



LOWER NAZARETH TOWNSHIP

ZONING HEARING BOARD

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Zoning Hearing Board

Steven Nordahl, Chairman
Michael Gaul, Vice Chairman
Brian Fenstermaker, Board Member
David McGinnis, Alternate
Roberto Reyes, Alternate

April Cordts, Esq., Solicitor

Zoning Hearing Board Minutes **April 30, 2024**

Chairman Steven Nordahl called the meeting to order at 6:30 p.m. Board Members Mike Gaul and Brian Fenstermaker; Alternates David McGinnis and Roberto Reyes, Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance.

APPROVAL OF THE AGENDA

Approval of the agenda with the amendment to add “Correspondence” and an item related to “New Enterprise Stone & Lime Zoning Appeal” was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

MINUTES

Approval of the April 29, 2024 minutes was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

CORRESPONDENCE

New Enterprise Stone & Lime Zoning Appeal – Lori Seese explained the reasons behind the appeal. Motion to accept the withdrawal of the zoning appeal was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

HEARINGS

ZA2024-02 – Easton Suburban Water Authority

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Craig Swinsburg, Executive Director for ESWA, Applicant; Daniel Jeon, P.E. and Rachel Govelovich, P.E., Gannett Fleming.

Brian Rosenberg, Pastor of Promised Land Church of the Nazarene was also present.

Daniel Jeon, P.E. and Rachel Govelovich, P.E., of Gannett Fleming attended remotely. The motion to allow remote testimony as no one was present to object to the application was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried. It was agreed that the Zoning Hearing Board will allow testimony to be given remotely at the Applicant’s risk and if there is an objection by anyone in the audience, it would not be allowed.

Craig Swinsburg provided testimony. The water pump station on Butztown Road was constructed in 1990 and is in need of renovation. In lieu of making repairs, they want to move the station to the proposed location on Hecktown Road. ESWA is limited in where they can

relocate. The church was interested and the location meets their hydraulic and water quality requirements. The required lot size in the zoning district is a lot more than they need. They want to construct a station on the minimal lot size that they need.

Craig stated they have an agreement of sale to purchase the lot, which is 55,000 s.f. It will be an unmanned facility, with three pumps in the building. Someone will stop at the facility once a day. Once or twice a month they may have someone there performing maintenance. They will have a security system which will monitor the property. They have gotten away from using fencing in residential areas. There will be minimal security lighting on the property. No signs are planned.

In regard to noise concerns, Craig stated you cannot hear the pump station running; however, you will hear the generator run during an emergency. They will run the generator approximately once a week and as an exercise every month or so.

Motion to close testimony by Steve Nordahl and seconded by Michael Gaul. The motion carried unanimously.

Motion by the Board

The motion to approve the requested variance with the condition that it must be consistent with the application, testimony and exhibits presented at the hearing and that it cannot be used for a dwelling at any time without Township Approval was moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

ZA2024-03 – Dashmesh Darbar of PA

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Joseph Piperato, Esq.; Preety Minhas, for the Applicant, and Jerrod Dinnen, P.E., Aurora, PC.

Preety Minhas provided testimony regarding the property in question. Preety is a real estate agent and a member of the Gurdwara which proposes to locate to the property.

Exhibit A-1 – Parcel Information from Northampton County, www.ncpub.org.

Exhibit A-2 – Agreement of Sale (4/12/23) and Addendum to the Agreement of Sale (3/6/24 and 3/5/24).

Preety provided testimony about when the lot will be used: Sunday and Friday services with prayer with food. Sunday 10-2 and Fridays 6-9. Gurdwara will not be occupied any other time. Other functions: may be occupied for a wedding on a weekend.

Mike Gaul inquired about the recreational courts and when they would be used. Brian Fenstermaker and Roberto Reyes inquired whether those facilities would be open to the public. Preety stated it would open only to the congregation due to liability issues.

Steve Nordahl inquired whether there would be any alcoholic beverages, to which Preety stated there would not.

Roberto and Brian asked for clarification about the hours. Preety stated the timing could be there as early as 6 p.m. and cleaning up would be finished by 9 p.m.

Steve inquired about lighting and security. Preety stated they would have both.

Steve inquired about on-site maintenance. Preety stated they would have 1-2 individuals.

