



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 June 25, 2024

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

APPROVAL OF THE AGENDA

Approval of the agenda as posted was moved by Brian Fenstermaker and seconded by Roberto Reyes. The motion carried unanimously.

MINUTES

Approval of the May 28, 2024, minutes was moved by Brian Fenstermaker and seconded by Roberto Reyes. The motion carried unanimously.

CORRESPONDENCE

Zoning Appeal ZA2024-06 and ZA2024-09 – Scott Pulley Continuance –

The June 11, 2024, letter from Attorney Matthew Deschler was read into the record. The letter requested a continuance through August 31, 2024, and waived the MPC hearing requirements. April Cordts' June 17, 2024 letter was read into the record accepting the request for continuance to August 6, 2024.

HEARINGS

ZA2024-07 – 599 Daniels Road Holdings, LLC

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

Present for the Application: Andrew Bohl, P.E., Hanover Engineering and Joseph Piperato, Esq.

Andrew Bohl provided testimony about the proposed project. The property is in the TD-9 zoning district, Contracting, Craftsman and Artisan. The proposed use is a contractor's office/yard.

Exhibit A-1, Surrounding Area Aerial, Site Identification Map was added to the record.

The existing uses in the vicinity were discussed.

Exhibit A-2 was entered into the record. A single 63,000 s.f. building to be divided into (7) single units. No proposed access point from Daniels Road. Access will be from Greinar Road only. Each space will have storage and office space. The proposed building height will be 30 feet or less, single story. Four parking spaces in the rear for each use pursuant to feedback from the Planning Commission. Forty-two spaces out front.

Exhibit A-3, the required dimensional criteria as required in the Zoning Ordinance was entered into the record.

Exhibit A-4 – February 19, 2024 letter from Hecktown Vol Fire Company Fire Marshall, Jeffrey Seip was entered into the record. Item #2 of the letter states that fire access must be available on all sides of the building. The plan has been designed to accommodate the largest vehicle possible.

Exhibit A-5 – 2020 Aerial was entered into record. Prepared to depict the location of all existing dwellings in proximity to the proposed site. All properties to the bottom of the page are in the TD-4 zoning district.

Pursuant to the current Zoning Ordinance, a 100-foot buffer is required. The previous Zoning Ordinance had a 75-foot buffer requirement.

Exhibit A-6 – Reduced version of the Buffer Yard Plan was entered into the record.

Mr. Bohl testified that the existing buffer is relatively dense. There is also a Met-Ed easement along the property line. The adjoining property owner planted evergreen trees along the property line. The Applicant proposes to plant trees as part of their land development application.

Exhibit A-7 – Photographs of the existing property were submitted into the record.

Photo #1 row of southerly property corner of Route 946 looking due south. Existing property with pine trees. The trees proposed by the Applicant would meet at this location.

Photo #2 Nearest dwelling due south – Dwelling 315 feet south of their property across Daniels Road.

Photo #3 Looking North – Looking due north at the subject property. The photo shows the tree line on the neighboring property and the Met-Ed easement.

The requested variance would be regardless of whether it was a 1-unit building or 7-unit building. Because of the narrowness of the lot any of the other uses permitted in the Zoning Ordinance would most likely also need a variance. The narrowest point is 320 feet. Due to all the setback requirements, the effective area they can provide for a buffer is 75 feet. The lot is also irregular in shape, having two front yards on Greinar Road and Daniels Road.

Steve Nordahl inquired about site lighting. Andrew Bohl stated pole lights would be installed on the perimeter and directed toward the building. Building mounted lights may also be proposed. Steve is concerned about the glow created by pole lighting in the parking lot.

Andrew Bohl stated the doors in the back will allow for drive-up and into the building. No docks will be provided. The intent is to have all storage inside the building. The only outdoor storage will be vehicle storage. No tenant has been identified at this time. They do not believe they will have on-site fueling.

Steve Nordahl inquired about signage. Mr. Bohl stated signage will be pursuant to Township Ordinance.

