

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – APRIL 21, 2009

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on April 21, 2009. 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 J. Smith, Secretary  
                                      Anthony Zamparelli, Member  
                                      Keith DosSantos, Alternate Member

Others:                         Robert Habgood, Code Enforcement Officer  
                                      James Majewski, Township Engineer  
                                      Matt Maloney, Supervisor Liaison

Absent:                         Jerry Gruen, Zoning Hearing Board Member  
                                      John Donaghy, Township Solicitor  
                                      Allen Toadvine, Zoning Hearing Board Solicitor

APPEAL #06-1372 – PETER ORLOFF AND JOY GRACE

Mr. Peter Orloff and Ms. Joy Grace were present. Ms. Grace stated they have met with representatives from the County and the State. She stated they told her they would be able to provide a Plan but it would be just for the creek and they can do nothing about the berms or the house. She stated she is stuck with a house that is worth nothing. Mr. Orloff stated fixing the creek would help some.

Ms. Grace stated that Mr. Coyne had advised her that when they did the bridge they could have fixed the problems, but “higher-ups” made him back off. She stated a lot of debris comes onto her property from the Township property behind her home. She stated there are no storm drains in the road. She stated she was issued a ticket for burning on her property, and they will not let her clean the property up. She stated she has been to the County Commissioners, but they indicated they could not help her although they did tell her that no one should have to live like she is living. She stated they will not let her condemn the property. She stated they do not qualify for any money, and the Township is not rated for flooding for the criteria she would have to meet. She stated the Township does not require any inspections before a property can be rented or sold. She stated the property has been “piecemealed out” and worked over. She stated she would like something put in memory of Mr. and Mrs. Davies who had bought the land many years

ago. She also discussed problems she has with her neighbors. She stated the property across the creek has been abandoned. She stated she feels the area would be a good park. She stated she has put all her money in this, and it is a “total dump.” She stated she feels there should be required inspections such as mechanical inspections before a property is sold. She stated the Davies always got Permits for everything they did on the property but Toll Bros. came to them in 1975 and “conned” them into giving a 30’ easement to get their sewer and water into the creek. She stated this was just the beginning and now there are storm drains that are taller than she is that feed into the creek.

Ms. Grace stated she would be willing to speak about this situation to other Townships and would also be willing to start a non-profit to turn her property into a park. She stated their credit will be ruined if they walk away from the property. She thanked the Board for listening to her and thanked the County and State representatives who came out to her property. She stated dumping is taking place on her property by others.

Mr. Malinowski asked if they would like the Board to continue the matter. Mr. Orloff stated the State has indicated that they would provide a Plan, but at this point he does not know what it will involve. He stated they also indicated they would look into some funding sources.

Mr. Majewski stated he spoke today to a representative from the Bucks County Conservation District who indicated the Plan might be coming shortly. He recommended that the Board continue the matter for six months to see if they can reach a solution to some of these issues.

Mr. Bamburak moved, Mr. Smith seconded and it was unanimously carried to continue the matter to October 6, 2009.

Ms. Grace stated she appreciates low impact development and the dialogue she has heard since she has been here. She stated she believes the Township has grown in the last four years and she applauds everyone.

APPEAL #08-1483, #08-1483(A), #08-1483 (B) – T-MOBILE NORTHEAST LLC

Mr. Malinowski stated Mr. Toadvine received a letter today from Eric Goldberg, attorney for T-Mobile, requesting a continuance until the second Hearing in May so that the Applicant can explore the possibility of using an alternative site. In the letter they agreed to waive any applicable time limits set forth in the MPC through May 31, 2009.

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It was noted that the second meeting in May would be Monday, May 18 and Mr. Habgood agreed to advise the Applicants that the meeting would be on Monday, May 18 rather than Tuesday, May 19.

Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to continue the matter to Monday, May 18, 2009.

There being no further business, Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Gregory J. Smith, Secretary