

## LOWER NAZARETH TOWNSHIP

### Board of Supervisors

RE: Ray's Auto Restoration – Preliminary/Final Land Development

**WHEREAS**, the Lower Nazareth Township Board of Supervisors is in receipt of a Final Land Development plan entitled “Revised Final Land Development Plan for Country Club Road Business Park” prepared by Van Cleef Engineering Associates of Bethlehem, Pennsylvania, consisting of (17) sheets, dated April 4, 2011 and last revised May 2, 2011; and

**WHEREAS**, the intent of the Revised Final Plan is the development of a 31,266 s.f. auto restoration business within the Country Club Road Business Park, located on Tax Parcel #L8-8-3Q, with a physical address of 308 Country Club Road; and

**WHEREAS**, the Lower Nazareth Board of Supervisors granted Conditional Use approval at their May 25, 2011 meeting (Exhibit A); and

**WHEREAS**, the Lower Nazareth Township Planning Commission recommended approval of the plan at its May 16, 2011 meeting; and

**WHEREAS**, the Township Engineer has reviewed the Revised Final Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated June 15, 2011; and

**WHEREAS**, the Township Zoning Administrator has reviewed the Revised Final Plan against the provisions of the 2001 Lower Nazareth Township Zoning Ordinance, amended March 23, 2005; and

**WHEREAS**, the Lower Nazareth Township Board of Supervisors desire to take final action on this plan.

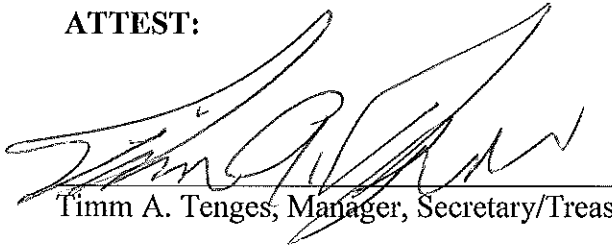
**NOW THEREFORE, BE IT RESOLVED** that the Lower Nazareth Township Board of Supervisors approve the Final Plan as referenced above, subject to the following conditions:

1. Provided the comments in the Township Engineer’s letter dated June 15, 2011 are adequately addressed. Any reports or documentation requested by the Township Engineer must be provided to both the Township and Township Engineer prior to plan recording.
2. The Applicant must satisfy the requirements of the Conditional Use Opinion and Order as executed by the Board of Supervisors Chairman and Secretary, and any subsequent actions of the Board relative to said Order and Opinion.
3. The Applicant understands that any changes to the proposed uses and/or the land development in general are subject to Township review and may require additional review and approval by the Board of Supervisors and/or outside agencies. Under no circumstances, shall any site work nor construction occur that is not depicted on the approved plan nor approved by Lower Nazareth Township and outside agencies.

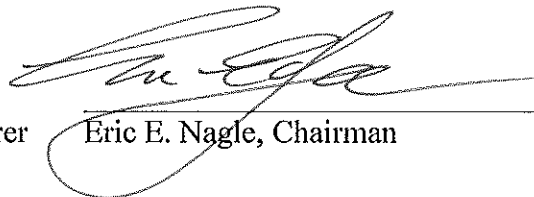
4. The applicant is responsible for executing a Land Development Agreement and submitting an acceptable form of security for the public improvements. The applicant acknowledges that the Final Plan will not be signed, nor will the Land Development Improvements Agreement be approved and executed by the Board of Supervisors until the security has been received and deemed acceptable. The applicant understands that no construction can commence, nor will any permit applications be accepted until all conditions of approval are met and the Final Plan has been recorded.
5. For recording, the applicant shall supply two (2) Mylar reproducible prints and (2) paper prints of Sheet 2 of 15 of the Revised Final Plan, and four (4) full sets of paper prints, all with original signatures, to Lower Nazareth Township. Lower Nazareth Township will obtain all plan signatures. Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of property addresses on the above plans. Upon satisfaction of all conditions of approval and placement of signatures on the Plans, the Township shall record, within ninety (90) days of said satisfaction, the approved Plan at the Northampton County Recorder of Deeds Office as required by Section 513(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10513(a), as amended and Section 520 of the Lower Nazareth Township Subdivision and Land Development Ordinance.
6. The applicant is prohibited from commencing any construction activities on this project until a pre-construction conference is scheduled and conducted in compliance with Section 536 of the Subdivision and Subdivision Ordinance and a formal Notice to Proceed is issued by the Township. Said pre-construction conference shall not occur until Items 1-5 above have been satisfied to the Township's satisfaction.
7. All correspondence regarding the plan shall be directed to the Township or if directed to the Engineer, the Township shall be copied.
8. The applicant shall accept these conditions in writing, within five days of receipt of the finalized Board of Supervisors resolution, otherwise the application is denied for failure to comply with the express conditions that are contained in this Resolution.

