



# 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 June 5, 2019

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

### MINUTES

Approval of the March 26, 2019 minutes was moved by Michael Gaul and seconded by Robert Stocklas. The motion carried unanimously.

### HEARINGS

#### ZA2019 – 02, Brian Wirth

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Brian Wirth, Applicant.

Michael Gaul inquired about Mr. Negrao's presence. Richard Kovacs, Attorney noted that Joseph Negrao, Sr. is present as an objector. Mr. Negrao owns 753 James Drive, which is across the street from Mr. Wirth's property. Joseph Negrao, Jr. was also present.

Mr. O'Brecht, Mr. Wirth's attorney, was unable to attend due to the change in meeting date.

Mr. Wirth reviewed his proposed brake repair business. Mr. Wirth noted that with this application he has provided his square footage and noted that the auto repair business will be less than 25% of the total square footage of his dwelling.

Mr. Wirth presented photographs as exhibits to show the existing conditions in the neighborhood, i.e. street parking, parking on grass, etc. His property is maintained, and the introduction of the use would not depreciate the value of the properties.

Attorney Kovacs stated a standing objection to the photographs.

Exhibits A1-1 and A1-2 – Mr. Wirth stated these are the homes closest to him and the residents have agreed to the proposed use. The Board advised Mr. Wirth that although he has provided a statement of their consent, the fact that they are not here to testify makes the statement inadmissible.

Exhibit A-2 – Photos show the character of the neighborhood.

Attorney Kovacs stated that the fact that other people in the neighborhood are not in compliance with the Zoning Ordinance does not except Mr. Wirth from complying with the requirements of the Zoning Ordinance.

Exhibit A-3, (9) photographs -- The proposed seating area for customers, equipment, exhaust equipment, etc.

Mr. Wirth stated regarding noise, he has purchased equipment to reduce the noise from the proposed operation.

Attorney Kovacs questioned Mr. Wirth regarding the proposed operation, his employment, and the proposed work area.

Michael Gaul advised Mrs. Wirth that she cannot consult with Mr. Wirth while he is testifying.

Attorney Kovacs asked if Mr. Wirth if he filed an appeal to the previous decision. Mr. Wirth stated he did not.

Michael Gaul questioned Mr. Wirth about how the cars would be juggled between his personal vehicles and those coming to be serviced, if customers would stay or leave, and proposed accommodations for those that might want to stay.

Joseph Negrao, Jr. provided testimony regarding the neighborhood and the tenants living in his father's property.

Rob Stocklas inquired about the number of projected trips per day.

Mr. Wirth's exhibits were moved into the record.

Attorney Kovacs stated that from practical standpoint, common sense must enter the equation. There are safety issues. Mr. Wirth has done a great job of tailoring the facts to his needs. The first time there is a second car on the property on a weekday, there is problem. How is that going to be controlled?

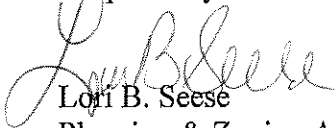
Michael Gaul made a motion to go into Executive Session. The motion was seconded by Dan Cortright and carried unanimously. Executive Session commenced at 7:53 p.m. and was concluded at 8:05 p.m.

#### Motion by the Board

The motion to deny the variance request was moved by Michael Gaul. Rob Stocklas stated Mr. Wirth met the zoning requirements in good faith and thinks conditions could be offered. Dan Cortright seconded the denial motion. Rob Stocklas objected. The motion carried.

The motion to adjourn the meeting was moved by Dan Cortright and seconded by Michael Gaul. The motion carried. The meeting adjourned at 8:10 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.***