

**UPPER NAZARETH TOWNSHIP
ZONING HEARING BOARD MEETING
NOVEMBER 30, 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 Mark Stewart.

Also present were Zoning Hearing Alternate Solicitor Steven Goudsouzian, Court Reporter Moira Evans, Secretary Deanne Werkheiser, and Zoning Officer John Soloe.

Motion was made by Mark Stewart, seconded by Keith Haverstock to appoint Steven N. Goudsouzian as Zoning Hearing Board Alternate Solicitor for Cases #ZB 220268. Motion approved unanimously.

HEARING #ZB 220268- 373 East Lawn Road, Nazareth, PA 18064, Applicant, Endeavor Enterprise, LLC seeks a Special Exception to Change from the existing Non-Conforming Use to a Different Non-Conforming Use. The property currently is governed by the issued variance of 2009, ref ZB09-01 for the property at 373 East Lawn Road and Hoch Avenue, Tax I.D. #J8NW4 3-10-0432 and J8NW4 3-11-0432, and applicant seeks relief from the Upper Nazareth Township Code of Ordinances Chapter 27, Part8, Section 27-805(C) Nonconformities.

Moira Evans swore in Adam Pooler and John Soloe.

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 November 16, 2022, and November 23, 2022. Proof of mail notification was submitted, marked exhibit ZO-3. The original application was submitted, marked ZO-4.

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- Deed of property, A-2- agreement of sale of the property, A-3- Variance Application, A-4- Variance granted in 2022, A-5 Site Plan for project. Extra packets were available for public review.

Stephanie Kobal stated the plan submitted is the same, minor clarifications have been done. The number of apartments, parking spots, and signage have been updated. John Soloe stated that the plan on display is the plan on record with Northampton County, not the plan they submitted tonight.

She introduced applicant as Endeavor LLC, Adam Pooler. The current property owner is Bruno Scipioni. Attorney Stephanie Kobal stated the property is in disrepair and has been for some time. The applicant is looking to demolish the current buildings and rebuild. The relief sought will not negatively impact the neighborhood. They were previously before the board on August 4, 2022.

Adam Pooler stated Endeavor, LLC is equitable owner of the property. Adam stated he has been in real estate investment and a contractor for 18 years. Stephanie Kobal proceeded to ask Adam Pooler a series of questions regarding the application and exhibits submitted.

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 and on the market for a while. He is looking to demolish the existing building and put up a new building that is mixed use. Would consist of two commercial units, one in the basement and one on the ground floor and seven apartments on the second and third floors. They were granted a variance in

August ZB220108, to allow for a three-story building. He believes the new building will benefit the neighborhood. Will have two retail office units. Like a doctor's office, accountant, etc. There will be seven one-bedroom apartments. One or two tenants per apartment. Would have less intense business hours than the previous business. Less noise than previous business.

There will be a one-way entrance off of Hoch Avenue and an entrance and exit off Schoeneck Avenue. There are roadways on three sides, making it harder to develop. The variance is needed to make property viable. Adam Pooler reviewed the plan, where signage, trash, and entrances are located. There will be less impervious coverage. Will be on public sewer and water. They will abide by the fire code, Township Ordinances, etc. Relief will allow for meaningful use of the property. This will be a benefit to the community.

Adam Pooler explained the building and design found on page three of the plan. Page two is the floor plan general overview.

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

Andy Bohl stated the Zoning Hearing Board will ask their questions at this time. He asked if the building on the plan is the same size as the one on file with the County. Adam Pooler responded that it is. Andy stated the plan looks consistent with zoning and the official map. Andy asked if a stipulation can be that if commercial use changes, they will come back to the board.

Mark Stewart asked how long will this project will take to complete. Adam responded approximately 12 to 18 months.

Solicitor Steven Goudsouzian if he would abide by earlier stipulations. Adam Pooler responded yes. He stated it meets the ordinance by being under 35 foot but not the two and a half story. Requesting the 35 feet. Solicitor Steven Goudsouzian suggested one variance to replace prior requests if the board is so inclined. Easier to have one instead of multiple variances.

Andy Bohl asked for public questions.

Resident Becky Bartlett was sworn in. She asked what the square footage is for the apartments. Adam Pooler responded between 525 and 745 square feet.

Resident Robert Mahady was sworn in. He asked about screening for the trash dumpsters. Adam Pooler replied it will be fenced and landscaping between surrounding properties. Andy Bohl stated there is a 20-foot buffer yard that will have vegetation. Robert asked if there will be an exit onto Hoch Avenue. Adam responded no, only an entrance. Robert asked if there were any restrictions on the permitted businesses. Adam responded no but they must meet the Townships requirements. Robert asked if the light poles will be placed so that it shines on the parking area and not the neighbors. Andy Bohl responded yes. This will be reviewed at planning.

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

Andy Bohl asked for Public Statements. This provides an opportunity for the public to speak. There were none.

Attorney Stephanie Kobal thanked the Zoning Hearing Board. She stated the applicant is looking to rehabilitate the property to be viable. The hardships are not of his making. The uses will be less intense. They request the variance be granted. Solicitor Steven Goudsouzian asked if a variance or special exception is granted, they

would need to remove prior variances. Attorney Stephanie Kobal stated that they would as long as their requests are in the variance granted.

The Zoning Hearing Board went into executive session at 7:18 pm to discuss the application. Andy Bohl reopened the hearing at 7:33 pm.

Motion was made by Mark Stewart, seconded by Keith Haverstock to grant use variance for two (2) professional/ commercial spaces and seven (7) apartments as presented in exhibit A-5 as limited to and outlined in the plan. As part of the use variance, we will grant the height variance of three (3) stories, subject to the withdraw of all prior zoning requests and all of the representations made by the applicant in his testimony. Motion approved unanimously.

Adam Pooler stated he withdraws his previously granted variance.

Bruno Scipioni was sworn in. Bruno Scipioni stated he withdraws his previously granted variance.

Andy Bohl stated they would proceed with a regular meeting.

Motion was made by Andrew Bohl, seconded by Keith Haverstock to approve the August 4, 2022, Zoning Hearing minutes. Motion approved unanimously.

The 2023 meeting schedule was discussed. The consensus was to stay with the last Wednesday of the month as needed.

Andy stated that letter of interest for Zoning Hearing Board Solicitor were received from Michael Gaul and Steven Goudsouzian for 2023.

Motion was made by Andrew Bohl, seconded by Keith Haverstock to recommend the Board of Supervisors appoint Steven Goudsouzian as Zoning Hearing Board Solicitor for 2023. Motion approved unanimously.

Steven Goudsouzian stated he has no conflicts and would be happy to serve the Board as Solicitor.

Motion was made by Andrew Bohl, seconded by Mark Stewart to recommend the Board of Supervisors appoint Michael Gaul as Zoning Hearing Board Alternate Solicitor for 2023, if he is so willing to serve. Motion approved unanimously.

John Soloe stated he will send Michael Gaul a letter.

John Soloe stated the Amy Vigoroux variance needs to be cleaned up. She is supposed to come before the Board in January 2023 to give an updated on what she has done. A brief discussion ensued. John will reach out to see what she has done and what she is planning and will get back to the Board.

Motion was made by Andrew Bohl, seconded by Keith Haverstock to adjourn the meeting at 7:55 pm. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser
Zoning Hearing Board Secretary