



# 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

### **Zoning Hearing Board Minutes** **July 29, 2013**

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Also in attendance: Board Member Mike Gable and Zach Cobrinik; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator.

#### **MINUTES**

Approval of the May 28, 2013 minutes was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

#### **CORRESPONDENCE**

#### **HEARINGS**

##### **ZA2013-01 – Adams Outdoor Advertising (Continued)**

No one was present from Adams Outdoor Advertising. April Cordts provided a summary of the appeal, stating that the application was first before the Board for the March 2013 meeting where it was determined the application did not include consent of the land owner. The appeal was continued to the April 2013 meeting. At the April meeting, a request for continuance was read and the Zoning Hearing Board granted a continuance to the May meeting. For the May meeting, the Applicant submitted a request for a general continuance; however the Zoning Hearing Board only granted a continuance for two months, until the July 2013 meeting. Lori Seese has had communication with representatives of Adams Outdoor Advertising on a regular basis over the past few months and weeks, and they were aware they would be on this agenda. As of this date, the Applicant still has not been able to secure the landowner's consent for the application.

The motion to dismiss Zoning Appeal ZA2013-01 for Adams Outdoor Advertising without prejudice was moved by Manny Changalis and seconded by Mike Gable. The motion carried unanimously.

##### **ZA2013-06 - IDI**

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Attorney Blake Marles, Brian Evans, P.E, and David Thomas for IDI.

Zoning Exhibits entered into the record were:

- Z-1 – Zoning Appeal File
- Z-2 – Unapproved minutes of the July 15, 2013 Planning Commission meeting
- Z-3 – Lori Seese's July 15, 2013 review letter

Z-4 – Keystone Consulting Engineer’s July 12, 2013 review letter

Lori Seese also noted that the Applicant had submitted a revised narrative which was omitted from the packages mailed to the Zoning Hearing Board. The revised narrative was distributed to the Zoning Hearing Board.

Mr. Marles provided a summary of a Conditional Use application that was before the Township for a different piece of property, and the application that is now before the Zoning Hearing Board. Mr. Evans provided an overview of the proposed project including landscaping provisions and requested variances. Exhibits entered into the record by the Applicant:

- A-1 – Colored Land Development Plan
- A-2 – Southerly Views of the Building Elevations
- A-3 – Northerly Views of the Building Elevations

Primary access of the property will be from Hecktown Road with a second emergency access. There is no access planned from Newburg Road. The developer anticipates 206 employees. Truck traffic will be at its peak 5 a.m. to 5 p.m. The overnight shift will be mostly for the movement of product internally.

Mr. Evans reviewed the requested variances. He noted that there is no objection on the part of the developer to supplement the trees on the easterly side of the property with those that would have been on the westerly side. The buffer and berm was discussed. The wall on the east side will be a Keystone wall with an earthen berm. Additional exhibits entered into the record were:

- A-4 – Line of Sight View from 3125 Val Vista Drive
- A-5 – Line of Sight View from 3722 Hecktown Road
- A-6 – Line of Sight View from 3125 Val Vista Drive, viewing the end portion of building
- A-7 – Line of Sight View from 3729 Newburg Road
- A-8 – Line of Sight View from 3745 Newburg Road
- A-9 – Line of Sight View from 3751 Newburg Road
- A-10 – Line of Sight View from 3754 Newburg Road
- A-11 – Topo Plan
- A-12 – Line of Sight View from 3766 Newburg Road

The fence atop the berm on the Newburg Road side will be a PVC solid fence in order to provide the best screening they can in this area. Mr. Evans reviewed the remaining variances. He noted that pipes will be installed in the berm on the easterly side to convey water into the stormwater management system.

Mr. Cobrinik asked how they would design the property if the variances weren’t granted. Mr. Evans replied that the buildings would be more visible to the adjoining property owners. To make the buildings any smaller would be a detriment to the functionality of the warehouse.

Mike Gable suggested some architectural considerations to the applicant, along with the suggestion that they vary the type of trees they are planting to provide variety in the buffer.

Isadore Mineo, 70 Ballek Road, Riegelsville, owner of an adjacent parcel, stated his concerns regarding stormwater and the proposed berm along his adjoining property line. He asked the developer to create a swale to move the water away from his property.

Ronald Musselman, 3766 Newurg Road stated his concerns regarding stormwater management.

Ginger Buchser, 2731 Newburg Road, Palmer Township, inquired about the size of the building and commented that the residential properties to the east sit higher than the proposed warehouse.

The testimony was closed.

#### Board Deliberation

Mike Gable recommended the Planning Commission consider requiring board-on-board fencing, a soft material on the retaining walls and/or building to absorb sound, that the Township Engineer review the Noise Study, the Noise Study be calibrated for echoing considerations, and that the intersection with Hecktown Road be slid to create a T-intersection. Mike Gable stated that Hecktown Road is undersized for this type of traffic and a center lane should be considered. Truck traffic was discussed. A maximum 70' wide variance would be required if a center lane would be required for Hecktown Road. Attorney Cordts recommended the Board be generous with that variance to avoid making the Applicant come back for another appeal.

#### Motion by the Board

The motion to grant a variance from Article 17 Section 1703.D.1 for a variance of 85 feet to a 120-foot maximum at the right-of-way for a two way use driveway, with consideration by the township engineer for a center lane for the access point and a condition of 8' wide hardened shoulders was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

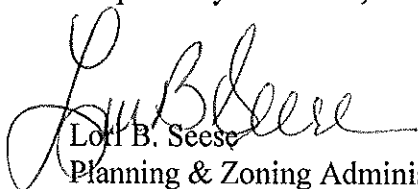
The motion to grant a variance from Article 15 Section 1502A.68.g to eliminate the requirement for the berm on the west and south sides of the building, conditioned on the north and east berm construction as represented during the testimony and the landscaping to be provided on the north and east, and utilize architectural diversity on the south face of the building, subject to review and approval by the Planning Commission and Board of Supervisors was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously.

The motion to grant a variance from Article 15 Section 1502.A.68.b to allow for 25-foot relief on the west side contingent upon increasing the buffer on the east side to 125 feet, and including the west side landscaping supplementing landscaping on the east side, pursuant to the testimony of the hearing was moved by Zach Cobrinik and seconded by Mike Gable. The motion carried unanimously.

There were no comments under Courtesy of the Floor.

The motion to adjourn was moved by Mike Gable and seconded by Zach Cobrinik. The motion carried unanimously. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

  
Lori B. Seese  
Planning & Zoning Administrator

/lbs