



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 June 23, 2020

~ *Virtual Meeting* ~

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

MINUTES

The motion for approval of the May 26, 2020 minutes was moved by Dan Cortright and seconded by Rob Stocklas. The motion carried unanimously.

HEARINGS

ZA2020-01 – Lehigh Valley Health Network - Continuance

All parties who would testify in the hearing were sworn.

Present for the Application: Graham Simmons, Esq.; Dallas Pulliam, LVHN; Ed Reed, Reed Sign

Michael Gaul stated he would not vote on this hearing as he was not present for the last hearing. Graham Simmons entered Exhibits 1-10 into the record. Attorney Simmons reviewed the items they were tasked with at the last meeting. Attorney Simmons provided three additional exhibits: A11, A12 and A13.

Dallas Putnam provided testimony about the wayfinding information. The wayfinding information will be static. He confirmed that LVHN will control the advertising on the sign. There will be no outside advertisements.

Regarding the trees, the Setzer's stated that any tree on their property can be cut; however, there are several trees within PADOT's right-of-way. The Applicant reached out to PADOT about removing vegetation. PADOT said vegetation cannot be removed for a sign.

The location of the sign in proximity to the swale was discussed.

Stephen Nordahl asked out the method of lighting the static information. Ed Reed said that only the lettering will be lit in white.

Lori Seiler provided additional testimony. The height of sign is 61 feet. There is another sign of similar size further down the road. Discussion followed about the size of the new signs near the LVHN Muhlenberg Campus.

Manny Changalis stated his opinion that the size and height of the sign is a bit much. He suggested the sign be moved to the grassy area of the Setzer property. Discussion followed about this suggestion.

The motion to admit to Exhibits A-11 thru A-13 was moved by Michael Gaul and seconded by Robert Stocklas. The motion carried unanimously.

Robert Hoyer, 365 Country Club Road, stated that his family operates Buza's Greenhouse. He stated his concerns regarding illumination from this sign and how it will affect plant growth.

Lori Seiler explained the amount of light that will be emitted from the light at night. She stated the light emitted will not be any more impact than a car driving by. Mr. Hoyer inquired about the light during the winter when the trees have lost their leaves. Ms. Seiler assured Mr. Hoyer that based upon the distance the light will not affect his property.

The motion to close testimony was moved by Daniel Cortright and seconded by Robert Stocklas. The motion carried unanimously.

Manny Changalis stated his objection to the requested sign size and proposed the Junior size, 10 x 36 instead which would be a variance of 60 feet. Manny noted they are allowed the 80-foot height by right.

Dan Cortright stated that the Zoning Ordinance does not take billboards along highways into consideration and feels it should be addressed in future amendments. Dan stated he does not have an issue with the requested size. Robert Stocklas stated his agreement with Dan.

Stephen Nordahl stated his concerns about the height of trees and the location of the sign in the swale. Steve was not concerned about the overall height of the sign. He noted the total proposed sign area will be smaller due to the area that will be static.

Manny stated that he is not in favor of deciding on a case-by-case basis. The township has an obligation to the public. A person can apply for a variance, but it must be based upon a need. The Zoning Hearing Board's job is to follow the Ordinance.

The motion to approve the variances was summarized as follows:

Section 1819.E.3, Sign Area: Variance to 378 s.f. based upon a 10'6" x 36' sign; and

Section 1819.E.4, Sign Spacing: Approved as requested; and

Section 1819.E.8, Proximity to a Residence: Approved as requested; and

Section 1821.G, Display Time: Approved as requested.

The motion to approve the variances as summarized and in conformity with the testimony provided in the hearing was moved by Manny Changalis and seconded by Robert Stocklas. Dan Cortright was opposed. The motion carried.

*** A break was taken from 7:50 p.m. to 7:55 p.m. ***

ZA2020-05 – Kevin and Theresa Moyzan/Fantastic 1948, LLC

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Kevin Moyzan, Applicant; Erich Schoch, Esq.; Michael Jeitner, P.E., Bohler Engineering.

Robert Stocklas recused himself as he is related to the Applicant.

