



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

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

April Cordts, Esq., Solicitor

Zoning Hearing Board Minutes **January 24, 2023**

Chairman Steve Nordahl called the meeting to order at 6:32 p.m. Board Members Mike Gaul and Brian Fenstermaker; Alternate, Manny Changalis; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance.

APPROVAL OF THE AGENDA

Approval of the January 24, 2023, agenda as advertised was moved by Mike Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

MINUTES

Approval of the January 18, 2023 minutes is tabled until the February meeting.

HEARINGS

ZA2023-01 Steven Selvaggio

The stipulation between Lower Nazareth Township and Steven Selvaggio was read into the record by Steve Nordahl. The motion to accept the stipulation and enter it as an Order of the Zoning Hearing Board was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

ZA2022-15, Easton Eastgate, LLC

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Julie Von Spreckelsen, Esq., Paul Mutch, Stonefield Engineering.

Attorney Von Spreckelsen provided an overview of the subject property and presented the exhibit book with Exhibits #1 thru #7.

Paul Mutch provided testimony regarding the proposed property. The lot will be subdivided into two lots. The Popeye's lot will be 1.41 acres and Take5 into 1.12 acres. There are a lot of easements on the property which limited the amount of land which can be developed. Popeye's is a restaurant which is a permitted by right use.

Take5 – They are looking for zoning relief for the total number of wall signs, not only commercial branding signs but also directional signs. The freestanding sign relief is for height – 17 feet which is 9 feet over the 8-foot limitation.

Discussion regarding the number of signs, whether signs are branding or directional, and the necessity of the signs on the back (east) side of the building.

Paul explained that the Take5 business is similar in operation to a Jiffy Lube.

Brian Fenstermaker stated it is rare that a customer would ever require use of the parking spaces on the back of the building. Brian stated concern about the suggestion to honk if you have great service. That will be a lot of honking next to the Popeye's restaurant. Paul explained Take5 is a southern company, and the suggestion is on-brand.

The freestanding sign will have changeable letters. Total area of the can and the changeable letters is 50 s.f.

Popeye's signs – The five requested wall signs were reviewed along with menu boards and directional signs. Freestanding sign is proposed at 20 feet tall, which is 12 feet over the zoning ordinance.

Special Exception for Auto Repair – The requirements for Special Exception approval were reviewed.

Parking variance is required. They want to limit the impervious cover. The site would be overparked and not necessary for this type of use.

Sign variances:

The menu boards and directional signs were discussed.

Freestanding Signs – Height variances. There are large areas of green space between the road and the travelling public. Elevated signs are important for visibility. The industry standard is 5.5 seconds between seeing the sign and making the decision to make the turn.

The picture depicted on the sign was discussed. Concern was expressed by Board.

Five-minute break at 7:55 p.m. Testimony resumed at 8:01 p.m.

Lori Seese stated that the location of the freestanding sign with the digital feature a problem. It would have to be moved 400 feet south. Paul stated they do not want to move the sign therefore they would elect to remove the digital portion of the sign from the proposal. They will replace it with an opaque panel that is back-lit.

Attorney Von Spreckelsen moved her exhibits into evidence.

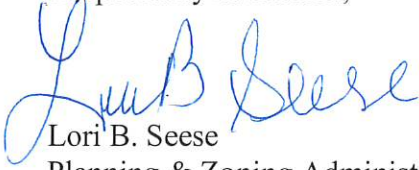
Mike Gaul made a motion to close comments. Brian seconded the motion.

Mike and Steve stated they do not have any concerns about the requested relief. While they are over the allowed area, it is conservative. The board was okay with the reduced parking.

The motion to grant the special exception approval and variances based upon the testimony and exhibits provided, with the condition that the Popeye's sign cannot be a digital sign due to its location was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

The motion to adjourn was moved by Mike Gaul and seconded by Brian Fenstermaker. The meeting adjourned at 8:15 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.***