

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – APRIL 19, 2011

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on April 19, 2011. Chairman Bamburak called the meeting to order at 7:05 p.m.

Those present:

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

Others: Robert Habgood, Code Enforcement Officer
 James Majewski, Township Engineer
 Barbara Kirk, Zoning Hearing Board Solicitor

Absent: Jerry Gruen, Zoning Hearing Board Secretary
 Dan McLaughlin, Supervisor Liaison

APPEAL #10-1574 – REALEN HOMES, L.P.

Mr. Edward Murphy, attorney, was present. Ms. Kirk stated Mr. Murphy had submitted a letter to the Board at the last meeting requesting an indefinite Extension as he was still attempting to work out the issues concerning the pillars with the outdoor lights with the next-door resident who was in opposition to the structure. Ms. Kirk stated that resident is present this evening with Mr. Murphy. Ms. Kirk stated they are still trying to resolve the issues, and Mr. Murphy has proposed an indefinite Extension waiving all time constraints under the Municipalities Planning Code and has further agreed that if and when it is re-listed, he would provide thirty days advance notice to request a date and will mail out new notices. Ms. Kirk stated she understands that the adjoining neighbor who is opposed to the lights, Ms. Murphy, is in agreement with what Mr. Murphy has proposed provided she can notify Mr. Murphy to request the matter be re-listed in front of the Board. Ms. Kirk stated Ms. Murphy is trying to work with Mr. Murphy and resolve the issues so that there is no opposition when it does come to a Hearing. Ms. Kirk stated Ms. Murphy wanted the Zoning Hearing Board to know that the lights are on, but she has no objection to the lights being in use at the present time.

Mr. Murphy stated Ms. Murphy is okay with the status quo as long as the discussions and negotiations continue to move forward positively; and Mr. Murphy stated he is making every effort to do that. Mr. Murphy stated Mr. and Mrs. Murphy understand that they can renew their objection and have not waived any right to do this. Mr. Murphy stated they are hopeful that they will be able to get to a place that everyone can live with.

Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried to grant an indefinite Continuance.

APPEAL #11-1586 – JOSHUA AND KAREN KUNTZ

Mr. John Kuntz was present and was sworn in.

The Application submitted was marked as Exhibit A-1. Along with the Application was a Plot Plan which was marked as Exhibit A-2. Notice of the Hearing was published in the Yardley News, and Proof of Posting was marked as Exhibit B-1. The property was posted with notice of the Hearing, and the Proof of Posting was marked as Exhibit B-2. Notices were mailed in accordance with the Township's Ordinance, and a copy of the letter with the addresses was marked as Exhibit B-3.

Mr. Kuntz stated he would like to run a 6' PVC fence along his property line that borders the adjacent property within Makefield Brook. He stated that line is in a drainage easement, and he would like to run the fence along the property line as opposed to bringing it in 10'. He stated because of the angle that comes into his house, it would work out best if he can proceed in this way. He noted a number of existing items which would make it difficult if it is not permitted to be in the easement. He stated it would also be easier to maintain. Mr. Kuntz stated this fence would connect with Quarry Road and end at his property line in the back which borders Grey Nun.

Mr. Habgood stated he only needs a Variance for the fence going into the Easement.

Mr. Bamburak stated normally one of the Conditions placed on the grant of a Variance for a fence in the easement is if the Township or any other authority ever needed access to the easement, the homeowner would be required to remove the fence and replace it at his own cost, and this was agreeable to Mr. Kuntz.

It was noted that the Township is not participating in this matter.

Mr. Smith stated they also ask that the bottom of the fence be high enough off the ground so that water could run underneath the fence. Mr. Kuntz stated he was planning on it being between 2" and 3", and Mr. Smith stated this would be acceptable.

Mr. John Oates, 1856 Inverness Drive, was sworn in. He stated he owns the adjacent property, and he is concerned that there is a fire hydrant between their properties and is the only fire hydrant for this part of the development. Mr. Oates showed on the Plan where the fire hydrant is located. Ms. Kirk stated Mr. Oates has indicated the location of the fire hydrant on Quarry Road between his and the Applicant's property.