**ADOPTED AND APPROVED** this 22<sup>nd</sup> day of June 2011, at a regular public meeting.  
Motion made by James Pennington and seconded by Martin Beucher. The motion carried unanimously.

**ATTEST:**

  
Timm A. Tenges, Manager, Secretary/Treasurer

**BOARD OF SUPERVISORS**

  
Eric E. Nagle, Chairman

**BOARD OF SUPERVISORS OF LOWER NAZARETH TOWNSHIP  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**IN RE:       CONDITIONAL USE APPLICATION OF  
              RAYMOND MAMONE**

**OPINION**

An Application was filed by Raymond Mamone of Ray's Auto Restoration on May 2, 2011, for a Conditional Use Permit pursuant to Township Zoning Ordinance Section 118. The subject property, identified as Uniform Parcel Identifier No. L8-8-3Q, consists of 11.644 acres located at 308 Country Club Road within Lower Nazareth Township. The subject property is owned by Green Park Reality, L.L.C. and R&B Reality, L.L.C., Pennsylvania Limited Liability Companies, and the sole member of R&B Reality, L.L.C. has consented to and joined in the Application of Raymond Mamone. (See Exhibits "A-1" and "A-2".)

The subject property is located in the LI (Light Industrial Campus) Zoning District and Applicant seeks conditional use approval for an Auto Repair Garage pursuant to Section 1105.E, a permitted conditional use in the LI Zoning District, subject to the requirements as set forth in Section 1502 of the Zoning Ordinance.

The Applicant is proposing to construct a 31,266 square foot auto restoration facility, a detached garage with ten (10) parking spaces, a 1,250 square foot storage building and forty-nine (49) on-site parking spaces. The development will be accessed from an existing private street that intersects with Country Club Road. Public water service with on-lot sewage disposal will be provided to the

development. The Country Club Road Business Park Land Development was approved by the Township Board of Supervisors on June 13, 2007. A Condominium Plan of the project was approved by the Township on September 10, 2008. The proposed auto restoration business is to be developed on Unit 4 of this Condominium Plan. Unit 4 was originally proposed as a self storage facility. A revised Land Development Plan submission has been provided due to the change in use from the storage facility to the auto restoration business and will be reviewed in accordance with the Lower Nazareth Township Subdivision and Land Development Ordinance.

Applicant characterizes the nature of his business as restoration of classic and antique automobiles including auto body, interiors and special equipment. His presentation focused on the nature of "high end" restoration as well as light fabrication of custom auto parts. Applicant described various types of high technology equipment that will be used to fabricate individual parts of a unique nature as integral to the business. This light fabrication of custom auto parts is not deemed by the Board of Supervisors as a separate use but as ancillary to and inclusive of the use of modern technology in the "high end" auto restoration business.

Applicant also described what he characterized as "special events," however these would be private events for customers and prospective customers, not open to the general public as would trigger other provisions of the Zoning Ordinance or

the Township's Outdoor Amusement Ordinance. Invitation only type car shows are deemed by the Board of Supervisors as ancillary to the marketing of Applicant's business only as long as the invitations are limited to such numbers as can be accommodated by the parking facilities on-site.

### **I. PROCEDURAL HISTORY**

Pursuant to proper public notice and in conformity with the advertising and posting requirements of the Lower Nazareth Township Zoning Ordinance, a Public Hearing was conducted on May 25, 2011. Proof of Publication, proof of posting, and proof of notice to property owners within two hundred (200') feet were made part of the record, along with the Application itself, Planning Commission Meeting Minutes, Zoning Officer comments, and Township Engineer comments.

