

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – MAY 7, 2019

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on May 7, 2019. Mr. Gruen called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board: Jerry Gruen, Chair
 Anthony Zamparelli, Vice Chair
 Keith DosSantos, Secretary
 Pamela Lee, Member
 James McCartney, Member

Others: James Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor (left meeting
 in progress)
 Adam Flager, Zoning Hearing Board Solicitor
 Frederic K. Weiss, Supervisor Liaison

APPEAL #19-1827 – CHICHI AHIA

Mr. Chichi Ahia was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. Mr. Flager stated that even though the impervious surface is not over the amount permitted, an impervious surface breakdown was submitted and was marked as Exhibit A-3. Mr. Flager stated the Applicant had sent a letter dated today from a neighbor, Joanne Connell, and this was marked as Exhibit A-4. A concerned Parties map was marked as Exhibit A-5. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3. The updated Notice with the current Hearing date was marked as Exhibit B-4.

Mr. Flager stated Mr. Ahia had attached a document to an e-mail he sent, and he asked Mr. Ahia if he wanted that submitted as an Exhibit; and Mr. Ahia stated he would like it added as an Exhibit. The attached e-mail from today signed by four sets of neighbors was marked as Exhibit A-6.

Mr. Ahia stated he has the breeders he has been working with present this evening to answer questions he may not be able to answer, and he has their credentials. The credentials submitted were marked as Exhibit A-7.

Mr. Ahia also noted the letter from Jill Cohen dated April 5 directed to Chair Gruen. This letter was marked as Exhibit A-8.

Mr. Gruen stated he did not read any of the e-mails because he did not want to form an opinion before the Hearing.

Mr. Gruen stated after all the Testimony is heard those present in the audience will have an opportunity to address the Board.

Mr. DosSantos stated on the Concerned Parties map that was prepared, #1 and #4 have the same address. Mr. Ahia stated he can update that.

Mr. Ahia stated he put in an Application for goats – specially Nigerian dwarf goats as pets for his children. He stated he is aware of the concerns, and he has done a significant amount of research for more than a year. He stated he feels that not only is this the best choice for his family and children, but from their perspective, he feels they are extremely low impact and extremely low maintenance. He stated the breeders he is working with are present this evening, and they have been in the business for sixteen years. Mr. Ahia stated he has six children under the age of eight, and their safety is his concern. He stated he is a Real Estate expert, and the value of his property is a concern. He stated all the facts have been heavily considered in advance of his Application.

Mr. Ahia stated he did calculate the impervious surface coverage overestimating anything they might add. He stated great care has been taken in choosing this particular pet, and he estimates the improvements to the property would be approximately \$20,000 largely to make sure that the aesthetics and management of the pets are far above the minimum standard.

Mr. Gruen asked aside from the fact that he wants goats for his children, is there a hardship. Mr. Ahia stated he did not want to specifically enter medical issues; however, he has identical three-year-old twin sons who were recently diagnosed with speech delay, and animal therapy was recommended. He stated one of the reasons that goats were recommended is because they do not have front teeth and so they are very safe for children. He stated interaction is important for his sons. He stated he did not want to enter those files as part of an Exhibit; however,

he worked with the Bucks County Intermediate Unit and he has done quite a bit of research exploring options for their benefit, and that was the primary driver for this request. He stated they did talk about a dog, but his sons are not ready for a dog.

Mr. Gruen stated the goats were just one option. Mr. Ahia stated it was recommended as the best option all factors considered. Mr. Gruen asked Mr. Ahia if he has ever owned goats, and Mr. Ahia stated he has not. Mr. Gruen stated he raised goats for twenty years. Mr. Gruen stated this is one-acre zoning, and goats are not really suitable on a one-acre lot. He stated they are very noisy, especially this type of goat which comes into heat once a month compared to regular goats that come into heat probably once a year. Mr. Gruen asked Mr. Ahia if he is planning on milking the goats, and Mr. Ahia stated they are male goats. Mr. Gruen asked if they are going to be neutered males, and it was noted they will be.

Ms. Catherine Cary and Mr. William Cary were sworn in.

Mr. DosSantos stated Mr. Ahia provided the Board with an Exhibit that discusses their background as a breeder of goats. Ms. Cary stated it is her Website. Mr. DosSantos asked if they only deal with Nigerian dwarf goats, and Ms. Cary agreed. Ms. Cary stated they are castrated males, and there is no smell. She stated there is no heat cycles, and they are very friendly and small. She stated even fully grown, they will not be larger than a small Lab. Mr. Cary stated they are approximately 22" fully grown, and Ms. Carey stated they weigh 50 pounds at most.

Mr. Gruen stated his experience with goats is that you really do not know if the goat is going to smell as some will smell regardless. Mr. Gruen stated they are also very noisy because they need company. He stated you cannot keep just one goat, and Ms. Cary agreed. Mr. Gruen stated you need two to three goats for them to feel comfortable. Mr. DosSantos stated the Applicant has asked for two to three goats.

Mr. Gruen stated he is very familiar with the neighborhood where the Applicant lives, and on a one acre lot, he does not know if it is the right place for goats.

Mr. DosSantos asked about Mr. and Ms. Cary's experience with this specific breed of goat as far as the noise level. Ms. Cary stated they are not noisy because they will be together. She stated if they do not get fed and they are very hungry, they will call you; however, if you feed them on a regular basis, they are not noisy. She stated a dog barks when it is hungry. She stated goats are not noisy if you take care of them properly. Mr. DosSantos asked if the noise level that they do make similar to a barking dog, and Mr. Cary stated certain goats are louder than others, but there is responsibility with them, and you need to take care of them.

Mr. DosSantos asked Mr. Ahia if he is looking to get strictly male goats, and Mr. Ahia stated their plan today is one castrated male and one female to start with. He stated one of the reasons they chose this particular breeder was because it is an experiment on his end; and if for some reason it does not work out, this breeder is willing to take the animals back at any time. Mr. Cary agreed.

Mr. Gruen stated once a Variance is granted it stays with the property whether they take them back or not; and someone else can move into the house at a later date and get goats.

Mr. Gruen noted the bedding issue. He stated they sleep on straw or wood shavings, and they are messy. Mr. Gruen asked Mr. Ahia how he will dispose of the waste including the manure and the bedding. Mr. Ahia stated their investment is estimated to be approximately \$20,000. He stated they will have two series of fences, one being for where the goats will be, and then they will fence in the full yard as a means of making sure there is no way they can escape. Mr. Ahia stated they have also looked to get a storage shed to be customized for the purpose of handling the feeding, storage, and shielding from the neighbors. He stated they have put a lot of thought into making sure that this is low impact.

Mr. Ahia stated as he had noted when he was present on April 2, his intention is to be the kind of neighbor he would want to have, and he feels they have gone out of their way to not cut any corners to make sure that there is as little impact as possible.

Mr. DosSantos asked if it is the anticipation to have the goats at the rear of the property, and Mr. Ahia stated they would be in the rear corner of the property.

Ms. Lee asked if Mr. Ahia had indicated he was a Real Estate expert, and Mr. Ahia stated he owns a Commercial Real Estate company; and he has been a Witness attesting to Real Estate valuation and Hearing matters, and he takes property value very seriously. He stated he has invested in his property, and it is an asset he intends to protect. He stated he is not blind to the impact on property values for himself and neighbors.

Ms. Lee asked if someone recommended goats or just animal therapy for his twins. Mr. Ahia stated it was both. He stated he has been researching goats for nearly a year and different modes of therapy. He stated his children are beginning twice a week speech therapy this week. Ms. Lee asked what is it about the goats that would help them in the speech therapy.

He stated one of their challenges at this stage is that interaction with other people as well as pets is not as predictable as a child of their age who is on the normal spectrum. He stated dogs can be unpredictable as if you do certain things to them they can react and bite, and there is really not a safe way to predict that. He stated one of the draws to Nigerian dwarf goats in particular is that they do not have front teeth, they are not reactive, and they are a safe pet for someone who is not in position to be fully in control of how they are interacting with an animal.

Ms. Lee asked how big they get, and Mr. Cary stated 22" to 24" maximum with a weight of about 50 pounds.

Mr. Gruen asked how long they are thinking of keeping the goats, and Mr. Ahia stated it would be until it becomes a problem. He stated a problem could be anything. He stated they initially started with a different breeder who was closer, but it was important for him to have the option that if it did not work for their family or created a problem that was unforeseen, they wanted to be able to back out of it and try something different.

Mr. Zamparelli asked if they have tried something different such as a Lab since he has had Labs all his life and they never bite. Mr. Ahia stated they have not. He stated given the choice, his wife would much rather have a Lab or some other dog; however, it is not appropriate at the stage his twins are today. He stated it an unpredictable stage, although a couple of years from now, depending on their development, they would consider that.

Mr. DosSantos asked the lifespan of a Nigerian pygmy goat, and Ms. Cary stated it is an average of fifteen years.

Mr. McCartney asked the percentage of people who return the goats, and Ms. Cary stated it is not many. Mr. Cary stated his wife is a leader in the Rutgers 4H Animal Program in Monmouth County so they attend a lot of fairs with the goats. He stated children are involved in the 4H Animal Program and are heavily involved with daily interaction with the goats. He stated many of these children have special needs, and he does not recall in all the years they have been involved with this that there was ever an incident where a goat that did something that negatively impacted a child.

Mr. Gruen stated they do butt. Ms. Cary stated they do not have horns and from day one she does not encourage anyone to do anything with them with their heads. She stated goats will sometimes butt with each other in play, but hers never do it to humans the way she raises them. She stated she raises her goats from birth, and they are not like goats that you would get at an auction. She stated she raises them with a bottle in her hand, and she takes “big precautionary measures” so that they are great with kids.

Mr. Gruen stated these are “not stuffed animals,” and they are animals same as a dog; and they are unpredictable. Mr. Gruen stated it is the same with goats; and if you turn your back, for some reason they could hurt you. He stated it is not the “safest animal in the world like a stuffed animal.”

Mr. McCartney stated the concern is granting a Variance on a property means that it stays with it forever. He stated if the Variance is forever, and Mr. Ahia decides to keep the goats for two years, someone else could come in and still have the Variance. Mr. McCartney asked Mr. Flager if the Variance will give him everything within the five-acre Ordinance that the Board would be giving him a Variance to or is it specifically just for goats. Mr. Flager stated the Variance is just as requested if they can have goats on one acre instead of five.

Ms. Lee asked if the Board could not put limitations on the Variance such as the two fences and a limit of no more than two goats; and Mr. Flager stated the Board could do that.

Mr. McCartney stated with regard to the Real Estate piece, he understands that Mr. Ahia is an expert in that; and Mr. McCartney stated Mr. Ahia should understand that market reaction is based on the participants in the market, and he guesses that is what the Board will hear from the audience.

Mr. Zamparelli stated he feels it sounds like a dangerous precedent, and he is concerned about the future and who will come in next. He stated he feels it is a bad idea; and he “does not believe it about the dogs as he has had them.”

Ms. Kirk stated the Township wishes to participate in these proceedings. Ms. Kirk asked Mr. Ahia if the area he resides in is wholly Residential, and Mr. Ahia agreed. Ms. Kirk stated his property is less than five acres, and Mr. Ahia agreed. Ms. Kirk asked Mr. Ahia if he understands that the goats are considered as livestock under the Township’s Zoning Ordinance, and Mr. Ahia agreed. Ms. Kirk asked Mr. Ahia if he is requesting two to three goats; and Mr. Ahia stated the intention was two, but as they are herd animals, if there was an issue where they needed to add a third

goat, they would add a third for the sake of the animals. Ms. Kirk stated the goats would be maintained and kept outside 100% of the time, and Mr. Ahia agreed. Ms. Kirk stated they would not be brought into the house, and Mr. Ahia agreed they would not.

Ms. Kirk asked where the fencing for the goats would be located, and Mr. Ahia stated facing the property, it would be at the rear right-hand side of the property at the required Ordinance setback.

