

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – AUGUST 21, 2007

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on August 21, 2007. Vice Chairman Malinowski called the meeting to order at 7:40 p.m.

Those present:

Zoning Hearing Board:        David Malinowski, Vice Chairman  
   Paul Bamburak, Secretary  
   Jerry Gruen, Member  
   Gregory Smith, Member  
   Anthony Zamparelli, Alternate Member

Others:                                Robert Habgood, Code Enforcement Officer  
   John Donaghy, Township Solicitor (left meeting in progress)  
   James Majewski, Township Engineer  
   Allen Toadvine, Zoning Hearing Board Solicitor  
   Ron Smith, Supervisor Liaison (left Meeting in progress)

APPEAL #06-1410 – NORMAN P/PATRICIA K. O’ROURKE

Mr. Toadvine stated he received a letter from the Applicants’ attorney, Mr. Murphy, dated 8/16/07 requesting a continuance until October 16, 2007. The letter was marked as Exhibit B-3.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to continue the matter to 10/16/07.

APPEAL #07-1429 – LUTHERAN CHURCH OF THE RESURRECTION

Mr. Toadvine stated he received a letter from the Applicant’s attorney, Mr. Murphy, dated 8/14/07. This matter was previously continued; however, the Applicant has now filed an amended Application; and as a result of the amended Application, the matter needs to be re-advertised and re-noticed. All neighbors will receive notification as they would on a new Appeal. Mr. Toadvine stated he has discussed the matter with Mr. Habgood, and they have determined that this matter can be advertised and scheduled for October 16, 2007. The letter dated 8/14/07 was marked as Exhibit B-2.

Mr. Bamburak moved, Mr. Smith seconded and it was unanimously carried to continue the matter until October 16, 2007.

APPEAL #07-1434 – DAN MARRAZZO

Mr. Toadvine stated he received a letter from the Applicant's attorney, Mr. Thomas J. Smith, III, requesting a continuance until September 18, 2007. Mr. Toadvine stated he has been advised by the Township officials and the Township Solicitor, Mr. Donaghy, that the Applicant has made Application for various Permits which formed a basis of the original Appeal. The Township will be reviewing the Permit Applications; and if they are granted, many of the issues raised by the Appeal will be moot. It will take some time for the Township staff to review the Permits. The letter dated 8/20/07 from Thomas J. Smith, III was marked as Exhibit B-2.

Mr. Smith moved, Mr. Bamburak seconded and it was unanimously carried to continue the matter until September 18, 2007.

Mr. Ron Smith left the meeting at this time.

APPEAL #07-1441 – YARDLEY-MAKEFIELD FIRE COMPANY

Edward Murphy, Attorney, was present on behalf of the Yardley-Makefield Fire Company. He stated this is an Application for the Woodside Sub-Station property. He stated last year they made an Application and received relief from the Board to permit the addition of an accessory structure/detached garage to be located at the rear corner of the property. He stated the reason they needed relief at that time was because the accessory building was going to exceed the 15' height limitation for accessory structures. Mr. Murphy stated after the relief was received, and as the Fire Company began to make plans to relocate a building to that location, it was determined that the garage doors on the building were not tall enough to accommodate the fire equipment that they intended to store in the building. The Fire Company has elected to acquire a new building which is somewhat larger with a taller garage door height to be located in the same location which was approved by the Zoning Hearing Board last year. Because it is taller, they need a Variance to permit the height of the building which will not exceed 30' in height.

The Application filed was marked as Exhibit A-1. Attached to the Application is a Plan dated 6/14/07, and this was marked as Exhibit A-2. A photo which was presented this evening of the proposed building was marked as Exhibit A-3.

Mr. Murphy stated the height of the proposed building will not exceed 26' exclusive of the cupola. They are asking for a height not to exceed 30' in the event that the Fire Company decides to construct a cupola on the building.

Mr. Toadvine stated Mr. Habgood has advised that he is a member of the Fire Company, and he would like the Board to be aware of this in the event he is asked any questions.

Mr. Toadvine asked if any members of the audience were in opposition, and one individual present indicated he was in opposition.

Mr. Gene Cadwallader was sworn in. He stated he lives in Lower Makefield Township and has been a Township resident all his life. He is currently the Treasurer of the Fire Company and has held this position for twenty-five years. Mr. Cadwallader stated this building will house their antique fire trucks. Pictures of these trucks were shown. Mr. Cadwallader stated the building in question will also house the two trailers that haul the antique fire trucks to parades, etc. They also have a traffic signal device which will be stored in this building. The building will be used solely for Fire Company storage.

Mr. Toadvine stated there are some new Zoning Hearing Board members, and it may be a good idea to discuss the history of how they got to this point. Mr. Murphy noted the prior Application made reference to the original Application when the property was vacant. At that time a Special Exception as granted to permit a Fire Sub Station to be located in the R-2 Zoning District. There was also other relief granted including relief to permit impervious surface up to 65%. Mr. Murphy noted in Exhibit A-2, which is the current Plan, there is reference to existing and proposed impervious surface ratios; and they are well below the allowable 65% which was permitted by the prior Zoning Hearing Board Decision. Mr. Murphy stated the prior Application and Decision of the Board from 12/06 also indicated that there would be other limitations associated with the use of the new structure; and Mr. Cadwallader stated the Zoning Hearing Board had indicated that the new structure was not to be used for dances or other entertainment type uses, and the Fire Company indicated that it would be for storage only. There will be no bathroom, water or sewer in this building. There will be heat.

Mr. Murphy asked about the existing buffering along the perimeter of the property, and Mr. Cadwallader presented three photos which he took approximately two weeks ago. There were marked as Exhibits A-4, A-5, and A-6. Mr. Cadwallader stated they depict the height of the trees in the rear which cover the houses to the rear. The pole barn will not be higher than the trees. The photos were taken looking across the back toward the neighboring properties. Mr. Toadvine stated this is the buffer between the Applicant's property and the lands to the rear which are Tax Parcels #20-21-110, #20-21-109, and #20-21-108.

Mr. Smith asked the height of the fire truck which will be stored in the facility, and Mr. Cadwallader stated it is 8 ½' high. The large trailer is 12'2" and the smaller trailer is 10'. Mr. Smith stated he would assume that a door 13' high would be sufficient, and Mr. Cadwallader stated it would not because the level of the parking of lot to the level where the building will be located is 2 ½' and the back of the trailer is only 8" off the

ground so they would have to make a very sloping driveway to get up to it. He stated this is why they went to a 14' door. Mr. Murphy stated Exhibit A-3 depicts a door height of 14'. Mr. Smith asked if they considered other building designs which would not exceed the limits. Mr. Cadwallader stated they did not. He stated if they went to a flat roof, they were concerned about maintenance.

Mr. Murphy asked if the proposed building has a second floor, and Mr. Cadwallader stated it does not.

Mr. Glenn Chamberlain was sworn in and noted he is the Chief for the Fire Company. Chief Chamberlain stated they will also store in this building an arrow board which is on a trailer which is 8 ½' long and 8' high. They need this on I-95 and other major roads during incidents.

Mr. Malinowski asked where they store the antique trucks now, and Mr. Cadwallader stated they are in the Yardley Borough Station; but because the Station is so full, they are concerned about potential damage to the trucks.

Mr. Smith asked what type of structure they would need to house only the arrow board, and it was noted when it is flat it would be 8' high and 13' when it is flipped up. Mr. Smith asked the height of the existing fire house structure. Mr. Habgood stated it is a two-story Station with a cupola on top which he would estimate is at the maximum height in the Residential District which is 35'. Mr. Smith asked the height of the Medical Center in the area, and Mr. Habgood stated he would estimate it would be at least 30' tall.

Mr. Gruen asked if they have considered re-aligning the driveway so that they would not have to have such a slope. Mr. Cadwallader stated the property is raised, and he assumes when they did the parking lot, they dug it out. Mr. Cadwallader stated the building would then sit in a gully because the ground on either side would be higher.

Mr. Toadvine asked the dimensions on the outside walls. Mr. Murphy stated the building is 48' by 60' as shown on Exhibit A-2. Mr. Toadvine asked the height of the outside walls before the roof starts, and Mr. Murphy stated it would be 15' to 16'. Mr. Cadwallader stated there is a 16' interior height inside the building.

Mr. Toadvine noted the residential neighborhood behind the building and asked if they are ranches or two-story dwellings, and Mr. Murphy stated they are two-story dwellings.

Mr. Zamparelli asked where the trailers are currently located, and Mr. Cadwallader stated they are outside on the parking lot. He stated a long-time resident made a donation to the Fire Company which enabled them to purchase the trailers, and they are considered that they are being impacted by the elements.

Mr. Toadvine stated if the Appeal were denied, the building could still be built at a height of 21', but they are now asking that they be permitted to go to 30'. Mr. Murphy stated the building itself would be 26', and they would only go to 30' if they constructed the cupola. He stated they would like to construct the cupola for decorative purposes. Mr. Habgood stated the cupola would be considered as part of the height of the building.

Mr. Donaghy stated the Township is not participating in this matter.

Mr. Gruen stated he felt that they were going to store fire-fighting equipment in this building and not antiques. Mr. Murphy stated it was always intended that these vehicles would be stored in this building. Mr. Gruen asked if they own any other piece of property where they could put this building. Mr. Cadwallader stated they do not. He noted there were discussions in the past about putting a fire house on Dolington Road, but due to financial constraints, they were not able to do so. Mr. Gruen asked if this building will be a metal building, and Mr. Cadwallader stated it will. Mr. Gruen asked if they will do landscaping, and Mr. Cadwallader stated they will.

Mr. Porter Hibbitz was sworn in and stated he lives directly behind the proposed structure on Tax Parcel #20-21-108. Mr. Hibbitz asked and was shown where the building will be located. He stated he wanted to clarify where this structure would be located. He was also shown a picture of the proposed building. Mr. Hibbitz asked if the height of the proposed building will exceed the height of the existing Fire Station, and it was noted that it will not. Mr. Hibbitz stated he wanted to make sure what was proposed was in keeping with the current building which is brick. He stated the photo he has seen this evening is better than what he had envisioned. He stated he also feels it is better that they intend to store the antique trucks in this building as opposed to trucks that would be in and out all the time. He stated he has no objection to the proposed building provided it is sufficiently landscaped. He would like them to make sure that it is not visible from his property. He stated if it is lower than the buffer line, it would not be in his line of sight; and he would not have an objection.

Mr. Gruen stated they could agree to 26' and not permit the cupola, but he feels the cupola would make it more aesthetically pleasing, and Mr. Hibbitz agreed. Mr. Gruen asked if the building could be erected with a 4' high brick façade, and Mr. Cadwallader stated it could, but funds are a problem. He stated the Fire Company is paying for this, and brick could cost \$60,000 more.

The Public Comment portion was closed.

Mr. Bamburak moved, Mr. Gruen seconded and it was unanimously carried to grant a Variance to allow maximum roof height not including the cupola to be 26' and including the cupola to be 30'.

A short recess was taken at this time. The meeting was reconvened at 8:30 p.m.

Mr. Ron Smith re-joined the meeting at this time.

APPEAL #07-1438 – MARTIN G. KNAPPE

Mr. Martin Knappe and Mr. Doug Anderson were sworn in. The Application submitted was marked as Exhibit A-1. Exhibit A-2 was marked which is the Plot Plan dated 7/16/07. Mr. Knappe noted A-2 shows the location of the proposed wood screen below the pumps and the valves.

Mr. Ron Smith left the meeting at this time.

Mr. Knappe stated he has resided at 219 River Road for thirty years. He stated the property has a right-of-way going through it from TransCo. He stated Mr. Anderson is the Area Land Manager for TransCo. Mr. Knappe stated when he purchased the property it had arborvitae screening trees around the valve enclosure. Approximately four to five years ago, the wind took herbicide which was being sprayed and killed 75% of the trees. He stated he then replaced the line of trees on his house side. He stated his back door is approximately fifty feet from the valve station. He stated last year there was a major enlargement and activity in the valve site; and during that process, the remaining trees screening the site from River Road were removed.

Mr. Knappe showed pictures of the River Road side of the valve station. He noted the location of his home in the photos.

Mr. Knappe stated TransCo has regulations which do not allow trees to be planted on their site on their rights-of-way especially in line with the pipeline.

Mr. Ron Smith re-joined the meeting at this time.

Mr. Knappe stated he has trees on the north/south side but nothing on the east side where River Road is. He stated this has a negative impact on his property value. Mr. Knapp stated he would like to construct an 8' high fence which will run parallel to the TransCo cyclone fence. He noted TransCo has offered to put in plastic webbing through the cyclone fencing. They have agreed to allow him to construct this fence in their easement area.

Mr. Knappe showed pictures of similar situations throughout the area where fences are located shielding similar structures. Mr. Knappe also showed pictures of the type of fence he would construct which is a shadowbox fence. Mr. Knappe stated he feels his request for an 8' high fence to conceal the utilitarian valve station is something he should be permitted to do.

Mr. Donaghy stated the Township is not participating in this matter.

There was no public comment and the Public Comment portion was closed.

Mr. Smith moved, Mr. Bamburak seconded and it was unanimously carried to approve that the relief requested be granted.

#### APPEAL #07-1442 – CRAIG AND PAGE PETERS

Mr. Craig and Ms. Page Peters were sworn in. The Application filed was marked as Exhibit A-1. Attached to the Application is a three-page document entitled Plan of Survey by PCS dated 3/22/07, and this was marked as Exhibit A-2.

Ms. Peters stated they would like to replace an existing screen porch and add an extension of an additional two feet. It will include a study in the front corner and the existing screen porch will be converted to a great room that will be adjacent to an enlarged kitchen. There will be a small screen porch added to the back of the property, and they will re-configure the front of the house to make it more welcoming.

Mr. Toadvine stated there is a discrepancy between the Application and Exhibit A-2 with regard to impervious surface. Mr. Majewski stated he feels the difference is explained within the Text noting they left out a few items. Ms. Peters stated after discussions with Mr. Habgood, it became clear that the surveyor excluded some items; and she did submit an additional sheet that showed the additional stone work that was not in the original survey. She stated these included stepping stones and stone walls. Mr. Majewski stated the existing impervious surface is 20.5%, and the proposed is 23.1%.

Mr. Toadvine asked if they could remove the stepping stones; and Ms. Peters stated they are used on a daily basis and if removed, would have to be replaced with something else.

Mr. Smith noted they included pictures of other houses in the area, and he asked if they are mostly two-story structures; and Ms. Peters stated they are. She stated her home is a one-story building.

Mr. Bamburak stated there was discussion in her Application about using rain barrels; and Ms. Peters stated her architect suggested that to mitigate additional impervious surface they use barrels to collect rain water rather than having it wash away. He felt they could have a few at the downspouts. Mr. Bamburak stated his concern is that if these are part of the mitigation program, they may at some point decide that they do not want them and take them out. Mr. Bamburak asked if they discussed these rain barrels with their neighbors, and Ms. Peters stated their neighbors did not seem to have any problems with their proposal.

Mr. Toadvine asked when they purchased the home, and Ms. Peters stated they purchased it in August, 2006. Mr. Toadvine asked if they installed any impervious coverage on the property; and Ms. Peters stated she did install stepping stones in the back yard.

Mr. Donaghy stated the Township is participating to clarify a few points and possibly recommend a few Conditions.

Mr. Donaghy asked if they intend to install a new deck as part of the Application. Ms. Peters stated she understood from the architect that there will be a deck but it will have gravel underneath so that it would not be impervious. They would agree that if they install a deck, it would meet Township requirements so that it does not constitute impervious surface.

Mr. Donaghy asked if there are any storm water problems during heavy rains such as water accumulating in the street or flowing across the property. Ms. Peters stated when it rains, they do have water coming across their property. Mr. Donaghy asked if they would agree to a Condition that there must be review and approval by the Township engineer of the stormwater drainage on and across the property. He stated the Township is concerned that the increase in impervious surface may increase or alter the stormwater drainage on and across the property. Ms. Peters asked if the Township would offer some solutions to them, but Mr. Donaghy stated he did not know. Mr. Toadvine asked if the Township engineer would review the rain barrel system as it appears the Applicant may not want to proceed with this solution, and Mr. Donaghy stated he feels the rain barrels may be a solution to the problem. He stated if there was not some assurance that the Applicants would deal with any increase in stormwater run off, the Township may oppose the Application.

Mr. Toadvine asked if they have considered seepage pits which would be invisible. Ms. Peters stated she was not familiar with this. Mr. Toadvine stated it would be similar to a rain barrel but it would be buried. Ms. Peters stated she feels this would probably be more expensive. Mr. Donaghy stated there are probably various alternatives which is why they are suggesting that there be review and approval by the Township engineer. Mr. Peters asked what the timing would be for the Township engineer reviewing this, and Mr. Majewski stated he would be able to meet with them next week.

The Applicants agreed to this as a Condition of Approval.

Mr. Gruen stated the rain barrels would only hold fifty gallons; and asked how the architect arrived at 25,000 gallons with four barrels. Ms. Peters stated they would be able to collect and distribute 1" per day provided they emptied them every day. She stated during a very heavy rain storm, there would be excess water. Mr. Gruen stated they could consider a 1500 gallon tank underground with a pump.

Ms. Peters asked if they would have to come back to the Zoning Hearing Board once the Township engineer reviews this, and it was noted they would not; it would be a Permitting matter.

There was no public comment, and the Public Comment portion was closed.

Mr. Smith moved, Mr. Bamburak seconded and it was unanimously carried that the relief requested be granted for impervious surface of 23.1% conditioned that the area shown on Exhibit A-2 as “deck” meet requirements of the Township as being pervious under the deck and contingent on the Township engineer review and approval of an appropriate stormwater management system.

Mr. Donaghy and Mr. Ron Smith left the meeting at this time.

#### APPEAL #07-1439 – RALPH M. NUZZOLO

Mr. Ralph and Ms. Sandy Nuzzollo were sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a three-page Plan dated 9/1/06 last revised 9/28/06. This was marked as Exhibit A-2.

Mr. Nuzzollo stated they were putting a two-story addition onto their home and the Plan was approved by the Township. He stated the original Plan called for a door on the west side of the house coming off the garage. Once the framing went up and they saw the location of the door in relation to the living space, it did not make sense for it to be at that location. They moved the door not realizing that it would necessitate a Variance. He stated they moved the door off the laundry room/office area. There is an elevation of 2'; and in order to access the door from that side, they have to build a 4' by 5' platform with steps down to the ground level. This side of the house abuts a detention basin.

There was no public comment, and the Public Hearing portion was closed.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to grant the relief as requested in the way of a 4'3" encroachment into the side yard.

#### APPEAL #07-1440 – STEPHEN BUCH

Mr. Stephen Buch was sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a one-page drawing stamped by the Township 7/19/07. This was marked as Exhibit A-2. Mr. Toadvine stated this is a request for a Variance from the impervious surface ratio.

Mr. Buch stated they moved into their home fifteen years ago and have made no changes to the impervious surface since they moved in. He stated the retaining wall at the driveway is made of landscaped timbers and is collapsing as is the paver driveway. He stated they would like to replace it with an E.P. Henry retaining wall and an asphalt driveway. He stated the existing impervious surface is 24.3% and proposed will be .1% additional.

Ms. Marilyn Huret, Kings Road, stated the wood has been rotting and collapsing and what he has proposed will make it nice and raise the value.

The Public Hearing portion was closed.

Mr. Bamburak moved, Mr. Smith seconded and it was unanimously carried to approve the request to allow 24.4% impervious surface.

#### CANCELING 9/4/07 MEETING

Mr. Toadvine noted for the 9/4/07 meeting only one matter has been scheduled which is the Orloff/Grace matter. Mr. Majewski stated he will follow up with Bucks County Conservation District find out where this matter stands. He did not feel they would be ready to proceed by 9/4/07. Mr. Habgood agreed to contact the Applicants to advise them that the matter will not be heard on 9/4/07.

Mr. Smith moved, Mr. Bamburak seconded and it was unanimously carried to cancel the 9/4/07 meeting.

There being no further business, Mr. Bamburak moved, Mr. Gruen seconded and it was unanimously carried to adjourn the meeting at 9:10 p.m.

Respectfully Submitted,

Paul Bamburak, Secretary