



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 November 27, 2018

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

MINUTES

Approval of the October 25, 2018 minutes was moved by Rob Stocklas and seconded by Dan Cortright. The motion carried unanimously.

HEARINGS

ZA2018 - 04 – Pennsylvania Cement Terminal

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn.

Present for the Application: Barry Cohen, P.E., Base Engineering, and Peter Kominsky, Plant Manager, on behalf of the Applicant.

Mr. Cohen outlined the proposed variance request. The request is to build on the property line, in line with the existing building. The existing trailer will be removed with the construction of this addition. The property is bound by the Monocacy Creek and its floodplain to the north, the existing building to the east, the property line in question to the south, and the site driveway to the west.

Personnel will not change with the proposed addition. The purpose of the project is to improve operations by keeping materials inside. Their hardship is that they must construct the building to a particular height and width to accommodate the forklift, operation of truck deliveries, etc. and the property limitations in this location. Mr. Cohen hand-sketched a cross section of the proposed building to show the Board how the operations are proposed internally.

Concerns about infringing upon the lands of East Penn Sanitation during construction were discussed. East Penn Sanitation was notified of the hearing; however, they were not present in the audience.

Motion to close testimony was moved by Daniel Cortright and seconded by Rob Stocklas. The motion carried.

Board Deliberation

Manny Changalis stated that while he understands the constraints of the lot which present a hardship, he could not support a variance to allow the building to be constructed on the property line. Discussion followed regarding alternatives to the requested variance.

Motion by the Board

The motion to grant a 16-foot variance from the 20-foot side yard requirement, provided the building will be same height as the existing structure, subject to conformity with the testimony and exhibits presented this evening was moved by Robert Stocklas and seconded by Daniel Cortright. The motion carried unanimously.

ZA2018 - 05 – Jeff Snyder d/b/a Dogtopia

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Attorney Rob Lewis, Kaplan Snyder; and Jeff Snyder, Applicant.

Mr. Lewis presented the requested variance. Jeff Snyder provided information on the Dogtopia franchise. There will be three large playrooms based upon dog size, temperament, etc. The business will offer dog sitting, boarding, spa services and a small retail area. The use does not necessarily need outside operation; however, they would like to provide an outdoor area. They would also agree that dogs would not be allowed outside overnight. The current occupant of the space is CiCi's pizza.

The maximum number of animals could be 78, but it would actually be 50-60. The dogs are provided a nap time from 12-2 p.m. The building must meet the Dogtopia franchise criteria for HVAC, soundproofing and waste control. Dog waste will be double-bagged and disposed in a dumpster. If any neighbors complain, the Dogtopia corporate will help the franchisee resolve the issue. The dogs will go thru a screening process for temperament, behavior, vaccinations, etc. Soundproofing is typically limited to the demising walls. They will have 3-5 employees working, depending upon the time of day. Dogtopia has their own training criteria and the employees will be certified.

Board Deliberation

Manny Changalis acknowledged that when the Zoning Ordinance was written, it didn't account for a dog daycare as opposed to a traditional kennel or breeding facility. Manny agreed the traffic would be similar to traffic for a child or adult daycare. Rob Stocklas was generally in favor of the variance. Dan Cortright stated concerns about long-term boarding. Mr. Snyder provided additional information about the boarding use. The site is manned 7 a.m. to 7 p.m. No one is in the facility overnight. The site is monitored by camera. Owners are permitted to view their pets by remote camera 24/7. Maximum number of overnight boarding would be 6 dogs.

The motion to close testimony was moved by Dan Cortright and seconded by Rob Stocklas. The motion carried.

Motion by the Board

The motion to grant the requested variance with the stipulation that the entire facility is soundproofed, and contingent upon the testimony and exhibits presented was moved by Manny Changalis and seconded by Dan Cortright. The motion carried unanimously.

The meeting adjourned at 8:00 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.***