

Zoning Hearing Board
Lower Saucon Township
Town Hall
February 22, 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 Member Austin Kunsman. Board member Jay Lazar was absent. The Solicitor, George A. Heitzman, was also present.

Rescheduled Meeting

This meeting was rescheduled to this date due to inclement weather on February 15, 2016, the original meeting date.

Minutes

The Board had before it for approval the minutes of the meeting of January 18, 2016. Mr. Peeke moved to accept the minutes as submitted. The motion was seconded by Mr. Kunsman and passed by a vote of 4 to 0.

Bills

The Board had before it for approval a bill from the Morning Call for advertising the meeting of January 18, 2016, the Court Reporter's bill for attendance at the meeting of January 18, 2016, and the Solicitor's invoice for the month of January 2016. Mr. Peeke moved to pay the bills as submitted. The

motion was seconded by Mr. Kunsman and passed by a vote of 4 to 0.

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

Prior to the meeting, Applicant requested a continuance due to the unavailability of a witness, and the continuance was granted.

Variance Appeal of John & Susan Blair - Variance 01-16

Chris Garges, the Zoning Officer, was sworn and testified that Applicant previously obtained zoning relief for this property located in a GB2 zoning district to convert an existing dwelling devoted to a single family residential use into a new commercial building and use on the parcel. The prior requested use would have encroached into the required side and rear yard setbacks and would not have met the required number of parking spaces. Zoning relief was granted on September 21, 2015.

Applicant is now proposing to keep the existing single family residential use and reconstruct and enlarge the garage. The proposed accessory garage structure would not be any closer to the side property line than the existing garage, however it would encroach into the rear yard. The lot is approximately 14,797 ft² in size and nonconforming with respect to the required lot size of 40,000 ft². The property currently contains a single family dwelling and driveway and associated walkways.

The proposed garage structure will not meet the required 15' side yard setback and 30' rear setback required by §180-77B and §180-77C, respectively. Applicant is proposing a 6' setback on one side and a 20' setback in the rear yard. The lot and building coverage are proposed to be in compliance with the zoning regulations. Applicant will need approximately 9' of relief from the required side yard setback of 15'. Applicant will need approximately 10' of relief from the

required rear yard setback of 30'.

The appeal was properly advertised and posted, and Township Council took no action.

Bernadette Busfield appeared on behalf of Applicant. She had nothing to add to Mr. Garges's summary.

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

Chairman Banonis inquired as to the status of the prior variance, Variance 15-15, that had been granted for this property to permit a change to a commercial use. Applicant agreed that Variance 15-15 should be considered to be withdrawn and invalidated upon the granting of the presently requested variance, Variance 01-16.

Upon this assurance by the representative of Applicant, Mr. Banonis moved to grant the currently requested relief, variances from §180-77B and §180-77C, with the understanding that these completely supercede the variances previously granted under Variance 15-15. The motion was seconded by Mr. Peeke and passed by a vote of 4 to 0.

Variance Appeal of Tim & Susan Deibert - Variance 02-16

Chris Garges, having previously been sworn, testified that the subject property located in an R 40 zoning district is unique in that the dwelling exists as a legal nonconformity with respect to the side yard. The parcel contains an existing principal dwelling and detached garage.

Applicant would like to construct an addition of approximately 750 ft² which will encroach into the required side yard setback, however it will not be any closer to the property line than the existing structure. The lot is approximately, 0.94 acres in size and irregular in that it does not front on a public roadway. The existing dwelling is only 4' from the side property line. The

proposed addition will be 12' from the property line. The existing lot coverage is well under the maximum allowable coverage of 25%.

Applicant will need approximately 18' of relief from the side setback of 30' required by §180-35B.

The appeal was properly advertised and posted, and Township Council took no action.

Tim Deibert appeared on behalf of Applicant and had nothing to add to Mr. Garges's summary.

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

Mr. Peeke moved, seconded by Mr. Easley, to grant the requested variance. The motion passed by a vote of 4 to 0.

Variance Appeal of Estate of John F. Casilio-Maria Medei - Variance 03-16

Chris Garges, having previously been sworn, testified that the subject property is located in an R 40 zoning district and is part of a lot line adjustment plan currently before the Township. Applicant is proposing to adjust a lot line because there is an existing dwelling that straddles two different tax parcels (as depicted on the engineering drawings, not the tax map /GIS drawings).

The plan proposes to adjust the line such that the dwelling will be contained on a single parcel. The proposed Lot I parcel will contain an existing principal dwelling, attached garage, in-ground pool, and associated accessory improvements. Furthermore, this parcel contains a shared driveway that accesses two parcels behind it, one of which is currently vacant and is subject to the aforementioned lot line adjustment plan. Subsequent to applying the site capacity calculations as required by the Zoning Ordinance, the existing parcel (which is 5.36 acres in size) is nonconforming with respect to the maximum allowable coverage (36.2% existing, 20% allowed). Applicant is proposing to construct an

addition of approximately 1,010 ft² to the existing structure which will add 1.7% to the impervious cover, and which will encroach into the required rear yard setback.

