



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

Manouel Changalis, Chairman
Steven Nordahl, Vice Chairman
Michael Gaul, Board Member
Brian Fenstermaker, Alternate

April Cordts, Esq., Solicitor

Zoning Hearing Board Minutes **February 24, 2022**

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Board Members Mike Gaul and Steven Nordahl; Alternate, Brian Fenstermaker; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance.

MINUTES

Approval of the January 25, 2022, minutes was moved by Michael Gaul and seconded by Steven Nordahl. The motion carried unanimously.

HEARINGS

ZA2021-01 – Peoples Property, LLC

Present for the Applicant: Attorney Joseph Piperato and Applicant, Adam Pooler.

On behalf of the Township: Attorney James Preston, Lori Stauffer, Township Manager, and Christopher Noll, Township Sewage Enforcement Officer. The continuation notice for the hearings were read aloud.

Engineer Jeremy Madaras provided testimony regarding Exhibit #T-15 on behalf of the Applicant. Attorney Preston cross-examined Mr. Madaras. Manny commented that it seems evident to him that the plan depicts Lots 97, 98 and 99.

Attorney Piperato submitted Exhibit #A-9, a plan which overlays the Ridgeview Estates Phase II plan over the tax parcels, suggesting that the diagram does not include Lot #99. Manny suggested that since Lot #99 is downstream from Lots #97 & #98 it is also included in that category. Mr. Madaras's opinion was more documentation is needed in order to confirm that is the case.

Mike Gaul asked Mr. Madaras how he created his exhibit, and Mr. Madaras explained. Mike Gaul asked Mr. Madaras to clarify what he believes is the purpose of the asterisk notation. Mr. Madaras said it is not clear to him.

Mike Gaul asked who does the note speak to? Mr. Madaras said with its indeterminate scope it is for the township and its purchasers. The problem is that no one in the Township was aware of this note. The note had a purpose to create a floodplain preservation area, but there was no execution by the Township afterward. He believes there should have been a legal description itemizing those restrictions.

On behalf of the Applicant, Roger Lehmann SEO provided testimony in rebuttal of Chris Noll's testimony at the January 25, 2021, meeting. The following exhibits were submitted:

Exhibit #A10 – On-lot Sewage Disposal System Permit #Z142381 and Exhibit #A11, the instructions on the back of the permit application.

Exhibit #A12, DEP Municipal Guidance – Reconstructive Planning.

Mr. Lehmann does not believe that Chris should be withholding issuance of the permits based on zoning issues.

Attorney Preston cross-examined Mr. Lehmann. Exhibits submitted:

Exhibit #T24 – Email correspondence between Lori Seese and T Rustu, September 9, 2021 thru September 21, 2021.

Exhibit #T25 – Complaint filed with DEP by Adam Pooler.

Attorney Preston reviewed the exhibits with Mr. Lehmann.

A recess was held from 8:05 p.m. to 8:19 p.m.

Adam Pooler provided testimony regarding 238 Schindler Drive, particularly septic approval of Lot 238.

Attorney Preston submitted several exhibits on behalf of the Township:

Exhibit #T26 – Complaint filed by Adam Pooler regarding Lori Stauffer, Township Manager. Attorney Preston reviewed the complaint with Adam Pooler.

Exhibit #T27 – Email correspondence between Lori Seese, Custom Contractors and Township Engineer Albert Kortze, February 10, 2019, thru February 18, 2019 regarding February 19, 2019 meeting. This meeting was requested by Adam Pooler.

Attorney Preston moved for the admission of exhibits.

Peter Peppel, 4674 Ash Drive made a verbal statement. His wife Mary Lou was also present in the audience. Mr. Peppel is opposed to any development in the floodplain based upon his experience living in the area for 31 years. Given that Mr. Peppel's statement was lengthy, Manny suggested he submit the statement in writing along with photographs he spoke about.

Dave Zemanek, 4682 Ash Drive made a verbal a statement. Mr. Zemanek believes he is the most affected person by flooding as he lives on the corner. He has supplied videos to the township. Mr. Zemanek has lived there 10 years. He is concerned that the water will flood his house. He said that someone will be held accountable if he has any more water on his property. In closure, he objects to the construction of the building. Mr. Zemanek will provide a flash drive to the Board containing his videos.

Mrs. Peppel noted that a neighbor, Susan Partington, had to leave but she also wanted to make a statement.

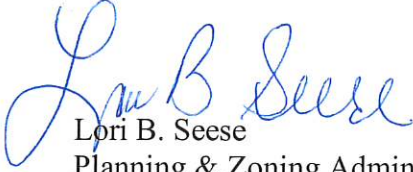
It was decided to continue the meeting to Thursday, March 3 at 6:30 p.m. to allow the residents time to make their statements, show their photographs and videos.

Attorney Piperato stated he agrees to extend any timeframes as required by the MPC.

It was also agreed that the record is still open; however, neither attorney has any more witnesses.

The meeting adjourned at 9:40 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.***