

Zoning Hearing Board
Lower Saucon Township
Town Hall
January 18, 2016

MINUTES

The meeting was called to order at 7:00 p.m. by Chairman Jason Banonis.

Roll Call

Present at the meeting were Chairman Jason Banonis, Vice Chairman Lachlan Peeke, Secretary Keith Easley, and Board Members Austin Kunsman and Jay Lazar. The Solicitor, George A. Heitzman, was also present.

Reorganization

Chairman Banonis called for nominations for the coming year. Mr. Peeke moved to keep the same slate of officers, Solicitor, and meeting dates as last year. The motion was seconded by Mr. Kunsman and passed by a vote of 5 to 0, resulting in the reappointment of Jason Banonis as Chairman, Lachlan Peeke as Vice Chairman, Keith Easley as Secretary, and George A. Heitzman as Solicitor for 2016, and also resulting in the designation of 7:00 p.m. on the third Monday of each month during which there is business to transact as the date and time for meetings of the Board, except for the months of July and August when the Board may meet on the fourth Monday, so as to permit Township Council to review applications during that month.

Minutes

The Board had before it for approval the minutes of the meeting of December 21, 2015. Mr. Easley moved to accept the minutes as submitted. The motion was seconded by Mr. Banonis and passed by a vote of 5 to 0.

Bills

The Board had before it for approval a bill from the Morning Call for advertising the meeting of December 21, 2015, the Court Reporter's bill for attendance at the meeting of December 21, 2015, and the Solicitor's invoice for the month of December, 2015. Mr. Kunsman moved to pay the bills as submitted. The motion was seconded by Mr. Banonis and passed by a vote of 4 to 1, with Mr. Peeke voting against the motion because the Board had not been provided with copies of the actual bills.

Variance Appeal of Martin & Felicia Wallach - Variance 22-15

Chris Garges, the Zoning Officer, was sworn and testified that the subject property is located in an R40 zoning district and is 1.49 acres in size. The property is vacant with the exception of an accessory structure and driveway. Applicant would like to construct a single family dwelling and associated improvements (septic system, driveway, garage, deck, etc.) Applicant is also proposing to construct stormwater management facilities in accordance with our grading and stormwater ordinance requirements. The storm water plan is currently under review by the Township Engineer.

The parcel contains 0.523 acres of slopes in the range of 8-15%. The allowable disturbance set by §180-95B(13)(b) is 40%, and the proposed disturbance is 58.3%. Applicant will need 18.3% of additional relief from the maximum allowable disturbance.

The parcel contains 0.566 acres of slopes in the range of 15-25%. The allowable disturbance set by §180-95B(13)(c) is 30%, and the proposed disturbance is 51.5%. Applicant will need 21.5% of additional relief from the maximum allowable disturbance.

The parcel contains slopes that are greater than 25%. The allowable disturbance set by §180-95B(13)(d) is 15%, and the proposed disturbance is 61%. Applicant will need 22.5% of relief from the maximum allowable disturbance.

Applicant is proposing 12,673 ft² of total impervious coverage (38.0% of the net buildable site area). The Zoning Ordinance permits 12% (3,999 ft²) of impervious coverage for the initial application and a total of 15% (4,999 ft²) cumulative impervious coverage. Applicant will need approximately 23% of additional relief from the maximum allowable total impervious coverage of 15% as set forth in §180-127.3A.

Attorney David Backenstoe appeared on behalf of Applicant. Attorney Backenstoe told the Board that his clients had appeared before Township Council where requests had been made for suggested adjustments. The adjustments were made and thereafter at the January 4, 2016, meeting Township Council took no action.

Attorney Backenstoe marked as Exhibit A-1 the 1977 deed by which Applicant's parents purchased the property, as Exhibit A-2 the deed to the present owners of the property, and Exhibit A-3 as the plan showing the location of the proposed structure that is to be built.

Martin Wallach was sworn and testified that he currently lives next door to the property. He lives with his parents and wants to build a home on the property. A single family dwelling is a permitted use on the property. The property currently contains two pole barns and has been in the family since 1977.

The difficulty with building a single family dwelling is caused by the steep slopes and the grade of the property, and these are natural features not caused by Applicant. All the surrounding properties are residential. Mr. Wallach testified that this is the smallest amount of relief that can be requested in order to build a single-family dwelling.

