Zoning Hearing Board
Lower Saucon Township
Town Hall
October 20, 2014

MINUTES

The meeting was called to order at 7:30 p.m. by Vice Chairman Lachlan Peeke.

Roll Call

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

Minutes

The Board had before it for approval the minutes of the meeting of August 25, 2014. Mr. Kunsman moved to accept the minutes as submitted. The motion was seconded by Mr. Easley 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 August 25, 2014, the Court Reporter's bill for attendance at the meeting of August 25, 2014, and the Solicitor's invoice for the months of August and September, 2014. Mr. Easley moved to pay the bills as submitted. The motion was seconded by Mr. Kunsman and passed by a vote of 4 to 0.

Variance Appeal of Regina Du & Kun Lam - Variance 10-14

Chris Garges, the Zoning Officer, was sworn and testified that Applicant would like to subdivide the parcel which is located in an R40 zoning district into two lots: Lot A containing the existing dwelling, barn, and driveway; and a new lot, Lot B, which would contain a single family dwelling. Lot B with a 50' proposed lot frontage would not meet the minimum lot frontage of 150' required by §180-34B. Lot A, the lot with the existing home, would have a proposed lot coverage of 63.7% which would exceed the 25% impervious lot coverage allowed by §180-34C.

The existing dwelling is within the required right of way and does not meet the required front yard setback. The lot is approximately 12.3 acres in size. The two lot sizes would be (gross) 1.5 acres & (gross) 10.8 acres. This property was the subject of zoning enforcement during the previous ownership. The previous owner operated a pallet business (commercial) without obtaining a permit. That use ceased in response to the Township enforcement actions.

The variance was properly advertised and the property was posted.

Township Manager Jack Cahalan sent a letter to Solicitor George A. Heitczman on August 16, 2014, stating that the Lower Saucon Township Council had directed him to advise the Zoning Hearing Board that it supports Applicant's variance request with the condition that there would be no further subdivision of Lot B.

Attorney Eric Schock appeared representing Applicant.

Attorney Schock called as his first witness Regina Du who testified that she, along with her husband, are the owners of the property. She described the property as comprising 12 acres and including a farmhouse, barn, and driveway The house is currently rented to a third party, and they plan to continue this lease arrangement.

Ms. Du testified that when they purchased the property the prior owner

had been conducting a wooden pallet business, and she identified Applicant's Exhibit A-1 as an aerial photograph taken during the prior use which shows large numbers of wooden pallets as well as shipping containers. She said the property was a mess and they spent two years cleaning it up.

Ms. Du identified as Exhibit A-2 an aerial photograph showing an area where the pallets had previously been stored which has been completely cleaned and has been seeded with grass. Exhibit A-2 also includes a photograph of fruit trees that have been planted by Applicant.

She testified that they want to have a second lot in order to build a home for themselves further back on the property.

After consulting with an engineer, she said they learned that it was necessary either to install a public road or utilize the proposed configuration. The proposed plan uses the existing driveway which will also minimize the amount of impervious cover. She testified that when they appeared before Township Council it was suggested that a restriction be imposed that proposed Lot B would not be further subdivided and they agreed to that restriction being imposed.

The letter from the Township Manager notifying the Board of the condition requested by Township Council was marked Exhibit A-3 and made part of the record.

Exhibit A-4 is an aerial photograph showing the general area and showing that there are residential lots surrounding this property, some of which are smaller than the lots proposed by Applicant. Ms. Du testified that the proposed use is consistent with the surrounding area.

Attorney Schock then called as his next witness Terry DeGroot, a professional engineer with Terrafirm Engineering, LLC. He testified that he prepared the subdivision sketch plan, and he proceeded to describe the features to the Board.

Mr. DeGroot identified Exhibit A-5 as the subdivision sketch plan and

Exhibit A-6 as a plan showing the site capacity calculations. He testified that the property is located in an R40 zoning district in which 40,000 ft.^{2} is required for each lot. He noted that proposed Lot A which contains the house would be a smaller lot and would comprise approximately 1½ acres, while proposed Lot B would be the larger lot and would comprise approximately 10.8 acres

Mr. DeGroot testified that the Ordinance requires 150' of frontage while the current parcel has a total of 230' of frontage, although it widens considerably the further one proceeds from the road.

Mr. DeGroot described the various areas that have to be deducted in performing the site calculations, and noted that these deductions leave 0.6 acres as the net buildable area of Lot A, and 2.96 acres as the net buildable area of Lot B. He noted that it would be possible to build three houses on the lot with the installation of a road which would be a cul-de-sac street. This would not only add more impervious coverage, but would be cost prohibitive.

He described how impervious cover percentages vary greatly depending upon how there are computed. The coverage over the entire lot, taking into consideration the features that reduce the buildable area, is 12.1% if the percentage is taken as to all of the land able to be developed, and it would be 17% even if the alternative driveway were included. The proposed plan using the shared driveway results in an impervious coverage for the entire parcel of 14.6%, even though the impervious cover percentage for Lot A alone is 63.7%.

Mr. DeGroot said they would have to remove trees and increase the impervious coverage if a second driveway serving only Lot B were to be installed.

Board Member Lazar questioned why the alternate driveway is shown on the plan if it is not going to be installed. Mr. DeGroot stated that this was to show a conceivable alternative, if for example a future owner of Lot B did not wish to use a shared driveway, but that it is not contemplated that it will be installed. Mr. Lazar questioned the Zoning Officer as to whether it should be a condition that

this driveway never be installed. Mr. Garges said that it is good to have an alternative available in case at some future date subsequent landowners would have difficulties sharing a driveway. Mr. Garges said that this is not an infrequent problem in the Township and such disagreements utilize a lot of Township services. He recommended that no condition be attached regarding an alternative driveway.

A member of the audience, Gerald Finlay, was sworn and said he is a next-door neighbor to this property. He said that he is all in favor of this project, that the Applicant is a fine neighbor, that they replaced the neighbor who was, as he described it, "the neighbor from hell," and that he had considered moving previously. He said the prior neighbor was the "worst neighbor on earth" and these people are the complete opposite.

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

Mr. Easley then moved to grant the variances with the condition requested by Township Council that there be no further subdivision of Lot B. The motion was seconded by Mr. Kunsman and passed by a vote of 4 to 0.

Old Business

The Solicitor told the Board that the Commonwealth Court had not as yet rendered a decision in the Green Gables appeal.

New Business

Mr. Garges told the Board that he had received a new application so he will expect that the Board will meet in November.

Adjournment

There being no further business before the Board, Mr. Peeke moved,

seconded by Mr. Kunsman, to adjourn the meeting. The motion passed by a vote of 4 to 0 and the meeting adjourned at 7:40 p.m.

Respectfully submitted,

George A. Heitczman
Solicitor

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