TOWNSHIP OF LOWER MAKEFIELD

ZONING HEARING BOARD

MINUTES – JUNE 20, 2023

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield

was held in the Municipal Building on June 20, 2023. Mr. Solor called the meeting to

order at 7:30 p.m. He stated that since there are four members present this evening,

three members must be in favor in order for an Appeal to be approved. Mr. Flager

stated a tie would result in a denial.

Those present:

Zoning Hearing Board: Peter Solor, Chair

Mike McVan, Member

James Brand, Alternate Member

Masood Sial, Alternate Member

Others: Dan McLoone, Planner

Adam Flager, Zoning Hearing Board Solicitor

Absent: James Dougherty, Zoning Hearing Board Vice Chair

Judi Reiss, Zoning Hearing Board Secretary

Matthew Connors, Zoning Hearing Board Member

APPEAL #Z-23-2010 – MUNZ CONSTRUCTION

Tax Parcel #20-046-156

44 BEDFORD PLACE, YARDLEY, PA 19067

Mr. Colin Craige, Munz Construction, was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit

A-1. The Site Plan was marked as Exhibit A-2. The Impervious Surface Calculations

and Stormwater Management Small Project Volume Control was collectively

marked as Exhibit A-3. The Proof of Publication was marked as Exhibit B-1.

The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors

was marked as Exhibit B-3.

Mr. Craige stated their clients are looking to construct a patio cover about 16’

by 18’ as shown on the Site Plan. The additional square footage that they are

adding to their impervious would be 288 square feet. Mr. Craige stated they

have submitted impervious mitigation in the form of a dry well to mitigate that

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additional square footage. Mr. Craige stated a letter was sent by Ms. Kirk

recommending that they get back to the required 13%, and they have a

proposed dry well of that size if the Board would like to see that.

Mr. Craige stated the second issue is building a structure within a floodplain.

He stated after speaking with Mr. Majewski, since it was not going to be a

structure with a foundation, walls, and insultation, it was indicated they might

be more receptive to this structure as it is a patio cover rather than a full

addition in the floodplain.

Mr. Brand stated he assumes that this is covering something that is pervious

and now will be impervious. Mr. Craige stated they will be covering a portion

of an existing patio and an area which is currently grass, and that is where the

288 square feet comes in.

Mr. Solor asked if there is a clear indication as to how the flood zone mapping

works with this property since it was not clear from the “high-level detail.”

Mr. McLoone stated based off the Bucks County Board of Assessment, the

whole proper looks like it is in the FEMA-regulated floodplain. He stated

Mr. Majewski would be able to provide more specific information. Mr. Solor

asked if the comment is accurate that since they are not putting up a wall it

is not considered a barrier to flood flow, and Mr. McLoone stated he feels

that is an accurate assessment.

Mr. Brand asked for more information on the options regarding the well.

Mr. Craige stated the first option was the one submitted which was to

mitigate the proposed addition of 288 square feet in the form of a dry well

the size being 3’ deep, 4.75’ wide, and 8.5’ in length; and that would

mitigate per the impervious surface breakdown calculations provided by

the Township Website, and would mitigate 48 cubic feet required of the

addition. He stated that would be the preferred method from a cost stand-

point just to mitigate the additional surface that they are proposing.

Mr. Solor asked Mr. Flager to make Ms. Kirk’s letter an Exhibit. Mr. Flager

stated the letter from Barbara Kirk, Township solicitor, is dated June 12,

2023 will be marked as Exhibit T-1. Mr. Flager stated the letter indicates

that the Township wanted to participate in the Appeal, but Ms. Kirk had

a conflict tonight. Rather than postponing the meeting the letter was

submitted which has two Conditions that the Township would like if

a Variance were to be granted. One is that stormwater management,

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preferably in the form of a filtration pit, be constructed in such volume to

reduce the overall net effect of impervious to the maximum coverage of 13%

subject to the review and approval of the Township engineer. The second

Condition requested is that the placement of the covered patio addition be

as minimally located to avoid as much of the floodplain as possible which is

difficult to ascertain from the Plans submitted with the Application.

Mr. Solor stated the addition is shown as being in the setback, and he asked

if they need a Variance for that. Mr. McLoone stated he does not believe

that they do because it lines up with the existing non-conformity of the home,

and the Zoning Officer confirmed that.

Mr. Brand asked if they confirmed that the entire property is in the floodplain,

and Mr. McLoone stated the entire property is in the floodplain so he feels the

proposed placement is fine.

