

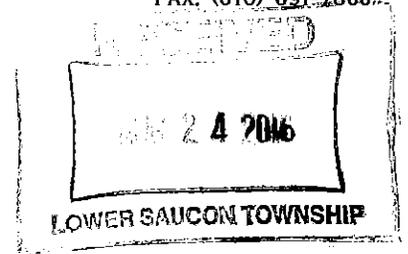
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MOLLY BENDER
LOWER SAUCON TOWNSHIP
ZONING HEARING BOARD
3700 OLD PHILADELPHIA PIKE
BETHLEHEM PA 18015

August 23, 2016

RE: Minutes of meeting of August 22, 2016

Dear Molly:

Enclosed are the Minutes of the meeting of the Zoning Hearing Board held on August 22, 2016. I have also sent a copy via e-mail.

Please advise if any additions, deletions or corrections need to be made to these Minutes.

Very truly yours,

George A. Heitzman
Solicitor

GAH:cm
Enclosure

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ROUTING

- Council
- Manager
- Asst. Mgr.
- Zoning *onc*
- Finance
- Police
- P. Works
- P/C
- P & R
- EAC
- Engineer
- Solicitor
- Planner
- Landfill
- EMC
- Other *ZHB*

Zoning Hearing Board
Lower Saucon Township
Town Hall
August 22, 2016

MINUTES

The meeting was called to order at 7:10 p.m. by Secretary Keith Easley.

Roll Call

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

Minutes

The Board had before it for approval the minutes of the meeting of May 16, 2016. Mr. Kunsman 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 July 25, 2016, the Court Reporter's bill for attendance at the meeting of May 16, 2016, and the Solicitor's invoice for the month of July 2016. Mr. Kunsman moved to pay the bills as submitted. The motion was seconded by Mr. Lazar and passed by a vote of 3 to 0.

Special Exception Appeal of PA Venture Capital, Inc. - Special Exception 01-16

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

had previously been continued at the request of Applicant because Applicant was finalizing its plans subsequent to its appearance before Township Council. Township Council reviewed the application on May 4, 2016, and took no action, and thereafter Applicant continued to work with the Lower Saucon Authority to meet their concerns and adopt their suggestions.

A billboard/advertising sign use is permitted by conditional use in the GB-2 district. The existing sign use is nonconforming due to the fact that a conditional use was never obtained. As such a Special Exception in accordance with §180-100B(3) is required to alter, reconstruct or enlarge the structure.

Applicant is proposing to remove an existing nonconforming billboard which is approximately 136 ft.² in size and located approximately 6' from the southern property line and within the required right of way, and to construct a 171 ft.² sign which also does not encroach further into the front setback, actually being moved back. Applicant has submitted a site plan in conjunction with this application, and the Planning Commission reviewed the application at their March 28, 2016, meeting and reported that the application had sufficient information for consideration by the Zoning Hearing Board. Subsequent to that time Applicant made a number of changes each resulting in coming further into compliance with the Zoning Ordinance, and the final application is now before the Board.

Attorney James Preston appeared representing Applicant. Mr. Preston noted that the Zoning Officer had aptly summarized the matter. Applicant had requested a number of items of zoning relief in the first application. After working with the Lower Saucon Authority and with the Township, including a meeting with the Township Solicitor and Zoning Officer on July 16, 2016, the request for relief now before the Board has been reduced to a request for a Special Exception in accordance with §180-100B(3) to permit increasing the size of the existing billboard, from 136 ft.² to 171 ft.², or a 25% increase as permitted by the Zoning Ordinance. All of the existing dimensional nonconformities of the existing sign

will either be eliminated or lessened.

Attorney Preston identified Applicant's Exhibit A-10 as an 8.5" x 11" sheet showing the billboard detail, and Applicant's Exhibit A-11 as a site plan showing the existing sign as well the location of the newly proposed sign.

David Harte was sworn and testified that he is vice president of PA Venture Capital and is an engineer who has testified many times previously before the Board. He noted that there is an existing sign which it is desired to increase in size and to move to a different location on the same property. The sign will be a double-faced sign.

