

LOWER NAZARETH TOWNSHIP
Board of Supervisors

Resolution #LNT-14-24

RE: Expansion of Self Storage Facility, 281 & 283 Nazareth Pike

WHEREAS, the Lower Nazareth Township Board of Supervisors are in receipt of a Preliminary Land Development Plan entitled “Preliminary Land Development Plans for Nazareth Storage, LLC, 281 Nazareth Self Storage”, prepared by Renew Design Group of Souderton, Pennsylvania, consisting of (13) sheets, dated August 4, 2023 and last revised December 18, 2023; and

WHEREAS, the intent of the Plan is to demolish two residential buildings, abandon the existing septic system, and remove a driveway to construct an additional (24) unit self-storage facility; and

WHEREAS the plan also includes the consolidation of Tax Parcel #L7SW2-1-1 and Tax Parcel #L7SW2-1-2 at 281 and 283 Nazareth Pike, Bethlehem, PA 18020 into a 3.81-acre parcel; and

WHEREAS, the project was reviewed under the 2001 Zoning Ordinance, last revised February 8, 2023, where the project was located in the General Commercial (GC) and Low Density Residential zoning districts; and

WHEREAS, the Lower Nazareth Township Zoning Hearing Board granted variances related to this site as outlined in Zoning Appeal #ZA2023-09 Order and Opinion (Exhibit A);

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the plan at its September 18, 2023 meeting; and

WHEREAS, the Township Zoning Administrator has reviewed the Preliminary Plan against the provisions of the 2001 Lower Nazareth Township Zoning Ordinance, last amended February 8, 2023; and

WHEREAS, the Township Engineer has reviewed the Preliminary Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated January 29, 2024; and

WHEREAS, the Lower Nazareth Township Board of Supervisors desire to take action on this plan.

NOW THEREFORE, BE IT RESOLVED that the Lower Nazareth Township Board of Supervisors approve the Preliminary Plan as referenced above, subject to the following conditions:

1. The comments in the Township Engineer’s letter dated January 29, 2024 shall be adequately addressed.
2. Submission and approval of a Final Land Development is required pursuant to the Lower Nazareth Township Subdivision and Development Ordinance.

3. The applicant shall accept these conditions in writing, within five days of receipt of the finalized Board of Supervisors resolution, otherwise the application is denied for failure to comply with the express conditions that are contained in this Resolution.

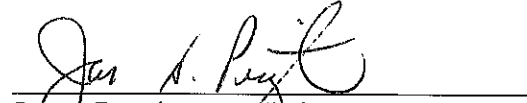
ADOPTED AND APPROVED this 14th day of February 2024 at a regular public meeting. Motion made by Nancy Teague and seconded by Martin Boucher The motion carried unanimously

ATTEST:

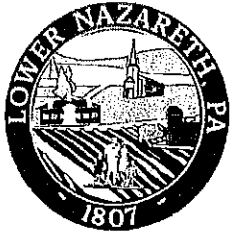
BOARD OF SUPERVISORS



Tammi Dravecz, Secretary/Treasurer



James Pennington, Chairman



**LOWER NAZARETH TOWNSHIP
PLANNING & ZONING OFFICE**

623 MUNICIPAL DRIVE
NAZARETH, PA 18064
TELEPHONE: 610-759-7434
FAX: 610-746-3317

July 7, 2023

Nazareth Storage, LLC
P.O. Box 16281
Columbus, OH 43216-6281

Reference: Final Written Decision for Zoning Appeal 2023-09
281-283 Nazareth Pike – Tax Parcel #L7SW2-1-1 and L7SW2-1-2

To Whom It May Concern:

Enclosed is a copy of the signed written final decision from the Lower Nazareth Township Zoning Hearing Board, served to you within 45 days of the last zoning hearing meeting for your zoning appeal as stipulated by the PA Municipalities Planning Code, Section 908.

Please be advised that pursuant to the PA Municipalities Planning Code, an appeal of this decision can be filed within 30 days of the date of this decision, or by August 6, 2023. If no appeal has been filed by this date, this decision is deemed final.

Please also note that this appeal is subject to the requirements of Article I, Section 111.I, *Time Limitations on Permits and Variances*, of the Lower Nazareth Township Zoning Ordinance. An excerpt of that section is enclosed with this letter.

Please feel free to contact me if you require any additional assistance relative to this appeal.

