

**UPPER NAZARETH TOWNSHIP  
ZONING HEARING BOARD MEETING  
August 4, 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 Solicitor Michael Gaul, Court Reporter Ted Rewak, Secretary Deanne Werkheiser, and Zoning Officer John Soloe.

The agenda was amended to add approval of the minutes from January 26, 2022, and July 27, 2022.

**Motion** was made by Keith Haverstock, seconded by Andrew Bohl to approve the January 26, 2022, reorganization meeting minutes. Motion approved unanimously.

**Motion** was made by Keith Haverstock, seconded by Andrew Bohl to approve the July 27, 2022, Zoning Hearing minutes. Motion approved unanimously.

**HEARING #ZB 220108**– Applicant, Adam Pooler, 373 East Lawn Road, Nazareth, PA 18064, seeks a variance from the issued variance of 2009, ref ZB09-01 and relief from the Upper Nazareth Township Code of Ordinances Part 3, 27-307 Dimensional Requirements, (G) of Max building height of 2 ½ stories and or 35 feet.

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.

Solicitor Michael Gaul asked if anyone present wanted party status for the hearing? He explained what party status enabled them to do during the hearing. No one was interested.

Ted Rewak swore in Chad Clifton, Adam Pooler, John Soloe, and several members from the audience.

Zoning Officer presented certification of posting of notice, marked exhibit ZO-1. Proof of advertisement was submitted, marked exhibit ZO-2. Advertisements ran in Easton Express on July 6, 2022, and July 20, 2022. Proof of mail notification was submitted, marked exhibit ZO-3. The original application was submitted, marked ZO-4.

**Motion** was made by Keith Haverstock, seconded by Andrew Bohl to accept the Zoning Officers exhibits ZO-1 through ZO-4. Motion approved unanimously.

Attorney Stephanie Kobal stated she was counsel for the Applicant. She distributed packets to the board members. Items will be submitted as exhibits. The following exhibits were submitted, A-1- agreement of sale

of the property, A-2- Deed of property, A-3- Variance Application, A-4- Variance granted in 2009, A-5 Plan for project.

She introduced applicant as Endeavor LLC, Chad Clifton and Adam Pooler. Applicant was amended to Endeavor LLC. The current property owner is Bruno Scipioni. Attorney Stephanie Kobal stated the property sits on approximately  $\frac{3}{4}$  of an acre with a wooden structure and two additional buildings. They will demolish the existing buildings and put up a new building that will conform with the Zoning Ordinance more than the current building does. It will consist of businesses and apartments. Businesses will be in the basement and first floors. Apartments will be above. We are seeking relief from the original variance and are seeking a dimensional variance from the required 35 feet or two and a half stories, whichever is less requirement. Looking to build above 30 feet high.

Zoning Officer John Soloe gave a brief history of the property. Was NC (neighborhood commercial) District originally. Changed to R3 after the variance. The NC district applies to this property. John stated he made the determination to use the NC District and expressed that determination verbally to the applicant. Solicitor Michael Gaul asked if a permit would be granted if submitted. John replied nothing has been submitted yet.

Attorney Stephanie Kobal introduced witness Adam Pooler with Endeavor, LLC. She proceeded to ask Adam Pooler a series of questions regarding the application and exhibits submitted.

Exhibit A-1 is the agreement of sale of the property. Adam Pooler stated it is currently a two and a half story building with a bar, small garage, and a trailer which has been in a state of disrepair for a while. He is looking to demolish the existing building and put up a new building similar in size, approximately 3,000 square feet, with a height of 33 feet.

Attorney Stephanie Kobal stated exhibit A-4-is the Variance Upper Nazareth Township granted in 2009. What Mr. Pooler is proposing is different from what was granted. She stated they would review the process and the project that is being proposed.

Attorney Stephanie Kobal asked if the new building would be a benefit? Adam Pooler responded yes. The new building would have two commercial spaces and eight one-bedroom residential units with one or two people per unit. The hours for the commercial unit would be 8:00 am until 8:00 pm. The 33-foot height would include the HVAC system. It meets half of the ordinance- under 35 feet.

Attorney Stephanie Kobal asked if having three stories will harm the public interest. Adam Pooler responded no. The extra half story is needed to make the project more conforming and worthwhile to tear down and rebuild. He did not create the state of disrepair or road frontage on three sides.

Exhibit A-5 is the Site Plan for project. Adam Pooler stated it meets the setbacks from the previous variance. It has 31 parking spaces, conforming to requirements. Access from Hoch and Schoeneck Avenues. A buffer zone will be at the back of the property which will have dumpsters. The project abides by the Fire Code. Adam stated will go through land development requirements if necessary. Adam stated he has spoken with some of the neighbors. There are homes to the rear and to the east and west. Commercial property across the street. Quarry owns the property on the other corner. Relief needed to rehabilitate the property. This will enhance the neighborhood which sits near a school. This is a main roadway and entrance to the Township. The project would be an improvement over what is there now.

