

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – SEPTEMBER 21, 2021

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on September 21, 2021. Ms. VanBlunk called the meeting to order at 7:45 p.m.

Those present:

Zoning Hearing Board: Pamela VanBlunk, Vice Chair
Matthew Connors, Secretary
Peter Solor Member

Others: James Majewski, Director Planning & Zoning
Barbara Kirk, Township Solicitor
Adam Flager, Zoning Hearing Board Solicitor

Absent: Anthony Zamparelli, Zoning Hearing Board Chair
James Dougherty, Zoning Hearing Board Member
Frederic K. Weiss, Supervisor Liaison

APPEAL #21-1914 – JOSEPH JENNINGS
Tax Parcel #20-031-004
2 MCKINLEY AVENUE, YARDLEY, PA 19067
(Continued from 8/17/21)

Ms. VanBlunk stated the Applicant has requested a Continuance to November 16, 2021 and has waived all of the deadlines to hear the case, and Mr. Flager agreed. Mr. Flager added that Mr. Majewski spoke with him earlier to agree to a date and that date would give them the opportunity to complete what they need to finish.

Mr. Connor stated this matter started in April and has been Continued since then. Mr. Majewski stated he spoke to Mr. Jennings a few days ago and he indicated that he is getting a wetlands consultant to get information, and he anticipates he will have that information within a month so they made the date two months from now to provide extra time. Mr. Majewski stated residents had raised some issues, and he is responding to their concerns by hiring a consultant as well as consulting with an attorney to advise him on his Application moving forward.

Ms. Kirk stated she knows that Mr. Jennings did speak to an attorney as that attorney contacted her about one week ago about the status of the case.

Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to Continue the Appeal to November 16, 2021.

APPEAL #21-1926 – JENNIFER SCHNERIDMAN & BRIAN PEPE
Tax Parcel #20-063-247
228 EMERALD DRIVE, YARDLEY, PA 19067
(Continued from 8/17/21)

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 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.

Ms. Jennifer Schneridman and Mr. Brian Pepe were sworn in.

Mr. Pepe stated they are putting in a pool and to compensate for impervious coverage they need a drainage ditch. He believes the Plans for the ditch were included in the submission to the Township.

Mr. Nathan Simcox was sworn in. He stated they are looking to install a fiberglass pool with a Variance for impervious for the overage on the pool decking that they are looking to put around the new pool. They are looking to put in an infiltration trench to compensate for the stormwater.

Ms. VanBlunk asked for the numbers, and Mr. Simcox stated they are going from 18% to 22.36%. Mr. Majewski stated he did review the numbers, and they are accurate. He added the infiltration trench will take it to slightly below what is currently existing which is 17.87%.

Mr. Richard Bruno, 234 Emerald Drive, was sworn in. He stated he lives beside this property, and his main concern is drainage. He stated he can appreciate the seepage bed for the additional impervious surface; however, his concern is that on the Plan there is a very small notation about an existing yard drain on the left side of the house. Mr. Bruno stated he has the same exact drain in his yard, and he does not feel the Plan emphasizes how important that drain is today prior to putting in the pool and the additional seepage drain.

He showed a picture of what happens to his yard when the drain has a few leaves in it, adding that he has had flooding in his basement. He stated this is a 4" PVC drain that goes out to the street and gets rid of a lot of water from the back yards in a number of properties in the development. He stated he is concerned that when the heavy equipment is there putting in the pool, it might destroy the drain which will create major problems for his property. Mr. Bruno also showed a picture of the sidewalk between the two properties after a very light rain storm. He stated this water freezes in the winter as well. He stated he does not know why there are no Zoning details about that drain on the Applicant's Plans. He stated his own Zoning file in the Township has details about his drain, and he feels this Plot Plan should have details about that drain. Mr. Bruno stated many of the neighbors have had to hire a landscaper to re-grade or re-run the drains.

Mr. Connors stated he understands that Mr. Bruno wants to make sure that the drain is maintained and protected during the construction process, and Mr. Bruno agreed as well as that it is there at the end of the construction process. Mr. Connors asked Mr. Pepe if he has any intention of removing that drain, and Mr. Pepe stated he does not.

Ms. VanBlunk asked Mr. Bruno if the Board were to approve the Plan provided the Motion includes a parameter that they protect and maintain the drain would he be satisfied with that. Mr. Bruno stated he is not an engineer, but it seems that the seepage area will be able to handle the run-off from the new impervious surface so he is trusting the Township.

Mr. Bruno asked which direction the pool deck will be pitched, and Mr. Solor stated the Plan shows that it will be pitched back toward the seepage bed.