Ms. Kirk provided Mr. Ahia with a pack of photos that were taken off the Redfin listing. She asked if the first photograph is an accurate depiction of how the exterior front of his house looks, and Mr. Ahia agreed although they have done a few upgrades since that photo was taken. Ms. Kirk stated that photo does show that there is a fairly front yard with the house behind it. Ms. Kirk noted the second page, and she asked if that is an accurate depiction of a rear patio area in the back yard, and Mr. Ahia agreed. Ms. Kirk stated behind the patio area there is an expansive section of greenery, and she asked if that is representative of his back yard; and Mr. Ahia stated it is part of his back yard. Ms. Kirk noted the third page, and she asked if that is a fairly accurate depiction of the patio going into the house, and Mr. Ahia stated it is. Ms. Kirk asked if the fourth picture is an accurate depiction of the entry way from the rear patio into the back yard, and Mr. Ahia agreed. Ms. Kirk asked if the next picture is an accurate depiction of the rear yard, and Mr. Ahia agreed. Ms. Kirk noted that photograph again, and she asked if there is any section of that rear yard that will be used for the goats; and Mr. Ahia stated there is not. Ms. Kirk stated the next picture is from a different angle and shows part of the driveway, and Mr. Ahia stated that is an accurate depiction of the rear yard. Ms. Kirk asked if any of that area will be used for the keeping of the goats, and Mr. Ahia stated it will not. Ms. Kirk noted the last picture, and she asked if that shows the rear and side part of the rear yard; and Mr. Ahia stated it does for the most part, but it does extend further to the right. Ms. Kirk asked if the goats will be kept in that area, and Mr. Ahia agreed. Ms. Kirk asked where exactly they will be kept, and Mr. Ahia stated the property extends further to the right than this picture shows, and in the furthest rear and right setback of the property is where they will be kept.

Ms. Kirk asked if that is where they are going to be kept the whole time, and Mr. Ahia agreed. Ms. Kirk stated in order for his twins to see the goats, they will have to leave the house and go to the corner of the property. Mr. Ahia stated that is where the goats will be kept; but with the entire yard fenced, if they wanted to come out and play with his children under supervision, they could come out within that fenced rear yard. He stated the goats would never be unattended outside of the corner of the property.

Ms. Kirk asked who recommended the pygmy goats as the best animal therapy for his twins. Mr. Ahia stated they consulted with many experts. He stated his father who is a Township resident is a Licensed Psychologist and Therapist of forty years, and through his network, they were able to get some fairly expedited counsel that they would not have been able to get as quickly. He stated they also consulted with the Bucks County Intermediate Unit as well as animal experts. Ms. Kirk asked if the Bucks County Intermediate Unit recommended pygmy goats for speech therapy, and Mr. Ahia stated they heavily validated the decision. He stated he asked if others that are in their situation have done this, and they were advised that it is something that helps. Ms. Kirk asked if any medical doctors have recommended pygmy goat therapy, and Mr. Ahia stated it is more of a psychological issue than a medical issue. Ms. Kirk asked if this therapy is intended to work by his children interacting with these animals, and Mr. Ahia agreed.

Ms. Kirk asked Mr. Ahia if there are any other residents in his immediate area that have goats for pets; and Mr. Ahia stated while there are not in his neighborhood, he understands that there was an approval in November, 2018 for the property at 1450 Dolington Road which he believes were Nigerian dwarf goats. He stated that was one of the points that he used for precedence for submitting the Application. Ms. Kirk asked if there are any goats in his neighborhood that are kept as pets, and Mr. Ahia stated there are not. He stated the property he was referring to is approximately one mile away from his property.

Ms. Kirk asked Mr. Ahia if he is in the upper area of the Township; and Mr. Ahia agreed based on the border with Newtown. Ms. Kirk asked if it near Dolington/ Lindenhurst area, and Mr. Ahia agreed. Ms. Kirk stated there are farms in that area, and Mr. Ahia stated there are in that part of Bucks County. Ms. Kirk stated there are also petting zoos around “and things of that nature;” and Mr. Ahia stated he is not aware of any that are in the immediate proximity.

Ms. Kirk asked to have the photographs marked collectively as T-1 and entered into the Evidence.

Ms. Kirk asked other than the fact that his children suffer from a speech delay, what physical characteristic of the property is such that would require them to get a Variance for the animals. Mr. Ahia stated there is no physical characteristic that would necessitate a Variance it is just the Ordinance that has the five-acre minimum Lot size requirement. Ms. Kirk stated the property is being use for its intended purpose of a residence, and Mr. Ahia agreed.

Mr. Gruen stated the Variance that was approved in November was because her house is situated on a 100 to 120 acre open space area, and the neighbors came in supporting that. He stated her property is isolated, and she is surrounded by open space with no direct neighbors.

Ms. Lee stated she believes that the Board also put on a Condition that for additional space, and Mr. Gruen stated she had to enter into a five-acre Agreement with the open space so that she could use that for the goats. Ms. Lee stated she believes that she leased that space for \$1.

Mr. Gruen asked how many square feet a goat would need on average for space to be comfortable, and Mr. Cary stated that is difficult for them to answer as they have a six-acre farm. Mr. Gruen asked Mr. Ahia how large of a space he will provide for the goats for a play area, and Mr. Ahia stated he believes that it will be 200 square feet. Mr. Gruen asked if that is sufficient for two to three goats, and Ms. Cary stated there will be interacting with the children so that they will be coming out. Mr. Gruen stated that would be for an hour or so in a day, since the children will be in School; and the goats will be there most of the time alone.

Dr. Weiss stated he believes that in one of the Exhibits indicates that for each pygmy goat there should be 250 square feet. Mr. Ahia stated that is the guideline they were using; and if it is 250, they may opt for 300 to 400 square feet.

Ms. Lee stated the map indicated that Mr. Ahia's property backs up to another Residential property, and he showed the tree line between the two properties. He stated he stood at the far right corner of the property to see who would actually be able to see where the goats were, and it would be almost impossible to see them from the street or by any of the neighbors except for the neighbor on the right. He stated the neighbor on the right has submitted a letter of full support. It was noted that was Ms. Connell.

A short recess was taken at this time. The meeting was reconvened at 8:20 p.m.

Mr. Ahia stated his neighbor to his immediate right who offered the letter in support did so unsolicited, and he noted that she is a medical doctor. He stated she looked at the packet that had been distributed, and she assured him on behalf of his family and children there was zero concern of diseases from the goats being transmitted to his children let alone to others.

Mr. Gruen asked that those wishing to make public comment to not keep repeating what has been stated already, and they could just state they agree with what was previously stated.

Ms. Jill Cohen, 1976 Boxwood Drive, was sworn in. Ms. Cohen was asked to show on the map where her home was located in relation to the Applicant; however, her property was not visible, and she noted approximately where her home is located. She stated she can see Mr. Ahia's house from the back of her home.

Ms. Cohen stated she sent a letter to most of the Board and she has additional copies which she provided this evening. Ms. Lee asked if she sent it to the Zoning Hearing Board, and Ms. Cohen stated she sent it to the e-mail addresses that she had although it may have not gone to everyone.

Ms. Cohen stated she is present to oppose the requested Variance "in the strongest possible terms." She asked if she should read her letter so that it is part of the Record, and Mr. DosSantos stated the Board did receive a copy. Ms. Cohen stated she has attached five Exhibits, two of which are from Websites for people who advocate for living off the grid, and living a farm-to-table lifestyle. She stated one of them is called "Living Homegrown: Live Farm Fresh Without the Farm." She stated it includes an article called, "The Truth About Keeping Goats" where the person has researched keeping goats at home, and this is someone who keeps other animals, and concludes ultimately that keeping goats in a Residential neighborhood has a lot of potential pitfalls and problems. Ms. Cohen stated Exhibit B is from a Website called "GoatConnection.com" which is a Website aimed for goat owners; and it is called "Managing Sheep and Goat Manure," which is about how goat owners can properly manage it correctly to avoid some of the problems that can be present with manure. Ms. Cohen stated Exhibit C is from a Website called "My Homestead Life;" which is another Website that is aimed at people who want to have a homestead of life to grow their own vegetables, have their own animals, and have their own eggs; and it is called "Top 9 Reasons Why You DON'T Want Nigerian Dwarf Goats." She stated it is an article with many reasons aimed specifically at this particular breed which Mr. Ahia has researched and chosen. Ms. Cohen stated Exhibit E is from a British Website called "The Royal Society for the Prevention of Cruelty to Animals," and it is an article entitled, "Goats: Introduction to Welfare and Ownership." She stated it is a guide for people who want to own goats with a lot of precautions that people should take if they want to own goats.

Ms. Cohen stated even if the Variance is not Denied tonight, she would hope that Mr. Ahia is “up to speed on all of these things,” because they are mostly aimed at people who want to have goats and do have goats and how to properly do it including “stuff” such as how many square feet per goat is recommended.

Ms. Cohen stated she had five main reasons why she is very opposed to this requested Variance. She stated one of the reasons the Variance should be Denied is because goats pose a potential threat to public health in a Residential neighborhood. She stated she mentions this first because she feels it is the most serious. She stated she understands that Mr. Ahia’s neighbor, who is a medical doctor, has indicated that the goats do not pass disease to humans; however, the research that Ms. Cohen has attached which was Exhibit D which she skipped, was from Lincoln University – the title of which is “Goat Diseases and Farm Her-Health Safety.”

Mr. DosSantos stated what the neighbor actually stated was that the risk in this area is very slight because a lot of the goat diseases are not prevalent or transferable in this area.

Ms. Cohen stated Lincoln University is one of the leading Universities which confers degree in agriculture and related fields. She stated they have a subdivision called, “Small Ruminant Animals,” which covers goats and sheep, so they have a Department within this University dedicated to that type of breed of animals; and that is what this publication she is referring to is. She stated the publication talks about herd health, and it classifies all the different diseases that goats can carry. She stated the article is aimed for people who want to keep goats for Commercial or personal reasons, and is aimed for people who want to keep their goats healthy. She stated it breaks down the diseases between diseases that pass only between goats, diseases that pass between goat and other animals, and diseases that can pass between goats and people, which is called zoonotic. She stated this article states that 75% of new pathogens discovered in goats are zoonotic. Ms. Cohen stated “whatever this neighbor believes about our area or whatever,” this research from Lincoln University, which she believes is the leading University in this “type of field of animals,” says that there is a risk. Ms. Cohen stated this her biggest concern for herself, her young children, as well as Mr. Ahia’s children “even if he is not concerned.” Ms. Cohen apologized for the way that comment sounded, and she meant that she is concerned for all residents in the neighborhood.

Ms. Cohen stated her second concern for health and safety is that goats will attract predators to the neighborhood. She stated there are coyotes and foxes; and a lot of people who grew up on farms who feel that some of the foxes in the neighborhood are rabid because they are coming out during the day and coming right to the front doors. She stated she feels it is common sense that the goats will attract more of these predators and research will support that. Ms. Cohen stated they cannot only harm people, but also pets in the neighborhood; as there are a lot of outdoor pets in the neighborhood, and she does not want the goats to attract more predators to the neighborhood.

Ms. Cohen stated also in terms of public health, many goats ultimately electric fencing; and she saw this on every single site that she looked at. She stated it stated that if goats can fit their heat through it, they can escape through the fence. Ms. Cohen stated she believes that the Toll Bros. original Development Plans required that the fencing have a certain number of spacing between the fence; and unless they are planning on putting up a 7' fence that is completely solid, the likelihood is that Mr. Ahia will eventually need live wiring. Ms. Cohen stated she believes that the goats will be attractive and other children, and she believes that goats are an attractive nuisance. She stated this is something that attracts children and other people to the potential danger even "if unto itself it is not a dangerous thing." Ms. Cohen stated she believes that her children are going to want to go see the goats; and if there is a live wire, that frightens her particularly as her children get older and are given more freedom to ride their bikes by themselves.

