

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – JANUARY 3, 2008

The reorganization meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 3, 2008. Mr. Toadvine called the meeting to order at 7:40 p.m.

Those present:

Zoning Hearing Board:        Paul Bamburak, Vice Chairman  
   Gregory Smith, Secretary  
   Anthony Zamparelli, Member  
   Keith DosSantos, Alternate

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

Absent:                                David Malinowski, Zoning Hearing Board Chairman  
   Jerry Gruen, Zoning Hearing Board Member

REORGANIZATION OF THE BOARD

Mr. Toadvine called for nominations for Chairman of the Zoning Hearing Board for 2008. Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to appoint Mr. Malinowski as Chairman.

Mr. Toadvine called for nominations for Vice Chairman of the Zoning Hearing Board for 2008. Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to appoint Paul Bamburak as Vice Chairman

The meeting was turned over to Mr. Bamburak.

Mr. Bamburak called for nominations for Secretary of the Zoning Hearing Board for 2008. Mr. Bamburak moved, Mr. DosSantos seconded and it was unanimously carried to appoint Gregory Smith as Secretary.

#### APPOINTMENT OF COURT REPORTER

Mr. Bamburak moved, Mr. DosSantos seconded and it was unanimously carried to appoint DDL Court Reporting as Court Reporter under the same terms and conditions as the previous year.

#### APPOINTMENT OF SOLICITOR

Mr. Bamburak moved, Mr. DosSantos seconded and it was unanimously carried to appoint Marte and Toadvine as Solicitor under the same terms and conditions as the previous year.

#### APPEAL #07-1453 – JODIE MC COOL

Ms. Jodie McCool and Mr. Rick Wiltrout were present and sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a one-page As-Built Plan for Lot #1 dated 11/1/83, and this was marked as Exhibit A-2.

Ms. McCool stated she would like to build an addition, and they are asking to go over the impervious surface coverage of 26% that exists to 30%. She stated they will stay within the building envelope. She stated they need a new family room and an additional bedroom. She stated she has owned the property since 2002. Mr. Toadvine asked if she has added any additional impervious coverage, and Ms. McCool stated she has not.

Mr. Majewski stated he checked their calculations and feels the existing impervious surface is 25%, and they are increasing it to 30%. The permitted amount of impervious surface under the Ordinance is 26%.

Mr. Toadvine asked the square footage of the footprint of the addition. Mr. Majewski stated the Application states it is 665 square feet which is the total increase. He stated a portion of the addition is over an existing driveway in the front. Ms. McCool stated the driveway in that area will be taken up, and they will install concrete.

Mr. Bamburak noted the area in the rear of 18' by 10', and Ms. McCool stated this is an existing concrete slab. Mr. Bamburak asked if they have considered replacing this with something pervious; and Ms. McCool stated she has considered this, but it is a rancher and it is very close to the slab so that when they step out, they only have a 6" to 7" drop so that to install decking and footings would be difficult. She stated she still may consider this. Mr. Bamburak also noted an area penciled in on the front; and Ms. McCool stated she is extending the sidewalk out a little bit. She stated she did add something extra for extending the sidewalk out and down on the Application to fit into the 30%.

Mr. Smith asked Mr. Majewski what would be the impervious surface if the 18' by 10' patio were removed, and Mr. Majewski stated it would reduce it by 1.2% so it would be 28.7%. Mr. Bamburak asked if they could remove the patio and replace it with a wooden deck, and Ms. McCool stated she feels she could. Ms. McCool asked if e.p. Henry would still be considered impervious, and Mr. Majewski stated it would. Mr. Habgood stated an open wooden deck is not considered impervious provided there is no weed barrier or compacted stone underneath the deck.

Mr. Donaghy stated the Township would like to participate to make sure that there are Conditions placed on any Variance granted along the lines of what has already been suggested. He also asked Ms. McCool if she has considered any stormwater controls such as an underground seepage bed that is tied to the roof leaders. Ms. McCool stated she has not. Mr. Donaghy asked if a Variance were granted would she agree to a Condition that they would have stormwater controls satisfactory to the Township engineer. Ms. McCool stated there is a detention basin adjacent to her property and Township space behind her. Mr. Majewski stated if the higher percentage of 30% were granted, he feels they should put in some stormwater management such as tying the roof leaders into an underground seepage bed or dry well but if the lower percentage is approved, they should just make sure that the roof leaders for the addition are pointed toward the rear of the property toward the Township open space. Ms. McCool agreed to this Condition.

Mr. Toadvine asked if they would be willing to modify the Application and reduce the impervious surface to 28.7%. Ms. McCool stated she would agree to this.

There was no public comment, and testimony was closed at this time.

Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried that the Variance for impervious surface be granted allowing 28.7% impervious surface with the Condition that the stormwater controls be put in place to the satisfaction of the Township engineer.

Mr. Donaghy left the meeting at this time.

#### APPEAL #07-1454 – RAUL DAZON

Ms. Victoria Dazon and Mr. Jim Gladney, architect, were present and were sworn in. Mr. Gladney stated he prepared the drawings. The Application submitted was marked as Exhibit A-1. Attached was an As-Built Grading Plan dated 8/8/83, and this was marked as Exhibit A-2.

Ms. Dazon stated they are requesting a Variance for impervious surface. Mr. Habgood stated the impervious surface calculations were prepared by the Applicant, and they indicate that the existing impervious surface is 14% and the proposed is 19%.

Mr. Majewski stated the numbers appear to be approximately correct. 18% impervious surface is permitted.

