

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – AUGUST 20, 2019

The regular meeting of the Zoning Hearing Board of the Township. of Lower Makefield was held in the Municipal Building on August 20, 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
 James McCartney, Member
 Michael Tritt, Alternate

Others: Michael Kirk, Code Enforcement Officer
 Barbara Kirk, Township Solicitor
 Adam Flager, Zoning Hearing Board Solicitor
 Frederic K. Weiss, Supervisor Liaison
 Daniel Grenier, Supervisor Liaison
 (for Appeal #19-1847 – Cedar Crossing
 Investors, L.P.

Absent: Pamela Lee, Zoning Hearing Board Member

APPEAL #19-1846 – MARIA JIMINEZ GALVIS c/o JOHN CARMONA
TAX PARCEL #20-033-001 - 236 OXFORD VALLEY ROAD

Mr. Flager stated the Applicant's attorney had sent a letter to the Township today requesting a Continuance for thirty days as a number of the people they need are unavailable, and they will be working on the stormwater plan as well.

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to grant the Continuance as requested to September 17, 2019.

Later in the meeting it was noted that there were numerous Appeals already scheduled for September 17, 2019, and it was suggested that this Appeal be heard at a later date. Mr. McCartney moved, Mr. DosSantos seconded to revise the Continuance and it was unanimously carried to grant a Continuance to October 1, 2019.

APPEAL #19-1826 – SHADY BROOK INVESTORS, L.P.
TAX PARCEL #20-016-039, 20-012-001-001, 20-012-002-002
INTERSECTION OF STONY HILL ROAD & TOWNSHIP LINE ROAD

Mr. Edward Murphy, attorney, was present. He stated last week he sent a letter to the Township and Mr. Flager indicating that because they were waiting for the PennDOT review of the Applicant's Traffic Study which they had submitted in July and the Township's response to it, he and the Township agreed that they should Continue the matter until they had the benefit of the PennDOT review as it is a PennDOT road. Mr. Murphy stated it was agreed that they would ask the Board to Continue the matter for another month until they received the PennDOT review and had a chance to digest it.

Mr. DosSantos asked if they expect to have that within a month, and Mr. Murphy stated they do.

Mr. McCartney asked Mr. Flager if this is different from the Township Traffic Study that was provided to the Board, and Mr. Flager agreed. Mr. Flager stated the Traffic Study that the Applicant's engineer provided was given to the Township, and the Township's Traffic engineer has given a review letter which the Zoning Hearing Board has. He stated all of this is now being forwarded to PennDOT for their insight since ultimately they control the road.

Mr. Gruen stated he understood that at the beginning the Applicants indicated that they did not want to wait for PennDOT, and that the Board should rule on it as is. He stated he has enough information to rule on it tonight, and he does not feel the project is suitable for the Township, and it does not belong there. He stated aside from the seventy-five bays for the tractor-trailers, they will create hundreds and hundreds of additional last-mile delivery. He stated he does not care what PennDOT says because it is very detrimental to the neighborhood. Mr. Gruen asked if it is true that Mr. Murphy's client is seeking approval for some other project on that property, and Mr. Murphy agreed. Mr. Gruen stated to be fair to the Applicant, he feels they should be told that this project is not suitable. Mr. Gruen stated he does not need a traffic engineer, especially not the Township's traffic engineer. He stated a tractor-trailer unloads in two to three hours so that means that more than seventy-five tractor-trailers would be coming there, and it could be four times as many so that it could be three hundred a day. He stated in addition, they have last-mile cars waiting for delivery. He noted Oxford Valley, Allentown, and Robbinsville, where you can what that creates; and it is a huge traffic jam with cars and tractor-trailers. He stated he does not feel it is suitable to the neighborhood or the Township. Mr. Gruen stated he would like to deny the Continuance and take a vote on it this evening.

Mr. McCartney stated his concern is whether they should entertain Testimony about the data that was done by the Township traffic engineer as far as the Traffic Study and should that have been entered into the Record officially. Mr. Flager stated he feels that once the PennDOT review is done and they have the Continued Hearing, the Board would take Testimony from Mr. Murphy's engineer and the Township's traffic engineer; and they would also have the PennDOT review. He stated there could be additional Testimony if need be. Mr. McCartney stated Mr. Gruen is saying that he feels that rather than getting to that point, he already knows what the Studies will state. Mr. Gruen stated he is not saying that he knows what the Studies will say, rather he can determine it for himself. He stated there are to be seventy-five bays; and Oxford Valley does not have near that, but when you go there, the parking lot is covered with so many cars sitting there waiting for deliveries.

Mr. DosSantos stated the difference is that they are in the parking lot; and while he is not too concerned about the parking lot, he is concerned about the traffic going in and out. He stated he would like to see the Traffic Study and to see what PennDOT says.

Mr. McCartney asked if there is a downside to waiting; and Mr. Flager stated it is the Board's prerogative, and both the Applicant and the Township would like there to be a Continuance. Mr. Flager stated while that does not control the Board's decision, it could be taken into account.

Mr. Zamparelli stated he does not have an issue waiting although he does understand Mr. Gruen's point of view.

Mr. DosSantos moved and Mr. McCartney seconded that the Continuance requested by the Applicant and the Township be granted to September 17, 2019. Motion carried with Mr. Gruen opposed.

Later in the meeting, it was noted that there were numerous Appeals scheduled already for September 17, 2019, and it was suggested that this Appeal be heard at a later date. Mr. DosSantos moved and Mr. McCartney seconded to amend the Motion to a Continuance to October 1, 2019. Motion carried with Mr. Gruen opposed.

APPEAL #19-1833 – DANIEL SWANTKO
TAX PARCEL #20-030-074 – 1413 N. RIVER ROAD

Mr. Flager stated the Exhibits were marked at a prior Hearing. He marked as Exhibit B-4 the Notice to the neighbors of today's Hearing date.

Mr. Gruen asked Mr. Swantko for a review of what he is requesting. Mr. Swantko stated he was requesting a pathway from River Road into his front yard and along the side into the back yard so he could have access off of River Road since his address is 1413 N. River Road.

Mr. Zamparelli stated he recalls that all the work is done already, and Mr. Swantko agreed. Mr. Zamparelli stated he understood that Mr. Majewski was going to look at the property, and Mr. Swantko stated Mr. Majewski did come out to his property. Mr. Zamparelli asked Mr. Kirk if Mr. Majewski provided a report, and Mr. Kirk stated Mr. Majewski sent him an e-mail indicating that he had looked at the stone and determined that it was porous, and the way it was constructed would allow water to drain through it so that there is no impact on impervious surface. Mr. Zamparelli asked if they know what the ultimate impervious surface is now; however, Mr. Kirk stated he was not sure.

