

**UPPER NAZARETH TOWNSHIP
ZONING HEARING BOARD MEETING
July 27, 2022**

The Zoning Hearing Board meeting was called to order at 6:30 p.m. by Chairman Andrew Bohl.

Board members present were Andrew Bohl, Keith Haverstock, and William Whyte, alternate. Also present were Zoning Hearing Alternate Solicitor Steven Goudsouzian, Court Reporter Ted Rewak, Secretary Deanne Werkheiser, and Zoning Officer John Soloe.

Motion was made by Keith Haverstock, seconded by Andrew Bohl to appoint Steven N. Goudsouzian as Zoning Hearing Board Alternate Solicitor for Cases #ZB 220120 and #ZB 220127. Motion approved unanimously.

HEARING #ZB 220120 – Applicant, Carl Tolino, 15-19 Tatamy Road, Nazareth, PA 18064, seeks a variance for relief from the Upper Nazareth Township Code of Ordinances, Section- Zoning, Part 3, 27-307 Dimensional Requirements, H. I-L Light Industrial of minimum Front Yard Setbacks.

Ted Rewak swore in Curt Dech and Carl Tolino. Their attorney, Marc Wolfe stated they were waiting on a witness to arrive. The Board proceeded with the next case.

HEARING #ZB 220127 – Applicant, Harpreet Buttar, 306 Farmview Road, Nazareth, PA 18064, seeks a variance for relief from the Upper Nazareth Township Code of Ordinances, Section 27-403-4-H(3), to place a six (6) foot high fence on a corner lot where a four (4) foot high fence is allowed.

Ted Rewak swore in Harpreet Buttar, Harrai Dharan, Jashanpreet Chawla, and John Soloe.

Zoning Officer presented certification of posting of notice, marked exhibit #1. Proof of advertisement was submitted, marked exhibit #2. Advertisements ran in Easton Express on July 6, 2022, and July 20, 2022.

Attorney Steven Goudsouzian asked if any objectors were present. None.

Andy Bohl outlined the procedure that would be followed for the meeting-

Applicant will present their case followed by cross-examination

Questions of Applicant by Zoning Hearing Board; followed by

Questions of Applicant by Audience, followed by

Statement by Audience Members- Please ask to be recognized before speaking and state your full name and address before speaking. All parties will be given an opportunity to speak.

Harpreet Buttar stated he is requesting a higher fence for the protection of his children. They sit on a corner with two busy roads. The fence will help to keep them safe. They are two and five years old. Andy Bohl asked if the children have special needs. Harpreet replied that they are not but were raised in India. Harrai Dharan, 122 Lower Way Road Easton, PA 18045 asked to speak. He stated that both parents work, their elderly mother watches the children. The children do not know the dangers since they were raised differently. They will learn but will take time. The fence will keep the children safe.

John Soloe explained requirements for fences and right of ways. The property is a corner lot. The fence can only be four foot high closer to the curb, six foot high closer to the house.

A Google map printout of the property was entered as exhibit #3. Harpreet indicated where he was planning on placing the fence. With the required right of way, the fence must be at least 25 feet from the center line of the roadway, which is at least seven feet from the curb. John stated that the fence cannot impede the required sight triangle, which would require the fence to be approximately halfway up the side of the house. Attorney Steven Goudsouzian stated that the variance request is to place a six-foot fence a minimum of seven feet from the curb, and to not impeding the sight triangle. Harpreet responded yes, for the safety of his children and to help his elderly mother watch the children. They can climb over a four-foot fence. Keith Haverstock asked where the fence will be. Only on the 1st Street side of the house, meeting up with the hedge row. Keith asked what would keep them from going through the hedge row. Harpreet replied it is very thick. Cannot get through it.

There were no audience questions or audience statements.

Keith asked for clarification of what the variance would be. Attorney Steven Goudsouzian responded a six-foot fence on the 1st Street side, minimum seven feet off the curb, not to extend more than half the length of the house, and does not block the site triangle.

Motion was made by Andrew Bohl, seconded by William Whyte to grant the variance allowing a six-foot fence on the 1st Street side, minimum seven feet off the curb, not to extend more than half the length of the house, and does not block the site triangle. Motion approved unanimously.