Respectfully,

Lori B. Seese
Planning & Zoning Administrator

/lbs
Enclosure

cc: Lori A. Stauffer, Esq., Township Manager
Gary Asteak, Esq.
April Cordts, Esq.
Timothy Charlesworth, Esq.
Keystone Consulting Engineers

Time Limitations on Permits and Variances

Excerpted from: Lower Nazareth Township Zoning Ordinance, last amended November 14, 2018, Article I, General Provisions and Administration, Section 111.I.

1. If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured by the applicant within 9 months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be begun within 12 months of the issuance of the permit.
2. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or special exception or conditional use approval that is related to the variance or issuance of a permit under this ordinance within the 9 month period, the 12 month requirement of this subsection shall begin after such site plan review is completed or approval is granted, as applicable, by the Township. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend to 18 months the 9-month application period.
3. Should the appellant or applicant fail to obtain the necessary permits within the above time month period, or having obtained the permit should he/she fail to diligently commence substantial construction (as defined by the Township Building Code) there under within such time period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his appeal or his application, and all provisions, variances and permits granted to him by the Board and/or Township staff shall be deemed automatically rescinded.
4. The work authorized by the Building and Zoning Permits shall begin within 180 days of issuance of the permit. Construction of a building shall be completed within 12 months after the beginning of construction of such building. Upon written request to the Zoning Administrator, this may be extended to 18 months by the Zoning Administrator upon just cause. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 45 days (or up to 180 days upon approval of a written request for extension by the Zoning Administrator upon just cause), the Zoning Administrator may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this Ordinance and may consider all such approvals and permits to have become null and void. The permittee must then re-apply for a new permit and pay all fees at the current fee schedule at the time of application as required by Lower Nazareth Township.

**ZONING HEARING BOARD
LOWER NAZARETH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

APPEAL NO.: 2023-09
APPLICANT: Nazareth Storage, LLC
PROPERTY LOCATION: 281-283 Nazareth Pike
Tax Parcel Identifiers:
L7SW2-1-1 and L7SW2-1-2
GC and LDR
OWNERS: Nazareth Storage LLC
SUBJECT MATTER: Request for special exception per Sections 1409.C.(3) and 118.D; favorable interpretation – number of required parking spaces or in the alternative a variance from 1702.C. and Table 17.1.F.; favorable interpretation of 1409.C.(3)(d) or in the alternative a variance from 1502.A.(61)(i); favorable interpretation of 1409.C.(3)(c) consolidation of lots or in the alternative a variance from 1409.C.(3)(c)

The Board finds that:

1. Pursuant to proper legal notice and documents introduced into evidence, a public hearing in connection with this Application was scheduled and advertised to be held on May 23, 2023 at 6:30 p.m. at the Lower Nazareth Township Municipal Building, 623 Municipal Drive, Nazareth, Pennsylvania.
2. At the time of the public hearing held on May 23, 2023 the Board members present were Steven Nordahl, Chairperson, Brian Fenstermaker and Manouel Changalis, alternate board member.
3. The Zoning Administrator, Lori Seese, and the Solicitor for the Zoning Hearing Board, April L. Cordts, Esquire were present at the hearing held on May 23, 2023.
4. The Zoning Administrator, Lori Seese, verified that the notice of hearing was properly advertised and proper notification was provided to surrounding neighbors with the property properly posted for the hearing scheduled for May 23, 2023.
5. Applicant's Petition and supporting documents were introduced and identified by

the Zoning Administrator, Lori Seese, marked as Exhibit "Z-1", and made a part of the record.

6. The Applicant was represented by Timothy D. Charlesworth, Esquire.

7. Atty. Charlesworth submitted that the subject lot was consolidated with the lot which was the subject of ZA-2023-8 pursuant to zoning opinion and order entered by this Board at Appeal No. 97-13 entered in 1989.

8. Atty. Charlesworth stated that the Applicant seeks approvals to allow the removal of the residential structure located on the property, thereafter consolidating the lot with L7-8-5.

9. Atty. Charlesworth offered the testimony of Tom Knabb, R.L.A. of Renew Design Group.

10. Mr. Knabb stated that he is a registered architect and also serves as a project manager for zoning and land development matters.

11. Mr. Knabb stated that for the purposes of the subject application he serves as design and project manager.

12. Mr. Knabb stated that 24 new self-storage units will be constructed on the site.

13. Mr. Knabb stated that 2 parking spaces will be constructed.

14. Mr. Knabb stated that the property currently has 2 vehicular driveways.

15. Mr. Knabb stated that the Applicant intends to remove one of the driveways, leaving only one access point onto the property.