Mr. Gruen asked why Mr. Swantko was therefore before the Zoning Hearing Board, and Mr. Kirk stated he also has a fence. Mr. Swantko stated it was determined that on the south side there was a setback issue because of the utilities, and he is not looking to do anything on that side. He stated he would still like to continue with the fence on the north side; but the south side with the utilities, he has no interest in pursuing. Mr. Zamparelli asked if he would take that part down, but Mr. Swantko stated there is no fence there. He stated he was going for a Permit to put a fence there, but he is not interested in trying to do anything since the utilities are there and that is a setback issue he does not want to deal with.

Mr. DosSantos asked Mr. Swantko if he is withdrawing that from his Application, and Mr. Swantko agreed.

Mr. McCartney asked Mr. Kirk if Mr. Swantko still needs a Variance, and Mr. Kirk stated he still needs it for the height of the fence. Mr. Gruen asked the height, and Mr. Swantko stated the height on the front is permitted to be 3', and he would like to go 1' higher with the split rail fence. He stated they do not sell it in 3' variety, and the split rail is a 4' high fence. He stated he would like to have it at the 4' height for aesthetic purposes. He stated while he knows it is "pretty impossible" he is trying to do something to stop the deer from coming into his yard. Mr. Gruen stated he does not feel a 4' fence will do that.

Ms. Kirk stated the reason Mr. Swantko is here is because his property fronts on both Robinson Place and River Road; however, Mr. Swantko stated that is incorrect, and the front is River Road. Ms. Kirk asked where the proposed fence is going, and Mr. Swantko stated it will be on the north side, and he showed a photograph of where he would connect to. Ms. Kirk stated she understood from the last meeting

that there was a height issue because there was an additional front yard because of where the fence is being proposed. Mr. Kirk stated this is not a corner Lot, and the Variance is needed because the fence is proposed in the front yard, and fences in the front yard can only be 3' maximum.

Mr. Flager marked the photo provided Exhibit A-4.

Mr. Swantko showed where he wants to extend the fence.

Mr. Gruen asked if he was going to put wire on the split rail fence, and Mr. Swantko stated he did not consider that because he did not feel that would help stop the deer. Mr. Gruen stated he did not feel this would stop the deer unless he went 10' to 12'. Mr. Swantko stated he was looking for some kind of deterrent since he had a serious case of Lyme Disease.

Mr. Gruen asked Mr. Kirk about the driveway, and asked if he does not need a Permit from the County to enter into River Road. Mr. Kirk stated he would need a Road Opening Permit. Mr. Gruen asked Mr. Swantko if he had applied for one; and Mr. Swantko stated he did not because he was not instructed to do so, but he would be willing to. Mr. Kirk stated he believes that for part of that, a portion of the road was already there; so if there was some type of old entrance that was there previously, this is probably why he was not told to get anything because there was something already there.

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

Ms. Kirk stated the Township is satisfied.

Mr. McCartney moved and Mr. DosSantos seconded to approve the Applicant's request for the Variance of a 4' split rail fence.

Ms. Kirk asked that since it is in a floodplain area they should have as part of the approval the typical Conditions that there be a 2" gap between the ground and the fence, and that there be intermittent vents installed. Mr. McCartney stated since it is a split rail fence he does not believe that is necessary; and the Zoning Hearing Board agreed those Conditions were not necessary.

Mr. Gruen asked that they add to the Motion that that in the future it cannot be changed to solid panels, and that was added to the Motion.

Motion carried unanimously.

APPEAL #19-1847 – CEDAR CROSSING INVESTORS, L.P.
TAX PARCEL #20-050-001-001 – 1301 YARDLEY ROAD

Mr. Grenier was present acting as Supervisor Liaison for this Appeal.

Mr. Edward Murphy, attorney, was present.

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 outline of the relief requested was marked as Exhibit A-3. The Design Plan hand-out was 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.

Ms. Kirk stated the Township is participating in this matter. Mr. Murphy stated they understand that the Township plans to participate, listen to the Evidence presented, and Ms. Kirk will thereafter report back to the Board. He stated he understands from Ms. Kirk that she will request the Board make no Decision tonight, but defer it pending further feedback from the Township; and Ms. Kirk agreed.

Mr. Vincent DeLuca and Ms. Kristin Holmes, engineer, were sworn in.

Mr. Murphy stated this is the culmination of several years of ongoing conversations between several Applicants and the Sutphin Pines community. Mr. Murphy stated the property is the Marrasso Garden Center located at the corner of Yardley-Morrisville Road and Sutphin Road. Mr. Murphy stated prior to the DeLuca participation in this matter there was another Applicant that had signed an Agreement to purchase the property and had prepared a Sketch Plan which had been the subject of conversations with the Sutphin Pines Homeowners Association Board as well as some community members. He stated there was also a meeting over a year ago before the Lower Makefield Township Planning Commission. Mr. Murphy stated as a result of that dialogue, the prior Applicant decided not to proceed any further.

Mr. Murphy stated earlier this year, Mr. DeLuca on behalf of Cedar Crossing Investors, entered into an Agreement of Sale with Mr. Marrasso to purchase the property. Mr. Murphy stated the Plan they will present tonight is significantly different from the Plan that had been presented to the community over a year ago. He stated they will show the significant differences between those Plans. Mr. Murphy stated this Plan has been a subject of a meeting with the Board of Directors of the Sutphin Pines Homeowners Association and most recently a community meeting held in the Township meeting room a number of weeks ago where the entire Sutphin Pines community was invited to attend. He stated he and Mr. DeLuca

presented the Plan to them to explain the nature of the Zoning Hearing Board Application. Mr. Murphy stated he believes that the current Plan was far better received by the community than the earlier Plan since they had addressed many of the issues that were highlighted during the prior discussions over a year ago.

Mr. Murphy stated Mr. DeLuca will review the design booklet that has been provided to the Zoning Hearing Board that has been marked as Exhibit A-4. Mr. Murphy stated Ms. Holmes will then discuss the specific Application and highlight on the Plan where different items of Zoning relief are being sought.

