



# LOWER NAZARETH TOWNSHIP

## ZONING HEARING BOARD

623 MUNICIPAL DRIVE  
NAZARETH, PA 18064  
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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** **August 6, 2024**

Chairman Steven Nordahl called the meeting to order at 6:30 p.m. Board Member Brian Fenstermaker; Alternate David McGinnis, Zoning Hearing Board Solicitor, April Cordts; Township Solicitor, Gary Asteak, and Lori Seese, Planning & Zoning Administrator were all in attendance. Board Members Mike Gaul and Alternate Roberto Reyes were not present.

### **APPROVAL OF THE AGENDA**

Approval of the agenda with the correction of August 6, 2024 was moved by Brian Fenstermaker and seconded by David McGinnis. The motion carried unanimously.

### **MINUTES**

Approval of the June 25, 2024 minutes was moved by Brian Fenstermaker and seconded by David McGinnis. The motion carried unanimously.

### **HEARINGS**

#### **ZA2024-06, Scott A. Pulley**

The advertisement for the hearing was read aloud. Present for the Application: Matthew Deschler, Esq. and Scott Pulley, Applicant.

It was decided to proceed with the enforcement hearing and Attorney Deschler could determine if he wanted to proceed in both cases at the conclusion of testimony.

#### **ZA2024-09, Scott A. Pulley**

The advertisement for the hearing was read aloud and all parties who would testify in the hearings were sworn. Present for the Application: Matthew Deschler, Esq. and Scott Pulley, Applicant

Lori Seese provided testimony regarding the enforcement notice and violations on the property. Township Exhibits were presented:

Exhibit T-1: Scott Pulley Accessory Buildings and Parking Extension

Exhibit T-2: Map submitted with Zoning Appeal ZA2024-09.

Testimony was provided regarding the accessory buildings and improvements which were permitted and those that were not.

Prior appeal from 2001 was also discussed which granted Special Exception approval for a contracting business. The kennel use was also discussed.

Lori Seese provided testimony regarding the in-law apartment and the occupant, pursuant to discussion with Scott Pulley.

Exhibit T-3: Zoning Hearing Board Order & Opinion, ZA2001-06.

The Order & Opinion was discussed. Lori Seese provided additional testimony under cross-examination.

Applicant's Exhibit A-8 was presented. Building Permit #2001143, dated 12/19/2001.

Township Exhibit T-4 was presented. Zoning Permit #4743, 10/31/1995.

Township Exhibit T-5, Google Earth Mapping of the Pulley property.

Scott Pulley provided testimony regarding his use and improvements to the property, particularly in regard to the apartment.

Mr. Pulley testified that the tenant is Brenda Mack, his mother-in-law.

The septic system and connection to the apartment was discussed.

Township Exhibit T-6, Septic System Permit for 4656 Hanoverville Road.

The Township rested with enforcement testimony and Mr. Deschler moved on with the variance appeal.

Additional testimony regarding the septic system, tank, and how the apartment came to be connected to the septic system.

Township Exhibit T-7: Final Grading and Septic Design Plan, dated 5/9/95, approved 6/2/1995.

Township Exhibits A-1 thru A-7 were submitted for the record for the enforcement appeal ZA2024-06.

It was agreed that any testimony given on behalf of the enforcement notice could be considered in the variance appeal.

Applicant Exhibit Package A-1 thru A-7 was presented.

Exhibit A-1: Northampton County Tax Assessment summary printout for 4656 Hanoverville Rd

Exhibit A-2: Google Map aerial photographs

Exhibit A-3: Permit for building #2

Exhibit A-4: Survey Plan prepared by Valley Land Services, submitted with the application

Exhibit A-5: Floor Plan of Accessory Apartment

Exhibit A-6: Photographs of Accessory Apartment

Mr. Pulley provided testimony regarding the apartment and occupancy by his mother-in-law.

Exhibit A-7: Zoning Map

Second floor of building #2 is the in-law apartment

Exhibit T-8 – ZA2001-03 Opinion and Order

Mr. Pulley testified he would be willing to obtain all necessary permits and bring the apartment into code compliance.

Exhibit A-9: Receipt for septic tank pumping

Exhibit A-10, Commonwealth Court Decision, dated 7/8/03.

Township Exhibit T-8, Zoning Hearing Board decision 9/25/2001 was presented.

Testimony regarding the plumbing connection in the apartment was provided.

The Zoning Hearing Board questioned Mr. Pulley regarding the apartment, permitting, and exhibits.

Attorney Deschler and Attorney Asteak provided closing statements.

The motion to close testimony was moved by Brian Fenstermaker and seconded by David McGinnis. The motion carried unanimously.

#### Board Deliberation

It was the consensus of the Board to uphold the Enforcement Notice.

#### Motion by the Board

In regard to Appeal ZA2024-06, the motion to uphold enforcement notice issued by the township was moved by Brian Fenstermaker and seconded by David McGinnis. The motion carried unanimously.

#### Appeal ZA2024-09

The motion to deny the variance request from Article 3, Section 303, QuickView Table 4 to permit an accessory dwelling unit in the Village Residential zoning district; was moved by Brian Fenstermaker and seconded by David McGinnis. The motion carried unanimously.

The motion to uphold the Zoning Officer's interpretation regarding an interpretation of Article 12, Section 1202 regarding an accessory dwelling unit was moved by Brian Fenstermaker and seconded by David McGinnis. The motion carried unanimously.

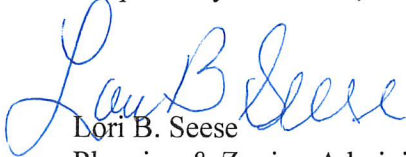
The motion to deny the variance request from Article 5, Section 504.1.B and 504.1.C to permit an accessory dwelling unit within an accessory building was moved by Brian Fenstermaker and seconded by David McGinnis. The motion carried unanimously.

The motion to deny the variance by estoppel and vested rights was moved by Brian Fenstermaker and seconded by David McGinnis. The motion carried unanimously.

**ADJOURNMENT**

The meeting adjourned at 9:52 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.***