Mr. Bamburak stated Mr. Kuntz does not intend to fence in the fire hydrant, and Mr. Kuntz agreed. Mr. Kuntz stated the fire hydrant is adjacent to the curb, and he is on the other side of the walkway. Mr. Habgood stated if there is an obstacle in the way of the Fire Department they would do what they had to do to remove it. He also noted that he feels they would use the hydrant on the interior road if there was an incident in the neighborhood.

Mr. Mike Damuth, Facilities Manager for Grey Nun, was sworn in. Mr. Damuth stated they do not have an objection to a fence as long as it meets all the Ordinances for Lower Makefield Township and does not encroach on their property. He stated they do have a concern with the drainage easement as they have had a problem with clearing brush on their side.

Mr. Bamburak stated there are only four Board members present this evening; and in the event of a tie, it would be considered a denial. He noted that Mr. Kuntz could postpone a decision to a time when five Board members are present if he wished, but Mr. Kuntz asked that they vote on the matter this evening.

Testimony was closed at this time.

Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried to Grant the Variance requested with the Condition that the fence be constructed so that there is at least 2" at the bottom of the fence so that stormwater can run through it if needed, and that if access is needed to the easement, the Applicant would be required to remove and replace the fence at his own expense.

APPEAL #11-1587 – GARY AND DANIELLE ABRAHAMS

Mr. Gary Abrahams and Mr. Tom Casey, Vice President for Sales of Sylvan Pools, were present and were sworn in.

The Application submitted was marked as Exhibit A-1. A single sheet Plan entitled, "Zoning Permit Plan" was marked as Exhibit A-2. Notice of the Hearing was published in the Yardley News, and Proof of Publication was marked as Exhibit B-1. The property was posted, and the Proof of Posting was marked as Exhibit B-2. Notices were mailed to residents in accordance with the Township's Ordinance, and copy of that Notice along with a list of addresses was marked as Exhibit B-3.

Mr. Casey stated they recognize that the construction of a swimming pool at the property will exceed the allowable impervious coverage, and they recognize that the house construction already exceeded that percentage. Mr. Casey stated Mr. and Mrs. Abrahams have several children and would like to add a pool to their lifestyle. Mr. Casey stated they know that there are swimming pools on neighboring properties.

Mr. Casey stated they have addressed some of the impervious surface calculation issues in a number of ways. He stated they are handling the stormwater run off, and he noted the Plan has the remediation seepage pit detailed on the left-hand side. He stated they also show how they will handle topsoil stockpile, and they feel that this will be fairly minimal. He stated how they will handle construction traffic and erosion controls is also shown on the Plan.

Mr. Casey stated their surveying company has done a significant amount of business in Lower Makefield, and there have not been any complaints. He stated Anthony/Sylvan Pools have been building pools in this area for sixty-five seasons, and they are familiar with the Township requirements and the construction process.

Mr. Zamparelli stated their concern is the impervious surface, and they are requesting 5% over what already exists. Mr. Casey stated they are looking for a total impervious surface of 30.5%. The existing is 25.6%. Mr. Zamparelli stated this is a quite an increase, and he asked how much the proposed mitigation will reduce the effective impervious surface. Mr. Bamburak noted Column A under “downspouts, seepage beds, run-off calculations.” Mr. Bamburak stated this indicates 2,130 square feet net, and he asked Mr. Majewski if this is the amount of impervious surface that this seepage bed will be mitigating. Mr. Majewski stated their design shows a plan view that shows the dimensions of the overall stone seepage bed at 13' by 40' but their calculations show that they have designed the seepage bed to handle 2,130 square feet of impervious area with a length of 15' and a width of 7 ½'.

Mr. Smith stated the maximum impervious surface allowed is 18% or 3,074 square feet; and with the proposal, they will be bringing it up to 5,204 square feet which is 2,130 square feet over the maximum allowed. Mr. Bamburak stated it appears that with the seepage pit, they will have an effective impervious surface area of 3,074 square feet.

Mr. Majewski reviewed the Applicant's calculations and stated the downspout, seepage bed, run-off calculation chart (B) shows for storage required – 88.75 cubic feet; however, for a stone seepage bed, this is off by a factor of 10. He stated the detail shown on the Plan where the bed is three feet deep and thirteen feet wide by forty feet long does provide the run off attenuation for the full 2,130 square feet which brings it down to the 18% effective.