Mr. Wallach spoke to one of his adjacent neighbors, Mr. Hero, who had concerns about stormwater runoff. Mr. Wallach was able to answer Mr. Hero's questions and alleviate his concerns.

Harold H. Newton Jr. was sworn and testified that he is a licensed engineer and licensed surveyor, and also has certifications in the areas of traffic

management and stormwater runoff. Mr. Newton testified that there will be no adverse effect on surrounding properties, and in fact the storm water runoff that will be leaving the property will be less than that which currently flows off the property. He noted that this is a flag lot and that the presence of natural resources on the land result in calculations that reduce the net buildable area. This flag lot also has a long driveway which adds to the impervious cover. The placement of the house is determined primarily by the online sewage requirements. Mr. Newton noted that Township Council had asked them to redo the plan and they did so in such a fashion that there is approximately 7% less relief now being requested.

Mr. Newton testified that there is a swale on the property that will be eliminated which will advantageously affect stormwater runoff. Mr. Newton testified that Applicant is seeking the 4 variances as set forth in Mr. Gargas's presentation.

There was no one in the audience who wished to be heard concerning the matter.

Mr. Easley moved, seconded by Mr. Banonis, to grant the requested variances. The motion passed by a vote of 5 to 0.

Variance Appeal of Marty & Laura Hegyi - Variance 23-15

Chris Garges, having previously been sworn, testified that Applicant is seeking relief to permit the construction of a detached 2 car garage on a parcel located in an RA zoning district which will not meet the 40' side yard setback required by §180-23B. The parcel is approximately 2.2 acres in size. The property contains a single family dwelling, attached garage, pool, patio, cabana, shed and driveway. The existing lot coverage is approximately 9,600 ft² and is well under the maximum allowable coverage of 20%. Applicant will be required to obtain a stormwater management permit as the proposed construction will exceed 10,000 ft² of impervious coverage. Applicant will need approximately 33.25' of relief from the required 40' side yard setback.

The property was appropriately posted and advertised. Township Council took no action in the matter.

Mrs. Hegyi was sworn and testified that the natural gas pipeline that serves their home is located under the driveway. They were allowed to construct the driveway over the pipeline, but cannot locate the house over the pipeline, and this was a determining factor in the house placement.

There was no one in the audience who wished to be heard concerning the matter.

Mr. Kunsman moved, seconded by Mr. Banonis, to grant the requested variance. The motion passed by a vote of 5 to 0.

Variance Appeal of Kevin & Laura Meneeley - Variance 24-15

Chris Garges, having previously been sworn, testified that Applicant is seeking relief from §180-127.3A to permit the construction of a driveway/parking area surrounding a recently permitted pole building on the parcel which is located in an RA zoning district. The parcel is approximately 4.3 acres in size. The property contains a single family dwelling, attached garage/apartment, and two driveways. The existing lot coverage is approximately 9,229 ft². After performing the site capacity calculations, the net buildable site area is 1.06 acres which permits 9,235 ft² of coverage. Applicant is proposing an additional 3,753 ft² of coverage, which will then total approximately 28.1%. Applicant has obtained a grading permit which proposes sufficient stormwater management to also manage the proposed additional driveway/parking should the Board grant the requested relief. Applicant will need approximately 8.1% percent of relief from the required maximum coverage of 20%.

Township Council took no action in the matter.

Scott Mease of Mease Engineering appeared on behalf of Applicant. Applicant is seeking to increase the impervious coverage by 8.1% over the maximum allowable. Mr. Mease identified Exhibit A-1 as a plan of the property

as it currently exists, noting that Applicant bought the property from parents in 2014.

Mr. Mease identified Exhibit A-2 as a plan showing the requested improvements. A pole building was permitted and now a driveway is needed to access it. As the Ordinance does not permit 3 driveways, they are required to come off an existing driveway.

Mr. Mease identified Exhibit A-3 as a plan showing the effects of the natural resources on the property, including wood lands and steep slopes. A total of 94% of the property is controlled by natural resources. It is the reduction in the net buildable area caused by the existence of the natural resources that results in the need for a variance.

In response to a question from Mr. Peeke, Mr. Mease noted that water on the property flows away from Wassergass Road.