Mr. Murphy stated one of the principal points of comparison between the Plan before the Board tonight and the Sutphin Pines community involves how the Sutphin Pines community was created originally. Mr. Murphy stated they learned from the Township records that Sutphin Pines was the result of litigation years ago. As a result of that, there was a Plan approved which became Sutphin Pines; however, the underlying Zoning that existed then and today at Sutphin Pines, which is the same as the Zoning for the subject site, R-2, was never modified so Sutphin Pines exists as a result of litigation and not because it is consistent with the Zoning. He stated they will compare the subject Plan with both what the Zoning would otherwise require and what Sutphin Pines currently has. He added that there is a chart which shows the point of comparison. He stated the subject community is intended to blend in and be consistent with Sutphin Pines and not to be markedly different.

Mr. DeLuca stated he is President of Cedar Crossing and is the equitable owner of the property, and has entered into an Agreement of Sale with Michael Marrazzo earlier this year. Mr. Murphy stated he had made reference to the prior Plan that predated Mr. DeLuca's involvement in the property, and the fact that it had raised a number of issues with the Sutphin Pines community; and Mr. DeLuca. Mr. Murphy stated in the booklet provided the Planning Commission has a copy of the Plan which was referred to as the Moser Plan. This Plan was shown on the screen. Mr. Murphy asked Mr. DeLuca to highlight the significant elements of the Moser Plan which was presented before his involvement in the property.

Mr. DeLuca stated the prior Plan had three buildings totaling fifteen units. He stated they were three-story units in height with the main living level at the second floor which had decks at the second-floor level overlooking the adjacent community. He stated the Plan they are presenting tonight has eleven, two-story units with the main living level on the first floor. He stated they will also have two-car garages with basements.

Mr. Murphy stated the prior Plan needed significantly more Zoning relief than the current Plan even when compared to the design criteria that was established for Sutphin Pines. He stated the earlier Plan had units which were upwards of 43' tall, and the Township Ordinance permits a maximum height of 35'. Mr. Murphy stated the living levels for those units, which were more narrow than the DeLuca units, were on the second floor; and there was a lot of concern expressed about the fact that decks were going to be extended off of the second floor of the units. He stated some of those units would have backed up to the community pool, and people had indicated a concern about that. Mr. Murphy stated the total density of that Plan was also of concern as was the price point of the units which were more comparable to the price point of the existing Sutphin Pines community because existing residents did not want to have to compete with new units of comparable price. Mr. Murphy stated there was concern with the height, density, the price point, and the setback of units from the common boundary lines where it abuts Sutphin Pines on two sides. Mr. Murphy stated they tried to address all of those concerns with the new Plan. Mr. Murphy stated the Moser Plan initially had even more units than that which was shown on that Plan last spring.

The current proposed Plan was shown on the screen. Mr. DeLuca stated they were advised of the concerns the adjacent community had; and in addressing those concerns, they decided to propose a conventional, two-story townhome unit. These units are wider than what was proposed on the original lay-out, and the proposed units are 32' wide with the main living level on the front floor. He stated there are no units that are running parallel to the adjacent community's property line or overlooking their pool. He stated the setbacks are at a greater distance from the lower property line, and the setback along the rear of Lots 6 through 11 is greater than what was proposed with the original Plan.

Mr. Murphy stated the points of access have not changed significantly from the Moser Plan, and Mr. DeLuca agreed. Mr. DeLuca stated the main access is still from Sutphin Road with an emergency-access off Yardley-Morrisville Road which was similar to what was proposed on the original Plan.

Mr. Murphy stated while it is not relevant to the relief being sought from the Zoning Hearing Board, he knows that there was a question from the Sutphin Pines community about the suggested price point for these new units and how they compared to the price points that exist today at Sutphin Pines. Mr. DeLuca stated he understands that for the Moser Plan the pricing was going to be similar to the Sutphin Pines pricing which he understands is in the upper \$300,000 to low \$400,000. He stated these new units are proposed to be in the mid-\$600,000 range so they will not be a direct competitor with resales in Sutphin Pines.

Mr. Gruen asked the square footage of each unit, and Mr. DeLuca stated they are approximately 2,800 to 2,900 square feet on the first and second levels. Mr. Gruen asked the number of bedrooms, and Mr. DeLuca stated there will be three bedrooms. He stated they will have product with a master bedroom down, as well as conventional three-bedrooms up. Mr. Gruen asked if they will be age-restricted, and Mr. DeLuca stated they are not proposed to be age-restricted. Mr. Gruen asked about garages, and Mr. DeLuca stated there will be a two-car garage for each unit with a two-car wide driveway curb cut.

Mr. DeLuca showed the Lot lay-out showing the units on an overlay aerial so the Board and the community can see how the units relate to the existing homes. He stated the setbacks are as were discussed. He stated their buildings are perpendicular to the pool area, and they no second floor decks on their units.

Mr. DeLuca showed a schematic front and rear elevation of the proposed buildings. He stated the upper rendering shows the two-car garages and their relationship to the units. He stated the units are 32' wide, and there is room to allow for a front access. He stated the 32' gives the ability to do a "decent lay out" as far as traveling points through the unit – front to back. He stated the units are 70' deep. He stated the master bedroom when it is down will be at the rear of the building. He stated the master down can be built as an interior or an end, and the three-bedroom up can be built as an interior or an end so that there will be flexibility in the product that they can offer based on the market demand.

A 3D elevation was shown of what the units would look like showing a side elevation, the dormer trim work, etc. Different perspectives from different vantage points were shown of the buildings.

Mr. Gruen asked if there are any variations in the facades. Mr. DeLuca stated he does not believe that is required in the Zoning Code for this District. He stated they discussed that with the community as to whether they would vary the colors or use a single color, and he stated they will do different studies of color combinations. He stated they did not commit to anything to the community nor would he want to commit to that this evening; but as they go forward after doing the material/color studies, they will come up with what they feel is the best combination. He stated there is no Ordinance in this area that calls for different façade materials. Mr. Gruen stated he believes the Township does have requirements about this since there was a development recently which Mr. Murphy was involved in where they were discussing various styles. Mr. Murphy stated there are requirements about that in the Historic District. Mr. Gruen stated it was a development on Dobry Road.

Mr. Murphy stated for the development on Dobry Road it had to do with the Ordinance requirement regarding a mix of housing types; and they appeared before the Zoning Hearing Board to seek relief so that they only had one consistent housing type, and it had nothing to do with colors. He stated it had to do with apartments, twins, and/or singles; and that Ordinance is in the C-2 District and not in this Residential Zone so that regulation does not apply here.

