dallas confirmed yes to both. The sign is proposed to be displayed 24/7 and will be double-sided.

Ed Reed of Reed Sign provided testimony regarding the sign. Mr. Reed noted that they estimated the trees along the road were approximately 60 feet to the bottom of the sign; therefore, they sized the sign in order to see over the trees. The hospital entrance is approximately ½ mile from the highway. Significant visibility is needed along the highway to get people to the hospital. Mr. Reed stated that approximately 25% of his business is digital signs. Reed Sign will install the sign and the sign will be constructed by Daktronics. In response to the inquiry about the difference in area from the Township Ordinance, Mr. Reed stated that a large percentage of billboards are constructed at this size.

Stephen Nordahl stated concerns that the sign will be a distraction, elevated so far above the road level and it will be visible in multiple directions miles away. Mr. Reed stated that there are a lot of trees in the area – they are trying to stay above the trees. If the foliage was lower, they could design a lower sign. Stephen suggested maybe the foliage could be removed. Attorney Simmons stated that the foliage is controlled by the property owner, Setzer.

Mr. Reed also confirmed that the text used on Exhibit A-7 just reflects a local hospital campaign and does not imply LVHN will be using the sign to advertise services offered elsewhere in the hospital system.

Lori Seiler, Project Manager for Daktronics, provided testimony regarding the sign. Daktronics will be manufacturing the sign. The proposed sign is a “bulletin” size, 14’x48’. The proposed sign height is typical for this size sign. The 300 s.f. sign prescribed in the Township ordinance is typically used in town where speeds are lower. Ms. Seiler stated there are several industry sizes for signs:

14’x48’ – Bulletin

10’-6” x 36’ – Junior Bulletin

11’ x 22’ – Poster, typically in urban areas. These signs are usually 10’-30’ tall.

The largest sign is a Spectacular, which is 20’x60’.

Ms. Seiler stated the sign would comply with the Township Ordinance apart from the request to display the sign 24/7.

Stephen Nordahl asked if the sign structure would be used for anything else, i.e. DAS, transmitters. Ed Reed stated except for the antenna to receive the message, no other electrical devices are planned.

Manny Changalis asked why they could not use the Junior Bulletin size sign? Ms. Seiler stated that size sign would not be as successful communicating messages in the location proposed.

There being no additional questions, Attorney Simmons moved to enter Exhibits A-1 thru A-10. The motion to close testimony was moved by Stephen Nordahl and seconded by Daniel Cortright. The motion carried unanimously.

The Board deliberated about the sign. Dan Cortright stated he didn’t have an issue with the size, but he doesn’t know if they’ve exhibited the hardship necessary for the variance.

Stephen Nordahl stated he is concerned about the overall height of the sign and the potential for distracted drivers. He would like to see the sign be smaller and lower. He would like to see them investigate doing something about the trees. He also feels wayfinding information must be on every sign image. Manny Changalis agreed that wayfinding must be on the sign 100% of the time.

Discussion followed about proposing a custom size in between the Bulletin size and the 300 s.f. allowed by the ordinance.

Attorney Simmons took a few minutes for a private conversation with Dallas Pulliam.

Upon their return, Attorney Simmons suggested tabling at this time and requested a continuance to the next regularly scheduled meeting date reserving the right to offer additional evidence and testimony at that time.

The Zoning Hearing Board agreed and requested that the Applicant provide the following:

1. Written response from PADOT and the property owners regarding the removal of trees and brush along Route 33;
2. Examples of similar billboards in the Lehigh Valley;
3. Mock-Up of a billboard with wayfinding information for each side;
4. Information on the feasibility of a small sized sign.

Attorney Simmons stated concern about getting a response from PADOT in that timeframe but that they would give it every effort.

The motion to continue the hearing was moved by Manny Changalis and seconded by Stephen Nordahl. The motion carried unanimously.

The motion to adjourn at 9:50 p.m. was moved by Manny Changalis and seconded by Stephen Nordahl. The motion carried unanimously.

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.***