



# 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  
Steven Nordahl, Alternate

## **Zoning Hearing Board Minutes** **July 28, 2020**

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

### **MINUTES**

Approval of the June 23, 2020 minutes was moved by Michael Gaul and seconded by Manny Changalis. The motion carried unanimously.

Approval of the June 30, 2020 minutes was moved by Manny Changalis and seconded by Steven Nordahl. Michael Gault abstained. The motion carried.

### **HEARINGS**

#### **ZA2020-06 – Joseph T. Mayer – Appeal Enforcement Notice – Continued**

Michael Gaul represented the Zoning Hearing Board as Alternate Solicitor. Solicitor April Cordts recused herself.

All parties who would testify in the hearing were sworn. Present for the Application: Joseph Mayer, Applicant; Joshua, Moyzan, Esq.; Marcus Brandt, Restoration Contractor; Scott Gold, P.E., Structural Engineer.

Attorney Moyzan announced that Mr. Mayer was not feeling well, experiencing chills and gastrointestinal issues. Due to the ongoing pandemic, Mr. Gaul asked Mr. Mayer to wait outside. Arrangements were made to allow Mr. Mayer to testify remotely from the parking lot.

Lori Seese noted the Board was provided with the application, enforcement notice, photographs of the barn, and email correspondence from Mr. Jeff Seip. Lori Seese also offered proof of posting, proof of advertisement in *The Express-Times*, and certification that the adjoining property owners have been notified. The Appeal File was marked as Exhibit Z-1. The following exhibits were entered as follows: Exhibit Z-2, Enforcement Notice; Exhibit Z-3, Photographs; Exhibit Z-4, Email Correspondence from Jeffrey Seip.

Lori Seese reviewed the damage to the barn and the notice provided to Mr. Mayer. The barn sustained damage during windstorm in April 2020 and has visible structural issues. Lori Seese noted display of the “Danger” signs on the property. The Township would like the barn to be repaired or demolished as soon as possible.

Mr. Moyzan questioned Mrs. Seese regarding the photographs. Attorney Moyzan asked to examine the Appeal File and objected the inclusion of 4 pages of another ordinance in the file. The (4) pages in question were removed from the file.

Mr. Moyzan cross-examined Mrs. Seese regarding the enforcement notice and pandemic phases.

Jeffrey Seip was present virtually at the meeting. Mr. Seip read the email correspondence sent to Lori Seese. He sent the email so his observations were on record. Mr. Moyzan questioned Mr. Seip on his experience. Mr. Seip cited his +20 years as the Fire Chief and experience in emergency response to support the concerns stated in his email.

Joseph Mayer provided testimony. Mr. Mayer is employed as an over-the-road truck driver for the past 25 years. Mr. Mayer purchased the property in 1989. The barn was on the property when it was purchased. Mr. Mayer noted that a bow in the roof existed when he purchased the property due to a splice in the truss. The maintenance performed to the barn since he purchased it consists of construction of an overload wall and painting the barn. Mr. Mayer testified he works on the barn whenever he can.

The damage to the barn occurred in April 2020 in a heavy windstorm. The corner where the overhang wall was not constructed for many years collapsed. The timber must be replaced.

Mr. Mayer testified that he received the notice during the red phase of the pandemic. He was required to complete the repairs by June 8, 2020. Mr. Mayer stated that the barn had been rented and the contents left behind have to be cleaned out. Mr. Mayer stated he will clean up the barn in any spare time he has. His plan is to clean out and then repair the barn.

Lori Seese noted that the Governor allowed construction to resume on May 1<sup>st</sup> and work could have commenced on repair of the barn. Mr. Mayer stated he could not get anyone to do the work. Mrs. Seese asked if he could get the barn repaired now that Northampton County is out of the red phase. Mr. Mayer stated that would depend on his contractor's availability. He could not provide a definitive timeline.

Manny Changalis inquired if the barn could be repaired by Thanksgiving. Mr. Mayer deferred the question to his consultants; however, he asserted progress would be made. Steven Nordahl inquired about what was stored in the barn. Mr. Mayer stated there are flowerpots, lime, tree balls, and furniture. Dan Cortright inquired about the condition of the beam when he purchased the barn and whether Mr. Mayer had anyone looked at the barn after he purchased it. Mr. Mayer stated he did not have anyone look at the barn.

Dan Cortright inquired about the public right-of-way for Country Club Road. Mrs. Seese did not have that information available at that moment.

Structural Engineer Scott Gold provided testimony. Mr. Gold stated that the barn could be repaired. Structural repairs are needed. Temporary bracing is needed to enable those repairs. This bracing would ensure that if there was another high wind event, the barn would remain intact while the repairs are being made. There is a possibility that there could be further damage to the barn if temporary bracing or repairs are not made. Mr. Gold did not make an interior inspection of the barn. His inspection was performed from outside the barn.

