

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – FEBRUARY 1, 2011

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 1, 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
Jerry Gruen, Secretary
Keith DosSantos, Member
Anthony Zamparelli, Member

Others: Robert Habgood, Code Enforcement Officer
James Majewski, Township Engineer
Melissa Fiala, Zoning Hearing Board Solicitor
Dan McLaughlin, Supervisor Liaison (joined meeting in progress)

APPEAL #10-1574 – REALEN HOMES, L.P.

Ms. Fiala marked as Exhibit B-1 a request for a continuance until this evening's Agenda. She marked as Exhibit B-2 additional correspondence dated 1/25/11 from the Applicant's attorney, Edward Murphy, which is a request for a continuance until 2/15/11.

Ms. Fiala noted a letter dated 1/26/11 which indicates that Ms. Kirk, the Zoning Hearing Board solicitor, has agreed to continue the matter until 2/15/11 with the request that Mr. Murphy agree to extend the time for the Decision until 3/31/11 in accordance with the MPC rules. This was marked as Exhibit B-3.

Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried to grant the request for continuance until the 2/15/11 meeting under the terms of the letter sent by the solicitor for the Board dated 1/26/11.

APPEAL #10-1580 – JOHN AND DONNA PARK

Mr. Scott Fegley, attorney, was present and stated this is a request for a Variance in order to extend a retaining wall into the right-of-way.

The Application submitted was marked as Exhibit A-1. The Concept Plans were marked as Exhibit A-2. Ms. Fiala marked as Exhibit B-1 – the public notice in the Yardley News dated 1/13/11. The notice that was published dated 1/14/11 was marked as Exhibit B-2. Notice to interested property owners with a list of those who were provided notice along with a Tax Parcel Map was marked as Exhibit B-3.

Mr. Fegley submitted a number of photographs to the Board showing the property. He stated there is an existing retaining wall on the property and the Applicants wish to move the driveway from one portion of the property to another, and are proposing to extend the retaining wall across the old driveway opening and beyond past the new driveway opening so it will preserve the embankment, prevent erosion, and control run off. He stated the pictures show that the existing retaining wall is in need of repair as it has been there prior to the purchase of the property by the Applicants. He stated it will help preserve the existing landscaping and prevent erosion onto Mt. Eyre Road. He stated they have discussed this with the neighbors, and there was no opposition.

Mr. Bamburak asked the height of the wall.

Mr. John McDowell, Mr. John Park and Ms. Donna Park were sworn in.

Mr. McDowell stated the maximum height will be similar to what exists now which is approximately 24”.

Mr. Gruen asked how close to the road they will be, and Mr. Fegley stated it will be along the road in the right-of-way. It will continue down the property. Mr. Gruen asked what would happen if the Township were to put in a sidewalk or widen the road, and Mr. Fegley stated the Township and utility companies would have the right to do whatever work was necessary. Mr. Gruen stated removal and replacement of the wall if this were to occur would be at the Applicant’s expense, and the Applicants agreed to this as a Condition of approval.

Mr. Gruen asked if it is possible that the wall is in poor repair because it is so close to the road and cars crashed into it. Mr. Park stated he is aware of one accident at the very end of the wall in the last fifteen years. He stated the problem is more the age of the wall.

Mr. Gruen asked if there would be a problem with snow removal being that close to the road, and Mr. Majewski stated there is not a problem.

Mr. Smith asked if there are any drainage or water flow issues because of the wall, and Mr. Majewski stated there are not.

There was no public comment. It was noted that the Township is not participating in this matter. Public testimony was closed.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried that the relief requested be granted with the Condition that the Appellants understand that should any repairs or other work need to be done in the right-of-way by the Township or others in the right-of-way, that it would be at the owners' expense to remove/replace the retaining wall.

OTHER BUSINESS

Ms. Fiala asked that the Board approve the amount that the Zoning Hearing Board solicitor will be paid per hour. Mr. Bamburak stated they have never done this before. Ms. Fiala stated this needs to be put on the record.

Mr. Zamparelli moved, Mr. Smith seconded and it was unanimously carried to approve the hourly rate of \$125 for the Zoning Hearing Board solicitor as set by the Supervisors.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to adjourn the meeting at 7:25 p.m.

Respectfully Submitted,

Jerry Gruen, Secretary