

Zoning Hearing Board  
Lower Saucon Township  
Town Hall  
March 21, 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, Secretary Keith Easley, and Board Members Austin Kunsman and Jay Lazar. Vice Chairman Lachlan Peeke was absent. The Solicitor, George A. Heitzman, was also present.

### **Minutes**

The Board had before it for approval the minutes of the meeting of February 22, 2016. Mr. Kunsman moved to accept the minutes as submitted. The motion was seconded by Mr. Banonis 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 February 22, 2016, the Court Reporter's bill for attendance at the meeting of February 22, 2016, and the Solicitor's invoice for the month of February 2016. Mr. Kunsman moved to pay the bills as submitted. The motion was seconded by Mr. Easley and passed by a vote of 4 to 0.

### **Variance Appeal of Laurena, LLC - Variance 05-16**

Chris Garges, the Zoning Officer, was sworn and testified that Applicant is proposing a 3 lot subdivision of a 10.1 acre parcel located in the R20 zoning

district. The parcel contains an existing dwelling which Applicant proposes to raze. Three new dwellings would be constructed. The R20 zoning district permits minimum lot sizes of 20,000 ft<sup>2</sup> for lots that have public sewer available, and 2 acres for lots with on-lot sewage disposal.

The lots proposed contain 2.9, 3.7 and 3.9 acres, and are well over the minimum lot size. The parcel does appear to contain sufficient frontage to support 3 road front lots; however, such a subdivision would create long and narrow parcels which are discouraged in the Township's Subdivision and Land Development Ordinance. Applicant will need approximately 50' of relief from the minimum allowable lot width of 100', essentially relief to create a flag lot.

The Application was properly posted and advertised. Township Council took no action in the matter.

Attorney Kate Durso appeared on behalf of Applicant. She called Mr. Mo Elbana as a witness who identified himself as one of two owners. He said there is currently a residential structure on the premises which will be razed. It is the intention to build 3 homes on the property, and the creation of a flag lot is believed to be the best way to avoid having 3 separate driveways and to make the best use of the land in accordance with the philosophy of the Lower Saucon Township Subdivision and Land Development Ordinance.

Wayne V. Doyle was sworn and testified that he is with Cowan Associates, Inc., the engineer of the project. He identified Applicant's Exhibit A-1 as the plan showing the proposed subdivision. Lot 2 is the lot that needs the relief. Although the lot widens at its furthest point from the street, the lot width is defined as the width at the street, and at that point it is only 50' wide.

Mr. Doyle testified that no setback variances were required based upon this plan, and the land disturbance will be limited. Lot 3 has a slope that makes a driveway difficult to place on that lot. The sight distances have been considered and are satisfactory. Each of the 3 lots will have public water and on-lot sewage disposal.

In response to a question from the Board, Attorney Durso said there will be a shared maintenance agreement for the access drive. Attorney Durso also noted that this is the first step in the procedure. The plan does not show all of the land development features that will have to be designed to meet the requirements of the Planning Commission. However, the Planning Commission will not consider this matter without zoning relief having been granted.

In response to a question from the Board, Mr. Wayne said that the driveway to the north of the property does not come into Meadows Road at a 90° angle, and would not be suitable for further use due to the fact that it is on elevated fill and is located on a slope.

Dr. Frank Krakowski, a member the audience, lives across the street. He questioned what type of houses would be built, and Mr. Elbana told him they would be consistent with the neighborhood, and in fact Mr. Elbana plans to build a house and live there himself. Dr. Krakowski also asked whether the land would be cut up into further lots and he was assured that would not occur. He agreed that limiting the number of driveways is a good idea, and there was further discussion about the unsuitability of the existing driveway. There was also discussion about the 90° bend in the road which exists in the area and which makes exiting from O'Brien's Court difficult. Fox Run is a safer entry onto Meadows Road because it is further from the 90° bend and there is more visibility. Mr. Elbana pointed out that the proposed driveway will be further from the bend in the road than is O'Brien's Court.