Mr. Banonis asked whether if a third driveway would be permitted this would reduce the relief requested. Mr. Garges noted that in actuality only one driveway is permitted by the Ordinance. Mr. Mease said that the driveway goes around the back of the building rather than providing access to the front because of the slope in front of the building.

There was no one in the audience who wished to be heard in the matter.

Mr. Peeke moved, seconded by Mr. Kunsman, to grant the requested variance and the motion passed by a vote of 5 to 0.

Special Exception Appeal of IESI PA Bethlehem Landfill Corporation - SE 01-15

This matter was continued from the December 21, 2015, Zoning Hearing Board meeting. Testimony continued regarding the proposed southeast expansion of the landfill.

Attorney Maryanne Garber again appeared on behalf of Applicant to continue the direct testimony of Richard Bodnar, who has spent much of his

professional career in the field of solid waste management.

Mr. Bodnar told the Board that the review process for the proposed landfill development is ongoing. Applicant is pursuing its obligations under the Land Development Ordinance on a parallel track to its appearance before the Zoning Hearing Board.

Applicant is continuing to work very closely with the Township representatives, and in response to review letters that had been received by Applicant, a revised plan was submitted on January 4, 2016. It is expected that more review letters will be received and responses generated. The proposal is therefore not yet in its final form, but it is anticipated that the ongoing process will serve considerably to narrow the issues.

Mr. Bodnar had a number of exhibits to which he referred during his presentation, all of which were projected onto a large screen so as to be easily visible to both the Board and to all members of the audience.

IESI Exhibit 25 shows an overview of what is known as the southeast realignment project. A portion of the area, shown in green, will have a new liner system. Another portion, shown in blue, is an area in which additional waste will be placed on compliant liners. Thus some of the area is virgin area, and the other area is what Mr. Bodnar refers to as “piggyback,” that is, placing new liners and geogrid reinforcement structures on top of existing waste and then continuing to fill.

Mr. Bodnar said piggybacking is a process that has been in place for the past 20 years in Phase 3. In fact, he stressed to the Board that nothing in the application that is now before the Board represents anything that has not been previously used at the landfill site.

Mr. Bodnar identified IESI Exhibit 28 as a drawing showing the access road and three localized cross-sections. He identified IESI Exhibit 29 as a five sheet drawing showing a plan view of the site.

Mr. Bodnar stated that the maximum elevation of the new realignment would be at 725 feet, an elevation that had been approved in a prior application.

In response to a question from Board member Kunsman, Mr. Bodnar stated that granting the proposed relief would add about 5 ½ years to the life of the landfill at its current fill rate.

Mr. Bodnar identified IESI Exhibit 30 as a drawing showing the lines of sight in various directions. The DEA permit had a condition, condition 20, that dealt specifically with lines of sight, and this condition has been adhered to scrupulously.

He identified IESI Exhibit 25 as an aerial photograph of the site showing various areas. He testified that the footprint of the site will be increased, but the height diminished.

In response to a question from the Board, Mr. Bodnar stated that the sight line conditions imposed by DEP pertain to the view in the summer, not through the trees in the winter when the leaves have fallen.

Mr. Bodnar pointed out to the Board that the line of sight that shows the power poles on the land is such that the landfill is not actually visible.

Mr. Bodnar identified IESI Exhibit 31 as another line of sight plan and told the Board about the various inputs that go into a computer program that generated IESI Exhibit 32, a video presentation of a three-dimensional representation of the landfill that was produced by Land and Mapping Services, Inc. These inputs included overlapping photographs generated from an airplane flying over the site, combined with measured contour lines. A specialized computer program combines the various data sources to produce a three-dimensional representation.

The aerial mapping is important to be able to track the volume of waste added to the landfill. Although the landfill keeps track of the number of tons of waste that are accepted by it, the volume occupied by the waste can vary depending upon compaction and other factors.

The video was played and Mr. Bodnar made various comments of explanation while the video played.

Upon completion of the video, Attorney Garber stated that was all the evidence she intended to present at this meeting. She stated she hoped that with the opportunity to respond to further review letters, the issues should be sufficiently narrowed to permit the conclusion of the presentation at the next Board meeting.

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

There being no further business before the Board, Mr. Peeke moved, seconded by Mr. Kunsman, to adjourn the meeting. The motion passed by a vote of 5 to 0 and the meeting adjourned at 9:50 p.m.

Respectfully submitted,

George A. Heitzman
Solicitor