

Zoning Hearing Board
Lower Saucon Township
Town Hall
May 21, 2018

MINUTES

The meeting was called to order at 7:00 p.m. by Vice Chairman Lachlan Peeke.

Roll Call

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

New Board Member

Vice Chairman Peeke introduced Ronald Horiszny as the newest member of the Board. Mr. Horiszny is filling the position vacated by the resignation of Austin Kunsman. Mr. Horiszny stated on the record that he would like to donate any earnings he receives as a member of the Board to the Lower Saucon Township Fire Equipment Replacement Fund.

Minutes

The Board had before it for approval the minutes of the meeting of April 16, 2018. Mr. Lazar moved to accept the minutes as submitted. The motion was seconded by Mr. Easley and passed by a vote of 3 to 0. Mr. Horiszny abstained from the vote as he had not been a member of the Board at the time of that meeting.

Bills

The Board had before it for approval a bill from the Morning Call for advertising the meeting of April 16, 2018, the Court Reporter's bill for attendance at the meeting of April 16, 2018, and the Solicitor's invoice for the month of April, 2018. 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. Mr. Horiszny abstained from the vote.

Variance Appeal of William W. Csaszar, Jr. - Variance Appeal 02-18

Interim Zoning Officer Scott Brown was duly sworn and testified that Applicant is seeking to construct an 18' x 24' detached accessory structure 10' from the side property line at his residential property located at 2519 Black River Road, Bethlehem, PA 18015. The property is located in an R40 district and contains 1.06 acres. It is currently improved with a single-family detached dwelling, shed, swimming pool, and associated improvements, including a public water supply and public sewer service. Applicant's petition includes a letter from Donald C. Fredrickson, PE, of Environmental Design and Engineering to William W. Csaszar, Jr. (Applicant), dated October 18, 2001, as well as three accompanying drawings referenced in the letter. This information is to illustrate that the existing improvements on the property were at that time not located within the 100-year floodplain. The existing lot coverage is approximately 5,168 ft² (15.4%). Proposed lot coverage is approximately 5,600 ft² (16.7%), not including any driveway alterations/expansion. The allowable coverage is 25%. Applicant will need relief from §180-35B to allow construction of the accessory structure within the minimum side yard setback. The required side yard setback is 35' and Applicant is seeking 20' of relief.

William Csaszar was sworn and testified that the proposed location is the only feasible site to place the proposed structure on his property. He owns a boat

and a car that he has been storing at his mother's property, and he now wishes to store them on his own property.

Township Council took no action in the matter and there was no one in the audience who desired to be heard concerning the matter.

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

Variance Appeal of David & Kathy DeRemer - Variance Appeal 03-18

Interim Zoning Officer Scott Brown, having been previously sworn, testified that Applicant is seeking to construct a detached single family dwelling and associated improvements at a residential property located on Girard Avenue. The property is located in an R40 district and contains 0.322 acres (14,047 ft²) and currently consists entirely of undeveloped woodlands and environmentally sensitive woodlands (woodlands with slopes > 8%). Public water supply and public sewer service are available to the property. Applicant's petition includes a plan titled "Building Permit Plan for Lot 4 - Valley View Estates" prepared by Van Cleef Engineering Associates dated April 30, 2018, and last revised May 9, 2018. The plan includes zoning data and site capacity calculations that detail the extent of relief requested, as well as existing conditions which demonstrate that the lot is nonconforming. The existing lot is undeveloped, therefore there is no existing impervious coverage. Proposed lot coverage is 2,950 ft² (21%). The allowable initial coverage is 12%. Proposed building coverage is 10.6%; allowable coverage is 8%. Applicant is appealing from the decision of the Zoning Officer; the details of which have not been provided. If §180-100B(2) is deemed not applicable, Applicant will need relief from §180-34C, §180-35A, §180-95B(15)and B(16), and §180-127.3A to allow development of the lot in accordance with the proposed plan.

Township Council took no action in the matter.

Attorney Ted Lewis appeared representing Applicant. Attorney Lewis told the Board he would set forth Applicant's case and had witnesses available to answer any questions the Board might have.

The parcel of land is currently undeveloped. It was created in 1968 by subdivision. Applicant bought the land in 1990, and at that time the current zoning regulations were not in place.

The lot is on a cul-de-sac, and whereas previously the required setbacks were in the range of 20' to 25', they are now 40'. Depending upon how they were applied, this would only leave a 20' building envelope, which would not allow a house of sufficient size.

Attorney Lewis said that he had a legal argument as to why the current zoning regulations that were not in effect when the lot was created and when Applicant acquired the lot should not apply. He said that this argument was unnecessary if variances are granted, and he was just presenting it at this time for the record in case a decision was made at a later date to appeal to the Court of Common Pleas. He also stated that the current rear yard requirement will be complied with, but the front yard would not be.