Mr. Gruen stated Sutphin Pines has “beautiful landscaping,” and they take pride in the community. He asked what provisions they are making for the landscaping in this proposed development so that it will be similar to Sutphin Pines. Mr. DeLuca stated this community of eleven homes will be managed by a Homeowners Association, and all of the exterior maintenance, lawn, snow removal, and upkeep of the exterior of the units will all be part of the HOA for maintenance and for reserves. Mr. McCartney asked if this will be Condo ownership, and Mr. DeLuca stated it is a Fee Simple HOA. Mr. McCartney asked if there will be zero lot lines, and Mr. DeLuca stated the lot line is the building footprint.

Mr. Zamparelli had a question about the front doors to the units, and he was shown their location on a slide.

Mr. Gruen stated they are showing an emergency entrance on Yardley-Morrisville Road, and he asked how that will be controlled so that people do not use it as a short cut. Mr. DeLuca stated they will comply with the Township recommendations; and there will be some breakable barricade so that emergency vehicles can have access but it would not be available for daily, everyday traffic.

Mr. Gruen asked if any provisions have been made for guest parking. Mr. DeLuca stated seventeen guest parking spaces have been provided, and their location was shown on the plan. He again noted that each unit has a two-car garage and two off-street parking spaces in their driveway that are parallel parking, not stacked.

Mr. McCartney stated he understands they will have basements, and Mr. DeLuca agreed. Mr. McCartney stated all of them also have first-floor masters; however, it was noted that is incorrect, and there is a model with a first-floor master as well as a model with conventional three bedrooms up.

Mr. DosSantos asked the width of the driveway, and Mr. DeLuca stated it is 18' so they have parallel, two-car parking, side by side.

Mr. McCartney asked if they have offered the first floor master in other developments, and Mr. DeLuca stated they have. He stated they are developing the Flowers Field community, and that community has a master-bedroom down option. Mr. McCartney asked the percentage of people who take that; and Mr. DeLuca stated they have sold approximately thirty-two units at Flowers Field, and they have four to five master-bedroom down.

Mr. Zamparelli stated he is in favor of the project.

Ms. Kirk asked why they are proposing attached units as opposed to single-family detached for this property. Mr. DeLuca stated as noted by Mr. Murphy they are trying to assimilate the same type of development as the adjacent community which is multi-family attached. Ms. Kirk stated the other communities surrounding it consist of single-family detached. Mr. DeLuca stated that is true for across the road; however, they are backing up to Sutphin Pines on two sides.

Ms. Kirk stated she understands the units will have a basement level, and Mr. DeLuca stated they do propose to build the units with basements.

Ms. Kirk stated she understands from past history that there has been stormwater management issues with this Lot, and she asked if they will need pumps or French drains in order to insure there will be no flooding. Mr. DeLuca stated there are stormwater management facilities proposed for the site, and they will comply with the Township and State stormwater regulations.

Ms. Kirk stated they are proposing a maximum height of 35', and Mr. DeLuca agreed that they will comply with the Building Code.

Ms. Kirk asked if Mr. DeLuca indicated he was going to add decks. Mr. DeLuca stated there will be an option for decks and/or patios. He stated decks would come out at the first-floor level which would be approximately 18" to 24" above grade; and if they do patios, you would step down to 18" to 24" and then have a patio at grade level. Mr. Murphy noted Exhibit A-1 shows a provision depicted for a potentially maximum 10' deep deck or patio to the rear of the units.

Mr. Gruen asked, given all of the options, how do they know how much impervious surface they will use; and Mr. Murphy stated they will plan for the maximum. Mr. Murphy stated the impervious surface they are requesting is less than where it is today. Mr. Gruen asked how they determined the existing impervious surface; and Mr. Murphy stated they measured the Garden Center, and the calculations were confirmed by Mr. Majewski.

Ms. Kirk asked if there is an option for either a deck or a patio off the first floor will that effect their relief from the setback requirement, and Mr. DeLuca stated it will not. Mr. Murphy stated while they have asked for relief, it does not apply to decks or patios as they are exempt under the Ordinance.

Mr. Murphy distributed Ms. Holmes Curriculum Vitae. Ms. Holmes stated she has been a licensed professional engineer in the Commonwealth of Pennsylvania since 2006. She reviewed her education. Ms. Holmes stated she is one of the principals of Holmes Cunningham, which is a consulting firm for civil engineering performing all types of design and Permitting for site development including Residential and Commercial focusing primarily in Pennsylvania and New Jersey. She stated she has appeared multiple times in the past before Boards and Commissions, adding she has also appeared before the Lower Makefield Zoning Hearing Board. Ms. Holmes was accepted as an expert in civil engineering.

Ms. Holmes' CV was marked as Exhibit A-5.

Mr. Murphy asked Ms. Holmes if her firm is the retained civil engineer for the project, and Ms. Holmes agreed. Mr. Murphy stated Ms. Holmes was also the engineer retained by the prior equitable owner when that Plan was developed as he noted earlier, and Ms. Holmes agreed. Mr. Murphy stated she knows the site well and is also familiar with the land uses that surround the site, and Ms. Holmes agreed. She stated she is also familiar with the Lower Makefield Township Zoning Ordinance as it applies to this site. Mr. Murphy stated Ms. Holmes heard Mr. DeLuca testify earlier this evening about some of the elements with which he is familiar, and Ms. Holmes agreed.

Mr. Murphy stated the site is Zoned R-2 – Residential Medium Density, and Ms. Holmes agreed. Mr. Murphy stated Ms. Holmes heard him describe the past litigation of the site that resulted in Sutphin Pines, and Ms. Holmes agreed. Mr. Murphy stated he had asked Ms. Holmes to identify the number of existing non-conformities that the Marrasso Garden Center maintains as it would be compared to the R-2 Medium Density Residential Zoning District in which it is located.

The document prepared by Ms. Holmes was marked as Exhibit A-6 which refers to the existing non-conformities of the existing Marrasso property.

Ms. Holmes stated there were approximately fifteen non-conformities both in relation to the District and also the use of the property. Mr. Murphy stated Exhibit A-6 has been broken out into multiple columns including what would typically be required under the R-2 Zoning District regulations, the Sections involved, and the existing conditions.

Mr. Murphy stated Ms. Holmes identified the multiple uses currently being made by the Garden Center as a nursery, a greenhouse, and a Retail store. Mr. Murphy stated all the items highlighted with the letter “N” represents an existing non-conformity, and Ms. Holmes agreed.

