

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES - MAY 1, 2018

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on May 1, 2018. Mr. Gruen called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board:                    Jerry Gruen, Chairman  
   Keith DosSantos, Secretary  
   Pamela Lee, Member  
   James McCartney, Member

Others:                                         Jim Majewski, Director Planning and Zoning  
   Adam Flager, Zoning Hearing Board Solicitor  
   John B. Lewis, Supervisor Liaison (joined  
   meeting in progress)

Absent:                                         Anthony Zamparelli, ZHB Vice Chairman

APPEAL #18-1797 – CHRIS & MELISSA HALEY

Mr. Chris Haley 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. An e-mail between the Township Office and the Applicant dated 4/5/18 explaining the Plans, the reason why they want the impervious expansion, and how they will mitigate stormwater 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.

It was noted that the Zoning Hearing Board had not received Exhibit A-3, and copies were made for the Board this evening for their review.

Mr. Gruen stated there is not a Township engineer present this evening, and he had requested a Township engineer at the last meeting to be here for impervious surface decisions.

Mr. Gruen also noted that since there are only four Board members present this evening, if there were a tie vote, it would be a “no” vote. He stated the Applicant has the option to postpone the meeting until there is a fifth member present. Mr. Haley stated he would like to move forward at this time.

Mr. Haley stated he is looking for a Variance for increasing the impervious surface from 18% to 22 ½ % mainly for the addition of a screened-in porch as well as a future proposed patio. He stated in total it will be about 829 square feet. He stated they back up to Buck Creek, and do not have any direct neighbors behind them. He stated there are a lot of mosquito and other bug problems with the Buck Creek area, and because of that they are trying to put in a screen-in porch. He stated it would be for quality of life since there are family members who are allergic to bugs.

Mr. Haley stated there is current stormwater management for the house that flows out back toward the Buck Creek area. He stated for the additional impervious surface would be to tie into that and it would go into the same line and go out to the Buck Creek area in the back. He stated there are no neighbors impacted by the additional impervious surface and it will not be in the direct line of sight from the street. He stated there will be a slight line of sight for the two neighbors on either side would see it a little bit on the side, but it would not be an eyesore.

Mr. DosSantos asked Mr. Haley if there is any run off from his property on either side; and Mr. Haley stated there is not, and it all goes to the Buck Creek area. Mr. DosSantos asked Mr. Haley if he has any flooding issues behind his house now, and Mr. Haley stated he does not.

Mr. Gruen asked Mr. Haley what remediation he has in the back, and Mr. Haley stated he had a line run out that goes underneath the property which drains out to a stone area. Mr. Gruen asked if it is a line going from the gutters, and Mr. Haley agreed; and it drains back to the Buck Creek area to a large stone pit in the back. Mr. Gruen asked if it is a trench full of stone, and Mr. Haley stated it is a line going out with the stone underneath and all around the line and it is perforated on the top throughout. He stated the main water flows all the way back out to a stone pit in the back. He stated it is dug down about 6" with the stone and more stone on top of that.

Mr. Gruen asked Mr. Majewski if he is familiar with what Mr. Haley has on the property, and Mr. Majewski stated he is not.

Mr. Gruen asked the age of the house, and asked if it is part of the old section, and Mr. Haley stated it is part of the old section.

Mr. DosSantos asked Mr. Haley if he put the line in, and Mr. Haley stated he had someone put the line in. Mr. DosSantos asked Mr. Haley the reason for the installation, and Mr. Haley stated it was to run the stormwater off. He stated he had taken down about fourteen trees in the back over a ten-year period, and they added a lot of soil to improve the grade since there was a very large grade in

the back; and now it is about half of what it was. He stated rather than have the water flow down the grade, they put the trench in out to the back so that it would not run off into the neighbors' yards. Mr. Gruen stated it is to take the water away from the house, and Mr. Haley agreed.