Mr. Anthony Mannarino, 222 Emerald Drive, was sworn in. He stated he is the second owner of his home, and he was advised that when his home was built the ground was so wet on the side of his home which faces where the pool will be the heavy equipment crashed into the cinderblock foundation; and engineers were called in at that time and a second foundation wall was needed to reinforce the first one. Mr. Mannarino stated he has been in the home for over twenty years, and there is a noted pitch in the land between the Schneridman house and his house. He stated when there is any type of heavy rainfall, that side of his house is a "lake." He stated there is a drain shown on the Plans as well as three trees in front of the drain which are leading toward the street which are River Birch trees that were planted by the previous owner for the sole purpose of absorbing as much water out of the ground as possible. Mr. Mannarino stated

when they get heavy rains, his sump pit empties every sixty seconds. He stated a “tons of trees and a ton of brush” were removed from the Schneridman/Pepe yard in June, and he does not know what that means from a water-absorption standpoint.

Mr. Mannarino stated water has been an issue on his property since the house was built, and he has extra wide downspouts on his house, and he would not support anything that will bring one additional ounce of water toward his house because he has enough issues with it as it is.

Ms. VanBlunk asked where trees were removed from, and Mr. Pepe stated they were removed from the back yard. Ms. VanBlunk asked the number of trees that were removed, and Mr. Pepe stated approximately seven were removed along with some brush. Mr. Mannarino stated it was “not some brush, it was almost all of the brush.” Ms. VanBlunk asked if the trees were removed from where the proposed pool is going to go, and Ms. Schneridman stated they were removed from where the pool will be, to allow equipment to come in, and to allow for a fence.

Ms. VanBlunk asked Mr. Simcox if the trees which were removed indicated on the Site Plan. Mr. Simcox stated he is not sure which trees were removed as he believes that the Plan was done before the trees were removed. Ms. Schneridman showed on the Plan which trees and brush were removed. Ms. VanBlunk asked how many trees are left, and Ms. Schneridman showed on the Plan the trees that are still remaining.

Ms. VanBlunk stated the Board prefers an infiltration trench, and they are not in favor of Applicants putting in trees as a method for bringing the effective impervious rate down since trees can die or subsequent owners could take down the trees. She stated according to the Plans submitted, the effective impervious surface will actually be lower than what it is now. Mr. Mannarino stated he trusts the Board’s judgment, but he came because he wanted to make sure that the water mitigation was “top notch.”

Ms. VanBlunk asked if the Applicants would be willing to plant five additional trees, and Ms. Schneridman stated they do want to plant trees and shrubbery in the future once the pool and fence are in. Mr. Pepe stated this is just Phase I, and then they would like to put more trees in the back yard for privacy and redundancy for water drainage as well.

Ms. Deborah Kasten, 216 Emerald Drive, was sworn in. She stated she would like to reinforce what has been stated earlier. She stated she has lived here for thirty-five years, and there are drainage issues and pooling of water. She stated the storms have also gotten more violent, particularly this past year and they are faced with increasing volumes of water. Ms. Kasten stated they live on Doylestown clay and water does not seep into the soil, and it either pools or it runs off. She stated she also has River Birch on her property, but they had to remove a clump of them because they were too big and were infringing on the neighbor's property; and she now has pooling water in the spot where they used to be. She stated she is concerned about the seven trees that were removed from the Applicant's property because they were hundred foot trees which took up a significant amount of water. Ms. Kasten stated they do not know what the impact will be in the future because those trees were removed.

Ms. Kasten stated she lives downhill from the property seeking the Variance, and water flows downhill. She stated the pictures that were shown to the Board are very accurate. She stated the swale that exists between the Mannarino property and hers is "dug up constantly" because it is wet all the time. She asked that the Board give serious consideration to exactly what it means to maintain good drainage in this area and on this property. She stated sump pumps run all the time. She stated they have done everything over the years to try to make it the best they could given the conditions, and they want to make sure that is maintained and not degraded in any way.

Ms. VanBlunk asked Mr. Simcox if the infiltration trench could be made larger, and Mr. Simcox stated it could be since there is sufficient space on the property.

Mr. Connors moved, Mr. Solor seconded and it was unanimously carried to approve the Appeal to increase the impervious to 22.36% subject to an infiltration trench to return it to 17.87% as well as plant five trees to replace existing trees that were removed prior to construction and to preserve the inlet located to the west of the existing structure and to protect it and maintain it during the construction.

Mr. Majewski stated Mr. Simcox should show the existing line on the west side of the property with a Note about preserving the inlet during construction so that contractors are aware of that. He stated they should also show the general location where the trees will be planted.

APPEAL #21-1927 – JAMES MOOCK
Tax Parcel #20-036-001
2328 LAKESHORE DRIVE, YARDLEY, PA 19067
(Continued from 8/17/21)

Mr. Moock was not present at this time.

APPEAL #21-1928 – WARREN PARRY
Tax Parcel #20-057-076
500 American Drive, Yardley, PA 19067

Mr. Warren Parry 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 reason for the requested relief was marked as Exhibit A-3. The Impervious Surface Breakdown Calculation was 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. Parry stated they are looking to increase the size of the patio as well as include a pad for a hot tub and a fence around the yard which would meet the requirements for height of a fence for a hot tub. He stated they will install an infiltration trench to make up for the additional impervious surface.

