



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 December 16, 2021

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 November 4, 2021, minutes was moved by Mike Gaul and seconded by Steve Nordahl. The motion carried unanimously.

Approval of the November 23, 2021, minutes was moved by Mike Gaul and seconded by Steve Nordahl. The motion carried unanimously.

HEARINGS

ZA2021-11 – Faust Family Limited Partnership No. 1

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Troy Faust and James Faust, Applicants; Timothy Charlesworth, Esq.

Troy Faust provided testimony. Troy and his family have lived next door to the subject property since 2007.

Exhibit A-1, Batch of Photographs were presented to the Board. The photographs show the condition of the property within the past 2 years to present date. The Faust Family Partnership recently purchased the property and cleaned it up since purchasing it. Past uses of the property were an excavator, brick layer, roofer, and mechanic. A roofer is still renting the space as he had an agreement with the prior owner. The property is leased until May 2022.

Exhibit B, Architectural rendering of what the building will look like. There is a loading dock in front right now. They propose to construct a three-bedroom apartment over the first story.

Exhibit C, Aerial Photograph of the vicinity – 4574 Steuben Road.

Exhibit D, Site Plan – Footprint of the building as it exists today. Boundary lines and area that is paved or gravel. The dark grey is the building.

Troy stated historically there have been four businesses operating out of the building at once. The excavating business would start their vehicle at early and late hours. There was split wood piles on the property and it would draw rodents.

Four uses would be reduced to two with a warehouse w/office for the property maintenance business and a 3-bedroom apartment.

The roof line of the building would be changed to an A-line to look more residential.

Troy stated it is not feasible to convert this building to a single-family dwelling because it's a warehouse building which was built in the 1960's-1970's.

The business will have less objectionable hours, 6:30 a.m.- 5:30 p.m. The first floor of the building will be used for storage for property maintenance business. They will have a maximum of (5) employees. It is unlikely they will have (5) on-site at one time. Most likely there will be (3) employees at once.

At present, there is no septic system for the property. They will have to add a septic system, designed for 500 gpd.

There was discussion about the definition of warehouse and whether the proposed use is truly a warehouse, or more of a garage.

There is no proposed change to the setbacks. They will be decreasing the impervious. The parking lot to the rear of the building will be shortened. Part of the paved area will be returned to grass.

Exhibits F thru J, photographs were presented to the Board.

Steve Nordahl asked how the tenant will access the apartment. Troy stated they will access through a door on the north side of the building, into a vestibule, and then enter the steps to the apartment or to the warehouse.

Steve asked about site lighting. Troy stated the pole light will be eliminated from the building. There will be building lights to light the parking lot; however, it will be shielded from the neighbors.

They will not have a P.A. system.

The designated parking for the residents will be outside.

There is an access road which is paved all the way back. At some point will pave the rest of the way back to the subject property.

Subdivision and Land Development approval may be required.

Discussion followed about the trees, who they belong to, etc. The western part of the property shown in green will be kept in lawn.

Ron Albert, 319 Manor Drive, stated the property has been eyesore over the years. There has been a lot of truck traffic for a number of years. Mr. Albert stated he supports the change in use.

Carl Smith, 318 Troy Court, has lived there 25 years. The Faust's purchased the building behind him and have improved the property. Related to this particular property, there has been truck traffic running down the road - pick-up trucks, utility trucks - constantly. He is in favor of the proposed project. He trusts the Faust's will improve the property.

Greg Albert, 302 Hillview Drive, stated he came to see what they are proposing to do. He cannot see that warehouse from his property. Mr. Albert was given an opportunity to look at the exhibits.

Troy stated they will work some Saturdays, but no Sundays.

Steve Nordahl asked if by grubbing the tree line, would it expose the neighbors to the property? Troy said it does not.

Lori Seese provided a history of the use of the property.

Troy stated that vehicles related to the property maintenance business will be parked inside. They will have a backhoe or trailer on occasion.

Jim Faust stated he knocked on the neighbor's door. He said the only concern they related to him was lighting.

Board Deliberation and Motion

Manny Changalis stated he is in favor of the request. The Applicant must control the tenants, be limited to the hours, vehicles, and waste as testified along with testified improvements to the property. The property must be aesthetically pleasing to the neighbors.

Mike Gaul outlined specific conditions:

1. No outdoor business operations: They cannot build things outdoors.
2. No storage of items outside other than vehicles.
3. Business operations between 6:30 – 5:00 p.m., Monday thru Sunday.
4. Max number of employees to be five.
5. No rental to others for business purposes.
6. Current lighting removed and replaced with lighting shielded from neighboring properties.
7. No outdoor P.A. system.
8. Separate parking shall be supplied for tenants.
9. Impervious surface shall not be increased.
10. The property shall be used for the owner's business and not for redistribution of products.
The building shall only be used for storage of materials for property owner's business.

Special Exception approval pursuant to Article 14, Section 1409.C.3, Non-Conformities for expansion of a building used for a non-conforming use

Section 1409.G for a change in a non-conforming use.

In the alternative, variances are requested from Article 5 Section 502, Permitted by Right Uses

Article 14 Section 1401, Limit of One Principal Use to permit the property to be used as a warehouse with a three-bedroom dwelling unit.

Mike Gaul made motion to approve the special exception and variance requests with the stated conditions in accordance the testimony and exhibits submitted. Steve Nordahl seconded the motion. The motion carried unanimously.

The meeting adjourned at 7:36 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.***