

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – OCTOBER 5, 2010

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on October 5, 2010. Chairman Malinowski called the meeting to order at 7:05 p.m.

Those present:

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

Others: Robert Habgood, Code Enforcement Officer
 James Esposito, Township Solicitor
 James Majewski, Township Engineer
 Allen Toadvine, Zoning Hearing Board Solicitor

Absent: Matt Maloney, Supervisor Liaison

APPEAL #10-1568 – WOODWAY CONSTRUCTION/SCHAUNN MCKAMEY

The Application submitted was marked as Exhibit A-1. Accompanying the Appeal was a one-sheet Plan entitled, “As-Built Lot #91 – Hidden Oaks” dated 10/13/93, time-stamped by the Township 8/27/10. This was marked as Exhibit A-2. Mr. Toadvine stated the request is for a rear yard setback Variance.

Mr. Schaunn McKamey was sworn in and stated the homeowner is trying to add a two-story addition that will go 10’ out off of the rear of the house into the back yard and a 20’ addition on the first floor into the rear yard. Mr. McKamey stated the way the lot is configured, they are only allowed 3’ into the rear yard on the left hand side.

He stated they are trying to expand bedrooms on the second floor on the left hand side of the house to accommodate their growing children. Mr. McKamey stated on the first floor they want to add a Florida room to the existing house and are proposing to go out 20’ on that addition. He stated they need relief of 16.21’ into the setback from the 50’ setback permitted.

Mr. Malinowski asked what is in back of the house, and Mr. McKamey stated there is an existing house.

Mr. Toadvine asked if 16.21 is the least intrusion or the most intrusion, and Mr. McKamey stated it is the most intrusion. Mr. Toadvine asked the least intrusion, and Mr. McKamey stated it is 13.1.

Mr. Smith asked if the drawing is accurate as to the way it will be built, and Mr. McKamey stated it is.

Mr. Gruen asked why the addition is on the corner of the house since if they moved it to the center, they would not need as much of a Variance, and Mr. McKamey stated the bedrooms they are trying to expand are on the corner of the house.

Mr. Esposito stated the Township is participation by only to get clarifications on the impervious surface. He stated Mr. Habgood has clarified this, and they have no problem.

Mr. Henry Caligiuri stated he is the next door neighbor, and this addition would be in his back yard. He stated the Applicant's house already sits in his back yard, and going out 20' on that side will put it right in his yard. He stated he is concerned that someone who might purchase his house in the future will not want to see that house in the back yard. He stated he is also concerned about drainage in the back yard.

Mr. Toadvine asked Mr. Caligiuro to show where his house is located, and Mr. Caligiuro noted his house on the Plan. He is Lot #90. Mr. Toadvine advised Mr. Caligiuro that it is not a 20' intrusion, it is a 14' intrusion into the rear yard not the side yard. Mr. Zamparelli stated it is actually angling away from his property. Mr. Caligiuro stated he does not want to see 20' more of the house.

The public hearing portion was closed.

Mr. Bamburak moved, Mr. Zamparelli seconded and it was unanimously carried that the rear yard setbacks be granted as requested.

APPEAL #10-1569 – HARRY SHRANK

Mr. Harry Shrank was sworn in. The Application submitted was marked as Exhibit A-1. Accompanying the Application was a one-sheet drawing entitled, "Plan of Survey" dated 6/25/75, time-stamped by Lower Makefield Township 9/3/10, and this was marked as Exhibit A-2.

Mr. Shrank stated they have lived in their home since 1975 and are the second owners of the home which was first occupied in 1970. He stated they have not changed anything outside. They would like to expand the patio by 120 square feet. He stated since the existing patio is so small, it is really not usable.

Mr. Smith asked if they step down from the house, and Mr. Shrank stated they step down 3” from two sliding doors. They will not infringe in the direction of the home that is closest to them. Mr. Smith asked Mr. Habgood if he has confirmed the impervious surface calculations, and Mr. Habgood stated he calculated the existing impervious surface at approximately 21.1%, and with the increase proposed it will be about 12.8% so they are proposing a .7% increase for the 120 square feet. Mr. Smith asked the permitted impervious surface, and Mr. Toadvine stated while it is now 18%, it is an older home. Mr. Habgood stated when the house was built they went by building coverage. Mr. Habgood stated the existing patio was constructed with the home so there is an existing non-conformity.

Mr. Malinowski asked what the patio is constructed of; and Mr. Shrank stated it is concrete, and they will extend it with concrete. The existing patio is 10’ by 15’, and they are proposing to go to 15’ by 18’.

Mr. Toadvine asked if they have any standing water issues in the rear yard, and Mr. Shrank stated they do not. Mr. Smith asked about neighbors, and Mr. Shrank stated there is a home that is over one house and to the rear where there is a low area. Mr. Shrank stated he does not drain in that direction, and he drains to the street.

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

There was no one present in the audience to comment on this matter, and the public hearing portion was closed.

Mr. Zamparelli moved, Mr. Bamburak seconded and it was unanimously carried to grant the Variance to increase the impervious surface by .7% to 21.8% to allow for an extension of the patio as shown on the Plan.

OTHER BUSINESS

Appeal #09-1535 – Kelly and Brian Sweeney Request for Extension

Mr. Toadvine stated the Township received a request for an Extension for the Variance that was granted for raising their home in the flood elevation. Mr. Habgood stated the Variance was granted on 12/1/09, so June 1 was the six-month limit. He stated they have

been working with Mr. Majewski to try to get the funding. Mr. Toadvine asked if it would be appropriate to extend it to 10/1/11; and Mr. Majewski stated they should start in the spring and be done in the summer.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to grant an extension until 10/1/11.

Appeal #06-1410A – Norman O'Rourke

Mr. Toadvine stated the Township also received a request for extension for the Variance which was approved in August 2008. He stated the Board granted a one-year extension in August, 2009, and they are now asking for another extension. Mr. O'Rourke has indicated in his letter that he is being held up because sewer pipes were installed in the Subdivision behind him. Mr. Habgood stated work was being done in the Brookshire Development, but he feels they may have run into some financial difficulty which could be delaying the O'Rourke project.

Mr. Toadvine stated approximately five months ago the State passed a law that put a moratorium on the expiration of Permits issued by Municipalities and Authorities, and any Permits due to expire would automatically be extended. He feels the expiration of that law is sometime in 2012. He stated this applies to Zoning Permits, Building Permits, etc. He stated he still feels it is good practice for the Board to act on extensions. He stated this law was passed due to the economy and the fact that developers are having such a difficult time not only finding money to build, but finding buyers to buy.

Mr. Smith stated possibly they could grant an extension to coincide with the expiration of that law so that they would be in concert with the State's intention. Mr. Toadvine stated he was not certain of the exact date this law will expire.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to agree to an extension to run through the end of the particular statute discussed this evening which will be detailed and amended in the record tomorrow so that it will be extended through the date the State has set the moratorium for.

There being no further business, Mr. Bamburak moved, Mr. Smith seconded and it was unanimously carried to adjourn the meeting at 7:30 p.m.

Respectfully Submitted,

Gregory J. Smith, Secretary

