

Zoning Hearing Board  
Lower Saucon Township  
Town Hall  
April 22, 2024

## **MINUTES**

The meeting was called to order at 7:00 p.m. by Chairman Keith Easley.

### **Roll Call**

Present at the meeting were Chairman Keith Easley and Board Members Theodore Eichenlaub, David Jauregui, and Jeffrey Gorczynski. Secretary Gregory Carolan was absent. The Solicitor, George A. Heitzman, was also present.

### **Reorganization**

Mr. Eichenlaub moved to nominate Keith Easley as Chairman. The motion was seconded by Mr. Jauregui and passed by a vote of 4 to 0. Mr. Eichenlaub moved to nominate Gregory Carolan as Vice-Chairman. The motion was seconded by Mr. Easley and passed by a vote of 4 to 0. Mr. Eichenlaub moved to nominate David Jauregui as Secretary. The motion was seconded by Mr. Easley and passed by a vote of 4 to 0. Mr. Easley moved to appoint George A. Heitzman, Esq. as the Solicitor. The motion was seconded by Mr. Jauregui and passed by a vote of 4 to 0. Mr. Easley moved to maintain the same schedule of

meetings of the Board; that is, the 4th Monday of each month when there is business to transact, except May and December when the meetings will be held on the 3<sup>rd</sup> Monday of the month, all meetings to begin at 7:00 pm on the day of the meeting.. The motion was seconded by Mr. Gorczynski and passed by a vote of 4 to 0.

### **Minutes**

The Board had before it for approval the minutes of the meeting of November 27, 2023. Mr, Gorczynski moved to accept the minutes as submitted. The motion was seconded by Mr. Eichenlaub and passed by a vote of 4 to 0.

### **Bills**

The Board had before it for approval a bill from the Express times for advertising the meeting of November, 2023, the stenographer's invoice for the month of November, 2023, and the Solicitor's invoice for the month of November, 2023. Mr. Easley moved to pay the bills as submitted. The motion was seconded by Mr. Eichenlaub and passed by a vote of 4 to 0.

### **Hearings**

#### **Gombosi Variance-VAR 01-24-Marc Gombosi-2014 Springtown Hill Road-exp. 05/21/4**

James Young, the Zoning Officer, was sworn and testified as to Applicant's request.

Applicant owns a lot comprising 2.08 acres located in an R40 zoning district in the Township. The lot currently contains a single family dwelling. Applicant is proposing a minor subdivision to create 2 lots, both of which would then be nonconforming. Lot 1 of the proposed lots would be nonconforming as to lot area, and Lot 2 would be nonconforming as to lot width. Both proposed lots would have on-lot septic and municipal water service, and no new dwelling is proposed at the present time.

Applicant is requesting a variance from §180–34A, Lot Requirements, to allow the area of Lot 1 to be reduced to 33,489 ft.<sup>2</sup> where 40,000 ft.<sup>2</sup> is required, a requested relief of 6,511 ft.<sup>2</sup>. Applicant is also requesting a variance from §180–34B, Lot Requirements, to allow the width of Lot 2 to be reduced to 131.53' where 150' is required. The requested relief is 18.47'.

Mr. Young told the Board that the property had been properly posted and advertised. Applicant had appeared before Township Council on April 17, 2024, and at that time Council had voted by a vote of 3 to 2 to direct its Solicitor to send a letter to the Zoning Hearing Board “indicating that Township Council is not in favor of creating two non–conforming lots in this situation.”

Mr. Gombosi appeared represented by Attorney Daniel G. Dougherty. Mr. Gombosi was sworn and testified that he is the owner and would like to subdivide the property so that he can sell a lot which will be a vacant lot. He told the Board that he had spent considerable sums of money improving the property and wished to continue to do so

and could use the proceeds of the sale for that purpose. He said that he has spent in excess of \$100,000 on improving the house that currently exists on the lot

Attorney Dougherty called Stephen A. Pany, a professional engineer, who was sworn, recognized as an expert, and testified as to the current state of the property. He identified Exhibits A-1 through A-5 as photographs of the house and its surroundings. He identified Exhibits A-6 through A-7 as portions of the Zoning Map and identified Exhibit A-8 as the relevant portions of the Zoning Ordinance.

Mr. Pany testified that granting the subdivision would result in two lots that are nonconforming, but the nonconformities are relatively *de minimis* in that one lot would be slightly narrower than required while the other lot would not quite meet the required lot area. The resulting lots would be in perfect conformance with the surrounding area.

Mr. Pany gave a brief history of the manner in which the lot had been created, noting that the area had at one time been owned by a single family and was later divided amongst family members.

Mr. Pany testified that the relief requested comprised dimensional variances that did not in any way affect the appearance or density of the neighborhood and the immediately surrounding homes. He testified that in his opinion the need to dedicate portions of the land to the right-of-way and certain other features of the lots created a hardship justifying the granting of the requested variances which he considered to be *de minimis*.

Brian Bloch was sworn and testified that he is an adjoining neighbor. He had questions about possible future development of the lot including the on-site sewage arrangements and possible surface water drainage. He stated he was not opposing the zoning relief that was being requested.

Sally Schray was sworn and testified that her grandparents had owned the entire area and she is sorry to see that the lot will be developed, as it will affect the view. However, she stated that she recognized progress and was not actually objecting to the proposal.

Jason Banonis was sworn and testified that he is a member of Township Council. He stated that the letter that had been sent to the Board from the interim solicitor did not note that the vote was 3 to 2 to send the letter, and the letter also did not note that one of the three Council members who had voted against the proposed zoning relief stated that it was a close call.

Mr. Banonis, who had previously been Chairman of the Zoning Hearing Board, reminded the Board that it is an independent body that has the final say in zoning matters and that in this instance the split vote of Township Council should not, in his opinion, result in the denial of the requested relief. He believes that the relief requested should be granted because it will be good for the neighborhood and will result in additional tax income.

Mr. Easley moved to grant the requested variances. The motion was seconded by Mr. Jauregui and passed by a vote of 3 to 1 with Mr. Easley, Mr. Jauregui, and Mr. Eichenlaub voting in favor of the motion

and Mr. Gorczynski voting against it.

**Old Business**

There was no old business.


**New Business**

There was no new business.

**Adjournment**

There being no further business before the Board, Mr. Easley moved, seconded by Mr. Jauregui, to adjourn the meeting. The motion passed by a vote of 4 to 0 and the meeting adjourned at 8:25 p.m.

Respectfully submitted,

  
George A. Heitzman  
Solicitor