Mr. Murphy stated one non-conformity which is highlighted is the current impervious surface coverage, and the 62.7% number was calculated by Ms. Holmes; and it is shown on the lower right-hand side of Exhibit A-1, and Ms. Holmes agreed. Mr. Murphy stated this shows the individual items of impervious that Ms. Holmes totaled up to reach 62.7%. Ms. Holmes stated the 62.7% was actually provided by Township records to be the existing legal impervious coverage. She stated when they actually calculated the impervious surface based on the field survey that was done, it was actually a little higher at 65.9%; however, they have used the Township records for the purpose of the Application. Mr. Murphy stated for conservative purposes they used the 62.7% figure that was supplied to them by Mr. Majewski’s Department, and Ms. Holmes agreed.

Mr. DosSantos asked Mr. Kirk if that is a correct figure, and Mr. Kirk stated it is to his knowledge.

Mr. Murphy asked Ms. Holmes about the lay out of the Plan as described by Mr. DeLuca, and he asked Ms. Holmes to highlight the individual items of Zoning relief they are seeking. Mr. Murphy stated they are seeking relief to permit attached townhomes to be constructed; and the reason for that is under the existing R-2 Medium Density Residential requirements, they would not be permitted to construct townhomes, and Ms. Holmes agreed. Mr. Murphy stated it is the same R-2 Medium Density Residential District that underlies Sutphin Pines as well, and Ms. Holmes agreed.

Mr. Murphy stated Mr. DeLuca had indicated that the units proposed are the same attached, Residential townhomes as exist in Sutphin Pines which is why they chose that housing type; and Ms. Holmes agreed.

Mr. DosSantos asked when the Sutphin Pines litigation took place, and Mr. Murphy stated he believes it was 1978. Mr. Murphy stated the litigation resulted in a Plan that was Recorded, but there was no effort made at the time to align the underlying Zoning with the approved Plan that resulted from the litigation. He stated therefore for the last forty years, Sutphin Pines has been completely non-conforming.

Mr. Murphy stated as a result of the unit type being different and the underlying R-2 Zoning that only permits single-family homes, one of the other items of relief they are seeking is from density; and Ms. Holmes agreed. Ms. Holmes stated the Sutphin Pines density is currently 5.3 dwelling units per acre, and this is off of the Township's net buildable site area. Mr. Murphy stated these numbers have been previously reviewed and confirmed by Mr. Majewski's Department; and Ms. Holmes stated similar to the impervious coverage, all of the data under the Sutphin Pines column was provided by Township records. Mr. Murphy stated the density they are proposing for the Plan that is before the Zoning Hearing Board is 4.68 units per acre, and the existing Sutphin Pines density is 5.3 units per acre; and Ms. Holmes agreed.

Mr. Murphy stated with regard to impervious surface, there is currently 62.7% for the Marrazzo property; and Ms. Holmes agreed. Ms. Holmes added that the proposed impervious for the subject Application is 55% which is a reduction from the existing non-conformity of the impervious coverage. Mr. Gruen asked the impervious surface of Sutphin Pines, and Ms. Holmes stated it is 35%.

Mr. Gruen stated the Applicant is proposing a "storm management pond," and Sutphin Pines does not have that. Ms. Holmes stated she is not sure of the specifics of the stormwater management integration within Sutphin Pines, and she would have to confirm that.

Mr. Murphy asked Ms. Holmes to describe how stormwater would be managed and whether any of the flows would be directed toward Sutphin Pines. Ms. Holmes stated the low points of the subject property fall along Yardley-Morrisville Road, so the property drains from the lower property line toward the top of the Site Plan Exhibit which is the southern property toward the north. She stated ultimately the stormwater management would want to be placed at the low point to be able to collect as much water as possible. Ms. Holmes stated there are currently two areas shown on the Plan for stormwater management, one is adjacent to Unit #6 which is also adjacent to Yardley-Morrisville Road, and the other is near the site entrance on Sutphin Road; and both are on the lower edge of the property. She stated there would be no drainage contributing toward the adjacent Sutphin Pines Development. Mr. Murphy stated everything flows away from Sutphin Pines towards Yardley-Morrisville Road, and Ms. Holmes agreed.

Mr. Gruen asked if they are proposing to landscaping it a certain way or "will it just be a hole with grass in it." Ms. Holmes stated they have not fully designed the stormwater yet, and they would do that as part of the Land Development and the full engineering. She stated they would follow the Ordinance requirements for both landscaping and stormwater management and it would be up to the developer as well. Mr. Gruen stated since it is on "Sutphin Pines Road," he would urge them to plant some water-loving vegetation around it or it will be "unsightly."

Mr. Murphy stated that question came up when they had their discussion with the community. Mr. DeLuca stated they will definitely not build a “hole in the ground” and not landscape it, and whatever beautification can be done according to the stormwater regulations will be done. He stated they are not sure whether it will be a rain garden or a conventional basin; however, whatever they have to do, they will do as far as controlling the stormwater and the beautification with extra landscaping as part of their Plan. Mr. DeLuca stated what is done would be based on the permeability of the soil and stormwater regulations. He stated they will beautify the area with additional landscaping.

Mr. Murphy stated during their conversations with the community, the question did come up whether the developer could supplement the typical buffer requirements under the Ordinance especially along the two sides of the project adjacent to Sutphin Pines and behind the community pool where they eliminated the units but where parking is located. Mr. Murphy stated Mr. DeLuca made the commitment at that time that they would meet or exceed whatever the Ordinance required for Type I and Type II buffers in those areas. Mr. Murphy stated the Landscaping Plan will be part of the Subdivision Plan which has not yet been finalized since appearing before the Zoning Hearing Board is the first step in the process; and if they move beyond this step, the obligation is to then do a fully-engineered Plan of the Subdivision which would then go through the typical reviews by the Township consultants, the Planning Commission, and ultimately the Board of Supervisors.

Mr. Gruen stated since he will not be here for the final decision, he wanted to make sure that the Zoning Hearing Board is aware of this and should require it.

Mr. Tritt noted the east and south sides of the property where there are existing trees, and he asked if they are on the Sutphin Pines or the Marrasso property. Ms. Holmes stated she believes they are on the Sutphin Pines property. She stated there is a berm along the Sutphin Pines property line which is the shared property line with this property. Mr. Tritt stated all those trees would then obviously remain, and Ms. Holmes agreed. Mr. Gruen stated he believes that the only trees on the Marrasso property are on Morrisville-Yardley Road, and he is not sure if they are on the Marrasso property or in the right-of-way. Ms. Holmes stated there are very few plantings on the Marrasso property, and there is essentially a zero foot setback of buffer on the property under the current conditions.

