

MINUTES OF ZONING HEARING BOARD MEETING

The Zoning Hearing Board of Palmer Township met on Tuesday, February 5, 2019, at 7:00 P.M. in the Palmer Memorial Library, One Weller Place, to hear the following appeals. In attendance Nick Noel, Esq., Zoning Board Solicitor, Kris Grube Vice Chairman, Andrew Rossi Board member, Peg Kennedy Board Member, Marc Crisafulli, Board Member James Raudenbush Zoning Administrator and Court Reporter Ted Rewak. Board Chairman Emilio DeNisi was absent.

Peg Kennedy made a motion to approve the minutes from January 2, 2019. The motion was seconded by Andrew Rossi and the minutes were approved by a vote of 4-0.

19-3 7:00 p.m. 4015 Bayard St., Karen Howey is seeking a special exception from §190-38.C. in order to convert an existing single family dwelling into a dwelling with an accessory apartment. The property is in a Medium Density Residential Zoning District.

Witnesses: Karen Howey, Applicant

Action: Marc Crisafulli made a motion to approve the special exception for an accessory apartment with the condition that if or when the time comes to rent the apartment out to a non-family member the spaces will be brought up to the applicable building codes. The motion was seconded by Kris Grube with the motion passing by a vote of 4-0.

19-4 7:10 p.m. 2528 Nazareth Rd. and Parcel L8SE2-29-10, Sid Hawach from Lahawd Co., 3711 Knollcroft St. Easton, PA 18045 is seeking variances form the following sections.

§190-37 to permit a catering business/retail sales of prepared foods in the Medium Density Residential (MDR) Zoning District. The proposed use is currently not permitted within a MDR zoning district.

§190-42.A. to have a minimum lot size that's less than 15,000 square feet. A lot size of 14,500 square feet is being proposed.

§190-42.(D). to exceed 50% impervious coverage on a lot. 65% of impervious coverage is being proposed

§190-42.(E) to have a front yard setback that's less than 50 feet. The existing structure is non-conforming and has a setback of approximately 20 feet.

§190-211.(E).(7).(d).(3) to have a 4 foot high retaining wall within 7 feet of the property line. Retaining walls are required to be 2 feet off the property line for every 1 foot in height.

§190-250 to permit a catering business/retail sale of prepared foods in the Route 248 Overlay District. The proposed use is currently not permitted within the Rte. 248 Overlay District.

§190-256.(C).(1) to allow parking in the front yard. The property is a corner lot and by definition has two front yards and two side yards.

The applicant is also seeking a special exception from §190-211.(E).(7).(d).[2] to have a retaining wall higher than 3 feet in the required front yard of a residential use.

The applicant is proposing to consolidate two lots, renovate the interior of the vacant residence at 2528 Nazareth Rd, construct an accessway onto Sales St, construct eight parking spaces, plant arborvitaes on the north and west property lines for buffering and screening and establish a mom and pop catering business/deli counter/retail sales of prepared foods for take only. The property is in a Medium Density Residential Zoning District within the Route 248 Overlay District.

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Witnesses: Timothy Siegfried, Applicants Attorney, Charles Bruno, Township Solicitor

Action: Atty Seigfried submitted deeds for two parcels (2528 Nazareth Rd. and Parcel L8SE2-29-10) as proof of standing. Solicitor Bruno brought up the point that the plan (Exhibit A-2) shows a driveway crossing township property to exit onto Sales St. Solicitor Bruno also produced several exhibits (T-3- T-6) which established the Township's ownership of land between the applicant's property and Sales Street. Solicitor Bruno said without an easement/agreement in place to cross the property the applicant did not have adequate proof of standing to continue.

There was a 10-15 minute recess for Atty Noel and the board to discuss the testimony presented in regards to the proof of standing. When the board re-convened there was a unanimous vote (4-0) that the applicant did not have adequate proof of stranding to continue with the hearing.

Having no further business to discuss, the meeting was adjourned at 8:30 p.m.

James F. Raudenbush
Zoning Officer