Steven Nordahl inquired if Mr. Gold would be onsite while repairs were being made. Mr. Gold stated he would not be onsite. He would be available to make further recommendations for the repair.

Dan Cortright asked if the barn would collapse if it is possible that any part of the barn could end up in the street. Mr. Gold agreed that it is possible.

Michael Gaul if any temporary measures have been implemented. Mr. Gold stated he had not been back to the property to know.

Manny Changalis asked if the temporary bracing should be installed immediately. Mr. Gold stated they should be installed as soon as possible, sooner rather than later.

Marcus Brandt, Restoration Contractor, provided testimony. Mr. Brandt stated the barn must be cleaned out and then it can be rebuilt. Mrs. Seese asked Mr. Brandt to provide a timetable to do the repairs. Mr. Brandt stated it would be a function of Mr. Mayer's finances, whether we experience a resurgence in the pandemic, and availability of wood for repairs. The temporary measures could be accomplished in 30-90 days depending upon suppliers. He estimated the entire project could be completed in a year, assuming finances are not an issue. It would take a year due to supply chain issues. He has not prepared a cost estimate for Mr. Mayer to do the proposed work. He estimated that it could cost \$80,000-\$100,000 to do the repairs. Manny inquired how much it would cost to demolish the barn. Mr. Brandt said the cost to demolish would be a pack of matches.

Mr. Moyzan asked to enter his demonstrative exhibits showing the COVID-19 phases (Exhibits A-4 and A-5).

Mrs. Seese stated that there has been plenty of testimony presented establishing that the barn has sustained damage and there is a possibility that there could be further damage. Due to concerns for public health and safety, there is a need for expediency in making repairs or demolishing the barn.

Mr. Moyzan stated that Mr. Mayer was not able to make repairs to the barn due to Northampton County being in the red phase of the COVID emergency plan.

Public Comment was invited. No comments were made.

The motion to close the record was moved by Manny Changalis and seconded by Daniel Cortright.

Mike Gaul explained that their action would be to sustain the appeal or overrule the appeal.

#### Motion by the Board

The motion to sustain the Zoning Officer Enforcement Notice and deny the appeal was moved by Steven Nordahl and seconded by Manny Changalis. Daniel Cortright was opposed. The motion carried 2-1.

\*\*\* A 5-Minute Recess was taken in between hearings \*\*\*

Manny Changalis left the hearing.

ZA2020-04 – Cory Creazzo – Home Occupation by Special Exception - Continued

Present for the Application: Cory Creazzo, Applicant; Ryan Creazzo, Brother and Business Partner

Mr. Creazzo provided a site plan entered into the record as Exhibit #A-2. Exhibit A-1 was photographs of the property supplied by Cory Creazzo.

The site plan was discussed. Mr. Creazzo depicted an area of 16,650 s.f. which they would use for the use. Lori Seese related a conversation the Township Engineer where he stated that anything over 10,000 s.f. would require Act 167 review by the Lehigh Valley Planning Commission. Lori also related the Township Engineer recommended only 30 feet of pavement where the driveway meets the street. Lori conditioned these statements on the Township Engineer doing a proper review.

Steven Nordahl stated concerns for dust from the property. Mr. Nordahl inquired about the mirror mounted on the telephone pole. Lori related a conversation with the Township Manager who stated that the mirror needed to be removed.

Mr. Nordahl inquired about the gate. Lori stated that she had supplied Mr. Creazzo with an application for a waiver.

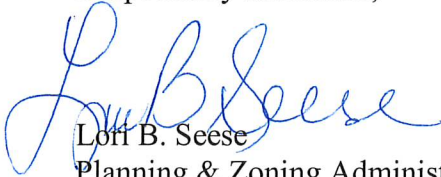
The motion to close testimony was moved by Dan Cortright and seconded by Steve Nordahl.

Motion by the Board

The motion to grant special exception approval for a home occupation subject to the conditions stated at the last hearing, and that the Applicant obtain Act 167 and Conservation District approval to the extent applicable; the area used for the use cannot be more than 16,650 s.f. as delineated on Applicant's Exhibit A-2; the dirt pile by the gate shall be removed or replaced with landscaping; the new driveway shall be paved 30 feet in from the existing edge of pave; and clean stone gravel shall be used to reduce dust, was moved by Michael Gaul and seconded by Daniel Cortright. The motion carried unanimously.

The motion to adjourn the meeting was moved by Michael Gaul and seconded by Steven Nordahl. The motion carried unanimously. The meeting adjourned at 9:30 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.***