Mr. Gruen stated an electric fence is not what she thinks it is, and it is not 110 volts. He stated it is very low voltage, and you can touch it, and you will get a "tingle that will not hurt anybody." Mr. Gruen stated an electric wire is a non-issue as he had an electric fence, and it will not hurt anybody. Ms. Cohen stated they could therefore take that out of her letter.

Ms. Lee stated it may keep neighbors from going into Mr. Ahia's property. Ms. Cohen stated she will "certainly warn her children."

Ms. Cohen stated her next reason for denying the Variance is because the goats pose a threat to the environment in a Residential neighborhood. Ms. Cohen stated any farm is subject to regulations that address manure management, groundwater, and how livestock effect the environment. She stated if the Board grants this Variance, these homeowners are not going to be subject to the regulations that apply to farms so there will not be the type of oversight that is normally applied to places that have animals. Ms. Cohen stated if the Variance is granted, she hopes that there will also be some oversight required about the environment and how that will be impacted. She stated the manure management is "a real thing."

Ms. Cohen stated Exhibit B states, “Sometimes a few animals cause more difficulties than a large Commercial flock or herd, especially when the animals are confined in buildings and small lots in suburban areas.” She stated the confining of the goats poses a bigger challenge with the manure versus five acres. Ms. Cohen stated the problem with manure is not just the smell, it is that the manure attracts flies, insects, rodents; and rodents carry ticks, and ticks carry Lyme disease. She also noted issues with water pollution from run off. She stated even with the best waste management plan that is perfectly executed, it will still attract flies and rodents; and that is “gross.” She stated she should not have to live across the street from that. She stated groundwater is a big concern for her in the area.

Ms. Cohen stated with regard to health and environment, she believes that the Township needs to consider the liability of the Township itself if the Variance is granted and these problems come to fruition. She stated when you come back from traveling out of the Country, they ask you if you were on a farm; and the reason they are asking that is because there are parasites that are unique to animals. She noted Anthrax which is something commonly found on a farm; and while she is not saying everyone will get Anthrax, something like that or some unknown parasite could originate from these animals and get introduced into the Township. She stated she believes that someone could say that the Township was negligent in granting the Variance, and she feels at a minimum before this is granted, the Township needs to do a “deep dive” into the legal liability of the Township itself on the health and environmental issues. She stated if the worst case scenario does come to fruition even in small measure, the Township has to consider its own liability from residents who ultimately become effected by these health and environment issues.

Ms. Cohen stated the Variance should be denied because the goats pose a nuisance. She stated everyone she has mentioned this to casually seems to have a “visceral reaction,” and they understand why someone would not want goats. She stated the smell will impact them when they are outside trying to enjoy their patio, deck, and pool; and the goats will bleat anytime they want attention, are hungry, or are thirsty. She stated it is a goat and it will not be silent. She stated they are herd animals; and Mr. Ahia has indicated that if two goats are too lonely, he will want a third, and that is three fifty pound animals potentially. She stated she feels his is a legal concept of nuisance. Ms. Cohen stated everyone has a legal right to quiet enjoyment of their property, and she feels that the smell and the noise will interfere with that. Ms. Cohen stated Route 532, which is very close to Mr. Ahia’s property, is a busy road with a lot of traffic; and noises can startle goats and cause them to bleat. She stated there were a lot of sites that addressed that in the information she provided.

Ms. Cohen stated also in terms of nuisance, goats have very “undesirable sexual behaviors;” and when uncastrated male goats are in heat they produce very foul smells and urinate on themselves. Mr. DosSantos stated Mr. Ahia already indicated that they would be castrated males. Ms. Cohen stated she arrived late and missed that. Mr. Gruen stated they indicated they may have a female and an uncastrated male. Ms. Cohen stated she read in the article from the British Society for Prevention of Cruelty to Animals that castration often helps with the glands that emits the smell during heat, but it does not always. She stated it is therefore possible that the castration will not mitigate the smell that comes with goats being in heat, and Nigerian dwarf goats are in heat once a month, which is “way more” than all the other breeds. She stated of all the breeds this seems to be the worst breed in terms of the smell. Ms. Cohen stated she has a very sensitive nose, and she does not want to smell the goats when she is at her pool on an 80 degree day nor do her elderly parents who visit her; and it would be intolerable for them. Ms. Cohen stated she bought her “big, beautiful house,” for her family to be able to come and enjoy her property.

Ms. Cohen stated goats are “escape artists,” and it depends on having neighbors that who “are friendly, happy, and nice,” and she stated she is not that “altruistic.” She stated she does not want goats on her property, she does not want them eating her landscaping, and she does not want to find them in her yard. She stated from what she has read, there is a chance that they will escape, and that is a nuisance to her. Ms. Cohen stated none of this is personal, and she just does not want goats.

Ms. Cohen stated the Variance should be denied because it will negatively impact the property values. She stated her home is her biggest investment. She stated she feels they could ask Realtors, and she will do that if necessary; and she feels there are people who will refuse to even consider a house that is in a neighborhood with this proximity to goats, and she would not have even set forth on her property, if there were goats. She stated she believes there are people who are like her, and that will reduce the pool of interested buyers in the neighborhood. She stated by decreasing the pool, you decrease demand, and by decreasing the demand, you decrease the price. She stated she can guarantee that it will reduce the foot traffic of interested buyers if they learn about the goats. She feels that the property value is very significant for herself and everybody in the neighborhood.

Ms. Cohen stated she feels the Variance should be denied because it creates a negative precedent. She stated Mr. Ahia mentioned how another property got a Variance for goats, and she asked what will happen if someone wants a pig pen or a cow, four more goats, or chickens. Mr. DosSantos stated the Zoning Hearing Board does not rule on precedence, and it is a case-by-case basis. He stated the Variance which was granted

for the goats had circumstances which were vastly different from what they are here. Ms. Cohen stated while she understands that the Board does it case-by-case; however, there is “some sort of psychological or anecdotal precedent that gets created even just in the mind of future Board members.” Ms. Cohen stated it also creates precedence for other Variances that have nothing to do with animals, and people could state “you granted them a Variance, why not me.” Mr. Gruen stated that would go back to it being considered on a case-by-case basis.

Ms. Cohen stated Mr. Ahia does have other options such as more conventional therapy options for their children and even other therapy animal options. She stated while he may feel that a dog is not appropriate although she feels a goat is just as likely to bite as dog. Ms. Lee stated it was testified that goats do not bite because they do not have front teeth. Ms. Cohen stated if a dog is not appropriate, they could have a cat, a rabbit, a Guinea pig, a hamster, or a lizard. She stated there are a lot of animals that you can pet that are conventional and do not require a Variance. She stated they also have other options to interact with goats. She stated we live in Bucks County, and “there are a million farms,” and there is a farm a quarter mile away. She stated there are petting zoos, and therapy animals. Ms. Cohen stated she knows speech therapists that work with therapy animals and bring them to homes if required. Ms. Cohen stated if they really want farm animals, they can buy a farm. She stated she understands that Mr. Ahia is a very successful businessman.

Ms. Lee stated she does not feel Ms. Cohen should be bringing in his income or anything like that into this. Ms. Cohen stated she did not mean to be disrespectful, but they do have options; and this is not a choice where they have to be in that house for the rest of their lives.

Ms. Cohen stated the Zoning laws exist for a reason and must be followed fairly and neutrally. She stated one family’s individual, personal desire to keep pet goats, whatever the reason, is insufficient reason to deviate from well-reasoned and established laws that apply equally to all. She stated presumably these laws exist to protect individual residents, the community at large, and the Township. itself. She stated the individual freedoms that we all enjoy are not without limits. She stated our local laws ultimately are enacted through a Democratic process. She stated our freedoms include the freedom to be free from unreasonable interference with quiet enjoyment of our own properties. She stated the community’s right to be free from the noise, smell, nuisance, and even potentially danger of goats simply outweighs one family’s personal desire to obtain a Zoning Variance to raise goats on a one acre property in a Residential neighborhood. She thanked the Board for hearing her comments and for their consideration.

Mr. Gruen asked if she would like Party Status; and Ms. Cohen stated she has Party Status, and she got it to formally request the “adjournment.”

Mr. Ahia stated he appreciates the level of research and advice, and he has read all the same articles. Mr. Ahia stated he does not want to question the sincerity of her concern; but as he noted when he appeared before the Board on April 2 that he agreed to postpone the meeting specifically at Ms. Cohen’s request with the caveat that they would use that time to hear any concerns so that he did not have to come and take up the Board’s time to present this matter if there were concerns that he was not aware of. He stated the packet Ms. Cohen presented went to a series of homes in the neighborhood all around his property, but was not provided to him. He stated he appreciates the advice, and stated he can assure Ms. Cohen that he is well capable of raising his children, keeping them safe, and making decisions about the value of the property. He stated while he appreciates the advice, he would not presume to give Ms. Cohen advice on the decisions that she makes. Mr. Ahia stated his business is irrelevant in this case. He stated he will respect the decision of the Board. He stated he could present “mountains of research as well,” but he does not feel this is the forum to do that, and he is relying on the experts who he asked to accompany him today.

Ms. Cohen stated she did try to communicate with Mr. Ahia when she sent the letter to the Board about the shed, the footprint of the shed, and the permeable surface; and Mr. Ahia responded to her in a negative way. She stated there were two e-mails back and forth, and at that point she made a decision not to communicate further based on his response to that. Ms. Cohen stated she did not distribute the information to every house in the neighborhood.

Ms. Cohen stated the experts described what they did to the goats so that they know not to butt people, and she asked if Mr. Ahia’s children with disabilities will have to know to do that. Ms. Cohen stated there are certain hand movements that you should and should not do to not provoke the goats, and it is “not credulous” to her that people and children over the fifteen lifespan of these goats will not do that at all times. Mr. DosSantos stated the goats are on his property, and he can restrict who is on his property and advise whoever comes on his property how to interact with the goats. Ms. Cohen stated while she agrees, she is questioning their expertise. She stated she feels that this is an inconsistency.

Ms. Cohen stated at the last meeting Mr. Ahia indicated that he would consider withdrawing his Application for the Variance if enough neighbors opposed it, and she stated she would like to remind him of that statement because she believes that

there are a lot of neighbors here who do opposed it. Ms. Cohen stated the experts that Mr. Ahia brought with him have a vested financial interest in the outcome of this as well as promoting the raising of Nigerian goats.

Mr. McCartney asked Mr. and Ms. Cary in their experience how many people who they sell goats to have larger tracts of land, and Ms. Cary she has sold to customers on the same amount of land of Mr. Ahia. Mr. McCartney asked if there is a recommended acreage per goat, and Ms. Cary stated goats would rather have a small are with a lot of things to climb on than big, open fields. She stated they do not need big, open areas.

Mr. DosSantos stated one of Ms. Cohen's concerns was the diseases, and he asked Ms. Cohen her experience with the disease environment for Nigerian pygmy goats, and Ms. Cary stated she stated what was noted by Ms. Cohen as "ridiculous," and she specifically noted Ms. Cohen's comments about anthrax. Mr. DosSantos asked Ms. Cary what her experience has been with this breed, and Ms. Cary stated it is virtually none. Ms. DosSantos stated there was also a concern about the goats escaping, and he asked if they are "escape artists" as portrayed by Ms. Cohen. He also asked about the height of the recommended fencing. Ms. Cary stated they could install a 4' to 5' fence with 2 by 4 openings, and that would definitely keep them in. Mr. Gruen stated goats are like "Houdini." Ms. Lee stated she has seen dogs that burrow, and dogs that do not.

Mr. DosSantos stated there was also a concern about the smell of the goats when they are in heat; however, if they castrated, they will not be in heat. He asked about the travel radius of goat smell. He asked if this is something that could be expected if they are castration does not work, and the smell glands are still in full effect; and he asked if someone who is living where Ms. Cohen is living could smell it. Ms. Cary stated castration is 100% effective, and there is absolutely no smell. She stated the smell is only bucks, and she does not sell bucks, and she only sells castrated males. Mr. DosSantos asked even if there was a smell, how far would the smell radius be, and Ms. Cary stated it would be very small.