16. Mr. Knabb stated that PennDOT prefers fewer driveways.

17. Mr. Knabb stated that the property currently contains 324 storage units and the Applicant is proposing to add an additional 24 units which is less than a 10% increase.

18. Mr. Knabb stated the Applicant's development plan will also reduce impervious coverage by 1400 square feet.

19. Mr. Knabb stated that storm water requirements will be handled thru the land development process

20. Mr. Knabb identified Ex. A-3 as an email response from the Fire Chief sent in response to a request for review.

21. Mr. Knabb stated that Section 1702.C. table 17.1.f. requires 1 parking space per 15 storage units and one per employee, which in the instant case would result in a requirement of 23 spaces.

22. Mr. Knabb stated the Applicant is proposing to construct 2 parking spaces.

23. Mr. Knabb stated that storage unit tenants do not use parking spaces, preferring to park right in front of their storage unit.
24. Mr. Knabb stated that in the event that relief for parking is not granted 23 parking spaces will be required and this would create additional impervious coverage for spaces that will not be used.
25. Mr. Knabb stated that a building separation of 25 feet is required, while the current building separation is 20 feet.
26. Mr. Knabb stated that the new construction will comply with the ordinance and there will be 25 feet of building separation.
27. Mr. Knabb stated consolidation of this lot with L7-8-5 has many benefits, including but not limited to the removal of an onlot septic system, no additional office for employees and a reduction in impervious coverage.
28. Mr. Knabb stated in the event of the widening of Route 191 the Applicant will have greater ability to offer more right of way to PennDOT and the distance between Route 191 and the structure will increase.
29. Mr. Knabb stated that he believes the consolidation of the lots is the least intrusive expansion and there is no adverse impact from the expansion.
30. Mr. Knabb stated that the southern entrance onto the property will remain.
31. Mr. Knabb stated that a driveway entrance and 1 residential structure will be eliminated.
32. Atty. Charlesworth offered the testimony of Cory Bonda who stated that his company owns and manages the subject storage facility.
33. Mr. Bonda stated that his company owns over 50 storage properties.
34. Mr. Bonda stated that he agrees with all testimony submitted by the Applicant pertaining to the description of the proposal, operation of the facility, parking, etc.
35. Mr. Bonda stated that all the storage units are fire and water resistant.
36. Mr. Bonda stated that no junked vehicles are allowed on the premises.
37. Comments from several residents were received.
38. James and Regina Dugan, owners of 4468 and 4470 Hanoverville Road, a property that abuts the subject property on the southwest, questioned whether the Applicant's construction would impact their property in any way and whether there would be any reduction in impervious

coverage.

39. Jose Montes stated that he resides on the first floor of 281 Nazareth Pike.
40. Mr. Montes stated that the building is old and should not be razed.
41. Jessica Lind stated she also resides on the first floor of 281 Nazareth Pike.
42. Ms. Lind stated that she and Mr. Montes have expended efforts to provide greater curb appeal to the property and it should not be razed.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

43. The subject premises is located at 281-283 Nazareth Pike and has tax parcel identifiers of L7SW2-1-1 and L7SW2-1-2.

44. The subject premises is located in the General Commercial (GC) and Low Density Residential (LDR) zoning districts.

45. The Applicant seeks approval to remove the existing residential structure and consolidate the lots.

46. The Applicant seeks approval to expand the non-conforming use by adding 24 additional storage units and 2 parking spaces.

47. The Applicant proposes to eliminate one of the two vehicular driveways found on the property.

48. The Applicant's development will reduce the impervious coverage by 1,400 square feet.

49. After consolidation of the parcels, the Applicant's use will be a continuation of a pre-existing non-conforming use.

50. Section 1409.C.3, of the zoning ordinance provides for the expansion of a nonconforming use:

1409. NONCONFORMITIES.

.....C. Alteration or Expansion of Nonconformities.

3. Expansion of a Nonconforming Use. A nonconforming use or a building used by a nonconforming use shall not be expanded or enlarged, except in accordance with the following provisions:

a. Such expansion or enlargement shall be permitted only by special exception from the Zoning Hearing Board under the provisions of Article I.

b. Such alteration, reconstruction, extension or enlargement shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

c. A nonconforming use shall not be increased in total floor area of buildings, total area covered by impervious surfaces or total number of dwelling units by greater than 50 percent beyond each such measurement that existed in such use at the time such use becomes nonconforming. Whichever of these limitations is most restrictive shall apply. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.

d. Any expansion of a nonconforming use shall meet the required setbacks, unless a variance is granted by the Zoning Hearing Board.