Mr. Harte noted that the concerns of the Lower Saucon Authority were that the existing sign encroached on a utility easement, and there was concern that the proposed sign would also do so. After consultation with Lower Saucon Authority the proposed foundation for the sign was moved out of the easement and the proposed height of the sign was adjusted so as to allow a working area of 9' under the sign. The zoning regulations require that the maximum height of the sign cannot exceed 18'.

The new proposal meets the zoning requirements of the side yard on the north side of the sign whereas the previous sign did not meet this requirement.

In response to a question from Mr. Kunsman, Mr. Harte stated that the sign will not have the electronic capability of communicating with or monitoring vehicles that travel past it.

Mr. Lazar questioned whether the 25% increase is something that could be applied for on a yearly basis or whether it was a one-time increase. Mr. Garges said that it is a one-time increase.

Mr. Lazar also questioned the frequency at which the sign will change. He stated his opinion that a sign that changes often is a distraction to motorists and a safety concern to him. Mr. Garges noted that the Lower Saucon Township Zoning Ordinance permits a change in display every 6 seconds.

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

application.

Mr. Easley moved to grant the Special Exception as requested and the motion was seconded by Mr. Kunsman. The motion passed by a vote of 2 to 1 with Mr. Easley and Mr. Kunsman voting in favor of the motion and Mr. Lazar voting against it.

Variance Appeal of Robert Bowen - Variance 13-16

This appeal was continued at the request of the Applicant.

Variance Appeal of Anthony & Lisa Auteri - Variance 14-16

Chris Garges, having previously been sworn, testified that Applicant is proposing to construct an addition to an attached garage which will not meet the required front yard setback along Quarter Mile Road. The parcel contains a single family dwelling, attached garage, and driveway. The parcel is approximately 1 acre in size and is unique in that it has frontage on two roadways, and as such contains two front yards, a rear yard, and a side yard. Applicant applied for a permit to perform renovations and enlarge an attached garage in March 2016. Applicant was notified that a permit could not be issued due to the fact that the proposed garage addition did not meet the required front yard setback. Applicant revised the application and on March 23, 2016, they were issued a permit to perform the alterations, and the permit required additional permit/approval for the garage. A copy of the permit is in the Application file.

Applicant will need approximately 4' of relief from the front yard setback of 40' required in an R-40 zoning district by §180-35A.

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

Attorney Joseph Fitzpatrick appeared representing Applicant. He identified Applicant's Exhibit A-1 as a copy of the notice of hearing that had been posted, Applicant's Exhibit A-2 as a copy of the county tax record with the subject

property outlined, and Applicant's Exhibit A-3 as a site plan showing the existing structure and proposed garage.

Dr. Auteri testified that he owns the property having purchased it on August 20, 2015. The property was in dire need of repair and alteration and he had an architect prepare the plans to do so.

Construction started in March 2016 at a time when it was believed that the construction would be entirely within the requirements of the Zoning Ordinance. The construction included a 3 car garage and on June 28, 2016, he was informed by the Zoning Officer that he would need a variance because one edge of the garage would extend into the required front yard approximately 4'. The architect had stated that there were no zoning issues.

The overlap into the required yard comprises about 25 ft.².

In response to a question from the Board, Dr. Auteri said he had spoken to his adjacent neighbor who had no problem with his request.

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

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

Old Business

There was no old business.

New Business

Mr. Garges said that at the present time there is one application to be heard at the September meeting.

Mr. Lazar noted that there had been some questions lately concerning the policy of responding to reporters.

Mr. Garges said that it had been the policy of the Township to accept questions by email or otherwise in writing and to respond to them in writing. It

was felt that this was the best way of handling these matters. Mr. Lazar suggested that he thought perhaps at our next meeting we should discuss this to see if we need or should have a policy.

Adjournment

There being no further business before the Board, Mr. Lazar moved, seconded by Mr. Kunsman, to adjourn the meeting. The motion passed by a vote of 3 to 0 and the meeting adjourned at 7:57 p.m.

Respectfully submitted,


George A. Heitzman
Solicitor

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