

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – MARCH 4, 2008

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on March 4, 2008. Chairman Malinowski called the meeting to order at 7:30 p.m.

Those present:

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

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

APPEAL #08-1461 – SENIOR LIVING, L.P.

Edward Murphy, attorney, was present with Mr. Joseph Zadlo, project planner and architect, who was sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application is a one page Plan entitled Proposed Entry Sign Site Plan, time stamped by the Township Office on 1/14/08, and this was marked as Exhibit A-2. Also attached to the Application was a one page rendering of the proposed sign that was time stamped by the Township Office on 1/14/08, and this was marked as Exhibit A-3.

Mr. Murphy stated the project involves the Sunrise Assisted Living facility currently under construction at the corner of Heacock and Stony Hill Roads. The Application involves a request for the construction and installation of a second free-standing sign. Marked as Exhibit A-4, which was provided to the Board this evening, is a copy of the approved Land Development Plan for the project and is sheet 2 of 16 of the Record Plan of Sunrise of Lower Makefield dated 3/30/06, last revised 1/15/07.

Mr. Zadlo stated he graduated from Drexel University with a degree in architecture and is a registered architect in Pennsylvania and New Jersey. He is an AICP Certified Planner. In addition to his private practice he currently holds three Municipal positions. Mr. Zadlo stated he has been involved in the Planning and Permitting process for the Sunrise facility which is currently under construction. The site is approximately 9.3 acres in the R-3M Residential Zone. Mr. Toadvine stated the Board is familiar with the project.

Two highlighted areas on Exhibit A-4 were noted. Mr. Zadlo stated the highlighted area with the small triangle at the intersection is the location of the identification sign for the project. The sign and location were approved as part of the Land Development Plan and a Permit was issued for that sign. This sign is identical to the sign for which approval is being requested this evening. A picture of the sign was shown on Exhibit A-3. The sign is a “V” shaped sign that is 68” horizontally and 42” vertically with a small 12” panel at the bottom noting that there is a special neighborhood for the mentally-impaired at this facility. The size of the sign is 19 square feet. Mr. Zadlo stated the second highlighted area on Exhibit A-4 represents the location at which they wish to install the second sign for which they are seeking approval this evening. This sign would be located at the entrance driveway to the Sunrise facility.

Mr. Toadvine noted that this is a Commercial facility located in a Residential Zone; and as a result, the Ordinance is extremely restrictive as to the type of signs which can be installed. Mr. Murphy stated if this site were in the Commercial District the sign would have been permitted.

Mr. Murphy stated for traffic on Stony Hill Road going westbound, absent such a sign, they would go past the entrance/exit to the facility before they would see the intersection sign, and Mr. Zadlo agreed. Mr. Zadlo stated the sign will be illuminated from the ground which is permitted by Ordinance. It will not be internally illuminated. It was noted that the sign will not interfere with any sight lines.

Mr. Gruen asked why they have to have the small sign at the bottom as he feels it appears that this is advertising. Mr. Zadlo stated this additional type of facility has evolved over time and this two-part sign has now become a Sunrise trademark. Mr. Gruen stated he feels “entrance” would have been better to have on the sign as it has been described. Mr. Smith asked if the sign could be put up without this advertising on it. Mr. Zadlo stated this is the standard sign that is used at over four hundred facilities. Mr. Gruen stated they have this already on the other sign at the corner. He stated the purpose of the Zoning Hearing Board is to give the minimum relief. Mr. Murphy stated they are permitted to have a sign of 24 square feet, and the one they have is only 19 square feet so they did not ask for the maximum size sign that was permitted. Mr. Gruen asked if they would have a problem taking away the lower section of the sign, and Mr. Zadlo stated this is a “branding” sign that is used at over 400 facilities, and they would respectfully ask that they be permitted to use this sign.

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

Mr. Bamburak moved, Mr. Smith seconded and it was unanimously carried to grant the Variance to construct the sign as depicted.

APPEAL #08-1463 – DAVID ERVIN, CLIFTON HOMES, INC.

Mr. David Ervin, was present and was sworn in. Mr. Toadvine stated his firm has represented Mr. Ervin in the past, but is not currently involved in anything as far as this Appeal is concerned, and Mr. Ervin agreed.

The Application filed was marked as Exhibit A-1. Attached to the Application was a one page sheet entitled Plan of Plot time stamped by Lower Makefield Township on 1/23/08, and this was marked as Exhibit A-2.

Mr. Ervin stated he is applying for a client who wishes to remodel their home at 1318 Knox Drive. He stated they wish to enlarge their kitchen. They are requesting two Variances – one from Section 200-22 which states that a 16,500 square foot lot in the R-2 Zone has a minimum rear yard of 50', and they are asking for permission to reduce this to 45 feet 8 ½ inches. Mr. Ervin stated the second Variance is related to Section 200-23 with regard to the impervious surface requirement. He stated the home was built in 1982 and there are two impervious surface tables within the Zoning Ordinance one if the house was built prior to 1987 and one if built after 1987.

Mr. Ervin stated the request is to enlarge the kitchen. Currently there is a large patio and a 14' by 18' sunroom which will be removed. They will add ten feet to the kitchen at the back of the home. The client has requested that the sunroom be put back on adjacent to the back of the kitchen rather than on one side or the other of the house. The sunroom will encroach into the setback and will come out farther than the patio does now as shown in the Application. Mr. Toadvine stated the Plot Plan shows the existing patio is 53' from the rear property line.

Mr. Malinowski stated he understands that the impervious surface will be reduced from what it is currently. Mr. Ervin stated the impervious surface calculation was probably not in existence in 1982 when the home was built since the original home was built at 19.58% impervious surface. In 1985 the homeowners were permitted to construct a 14' by 18' sunroom which increased the impervious surface. He stated the patio was built at the same time as the sunroom but the Building Permit does not reflect that a Permit had been applied for with regard to the patio. Currently they are at 24.25% impervious surface, and the permitted amount is 18%. They will demolish the patio and re-install a deck which will result in impervious surface of 22.84%. Mr. Majewski agreed with these calculations. He stated he did drive by the property, and he does not feel that there should be a problem with the project.

Mr. Ervin stated the homeowner did discuss the project with her neighbors and has signatures from eight neighbors indicating they do not have a problem with the project.

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

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to approve the Variance in the way of a rear yard setback of 45' and impervious surface of 23%.

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

Respectfully Submitted,

Gregory Smith, Secretary