Mr. Murphy noted the relief requested with regard to setbacks from the collector and arterial roads. Ms. Holmes stated the Ordinance requires special setbacks for properties that abut collector and arterial roads with an 80’ setback required for a collector road and a 100’ setback for an arterial road. Mr. Murphy stated Sutphin Road is a collector

road and Yardley-Morrisville is an arterial road. Ms. Holmes stated the existing condition for the property is that there is a 33.9' setback from Sutphin Road which is the collector road and a 66.9' setback from Yardley-Morrisville which is an arterial road. Mr. Murphy stated their plan is more than double the setback from Sutphin Road, and it will go from 33.9' to 63'; and Ms. Holmes agreed.

Mr. Gruen asked what is the average setback on Morrisville-Yardley Road for the existing private homes; however, Ms. Holmes stated she had not done a calculation of the average along the entire corridor. Mr. Gruen asked just about those within 400' to 500' across the street, and he asked if they will conform with their frontage. Ms. Holmes stated it appears to be similar from looking at aerial images. She stated they have had a detailed survey done of the surrounding properties; but based on the aerial imagery, it appears to be a consistent setback beyond the right-of-way of Yardley-Morrisville Road.

Mr. Murphy stated the setback along Yardley-Morrisville as depicted on the Plan is 33', and Ms. Holmes agreed. Mr. Murphy stated that is measured from the edge of the ultimate right-of-way of the 100' collector road, and Ms. Holmes stated it is measured from the legal right-of-way of Yardley-Morrisville to the building wall of Unit #6 which is slightly closer than Unit #5 on the Plan which has a 36' setback.

Mr. Murphy asked about the existing, required, and proposed buffers. Ms. Holmes stated there is a Type I buffer proposed along the borders with Sutphin Pines. She stated that is a single-family attached buffer to Residential, and that is on the southern and eastern boundaries of the Plan. She stated there is a Type II buffer along both road frontages which would be the northern and western boundaries. Ms. Holmes stated the Type I buffer is required to be 25' in width, and the Type II buffer is required to be 50' in width. Today under the existing conditions, there is essentially zero buffer surrounding the property based on improvements, curbing, driveway, and things that exist along all property lines for the most part on the property. She stated in the proposed condition for the Zoning Plan that has been presented, they are proposing a Type I buffer of 12' in the area adjacent to the parking on the southern boundary. She stated there is a larger buffer area throughout the remainder of the Type I buffer area. Mr. Murphy stated that is therefore a partial request for relief since in all other respects they have 25' or more, and it is only in that one area where the overflow parking is provided that they have the 12'; and Ms. Holmes agreed, adding everywhere else they have provided the 25'. Mr. DosSantos asked how long that portion is, and Ms. Holmes stated there are 13 parking spaces so it would be 130' in length where they would have the reduced buffer. Mr. Murphy stated as they have discussed, they will plant that more heavily than what the Type I buffer requirements would otherwise require at the request of the community. Mr. DeLuca stated they did agree to additional landscaping in that area and also to provide solid fencing along that part of the property line.

Mr. Murphy asked Ms. Holmes about the minimum open space requirement in the R-2 District, and Ms. Holmes stated in the R-2 District under the requirements for site capacity calculations it states that the total of the resource protection land, the common open space should be 40% of the base site area. Ms. Holmes stated in this case the property has zero resource protection lands so 40% of the base site area would be required as common open space. Mr. Murphy stated they are proposing 45%; and Ms. Holmes agreed, adding that the open space proposed is essentially everything outside of the buildings that is not paved or building area. Mr. Gruen stated that includes the storm management, and Ms. Holmes agreed. Ms. Holmes stated with regard to the relief, the calculation for net buildable site area is required to subtract the total open space and resource protection land essentially resulting in a much smaller net buildable site area for the property. She stated they are requesting relief to not deduct that 40% open space and to allow the net buildable site area essentially to be the same as the base site area for purposes of the calculations. She stated that is how the Plan is shown.

Mr. Gruen asked if this Plan is approved, who would determine the type of vegetation that is to be planted so that they do not plant white pines that will break in fifteen years. Mr. Murphy stated the Township Ordinance has very specific requirements as far as species, etc. Ms. Kirk stated for buffer areas, the SALDO does specify the type of vegetation. Mr. Murphy stated the Township will review it and decide what is adequate and what is not.

Ms. Kirk stated they have discussed the community pool, and she asked if this new development is proposing a community pool or were they referring to the Sutphin Pines pool; and Mr. Murphy stated they were referring to the Sutphin Pines pool. Mr. DosSantos stated that pool is on the southern border, and Ms. Holmes agreed. Mr. Gruen asked if they made arrangements for this development to be able to use that pool; and Mr. Murphy stated there were conversations about that issue, but the Sutphin Pines community elected not to encourage that.

Ms. Kirk stated she understands that the setback along the collector road will be double what currently exists; however, they are reducing the setback from the arterial road by almost one half of what exists. Ms. Holmes agreed that they are reducing the setback on the arterial. Ms. Kirk asked if there is a way to maintain the existing setback with the proposed Plan, and Ms. Holmes stated there is not.

Ms. Kirk noted a portion of the Plan, and she asked Ms. Holmes if the entire area she was showing was proposed driveway; and Ms. Holmes stated it is. Ms. Kirk asked the width, and Ms. Holmes stated it is a 26' wide driveway.

Ms. Kirk stated when they did the calculations for the open space requirement, Ms. Holmes had indicated that it was based on the net site buildable area minus the resource protected land. Ms. Holmes stated the way the Ordinance requires it, it is 40% of base site area when there are no resource protection lands; and in this case there are none on the property. She stated therefore the calculation for base site area is 2.348 acres. Mr. Murphy stated in the center right of Exhibit A-1 Ms. Holmes has shown the detailed site capacity calculations that the Ordinance requires, and it can be seen in the middle all the natural resources are listed as zero since there are no identified natural resources. He stated absent that, you have to take a flat 40% of the 2.8 acres and exclude it. He stated you are then basically left with less than an acre and a quarter to do anything. Ms. Holmes stated the requirement for that, for the 40% of the base site area, is .939 acres. Ms. Holmes stated they are providing the open space on the Plan, and they are requesting the relief from subtracting it on the site capacity calculations.

Mr. DosSantos asked the purpose behind that calculation, and Ms. Holmes stated the subtraction for the result of the net buildable site area essentially becomes “null” in regards to a buildable area when you subtract that open space calculation. Mr. Murphy stated he does not feel there is a good reason, and he feels it is confiscatory; and they are basically trying to sterilize the site by having these “absurd” requirements.