Applicant submitted the testimony of Raymond Mamone, owner, and Mark Bahnick, Van Cleef Engineering, the Applicant's engineer. The Applicant introduced into evidence the Deed and Consent referred to above as well as the record Land Development Plan and Rendering of the site.

The opportunity for testimony and public comment was offered to the public; there was no public response or comment. It should be noted that Applicant has filed a Land Development Plan which is subject to collateral review by the Lower Nazareth Township Planning Commission and Lower Nazareth Township Board of Supervisors. The Land Development Plan review is subject to the Lower Nazareth Township Subdivision and Land Development Ordinance.

## II. SCOPE OF REVIEW

Conditional use review is subject to the standards as set forth in the Lower Nazareth Township Zoning Ordinance, Section 118. As the Zoning Ordinance articulates, the procedure set forth therein is provided because of the considerable impact that these uses tend to have on a community. Section 118.C of the Zoning Ordinance provides that the Township Supervisors shall approve any proposed conditional use if they find adequate evidence that the proposed use will meet:

- a. All of the standards listed in Section 118.D
- b. Any specific standards for the proposed use listed in Article XV
- c. All other applicable sections of this Ordinance
- d. Be capable of meeting all applicable sections of the Subdivision and Land Development Ordinance and all other applicable Township Ordinances

In granting a conditional use, the Board of Supervisors may require such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it determines is necessary to implement the purposes of the Zoning Ordinance.

Section 118.D of the Zoning Ordinance sets forth the Standard for Decisions and provides that each conditional use shall comply with all of the following standards:

1. Other Laws. Not clearly in conflict with other Township Ordinances or state or federal laws or regulations known to the Township.

2. Comprehensive Plan. Not significantly incompatible with the adopted Comprehensive Plan, as amended.

3. Traffic. Will not result in or significantly add to a significant traffic hazard or significant traffic congestion. See Section 1413 for possible traffic impact study requirement.

4. Safety. Will not create a significant public safety hazard, including fire, toxic or explosive hazards.

5. Stormwater Management. Will follow adequate and professionally accepted engineering methods to manage stormwater. This shall not be a criteria of a decision under this Ordinance if the application clearly would be subject to a separate engineering review and an approval of stormwater management by the Board of Supervisors under another Township Ordinance.

6. Neighborhood. Will not significantly negatively affect the desirable character of an existing residential neighborhood.

7. Design. Will involve adequate site design methods, including screening, setbacks and traffic control, to avoid significant negative influences on adjacent uses.

8. Performance Standards. Will not have a serious threat of future inability to comply with the performance standards of this Ordinance, as stated in Article XVI.

The Board of Supervisors has reviewed the Lower Nazareth Township Zoning Ordinance, Lower Nazareth Township Subdivision and Land Development Ordinance, and the Nazareth Area Multimunicipal Comprehensive Plan, as well as the submission and testimony relative to traffic, safety, stormwater management, neighborhood characteristics, design, and performance standards.

Section 1502.A.8 of the Zoning Ordinance sets forth specific requirements for an Auto Repair Garage as follows:

- a. All major repair, welding and paint work shall be performed within an enclosed building, with a ventilation system that is directed away from any adjacent dwellings.
- b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- c. Outdoor storage of autos and other vehicles shall not be within the paved area setback nor closer than 75 feet from any residential lot line nor closer than 100 feet from any existing residential dwelling.
- d. Overnight outdoor storage of junk shall be prohibited within view of a public street or a dwelling.
- e. No "junk vehicle" (as defined by Article II) shall be stored within view of a public street or a dwelling for a total of more than 10 days.
- f. Service bay doors shall not face abutting LDR, MLDR or MDR Districts.
- g. A use that is primarily intended to serve trucks with 6 or more wheels shall have a minimum lot area of 4 acres, and all areas used for repairs, fueling and serving of such vehicles shall be setback a minimum of 250 feet from all existing residential lot lines and residential zoning boundaries.
- h. Parking or storage of more than 5 inoperable vehicles shall be considered operating a junkyard.