David McGinnis inquired about religious studies and daycare. Preety stated there shouldn't be any additional times.

Steve inquired about signage on the street level. Preety stated they are only planning on a plain sign at this time.

Jerrod Dinnen, P.E. with Aurora, PC provided testimony.

Exhibit A-3: Usable Lot Area was presented. The orange shaded area represented the usable lot area for development. 103,400 s.f. There are two environmentally sensitive areas on the lot which will not allow development which are located in the rear: an existing water body which collects runoff from the adjacent areas and a natural wetland, with wettish soil with vegetation synonymous with wetlands. These areas are required to be buffered pursuant to the PADEP requirements. The usable lot area is ±42% compared to the overall tract size.

Front yard setback variance request of 50 feet in lieu of 75 feet. Side yard setback variance request from 30 feet to 10 feet side yard setback on the northern side of the property. They will meet the rear setback.

Exhibit A-4: Lot Area Plan was presented. Jerrod reviewed the proposed layout of the site, stormwater management, parking, etc.

Schultz Water Systems is an adjacent property owner. Schoolhouse Orthodontics, and residential properties in the vicinity of the property were depicted on the exhibit.

Valley View Diner is directly across the street, along with a law office, dentist office, and auto body repair, Kitchen Magic, and FedEx Freight behind the diner. The neighborhood would be characterized as a mixed-use neighborhood.

The TD-9 zoning district uses were discussed. Jerrod Dinnen testified that some of the permitted uses would be more intensive and severe in traffic and stormwater management than the proposed use.

Steve Nordahl inquired about stormwater. Jerrod stated all stormwater will be directed to the detention pond and will not be directed to the existing pond, wetland or to the adjacent neighbor.

Mike Gaul asked about the setback variance. Jerrod stated they can meet the setback; however, they would lose parking. They would like to have the benefit of more parking than possibly not enough.

Jeffrey Faust, 585 Nazareth Pike, provided testimony. Jeff Faust stated a concern about the setback request because there is a small lane which goes around the building. Jeff inquired if some parking could be moved to the back of the property there in lieu of having the recreational courts in the rear. He has a large building in the back and stores a lot of equipment. His building is only 10-15 feet off the edge of the existing pond. He has lived at that location for a long time. In his experience there is a lot of runoff that comes off Nazareth Pike and goes to the rear of an adjoining property (595 Nazareth Pike).

Exhibit A-5: Major Site Plan was presented.

Exhibit A-6: Aerial View of the project location was presented.

Exhibit A-7, an aerial view of the existing water feature, was used for discussion.

Exhibit A-8, an aerial view with a topographic overlay was presented and discussed.

Northampton County Conservation District and NPDES Permit approval will be required during the land development process.

Jerrod stated approximately 16-20 spaces would be lost if they did not seek the side yard setback.

Roberto inquired about the location of the on-lot septic system. Jerrod stated it is not currently depicted and has to be designed.

Motion to close testimony moved by Michael Gaul and seconded by Brian Fenstermaker. The motion carried unanimously.

Board Deliberation

Michael Gaul commented about the new zoning ordinance zoning districts. He is sympathetic to the proposed use because it makes sense in this area. This use should be on Nazareth Pike – its where it belongs.

Mike stated he was inclined to grant the front yard setback and deny the side yard setback variance.

Steve Nordahl stated his concerns for protecting Mr. Faust’s property. Steve noted the irregular shape of the property can’t be helped.

Dave McGinnis stated a concern that the septic system has not been located.

Mike Gaul made a motion to approve the use variance and front yard setback variance conditioned upon the application, testimony and exhibits presented with the understanding that they *may* eliminate the basketball and tennis court facilities *and add parking their place*. The motion was amended to include a denial of the side yard setback variance request. The motion was second by Brian Fenstermaker and carried unanimously.

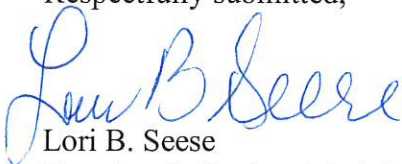
Paragraph amended

There were no comments under COURTESY OF THE FLOOR.

ADJOURNMENT

The motion to adjourn the meeting at 8:30 p.m. was moved by Brian Fenstermaker and seconded by Steve Nordahl. The motion carried unanimously.

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.***