Ms. Kirk stated what they are saying is that if they had to reduce the buildable site area but what would otherwise be required for the open space under the Ordinance, they would have almost one acre less to use for buildable space; and Ms. Holmes agreed.

Mr. DosSantos stated they would be proposing a single-family home. Ms. Holmes stated that is especially true when you consider the setbacks from the collector and arterial roads, so that you are really left with no buildable site area.

Ms. Kirk stated there are two areas of proposed stormwater facilities – one closest to Sutphin Road and one along Unit #6, and Mr. Murphy agreed. Ms. Kirk asked at this point, based on the schematics, what is the difference in the size of those two proposed facilities as it appears visually that the one by Unit #6 may be half the size of the one along Sutphin; and Ms. Holmes agreed it is approximately half if not a little less than half of the one on Sutphin. Ms. Kirk asked if they have exact dimensions, and Mr. Murphy stated they do not yet. Ms. Holmes stated they have to do soil testing that complies with the Ordinance to determine soil conditions and infiltration rates, and then they will do full design calculations based on those requirements.

Ms. Kirk asked the plan for sanitary sewer disposal, and Ms. Holmes stated it will be public sewers. Ms. Kirk asked, while this is not part of Zoning, have they had the opportunity to ascertain if there are enough EDUs available for a project of this size; and Ms. Holmes stated she believes that there are.

Mr. Gruen stated with regard to the stormwater management, since they have done soil tests they do not really know the sizes of the stormwater management. Ms. Holmes stated what they are showing is conceptual, and they have done very preliminary calculations as far as sizing so they could show this conceptually on a Plan; but detailed engineering calculations and soil tests still need to be done. Mr. Gruen asked what would happen if they require 50% more area, and Mr. Murphy stated they would put it underneath the driveway probably. Ms. Holmes stated they would look at alternatives for the type of stormwater facility that would be proposed based on the results that they get from the soil testing. Mr. Gruen stated there is “no way they would go with a larger stormwater management physically or aesthetically;” and if they need more they will put it under the driveways or a system that will not be visible. Ms. Holmes stated it may not look exactly like the outlines shown on the Plan this evening, but it would be designed to comply with all of the requirements.

Mr. Gruen stated Mr. Murphy stated at the beginning that the Plan was received a lot better, and he asked how many people object to it now or are in favor of it now. Mr. Murphy stated today he is not aware of anyone that has expressed any opposition to it based on the meetings he has had and the feedback they have received, although he cannot speak for the whole community.

Mr. DosSantos stated the topography drains north, and Ms. Holmes agreed. Mr. DosSantos asked why the smaller drainage is at the location shown, and was that just because that is where it fit. Ms. Holmes stated the topography drains toward the intersection as well as straight to the north toward Yardley-Morrisville so the north and the northwest corridor are the lowest points so they are the most optimal locations for stormwater management.

Mr. Gruen asked Mr. DeLuca if it would financially be feasible to have just ten units if they need more space for stormwater management, and Mr. DeLuca stated it would not.

Mr. Gruen opened the matter up for public comment and described Party Status.

Ms. Cynthia Weiss, 1308 Yardley-Morrisville Road, was sworn in, and she asked for Party Status. Ms. Weiss stated she moved into her home directly across the street from Marrazzo’s on September 1, 2004. She stated when she moved in it was a “charming flower shop,” and there was a row of tall hedges that shielded the view of what appeared to be a metal addition. She stated that was “short-lived and she woke up one

morning to find the tall hedges gone, and the metal addition now had a large neon, industrial sign.” Ms. Weiss stated she has a picture taken this evening, and Mr. Marrazzo has added more neon signs and more industrial signs. She stated since that time the industrial nature of their business appears to have “blossomed” now with a large sign for snow equipment and lawn equipment signage, and a blue neon sign that shines into her bedroom window. Ms. Weiss stated once the hedge was gone, some of the pervious surface disappeared, and she had to spend several thousand dollars installing French drains in her basement which solved her problem; however, she is concerned about the industrial-looking building instead of the “quaint flower shop.” Ms. Weiss stated the trucks, the “stench of mulch,” and the increased industrial nature of their business do not belong in this neighborhood.

Ms. Weiss stated much of what they do does not conform to current Zoning in addition to the “shear eyesore of the business.” Ms. Weiss stated she does not recall the Marrazzo family getting permission to expand their business into the “industrial hodge-podge that it has become.” Ms. Weiss stated they have totally taken advantage of the non-conforming use of the nursery that had been grandfathered and just expanded it at will.

Mr. Tritt stated he assumes Ms. Weiss is in favor of the proposed project, and Ms. Weiss stated she is.

Mr. Gruen stated he recalls that Mr. Marrazzo did get permission for the building. Ms. Weiss asked if he got approval for all of the neon signs; and Mr. Gruen stated that is against the Township regulations, and that should have been handled by the Building Department, and the Zoning Hearing Board never approved that. Mr. Gruen stated he got permission to enlarge the building because he took out the tent. Ms. Weiss asked if he got approval for all of the industrial equipment that sits in the driveway. Ms. Weiss stated at one point he had huge lawnmowers sitting in the right-of-way and big industrial equipment that was there as recently as a few weeks ago. She stated more recently he had a “massive piece of heavy equipment with a large American flag hanging from it.”

Ms. Weiss stated she would welcome Residential units especially of the quality that DeLuca is known for. She stated she has gone into Flowers Fields which are beautiful units; and if he does anything “even nearly as nice” as Flowers Fields, it would be a huge improvement. She stated she assumes Mr. DeLuca will take care of whatever stormwater management is an issue. Ms. Weiss stated “nobody is buying big McMansions and townhomes seem to be where it is at.”

Mr. John Barry, 16 Milton Drive, was sworn in and requested Party Status.

Mr. Murphy asked Mr. Barry where he lives in relation to the subject property, and Mr. Barry stated it is a quarter mile or less “in a straight line.” Mr. Murphy Objected to Mr. Barry’s request for Party Status because he is not within the “cone of influence.” Mr. Barry stated he would Object because the scope and scale of this project is considerable. Mr. Gruen stated he feels he is within the scope as he knows where Milton Drive is, and as Chairman he has the prerogative to give him Party Status. Mr. Murphy stated he wants the Record to note his Objection that he is not entitled to it. Mr. Gruen stated Mr. Murphy can Object; and if it goes to Court, the Judge will rule.