Mr. Bamburak stated if they build this pit 40' long, 13' wide, and 3' deep, they will have an effective impervious surface of 3,074 square feet; and Mr. Majewski agreed.

Mr. Bamburak stated there are also calculations shown for a seepage pit to have a length of 15', width of 7 ½' and depth of 2'. Mr. Majewski stated this is the discrepancy.

Mr. Bamburak asked the Applicant which one they are going to build. He stated the 30' by 14' by 3' pit would be significantly larger than one that is 7 ½' by 15' and would be much more costly; and Mr. Majewski agreed. Mr. Bamburak asked the Applicant which one he proposes to build.

Mr. Casey stated they wanted to try to get the impervious surface back to where it is now; but if the Board indicates that this is not satisfactory and their only option is to take it back to the 18%, this would be more of a difficult decision financially for the homeowner.

Mr. Bamburak asked Mr. Majewski if the 15' by 7 ½' by 2' pit would bring the impervious surface back to the existing; and Mr. Majewski stated it would almost bring it back to the existing impervious surface. He stated his calculations show that it would need to be 15' by 7 ½' by 3' deep to bring it back to the existing impervious surface.

Mr. DosSantos asked Mr. Abrahams how long they have lived in the home and whether they have added any impervious surface since they have owned the home. Mr. Abrahams stated they have lived there about twelve years. Mr. Abrahams stated there was a wooden deck that they tore out, and they put in a paver patio instead. Mr. Smith asked if he has a previous Variance from the Zoning Hearing Board for this, and Mr. Abrahams stated it was from ten to twelve years ago. Mr. Habgood stated the Township has no record of the construction of the paver patio or rear paver walkway.

Mr. Bamburak asked if the Township agrees that the existing impervious surface is 25.6%, and Mr. Habgood stated his calculations do match with what is shown on Exhibit A-2.

Ms. Kirk stated based on the calculations for the seepage bed, if the Board were to grant the request would Mr. Abrahams agree to a Condition that the seepage bed has to be 15' long by 7 ½' wide and 3' deep as opposed to the 2' shown on the Plan; and Mr. Abrahams agreed.

Mr. Smith stated he is concerned that a wooden deck was taken out which is pervious and a paver patio was put in which is impervious so they have added impervious surface to a property that was already non-conforming without a Variance from the Zoning Hearing Board. He stated now they want to go to 12% over the allowable 18%. He asked how much of the 25.6% is the paver patio for which they should have had a Variance.

Mr. Casey stated it is 633 square feet. Mr. Habgood stated without the patio and the rear walkway, the impervious surface would be 22%.

Mr. Majewski stated if they designs the stormwater system to handle the additional impervious surface from the amount they are requesting today plus the paver patio which is 633 square feet, it would approximately double the size of the pit and would need to be 14' by 14' by 3' deep or some configuration that would be equivalent to that.

Mr. Smith stated he would be more inclined to approve a Variance that would get the property back to the impervious surface back to where it was before the patio was put in.

Mr. Habgood stated when the property was built, it was done by building coverage and it was not required to calculate the driveways, walkways, etc. He stated when the Township adopted the current impervious surface requirements in 1987, they included all the driveways and walkways; but for the older homes, they provided an extra 3% over what was done before which is why many of them are currently over the permitted impervious surface.

It was noted that the Township is not participating in this matter.

Ms. Carol Crotty, 1470 Clinton Drive, was sworn in. Ms. Crotty stated her husband, Edward Crotty, is a math professor at the University of Pennsylvania and was unable to attend the meeting this evening. She read a letter he wrote on this matter which indicates that he feels the granting of this Variance would negatively impact his property in the form of significantly-increased stormwater run off. He specifically noted section 174-18 of the Township Code as it relates to this matter, and stated as an adjacent property owner, they refuse permission for this alteration. In the letter, Mr. Crotty noted that his property already experiences excessive water infiltration from the Abrahams' property so that the rear of his property is frequently flooded for a distance of approximately 20' to 25' from the property line in even moderately-heavy rains; and the soil remains wet for days at a time, given the nature of the local soils, making significant parts of their rear yard unusable. He also noted water damage that has occurred to the root system of some of the trees along the rear of his property.

In his letter Mr. Crotty provided some mathematical models to demonstrate the impact of the predicted additional run off if this project is approved.