Mr. McCartney asked that any Witnesses that come up to speak only offer new Testimony as he feels they can all agree that Ms. Cohen gave a detailed Testimony of what her concerns. He stated those coming up to speak could just agree with what Ms. Cohen has Testified to although they could add additional Testimony.

Mr. Tim Wiegand, 1716 Powderhorn Drive, was sworn in, and he showed the location of his property in relation to the Applicant's which he stated is pretty close. Mr. Wiegand stated he would request Party Status. He stated he is concerned about

the “judgment” involved with this. He stated he tries to be a good neighbor; and if he wanted to do something that he knew his neighbors would be annoyed or would potentially have to come to a meeting like this and challenge it, he would be going out of his way to alleviate and try to mitigate concerns that my neighbors had. He stated that did not happen, when he feels is “disturbing.” He stated he spoke to many of the neighbors in the neighborhood, although not the one who was in favor of this request. Mr. Wiegand stated no matter what the experts say about the smell, if the maintenance is not taken care of and manure not picked up, it will smell. He stated he agrees with everything else Ms. Cohen stated. He stated he is very concerned for his children. He stated Ms. Lee has talked before about Evidence, and he feels a lot of Evidence has been brought to support opposition of this. He stated this is his home and where his children play, and he takes that very personally. He stated putting money aside as to how much this could affect his home value he is truly concerned about coyotes and foxes, and he feels the goats bring a new danger to our society that we cannot fully quantify. He stated he is not at the point where he would accept Mr. and Ms. Cary as experts.

Mr. Wiegand stated the Zoning Board has the five-acre minimum in place to protect citizens like himself and his family, and he feels the law is there to support him and protect him; and if an exception were granted for this Variance, he would vigorously Appeal this.

Mr. Wiegand stated he also has a letter that he can submit into Evidence if need be from the neighbor next door who could not be here today. He stated it is from Meri and John Stevens, 1712 Powderhorn Drive. Mr. McCartney stated he feels submitting it would be appropriate. Mr. Gruen asked if they are in favor of it or against it, and Mr. Wiegand stated they are opposing it. Mr. Wiegand stated they are also asking for Party Status, although he does not know if he can ask for that on their behalf. Ms. Lee asked if they are within the zone of being able to be a Party. Mr. Flager stated they are not within the Zone. He marked the letter as Exhibit Stevens-1.

Mr. McCartney advised Mr. Wiegand that they were able to submit the letter as part of the Evidence, but they are not eligible for Party Status as they were not listed on the list of those effected. Mr. Wiegand stated he has heard this before when he was at a previous Board Hearing; and while he seek legal counsel if he needs to it does not seem 100% sure what Mr. Flager clarified about this at the last meeting. Mr. Gruen stated he did look into that; and if Mr. and Ms. Stevens were here, as the Chair, he would give them Party Status, but since they are not here he cannot grant them Party Status. Someone from the audience asked that they elaborate on this; however, Mr. Flager stated they could not since it would hold up the Hearing, and it is not really relevant. He stated there are enough people

present that have Party Status that can challenge it so he does not feel they need to “waste more time on legal edifications about all types of things” that are not germane to this issue.

Ms. Kristin Wiegand, 1716 Powderhorn Drive, was sworn in. She stated she wishes she did not have to be here tonight. She stated her family is friendly with Mr. Ahia’s family, and she did not want to disrupt their relationship as their children play together; and the last thing she wants is to instigate any kind of animosity with a neighbor, but after taking the time to learn about goats over the past month, she cannot refrain from expressing her opposition tonight. Ms. Wiegand stated the Evidence has been laid out, and her main objections are for the health and safety of her family, her neighbors here and not here tonight, and the precedence that this may set.

Mr. DosSantos asked Ms. Wiegand if she is basically in agreement with what Ms. Cohen and Mr. Wiegand had stated, and Ms. Wiegand agreed.

Ms. Wiegand stated there is a reason that the Township has set these specifications to allow farm animals on Residential property, and she asked that the Board not deviate from that by approving this request for goats.

Mr. Dennis Jones, 1720 Powderhorn Drive, asked for Party Status for himself and his wife. Mr. Jones was sworn in. Mr. Jones stated he is the neighbor right across the street and he appreciates what Mr. Ahia is trying to do for his family. Mr. Jones stated it was stated that this would be low impact, and he questioned to who it would be low impact as he does not know what that means. He stated he has not seen a Plan, and he does not know any details of the Plan or the fence. Mr. Jones stated he does not know who will review the Plan to make sure it is done appropriately to meet the needs of the “specialists here.” Mr. Jones stated her heard that Mr. Ahia has never owned goats and is not trained in owning goats. Mr. Jones stated he does not know what kind of controls or oversights would be put in place if this is approved. Mr. Jones asked what would be his recourse if this is approved, and Mr. Ahia does not do it properly.

Mr. Gruen asked Mr. Majewski if the Township has any recourse other than Mr. Kirk, the Enforcement Officer. Mr. DosSantos stated Mr. Jones’ question was what was his recourse if this is approved, and his resource would be to Appeal it. Mr. Gruen stated he would like to know how the Township is going to monitor this if this is approved and how Mr. Ahia is keeping up with the health of the goats, the upkeep, cleaning, etc. which he feels is Mr. Jones’ question. Mr. Gruen asked Mr. Majewski if the Township has any kind of expert who will check on this. Ms. Lee stated she feels this would be or the same as with a dog owner or any other animal issue.

Mr. Jones asked what he should do if he sees the goats running around or smells any odor, and Mr. Gruen stated then he should call the Animal Control Officer.

Mr. Majewski stated the Township responds to complaints from neighbors about properties so that if someone did observe a problem such as the goats escaping, noise, or smells, they should contact the Township; and the Township will refer to the appropriate authority whether that would be the Township's Animal Control Officer, the Board of Health, or to the Code Enforcement Officer to take the appropriate action. Mr. Gruen stated they rely on neighbor's complaints; and Mr. Majewski agreed, adding that if no one is complaining, there is no issue. Mr. Gruen stated it will be up to the neighbors to monitor this; and if there is a problem, they should contact the Township. Mr. Jones stated they are therefore waiting until "something happens," and Mr. Majewski stated hopefully nothing will happen.

Mr. McCartney asked how many man hours it would take a week to manage three goats and keep a sanitary environment. Ms. Cary stated she has thirteen goats. She stated you go out in the morning to give them fresh water and hay, in the evening, you can clean up a little after them. She stated it does not take a lot. Mr. McCartney asked if it would be about one to two hours a day, and Ms. Cary stated that would be "plenty." Mr. Gruen asked how often they change the bedding, and Ms. Cary stated it would be once a week. Mr. Gruen agreed it would depend on how many goats are using one particular pen, and if there was only one goat it would be less time.

Mr. Flager asked Mr. Jones if he was requesting Party Status and he was opposing, and Mr. Jones stated he is requesting Party Status and is opposed.

Mr. Steve Rosen, 1988 Amber Drive, was sworn in. Mr. Rosen stated he lives next door. He stated unfortunately he did not receive the first Notice, but he did receive the second one which is why he is here. He stated he is seeking Party Status and is opposed as he is concerned about the smell and the noise. He stated he has put his feelings in writing which he provided to the Board. Mr. Flager marked this Exhibit as Rosen-1.

Ms. Susan Herman, 1977 Boxwood Drive, stated she and her husband live in the same neighborhood as Mr. Ahia. Ms. Herman was sworn in. Ms. Herman asked that they become a Party to the proceedings this evening, and they strongly oppose the requested Zoning Variance due to the serious negative impacts that it will have on the healthy, safety, and welfare of other residents in the neighborhood. She stated they are in complete support of the May 5, 2019 letter submitted by Jill and Raphael Cohen.

Ms. Herman asked how they could enforce that the goats would be male and castrated. She stated when the property is sold to the next individual, how can they insure that if they want goats, they will be Nigerian Dwarf goats and not another type of goat. She stated as the property changes hands, how can they insure the same level of care and conscientiousness in raising the goats that Mr. Ahia might give them.

Ms. Herman read from Ms. Cohen's Exhibit C as follows:

"Oh, my goaty goodness are they loud. Most of the time you wouldn't even know you have goats, but when they want something (generally your attention) or they are in heat? WOWZA. I once had a neighbor across the street call and ask if one of our daughters were injured. They sound like screaming girls. Their bleating is like none other. Because we live in a development with relatively close neighbors, we needed to stay outside with them during every heat cycle from sun up to sun down to. keep the noise at bay and the cops from visiting us. They are loud. If you have the acreage this should not be a problem for you. But if you live in a community like me? Bring a good book and a chair because you will be pulling noise control once a month."

Ms. Herman stated the neighbors do not want to be calling the "cops every day because we are being disturbed." Ms. Herman asked that Board not approve this request.

Dr. Raghan Abouasaleh, 1685 Powderhorn Drive, was sworn in. She stated she agrees with everybody "with what they said." She stated she would like to add her professional opinion with having the goats as a recommended animal therapy for certain conditions or disabilities as she has never encountered such information or studies. She stated while there is animal therapy, but it is not that goats stand out for certain conditions.

Ms. Lee asked what kind of Doctor she was, and Dr. Abouasaleh stated she is an Internist – an Internal Medicine Specialist. She stated she does encounter problems with mental health, disabilities, and part of her patients do see therapists, but she has not encountered goat therapy being recommended for certain conditions proven to be highly efficient.

Dr. Abouasaleh stated she would request Party Status.

Mr. DosSantos stated he has never heard a goat, but he hears barking dogs all the time which can be annoying; but since it is a dog it is accepted. He stated he asked if a goat makes a high-pitched sound or is there something particular about the sound of a goat bleating. Ms. Cary stated she finds the sound made by a goat to be much better than a dog “yelping.” Mr. Gruen stated there are Ordinances against dogs barking. Mr. DosSantos stated his point was not whether it was against an Ordinance, it was more the sound made. Ms. Lee stated the difference is that the goats would be kept outside twenty-four hours whereas dogs should be brought in, although they are not necessarily all brought in. Mr. Gruen stated there is a familiarity with the sound of dogs.

Mr. Flager asked Ms. Cohen if she formally moved her packet into Evidence, and if she wanted to do so. Ms. Cohen stated she would like it put into Evidence, and Mr. Flager marked it as Exhibit Cohen-1 and all the Exhibits would be 1A through 1E.

Testimony was closed.

Ms. Lee stated before a Motion is made she hears that there is great opposition. She stated she could go on the Internet and probably find things both for and against this. She stated in “today’s society where we are so completely divided on so many issues, it is really sad that our neighbors are here coming out and opposing something that this man wants to do for his children who are afflicted with something” and he thinks he can help his children. Ms. Lee stated she feels the evidence shows that he has gone out of his way to keep the goats on his property with double fencing. She stated this is something Mr. Ahia feels his children need as does their therapist who recommended this. She stated she sees no issue with Mr. Ahia having two goats on his property. She stated she feels that there has been enough Testimony today that there will not be a smell issue, and there may or may not be a sound issue; but she does not feel that is a “Variance thing.” Ms. Lee stated she feels the Board has heard a lot of emotion although she is not disregarding that. She stated she lives next to a neighbor who has three dogs, but it is her neighbor and the dogs make him happy. Ms. Lee stated while she does not see an issue, she is bound by a Zoning Ordinance, and there has been a lot of opposition. She advised Mr. Ahia “my heart goes out to you because I think you are being a little railroaded by your neighbors here.” A number of people present in the audience took exception to this statement. Ms. Lee advised it was now her turn to speak and this was her “gut reaction” from what she had seen today.

A gentleman asked if he could respond to this, and it was noted that the Public Comment portion has been closed. Mr. McCartney stated he did not feel that would be “advantageous” to the Hearing.