Ms. Dazon stated they are going to construct an addition. Mr. Gladney stated they will expand on the left side of the house by 4' so they can put on an additional room above the garage for another family member who will be moving in. He stated on the right side of the house, they will expand the kitchen and dining area. He stated their growing family needs additional space. Mr. Gladney stated at the rear of the garage they will expand a little bit to increase the family room.

Mr. Toadvine stated the Application indicated that the additional square footage was 760 square feet of impervious coverage. Mr. Gladney agreed and stated all of this expansion is living space. Mr. Toadvine asked if this is a one or two-story home, and Mr. Gladney stated it is a two-story home currently.

Mr. Bamburak stated the drawing only shows the dwelling and the driveway and asked if there is any other impervious surface. Mr. Gladney stated there is a patio at the rear made of individual stone blocks which will be taken out in order to reduce the impervious surface. They will also take out a small walkway to the left, and it will not be replaced. There are no sheds on the property.

There was no public comment, and the Testimony was closed.

Mr. Zamparelli moved, Mr. Smith seconded and it was unanimously carried to grant the Variance for an increase of 1% impervious surface.

#### APPEAL #07-1455 – THOMAS AND LISA FALK

Mr. Thomas and Ms. Lisa Falk were present and were sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a four-page document consisting of a Plot Plan and some drawings, and this was collectively marked as Exhibit A-2.

Mr. Falk stated they are requesting a Variance for impervious surface coverage so that they can remove a twenty-five year old wooden deck which is in poor condition and replace it with a patio constructed of paver bricks laid in sand.

Mr. Bamburak asked why they would not replace it with another wooden deck so as to maintain the impervious surface ratio. Mr. Falk stated the deck gets a lot of sun, and it is difficult to maintain. Mr. Smith asked about a composite material. Mr. Falk stated the other issue they have is the elevation. He stated they have a small patio just outside a sliding glass door for their rear exit, and there is a headroom issue as there is an overhang over this 6' by 4' patio. He stated to come out onto the patio and walk onto a deck which must be a little higher to allow for the beams and the joists makes it tight on headroom which is why they would prefer to install a patio instead. He stated they also feel a patio will look better and add to the property value. The total amount of square footage of impervious surface being added is 347 square feet. Mr. Bamburak asked the existing impervious surface, and Mr. Falk stated it is 22.2%. They would like to increase it to 24.5% Mr. Majewski stated he agreed with their calculations.

Mr. Smith noted the overhang over the small patio and asked if this is a closed-in patio, and Mr. Falk stated it is an open patio with a small extension of the roof over it. Mr. Smith asked about the flooring of this small patio, and Mr. Falk stated it is cement. Mr. Majewski stated if there is impervious surface beneath the existing deck, the impervious surface would be higher than 22.2%; but if there is not impervious surface beneath the deck it would be 22.2% so at most it is a 2.3% increase they are requesting although it could be less. Mr. Smith stated the existing impervious surface is more than 4% over the permitted impervious surface. Mr. Falk stated the house was built in 1972. Mr. Majewski noted a Building Permit will be submitted and will be reviewed by the Zoning Office.

There was no public comment, and the Testimony was closed.

Mr. Bamburak moved and Mr. Zamparelli seconded to grant the Variance for maximum impervious surface of 24.5%. Motion carried with Mr. Smith opposed.

#### APPEAL #07-1456 – KARL AND JENNIFER PETERS

Mr. Karl Peters and Mr. Al Lopez were present and sworn in. The Application submitted was marked as Exhibit A-1. Attached was a one-page Site Plan time-stamped by the Township 11/20/07, and this was marked as Exhibit A-2.

Mr. Peters stated they are requesting an impervious surface waiver as they are planning to add a sunroom to the back of the house to provide more living space as they live in a relatively small rancher, and their family is growing. It is a one-story home.

Mr. Majewski stated he agrees with the impervious surface calculations of 18.1% existing and 21.78% proposed.

Mr. Bamburak asked if any stormwater management should be considered, and Mr. Majewski stated they may want to consider this. Mr. Peters stated they have looked into this. Mr. Lopez provided pictures of the house. Exhibit A-3 was marked which is a one-page sheet of photographs of the rear of the property. Exhibit A-4 was marked showing an existing deck with a concrete slab that was not considered as part of the 18.1%, but is already existing. Mr. Smith asked if they are removing the concrete slab, and Mr. Lopez stated they are proposing to remove the deck and the existing slab, build a conserver deck which is similar to a deck that will be on piers level with the sub-floor of the house and the gutters and leaders that would come from the sunroom would be directed underneath the deck so they would be disposing of the water as if there was nothing built there. He stated by removing the existing slab, they will actually increase the pervious surface at the property. Mr. Majewski stated this process is acceptable.

Mr. Toadvine asked if they would agree to a Condition of the grant of the Variance to removing the existing deck and concrete slab and not put anything pervious in its place, and Mr. Peters agreed.

There was no public comment, and Testimony was closed.

Mr. DosSantos moved, Mr. Smith seconded and it was unanimously carried to grant the Variance conditioned on the inclusion of the stormwater management plan as testified to by the Applicant's representative and conditioned on the removal of the existing deck and concrete slab.

#### OTHER BUSINESS

Grant Extension for Appeal #07-1427 – John and Christa Spera

Mr. Toadvine noted the letter submitted by Mr. and Mrs. Spera requesting a nine month extension to the Variance granted 6/5/07.

Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to grant the nine month extension.

There being no further business, Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Gregory Smith, Secretary