Attorney Steven Goudsouzian suggested that they work with John Soloe when they are ready to build the fence and submit the application. Andy Bohl suggested that they work with their installer to make sure that the fence is at the proper location. John Soloe stated there is a 30-day appeal period. Attorney Steven Goudsouzian stated the opinion will be done in 45-days. Can proceed without issues after that.

HEARING #ZB 220120 - Applicant, Carl Tolino, 15-19 Tatamy Road, Nazareth, PA 18064, seeks a variance for relief from the Upper Nazareth Township Code of Ordinances, Section- Zoning, Part 3, 27-307 Dimensional Requirements, H. I-L Light Industrial of minimum Front Yard Setbacks.

Zoning Officer presented certification of posting of notice, marked exhibit #1. Proof of advertisement was submitted, marked exhibit #2. Advertisements ran in Easton Express on July 6, 2022, and July 20, 2022.

Attorney Marc Wolfe stated he was counsel for the applicant. He introduced Robert Collura, who will be testifying. Robert Collura gave his background information. He is self-employed, 55 years of civil engineering and surveying. He has worked for numerous local municipalities and holds professional engineering and surveyors' licenses.

The Board accepted Robert Collura as an expert witness.

Attorney Marc Wolfe show the plan to the Board. Robert Collura explained the location, area, and that the shaded area on the plan is what falls into the set back. This will be exhibit A-#1.

An arial view of the property shows two vehicles. This is where the structure will be located. This will be exhibit A-#2.

A series of photos showing the property and area from multiple directions was submitted. These will be exhibits A-2-#1 through #9.

Robert Collura stated the neighboring properties are industrial, plumber, body shop, etc. To the west, there are some homes.

Ted Rewak swore in owner Curt Dech. Curt stated the Kardelis home and Barto Plastic warehouse are located to the west. To the north is a trailer (residence), travel agency, repair shop. An HVAC company runs out of the

home to the west. Victory Lane is further to the west but cannot see the property. To the east is a carpet company, Rid It pest control, then our facility with an apartment above.

A copy of the deed was submitted. This will be exhibit A-#3.

Carl Tolino stated the building would be metal with a wooden frame. It will be a three-sided enclosure, open towards Tatamy Road for vehicle storage. Approximately 3% of project or 80 feet will be in the setback, the southeast corner. The project meets the 15-foot setback off of the propane tanks per the Federal Fire Code which the Township abides by. If we shift the building, it will be too close to the propane tanks. The tanks cannot be moved. They are on concrete piers, electric connection, etc. It would cost hundreds of thousands of dollars to move the propane tanks. Attorney Steven Goudsouzian questioned the building size, 30 feet by 60 feet. Carl Tolino replied this size is needed for three trucks. Need 10 feet width per truck. Andy Bohl asked if the building needed to be 60 feet. Curt Dech replied this allows for them to put everything under it and keep the area neat and organized. Andy Bohl stated that 4% of the building area/ 80 Feet are in the set back area. Five feet three inches at the corner are over the set back.

Attorney Marc Wolfe asked Robert Collura if this creates a health or safety threat? Robert Collura replied no. Attorney Marc Wolfe asked Robert Collura if there are any other Ordinances or codes that are not being met? Robert Collura replied no.

The Building Plan was submitted. This will be exhibit A-#4.

Andy Bohl asked where the specific area is. The stone/ gravel area? The reply was yes. What will be done with the driveway? The reply was nothing. Will the area be landscaped? The reply was yes. Attorney Marc Wolfe replied to the questions raised. Andy Bohl asked will they be keeping the tree since the immediate neighbor is residential. The reply was yes but it may need to be trimmed back. Keith Haverstock asked if the structure was 20 feet high? The reply was yes.

Andy Bohl asked if there were any audience questions. One gentleman stated he had no questions but asked to see the site plan for the project. Andy explained the plan to him off the record.

No questions or comments from the audience.

For the record it was stated that Curt Dech was owner of the business and the property.

Attorney Steven Goudsouzian reviewed what was being requested- 5-foot 7-inch relief in shaded area, 19 foot 7 inches off the property line, conditioned on landscaping, and meeting all statutory requirements.

Motion was made by Keith Haverstock, seconded by Andy Bohl to grant the variance per exhibit A-#1 as requested, meeting all local, state, and federal requirements, and repairing any landscaping items. Motion approved unanimously.

Motion was made by Keith Haverstock, seconded by Andrew Bohl to adjourn the meeting at 7:41 pm. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser
Zoning Hearing Board Secretary