



# LOWER NAZARETH TOWNSHIP PLANNING COMMISSION

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## **Planning Commission**

Linda Crook, Chairperson  
Hugh Harris, Vice Chairperson  
Tara Capecci, Secretary  
Bert Smalley  
Edward Dulac

## **Planning Commission Minutes November 20, 2023**

Chairperson, Linda Crook, called the meeting to order at 6:30 p.m. Commission Members Tara Capecci, Hugh Harris, Ed Dulac, and Bert Smalley; Engineer Keith Lawler, Solicitor Gary Asteak, and Lori Seese, Planning & Zoning Administrator were also present. Zoning Consultants A.J. Schwartz and Carolyn Yagle were also present virtually.

### **APPROVAL OF THE AGENDA**

The motion to move the Zoning Ordinance and Map Comprehensive Amendment up in the agenda before Subdivision and Land Development was moved by Hugh Harris and seconded by Bert Smalley. The motion carried unanimously.

### **APPROVAL OF MINUTES**

Motion to approve the minutes of the October 16, 2023 meeting was moved by Hugh Harris and seconded by Ed Dulac. The motion carried unanimously.

There were no items of discussion under **CORRESPONDENCE & ANNOUNCEMENTS.**

### **ZONING ORDINANCE AND MAP COMPREHENSIVE AMENDMENT**

Attorney Asteak noted that a Public Hearing was held by the Planning Commission on November 1, 2023. Under the MPC, the Planning Commission can provide comment to the Board of Supervisors on the Zoning Ordinance and Map as part of their responsibilities.

Hugh Harris did not have any objection to the editorial comments made on November 1. In regard to the question about changing the lot size in the Agricultural zoning district, he is in favor of leaving it as proposed. The Lehigh Valley Planning Commission made a recommendation regarding shooting ranges. Hugh stated he is in favor of an indoor shooting range in an industrial zone only. He is not in favor of outdoor ranges. Lori Seese noted that "shooting range" is a use we will share with Chapman Borough.

Burt Smalley inquired if we have received anything from Mr. Jaendl. Gary Asteak stated they are appearing at the Board of Supervisors' meeting in December.

Ed Dulac noted a typo under Performance Standard on Page 23. It references a section number in the current Ordinance. He also noted a paragraph seems to be removed and wondered if it was removed by accident. He will send the specific information by email.

Julie Wagner Burkart, Esq. Stevens and Lee for Heidelberg Materials. Attorney Burkart stated a concern about the elimination of “Mineral Extraction” from the Zoning Ordinance and the change of zoning designation. She also stated a concern that none of the lots would meet the minimum lot requirements. She suggested it be remedied by changing the zoning to TD11.

Consultants, Carolyn Yagle and AJ Schwartz provided an explanation about the intent of the TD11 district. The labels and districts have changed in name to make the uses more consistent between Lower Nazareth, Upper Nazareth, and Chapman. The Mineral Extraction use is permitted in Upper Nazareth. Heavy manufacturing is a Conditional Use in Lower Nazareth which would include any product which comes out of the ground and modified. Removal of the limestone out of earthmoving is still within the earthmoving definition on Page 185.

Ms. Burkart stated they want it to remain as it was. The Planning Commission does not believe that there was any purposeful change in removing the land use. Mineral extraction is included in the definition of earthmoving. Creation of cement is included as heavy manufacturing as a Conditional Use.

Lori Seese noted that the parcels Ms. Burkart is concerned about are not all owned by Heidelberg. Some are owned by Norfolk Southern and Henry Yeska. It was noted that the concern would be passed on to the Supervisors.

George Godiska, 4194 Gradwohl Switch Road asked that the township consider reducing the height of warehouses. Discussion followed regarding current and proposed building heights. Carolyn Yagle noted the distances and composition of the buffer yards have been addressed. Bert also noted that the Zoning Ordinance and Map have been amended to control development of any future warehouses.