Brian Fenstermaker asked for clarification regarding Exhibit A-6 and whether there would be all new plantings. Andrew Bohl confirmed the exhibit depicts the minimum proposed trees. Exhibit A-7 depicts the neighbor's trees. Andrew confirmed all existing trees to be removed and replaced with the trees on the buffer plan.

Brian noted an error on the plan where Unit #6 does not have the four parking spaces.

Roberto Reyes confirmed the hours, which would be normal contractor's hours.

Robert Reyes inquired about the rationale for parking in the rear. Andrew explained they need room to provide the required buffer. They must accommodate the parking, front yard setbacks, and the truck turning requirements around the building.

Steve Nordahl inquired about drainage direction. Andrew Bohl stated they will maintain or reduce existing drainage conditions to comply with Act 167 requirements. SWM has not been completed yet.

Steve Nordahl inquired about the septic system. Andrew Bohl stated the location is a place holder and they will probably move that location.

Attorney Piperato and Andrew Bohl confirmed the Applicant will satisfy the requirements of Article 9 Section 903.

Zachary Cobrinik, 4467 Briarwood Drive – Asked to view Exhibit A-5. Mr. Cobrinik testified that his property should be protected as it is intended by the Zoning Ordinance. One of the reasons he purchased the property was concerns about the industrial property to the north. They wanted to provide their own buffering and they understood the developer must provide their own buffering. Zach pointed out that they need to prove a hardship. The adjoining properties are just as deep as the proposed property and are developed. Zach suggested making the end unit shorter so they could develop the property with the 100-foot buffer.

Zach provided an exhibit which shows the view out their front window. They placed the house for the view on purpose.

The 25-foot buffer along the entire property line equates to almost half an acre of buffering they are requesting to eliminate. Zach Cobrinik is opposed to the variance request because he doesn't believe they've proved a hardship.

Lori Seese shared the comments from the Planning Commission minutes.

Zach said he keeps his land mowed and his property is in Act 315. He planned his buffering to supplement the buffering a developer would be required to do to make sure they have enough.

Roberto Reyes inquired if could they remove Unit #1 or make it smaller to keep the 100-foot buffer requirement.

Steve Nordahl suggested they make the end units smaller to accommodate the required setbacks and buffers.

Roberto Reyes inquired if all storage will be indoors and no storage outdoors? April Cordts asked how would they control it?

Attorney Piperato stated the control would be in their lease agreements.

The motion to close testimony was moved by Brian Fenstermaker and seconded by Roberto Reyes.

Board Deliberation

Steve Nordahl stated they are providing the buffer which was proposed under the previous zoning ordinance. He is not opposed to the proposal and has no major concerns. Steve commented that it will look like a professional building from the street.

Roberto Reyes noted it is a permitted use and understands the property owner's issue. Roberto also noted the adjoining properties are similar in their setbacks. Roberto wants to see a condition that they cannot have outdoor storage.

Hours of operation were discussed.

Roberto Reyes said another condition must be that no noise should emanate from the building. All fabrication shall be conducted inside the building.

No outdoor storage except for the company vehicles, such as a car or truck with the name of the business. Everything else is equipment which must be stored inside the building.

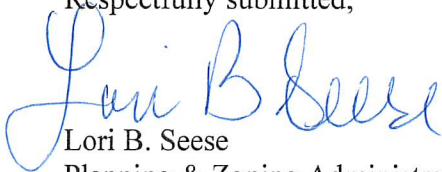
Motion by the Board

Brian Fenstermaker made a motion to grant the requested variance for the buffer of no more than 25 feet from Article 6, Section 606, with conditions of no outdoor storage of anything but company vehicles in regular use, no noise shall leave the site, deliveries can only occur from sunrise to sunset, all in accordance with all testimony and exhibits. The motion was seconded by Roberto Reyes and carried unanimously.

ADJOURNMENT

The motion to adjourn the meeting at 8:30 p.m. was moved by Brian Fenstermaker and seconded by Roberto Reyes. 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.***