Ms. Lee stated she feels this will probably be Denied based on what she has heard; however, she has no problem voting yes for this Variance with parameters that it be for two male, castrated goats, and that it be double fenced. Ms. Lee stated they are constricted with the current Zoning Ordinance.

Mr. Gruen stated this is the Zoning Hearing Board, and they are supposed to uphold the Zoning. Mr. Gruen stated “granted it is two goats, and he feels for him;” however, it is a one acre Lot, and this is not a minor request. He stated if he had four or four and a half acres, that would be a minor request, and he feels they could have gone along with it. He stated it is a one-acre Lot, and most of the neighbors oppose it.

Mr. Gruen moved and Mr. Zamparelli seconded to deny the Application.

Ms. DosSantos stated he is not an animal expert, and he does not know why the Zoning Ordinance provides for livestock, of which goats are a part of, to be on a five-acre parcel; but that is the Ordinance they are dealing with. He stated he agrees with Mr. Gruen that had his parcel been closer to that five acres, he would be inclined to support the Variance; but given the fact that he only has one acre, and there is such an “outcry” against it, he would agree with the denial of the Variance.

Motion carried unanimously.

Ms. Kirk left the meeting at this time.

APPEAL #19-1828 – CBRE, INC.

Mr. John Schwartz was present and stated he is present on behalf of CBRE for the property at 777 Township Line Road. He stated they are seeking a Variance for their new monument sign.

Mr. John Schwartz was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The rendering of the proposed sign was marked as Exhibit A-3. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Schwartz stated this is for the building located at 777 Township Line Road next to the farm. He stated they are requesting a Variance to install a new sign, and they would like to have it internally illuminated from the inside out. He stated the 777 and Township Line Road would be cut out, and it would be lit from the inside out. He stated at the current time, it is ground illuminated; and they have patients at the building from 6 a.m. to 8 p.m. and visibility has been an issue in the past. He stated they feel an internally-illuminated sign would be more of a draw so that patients can see it. He noted there are older patients who have eyesight issues.

Mr. Gruen asked Mr. Majewski if the proposed sign is to specs or is it larger than allowable. Mr. Schwartz stated it will be same footprint as the original sign, and they are just asking for internal illumination.

Ms. Lee stated she understands that the Ordinance would allow for a larger sign than what they have currently, and Mr. Schwartz stated he believes that it does allow for a larger sign than what they are proposing.

Mr. Gruen asked what part they are illuminating, and Mr. Schwartz stated it would be the 777 and there would be a light above the top of the names to shine down on the tenant names. Mr. Gruen stated in addition to the internal light, there will also be an overhead light. Mr. Schwartz stated it would be an overhead light or it could be ground-illuminated per the Code. Mr. Gruen stated per Code, they are allowed a ground-illuminated light. It was noted what is allowed is indirect lighting. Mr. Gruen stated what they are asking for is an internal light for the 777, and Mr. Schwartz agreed. Mr. Gruen asked if the light will just be white. Mr. Schwartz agreed, and stated they would abide by the lumens permitted.

Mr. DosSantos stated he understands the 777 will be cut out and illuminated, and he asked if Township Line Road will also be illuminated; and Mr. Schwartz stated it will be illuminated as well.

Ms. Lee asked if they could not achieve the same purpose by enlarging the sign and indirectly illuminating it rather than illuminating it from within and keeping it smaller. Mr. Schwartz stated part of the reason for the illumination from within was to make it more aesthetically pleasing than it is currently. He stated they are on a Commercial corridor, and there are no Residential buildings. He noted the building across from them has the internal illumination already. Mr. DosSantos stated it does not emit that much light, and Mr. Gruen stated it is like a "light box."

Ms. Lee asked Mr. Schwartz if he stated that the property across the street has an internally-illuminated sign, and Mr. Schwartz agreed. Mr. Majewski stated a Variance was granted by the Zoning Hearing Board for that sign last year or in 2017 to permit that. Mr. Majewski also noted there are not street lights in a lot of Lower Makefield so it does make it a little bit difficult for some of the businesses to be spotted as easily by passers-by.

Mr. Gruen stated since it is a medical building, he feels this would be better than the ground lighting which could get hit or moved. He stated if it is just a light box, he would be in favor of it.

Mr. McCartney stated the illumination for the list of businesses located at this location will continue to be from the ground, and Mr. Schwartz agreed.

Ms. Lee stated she is surprised that a Variance was granted last year for an internally-illuminated sign last year as she feels it is a slippery slope. She stated she is against internal illumination. She stated her concern is that they will start to look like Middletown. Mr. Gruen stated that is a good point; however, he feels that is why they should leave it that people would have to come to the Zoning Hearing Board for a Variance as opposed to a blanket change to the Zoning where they could illuminate their signs. He stated this way, they have to come to the Zoning Hearing Board; and the Board can find out exactly what they are going to do. He stated they would not have to approve the next one. Ms. Lee stated she does not have to approve this one, and she would not have approved the one last year.

Mr. DosSantos asked Mr. Schwartz if they put a restriction on this that it be strictly an internal light box only would that be acceptable, and Mr. Schwartz stated that would be fine.

Mr. McCartney asked for background on the type of illumination they would be looking at from similar signs to this, specifically the one that was approved prior to this one. He asked Mr. Majewski if he has driven past the one that was approved, and asked if there is a noticeable difference, light pollution coming from it, or anything that would be of concern. Mr. Majewski stated he has driven past it frequently, and he believes most people would not even notice it.

Mr. DosSantos asked if there is terminology to restrict this to an internal light box, and Mr. Schwartz stated when he read it, he felt it was more for a billboard, moving, animated-type screen, and for the illumination of the letters this was more in the line of the corporate area; and they would never go in that direction. He stated they want to keep the "clean-cut look." Mr. Gruen stated they would have white

back lighting of the letters, and Mr. Schwartz agreed. Mr. Majewski stated if they approve the Application as submitted, they would not be able to deviate significantly from that.

There was no open present in the audience wishing to speak on this matter.

Mr. McCartney moved and Mr. DosSantos seconded to approve the Variance as requested per the Plans and specifications in the Application. Motion carried with Ms. Lee opposed.

APPEAL #19-1829 – NVR, INC. T/A RYAN HOMES

Mr. Edward Murphy, attorney, was present and asked if the Board would be agreeable to his offering an Executive Summary; and this was acceptable to the Board. It was noted that no one was present in the Audience to comment on this Application.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The reasons for the Variance was attached, and this was marked as Exhibit A-3. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Scott Mills, engineer, and Mr. Jerry Murname, Ryan Homes, were sworn in.

Mr. Murphy stated they are seeking relief from a Special Collector Road setback which involves a portion of the overall Matrix/Regency project that was originally approved as part of a 2006 Stipulation for 165 condominium units. He stated that Plan was subsequently replaced in 2016 with 62 age-qualified townhomes. He stated part of the Plan involves 13 units that back up to Big Oak Road.

Mr. Murphy showed the Plan that was approved and is presently under construction that has a number of units that back up to Big Oak Road – and he noted them on the Plan as Units 53 through 62 and Units 1 through 13. Mr. Murphy stated the relief they are seeking has nothing to do with Units 53 through 62. He stated they may question when they need relief when it looks the same, and the reason is the internal road, Griffin Way, is not entirely parallel with Big Oak Road. Mr. Murphy stated it “pinches down” in one direction so there are a handful units that need some relief if options for increasing the great room as well as the master suite on the first floor are required.

Mr. Murphy showed a different Plan which he believes the Board has, which shows across the thirteen units in the darker gray, what pieces of each of the Units would be within the Special Collector setback. He stated Big Oak Road is a Special Collector road, and has a wider right-of-way than typical Township roads. He stated Big Oak Road has a 33' right-of-way, and the ultimate right-of-way is another 22', and the Collector Road setback is 50' beyond that. He stated the rear of these Units are 88 plus feet from the center line of Big Oak Road. He stated in between that 88' are street trees along Big Oak Road, a retaining wall since the Units sit below the surface of Big Oak Road, and the landscaping between the retaining wall and the rear of the Units. He stated because Griffin is not entirely parallel with Big Oak and because it is slightly deflected, there are pieces of the Units that would be within the Special Collector setback. Mr. Murphy stated because of the fact that these Units are architecturally set back from each other along the street to give them more appeal, that pushes some of these Units further back into the Lot.

Mr. Murphy stated it is for those reasons that it is creating the need for relief from less than 1' in certain of the Units to a maximum of 5' in some of the other Units.

Mr. Gruen stated he would like to know how they got to the point of Approval and construction and nobody caught this before. Mr. Murphy stated it was because the particular options available for the 55 and older community has two options that homeowners can choose. He stated one is an increase in the master suite and the other is an increase in the great room; and while that is not part of the typical package, 98% of the people choose those options. He stated they are trying to provide for those options for these Units. He stated while every Unit may not have it, more than likely they will. Mr. Gruen stated originally it was not approved with those options, and Mr. Murphy agreed.

Exhibit A-4 was marked which is a larger version of the Plan that was shown on the easel.

Mr. Murphy asked Mr. Murname and Mr. Mills if they were to Testify would they agree that the summary he provided of the facts given rise to the Application are accurate, and both agreed.

Mr. Gruen asked if they will be balconies; and Mr. Murphy stated that is not part of it, and it relates to the master suite expansion and great room expansion.

There was no one present in the audience wishing to speak on this matter.

Mr. DosSantos moved, Mr. McCartney seconded and it was unanimously carried to approve the Variance as requested in the Application.

APPEAL #19-1830 – GREGORY R. WOLD

Mr. Gregory Wold and Ms. Beth Wold were sworn in.

The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The letter submitted with the Application regarding the property and the Variance requested was marked as Exhibit A-3. The Photos of the site were marked as Exhibit A-4. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Wold stated they are asking for a Variance for impervious surface. He stated they have a “decent amount” of impervious surface that was there when they moved in. He stated they have a travel trailer that they wanted to get off the street and keep it out of the driveway, and they wanted to put it behind some arborvitaes that are on side of the property; and they had a paver pad put in there in order to park the trailer there. He stated they did that with a contractor who had done the same thing for them at their prior home and had submitted for the Permit when he did that, and they assumed that he had done there here as well, but they found out afterwards that he did not. He stated that is why they are submitting after the fact. He stated the Variance is being requested because the additional paver pad is putting them over the 24% limit. He stated he initially submitted the paperwork showing that he calculated it out at just over 26%; however, his neighbor who is an engineer pointed out that the 10’ at the front of his driveway is a 10’ setback from the property line so if they remove that, they are down to a 25.1% impervious surface.

Mr. Wold stated since it is a request for a Variance, he worked with Mr. Majewski on a number of remediation processes that they could use; and the one he would like to put the most focus on is the existing tree coverage which has significant water remediation built in, and they are well above the guidelines required for the level of mitigation they are looking for. He stated he would like to add that on one side of the pad itself, they also added additional arborvitaes.

Mr. Zamparelli asked if he did this without a Permit, and Mr. Wold agreed. Mr. Gruen asked if it is already existing, and Mr. Wold agreed. Mr. Zamparelli stated the contractor got a Permit for this at their last house, and Mr. Wold agreed. Ms. Wold stated when their contractor came to Lower Makefield he did not submit the Permit, and they were unaware of that until they got a letter in the mail. Mr. Zamparelli stated they were aware of the other one they got a Permit for in their prior home, and Ms. Wold stated he stated he

was taking care of it here, and so she never asked him. Mr. Zamparelli stated it is now after the fact, and Ms. Wold agreed. Mr. Zamparelli asked what they are doing with it, and Mr. Wold stated they are parking their 23' Airstream trailer. Mr. DosSantos stated it is a 30' by 9' pad, and Mr. Wold agreed.