Mr. Bamburak noted that computer models of the soils are beyond the realm of the Zoning Hearing Board. He stated they would be interested to know if there is water in the basement, etc.

Mr. Crotty noted in his letter that because he needs time to further refine his calculations for the purpose of supporting his objections to the proposed Variance and also needs time to consult with his colleagues in the Engineering Department at Temple University and is unable to attend in person this evening because he is teaching this evening at the University of Pennsylvania, he is requesting a sixty-day continuance of the Hearing so that he can appear in person to testify and question witnesses.

Ms. Kirk asked if they are requesting Party status, and Ms. Crotty stated they are. Mr. Edward Crotty and Ms. Carol Crotty, 1470 Clinton Drive, were granted Party status in this matter. Ms. Kirk stated now that they have someone who is requesting Party status who has requested a Continuance, the Board has some options. She stated the Board could overrule the request for a Continuance and render a Decision, but Mr. and Mrs. Crotty would have the right to Appeal any Decision by the Board to Doylestown which may ultimately result in the matter coming back to the Zoning Hearing Board to take the testimony of Mr. Crotty who requested Party status.

Mr. Abrahams asked for a definition of Party status, and Ms. Kirk stated Party status means that they have joined in opposition in the Application that Mr. Abrahams is seeking for a Variance. She stated if the Board makes a Decision this evening, Mr. and Mrs. Crotty could Appeal to Doylestown; and in all likelihood a Judge would send it back to the Zoning Hearing Board for further testimony based on what Mr. Crotty wants to present. She asked Mr. Abrahams if he has an objection to the matter being continued for sixty days.

Mr. Bamburak also noted that there are only four members present this evening; and if there were to be a tie, the Variance would be denied.

Ms. Kirk stated if Mr. Abrahams does not agree to the sixty-day Continuance, and the Board renders a Decision, if Mr. and Mrs. Crotty are not happy with that Decision, they could Appeal to Doylestown, and it will go through a process with the likelihood that a Judge will indicate that the Zoning Hearing Board did not hear all the evidence, and will remand it back to the Zoning Hearing Board. She stated it could take six to nine months arguing this matter in Doylestown only to have it come back to the Zoning Hearing Board as opposed to continuing the matter for sixty days.

Mr. Abrahams asked if Mr. and Mrs. Crotty would still have the right to Appeal any Decision even if they grant the sixty-day Continuance; and Ms. Kirk stated they would still have the right to Appeal a Decision.

Ms. Kirk stated a sixty-day Continuance is somewhat extensive; and if the Board were inclined to entertain a request, it would normally be a thirty-day Continuance at the most. She asked Ms. Crotty why a sixty-day Continuance is necessary. Ms. Crotty stated her husband wanted to speak to some of the people in the Engineering Department. Mr. Bamburak asked if this could not be done in the next thirty days adding the Zoning Hearing Board does not need a huge presentation with computer models. He suggested that they agree to a Continuance, and in the interim Mr. Abrahams could meet with Mr. and Mrs. Crotty to address their concerns and they could discuss a drainage swale or French drain in the back of the property. Mr. Crotty stated they do have detailed Plans. Ms. Kirk asked Mr. Abrahams if he had any discussions with Mr. Crotty to explain what he was proposing, and Mr. Abrahams stated he did not. She suggested that there be a Continuance of thirty days, and they could meet and review what is proposed with respect to the seepage pit and see if Mr. Crotty still has an objection.

Mr. Casey stated he feels they have already provided this information which they could have reviewed. Ms. Kirk stated while the Plans may be on file for review, this is different from having the opportunity for the individuals to meet and discuss their concerns and see if there is something that can be resolved. She stated the Board can grant a Continuance even if Mr. Abrahams does not agree to it or they could proceed to a Decision which may result in a fight at Doylestown. Mr. Bamburak stated this would then result in having to retain lawyers rather than trying to resolve it between the neighbors.

Mr. Abrahams stated he is concerned with the thirty-day Continuance request, and he feels they would have the opportunity to meet before then. Ms. Kirk stated the Board meets twice a month, and the next Hearing is May 3; and because of the holidays, they may not have the full two weeks to meet so she would suggest that the Board re-schedule it for their meeting on Monday, May 16. Mr. Abrahams requested that it be scheduled for May 3 since he feels they could find the time to meet with the neighbors in this time. Ms. Kirk stated Mr. and Mrs. Crotty requested sixty day; and while the Board is not inclined to grant sixty days, they are suggesting thirty days. Ms. Crotty stated she feels her husband requested the sixty-day Continuance because he is in class, and it is the end of semester and he cannot miss class. She stated he finishes in May.

