

Zoning Hearing Board
Lower Saucon Township
Town Hall
March 20, 2017

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, Secretary Keith Easley, and Board Member Jay Lazar. Vice Chairman Lachlan Peeke and Board Member Austin Kunsman were absent. The Solicitor, George A. Heitzman, was also present.

Minutes

The Board had before it for approval the minutes of the meeting of January 16, 2017. Mr. Easley moved to accept the minutes as submitted. The motion was seconded by Mr. Lazar and passed by a vote of 3 to 0.

Bills

The Board had before it for approval a bill from the Morning Call for advertising the meeting of January 16, 2017, the Court Reporter's bill for attendance at the meeting of January 16, 2017, and the Solicitor's invoice for the month of January 2017. Mr. Easley moved to pay the bills as submitted. The motion was seconded by Mr. Lazar and passed by a vote of 3 to 0.

Variance Appeal of James & Marisol Bender - Variance 18-16

Chris Garges, the Zoning Officer, was sworn and testified that this matter

was previously heard at the December 19, 2016, meeting and has now been placed back on the agenda for further hearing.

Mr. Bender was sworn and testified that he had modified his plan to satisfy a concern of his neighbor. The new plan was marked Exhibit A-1.

Members of the Board and Mr. Bender then discussed potential conditions for the granting of any variance. At the meeting in December it had been proposed that conditions would include that the structure cannot be used for a commercial use, that there can be no request at any time in the future for a variance from the impervious cover limits, and a condition requiring the construction of a home within a set period of time, perhaps 5 years.

Mr. Bender told the Board that he had no problem with the restriction against commercial use and believed he could meet the requirement of building a home within 5 years. He was, however, concerned about the impervious coverage issue.

Mr. Lazar said that the condition he would think of proposing is that if Mr. Bender applied for a building permit, or at any time in the future for a variance, he could not rely upon the fact that the accessory building had utilized a portion of the permissible impervious cover, and thus created a hardship. Any future impervious cover calculation would have to include the coverage of the accessory structure as a part of the total impervious cover.

Mr. Bender said that based upon his current plan he did not believe he would have a problem with impervious cover in constructing a home. However, he was concerned and was looking for a guarantee that he could do so based upon his current plan.

Mr. Garges suggested that he could apply for a grading permit which would resolve the impervious cover issue. Also, there is no time restriction on a grading plan, and this could help him be “grandfathered in” even if the Township later changed its requirements.

After discussion, Mr. Bender again moved for a continuance so that he could consult his engineer before making a final decision. Mr. Lazar moved, seconded by Mr. Banonis, to grant the request for a continuance and the motion passed by a vote of 3 to 0.

Variance Appeal of Suzanne Mease - Variance 01-17

Chris Garges, having previously been sworn, testified that Applicant is seeking to construct a 26' x 36' accessory structure which will not meet the side yard required in an RA zoning district. The lot is approximately one acre in size. The property contains a dwelling, small accessory structure, driveway/parking lot, pool, and deck/patio. The lot coverage is approximately 7,600 ft² (17.5%). The allowable coverage is approximately 8,700 ft² (20%). Applicant will need approximately 18' feet of relief from the side yard setback of 40' required by §180-23B.

Mr. Garges testified that the property had been properly posted and advertised and that Township Council had taken no action.

Richard Foulke and Susan Mease appeared and told the Board that they did not have anything to add to Mr. Garges's presentation. Mr. Foulke noted that due to the topography of the land and the location of a sanitary waste disposal system the proposed location is all that is available. However, he made a slight change in the variance request as he had done some more detailed measurement and believes that the accessory structure will be 22' from the side property line rather than 26', thereby necessitating 18' of relief rather than 14' as had originally been requested.

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

Mr. Lazar moved, seconded by Mr. Easley, to grant the requested variance and the motion passed by a vote of 3 to 0.

Variance Appeal of Desiree Dewalt - Variance 02-17

Chris Garges, having previously been sworn, testified that Applicant is seeking to construct a second driveway on the lot, which is not permitted by the Zoning Ordinance. The lot is located in an RA zoning district and is approximately 2.69 acres in size. The property contains a dwelling, driveway, and deck/patio. The lot coverage is approximately 4,000 ft² (3.4%). The allowable coverage is 20%. Applicant will need relief from §180-98B(4)(a) to allow construction of a second driveway.

Mr. Garges testified that the property had been properly posted and advertised and that Township Council had taken no action.

Ian Riggins and Desiree Dewalt, now Desiree Riggins, were sworn and testified that they were seeking to add a second driveway because they are hoping at a later time to be able to build a garage, and the current driveway is not situated so as to be able to serve the garage.

In response to questions from the Board they stated they had no intention to remove the current driveway, but also no intention whatsoever to seek to subdivide the property.

Mr. Greg Krasney, a member of the audience, was sworn and testified that he had no problem whatsoever with the request before the Board.