Mr. McCartney asked Mr. Majewski if he went over other options for water mitigation with the Applicant; and Mr. Majewski stated they discussed all the alternatives that are available including rain gardens, infiltration trenches, and dry wells. He stated one of the issues that is a concern of the neighborhood is buffering from seeing the actual trailer. Mr. Majewski stated he therefore suggested that they plant arborvitae along the property line so that when they grow, they will shield the camper from the neighbors' view while at the same time providing the benefit of stormwater management mitigation.

Mr. DosSantos stated that the impervious calculations submitted show that he is at 26.1% when they should be at 24%. Mr. Majewski stated as Mr. Wold noted earlier they had measured extra driveway that was not on their property and was in the right-of-way; and when you subtract that out it comes to 25.1%. Mr. DosSantos stated the Variance is then not for 2.3% it is for 1.1%, and Mr. Majewski agreed. Mr. DosSantos asked if the three arborvitae that were planted will effectively remediate the additional 1.1% to bring it back to 24%. Mr. Wold stated the three arborvitae will not do the full remediation, but it is the existing tree coverage he is also considering to show that they have in excess of what they need for the full impervious surface.

Mr. DosSantos asked Mr. Wold if he has any run off problems at his property now, and Mr. Wold stated he does not. Mr. DosSantos asked if there are any flooding issues or do his neighbors have any flooding issues, and Mr. Wold stated they do not.

Ms. Lee asked when this was installed, and Mr. Wold stated it was installed a year ago. Ms. Lee asked if they have had any problems since then, and Mr. Wold stated they have not.

Mr. Gruen stated he is quite familiar with the property since friends of his used to live there. He stated the arborvitae in the front were scheduled to be removed because during a storm, they toppled over; and they are tied back and being held with ropes. he stated last year, they were supposed to be removed; however, that property owner moved and kept them. He stated in a storm, they might fall; and if not, in a couple of years, they are going to die because of the impact of the rope on the bark.

Mr. Gruen stated he feels there is another option, and the trailer could be put “down below” next to the storm drain by the fire hydrant at the back of the property. Mr. Gruen stated the travel trailer is quite reflective, and it is very “disturbing” as you go by. He stated it is a bright aluminum, “like a mirror.”

Mr. DosSantos stated but for the fact that it was not Permitted, is the pad itself in violation of any setbacks; since if not, he feels that would put a burden on them to require them to dig up the pad and rebuild it. Mr. Majewski asked Mr. Wold if he recalls how far the pad is off the property line, and Mr. Wold stated it is about 10’ off the street. Ms. Wold stated they met the guidelines of the Township as to where it is located. She added that was one of the big points in their search for a home in Lower Makefield because they wanted to make sure that they had a place for the Airstream that was not going to be parked in the driveway, and they wanted it to be hidden. Ms. Wold stated when many of the neighbors are walking past their home, many of them have stopped to “admire how creative” they were in the placement of the Airstream.

Mr. Gruen asked how close can the back of the pad be to the side yard. Mr. Majewski stated it is supposed to be 10’ from the property line, which he believes that it is. Mr. McCartney stated they are not really sure if it conforms to that regulation because there was no Permit pulled on it.

Mr. Zamparelli stated he is uncomfortable that they are doing this after the fact. He stated he understands that they want the Airstream in their back yard, but it is a big item; and he finds it hard to believe that they did not think a Permit was required. Mr. Wold stated it was not that they did not think a Permit was required. Mr. Zamparelli stated he feels they knew that they had to get one, and it was their responsibility as the homeowner to get the Permit and not the contractor. Mr. Zamparelli stated he would not want to look at it.

Mr. Roy Perez-Daple, 1703 Wrightfield Road, was sworn in and requested Party Status. He stated he has lived at this location for thirty-five years, and this is the first time he has had to approach this body. Mr. Perez-Daple showed the location of his home in relation to the Applicant. Mr. Gruen stated he is the next-door neighbor. Mr. Perez-Daple stated the Applicant’s home faces S. Homestead; however, effectively their front door is on Wrightfield. He noted a door at the Applicant’s home which is never used, and he showed where the Applicants access their home. He showed what he feels is their front yard which is right next to his front yard. Mr. DosSantos asked Mr. Perez-Daple to point out where the Airstream is on their property, and Mr. Perez-Daple stated he has brought photos. He stated the Airstream is parked roughly 10’ in.

Mr. Perez-Daple stated the big issue for him is that the back of the pad is only 6' from his property line, and he disagrees with Mr. Majewski. Mr. Perez-Daple read from Section 78-H with regard to location of parking in a Residential District which indicates it cannot be located closer than 25' to any Lot line unless the buffer requires a setback greater than 25' in which case the setback should apply. Mr. Perez-Daple stated the back of their pad, which they built without a Permit, is 6' from his property line. Mr. Perez-Daple showed a picture of a fence which the former property owner put in illegally, but stated it is "better than nothing." He stated it is a front yard – it is not a back yard. He stated he feels it is being used as a back yard. Mr. Perez-Daple stated the Applicants also have some very colorful kayaks, and while he is in favor of these things, he does not want them in his front yard. Mr. Perez-Daple showed a picture of the entrance to the Applicant's driveway. He stated it used to be a garden and grass area, and Mr. Gruen stated it was a vegetable garden. He stated now the driveway extends all the way back to his property line. Mr. Perez-Daple showed a picture from his front window, and stated that the trailer is a huge reflector; and as the sun goes over, it reflects right into every one of his front windows.

Mr. Perez-Daple stated Airstreams are "beautiful things, but they belong somewhere else." He stated he called a storage company on Makefield Road, and for \$105 a month, Mr. Wold could store his trailer there; and there is no reason for it to be stored in a non-Permitted driveway in the front yard.

Mr. Perez-Daple read from the requirements for parking recreational vehicles are in Section J of 78, which indicates that it is permitted with four Conditions including that it should be 25' away since it is a driveway. He stated it is also to be in an area of the Lot which is unobtrusive to neighboring properties, and this is very obtrusive to his property, which he feels reduces the value. Mr. Perez-Daple stated it also indicates that in case of complaints, which he had, the Zoning Officer is to determine the proper location of Lot for parking the vehicle.

Mr. Perez-Daple stated he feels that this is clearly not something that should be granted a Variance. He noted Section 97 of the Code which has the criteria for granting a Variance, and he feels parking a trailer or any other vehicle in the front yard does not provide demonstrable, unnecessary hardship. He feels Mr. Wold should be required to remove the driveway and turn it into a patio but not park vehicles there. He stated these are small Lots of less than a third acre, and there is no reason to park "these things" on third-acre Lots.

Mr. McCartney noted one of the photos where there is a Honda parked along the "skirt," and he asked if that is standing water; and Mr. Perez-Daple stated that it is.

Mr. Perez-Daple noted that the arborvitaes are actually in the right-of-way, and not on Mr. Wold's property; and he stated they could blow over.

Mr. McCartney stated it looks like there is a "skirt," and Mr. Perez-Daple stated it is a dip in the driveway.

Mr. McCartney asked if the standing water is typical, and Ms. Wold stated that has always been there when it rains. Mr. Wold stated when it rains it is there for one or two hours. Mr. McCartney asked if the picture was taken after a rain storm, and Mr. Perez-Daple stated he took it two days ago. Mr. Wold stated they had the trailer in the driveway because they were setting it up to take it out for a week.

Ms. Wold stated that was two weeks ago and it stopped raining right before they left. Mr. DosSantos stated the photo being shown is not representative of the pad they are talking about, and it was noted it was not; and Ms. Wold stated that is their driveway.

Mr. Perez-Daple stated he has no issue with the water or the "coverage;" and his issue is the use of that pad for a driveway. He stated they could turn it into a patio and "have parties there and music." He stated he does not want them to park vehicles in the front yard.

Mr. Wold stated this is not his front yard.

Mr. McCartney stated the question is going to be that not only are they looking for a Variance based on impervious surface requirements, but that they will also look for a Variance based on setback requirements. Mr. Wold asked for a further explanation about that. Mr. McCartney stated he feels that they would have gone through the Permit process, they would have seen that they need two things based on the side setback of 25'. Mr. Majewski stated there is no 25' setback requirement, and he is not sure what Mr. Perez-Daple is referencing. Mr. Majewski stated the requirement is that it be 10' from the property line; and if in fact it is 9', they will need to remove 1' of it or request a Variance for the 1' encroachment into the 10' setback. Mr. McCartney stated they are looking for a Variance for the 1' into the 10' setback requirement as well as the 1.1% impervious surface requirement. Mr. Majewski asked the Applicant if he knows how far the driveway is off the property line, and Mr. Wold stated he measured it as 10'. He stated he will measure it again; and if it is less than 10', they will remove some. Mr. Gruen asked if the property was surveyed, and how would they be sure what the property lines are; and Mr. Wold stated he just measured to the fence. Mr. Gruen stated he is therefore assuming that the fence is the property line. Mr. McCartney

stated they therefore knew that the Ordinance requirement was 10', and Ms. Wold stated they did. She added that when they were house hunting they were looking to make sure that they were going to be able to fulfill the requirements of the Township to have this here. She stated this is not their front yard by any means, and "their front door is their front door" with front steps. She showed the location of their back door, which is what they typically use. She stated just as they did at their prior home, they went in through the driveway, through the garage, and into their home; but they had a front yard there just as they have here.

Ms. Wold stated they were getting estimates to get the fence replaced because it is not in good shape. She stated apparently Mr. Perez-Daple knew that fence was illegally placed or is out of compliance; but he did not have an issue with that neighbor. Ms. Wold stated in their neighborhood, there are several boats parked in driveways and several campers parking in driveways; and there are several homes that have vehicles parked in their yards, and it looks like "junk yards are sprouting from their yards." Ms. Wold stated she does not feel they are keeping their home in a "less than ideal situation;" and they are talking about a Variance for an "environmental focus" and not whether Mr. Perez-Daple feels it is attractive or not.

Mr. Gruen stated as Mr. Perez-Daple testified, it interferes with his view of the street, and it is a change in the neighborhood for him. Mr. Gruen stated he also quoted from the Zoning.

Mr. Perez-Daple stated the reflection from the camper is very distracting, and it makes you feel like you are in a campground or a trailer park; and he does not want to live in a trailer park. He stated it was built "purposefully" as a driveway, and he asked Mr. Majewski to read Section H Sub paragraph 2 which he noted. Mr. Majewski stated that is for non-Residential uses in a Residential District. He stated this is a Residential Use in a Residential District, and therefore the requirements of Section 200-78 H1 are applicable; and those requirements are that it be a hard surface 5' from the property line. He stated that is superseded for the purpose of a recreational vehicle by 200-78 J3 which requires that the vehicle be located at least 10' from any Lot line and in an area of the Lot which is unobtrusive to neighboring property owners. Mr. Majewski stated that would be Mr. Perez-Daple's issue that the reflection is the concern. Mr. Majewski stated when he spoke to the Wolds a while ago, he had mentioned that one of the things that might be good would be to plant a row of arborvitaes to not only absorb water but also to effectively block that reflection.

Mr. Gruen stated it is very shaded on that side, and there are big pine trees there. He stated arborvitaes are not going to grow under the pine trees. Mr. Majewski stated they could plant some other suitable evergreen.

Mr. DosSantos asked Mr. Perez-Daple if the reflection issue were taken care of, would that alleviate a lot of the concern that he has. Mr. Perez-Daple stated it would not really since they would have to build a 30' high wall as it reflects into his upper windows as well as the sun comes in. He stated it is not just the camper for him as he parks other vehicles in that driveway, and it is very close to his front yard. He stated he feels there are other options, and \$105 takes him off the street.

Mr. DosSantos asked if there is another place where they could park it, and Mr. Wold stated there really is not another place that he feels would be acceptable to the rest of the neighborhood. He stated this is the area where they have the wall of arborvitaes, the pine trees, and the fencing. He stated they can put the trailer in, and no one can see it except from specific angles; and they have been complimented many times by random strangers and tell them how wonderful they think the set up is because they have set it back so far.