Applicant will need approximately 8' of relief from the rear yard setback of 40' required by §180-35C. Applicant proposes an impervious coverage of 37.9% and hence will need approximately 17.9% of relief from the maximum allowable impervious coverage of 20% set by §180-34C.

The appeal was properly advertised and posted, and Township Council took no action.

Attorney James Preston appeared representing Applicant in this appeal and the associated appeal of Maria Medei, Variance 04-16.

Mr. Preston noted that the land in question currently comprises two parcels. However, it was discovered that the dwelling on the property actually straddles the property line, so it is on both properties. The intended consequence of what is being done is to separate the land into two differently configured parcels so as to provide for the existing dwelling to be entirely on one parcel, and further to provide the ability of the second parcel to be developed sometime in the future.

Attorney Preston noted that he and the Applicants and the surveyor that prepared the plan, Arthur Swallow, worked with Township staff to determine the placement of the new property line to be as compliant with the zoning requirements as possible while achieving the desired results.

Mr. Swallow testified that he is a licensed surveyor who has previously given expert testimony. The site plan in this matter is one that he prepared. He identified Applicant's Exhibit 1 as the site capacity plan, and pointed out to the Board the dwelling that straddles the current lot line. He said that the Township had requested the inclusion of a building envelope on the second parcel to provide for further development.

Mr. Swallow noted that the reason that the impervious cover exceeds that permitted is because much of the lot area is reduced for impervious cover calculations because of natural features on the land. For example, Lot 1 comprises 5.85 acres, but the buildable area is reduced to 1.35 acres because of the natural features on the land. Additionally, 1.09 buildable acres will be available for Lot 2.

Mr. Swallow identified Applicant's Exhibit A-2 as a second drawing of the site plan and Applicant's Exhibit A-3 as a packet of the impervious cover calculations.

Mr. Swallow testified that in cooperation with the Township staff the line location was set so as to maximize building area. In the currently undeveloped lot, Lot 2, a 3500 ft.² building could therefore be built.

In response to a question from Mr. Peeke, he stated that the lots are served by an easement that provides access to Lot 2. At the moment this is an informal matter, but if the variances are granted the easement will be formalized and recorded.

Arthur Joel Katz was sworn and testified that he owns an adjoining property. He had questions about the plan which were answered, including the fact that the addition to the currently existing dwelling will be a single-story addition.

Susan Katz, the wife of Arthur Joel Katz, was sworn and testified that she is concerned about water flow, and Mr. Swallow noted that water flows toward the creek and there will be no additional water flow toward her property. She was satisfied with the explanation that she was given.

After having heard the testimony pertaining to this variance appeal as well as that pertaining to Variance Appeal 04-16, Mr. Banonis moved, seconded by Mr. Kunsman, to grant the requested variances to both Applicants subject to the condition that construction and development be in accordance with the plans that

were presented to the Board. The motion passed by a vote of 4 to 0.

Variance Appeal of Maria Medei - Variance 04-16

Chris Garges, having previously been sworn, testified that the subject property is part of a lot line adjustment plan currently before the Township. Applicant is proposing to adjust a lot line because there is an existing dwelling that straddles two different tax parcels (as depicted on the engineering drawings, not the tax map/GIS drawings).

The plan proposes to adjust the line such that the dwelling will be contained on a single parcel. A single family dwelling is proposed for future construction on this parcel, Lot 2 which is currently vacant with the exception of the existing shared driveway. This parcel contains a shared driveway that accesses one parcel behind it.

The site capacity calculations as applied to the 4.33 acre parcel as required by the Zoning Ordinance, shows an existing coverage of 13.7% with 20% allowed by §180-34C. Applicant is proposing to construct a single family dwelling proposed to comprise 7,000 ft² to the existing structure which will raise the impervious coverage to 28.5%, exceeding the allowable coverage of 20%, and necessitating approximately 8.5% of relief from the maximum allowable impervious coverage.

The appeal was properly advertised and posted, and Township Council took no action.

After having heard the testimony pertain to this variance appeal as well as that pertaining to Variance Appeal 03-16, Mr. Banonis moved, seconded by Mr. Kunsman, to grant the requested variances to both Applicants subject to the condition that construction and development be in accordance with the plans that were presented to the Board. The motion passed by a vote of 4 to 0.

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

There being no further business before the Board, Mr. Easley moved, seconded by Mr. Banonis, to adjourn the meeting. The motion passed by a vote of 4 to 0 and the meeting adjourned at 7:40 p.m.

Respectfully submitted,


George A. Heitzman
Solicitor

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