Mr. Abrahams stated he is concerned with the thirty-day Continuance request because hopefully if his project is approved, it would be mid-summer at least; and he would hope that when they meet, they will be able to come to a resolution they will feel comfortable with. Ms. Kirk stated whatever the Board decides, Mr. Abrahams has the right to Appeal that Decision as do the residents. She stated if anyone Appeals the matter, the pool cannot be built until it goes through the Court system in Doylestown. She stated a thirty-day Continuance may effectively resolve the issues that have caused the opposition; and if they come back in mid-May with all the issues resolved, the Board could be inclined to grant the Variance, and Mr. Abrahams could move forward with construction. She stated at this point they run the risk that it could be tied up in Doylestown for months.

Mr. Abrahams asked about the possibility of putting the matter on the Agenda for May 3 with the hope that they will be able to resolve the matter; and if they have not, they could Continue it again. Mr. Bamburak stated this could be impractical.

Ms. Kirk stated Mr. Abrahams could oppose the Continuance, and the Board could make its own decision. Mr. Bamburak stated the Board does like to see if the neighbors can work it out. Mr. Abrahams stated he is only suggesting that to the extent that they can work it out before May 3, that they have the opportunity to come before the Board at that time; and if they cannot, it would go to thirty days. Ms. Kirk stated they would have to publish the Agenda.

Mr. John Noto, 1466 Clinton Drive, was sworn in and requested Party status. He stated his home is behind Mr. and Mrs. Abrahams. Mr. Noto stated he has concerns that were not addressed in the Plan. He stated the seepage bed design is not clear as to how it will address the slope of the property. He stated the Abrahams' property is approximately 4 ½' higher than his property, and he feels building the pool will push out the slope. He stated he is not sure how effective the seepage pit will be since he is not an engineer. He stated he has only had two or three conversations with Mr. and Mrs. Abrahams since he moved in a few years ago, and during those conversations they have communicated to him the challenges they have had with the rear part of their yard which is extremely muddy after it rains. He stated he feels their property needs some mitigation even prior to the construction of the pool. Mr. Noto stated they are already over the permitted impervious surface, and the property slopes downward toward a plateau between the two properties. Mr. Noto stated he is not sure that the proposed solution will be effective and not allow water to come into his own yard.

Mr. Noto stated Mr. Casey had indicated that other people in the neighborhood have received Variances before, but he understands that any prior Decisions of the Zoning Hearing Board should not be considered and does not set a precedence. He stated it also has not been displayed that there is any undue hardship as a result of not granting the Variance. He stated it has also not been displayed that they do not have reasonable use of their property while staying compliant with the current Ordinance.

Mr. Noto stated he would be willing to work with his neighbors to see if there are other solutions, but he is concerned with the size of the project at this time.

Mr. DosSantos asked if he currently gets water in his yard, and Mr. Noto stated his grass is soggy in the back but not as bad as the Abrahams property. He stated the water does run down the street along the property line. He stated he is concerned that this proposal will push the water closer to his yard. Mr. DosSantos asked Mr. Majewski if there is an existing swale, and Mr. Majewski stated typically the lots have a swale between the houses running down the property lines, and he feels this is the case in this situation.

Mr. Majewski stated the water runs overland from the Abrahams' property down the hill, and then out around the house along swales out to Clinton Drive.

Mr. Casey stated the topographic survey on the Exhibit has the existing and proposed contours, and he added the seepage bed is not above grade. He stated there will be an incline as shown on the proposed slope detail. He stated they have also shown the limit of disturbance. He stated the slope pattern is conforming. He stated he does not feel the pool will create any new run off patterns, and they are working with the existing contours. He stated he feels the remediation would be built in with the changes the Township engineer has requested in terms of the size of the seepage pit.

A short recess was taken at this time. The meeting reconvened at 8:05 p.m. Ms. Kirk stated the Board took a five-minute recess in order to consult with counsel to deal with legal issues relating to this Application and sought a legal opinion as to options available to the Board.