Mr. McCartney asked if there are any neighbors present this evening to speak on his behalf, and Mr. Wold stated there are some.

Mr. Wold stated \$105 a month would be a hardship. Ms. Wold stated there were options, and when Mr. Perez-Daple first felt bothered by the Airstream, he did not come to them; and in fact he spoke to their contractor under the pretense that he was looking to have a paver pad on the driveway put in on his patio. Ms. Wold stated that had Mr. Perez-Daple talked to them while the contractor was in the process of creating the project for them, they could have stopped it, and they would have realized at that time that the Permit had not been filed, and they could have had a conversation and probably made some accommodations that would have been a "win-win situation;" but he did not choose that option. Mr. Perez-Daple stated he did talk to them, but that is not what they are here about; and Ms. Wold stated he did not talk to them until after it was done.

Mr. Perez-Daple asked that the pictures be submitted as Evidence, and Mr. Majewski agreed to make copies; and these were marked as Exhibit Roy 1-8.

Ms. Laura Donovan, 1705 Wrightfield Drive, was sworn in. Ms. Donovan stated she lives two doors down on the other side of Mr. Perez-Daple. She stated she feels that if they had gone through the normal process, they would have found out that to all of the community, that is the front door; and they all see that as the front. She stated that is where the driveway is like all the other houses on Wrightfield. Ms. Donovan stated that those who have lived there a long time knew that other door, the one on Homestead, is never used, and that people come and go on the driveway side. Ms. Donovan stated if they had gone through the normal process or even had a “friendly conversation” with neighbors; but she went to work, and came back, and it was there. Ms. Donovan stated the neighbors did not have a chance to speak about it.

Ms. Donovan stated the first picture is a little out of proportion because it makes it look like the arborvitaes are taller than the Airstream, but that is not so. She stated she does not know if the arborvitaes will eventually hide it or not; but as it stands now, when you turn onto S. Homestead to come to the homes on Wrightfield, as soon as you get within sight of their property, you get hit in the eye with the sun and then she immediately gets sun glare and is “blinded for the rest of the drive home” which for her is only two properties. Ms. Donovan stated not only does Mr. Perez-Daple see it from his front window, but it is also causing glare to everyone on the street as it stands now.

Ms. Donovan stated she wants to echo that they did not want to live in a trailer park, and they did “not bargain for that;” and they feel in their household that it makes their property look less valuable and less of the class that they paid a lot of money to move into. Ms. Donovan stated she is sure that those are very expensive, but that is not what people see when drive down the street.

Ms. Donovan stated she would like Party status.

Mr. Geoffrey Goll, 5 S. Homestead Drive, was sworn in. Mr. Goll showed the location of his home which is immediately south of the driveway and directly across the street. He stated he can see the Airstream directly from his house. Mr. Goll stated also because of the way his home is facing, you would think that the sun would reflect right off the Airstream; however, it does not, and they do not even notice it. Mr. Goll stated that he is in support of the Application because even though he can see it from the front of their house when they are in the kitchen or on the second floor, even when the sun is there, they do not notice it. He stated he walks his dog down the street, and he noted even though he himself is 6’3” he almost cannot see the top of the Airstream because of the arborvitaes. He stated it does not bother them at all, and it is

actually tucked back so that you hardly notice it. He stated any other location on that property would be a problem for about five other neighbors. He stated he feels this is the optimum location for minimizing a visual impact, which he does not see from his house.

Mr. Goll asked with regard to the 10' setback is that for the vehicle or the pad, and Mr. Majewski stated it is actually the vehicle must be 10' back. Mr. Goll stated there is really no restriction on the distance for the pad, and Mr. Majewski stated there is a restriction that the hard surface needs to be a minimum of 5' from the property line. Mr. Majewski stated he had previously read that as the driveway area for the vehicle had to be 10' off the property line; however, it actually does say in fact that the vehicle must be 10' off the property line. Mr. Majewski stated if the driveway is 9' from the property line, that is irrelevant to the location of the vehicle. Mr. Goll stated they could just move the vehicle forward 1' if that is a problem. Mr. Majewski stated they have had that in a similar location where it was a corner Lot, and they had the driveway coming off the side, which was actually the front, and there were complaints about the trailer being too close to the right-of-way. He stated what they had to do was just park it forward a few feet to maintain the 10' setback.

Mr. Goll stated with regard to the stormwater, he is a Licensed professional engineer in the State of Pennsylvania, and his specialty is stormwater. Mr. Goll stated the area of impervious cover is about 120 square feet if you discount the area between the property line and the street since it is technically off the property. Mr. Goll stated he was the one who advised Mr. Wold that he was not supposed to include that area. Mr. Goll stated according to the calculations and working with Mr. Majewski they were able to satisfy the stormwater elements of it.

Mr. Goll stated years ago there were flooding problems on the street, and the Township got a Grant to install stormwater inlets, and he showed where they are located on Wrightfield and down S. Homestead Drive and drain to Silver Creek. He showed the location of some of the inlets. Mr. Goll stated because of the concern of increasing stormwater, when the Township installed the pipes, they installed baffles in the stormwater pipes so that it actually slows the stormwater down. He stated the pipes are oversized with baffles in them to slow the stormwater down to mitigate the increase in run off. Mr. Goll stated on his side of the street, they normally have a lot of run off, but it has nothing to do with Mr. Wold's property because of the crown in the road; and he has never seen any significant ponding of water even when the pad was in, and that will not add significantly to it. He stated the drainage pattern that comes across would go across the driveway, go across the lawn, and then into the inlet. Mr. Goll stated letting it go over the lawn itself will actually promote less run off getting to the stormwater inlet which is a positive thing and it helps re-charge the stormwater system.

Mr. Goll stated he does not see any detriment to what Mr. Wold had done, and for them as neighbors, visually, it does not bother them at all.

Ms. Lee asked Mr. Goll to repeat his credentials in stormwater, and Mr. Goll stated he is a Licensed professional engineer, Civil Engineering, by background. Ms. Lee asked Mr. Goll if he works in that field; and Mr. Goll stated he does, and they specifically design stormwater systems and complete stormwater run-off analysis in addition to other types of water resources engineering. Ms. Lee asked how long he has been doing that, and Mr. Goll stated since he graduated in 1990. He stated he has had his business since 1998.

Mr. Flager asked Mr. Goll if he is requesting Party Status, and Mr. Goll stated he is, and he is in support of the Application.

Ms. Susan Mazzitelli, 3 S. Homestead Drive, was sworn in, and stated she lives next to Mr. Goll one house up closest to Makefield Road; and she asked that the Board grant the Variance. Ms. Mazzitelli stated she sees their house directly out her bay window and walks her dog at least twice a day around the block, and she feels what they did was “brilliant” because there are neighbors who have boats and trailers which are eyesores. She stated the Wolds came up with a “brilliant idea” to hide this and tuck it behind rather than leaving it on the street. Ms. Mazzitelli stated she has lived there for almost twenty-one years, and it is a neighborhood where they all communicate and work with each other, and all get along unlike the neighbors the Board saw earlier tonight. Ms. Mazzitelli stated while it is hard to understand from looking at the pictures, it is not in their front yard; and it is undeniably their back yard. Ms. Mazzitelli stated it is also heavily covered with shrubbery. She stated while there could possibly be a reflection, the yard is so heavy with shrubbery, trees, and bushes, it really is not something that sticks out; and you really have to look for it. She stated it is well done.

Ms. Mazzitelli stated her job deals with flood mitigation, and there is no adverse effect from this pad whatsoever on the water in the neighborhood. She stated there is also no adverse effect visually for her or any of the neighbors as they have done a great job. She stated everybody who walks by has commented. Ms. Mazzitelli stated she worked for Municipal Government for over fifteen years, and she knows the rules and that you have to apply for a Permit; but she has also been guilty of trusting a contractor to do something, and they did not come through. She stated the Wolds are lay people, and she knows better; and she does not want the Board to hold that against them.

Mr. Zamparelli asked Ms. Mazzitelli if the neighbor who does have an issue with it is being “overly sensitive to this and that he does not have this glare.” Ms. Mazzitelli stated she does. She stated her own family room windows are right next to the driveway of her neighbor at 1 S. Homestead on the corner and their cars reflect into her windows. Mr. Zamparelli asked Ms. Mazitelli if she feels he is not telling the truth; and Ms. Mazitelli stated it is not that he is not telling the truth, but it depends on your level of tolerance. Ms. Mazitelli stated for her the glare is not a big deal, and she just puts her shades down. She stated she “loves her neighbors,” and they have great neighbors, and they work together. She stated they are also in support of this. Ms. Mazitelli stated they are here for the impervious coverage and not for what you like and what you do not like.

Mr. Zamparelli stated while they are here for the impervious coverage, had they come in for the Permit, that would have come up; and Mr. Perez-Daple would have had a chance to speak about it, and he did not have it. He asked Ms. Mazitelli if she thinks it is right to ignore him. Ms. Mazitelli stated she does not. Mr. Zamparelli stated had they come in for the Permit, it would have been brought up what he needed the pad for. Ms. Mazitelli stated they did not intentionally just not get the Permit. Ms. Mazitelli stated if they had built it themselves, she would feel differently. Mr. Zamparelli stated it is irrelevant whether they built it themselves or had a contractor.

Mr. Gruen asked Ms. Mazzitelli if she is familiar with the arborvitaes, and she stated she is; and she is aware of Mr. Gruen’s knowledge. Mr. Gruen asked Ms. Mazzitelli if she is aware of the fact that they toppled over a couple years ago in the storm. He asked what would happen if those arborvitaes would die or had to be removed. He stated they were scheduled to be removed because they are in very bad shape. He stated he agrees right now they are blocking; however, a year or two from now, they could be gone. He stated then the trailer will be fully exposed to the road. Ms. Mazitelli asked that they put a provision in the Variance that if they fall down, they have to be replaced. Ms. Mazzitelli stated she believes they would do that even without having that Condition, but they could include a Condition that the arborvitaes need to be replaced.

Ms. Mazzitelli stated she is not denying what Mr. Perez-Daple sees from his window, but it is a very heavily treed and “shrubbed” area; and it is a side yard – not a front yard. Mr. Gruen stated it is Mr. Perez-Daple’s front yard. Ms. Mazzitelli stated it is Mr. Perez-Daple’s side yard, and she showed the location on the picture. Mr. Gruen stated Mr. Perez-Daple sees it from his front window. Mr. Gruen stated the Wold’s front door does not even have a sidewalk, and there is no front entrance. Ms. Mazzitelli stated for “semantics it is actually visibly a front door.” She stated some people go into their house through the garage door, but that is not a front door.

Mr. DosSantos stated part of the Ordinance provides that in the case of a complaint the Zoning Ordinance determines an appropriate location on the Lot for the parking of a recreation vehicle. Mr. DosSantos asked Mr. Majewski, as the Zoning Officer, is where they put the pad an appropriate location on the Lot for the parking of that vehicles; and Mr. Majewski stated it is with the exception of the issue with the glare, and that is one of the reasons he suggested that they plant additional plantings along that property line. Mr. Majewski asked Mr. Wold if they have been installed, and Mr. Wold stated they have been installed. Mr. Majewski stated he has not seen them since they have been installed, and he is not sure about the height. Mr. Wold stated they are about 4' to 4 ½' tall right now. Mr. Gruen asked what they installed, and Ms. Wold stated they installed arborvitaes. Mr. Gruen stated they will not grow in the shade. Mr. Wold stated that part is not in the shade and it is beyond the pine trees. Mr. Wold stated part of the reason they bought the house was because of the arborvitaes that were there so they could put the trailer there. He stated if they were to come down, he will replace them. He stated the point is to have the trailer hidden so that the neighbors who are around do not have to see it and are not fully exposed to it every time they go by.

