



# LOWER NAZARETH TOWNSHIP

## ZONING HEARING BOARD

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Zoning Hearing Board  
Robert Hicks, Chairperson  
Manouel Changalis, Vice Chairperson  
Glenn Clearie, Board Member  
Rick Gangewere, Alternate  
Robert Latzanich, Alternate

### Zoning Hearing Board Minutes June 22, 2010

Chairman, Bob Hicks, called the meeting to order at 7:00 p.m. Also in attendance: Board Member Glenn Clearie and Alternates Rick Gangewere and Rob Latzanich; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator. Board Member Manny Changalis was not present.

#### MINUTES

Motion to approve the March 23, 2010 minutes was moved by Glenn Clearie and seconded by Rick Gangewere. The motion carried unanimously.

Motion to approve the March 26, 2010 minutes was moved by Glenn Clearie and seconded by Bob Hicks. The motion carried unanimously.

Motion to approve the May 25, 2010 minutes was moved by Glenn Clearie and seconded by Rick Gangewere. The motion carried unanimously.

#### HEARINGS

##### ZA2010-03 – Fast Lane Towing & Transport

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn.

Present for the Application: Applicants, Randy and Heidi Rotondo; Attorney, Stanley Margle.

Lori Seese provided a brief explanation of the zoning regulations behind the application. The property has been zoned Agricultural since zoning was implemented in 1970; however a non-conforming use has always been on the property. The proposed use does not fit into any of the uses defined in the Zoning Ordinance. The closest uses are a truck terminal or a Junk Yard.

Attorney Stanley Margle provided a summary of the type of service provided by Fast Lane Towing & Transport (FLT). Mr. Margle amended the applicant's application to include his June 10, 2010 letter (Exhibit #A-1), particularly Item #4 which speaks of auto sales. Mr. Margle indicated that the Applicant is not interested in auto sales on the property at this time.

Mr. Margle introduced Exhibit #A-2, the agreement of sale with Newburg, LLC, which has been co-owned by Nick Kurilko and his partner for the past 12 years. The lot is 3.04 acres with a 7,000 s.f. building and approximate 1,000 s.f. office addition. The building was built in 1965 for Buskirk Transportation. The building was occupied by FAM Construction and Dresden Architects, prior to Mr. Kurilko purchasing the building. Mr. Margle introduced Exhibits #A-3 and A-4, which were photographs of the building. Mr. Kurilko indicated that at one time he had 20 employees. He planted the tree buffer along the front of the property. His hours of operation were Monday-Friday, 7 a.m.-5 p.m. Sometimes they would work on Saturday; however they did not work on Sunday. Mr. Kurilko stated that he has allowed a friend who lives in Lehigh to park his paving trucks on the property during the summer months. The property is surrounded by farms. There is a residence across the street which is rented to a group of young men who are mentally challenged. Mr. Kurilko indicated that the only zoning violation he could recall was a recent violation related to too many political signs on the property. Mrs. Seese reminded Mr. Kurilko that there were several violations in the past related to work being done on the property, internally and externally, without proper approvals. Mrs. Seese inquired if Mr.

Kurilko had any tenants. Mr. Kurilko stated that he also allows a gentleman to park a trailer for an outdoor lighting business, and he office manager's son is running a quoit board business from the building as well. Mrs. Seese noted that Township approval was not granted for any of these businesses or uses. Mr. Kurilko also stated that there is an empty heating oil tank on the property, which has not been used for approximately 10 years.

Mr. Rotondo advised that he has owned FLT since 1996. He is attracted to the property due to its proximity to Route 33, the property appearance, and the outdoor storage space. Mr. Margle introduced two more photographs of the property (Exhibit #A-5). The transport portion of FLT's business consists of hauling vehicles to and from auctions, and moving new vehicles for sale. Auctions are held in Lancaster and Hatfield, PA, along with Bordentown, NJ. They do work for all the Brown Daub dealerships, Star Pontiac, Milham Ford, and Young Volkswagen. FLT has towing contracts with Bethlehem Township, Freemansburg, and Wilson Borough. He also does some heavy duty towing work for Lower Saucon, Bethlehem City, and Colonial Regional Police Department. The percentage split of their business is 80% transport and 20% towing. Mr. Rotondo indicated that if a driver was unable to complete his run, he will park the trailer on-site and complete the run the next day. Cars that are brought to the property for impoundment will stay on the property until they are claimed. The approximate time a vehicle will be on-site is 1 day to 1 week, depending upon the circumstances. They do not do any work on the vehicles on-site.

Mr. Margle introduced Exhibit #A-6, which was a description of their business, printed from their website. Employees are on call 24-7. They employ (5) drivers and (3) office staff, and their hours of operation are M-F, 9 a.m.-5 p.m. If a driver is on-call, he takes the tow truck home with him. They have been located on Willow Park Road for approximately 10 years. They intend to keep this location due to an agreement they have with Bethlehem Township. Mr. Margle introduced Exhibit #A-7, pictures of the FLT fleet which consists of (5) rollback/flatbeds, used for accidents; (5) car carriers, used for transport; and (2) wreckers, used for recovery. Mr. Rotondo indicated that they do not service their own vehicles. They send their vehicles out for maintenance.

Mr. Rotondo indicated that they intend to pave the Newburg Road property if granted approval, and understands that he will need land development approval. A hand-drawn sketch of the site was provided as Exhibit #A-8. Mr. Rotondo stated that some of the vehicles do have back-up beepers; however he would comply with the noise ordinance.

Mr. Margle stated he did not believe the 75' buffer requirement would apply to this use as there is an existing non-conforming use on the property which has not been required to have a buffer. In transferring from one non-conforming use to another, he proposes that they should not have to provide the buffer.

Bob Hoyer, adjoining property owner, indicated that he lived across from this property when it was occupied by FAM Construction. He does not recall there being a lot of activity on the site during the time he lived there. Beverly Hoyer expressed concern about noise and visibility from the site.

#### Deliberation by the Board

Rob Latzanich suggested that whatever was decided that conditions would be that the existing treelines must remain and the area in the front of the property must remain in grass. They can't increase impervious area in the front of the property.

Extensive discussion followed regarding the buffer requirement. Adjoining property owner Jeff Setzer indicated that he did not want a tree buffer along the adjoining property line to the rear. The Board agreed with Mr. Margle that as a non-conforming use has existed on this site without a buffer, and the new use would also be non-conforming, that the buffer requirement did not need to be imposed.

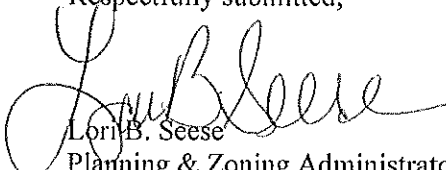
A motion was moved by Bob Hicks that a request for use of an auto towing and transport business, as indicated in the application, is not specifically indicated in the Zoning Ordinance, and after reviewing Article 1, Section 105.B, the Board has determined that this use is permitted in this zone with the condition that the existing treelines must remain and the area in the front of the property must remain in grass. The motion was seconded by Glenn Clearie and carried unanimously.

The motion to grant a variance from Article 17, Table 17.1, Parking Requirements, due to the fact that this use does not fit into any of the uses outlined in the table, and the Zoning Hearing Board deems the parking is adequate for this use was moved by Bob Hicks and seconded by Rick Gangewere. The motion carried unanimously.

Items #1401 and 1503.F.14 were withdrawn as not applicable.

Meeting was adjourned at 10:35 p.m.

Respectfully submitted,

  
Lori B. Seese  
Planning & Zoning Administrator