### **III. BACKGROUND**

As set forth above, Applicant proposes to construct a 31,266 square foot auto restoration facility, detached garage with ten (10) parking spaces, a 1,250 square foot storage building and forty-nine (49) on-site parking spaces at premises



identified as 308 Country Club Road, Tax Parcel No. L8-8-3Q, being Unit 4 of the Country Club Road Business Park. Applicant proposes an automobile restoration facility for the repair and restoration of classic and antique automobiles with ancillary services including light fabrication of custom automobile parts and private special events for customer and prospective customers. Applicant proposes business hours to be from 8:00 A.M. to 6:00 P.M. Monday through Friday and 8:00 A.M. to 1:00 P.M. on Saturday with ten (10) employees. Applicant has submitted Land Development Plans subject to review in accordance with the Subdivision and Land Development Ordinance. Applicant has provided the Township Engineer with a Trip Generation Study for determination of traffic impacts. Applicant has submitted to the Township supporting documentation in connection with the Land Development Plan and the Planning Commission has recommended conditional use approval as well as final Land Development Plan approval subject to compliance with the comment letter submitted by Keystone Consulting Engineers, Township Engineer, said letter dated May 12, 2011, incorporated herein and made a part hereof.

#### **IV. ORDINANCE REVIEW**

The Board of Supervisors has reviewed Section 1107 of the Lower Nazareth Township Zoning Ordinance to assure that the intent and requirements of the LI Zoning District comply with the specific standards of a planned business development. The Board of Supervisors has also reviewed Section 1502.A.8 of the

Lower Nazareth Township Zoning Ordinance to assure that the specific requirements for an Auto Repair Garage have been met.

The Board has concluded that subject to the comments of the Lower Nazareth Township Engineer's review letter dated May 12, 2011, and subject to the representations made by Applicant during the course of Hearing, the Applicant has established compliance with the Zoning Ordinance. Applicant has established minimum tract size, compliance with lot and setback regulations, proposed use information, compatibility with surroundings and will provide sufficient landscape/buffering, and access.

The Board of Supervisors finds that this use is compatible with the Comprehensive Plan, traffic will not result in or significantly add to a significant traffic hazard or significant traffic congestion, the proposed use will not create a significant public safety hazard, adequate stormwater management will be provided, the use will not significantly negatively affect the neighborhood, and that the design will involve adequate site design methods, including screening, setbacks and traffic control, to avoid significant negative influence on adjacent uses.

Furthermore, the Board finds that Applicant's presentation complies with all of the individual requirements as set forth in Section 1502.A.8 of the Zoning Ordinance.

## **V. CONCLUSION**

Accordingly, the Board of Supervisors hereby grants Applicant conditional use approval subject to the conditions as enumerated and identified within the body of this decision, as set forth in the attached Order.

**BOARD OF SUPERVISORS OF LOWER NAZARETH TOWNSHIP  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**IN RE:       CONDITIONAL USE APPLICATION OF  
              RAYMOND MAMONE**

**ORDER**

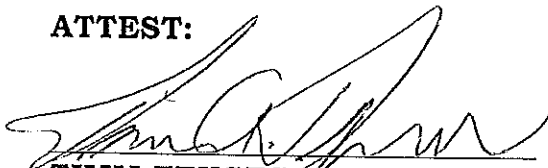
AND NOW, This 22 day of June, 2011, based upon the testimony received at Public Hearing and in accord with the foregoing Opinion, the Board of Supervisors of Lower Nazareth Township hereby grants conditional use approval to the Application of Raymond Mamone, subject to the following conditions:

1. Applicant shall comply with all conditions set forth in Keystone Consulting Engineers, Inc., review letter of May 12, 2011.
2. Applicant's operations shall be consistent with that as outlined in the attached Opinion and as testified to by him during the Hearing of May 25, 2011.

DULY APPROVED the day and year first above written.

**LOWER NAZARETH TOWNSHIP**

**ATTEST:**

  
**TIMM TENGES, Secretary**

**BY:**

  
**ROBERT KUČSAN, Vice Chairman**