

Zoning Hearing Board  
Lower Saucon Township  
Town Hall  
October 15, 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, and Board Members Jay Lazar and Ronald Horiszny. Chairman Jason Banonis and Secretary Keith Easley were absent. The Solicitor, George A. Heitzman, was also present.

### **Minutes**

The Board had before it for approval the minutes of the meeting of September 17, 2018. Mr. Horiszny moved to approve the minutes as submitted. The motion was seconded by Mr. Peeke 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 September 17, 2018, and the Solicitor's invoice for the month of September, 2018. Mr. Horiszny moved to pay the bills as submitted. The motion was seconded by Mr. Peeke and passed by a vote of 3 to 0.

### **Variance Appeal of John and Brenda Rosado - Variance 13-18**

Zoning Officer Jim Young was duly sworn and testified that Applicant owns a 4.66 acre parcel with no current improvements on site in the "Estates at

Saucon Woods" subdivision which was approved in 2000. Applicant is proposing the construction of a single family dwelling, driveway, and pool on the property. Applicant is requesting a variance from §180-95B(4)(b) to allow the disturbance of 17.3% of flood plain soils, where 100% of flood plain soils is required to be protected. Applicant is also requesting a variance from §180-95B(16)(d) to allow the disturbance of 19.8% of environmentally sensitive woodlands, where 15% disturbance is permitted. Applicant is further requesting a variance from §180-95(13)(b&c) to allow the disturbance of 33.7% of 15-25% steep slopes, where 30% is permitted, and also to disturb 62.5% of 8-15% steep slopes, where 40% is permitted. Applicant is requesting a variance from §180-95C to allow the maximum impervious surface ratio to be increased to 6,693 ft<sup>2</sup> where 1,089 ft<sup>2</sup> would be permitted.

Township Council took no action in the matter.

Attorney Emil Kantra, II appeared representing Applicant. He called Herschel H. Ruhmel as his first witness. Mr. Ruhmel testified that he is a homebuilder and has been in business since 1971. He identified the plans of Exhibit A-1 as plans he prepared showing elevations of the front, first floor, and second floor of the proposed structure. He stated that the proposed structure is to be built in a development known as Estates at Saucon Woods, and he said that he has previously built homes in that development.

The proposed home is going to be 3,500 ft.<sup>2</sup> of living space with a two-car garage that will occupy 600 ft.<sup>2</sup>. He identified Exhibit A-2 as an aerial photograph showing the specifications of various neighboring homes.

The proposed house will have 3 bedrooms. There are 14 houses in the development which have 4 bedrooms and one that has 5 bedrooms. The residences in the development average about 3,600 ft.<sup>2</sup>. The proposed structure will therefore be conforming to the typical home except having fewer bedrooms.

In response to a question by Mr. Horiszny, Mr. Ruhmel stated that the

house is not in the floodplain.

Attorney Kantra then called Christopher E. Malloy who is a land surveyor from JHA Co. He stated that Zoning Officer Young had requested a summary from him and he had provided Exhibit A-4 which is an email dated September 27, 2018, and Exhibit A-5 an email dated October 11, 2018, and Exhibit A-6, which is a copy of the inset from the plan showing the various calculations.

He stated that he had prepared the Erosion and Sedimentation Plan for the property which comprises 4.6 acres. He noted that Kings Mill Road is 4' higher than the lot. The lot slopes down toward Saucon Creek which bisects the lot. He stated that the property is located in an RA zoning district. He further stated that the subdivision plan has a restriction preventing access to the lot from Easton Road.

He testified to the difference between a floodplain and floodplain soils, and noted that there are floodplain soils south of the Creek as well as environmentally sensitive woodlands. There are steep slopes across the frontage of the property. The steep slopes of 8 to 15% are natural slopes, while those of 15 to 25% are slopes created by the road installation.

The disturbance will comprise the driveway and the stockpile for fill. The stockpile will be temporary and will be eliminated when construction has been completed. The stock pile is expected to comprise 2,517 ft.<sup>2</sup> which area will not be disturbed post construction.

He described various features of the Erosion and Sedimentation Plan and noted that the storm water management plan had been approved by the Township Engineer. The storm water from the roof area will be captured into a rain garden which was deemed more appropriate than a seepage pit.

Brenda Rosado testified that she is the owner of the property and wishes to have the home built in accordance with the testimony. She identified Exhibit A-7 as two photographs of the posting of the property. In response to a question

from the Board, Attorney Kantra said that the driveway will meet all requirements of the Township.

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

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

### **Variance Appeal of Alex Patullo - Variance 14-18**

Zoning Officer Jim Young, having previously been duly sworn, testified that Applicant owns a 2.29 acre parcel with no current improvements on a site in the "Woodland Hill Estates II" approved in 1990. Applicant is proposing the construction of a single family dwelling and driveway on the property. Applicant is requesting a variance from §180-95B(15)(d) to allow the disturbance of 26% (0.40 acres) of woodlands where 20% (0.31 acres) is permitted. Applicant is also requesting a variance from §180-95B(16)(d) to allow the disturbance of 26% (0.38 acres) of environmentally sensitive woodlands where 15% (0.22 acres) is permitted. Applicant is further requesting a variance from §180-95(C) to allow the maximum impervious surface ratio to be increased to 34% where 20% is permitted.

Township Council took no action in the matter.

Applicant, Alex Patullo, introduced Karl Scherzberg of Keystone Engineering who testified that the land in question is lot 16 of the Woodland Hill Estates II development. The lot comprises 2.29 acres located in an RA zone. In 2006 a grading plan was approved but the home was not built at that time. The Zoning Ordinance has since changed requiring variances in order to disturb soil during the building process. The subdivision has been built out.

Mr. Scherzberg testified that the disturbances that will occur are necessary for construction, and there will be no permanent disturbance. The house as

constructed will be the smallest house on the drive. Mr. Scherzberg testified that the relief being requested was the minimum relief necessary to construct the home.

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

Mr. Lazar moved, seconded by Mr. Horiszny, to grant the requested variances and the motion passed by a vote of 3 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. Lazar moved, seconded by Mr. Horiszny, to adjourn the meeting. The motion passed by a vote of 3 to 0 and the meeting adjourned at 7:40 p.m.

Respectfully submitted,

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George A. Heitzman  
Solicitor