Mr. McCartney asked Mr. Majewski if the Board has to address the fence as well as part of the Hearing. Mr. Gruen stated they changed the Zoning since then, so the fence is legal now. Mr. Wold stated the fence was there when he bought the house, and he asked if there any reason why he would have to get a Variance for a fence that was pre-existing. Mr. Majewski stated just because the fence was there does not mean that it was legally there so it could potentially be an issue. Mr. Wold asked if they are telling him that he has to take the fence out.

Mr. Majewski stated they have changed the Ordinance for corner Lots so this is the rear of the house, which this is "sort of the rear of the house because it is the front door that they do not use that faces S. Homestead." Mr. Wold stated they do use the front door as well. Mr. Majewski stated you are actually allowed to have a fence taller than 3' within what would be considered the secondary front yard which is the area along Wrightfield Road. He stated if they were to replace that fence it would be permitted; and depending on the height it would have to be set back a certain amount from the right-of-way. He stated at the right-of-way it could be 3', and for every foot in height you increase it, you have to push the fence back 3'. He stated if they wanted a 10' fence along that property line which would probably help buffer the glare issue, they would have to set it back 12' from the right-of-way, which would be 20' away from the road, which is approximately where the pad starts. Mr. Wold stated he would like to talk more about that and possibly it could be an angled fence.

Mr. McCartney stated these are all things that would have been part of a discussion if they had pulled a Permit, and now they have to go back and “patch together” what they should have done. Mr. Wold stated that is why they are here now.

Mr. McCartney asked Mr. Flager if he could provide some direction if the Board were inclined to approve the Variance request, if it could be “loosely said that they would work with the Township engineer to maybe alleviate some things.” Mr. Flager stated stormwater management is basically a Condition that they will get approval from the Township and work with the Township.

Mr. DosSantos he stated the Application is actually for the stormwater, and he asked Mr. Majewski about the plantings he and the Wolds discussed; and aside from the blocking of the glare is the planting of those arborvitaes enough to take care of the 1.1% additional impervious surface, and Mr. Majewski stated it is.

Mr. DosSantos stated as far as the glare issue, he feels the Wolds would want to be sensitive to his neighbor who has had some issues with that. Mr. DosSantos stated with regard to the arborvitaes in the front that Mr. Gruen has indicated have issues with falling over, should they topple over or die, would Mr. Wold be agreeable as a Condition to granting the Variance to replace those with an arborvitae of similar height. Mr. Gruen stated “similar height” would be excessive since they are 12’ high, and he feels they should be no more than 8’. Mr. Wold stated he would agree to that, and that was his intension. Mr. Zamparelli asked the height of the arborvitaes now, and Mr. Gruen stated they are about 10’ to 12’ high. Mr. Wold stated they are about 2’ above the height of the trailer, and he estimates they would be 12’ high.

Mr. DosSantos stated Airstreams are shiny, and he asked if it could be covered in some way which would take the glare off; however, Mr. Wold stated that is not recommended because of the impact of moisture build-up etc.

Mr. Gruen asked if they could park the trailer in the driveway instead and put the car on the pad. Mr. Wold stated they could, but then even more neighbors would be impacted. He stated where it is now is as hidden as they can make it, and if they put it in the driveway it would be obvious all the time.

Ms. Wold stated the neighborhood they moved from the average homes were going for \$850,000, and they had their Airstream there and not one neighbor complained during the time they lived there for twenty years. She stated their house sold in twelve hours for \$10,000 more than the asking price, and no one felt like they were living in a trailer park or that it was taking away from the property value of their homes.

Mr. DosSantos asked about making it a Condition that they put some tall arborvitae on the side property line; however, Mr. Wold stated he believes that what Mr. Gruen stated is correct that to put them there, they would be underneath the pine tree. Mr. Gruen stated Cherry laurels could be planted there. Mr. Majewski stated there are more suitable evergreens such as suggested by Mr. Gruen would do better in the shade. Mr. DosSantos asked Mr. Wold if he would be willing to abide by a Condition about that in order to alleviate some of Mr. Perez-Daple's concerns.

Ms. Wold stated she would prefer looking into the fencing issue since that is something that they were already looking into. Mr. McCartney stated it could be one or the other, and they should work with Mr. Majewski to make sure that what they are putting in is compliance with the Ordinance.

Mr. Perez-Daple stated he is okay with mitigating the impact of the trailer, and personally he feels a fence would be better than plantings since they could die. He stated his issue is not with the water, but with the use of the property; and if that is mitigated, he is okay with it. He stated personally he does not think "any of that stuff" should be parked on driveways on third acre Lots. He stated he is a Real Estate agent, and he knows about the impact of recreation vehicles on homes. Mr. DosSantos stated they are permitted to have it on the driveway. Mr. Perez-Daple stated he understands that but he feels it is okay on large properties, but these are small properties. Mr. Perez-Daple stated he does not want to create an "inordinate issue" for them; but if it can be mitigated in a "good way," he will support that. Mr. McCartney stated he feels that they are willing to work toward making sure the glare toward Mr. Perez-Daple's home is minimized.

Mr. Gruen stated given that it is possible that they are not allowed to have a 7' fence, should the Board be entertaining giving them a Variance for that now so that they do not have to come back and ask for a Variance for the fence. He stated the Board should make it a Condition that they should put in a 7' fence perpendicular to Wrightfield Road for "maybe 30' even with their house which is about 35' 40'" which will go a long way to mitigating the reflection.

Mr. McCartney stated one of the things that the Board does when they consider this is to make sure that it is not going to cause a financial hardship to an Applicant. He stated he does not know that the Board can tie them to a certain length.

Ms. Wold stated she would feel very closed in with a fence going from the front of their property which would go up against the house. Mr. Gruen stated it would not be up against the house, it would "even" with the house. He stated he is only making the suggestion because he got the impression that the Wolds were okay with a fence.

Mr. McCartney asked if their idea was to replace the existing fence and maybe add another section. Mr. McCartney asked the span of the existing fence, and Mr. Wold stated it is probably about 16'. Mr. McCartney stated it did not look like that offered enough coverage based on what was there, but it was also a 6' fence with lattice on top.

Mr. Gruen asked Mr. Perez-Daple if that would relieve his concerns, and Mr. Perez-Daple stated it would have to be longer. Mr. Gruen stated he feels it needs to be about 25' to 30'. Mr. Gruen suggested Mr. Perez-Daple and Mr. Wold get together and decide how long the fence should be. Mr. DosSantos asked Mr. Majewski if he has an idea what it should be. He stated if the Board is going to do this now, he does not want them to be required to do a 30' fence if they do not need that. Mr. Gruen stated they could do it up to 30'. Mr. Majewski stated it appears that most are in favor of the impervious surface increase which is the subject of the Variance. He stated as part of that, they would like to see that a fence be installed along the property line to properly buffer the adjoining property owner together with possibly some additional shrubbery in the area of the driveway pad, and that the arborvitaes in the front be replaced should they die in the future.

Mr. Zamparelli asked if they should have some kind of a detail or drawing of that and a contractor involved. Mr. Majewski stated ultimately they will have to submit all of this for the proper Permits for the fence. He stated also in the Ordinance it states that it has to be in a location that is unobtrusive to neighboring property owners so that would control how far they put the fence. He stated the Board would not have to have to put an exact number, and the Township would go out in the field and have something put up that would block it from the front window of Mr. Perez-Daple's house which he feels will be fine for everyone.

Mr. DosSantos moved and Mr. McCartney seconded to grant the Variance for the impervious surface as requested and that a fence be installed along the property line to properly buffer the adjoining property owner together with possibly some additional shrubbery in the area of the driveway pad and that the arborvitaes be replaced in the front should they die in the future. Motion carried with Mr. Gruen opposed.

APPEAL #19-1831 – JARED HOPKINS

Mr. Jared Hopkins, 1395 Heller Drive, was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. Photos of fencing was marked as Exhibit A-3. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Hopkins stated this is a one acre Lot, and there are five neighbors; and there are three existing fences one on the east side of the property, one on the northeast side of the property, and the west side of the property are all currently fences by his neighbors. He stated he is requesting a Variance to connect to the west side of the property with fencing. He stated this will entail a section at the north side of the property and the south side of the property even with the house to close in the back yard.

Mr. Hopkins stated when he came into the Township in November, 2018 to submit the Permit Application Mr. Majewski noted that there was an Easement that they would be encroaching on. Mr. Hopkins stated when he heard about the Fee for the Variance, he wanted to consider this further as they had just adopted a new dog. He stated the goal of the fence was to keep the dog in the back yard. He stated after going through a winter of taking the dog outside on a leash multiple times a day, they decided that the Variance Fee was well worth it.

Mr. Gruen asked what kind of an Easement it is, and Mr. Hopkins stated it is a sewer easement. Mr. Gruen asked if there is a pipe underneath, and Mr. Majewski stated it is a storm sewer easement with a pipe underneath. Mr. Gruen asked how close to it they will be. Mr. Hopkins stated the Easement runs north/south, and they are connecting through the Easement – no running parallel with it. He stated if it is determined they have to hand dig the two posts, they will have the contractor do that.

Mr. McCartney asked if the type of fence they are putting up will be split rail to match his neighbor's, and Mr. Hopkins stated it will be split board which is similar to split rail. He stated there is a "diverse-fencing neighborhood." Mr. McCartney stated he assumes they will get as close as he can to what most of them look like; and Mr. Hopkins stated there is a lot of split rail, but they are using the split rail which is similar since it would be easier to pull it out if work would need to be done, and it would be easier to get the black welded wire for the dog and it would be 4' high.

Mr. DosSantos stated normally when they approve fences, they make it a requirement of the property owner that because they are over an Easement should the Township or the utility require that work be done, the fence would get pulled up at the homeowners', and Mr. Hopkins stated that is understood which is why he is doing the fencing he has noted.

Mr. Gruen asked Mr. Majewski if the welded wire would interfere with the flow of water, and Mr. Majewski stated it would not.

Mr. Gruen asked Mr. Hopkins if he is tying into his neighbor's fence or will his fence be independent of the neighbor's, and Mr. Hopkins stated they will be tying into the fence on the west, and there will be a pole next to that fence. Mr. Gruen stated they are not tying into their fence, and Mr. Hopkins stated they are not physically attaching to their fence.

Mr. McCartney asked if the fence to the west is split rail, and Mr. Hopkins stated it is not. He stated it is a wooden 6' privacy fence.

Mr. Gruen stated this is all in the back yard, and Mr. Hopkins agreed.

Mr. McCartney moved, Ms. Lee seconded and it was unanimously carried to approve the Variance as requested per Plans and Specs with the Condition that if the fence needs to be removed for access to the Easement, it will be removed and replaced at the owners expense.

APPEAL #19-1832 – RYAN & BRIDGITTE FILIPCZAK

Mr. Ryan Filipczak and Ms. Bridgitte Filipczak were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Filipczak stated they are putting in a pool, and they need to install a fence.

Mr. Gruen asked if the Applicant's heard what they told the previous Applicants, and if they understand that they will have to remove the fence if needed. Mr. Gruen asked what type of fence it will be, and Ms. Filipczak stated it will be black aluminum.

Mr. Majewski stated there are no issues from the Township's perspective.

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to approve the fence as request per Plans and Specs, with the Condition that if the fence needs to be removed for access to the Easement, it will be removed and replaced at the owners' expense.

APPEAL #19-1824 – RYAN & SAMANTHA O'MARA

Mr. Flager stated Mr. Majewski received an e-mail from Samantha O'Mara asking to postpone the scheduled May 20 meeting to June 4.

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to Continue the matter to May 20, 2019.

CANCEL MAY 20, 2019 MEETING

Mr. Majewski stated since there are no other Agenda items for the May 20 meeting, the Board could cancel that meeting.

Mr. DosSantos moved, Mr. McCartney seconded and it was unanimously carried to cancel the May 20, 2019 meeting due to lack of an Agenda.

There being no further business, Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to adjourn the meeting at 10:25 p.m.

Respectfully Submitted,

Keith DosSantos, Secretary

