

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of July 13, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, July 13, 2023, in the Township Building.

ROLL CALL

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Clerk Angela Strohl, and Recording Secretary Deanne Werkheiser.

APPROVAL OF AGENDA

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the June 22, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the June 22, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Scott distributed copies of the model warehouse ordinance emailed to COG members from Northampton County.

Zoning Ordinance update. John Soloe stated the members will continue reviewing Part 4- Additional Requirements for Specific Uses, starting at 27:95 NN

NN. Recreation, Commercial Outdoor.

2- Pamela asked why "publicly-owned recreation," a "golf course," or a "motor vehicle racetrack" are listed and excluded? John responded these are businesses and not recreational. Brian Sayago asked where these are from. Scott replied EPD.

6- Maximum impervious coverage in any residential district: 20%. Scott asked why this is included. John replied this may be in TD1, depends on the district.

9- Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a twenty-foot wide buffer yard in accordance with § ___ shall be required. Scott asked what are woods. Brief discussion ensued.

11- Any restaurant open to the public, tavern, firearms target range, camp, campground, or commercial

picnic ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met. Scott and Pamela questioned the need for this. John replied in case the owner wanted to add them in.

OO. Recycling Collection Center. Pamela asked if this is referring to private business, municipal run, or the bins they have in parking lots? John stated oversight is needed so that areas do not become dump sites.

PP. Age-Restricted Residential Development. See § _____. More information needed

QQ. Single-Family Detached Dwelling.

1- Dimensional Standards. The following requirements for a Single-Family Detached Dwelling shall supersede the base zoning district dimensional requirements as listed in the Zoning District Quick Views. John stated he prefers actual square footage over decimals since that is easier for everyone. Example- .8 = 34,848, .3 = 13,068, 1 acre = 43,560, etc. These amounts have changed to allow for the current nonconforming lots. The majority of existing nonconforming lots will now be conforming. Going from 1,200 nonconforming to 85 nonconforming. John discussed how permitted uses by zone will be in the new ordinance. John stated he wants to make sure section 306 stays in. easy for people to use and review. This section may be moved back to 306.

5- The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable state and federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this chapter. Scott asked why this is necessary. Robert replied if you violate state or federal law you would lose your ability to operate. Pamela stated 2 and 4 are saying the opposite. How can we have both? John responded it is for internal burning Air pollution controls are in place per DEP.

9- A chain-link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening, and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings. John stated our current ordinance has no reference for fence heights at all for commercial.

15- Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Scott asked what Act 101 was. Municipal Waste Planning, Recycling, and Waste Reduction Act. Need to add PA- PA Act 101.

TT. Stable, Commercial. (Includes riding academies; See also "keeping of pets" in § ____). More information needed

2- Any horse barn, manure storage areas, or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling. Scott asked if this is as clear as it should be? Add "existing" to adjacent dwelling.

3- Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway. Pamela asked if this will be addressed in our MS4 ordinance? Change Creek to waterway. Remove perennial from "perennial waterway"

UU. Timber Harvesting.

3-d-6 An application shall be submitted to the Township, with a map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas. Scott asked is this for the entire

lot? John responded he would think it is. This is an entirely new section.

4-Timber Harvesting Practices. John stated we need to know what districts this will be allowed in. We do not have that yet.

VV. Townhouse and Multifamily (Apartments) Dwellings.

2-The maximum number of apartments that may be within a building shall be twelve (12), except no maximum shall apply in a building in which all units are permanently Age-Restricted to at least one resident aged fifty-five (55) and older or persons with physical disabilities. Pamela asked why 12? John replied he is not sure.

5- Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non coordinated types at the curbside are specifically discouraged. Change “should be” to “shall be”. Remove last sentence completely.

7-a- If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include a rectangular grass field fifty (50) feet by one hundred fifty (150) feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age fifty five (55) and older, then the common open space shall at a minimum include landscaped trails that are ADA accessible. Pamela asked how long is the trail? Could be two feet long. There should be a specific number. Maybe reiterate the 20 %? Scott stated it is referring to the 20%

7-b- A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than fifty (50) feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance. Robert stated this is making it restrictive to just those residents, not all residents. This would allow them to not pay anything? Brief discussion. Last sentence to be removed.

WW.- Treatment Center.

2- Scott asked if we currently have permits? John replied yes.

3- The applicant shall prove to the satisfaction of the Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect public safety. Scott stated he is not sure why this is in here. #3 references the Board, #4 references the Zoning Hearing Board. Why both? John replied it is going to come down to what district this will fall into.

XX- Animal Hospital, Large. What makes this large? Scott questioned 2 and 3. John replied this section will be cleaned up.

§ 27-403. Additional Requirements for Accessory Uses.

- 2 Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Part for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs. John stated he has an issue with this. Brief discussion ensued. Last sentence will be removed

- 4 Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

A Agriculture Supportive Industry/Service.