After discussion, Mr. Lazar moved to grant the requested variance. The motion was seconded by Mr. Easley. Mr. Easley, Mr. Lazar and Mr. Kunsman voted in favor of the motion, and Mr. Banonis voted against the motion. The motion therefore passed by a vote of 3 to 1.

#### **Variance Appeal of James P. Bambu - Variance 06-16**

Chris Garges, having previously been sworn, testified that Applicant is

proposing to construct an accessory structure 12' from the property line which will not meet the side yard setback required by §180-23B. The parcel contains a dwelling, attached garage, driveway and miscellaneous walks/patios. The existing lot coverage is 6,770 ft<sup>2</sup> (16.9%). Applicant is proposing to construct a 1,000 ft<sup>2</sup> structure which would increase the total lot coverage to 7,770 ft<sup>2</sup> (19.4%). The maximum allowable coverage is 20%. The parcel is just shy of 1 acre in size. The minimum lot size is 2 acres. This nonconforming lot size directly impacts the setbacks, limiting flexibility for Applicant to position an accessory structure. Applicant will need approximately 28' of relief from the minimum side yard setback of 40' required by §180-23B.

The application was properly posted and advertised, and Township Council took no action in the matter.

Chairman Banonis announced that he is aware that Mr. Bambu is president of the Hellertown Sportsman's Association of which the Chairman is a member. It was agreed that this did not cause a conflict of interest.

James Bambu was sworn and testified that he wishes to build an accessory structure to serve as a residential storage garage on the property. Although the application had shown a 100 ft<sup>2</sup> structure, it has been decided to make it slightly larger, and he is requesting a maximum of 28' x 40'. This is the size that had been presented to Township Council.

Mr. Kunsman moved, seconded by Mr. Easley, to approve the variance as submitted and it passed by a vote of 4 to 0.

### **Special Exception Appeal of IESI PA Bethlehem Landfill Corp. - SE 01-15**

This application which had been heard at the December 2015 meeting and the January 2016 meeting, continued with Attorney Maryanne Garber calling Mr. Richard Bodnar back to the stand.

Mr. Bodnar testified that the plans have been in flux because throughout

all this time Applicant has been dealing with the Township to try to agree upon a set of conditions to submit to the Board for approval.

Attorney Garber had some updated exhibits, IESI Exhibit 33 through IESI Exhibit 41, for the exhibit books.

Mr. Bodnar described IESI Exhibit 26 as the latest available land development plan and site plan set, but noted that this has also been revised since it was printed, due to ongoing conversations with the Township. Applicant now believes it has arrived at a final plan for landscaping the new area known as the southeast realignment project.

Mr. Bodnar identified IESI Exhibit 33 as the information utilized to produce the 3-D presentation on the disk that comprises IESI Exhibit 34. He noted that the notebooks provided to the Board do not have a copy of the disk, but that one had been provided to Attorney Elliott.

Mr. Bodnar identified IESI Exhibit 35 as the application for the variance that had previously been requested in 2010 in connection with the Mechanically Stabilized Earthen (“MSE”) wall.

IESI Exhibit 36 is the discharge water permit from DEP, while IESI Exhibit 37 is the permit from the City of Bethlehem allowing the landfill to send leachate to the City of Bethlehem for treatment. Similarly, IESI Exhibit 38 is a permit from the City of Allentown which has agreed to serve as a backup for leachate treatment should that become necessary.

IESI Exhibit 39 is the TITLE V air quality permit from Pennsylvania DEP covering the existing area. The proposed southeast realignment will be incorporated in this plan. The new plan has been filed but not as yet approved. Mr. Bodnar stated that IESI Exhibits 33-39 are the primary DEP permits for the landfill.

Board member Kunsman noted that IESI Exhibit 37, the agreement with the City of Bethlehem, by its terms expires on July 17, 2016. Mr. Bodnar said that a renewal had been requested, and has always been received in the past.

