



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 **October 25, 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.

APPROVAL of the AGENDA

The motion to approve the agenda as posted was moved by Steve Nordahl and seconded by Brian Fenstermaker. The motion carried unanimously.

MINUTES

Approval of the September 27, 2022, minutes was moved by Steve Nordahl and seconded by Brian Fenstermaker. Michael Gaul abstained. The motion carried.

HEARINGS

ZA2022-10, David A. Hish

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Attorney Chad DeFelice; Applicant, David Hish.

Attorney DeFelice stated he would be referencing the following exhibits:

A-1: Lease

A-2: Photo of Farm Stand

A-3: Group of Photos

David Hish provided testimony. He lives in Nazareth Borough. He is in the process of building a house in Lower Nazareth Township on Country Club Road. He wants to operate a produce stand/flower stand. A list of flowers David Hish would like to sell was submitted as Exhibit A-4.

The farmstand previously operated by the Faust's has been vacant for at least four years.

Testimony was provided about hours of operation, employees, etc. The property currently has crops planted by the property owner, not Mr. Hish. Mr. Hish intends to buy his products locally, possibly in Lancaster. Mr. Hish has a one year lease with the property owner.

April Cordts inquired if Mr. Hish had any experience in this type of operation. Mr. Hish stated he does not.

Lori Seese provided testimony that the property is zoned Light Industrial. The produce stand was granted approval to operate in 2000.

Steve Nordahl inquired about the scope of the lease which includes the produce stand and the general parking lot.

Mr. Hish spoke to someone about possibly having a beehive on this property.

Mr. Hish contacted Penn State about whether he needed permission to sell produce and they stated he does not; however, he will get a license or permit if he is required to do so.

The Board stated concerns about where he is getting his products from and whether he needs State permission to sell them.

Michael Gaul stated they have not proven a hardship to operate the farm stand. Mike inquired about the Township's position. Lori Seese stated that it is not the township's intent to encourage retail operations on agricultural lands. Lori also stated there are township regulations regarding the location of beehives.

Michael Gaul stated no testimony has been provided stating they can't use the land as it is presently zoned. He suggested they go back to the Board of Supervisors to see if they will change the zoning ordinance.

Manny Changalis commented that if Mr. Jandl allows him to grow his products on the land, he would not need a variance.

Michael Gaul made a motion to deny the application. Mike stated he does not think that it's the end of potential; but for now, he moved to deny. Brian Fenstermaker seconded the motion. The motion carried unanimously.

ZA2022-11, Henry Yeska, III

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

Present for the Application: Attorney Mark Eastburn and Henry Yeska, III, Applicant.

Henry Yeska intends to create two lots and convey a small portion of the main parcel to his neighbors, the Creighton's. He needs variances for lot width and a flag lot due to the configuration of the proposed subdivision.

Attorney Eastburn provided Exhibits #1 thru 5c. Henry Yeska provided testimony. Mr. Yeska wants to give the land to the Creighton's because they have been maintaining it for a long time and they don't have a lot of land for a secondary septic system.

Mr. Eastburn moved to incorporate the plan and the exhibits. Mike Gaul moved to accept the plans and exhibits.

Lori Seese provided testimony about the Township's Official Map. The lands in question are marked for development rights acquisition; however, the Board of Supervisors have no interest in pursuing them provided Mr. Yeska proceeds with the plan previously provided to them.

The Zoning Hearing Board discussed conditions for the approval.

Mike Gaul made a motion to approve the requested variances with the condition that the lands conveyed to Creighton must be consolidated into their parcel and the subdivision plan must go

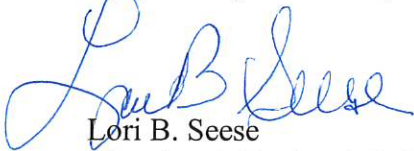
thru Planning commission for approval. Manny agreed that this is a reasonable scheme for the property. The motion was seconded by Steve Nordahl.

Lydia Golas asked if they are permitted to use the lot for anything else. Mike Gaul explained that they could not have any other primary use, but they could have accessory uses.

The Board voted in favor of granting the requested variances. The motion carried unanimously.

The motion to adjourn was moved by Brian Fenstermaker and seconded by Michael Gaul. The meeting adjourned at 7:51 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.***