Mr. Gruen stated there are no elevations shown for the addition. He asked if the porch will be coming out at grade level or steps down since it seems to be built on piers, and they are not putting in a foundation – they are putting in piers. Mr. Haley stated they do not want slab construction. Mr. Gruen asked if there will be space under the porch; and Mr. Haley stated it would not be a lot, but there will be space. Mr. Gruen asked how much of a space it would be; and Mr. Haley stated that while he does not have it shown, it would probably not be more than one foot. Mr. Gruen asked if he will have glass sliding door leading to it, and Mr. Haley stated there is a door on one side where the west elevation is shown. He stated the door will have a step down. Mr. Gruen stated he is assuming that the porch will be at the same level as the floor in the house, and Mr. Haley agreed. Mr. Haley stated the house is not to grade so that there will be a step down from the porch to the yard.

Mr. Gruen stated the Zoning Hearing Board is charged with giving the minimum amount of impervious surface; and while he can see them wanting the porch, he has no problem with increasing the impervious surface provided he remediates. Mr. Gruen stated with regard to the patio, he asked Mr. Haley if he would consider raising it a little bit even with the porch so that they do not have to use impervious surface, and he could do it as a deck; and then he would need less of an impervious surface Variance. Mr. Haley stated he has not considered it that far ahead yet although the step down to the patio would be what he would prefer. He stated he would not “be a fan” of the decking, and he would rather have the stone patio. Mr. Gruen stated the job of the Zoning Hearing Board is to give the minimum amount of relief, and the porch he could remediate; however, for the patio there is a way of doing it so that he does not have to use impervious surface. Mr. Gruen stated he is asking Mr. Haley if he would be willing especially since it is the second phase.

Mr. DosSantos asked Mr. Majewski if what the Applicant is talking about as far as tying into an existing system would be sufficient to bring the effective level back down to where he is now. Mr. Majewski stated they would have to provide a calculation to justify if the size is adequate to handle that run off, and if needed they could just expand it somewhat to control the run off.

Mr. DosSantos advised Mr. Haley that could be a solution to get what he wants, and there would be a stipulation on any approval that they would provide to the Township engineer that the water run off system he has would be adequate to account for the additional 4% impervious he is asking for.

Mr. Gruen stated 3" to 4" of stone under a 4" pipe is not sufficient especially since they do not know what the percs are. Mr. DosSantos stated it may not be, but he is asking that they be required to get approval from the Township that it will remediate it back down to a certain level.

Mr. DosSantos asked what the existing impervious surface is, and Mr. Haley stated they are at 18%. Mr. Majewski stated they are slightly over.

Mr. DosSantos stated if they would bring it back down to where they are now it may require stormwater management which would be more than just tying into the lines and they may have to have a dry well, etc.

Mr. Gruen stated they have a large parking area behind the driveway, and if they could eliminate that and just keep the macadam through the doors of the garage; and if they take part of that away, that would reduce the amount they are asking for. Mr. DosSantos stated that could be expensive; however, Mr. Gruen stated it is not expensive to take it off. Mr. Gruen stated on that street there is no problem parking on the street. Mr. Gruen stated that is a possibility, and he is trying to get them to reduce the amount that they are asking for or remediate. He stated the possibilities are putting in a trench filled with stone that would be designed by an engineer, they could do a deck instead of a patio and the deck could be made of a material that will last just as long and look better than the stone with time and would not be impervious, or they could partially remove part of the driveway.

Mr. Majewski stated if the Plan is accurate there is just one step down from the house to the grade outside, and Mr. Haley agreed. Mr. Majewski stated that would be sufficient to replace it with a deck because the boards would be imbedded in the dirt. Mr. Gruen stated it would not because he is building the porch on piers so he would have to enough room to support and porch; and if he has enough room to support the porch, he should be able to have enough room to support the deck even with the porch. Mr. Majewski stated he believes that they are putting in a slab. Mr. Gruen stated he is putting it on piers. Mr. Haley stated he thought the piers would be on the slab. Mr. Gruen stated if you have piers you have supporting beams, and you are putting a deck on top of it. Mr. Majewski stated the Plan shows a slab; however, Mr. Gruen disagreed and stated it is piers. Mr. Majewski stated the symbol for concrete is being shown.