- 1 Agriculture Supportive Industry/Services are only permitted in the TD1 Field and Wood district and shall be accessory to an Agriculture Operation. John stated should this be changed from “permitted” to “allowed”
- 2 An Agriculture Supportive Industry/Service may include the following activities:
Tree Farms; Bed and Breakfasts; Pumpkin Patches; Corn Mazes; Petting and Feeding Zoos; Hayrides; Orchards; Gardens; and/or Any similar activity, provided the Applicant can provide evidence to the Zoning Hearing Board that the related impacts are equal to or less than any activities listed above.

Brian Sayago stated this is a totally different type of use-b- Bed and Breakfast. Pamela stated her issue is traffic. If they have an event, they may need to supply traffic control. These are temporary events; our Fire Police and Police should not have to do it. For 1, 3, and 4- John stated if this is permitted in TD1, how did we jump to the Zoning Hearing Board? How can it be permitted the require a review by ZHB? What creates the jump? Needs to be permitted by special exception then it all works.

- 3 Applicants must identify in a sketch plan the location of the proposed activities, all farm-related buildings in support of the Agriculture Operation, all dwellings, existing and proposed driveways, access drives, parking areas, vehicle turnaround areas, location of applicable sanitary facilities (if required) and buffering and landscaping in accordance with § ____.
- 4 A driveway occupancy permit must be approved by the township for access to township roads and must be reviewed by the Zoning Hearing Board for access to state roads.

6- All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted. It was asked if something is missing in this section. Brief discussion ensued. All of 6 will be removed. Brian Sayago stated it may need to be included so we can enforce it. Robert replied you need to have qualified departments to do enforcement.

D Day Care, Child, as Accessory to a Dwelling.

- 5 If four or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a six-foot high secure fence. Remove “six- foot high”. Just use secure fence

E Drive-Through Facilities. Scott asked if this is still accessory use? Jay replied like a drive through pharmacy. Scott replied it does not make sense.

F Electric Vehicle Charging Station.

- 1 All parking spaces dedicated to electric vehicle charging facilities shall comply with the standards within Part 6 – Off-Street Parking and Loading. John stated we need to make sure it complies.

G Farm-Related Business. This use may be approved on an lawful existing lot with a minimum lot area of 25 acres that include a principal agricultural use. Change “an lawful” to “a lawfully”

6 The business shall not generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Nonagricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m. Pamela asked about weddings. John stated that falls under agrotourism.

7 Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week (except customary retail sales as part of a barber/beauty shop). This provision shall not restrict permitted sale of agricultural products. Remove barber and beauty shop.

9 e Barber/beauty shops. remove

g Music, hobby, trade, or art instruction for up to 10 persons at a time. remove

12 the applicant shall prove to the Zoning Officer that- remove "officer", should be Zoning Hearing Board.

15 Landscaping shall be placed between any outdoor storage of nonagricultural materials or products and any adjacent dwelling from which storage would be visible. Too vague. Needs to have more direction.

H Fences and Walls.

3 b On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling. John stated they are working on requirements for commercial and business. Currently just residential

4 Walls. a Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all districts. However, if a retaining wall is over eight feet in height, it shall be set back a minimum of 15 feet from a lot line of an existing dwelling. John stated this will require review by engineer.

I Garage Sales. 5 No toxic or alcoholic beverages shall be offered for sale at a garage sale. Remove toxic and or.

J Home-Based Business, Low Impact.

8 A Low-Impact Home-Based Business shall be carried on completely within the dwelling unit, or a completely enclosed permitted accessory structure, such as a shed or detached garage. Scott questioned why? Angela replied per the MPC.

L Home Occupations.

1 e The use shall not require delivery by tractor-trailer trucks. Add routine- require routine delivery

m The Zoning Hearing Board shall deny a major home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings. John stated this needs to be included

q A zoning permit shall be required for a major home occupation. Scott asked what the difference is between major and minor.

2 Repairs to and assembly of computers and computer peripherals. Spacing corrected

M Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.

b correct district referenced.

N Pets, Keeping of.

4 Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors. John stated there should absolutely be NO chickens, ducks, geese,

pigeons, or similar on one acre or less.

6 See the definition of "Animal, Domesticated (Pets)" in § _____. To be updated
Brief discussion of exotic pets and the state required permits.

P Residential Accessory Structure or Use. (see definition in Part 2).

3 Height. See § ____, Subsection _____. To be updated

4 through 8 to be removed, from another section.

Q Retail Sales of Agricultural Products as an Accessory Use.

9 The retail sales shall be located on land owned by the operator of the market or upon a tract of five acres or more which the operator of the market actively farms. Remove market, replace with farm stand

T Swimming Pool, Accessory. (Referred hereafter as "pool.") John stated they are looking into koi ponds, etc.

John stated these changes will go to Carolyn. Updates will be sent out once received.

OLD BUSINESS:

John Soloe stated that JVI plans are being submitted and will require signatures.

COURTESY OF THE FLOOR

None at this time.

ADJOURNMENT

Motion was made by Robert Williams, seconded by Jay Benfield to adjourn the meeting at 9:05 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary