

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – FEBRUARY 5, 2008

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 5, 2008. Chairman Malinowski called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board:        David Malinowski, Chairman  
   Anthony Zamparelli, Member  
   Keith DosSantos, Alternate

Others:                             Robert Habgood, Code Enforcement Officer  
   Allen Toadvine, Zoning Hearing Board Solicitor  
   Matt Maloney, Supervisor Liaison

Absent:                             Paul Bamburak, Zoning Hearing Board Vice Chairman  
   Jerry Gruen, Zoning Hearing Board Member  
   Gregory Smith, Zoning Hearing Board Secretary

APPEAL #07-1458 – ANN D. MOLISHUS

Ms. Ann Molishus was present with Mr. George Buchinsky, and they were sworn in.

The Application submitted was marked as Exhibit A-1. Attached to the Application was a one-page Plan entitled “Lot No. 1 – As-Built.” and this was marked as Exhibit A-2.

Ms. Molishus stated she would like to erect a deck over the existing patio on her property. She stated the patio is made of concrete and is poor condition as it has cracks and is uneven. She stated her elderly parents live with her and she is concerned for their safety. She stated her mother cannot walk down steps and cannot make the two steps down from the patio door to the patio. Ms. Molishus stated she would like to install a deck so her mother can walk straight out. She stated within a year, her mother may be in a wheelchair; and if there is a deck that is straight out, they could wheel her out. Mr. Malinowski asked about the encroachment into the setback, and Mr. Toadvine stated it is 19’6” into the 100’ setback. Ms. Molishus stated they will not go out any further than the existing patio which already encroaches into the setback. Mr. Toadvine stated this is a special setback from Heacock Road which is an arterial road. This is a reverse-frontage lot.

Mr. Malinowski asked if there was a Variance granted for the patio; and Ms. Molishus stated there was for the original owner. Mr. Habgood stated while there was a prior Variance granted for the patio, the Decision limited it to a patio.

Ms. Molishus stated her parents are 88 and 89 and she is trying to keep them as independent as possible. She stated they installed a ramp from the garage and there is an electric chair in the house.

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

Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried that the Variance for the setback be granted conditioned that it cover the existing footprint of the existing patio.

#### APPEAL #07-1459 – PATRICK & VICKI KOBOL

Mr. Patrick Kobol, Ms. Vicki Kobol, and Ms. Tracy Miller, Architect, were present and were sworn in.

The Application submitted was marked as Exhibit A-1. Submitted with the Application was a one-sheet Plan entitled “ST-1” dated 11/28/07, and this was marked as Exhibit A-2.

Ms. Kobol stated they currently have a deck which they do not use because they do not have any trees in the yard and it is very sunny and “buggy”, and the entire family has allergies. She stated the house they moved from had a screened-in porch which they did use all the time. They would like to have more indoor/outdoor usable space.

Mr. Toadvine stated they are requesting a Variance for impervious surface. The Plan indicates that the existing impervious surface is 22.8%, and Mr. Habgood stated he does not agree with this calculation because they included the existing deck. He stated normally it is not included as impervious unless there is a weed barrier. Mr. Kobol stated there is a weed barrier. Mr. Habgood stated if this is the case, the Applicant’s figures would be correct. Mr. Toadvine stated they are proposing to go to 23.5% as they are going to remove the deck which is 332 square feet and add the addition which is 446 square feet. Mr. Habgood stated he agrees with the calculations for the new addition. The permitted impervious surface is 18%. Mr. Habgood stated it appears from the age of the development, that they previously were permitted to have 15% for building coverage, and driveways, etc. were not included. When the impervious surface requirements changed, this pushed them over the permitted amount.

Ms. Kobol stated they moved into the home in November, 2000. Mr. Toadvine asked if they have installed any impervious surface, and Ms. Kobol stated they have not. Mr. Toadvine asked if they experience any standing water during heavy rains, and Mr. Kobol stated they do not. The water flows from the back toward the front. On the left side of the lot it flows to the driveway and on the left side of the driveway there is a small swale. On the right side, it drains toward the shed and out to the front of the property. It is all going to Yale Drive.

Mr. DosSantos asked about the note on the Plan that an existing paver walkway will be relocated; and Ms. Miller stated it will be relocated to the door on the side of the proposed addition. The existing walkway was included in the total impervious calculations. Currently it goes to the deck. Mr. DosSantos asked if the addition will be a four-season room with heat, and Ms. Kobol stated it will.

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

Mr. Zamparelli moved, Mr. DosSantos seconded and it was unanimously carried to approve the Variance to increase the impervious surface to 23.5% for the addition of a sunroom.

There being no further business, Mr. Zamparelli moved, Mr. DosSantos seconded and it was unanimously carried to adjourn the meeting at 7:50 p.m.

Respectfully Submitted,

David Malinowski, Chairman