Documentation of the request for the permit extension will be provided.

Mr. Bodnar then turned to the landscaping plan which has evolved over time. As the MSE wall was changed, this necessitated a change in the landscaping. The road change is shown on IESI Exhibit 27, with the existing access road shown in blue and the proposed relocated access road shown in green. IESI Exhibit 40 comprises sheets 12, 13, and 18 of 18, part of the land development plan. The sheets show what will be the final landscaping plan, even though the land development plan is not yet in its final form. Sheet 18 shows the best overall view of the landscaping plan.

The landscaping plan shows that there are five different types of screening that will be utilized which have been adjudged as the best to serve the purposes.

Mr. Bodnar then turned to the primary design elements of the existing proposal which comprise stormwater management, the liner system, leachate management, gas management, monitoring of the landfill, and capping and closure.

IESI Exhibit 36 shows the storm water management plan while IESI Exhibit 24 has details of the triple liner system which comprises, moving from top to bottom: a high density polyethylene membrane that collects precipitation and drains to on-site ditches and swales, underlain by a gas removal layer; the actual refuse that is deposited; 18 inches of sandy soil with leachate removal piping; the primary high density polyethylene membrane draining to sumps; a clay composite; a Geonet layer draining to sumps; a third and final high density polyethylene membrane also draining to the sumps; and finally a clay soil. In the piggyback area an additional Geonet grid will be utilized.

The triple liner system meets all Pennsylvania requirements. In response to a question from the Board, Mr. Bodnar testified that the new liner will be welded to the east end of the current liner.

Mr. Bodnar also testified that the present leachate monitoring and management will continue, and the expansion will have additional leachate

controls.

The gas generated by the landfill is removed and burned at a flare or used to generate electricity.

There was a question about a recent event at the landfill believed to be an explosion. This was explained by Mr. Bodnar as a case in which the flare got too much atmosphere, too much oxygen, and therefore rumbled. No gas was emitted and the problem was solved by temporarily reducing the vacuum which serves to draw out the gas from the landfill.

Mr. Bodnar testified that the groundwater monitoring wells are situated so as to test the groundwater before it comes into the landfill and after it passes under the landfill.

Mr. Bodnar identified IESI Exhibit 12 as a letter describing the capping system as used in Phase III and Phase IV, which will be the same system used to cap the proposed expansion. The capping system goes on top of the previously described triple liner system, and consists of a single liner system involving a 24 inch layer of soil planted with grass under which there is a gas removal layer utilizing a high density polyethylene liner.

He noted that the proposed expansion will increase the life of the landfill by 5 ½ years, and hence the last capping, which must be performed within one year, would be completed in 6 ½ years. He further stated that they cap as they go; that is, as the refuse gets to the proper grade level it is capped.

He also noted that there is a requirement to continue to monitor the landfill site for 30 years after the landfill is closed.

He testified that the day-to-day operations of the landfill will not change. At present, because they are running out of volume, the landfill operation has been scaled back so they do not have to lay off employees and cease operations until further approval is granted.

Mr. Bodnar identified IESI Exhibit 41 as a 2016 traffic study. This study was undertaken to consider not only the traffic from the refuse trucks, but also the

traffic from the trucks used to haul soil to the site to be used for capping purposes. The study determined that the additional soil delivery trucks will have little to no impact on the traffic route.

At this point Attorney Garber announced that was all the testimony that she wished to present at this time. She reiterated that she is extremely optimistic that at next month's meeting Applicant and the Township will be able to present an agreed-upon set of conditions for review and approval by the Board.

### **Old Business**

There was no old business.

### **New Business**

There was no new business.

### **Adjournment**

There being no further business before the Board, Mr. Kunsman moved, seconded by Mr. Lazar, to adjourn the meeting. The motion passed by a vote of 4 to 0 and the meeting adjourned at 9:30 p.m.

Respectfully submitted,

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George A. Heitzman  
Solicitor