



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 January 30, 2025

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

APPROVAL OF THE AGENDA

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

HEARING

ZA2025-01, Sherri Bourneuf

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Sherri Bourneuf, Applicant; Christopher Spadoni, Esq.

Township Solicitor, Gary Asteak provided a review of the appeal before the Board which is an appeal of an Enforcement Notice issued by Lori Seese, Zoning Officer for the Township.

Lori Seese provided testimony regarding the following exhibits:

Exhibit ZHB-1, Zoning Appeal Folder

Township Exhibits:

Exhibit T-1, 2001 Zoning Ordinance, Article 1, Section 109A.2.d. Driveway Permit requirements, Sheet I-6;

Exhibit T-2, 2023 Zoning Ordinance, Article 1, Section 109.1.B(4), Driveway Permit requirements, Page 5;

Exhibit T-3, Article 10, Section 1003.4.C, Access Drives and Driveways, and Section 1003.5.B, Page 58

Exhibit T-4, Septic System Design & Grading Plan for Surrey Glen, Lot 44, dated July 2, 1997, approved July 24, 1997;

Exhibit T-5, Photographs of the Bourneuf driveway (3 black & white photographs).

Attorney Spadoni cross-examined Lori Seese.

Charles Patterson of Easton Suburban Water Authority provided testimony. *Mr. Patterson was subpoenaed by the Zoning Hearing Board to provide testimony. (Amendment to minutes added by motion of the ZHB)*

Exhibit T-6, ESWA Work Order was submitted. Mr. Patterson stated ESWA was called for a curb box repair to make it flush. Mr. Patterson described the work he performed. Exhibits T-7 and T-8 were also submitted for the record, which depict the riser rings installed.

Exhibit T-9, Google Earth Image of the 4682 Stafford Driveway, Image Date July 2024, was entered into the record.

Charles Patterson stated he had been at the property previously because there was a depression in the pavement and the homeowner was concerned. This occurred prior to 2024.

Attorney Spadoni cross-examined Mr. Patterson.

Bill Kocher, Director of Public Works for Lower Nazareth Township, provided testimony.

Exhibit T-10, Photo of the Bourneuf property, taken 8/9/24 was submitted into the record.

Exhibit T-11, Photo of roadside swale in front of Bourneuf property, taken 8/9/24 was submitted into the record.

Exhibit T-12, photo of basketball hoop in the swale in front of 4682 Stafford Drive was submitted into the record.

Bill Kocher testified regarding an on-site meeting with Ms. Bourneuf, her engineer, Township Engineer, himself and Assistant PW Director. It was agreed at that meeting that the Township would fix a patch in front of the property in front of the catch basin. That patch was fixed on October 17, 2024.

Attorney Spadoni cross-examined Bill Kocher.

Applicant Exhibit A-1 – Photograph of water in road on Stafford Ave was submitted into the record.

Roberto Reyes and David McGinnis asked Bill Kocher questions.

Applicant Exhibit A-2, a photo of water in front of 4682 Stafford Ave was submitted for the record.

Applicant Exhibit A-3, a photo of water at the corner of Stafford Avenue and Southgate Circle was submitted for the record.

Justin Coyle, P.E., Township Engineer provided testimony regarding the swale on the Bourneuf property and the stormwater function on Stafford Avenue.

Township Exhibit T-13, an August 23, 2023 letter and a March 26, 2024 letter prepared by Justin Coyle were submitted into the record.

Attorney Spadoni cross-examined Justin Coyle.

Roberto Reyes asked Lori Seese to explain the process and requirements for a Driveway Permit.

Exhibit T-14 – Township Driveway Permit application was submitted into the record.

Justin stated at a May 2024 site meeting there was a “hand-shake agreement” with Applicant’s engineer that the Applicant would reestablish the grass lined swale, make adjustments to the driveway, and Lower Nazareth Township would pave a section of the road near the inlet.

Discussion followed about the road pitch adequacy.

Applicants Exhibit A-5: Photograph of work performed in Stafford Avenue in front of the property. Justin stated the picture proves the point that if the swale existed the water would get to the catch basin. There is a lack of swale from the edge of pavement to the basin.

Justin stated pavement of the driveway exacerbated the runoff problem instead of improving it.

Dave McGinnis confirmed with Justin that Exhibit T-9 shows there was a very small swale in existence in the Google 2024 photo.

Gary Asteak asked to move for the admission of exhibits.

Gary Asteak outlined the remediation required by the Township: swale in the driveway and along the property, removal of the basketball hoop, and completion within (4) months.

Chris Spadoni stated they agree to all; however, they do not want to apply for a Driveway Permit. They feel because Lori Seese stated they would have to also comply with SALDO requirements it would open Pandora’s box.

Gary Asteak pointed out that the Applicant did not deny that she repaved the driveway.

Chris Spadoni stated they would agree to inspection and approval subject to the Surrey Glen Plan.

The Chair closed testimony at 9:20 p.m. and the Board went into deliberations.

The record was re-opened at 9:44 p.m.

Decision:

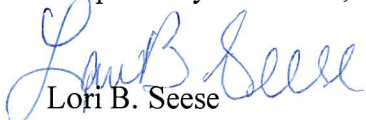
Roberto Reyes made the motion to uphold the enforcement notice, addressing every item; Require the submission of a Driveway Permit application; Require the swale to be corrected across the driveway and across the driveway; and remove the basketball hoop, provided the property owner is in agreement to the decision, the Zoning Hearing Board is willing to waive any financial penalties provided the work is corrected within 6 months. In addition, any correction action must be subject to the Zoning Ordinance and any other ordinances of the Township.

The motion was seconded by David McGinnis and carried unanimously.

ADJOURNMENT

The meeting adjourned at 9:48 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.***