Mr. Solor asked Mr. Craige if they considered removing some of the existing

impervious such as narrowing down the driveway, and Mr. Craige stated they

did speak to the client about that. He stated what they are showing is their

ideal situation, and they are asking for the relief. He added they have several

cars that they want to park in their driveway. He stated with regard to other

areas to reduce, several years ago they reduced some square footage around

their pool when that was re-done. He stated they also did not want to get

rid of the shed as it is a necessity for them.

Mr. McVan stated he would like to see the stormwater management cover

everything back to the 13%.

There was no one from the public wishing to speak on this matter.

Mr. McVan moved, Mr. Brand seconded and it was unanimously carried to

approve the Appeal with the instruction of abating it down to 13% for the

stormwater run-off subject to approval of the Township engineer.

APPEAL #Z-23-2011 – GANGADHAR VINNAKOTA

Tax Parcel #20-045-029

876 SLATE HILL ROAD, YARDLEY, PA 19067

Ms. Subharani Vinnakota was sworn in and stated they want to install a 10 by 10

shed on a pressure-treated wood frame. She stated they have trees along the

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back side of their property line to the side and the back, and they also have

trees in the front yard. She stated they are willing to plant more in upcoming

months and will work with the Township engineer to determine what best

suits their property.

Mr. Brand asked if there is a neighbor on that side, and Ms. Vinnakota stated

they do. Mr. Brand asked if they have spoken to them about the shed; and

Ms. Vinnakota stated they have, and they do not have any problem with it

because the previous owners used to have a play set at that spot. Mr. Brand

stated between 876 and 874 is where they would be putting the shed; and

Ms. Vinnakota agreed, adding it is in the red box as shown on the Plan.

Mr. Flager marked the Exhibits as follows: The Application was marked as

Exhibit A-1. The Plans were marked as Exhibit A-2. The Impervious Surface/

Stormwater Management Control Sheets were collectively marked as Exhibit

A-3. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting

was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit

B-3.

Mr. Solor asked Mr. McLoone how this property ended up with existing 24%

impervious surface in a 13% area when it is clear that no matter how it was

built it would had to have been more than 13%. Mr. McLoone stated a lot of

the dwellings in the R-RP Zone are non-conforming in terms of impervious

because the existing Ordinance was adopted in the 1990s, and prior to that

it was only building coverage. He stated a previous homeowner may have

done work without Permits as well. He stated it is not uncommon for a

property in the R-RP to be an existing non-conformity in terms of impervious

surface.

Mr. Brand stated it appears that it will actually be between 876 and 554 Vickers

Way, the other neighbor.

Mr. Solor stated this is not in the floodplain, and Mr. McLoone stated the

proposed structure is not in the floodplain.

Mr. Solor asked Mr. McLoone if the Board were to ask for a seepage pit, what

would the size of it be just for the shed. Mr. McLoone stated while he did not

do a calculation, he would be happy to work with the Applicants when they

re-submit the Plans for the Permit. He added that it would not be too big

since it is only a 100 square foot increase. Mr. McLoone stated they would

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only need to account for 17 cubic feet of required controlled volume which is

much less than typical impervious increases. Mr. Solor stated they are already

significantly over the permitted impervious although it is a small ask.

Mr. Brand stated it appears that there are a lot of trees in that area, and he

asked if any trimming of trees will be required or removal of trees needs to put

the shed in that space; and Ms. Vinnakota stated there is not.

There was no one from the public wishing to speak on this matter.

Mr. Solor asked Ms. Vinnakota if she would be amenable to putting in a seepage

pit to account for the increased impervious due to the shed, and Ms. Vinnakota

agreed.

Mr. Brand moved, Mr. McVan seconded and it was unanimously carried to allow

the 10 by 10 shed with an appropriately-sized seepage pit through working with

the Permitting process with the Township to confirm that size and a 7’ setback.

APPEAL #Z-23-2012 – SCOTT GLENNIE

Tax Parcel #20-043-072

5 SHELLEY LANE, YARDLEY, PA 19067

Mr. Scott Glennie and Ms. Linda Glennie were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit

A-1. The Plans were marked as Exhibit A-2. The Impervious Surface and Storm-

water sheets were collectively marked as Exhibit A-3. Plans marked as Exhibit A-2

along with some additional renderings by Mr. Majewski which detail the infiltration

trench were marked as Exhibit A-4. The Proof of Publication was marked as Exhibit

B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors

was marked as Exhibit B-3.