51. Section 119.C.1. provides:

C. Approval of Special Exception Uses.

1. The Zoning Hearing Board shall approve any proposed special exception use if they find adequate evidence that any proposed use will meet:
 - a. All of the standards listed in Section 118.D.
 - b. All of the specific standards for the proposed use listed in Article XIV.
 - c. All other applicable requirements of this Ordinance.
2. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines is necessary to implement the purposes of this Ordinance.

52. The expansion of the nonconforming use will not be in conflict with other township ordinances or State or Federal laws or regulations known to the Township.

53. The expansion is not significantly incompatible with the adopted Comprehensive Plan, as amended.

54. The expansion will not result in or significantly add to a significant traffic hazard or significant traffic congestion.

55. The expansion will not create a significant public safety hazard, including fire, toxic or explosive hazards.

56. The Applicant, through its submitted engineering plans, has demonstrated adequate ability to manage stormwater.

57. It is further noted that the Applicant is removing a septic system and impervious coverage which will also assist with storm management.

58. The Applicant's expansion will not significantly negatively affect the desirable character of any existing residential neighborhood.

59. The Applicant's expansion plan demonstrates that it will not present significant negative influences on adjacent uses.

60. The Applicant seeks an interpretation that only 2 parking spaces are required for the use.

61. The Board finds that the parking for the existing storage units is the continuation of the pre-existing non-conforming use.

62. The Board has confirmed that the existing use is a pre-existing nonconforming use.

63. The Board finds that the storage facility pre-existing use has operated successfully for many years without any parking spaces.

64. The Board finds credible the Applicant's testimony regarding storage facility tenants who park directly in front of their storage units.

65. The Board finds that the Applicant's proposed 2 spaces will be more than sufficient to accommodate the new storage units.

66. The Applicant requests relief from Section 1502.A.(61)(i) which states:

1502. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

A. Each of the following uses shall meet all of the following requirements for that use:

61. Self Storage Development

...i. Minimum separation between building – 25 feet

67. The existing building separation is 20 feet.

68. The existing building separation will not have any impact on the Applicant's proposal for expansion.

69. The Board agrees that the existing building separation of 20 feet will not have any impact on the Applicant's expansion plans and therefore there is not a need for relief from the requirements of Section 1502.A.61.

70. The Applicant seeks a favorable interpretation of Section 1409.C(3)(c) - text of section found in paragraph 50 - which requires that any expansion of a non-conformity be on the same lot that the non-conforming use was located when it became non-conforming.

71. The Board finds, with the consolidation of the two lots, the proposed expansion will constitute an expansion on a lot on which the non-conforming use was located when it became non-conforming.

**ZONING HEARING BOARD
LOWER NAZARETH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

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ORDER


Upon consideration of the foregoing Findings of Fact and Conclusions of Law, the Lower Nazareth Township Zoning Hearing Board, by a unanimous vote, hereby decides the following:

1. The Board grants the Applicant's request for Special Exception per Section 1409(c)(3) for the expansion of a nonconforming use.
2. The Board grants the Applicant's request for a favorable interpretation of Section 1702.C. and Table 17.1.F. to require only two (2) parking spaces.
3. The Board grants the Applicant's request for a favorable interpretation of Section 1409.C.(3)(d) as follows:
 - a. to allow the 20-foot building separation with respect to the current structures per the existing non-conforming use; noting that the Applicant's proposed expansion will comply with the minimum required setback of 25-feet per the Ordinance.
4. The Board grants the Applicant's request for a favorable interpretation of Section 1409.C.(3)(c) as follows:

- a. to allow the consolidation of the two lots so that the expansion of the non-conforming use will occur on the same lot on which the non-conforming use was located when it became non-conforming as permitted by the Ordinance.

The relief granted herein is conditioned upon the size, construction and location of the new storage units and parking as set forth in the Applicant's appeal, documentation, testimony and exhibits submitted at the hearing held on May 23, 2023.

LOWER NAZARETH TOWNSHIP
ZONING HEARING BOARD



STEPHEN MORDAHL, CHAIR



BRIAN FENSTERMAKER



MANOUEL CHAGNALIS

Date: 7/7/2023