Mr. Easley moved, seconded by Mr. Banonis, to grant the variance as requested. The motion passed by a vote of 3 to 0.

Variance Appeal of Andrew & Rachel Gutshall - Variance 03-17

Chris Garges, having previously been sworn, testified that Applicant is seeking to construct a deck on the rear of the existing dwelling. A portion of the proposed deck will be located within the 100' riparian buffer as shown on the drawing supplied in the application packet. The lot is located in an RA zoning district and is approximately 1.17 acres in size. The property contains a dwelling,

attached garage, and driveway. The lot coverage is approximately 3,744 ft². The allowable coverage is 4,520 ft² as governed by the approved subdivision plan.

Applicant will need relief from §180-95.B(11)(h) to allow a portion of the proposed deck to be built within the 100' riparian buffer.

Mr. Garges testified that the property had been properly posted and advertised and that Township Council had taken no action.

Andrew Gutshall was sworn and testified that the original building application had been submitted in 2005, and at that time the riparian buffer was 75'. It has since been changed to 100' and so this change was made after he purchased the property and after construction.

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

Mr. Lazar moved, seconded by Mr. Banonis, to grant the requested variance. The motion passed by a vote of 3 to 0.

Variance Appeal of Hazem & Jody Hijazi - Variance 04-17

Chris Garges, having previously been sworn, testified that Applicant has submitted a lot line adjustment plan in an effort to regularize existing, irregular lot lines. The property is located in an R12 zoning district. The request results in many nonconformities being reduced, but some nonconformities are increased. No new development is proposed.

The variances being requested are from §180-46A, minimum lot areas; §180-46B, minimum lot width; § 180-46C, impervious coverage; §180-127.3, building coverage; § 180-131.A, accessory building coverage; § 180-92F, driveways; and §180-128B, accessory structure location.

Mr. Garges testified that the property had been properly posted and advertised and that Township Council had taken no action.

Mr. Hijazi was sworn and testified that the owners of the 3 properties

involved in this lot line adjustment are all family and have joined in this variance request. The purpose of the request is to straighten out and regularize the property lines so as to accord with natural features and structures.

Mr. Lazar questioned why, since these are just lines on a map, there was any need to seek the relief that is requested.

Mr. Hijazi said that it was thought that at some time in the future if one of the properties was sold to a non-family member, having the lot lines regularized would prevent any future difficulties between neighbors.

Helen Mack, a member of the audience, was sworn and questioned what was being done because of potential stormwater runoff. She testified that her property already receives a great deal of storm water runoff and could not take any more. It was explained to her that this application had nothing to do with any physical changes to the property, and was merely a movement of lines on the map.

Carmine Martin, a member of the audience, was sworn and testified that he owns an adjacent property. He stated that he thought some people were losing land and some people were gaining land. However, it was emphasized to him that the outer boundaries of the property are not being changed, just lines inside the property which do not and cannot affect him in any way.

Mr. Easley moved, seconded by Mr. Banonis, to grant the requested variances. The motion passed by a vote of 3 to 0.

Variance Appeal of Jorge Vazquez - Variance 05-17

Chris Garges, having previously been sworn, testified that Applicant is seeking to construct an above-ground pool that is 18' in diameter. The lot is located in an R20 zoning district and the proposed pool will not meet the front yard required by §180-41A. The parcel is unique in that it is bounded on three sides by either roads or paper streets. As such, the parcel contains three front yards and one side yard. The lot is approximately 0.43 acres in size. The property

contains a dwelling, deck, small accessory structure and driveway. The lot coverage is approximately 4,300 ft² (22.9%). The allowable coverage is approximately 4,700 ft² (25%). The proposed pool is approximately 255 ft² which will not exceed the allowable coverage.

Applicant will need approximately 18' of relief from the side yard setback of 30' required by §180-41A, as the pool will be 12' from the side yard setback line.

Mr. Garges testified that the property had been properly posted and advertised and that Township Council had taken no action.

Zoraida Vazquez was sworn and in response to a question from Mr. Lazar stated that the pool would be very close to the deck. Mr. Lazar asked whether the pool was in close proximity to a street, and inspection of the plan provided by Applicant showed that this was not a concern.

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

Mr. Lazar moved, seconded by Mr. Banonis, to grant the requested variance and the motion passed by a vote of 3 to 0.

Variance Appeal of Commerce Construction/Eric Scheler - Variance 06-17

Mr. Garges told the Board that Applicant had made some last-minute changes to the plan which required that it go back before Council. Although some changes do not require this, in this case one of the changes was to change the height of lighting structures from the 16' allowed to 28'. As lighting issues are often subject to a good deal of scrutiny, including from owners of neighboring properties, it was believed that this matter should be carried over to the next Zoning Board meeting so that Council will get a chance to review the new changes.

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 3 to 0 and the meeting adjourned at 8:10 p.m.

Respectfully submitted,

George A. Heitzman
Solicitor