**Motion** was made by Keith Haverstock, seconded by Andrew Bohl to accept the exhibits A-1 through A-5. Motion approved unanimously.

Attorney Stephanie Kobal stated that they had nothing further to present.

Keith Haverstock stated he had questions about the proposal. How many businesses and apartments? Adam Pooler responded two businesses and eight one-bedroom apartments. Keith asked where entrances are located? Adam responded on Hoch and Schoeneck avenues. Zoning Officer John Soloe suggested an angle on the driveway so that they must go north on Hoch Avenue since it is a one-way street. Keith asked if signage is required. John responded yes; it is on the old plan.

Andy Bohl asked if this project has the same location layout. Adam responded no. The building is setback further from the corner. Andy replied that it is similar to what was submitted before. Andy asked if they will ever look to convert the businesses to apartments. Adam responded no. Andy asked if there would potentially be a restaurant. Adam responded no. John replied they could but would need to come back to make sure there was appropriate parking, etc. Andy asked if the new building would be similar to what was previously approved. Adam responded yes. Andy suggested Adam look at entrances, signage, parking, etc. Adam stated the parking meets current standards. They are knocking down all the buildings. There will be grass and trees between the parking area and the neighbors.

John Soloe stated that another variance was granted to this property in 2005. The required setbacks have changed dramatically when the traffic signal was installed.

Apartments will be on the second and third floors. Four apartments on each floor. The basement and first floor will be commercial space. There will be 17 spaces for commercial parking meeting the one space for 300 square foot requirement and 16 spaces for apartments, meeting the required two spots per apartment. Andy Bohl stated that is 33 spots, the plan says 31 spots. Adam responded the plan can be addressed to accommodate what is needed.

Solicitor Michael Gaul stated that the Boards role is not to figure out the plan but to address the variance request that is submitted, old conditions requiring a restaurant and half story of height on building.

Attorney Stephanie Kobal stated that they can not meet all the requirements previously set. The Hoch Avenue turn right only is mute now since Hoch Avenue is now one way. Demolition of building would stay. The condition for restaurant requirement would need to be removed.

Solicitor Michael Gaul stated this would require non-conforming use due to 50% expansion. Attorney Stephanie Kobal responded that the use that they are requesting does not meet nonconforming use. They are requesting three stories.

Solicitor Michael Gaul stated we need to keep this simple, to the issue needed for tonight. Anything would be better than what is there right now.

There were no more questions from the Board members. Andy Bohl stated they would open questions from the audience. He asked that they please state their name and address.

George Plowman, 343 East Lawn Road, stated he had two questions/ statements. First is parking. There is no on street parking in the area. Second is the roadways. Hoch Avenue is one way. Wayne Alley is just north of the property. It is a very small one lane road. Local kids play on it. Roads in this area are very narrow. You need to make sure you have enough parking and signs. People do not pay attention to signs.

Betty Williams, 361 East Lawn Road, asked if the footprint of the new structure is the same as current building. Adam Pooler responded no; it will be further away from the corner. Andy Bohl showed her the plan that was being proposed. Betty stated that the traffic signal has changed the traffic patterns, making it difficult to get

out onto Schoeneck Avenue. The current location would only allow two car lengths, the residents may have issues getting onto Schoeneck Avenue which is now heavily travelled.

Andy Bohl thanked the residents for their comments.

Vicky Anderson, 403 East Lawn Road, stated she would like to see a rendering of the building. Solicitor Michael Gaul stated there is nothing available now.

Attorney Stephanie Kobal thanked the Zoning Hearing Board for the clarity, their patience, and the residents' comments. A dimensional variance is requested for the half story of height. Solicitor Michael Gaul stated they are asking the Board to grant a variance to allow the structure. A half story dimensional variance from two and a half to three story, which would comply with conditions and meet zoning requirements, and include signage on Hoch Avenue.

**Motion** was made by Andy Bohl, seconded by Keith Haverstock to grant the variance to permit three stories from the two and a half story requirements, following regulations of the Zoning Ordinance, apply for land development approval, and place signage on Hoch Avenue per engineering requirements. Motion approved unanimously.

Zoning Officer John Soloe stated the former variance granted specific constrictions on the Zoning Officer. They need relief from this as well, which is on the application. Attorney Stephanie Kobal agreed that is what was applied for as well. They are not seeking to put in a restaurant and four apartments, which the former variance granted requires. Solicitor Michael Gaul stated we are an appeal body. So you are in agreement that you want the height variance?

The Zoning Hearing Board went into executive session at 7:45 pm to discuss the application. Andy Bohl reopened the hearing at 8:00 pm. The applicant spoke privately with their attorney during this time as well.

Attorney Stephanie Kobal stated they were fine with accepting the variance granted. Brief discussion ensued regarding special exceptions and how granted.

Andy Bohl stated the location is an eye sore that needs to be addressed. He suggested they work with the Zoning Officer and the Township Solicitor on the issue.

**Motion** was made by Andrew Bohl, seconded by Keith Haverstock to adjourn the meeting at 8:02 pm. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser  
Zoning Hearing Board Secretary