



# LOWER NAZARETH TOWNSHIP

## ZONING HEARING BOARD

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### Zoning Hearing Board

Manouel Changalis, Chairman  
Steven Nordahl, Vice Chairman  
Michael Gaul, Board Member  
Brian Fenstermaker, Alternate

April Cordts, Esq., Solicitor

## Zoning Hearing Board Minutes November 4, 2021

Chairman Manny Changalis called the meeting to order at 6:30 p.m. Board Members Mike Gaul and Steven Nordahl; Alternate, Brian Fenstermaker; Zoning Hearing Board Solicitor, April Cordts; and Lori Seese, Planning & Zoning Administrator were all in attendance.

### CORRESPONDENCE

Continuances for ZA2021-01, ZA2021-04, and ZA2021-05 for accepted for the record. These hearings will be held on December 21, 2021 at 6:30 p.m.

Continuance for ZA2021-08 was accepted for the record.

### MINUTES

Approval of the July 27, 2021 minutes was moved by Michael Gaul and seconded by Stephen Nordahl. The motion carried unanimously.

### HEARINGS

#### ZA2021-08, HR Realty, LLC

The advertisement for the hearing was read aloud and all parties who would testify in the hearing were sworn. Present for the Application: Andrew Bohl, P.E., Hanover Engineering; Gary Brienza, Esq., Heidi and Randy Rotondo, Applicants.

Michael Gaul recused himself from this hearing due to a professional relationship with Andrew Bohl.

Randy Rotondo provided testimony. They have problems with uninsured vehicles or abandoned vehicles. There is an involved process disposing of abandoned vehicles. The process takes at a minimum of 3 months to 1 year. They tow for a lot more municipalities than when they originally opened and there are more vehicles on the road. They have been in business for 26 years.

The PA Vehicle Dealership Initial License Application was presented by the Applicant as an exhibit.

In New Jersey, the type of sale they are proposing would be considered a wholesale license; however, PA does not offer this type of license.

There is no lighting or security proposed for the vehicles for sale. They can put them behind the fence if need be.

The sign they intend to display will be wall mounted on a plastic sheet and not illuminated.

The parking area will have spaces for 5 cars and 1 spot for customers. The other spots are for towing customers. There would be 10 spots total.

They will have sales one hour a day and by appointment only. The variance is so they can get the dealer's license. They are not looking to open a car dealership. They will be doing wholesale sales, not primarily retail.

Mr. Rotondo stated he will not have balloons or pennants. The state requires that he has a least one vehicle on display to get the license.

Steve Nordahl asked if the cars will be drivable. Mr. Rotondo stated they would be.

Brian Fenstermaker asked how this is more advantageous over what he is currently doing. Randy stated it eliminates a step by not needing to take the car to a car dealer to sell it and he can get the vehicles off the site quicker.

Engineer Andrew Bohl provided testimony regarding the requested variances.

Andrew outlined of the additional parking of 6 parking spaces. The handicapped spot will remain but will be re-striped.

They will get a modification to the PADOT HOP for the driveway.

Steve Nordahl asked about curbing and drainage. Andrew stated the existing drainage will be maintained and the improvements will create a negligible change to the drainage.

Steve Nordahl inquired if they perform any work on these vehicles. Randy Rotondo stated they do minor repairs, such as unsafe tires, brakes, etc.; however, they are not operating a repair garage or body shop. They do preventative maintenance on Fast Lane vehicles only.

Lori Seese inquired about the trailers on the property. Randy said the trailers are kept for the transfer of wrecked vehicles. They have one refrigerated trailer in the event they tow in a trailer that has refrigerated items.

Testimony was closed.

Randy Knecht, 4031 Newburg Road, stated his concerns about adding more impervious cover. He already receives water on his property. Randy Knecht stated is in the same business and understands what they are after in trying to receive the dealer license but there is an existing problem there.

Cynthia Savastano, 427 Jordan Court – Mrs. Savastano stated that they didn't want to get grading approval when originally came to the site. Eventually they added gravel. Mrs. Savastano doesn't believe Fast Lane stays within what they were given permission to do previously. The neighbors are the ones that must look at the junk vehicles.

A tree buffer was brought up. April Cordts reminded the Board that issue came up in the first hearing. The adjoining property owner, a farmer, didn't want the supplemental tree line.

Helena Logan, 419 Jordan Court – asked about why he needs more than one spot? Mr. Rotondo stated that the State requires more than one spot. Mrs. Logan asked why can't they add to the existing sign? Mr. Rotondo said the State requires a separate sign.

