

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – AUGUST 3, 2010

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on August 3, 2010. Chairman Malinowski called the meeting to order at 7:00 p.m.

Those present:

Zoning Hearing Board: David Malinowski, Chairman
 Paul Bamburak, Vice Chairman
 Jerry Gruen, Member (joined meeting in progress)
 Anthony Zamparelli, Member

Others: Robert Habgood, Code Enforcement Officer
 James Esposito, Township Solicitor
 Herbert Gery, Township Engineer
 Allen Toadvine, Zoning Hearing Board Solicitor
 Matt Maloney, Supervisor Liaison (joined meeting
 in progress)

Absent: Gregory J. Smith, Zoning Hearing Board Secretary

APPEAL #10-1556 – LAWRENCE A. BORDA

Mr. Lawrence Borda and Mr. Matthew Piotrowski were sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application were Plans marked Z-1 and Z-2 dated 3/26/10, and these were marked Exhibit A-2.

Mr. Piotrowski stated he is the architect. He stated they propose two additions – a sunroom off the rear of the house and an expansion of a garage on the first floor with additional living space above the garage on the second floor. He stated they need a Variance for the rear yard setback as the sunroom addition will encroach into the permitted rear yard. He stated 40' is permitted, and they are asking to reduce this to 34'.

Mr. Piotrowski stated there is an existing deck which they will remove. The sunroom addition will be past the deck into the rear yard by approximately four feet. He stated they feel the property has a hardship as most of the houses in the neighborhood are parallel to the side yard property line; and because of the way this house is located where the street curves, the back yard cuts off on an angle. He stated any addition put in the rear yard would need a Variance.

Mr. Piotrowski stated the second Variance they are requesting is for impervious surface. He stated the existing impervious surface is 23.7% and the allowable is 21%. He stated he does not know how it got to 23.7% and he assumes it was done by the builder since Mr. Borda has not expanded the impervious surface. Mr. Piotrowski stated they feel the Variance being requested is minimal in that they are proposing a dry well to manage the water for the impervious surface that is over what exists now. He stated the water from the 531 square feet of new footprint would be directed to the dry well and go back into the earth. He stated he has been before the Zoning Hearing Board previously with similar situations, and is using the same formula to size the dry well.

Mr. Zamparelli stated it appears the deck was not included in the calculations for impervious surface, and Mr. Piotrowski agreed adding the boards of the deck have space between for the water to flow through. He stated there is no plastic or gravel under the deck. With the addition of the dry well, the impervious surface will be equal to what is there now.

Mr. Gruen joined the meeting at this time.

Mr. Esposito stated the Township is participating in this matter. He stated the Township engineer has reviewed the proposed dry well and feels the dry well would have to be double the size the Applicant is proposing to get the effective ratio down to what is existing. Mr. Esposito asked the Applicant if he would agree to a Condition that the dry well would be installed according to the size recommended by the Township engineer. The Applicant agreed, and Mr. Piotrowski agreed to work with the Township engineer on this. Mr. Esposito stated they would also ask that the Applicant enter into a Stormwater Management/Operations Agreement with the Township, and Mr. Borda agreed.

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

Mr. Bamburak moved, Mr. Zamparelli seconded and it was unanimously carried to grant the Variance to allow a rear yard setback of 34 feet and impervious surface of 27.4% subject to the Conditions that the dry well will be constructed as per the Township engineer to mitigate the impervious surface area to the existing 23.7% and that the owner enter into a Stormwater Operations/Management Agreement with the Township.

APPEAL #06-1372 – PETER ORLOFF AND JOY GRACE

Mr. Peter Orloff and Ms. Joy Grace were sworn in. Ms. Grace stated their attorney has instructed them to ask for more time and suggested five years. Mr. Toadvine stated he feels they could continue this matter for one year. He stated he understood that they were going to investigate the cost associated with doing the work necessary. Mr. Orloff stated they have done this and it would be in excess of \$35,000. Ms. Grace stated they did not go any further with this once she realized that the Township has an easement going back 50' so that they would not be permitted to do the work. Mr. Toadvine asked if they intend to do the work suggested by the report which was marked as Exhibit A-4. Mr. Orloff stated it is their intention to do the work, but they would like to have a clearer economic picture before they proceed. He discussed some uncertainty with regard to his future employment, and he therefore does not want to take on an additional \$35,000 debt at this time.