Mr. Glennie stated they want to create a paver patio behind the existing addition

that they built and to have a 10’ by 16’ auxiliary shed. He stated with the help

of Mr. Majewski today they came up with a way to mitigate the surface calcula-

tion issue by putting in an infiltration trench as Mr. Majewski has shown on the

drawing. Mr. Glennie stated he is completely willing to do that.

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Mr. Flager asked Mr. McLoone if that will offset all of the new impervious, and

Mr. McLoone agreed. Mr. McLoone stated Mr. Majewski wrote the Glennies an

e-mail which indicated “Provide an infiltration trench approximately 3 by 3 by 31

in the general area sketched on the attached Plan. The exact size and shape can

be modified as long as you provide the volume of stormwater detention. You can

either pipe one of your roof leaders into the trench and/or grade the yard to

channel water into the trench. You may also want to look into changing the roof

leader at the front of the house to direct the water towards the road instead of

the side that would drain towards the neighbor. The prior Appeal was granted

so effectively the additional trench when combined with the one that the Glennies

installed last year would make the effective impervious surface area 18%.”

Mr. McLoone stated this seepage pit in tandem with the previous one would

bring it down to 18% so it sounds like an ideal situation.

Mr. Brand asked if there were any comments from the neighbors about the

shed, and Mr. Glennie stated one of their neighbors is present.

Ms. Kimberly Lohan, 7 Shelley Lane, was sworn in and stated Mr. Glennie just

showed her the new Plans that he received tonight; and she had been concerned

about the Plans that she had seen before made her concerned about the water

that pools between the houses, but she now feels comfortable working with

Mr. Glennie.

Mr. Solor moved, Mr. Brand seconded and it was unanimously carried to approve

the Appeal with stormwater mitigation back to an effective rate of 18% subject

to approval of the Township engineer.

APPEAL #Z-23-2013 – ROB MCCUBBIN

Tax Parcel #20-058-225

712 LONG ACRE LANE, YARDLEY, PA 19067

Mr. Rob McCubbin, Anthony Sylvan Pools, Mr. Albert Socha, and Ms. Chantel Socha

were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit

A-1. The Site Plan was marked as Exhibit A-2. The Pool Plan was marked as

Exhibit A-3. The Proof of Publication was marked as Exhibit B-1. The Proof of

Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as

Exhibit B-3.

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Mr. McCubbin stated the property is in the R-2 Zoning District, and there is a

maximum impervious surface permitted of 18%. He stated the house was built

just prior to the December 15, 1987 cut-off for the impervious surface numbers.

He stated currently is already non-conforming and sits at 24.3% which includes

the house, driveway, front walkway, front porch, rear covered paver patio, a

small knee wall, and a shed; which puts them at 4,506 square feet or 24.3%.

He state they are looking to build a 200 square foot swim spa with 57 square

feet of coping around it, about 421 square feet of deck, and a pool equipment

pad of 32 square feet which would put them at 26.1%.

Mr. McCubbin stated they have a Stormwater Plan to mitigate all impervious

surface over 18% so it is 1,562 square feet over the allowing 3,454 square feet.

He stated that is done in the form of two infiltration trenches, one located

behind the pool/spa and the other further up in the yard to capture the

existing paver patio so they will be mitigating everything over the 18%.

Mr. Solor stated he did not see an equipment shed on the drawing, and

Mr. McCubbin stated the pool equipment is going on the side of the house

coming in off of Long Acre Lane. Mr. Solor stated it is not a setback issue,

and Mr. McCubbin stated they do not have a setback issue, and they will

be 10’ away. Mr. McLoone showed the location on the Plan. Mr. McCubbin

stated the pool is not in the setback either.

Mr. Brand stated after completing the project they will effectively be in a better

position in terms of displacing stormwater than before the project; and

Mr. McCubbin agreed, adding that currently they are at 24% and they will be

down to 18%.

Mr. John Hartman, 711 Fox Hollow Drive, which backs up to the Sochas’

property. Mr. Hartman was sworn in and stated they showed him the Plans,

and he is in agreement with it.

Mr. Brand moved, Mr. McVan seconded and it was unanimously carried to

approve the Appeal subject to installation of stormwater management

mitigating the 26.1% proposed to 18% subject to approval of the Township

engineer.

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OTHER BUSINESS

Mr. Brand moved, Mr. McVan seconded and it was unanimously carried to

cancel the meeting of July 3, 2023.

There being no further business, Mr. Solor seconded and it was unanimously

carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Peter Solor, Chair