Mr. McCartney asked the materials that the porch floor will be made from; and Mr. Haley stated for the floor itself, it will be bluestone, but he does not know about the underlayment.

Mr. Gruen asked if they are saying that there are piers rather than footers to support the slab. Mr. McCartney stated it is not slab, it is bluestone. Mr. Haley stated the floor of the porch will be 2" bluestone. Mr. McCartney asked what the bluestone will be on top of.

Mr. Harry Haley, father of Mr. Chris Haley, was sworn in. Mr. Harry Haley stated he is a professional engineer in the State of New Jersey and Pennsylvania. Mr. Gruen asked Mr. Harry Haley what is supporting the floor of the porch, and Mr. Haley stated it would be soil with stone above it that is the sub base for the stone itself. He stated they will put a perimeter wall around the porch, and bring in soil and stone to bring it up to the right elevation so it will be even with the floor in the house. Mr. McCartney stated it is a bluestone patio with posts around the corners so they can build framing on top, and Mr. Haley agreed. Mr. Gruen stated the piers are to support the beam, and Mr. Harry Haley stated it is to support the room and the siding.

Mr. DosSantos stated a deck would therefore not work with this. Mr. DosSantos asked if a dry well would be doable, and Mr. Harry Haley stated they can put an infiltration trench where it is discharging since everything runs to the rear and it is wooded with trees 60' to 70' high. He stated for the patio, they talked about bluestone for the patio, and that would have a stone base to it; and the bluestone itself will not be tight, and it will be open so that it will be semi porous which could be used for infiltration purposes and minimize stormwater management.

Mr. Gruen stated he does not think the Township accepts bluestone just because there is a ¼" gap between the stone. Mr. Harry Haley stated they could do ¼" or a little more. Mr. McCartney stated there would actually be a big bluestone patio with half of it being a covered screened-in porch with a fireplace so it will be the same material for all, and Mr. Haley agreed. Mr. Harry Haley stated the patio is not being done initially, and it may be done a year or two in the future. Mr. Gruen stated he believes that bluestone is considered as impervious. Mr. Majewski stated it is classified as impervious surface per the Ordinance since they do not want people to cover their entire yard in bluestone pavers; however, from a stormwater management perspective, the gaps between the stone do absorb water and partially mitigate it compared to concrete where the water is completely shut off. He stated they do not give credit for it under impervious surface.

Mr. McCartney stated Mr. Haley indicated that he put the existing water mitigation system in, and Mr. Chris Haley agreed. Mr. McCartney asked if he did any type of calculations; and Mr. Haley stated he did not, but he believes that the contractor at the time did his own calculations. Mr. McCartney asked if they approve this should they make the water mitigation system something separate so they know that it will meet the requirements for the new impervious.

Mr. Gruen asked if they wrapped the 4" pipe in any material or was it just perforated pipe put in stone, and Mr. Haley stated he believes it was perforated pipe put in stone. Mr. Gruen stated that would not meet Code, and if you put in a mitigation system, you have to wrap the pipe with wrap underneath and wrap on top. Mr. Gruen stated what he did was really just to remove the water.

Mr. Harry Haley stated he feels it would be best if they had a separate system controlling the new impervious surface which would be calculated.

There was no one present in the audience to speak to this matter.

Mr. DosSantos moved, Ms. Lee seconded and it was unanimously carried to approve the Application as stated provided that the Applicant meets Township approval for stormwater management that would bring the effective impervious down to its existing level.

#### CANCEL MEETINGS

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to cancel the May 14, 2018 and June 5, 2018 due to lack of an Agenda.

There being no further business, Mr. DosSantos moved, Mr. McCartney seconded and it was unanimously carried to adjourn the meeting at 8:00 p.m.

Respectfully Submitted,

Keith DosSantos, Secretary