Attorney Lewis stated that the home to be built would be consistent with other homes in the neighborhood. He noted that §180-100B(2) offers some relief for nonconforming lots but it would not, in this case, offer relief that is sufficient without the variances that are being requested.

He noted that the plan shows a number of trees that are to be removed. He said Applicant is intending to save as many trees as possible. He noted that Michael Gula of Van Cleef Engineering Associates was a surveyor who had prepared the plan and who was present.

The Board then asked if there was anyone in the audience who wished to be heard.

Edward Roma came forward, was sworn, and stated that he believed that

the Ordinance existed to protect woodland. When he bought the property he owns he bought the lot behind him because it had trees on it. He is particularly interested in saving one tree on Applicant's property that is in the area that is planned to be part of the driveway. He suggested that the driveway could have a 6 foot radius around the tree which would resolve the problem. Applicant replied that he was trying to save as many trees as possible.

Mr. Lazar then questioned whether it would be an acceptable condition that the tree be maintained. Mr. Horiszny noted that there are other issues on the land including stormwater runoff which may make saving the tree impossible. Attorney Lewis agreed with this statement.

Timothy Murray came forward, was sworn, and testified that he had just purchased a house from Applicant. He had questions regarding storm water runoff and was told that a detailed storm water management plan would have to be submitted to the Township before a building permit would be issued.

Ted Wetzel came forward, was sworn, and testified that his biggest concern is to save as many trees as possible, but he also has concerns about storm water runoff since he currently has standing water on his property after certain rains. He stated he wanted to make sure that storm water flow is addressed. He also stated that he had a friend who told him that since Applicant had owned two lots and had separated them, this would affect the ability to grant relief.

Mr. Gula testified that storm water runoff was a major consideration and would have to be managed in accordance with the rules and regulations of the Township.

Ed Antolick was sworn and testified that he was concerned about the possibility of a lot of mud being generated during construction, and was also assured that a storm water runoff plan will have to be submitted by Applicant and approved by the Township.

Mr. Roma again testified and showed his suggested driveway

configuration to members of the Board. Under cross-examination by Attorney Lewis he stated he is not familiar with any of the ordinances and regulations of the Township dealing with storm water management, or other issues that will have to be addressed that could affect the placement of the driveway.

Ted Wetzel again addressed the Board and stated that there is a high water table in the area.

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

Variance Appeal of Nicholas Gress - Variance Appeal 04-18

Interim Zoning Officer Scott Brown, having been previously sworn, testified that Applicant is seeking to replace an existing 10' x 16' detached accessory structure (shed) with a new 24' x 28' detached garage at his residential property located at 1362 Trotter Lane, Bethlehem, PA 18015. The existing shed is located approximately 2' off the side and rear property lines, thereby comprising a nonconforming structure due to side and rear yard setbacks. The property is located in an R12 district and contains a total of 0.344 acres. It is currently improved with a single-family detached dwelling, shed, and associated improvements, including a public water supply and public sewer service. Applicant's petition includes a plot plan from Eastern Engineered Wood Products which illustrates the size and location of the existing and proposed structures. The existing lot coverage is approximately 4,273 ft² (28.5%). Proposed lot coverage is approximately 5,009 ft² (33.4%), which includes an estimated 224 ft² driveway expansion which has not been explicitly described within the Application. The allowable coverage is 30%. Applicant will need relief from §180-47B and §180-47C to allow construction of the accessory structure within the minimum side and rear yard setbacks. Applicant will also need relief from §180-127.3C(2) to permit the increase in impervious coverage. §180-100B(1)

specifically permits the alteration, reconstruction, or enlargement of a nonconforming structure, provided such alteration, reconstruction, or enlargement does not increase the extent of the nonconformity.

Township Council took no action in the matter.

Applicant Nicholas Gress appeared with his father Gordon Gress. Nicholas Gress made the correction that the available setback would be 5' rather than 2'.

Mr. Horiszny stated that he was concerned about the impervious coverage exceeding 30%. He questioned whether certain adjustments could be made to reduce the impervious cover.

Mr. Gordon Gress testified that some of the current driveway will be taken out and that this would reduce the impervious cover. He also noted that at one time there was a 16' x 24' shed in place, which was then replaced by something smaller for economic reasons.

After additional discussion, the Board noted that it would be much more comfortable with exact figures, and suggested that Applicant may wish to request a continuance, make a more detailed drawing, and meet with the Zoning Officer.

Applicant then requested a continuance until the next meeting. Mr. Horiszny moved, seconded by Mr. Lazar, to grant the requested continuance and the motion passed by a vote of 4 to 0.

Old Business

There was no old business.

New Business

Ronald Horiszny became a member of the Board as of this meeting.

Adjournment

There being no further business before the Board, Mr. Horiszny moved, seconded by Mr. Lazar, to adjourn the meeting. The motion passed by a vote of 4 to 0 and the meeting adjourned at 8:08 p.m.

Respectfully submitted,

George A. Heitzman
Solicitor

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