Tara Capecci made a motion to advance the Zoning Ordinance and Map Amendment to the Board of Supervisors with the recommendations to include typographical and map corrections suggested in the November 1<sup>st</sup> hearing; however, the proposed 2-acre lot size should remain; Ed Dulac’s corrections regarding the Performance Standards should be incorporated; and finally with the comment that it is not the Planning Commission’s intention to change the uses not allowed/allowed related to the Heidelberg properties. The motion was seconded by Bert Smalley. The motion carried unanimously.

## **SUBDIVISION/LAND DEVELOPMENT**

### **Stone Briar II Preliminary/Final Major Subdivision**

Present for the Application: Lew Rauch, Lehigh Engineering

Lew Rauch noted that discussion is continuing between the Township and Mr. DelSerro regarding the conservation of land. This is the first step in the comprehensive development project. Lew reviewed requested waivers.

Discussion about an easement to the adjoining property. It was noted that the preservation lot surrounds the subdivision and may not make a difference.

The motion to recommend granting the waivers and preliminary/final subdivision approval with the suggestion of an easement between Lots 6 and 7 for future recreational purposes, and with the

condition that the letters from Keystone Consulting Engineers and Lori Seese are addressed was moved by Tara Capecci and seconded by Hugh Harris. The motion carried unanimously.

**Conditional Use CU2023-05, EquipmentShare**

Present for the Application: Justin Klee, P.E., Bohler Engineering; Frank D'Amore, Esq.; Matt Bond, Operational Director for EquipmentShare (virtually).

Attorney D'Amore provided an overview of the proposed project. The proposed business EquipmentShare will rent out construction equipment. There is not a lot of site work proposed.

Bert Smalley inquired about hours of operation, which will be 7 a.m. to 5 p.m. Bert also inquired about the location of service work and concern for noise. Matt Bond stated service work would be within the enclosed shop facility.

Tara Capecci inquired about equipment delivery. Matt Bond stated 90% of the time they deliver the equipment on their own fleet trucks.

In regard to a question about the number of employees, Matt explained they will have approximately 15-20 employees, consisting of shop techs, dispatchers, salespersons, a general manager, and parts manager.

Linda Crook inquired about how oils from vehicles will be handled: Matt they would have a station to clean equipment. Recycled system to contain water.

Ed Dulac stated a concern for any spills which would go directly to the ground. Matt stated they will have a recycle system with closed loop to contain any chemicals come off the vehicles.

Ed Dulac inquired about sand blasting. There will not be any sand blasting. Matt stated any maintenance is preventative maintenance. They have regional "hard down yards" for any major maintenance work.

Hugh Harris inquired if this amount of gravel typical for their other properties. Matt stated it is and they won't have to do a whole lot to get the lot where it needs to be.

Keith Lawler reviewed his November 16, 2023 letter. Stormwater management could be covered under land development. The driveway off Daniels Rd was also discussed.

Lori Seese reviewed her letter.

Ed Dulac inquired about fueling equipment. Matt explained that they use an above ground fuel cell to refuel their equipment; however, they do not refuel any trucks on site. The fuel cell would not be large enough.

Matt also commented that a lot of their equipment is going electric. Charging station (120V outlet) would be on the building itself. Most of the time clients will be charging the equipment on-site.

Ed Dulac noted a typo which incorrectly depicts public sewer when its on-lot septic.

The motion to recommend Conditional Use approval for EquipmentShare based upon satisfaction of the letters from Keystone Consulting Engineers, Lori Seese, and the Hecktown Volunteer Fire Company was moved by Bert Smalley and seconded by Hugh Harris. The motion passed unanimously.

**COURTESY OF THE FLOOR**

Property Owner, Dan DalMaso stated concern about the proposed zoning ordinance. He doesn't understand the motivation to change the light industrial network. The Planning Commission provided an explanation of the Township's approach in the proposed zoning ordinance and map amendment.

**ADJOURNMENT**

The motion to adjourn was moved by Tara Capecci and seconded by Ed Dulac. The motion carried unanimously. The meeting adjourned at 8:22 p.m.

Respectfully submitted,

  
Lori B. Seese  
Planning & Zoning Administrator