Lori Seese stated her disagreement with sign interpretation suggested by Attorney Brienza regarding Article 18, Section 1810.E.

Helena Logan, 419 Jordan Court, asked about dealer prep. Mr. Rotondo explained that they do hauling for car carriers. The vehicles are staged on their property for a day or two before they go to an auction.

Robert Savastano, 427 Jordan Court asked if they do inspections. Mr. Rotondo stated they inspect on their own vehicles.

Mr. Savastano stated they should have a sign posted that they can't idle their vehicles. He also stated that their lights need to be redirected so they don't shine on to the adjoining properties.

Mr. Savastano also stated Fast Lane paved the property when they weren't allowed to. The paving was done over a weekend.

Leonard Marchica, 4103 Gradwohl Switch Road, stated that he likes to see agricultural uses. He likes they have proposed no additional lighting. Mr. Marchica stated concerns that Fast Lane may eventually change this use into a retail auto sales use.

Fabrizio Rizzi, 409 Jordan Court, is concerned that they are asking for auto sales. They will have a license to sell cars and he does not want it to be open-ended.

Lori Seese asked what the sign will say. The sign will say "Auto Sales and Service". Lori Seese said that the sign name needs to be changed. The Zoning Ordinance provides for an Auto Sales use and an Auto Repair use separately. They are not asking for Auto Repair use.

Lori Seese asked the Zoning Hearing Board to consider the complaints of the adjoining residents. There were several complaints after Fast Lane moved in.

Engineer Andrew Bohl stated they can do a grading plan related to the additional 1400 s.f. they are adding to the site, to be reviewed by the Township Engineer.

Robert Savastano asked about cars stopping to look at a car. Andrew Bohl stated they will have their PADOT HOP amended.

The Floor was closed to comments.

Board Member Michael Gaul left the hearing at 8:17 p.m.

#### Board Deliberation

The hours of operation were discussed. Steve Nordahl stated he wants to place a condition on the hours: 4:00 p.m. – 5 p.m. Monday – Friday, or by appointment. Randy Rotondo stated that is not possible.

Brian Fenstermaker asked why they are not mirroring their normal hours of 8-4, Monday-Friday.

Steve Nordahl asked what would be the realistic hours? Randy Rotondo stated same hours as Fast Lane Towing with drop by between 4-5 p.m.

Steve Nordahl inquired about the timeline to obtain a license. Mr. Rotondo stated it can take several months for approval.

#### Motion by the Board

Special Exception approval to expand an existing non-conforming use pursuant to Article 14, Section 1409;

Variations from:

Article 4, Section 402 to allow for an Auto Sales use;

Article 4 Section 405.E to exceed the maximum impervious coverage;

Article 15, Section 1502.A.9.d, for relief from the minimum lot area requirement for an auto sales use;

Article 18, Section 1815, Signs Permitted in Residential Districts;

Article 18, Section 1818, Approval of a Sign Associated with a Proposed Special Exception Use.

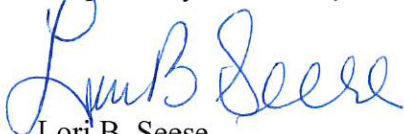
The motion to grant Special Exception approval and the request variances was moved by Manny Changalis with the following conditions:

1. The intention is for wholesale vehicle sales.
2. No advertising of auto sales, pennants, balloons, etc.
3. No additional lighting added to the property.
4. The size of the sign is limited to 4'x8', shall be affixed to the building, and shall say "Auto Sales" only.
5. Hours of operation must be on the front door. Hours will be 4-5 p.m. to drop by, and 8 a.m.- 4 p.m. appointment only.
6. They will have at least one vehicle for sale and not more than 5 cars for sale at one time.
7. The vehicles for sale must be roadworthy and inspected, and suitable for sale, not requiring body work.
8. A Grading Plan shall be prepared for the 1400 s.f. of new impervious cover and reviewed by the Township Engineer.
9. Supported by the testimony provided and comments provided by Lori Seese.

The motion was seconded by Steve Nordahl. The motion carried unanimously.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Lori B. Seese  
Planning & Zoning Administrator

/lbs

***\* Note: These minutes are only a brief summation of the actual hearing. All Zoning Hearing Board hearings are officially transcribed by a professional stenographer. Should any parties wish to view these transcripts, please contact the Zoning Officer. If an official copy has not been requested, the requestor must pay for the transcript.***