Mr. Toadvine stated they could withdraw the Application without prejudice, and they could re-file at any time. Ms. Grace stated she is not interested in doing this. She stated they had flood water in March and something will have to be done.

Mr. Toadvine asked if they would be willing to waive any time requirements, if the Board were willing to grant an extension. The Applicants agreed to waive any time requirements. Ms. Grace stated they are hoping that someone will be able to help them since at this point they do not have a marketable property.

Mr. Gruen stated he has seen work being done at the property, and it appears they have graded and added a lot of fill. Ms. Grace stated she did add rocks and dirt to keep the neighborhood children from coming onto the property. She stated there has been vandalism and other problems with the neighbors. Mr. Gruen asked what they are permitted to do, and Mr. Habgood stated they could submit any Permit Applications they wish, and the Township would review them accordingly. Mr. Habgood stated part of the property is in the 100 year floodplain and part is not. Where they were originally doing work for which a Cease and Desist was issued, was in the floodplain area. Mr. Gruen asked what they would like to do now, and Ms. Grace stated there is nothing she can do right now. She stated the house is not structurally sound, and she is looking for help possibly from the State.

Mr. Gruen moved, Mr. Bamburak seconded and it was unanimously carried to grant an Extension to September 20, 2011. The Applicants agreed to waive any time limits or constraints imposed on the Zoning Hearing Board by the Municipalities Planning Code.

APPEAL #10-1557 – MARK SZUL, SZUL’S LANDSCAPING

Ms. Jeanne Tal, Mr. Ofer Tal, and Mr. Mark Szul were sworn in. The Application submitted was marked as Exhibit A-1. Attached was a Plan of Lot #237 time-stamped by the Township dated 6/11/10 which was marked as Exhibit A-2. A one-sheet drawing showing the proposed patio and the size of the previous and proposed patio time-stamped by the Township 6/11/10 was marked as Exhibit A-3.

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Mr. Malinowski stated there are only four members present this evening; and if there is a tie vote, they would lose the Appeal. He asked if they would like to continue the matter until there is a full Board or proceed, and the Applicants agreed to proceed.

Mr. Szul stated their Permit was rejected because of impervious surface. He stated 18% is permitted. He stated when the existing concrete patio was installed many years ago, no Permit was filed. He stated his clients would like to install a nicer patio using e.p. Henry. He stated the existing impervious surface is 23%, and they are proposing a slightly smaller patio which will result in 20% impervious surface. The existing patio is 763 square feet, and they are proposing a new patio of 697 square feet. There are reducing the square footage by 66 square feet.

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

Mr. Habgood stated his calculations are slightly higher than what the Applicant submitted but he agrees that they will be reducing what is existing. He stated his calculations showed the existing as 21.8%, and proposed would be 21.5%.

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

Mr. Bamburak moved, Mr. Zamparelli seconded and it was unanimously carried to grant an impervious surface area of 21.5%.

Mr. Maloney joined the meeting at this time.

APPEAL #10-1558 – EDWARD M. BUCCI AND DONNA VAGNOZZI BUCCI

Charles Conturso, attorney, was present but Mr. and Mrs. Bucci were not present at this time. After a short recess, Mr. Conturso stated they would like to have the matter continued to September 7, 2010 and would agree to waive the time limits pursuant to the Municipalities Planning Code for the Board to commence a Hearing and render a Decision until that date.

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Mr. Bamburak moved, Mr. Gruen seconded and it was unanimously carried to continue the matter to September 7, 2010.

APPEAL #10-1559 – CAMERON C. AND OLGA JEAN TROILO

Neither the Applicants nor their attorney, Edward Murphy, were present at this time. After a short recess, at 7:45 p.m., Mr. Malinowski asked for a Motion to continue.

Mr. Zamparelli moved, Mr. Bamburak seconded and it was unanimously carried to continue the matter to September 7, 2010.

There being no further business, Mr. Bamburak moved, Mr. Zamparelli seconded and it was unanimously carried to adjourn the meeting at 7:46 p.m.

Respectfully Submitted,

David Malinowski, Chairman