Mr. Solor asked if there are any Easements that would impact fence location or is there drainage that runs through the property that needs to be maintained. Mr. Majewski stated he would have to check the Recorded Plans to verify that as the survey does not show that. Mr. Parry stated they had done an Application previously for a 4' split rail fence, and they are replacing that fence with this new fence. Mr. Solor stated if it is 6' fence that will be brought down to the ground, that has other effects than you would have with a split rail fence which is why he asked the question.

Ms. VanBlunk asked if the numbers are correct, and Mr. Majewski stated they are. Mr. Majewski stated they are actually going beyond what is required from the Stormwater Management Ordinance, and they are bringing it down to an effective impervious surface rate of 18%.

Mr. Solor asked the general grading of the property behind the house. Mr. Parry stated it is relatively flat, and the lowest corner is the corner where the trench area is proposed. He stated from the house it slopes slightly, and then it is relatively flat. He showed on the Plan where there are slight slopes, but added the area is relatively flat. He showed on the Plan where the infiltration trench will be located at the lowest spot on the property.

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

Mr. Majewski stated he reviewed the original survey for the property, and there are no Easements on the Lot

Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to approve the Appeal inclusive of mitigating the increased impervious area to 22.2% with remediation back to 18% as submitted.

APPEAL #21-1929 – ERIC JAFFE
Tax Parcel #20-037-269
990 YORKSHIRE DRIVE, YARDLEY, PA 19067

Mr. Eric Jaffe and Ms. Jamie Jaffe 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 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. Colin Craige, the contractor, was sworn in. He stated they are seeking a Variance for a setback currently at 50' to 35' for the proposed one-story addition. He noted the Survey provided. He stated they are limited by the existing building envelope which is basically right up against the back right corner of the home. He stated it is an odd-shaped lot as it is a corner lot. He stated they are seeking relief from the hardship of the irregular lot so that they can get the extra 15' to accommodate the Jaffes with this proposed building so they can get this additional living space for their family.

Mr. Solor asked the impervious cover permitted on this property, and Mr. Craige stated the Survey indicates 27%; and Mr. Majewski stated he believes that is accurate. Mr. Solor stated if the addition were to shift starting from the west corner going along the north, they would not be seeking as much relief from the

setback. Mr. Craig stated potentially it would not be as much; however, from a design and functionality aspect what they have shown is the preferred location. He stated what they have proposed flows right from their living space/kitchen area so that they can entertain. He stated it would also be the most seamless in appearing not to be an addition. Mr. Craig stated as seen on the Plan, to the right there is a 10' wide Pedestrian Easement, and what is proposed will give them a little more coverage to the left of the addition as it relates to a little more privacy into their back yard. Mr. Jaffe stated it also put them right up to the neighbor's yard to the left.

Mr. Majewski stated the impervious surface permitted on this Lot is 30%. He stated the 27% is what was permitted by the builder at the time of construction with an additional 3% allowed by the homeowner, which is now Mr. and Mrs. Jaffe; and therefore 30% is permitted. Mr. Craig stated they will be a total of 24.5% after the addition.

Mr. Flager marked the Floor Plans as Exhibit A-3.

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

Mr. Jaffe stated they have a letter from their next-door neighbor giving their support of what they are trying to do.

Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to approve the Appeal as written.

APPEAL #21-1927 – JAMES MOOCK
Tax Parcel #20-036-001
2328 LAKESHORE DRIVE, YARDLEY, PA 19067
(Continued from 8/17/21)

Mr. Moock was still not present at this time.

Ms. Kirk asked the Board to deny this. She added that Mr. Moock was present at the Hearing of August 17, and the Board had extensive conversations with him about where to alter and modify the proposed addition and was present when the Board Continued this to September 21. She stated he should have notified the Township if he was going to modify the Plans such that it would not require a Variance. Mr. Majewski stated he has not gotten back to the Township to his knowledge.

Ms. Kirk stated the Board had advised Mr. Moock that if the Plan were modified so that it would meet the requirements and not require a Variance, he would not have to come back to the Board. Mr. Flager stated he was requesting two Variances – one for the setback taking it to 11’10” from 19’7” when 45’ was required, and one for the impervious. Mr. Flager stated he did not believe that the impervious would change although he may need less relief so he would have had to come back before the Board.

Ms. VanBlunk asked if the Board has the Authority to deny it without prejudice. She stated if he comes back, they could then reopen it. Ms. Kirk stated he would have thirty days to Appeal the Denial or he could re-submit. Mr. Flager stated if he were to submit the same exact Plan that would be problematic. Mr. Connors stated given the Board’s prior comments, he does not feel he would submit the same Plan.

Mr. Flager stated since there is no Public Comment, the Board could Continue this or vote on the merits.

Mr. Connors moved, Mr. Solor seconded and it was unanimously carried to dismiss.

OTHER BUSINESS

It was noted that there will be a Special Meeting of the Zoning Hearing Board on Appeal #21-1906 on September 29 at 7:30 p.m.

There being no further business, Mr. Connors, Mr. Solor seconded and it was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,

Matthew Connors, Secretary