Kevin Moyzan provided testimony on the proposed project. Kevin Moyzan explained that teams will rent space to practice or play games. Walk-Ins will be accepted. Access off Route 33 was very important to the location of this project. Erich Schoch reviewed the use definition request. They feel the use matches the definition of an “Exercise Club”. Comparison to a “Membership Club” and “Public Recreation” was discussed.

The expected hours of operation are 2:30 p.m. – 9:00 p.m., Monday-Friday. They will also be open on the weekend. Steve Nordahl inquired if they would be open year-round? Yes, they will be.

Potential expansion to the adjoining property, 270 Country Club Road was discussed. The only relief they are seeking for 270 Country Club Road is related to the use.

Steve Nordahl inquired about lighting on the ball field. Engineer Mike Jeitner stated they would follow the Zoning Ordinance. The proposed use of a dome was discussed.

Mike Jeitner explained the proposed concession stand and restrooms for the facility. Restrooms will be in the concession stand and in the Indoor Batting Cage building. Bleachers will also be a part of the Concession Stand building.

The need for security after hours was discussed.

Steve Nordahl asked if they intended to remove any of the tree line along Route 33. Mike Jeitner stated it is not their intention. Much of the tree line is in the Route 33 right-of-way.

The dimension variances were discussed. A portion of the driveway is in the 75-foot setback – they are asking for an 8-foot variance.

The proposed use of a P.A. system and lighting height was discussed. They will comply with the requirements of the Zoning Ordinance. The goal is to limit the sound and light to the field.

Erich Schoch reviewed the requirements for a Planned Business Development and question of whether it needed to be reviewed as such. The property will be stripped off the condominium filing when it is approved. Lori Seese stated that it was the intention of the Zoning Ordinance to require Conditional Use approval and does not believe the Township would want to see that requirement removed. Michael Gaul agreed that there may be standards that are not applicable, but it also allows the Board the opportunity to apply conditions.

Robert Hoyer, 365 Country Club Road stated that his one concern is the lighting, similar to his concerns with the LVHN appeal. This property is a lot closer than the LVHN sign location. There must be a natural day when you are in the growing business. When it gets dark it must stay dark until morning. It was noted this concern can be addressed during the Conditional Use approval process.

Hugh Woodward, 338 Country Club Road stated his concern about the lighting, the P.A. system, and the potential for trespassing on their property through the woods.

Duane and Margaret Heller, 312 Country Club Road stated that their concerns match Mr. Woodward's and Mr. Hoyer's comments.

Michael Gaul pointed out that there will be land development approval required and the neighbors will be notified at that time as well.

Lori Seese inquired about the location of the dome which will be on one of the fields. Lori also stated concerns about the parking requirements. Michael Jeitner explained how they accounted for parking. They do not feel they need all the parking they have provided; however, they are planning for the peak demand.

Lori inquired about the use of the dome, which may be used for something other than baseball fields. Lori stated that the occupancy load of a use other than a sports use could require a different occupancy load. An alternative use may also trigger a requirement for additional parking.

The motion to close testimony was moved by Michael Gaul and seconded by Stephen Nordahl. The motion carried unanimously.

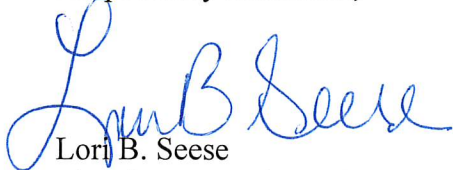
Regarding the question of use, Michael Gaul moved to interpret the use as an Exercise Club under Article 11 Section 1103, as represented by the plans and testimony, and will need Conditional Use approval; that the use is not a membership club and Special Exception approval is not required in light of the interpretation. Mike also moved to grant the dimensional variances. Mike did not suggest any conditions to the variances due to the lack of potential impacts. The use is not offensive and is somewhat unique. The dimensional variances are appropriate due to size and shape of the property are also unique.

Manny Changalis added to the motion identifying the dimensional variances as 125 feet for residential setback (Section 1108.M); 68 feet for minimum buffer yard (Section 1404.D.1); and for the side yard setbacks, variances of 11 feet and 17 feet (Section 1108.H).

The motion was seconded by Stephen Nordahl and carried unanimously.

The motion to adjourn at 9:43 p.m. was moved by Michael Gaul and seconded by Daniel Cortright. 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.***