

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
REORGANIZATIONAL MEETING
MINUTES – JANUARY 4, 2011

The reorganizational meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 4, 2011. Mr. 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
 Anthony Zamparelli, Member
 Keith DosSantos, Alternate Member

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

Absent: Dan McLaughlin, Supervisor Liaison

REORGANIZATION OF THE BOARD

Mr. Bamburak asked for nominations for Chairman of the Board for 2011. Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to elect Paul Bamburak as Chairman for 2011.

Mr. Bamburak asked for nominations for Vice Chairman of the Board for 2011. Mr. Gruen moved, Mr. Zamparelli seconded and it was unanimously carried to elect Gregory J. Smith as Vice Chairman for 2011.

Mr. Bamburak asked for nominations for Secretary of the Board for 2011. Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried to elect Jerry Gruen as Secretary for 2011.

APPOINTMENT OF THE SOLICITOR

Mr. Bamburak introduced Barbara Kirk from the firm Rudolph, Clarke & Kirk adding that Ms. Kirk had previously served as a member of the Zoning Hearing Board. He stated the Board had been provided her resume.

Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to appoint Barbara Kirk as Solicitor for 2011.

APPOINTMENT OF COURT REPORTER

Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried to appoint Donna D'Angelis as Court Reporter for 2011.

APPEAL #10-1579 – LEROY AND THERESA ALEXANDER

Mr. Leroy Alexander, Ms. Theresa Alexander, and Ms. Tracey Miller, Hacienda Design, were present and were sworn in.

The Application submitted was marked as Exhibit A-1. Accompanying the Application was a letter and a copy of the Deed and this was marked as Exhibit A-2. The Tax Map which was included was marked as Exhibit A-3. The Plan submitted entitled "Zoning Plan for the Alexander Residence," prepared by Hacienda Design was marked as Exhibit A-4. The Notice of the Hearing was posted at the property by the Township and the letter dated 12/17/10 to the property owner and a copy of the Notice of Publication was marked as Exhibit B-1. Public Notice of the Hearing was published in the Yardley News and a copy of that publication was marked as Exhibit B-2.

Ms. Kirk asked if Notice of tonight's Hearing was sent to all residents according to the Code, and Mr. Habgood stated this is correct and this Notice was attached to the document that was marked as Exhibit B-1.

Ms. Miller stated the subject property is on River Road, and they are requesting a Variance to permit an addition to be put onto the property that is in the one hundred year floodplain. She stated they are also requesting a Variance for a front yard setback. She stated there is an existing front porch that is in disrepair, and they would like to square it off in line with the house. She stated it is an existing non-conformance. Squaring off the porch will result in more of an intrusion.

Mr. Gruen asked from where they measured the setback – to the roof line or to the footings, and Ms. Miller stated it was to the roof line. Mr. Gruen stated the garage is also an existing non-conformance, and he asked if they need to grant a Variance for this as well, and Ms. Kirk stated if it is an existing non-conformity that is not being changed, they do not have to include this.

Mr. Smith asked how close Exhibit A-4 will be to what they will build; and Ms. Miller stated it would be exactly what they have shown other than where they are showing the breezeway as open, they have discussed with the Applicants the possibility of enclosing this, but this would not change the calculations. Mr. Smith stated he wants to make sure that if they grant the Variance as proposed on the Plan, this will be satisfactory to the Applicants. Ms. Miller stated on Page 2, they did show how they plan to meet the goals of what the Applicants want to accomplish.

Mr. Esposito stated the Township is participating; and he asked that if the Board were to grant a Variance, that the Applicant agree to a Condition that any construction must be in accordance with the floodplain regulations. Ms. Miller stated they will built to the Code which she showed to the Board this evening. Mr. Majewski was satisfied with this.

Mr. Esposito stated they would also ask that in granting the Variance, it should be noted that a Variance for construction in the floodplain could result in increased premiums for insurance. Mr. Esposito stated this is in the Township Code. Mr. Bamburak stated they have never indicated this in any of their past Decisions, and he feels the fact that it has been noted this evening should be considered sufficient warning. Ms. Kirk stated it is also possible that their real estate taxes could go up as well when they do this construction, and the Applicants indicated that they understand this.

Ms. Kirk noted Section 200-13 and Section 200-63 are the Sections which reference encroachment into the front yard setback, and Ms. Miller agreed. Mr. Habgood stated the front yard setback they are proposing is 49'9" as opposed to the required 80'.

Ms. Kirk asked if the property owners have an objection to a Condition being placed that they build in conformance with the 2009 Residential Building code as it relates to construction in the floodplain, and the Applicants indicated they would have no objection to such a Condition.

There was no one present in the audience to comment, and the testimony was closed.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried that the relief requested be granted so that all building is done in conformance with the 2009 Residential Building Code related to building in the floodplain. Applicant is notified that building in the floodplain could result in increase in flood insurance costs. Relief is granted as requested in the Appeal.

January 4, 2011

Zoning Hearing Board – page 4 of 4

OTHER BUSINESS

The schedule for 2011 was reviewed. While the normal meeting nights are the first and third Tuesday Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to change the 5/17/11 meeting to 5/16/11. It was agreed to leave the 4/19 and 12/20 meetings as scheduled.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to cancel the January 18, 2011 meeting.

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

Respectfully Submitted,

Jerry Gruen, Secretary