Mr. Smith moved and DosSantos seconded that the request for a Continuance by Ms. Crotty be granted until Monday, May 16 meeting of the Board with the hopes that this will give the Parties the opportunity to discuss some of the issues.

Mr. Bamburak advised Ms. Crotty that if they cannot resolve the matter by that time, her husband can present the Board with a brief overview of any mathematics. He stated the purpose of the Continuance is to encourage all the neighbors to discuss this matter.

Motion carried unanimously.

OTHER BUSINESS

Appeal #09-1538 – Robert Zarzycki – Approve Request for Extension

Ms. Kirk stated a letter was received requesting an Extension of the Variance that was granted March 16 as the Applicant was not able to secure or apply for a Building Permit within the mandatory six-month period. Ms. Kirk asked when the Application was submitted, and Mr. Habgood stated the Application was submitted on January 6, 2010. Mr. Bamburak stated if that is correct, it would have already expired. Mr. Habgood stated the Variance was granted March 16, 2010. Ms. Kirk stated if the Board were inclined to grant the Extension, they would have to make it retroactive back to March 16, 2011 and move forward for an additional period of time.

Mr. Anthony DiStefano was sworn in and stated he helped the Applicant when he was before the Board because he did not speak English very well. Mr. DiStefano stated because of Mr. Zarzycki's work schedule he was not able to proceed when required. He stated Mr. Zarzycki did not understand that it had expired.

Mr. Habgood stated there is an Application for a Permit currently in house which is being reviewed. Mr. DiStefano stated the scope of the project has not changed.

Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried to grant the request for an Extension of the Variance effective from March 17, 2011 for an additional six months which would expire September 16, 2011.

Aria Remand Discussion and Motion on Hearing Dates

Ms. Kirk stated she has coordinated with all of the legal counsel involved with Frankford/Aria that is coming back to the Zoning Hearing Board for Remand. She stated everyone is available May 3, June 21, and July 19. Ms. Kirk stated May 3 is only two weeks away and she does not feel there is sufficient time to advertise the Remand Hearing; and she would recommend setting aside June 21 and July 19 as two dates for the Remand Hearings, and she will notify counsel accordingly. Ms. Kirk stated she has recommended that the Township make sure that everyone is properly notified.

Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to schedule the Remand Hearings for June 21 and July 19.

Mr. Smith reminded the Board that he will abstain from anything with regard to Aria.

Ms. Kirk stated there have been some issues being discussed with respect to the procedure; and after reviewing the Judge's Order she has told counsel that the procedure will be that at the first Hearing, the Applicant will present his traffic engineers with respect to the three issues raised by the Judge being compliance with the Township's Comprehensive Plan and the impact of the proposed facility upon the roads within the Township, considering proposed development from Newtown Township, as well as the roadway improvement projects including Scudders Falls. She stated once that testimony is finished, counsel can cross-examine; and the Township will be prepared to put on their Witness with cross-examination, and the residents will be prepared to put on their traffic expert Witnesses with cross-examination. She stated Newtown's counsel can then put on evidence if so desired.

Mr. Bamburak stated at the prior Hearings there were significant comments from the public; and while he does want the public to have an opportunity to speak, he does not feel they are to discuss helicopters, etc.; and Ms. Kirk stated discussion is specifically limited to the issues she has listed – compliance with the Township’s Comprehensive Plan, impact of the proposed hospital facility upon traffic in light of development in Newtown Township, and the Scudders Falls project.

Ms. Kirk stated she does have copies of the transcripts for Mr. DosSantos who was not present at the prior Hearing as well as Mr. Gruen who requested copies of the transcripts despite being present at the Hearings. She stated she also has copies for the Alternate member who will be hearing this case since Mr. Smith will not be hearing this case. It was noted Mr. Paul Kim had heard the prior testimony as the Alternate for Mr. Smith, but he is no longer a Zoning Hearing Board Alternate. There was discussion on which Alternate should attend, and Ms. Kirk suggested that since Mr. McCartney was appointed first, he will be asked to attend on June 21 and July 19 and will be provided a copy of the transcripts. This was acceptable to the Zoning Hearing Board.

Mr. Habgood asked if the Board would like him to try to keep those meeting dates free from any other Applications, and the Board agreed.

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

Respectfully Submitted,

Paul Bamburak, Chairman