Mr. Barry stated there is a much lesser turn-out tonight than there was when the last presentation was given on Moser; and he feels there was very little Notice given on this, and it is the middle of the summer. He stated this is a “typical thing that lawyers do.” Mr. Barry stated he also resents the fact that they started with the Moser property, which is now irrelevant since it has not been submitted. He stated they started with nineteen, and it makes it sound like eleven is better; however, he does not feel it is better. Mr. Barry stated he feels this property should be developed with “three family homes,” since the “complexion of the neighborhood” is single-family, R-2, third of an acre Zoning. Mr. Barry stated he is also “amazed by the fact that there is all this special status apparently for the Sutphin Pines people.” Mr. Barry stated he feels Sutphin Pines should get representation and speak out; but he heard nothing about this, and many of his neighbors in the community in Wynnwood did not get Notice of this Hearing or know about it. He stated “it’s like it is a secret.” Mr. Barry stated he found out about it at the very last minute.

Mr. Barry stated they are asking for about fifteen Variances from density, setback, and impervious surface. Mr. Barry stated when he did an addition to his home which was a brick patio done by the Marrazzos, he had to tear up 225’ of macadam to stay at 25%; and here they are talking about going to 55% or 60%. He stated there is reference to the fact that now the impervious is 65.9%. Mr. Barry stated he has lived in the Township for thirty years, and Marrazzos has been “dragged into the Township multiple times for not paying attention to impervious surface requirements.”

Mr. Barry stated Mr. Murphy actually referred at one of the Hearings to Marrazzo Garden Center’s “bad behavior,” and he used those words. Mr. Barry stated it is “like this will be better than that,” and that is not a reason to give Permits for this.

Mr. Barry stated “things are not complete here,” and soil has not been tested, perc has not been done, and things are preliminary. He stated they have heard about a storm system, but he cannot see it because it is “on a little drawing,” and he did not get any of the booklets.

Mr. Barry asked that the Zoning Hearing Board give a “really hard look to this.” He stated he does not think it is staying with the “complexion of the town.” He stated the impervious surface is huge issue as they have flooding in his neighborhood. He stated he hopes that there will be more Hearings on this matter, and they will see a higher turn-out next time.

Mr. Barry stated he is formally opposing this Application.

Mr. Charles Halboth, 1306 Yardley-Morrisville Road, was sworn in and requested Party Status. He stated he is across the street from the property. He stated he is a professional engineer in the State of Pennsylvania “and a whole bunch of other States.”

Mr. Gruen asked Mr. Halboth if he is for or against the Application, and Mr. Halboth stated he does not know yet. He stated he came tonight based on the previous information that he had seen. He stated he sees a lot of things on the Plan “that do not exactly thrill” him.

Mr. Halboth stated with regard to the setbacks, the “real” setback that they have from the curb of Yardley-Morrisville Road to a building is 35’. He stated they can “talk all they wish about the Ordinances and Codes,” but what they are doing is building a building approximately the width of one of these units next to Yardley-Morrisville Road from the curb.

Mr. Halboth stated he recalls that there was a berm supposed to be placed along Yardley-Morrisville Road with a combination of landscaping that was going to help “more of less shelter this development from the Yardley-Morrisville Road view,” and he does not see that. He stated there is really no room for a berm now.

Mr. Halboth stated with respect to the stormwater management, if the land slopes to the north and west, he would ask why one of the detention basins is at the high point; and that does not “bespeak that the thing has been altogether thought out.”

Mr. Halboth stated he personally believes that the numerous references to the Marrazzos are a “little bit of smoke.” Mr. Halboth stated “Marrazzo does not have a whole lot of friends, and he has done a lot of things that have been questionable.”

Mr. Halboth stated the point is not “the sins of the past;” but doing the right thing going forward. Mr. Halboth stated the comparisons that “this is better than Marrazzos, do not hold any water.” He stated the real issue is what does this do with respect to the current Ordinances and the current requirements.

Mr. Murphy asked Mr. Halboth where he lives in relationship to the property, and it was noted he is directly across the street. Mr. McCartney asked Mr. Halboth if he received Notice of tonight’s meeting, and Mr. Halboth stated he did.

Mr. Frederick Karp, 35 Sutphin Pines, was sworn in. Mr. Karp stated with regard to the Moser presentation, he was present a year and a half ago and objected to it “strenuously” because of the reasons Mr. DeLuca gave. Mr. Karp stated he is a member of the Sutphin Pines Board. Mr. Gruen stated the Zoning Hearing Board never had a Hearing on that matter. Ms. Kirk stated the Marrazzo project came in front of the Planning Commission a year and a half ago with a Sketch Plan that was presented.

Mr. Karp stated the Board was favorably impressed by the presentation Mr. DeLuca gave compared to the Moser Plan, and this Plan answered all of the objections they had to the Moser Plan that was “Testified to.”

Mr. Karp stated he would like to be a Party.

Mr. DosSantos asked Mr. Karp if he is a member of the Sutphin Pines Board and had previous meetings with the Applicant regarding this project, and Mr. Karp agreed. Mr. DosSantos asked Mr. Karp if he is here tonight representing the Sutphin Pines Board, and Mr. Karp stated he is. Mr. DosSantos asked how many homeowners are in the Sutphin Pines community, and Mr. Karp stated there are ninety-eight. Mr. DosSantos asked if it was a well-attended meeting or was it strictly just the Board. Mr. Karp stated they had both – they had a meeting with Board members, and there was also a community meeting; however, the community meeting was not attended as well as they would have liked. Mr. DosSantos asked Mr. Karp if he is an Officer of the Board, and Mr. Karp stated he is the Board Secretary. He stated they are for the project. Mr. McCartney stated on behalf of the Board, Mr. Karp is saying that the Sutphin Pines Board is for this project, and Mr. Karp agreed.

Mr. Gruen asked if he is formally representing Sutphin Pines, and Mr. Karp stated he was asked to attend. Mr. Gruen asked if they should not get a letter to that effect from the Board certifying that, since in the past he believes that whenever somebody represented a group, they brought something in writing. Mr. DosSantos stated he feels they can take Mr. Karp at face value. Mr. Flager stated if this is getting Continued,

he could provide this at the next meeting. Mr. Gruen stated he feels it would be good if Mr. Karp brought something officially from the Board stating that he is a representative of Sutphin Pines. Mr. Karp stated he would prefer just speaking for himself. He stated the Board did ask that someone from the Board attend, but it was not a directive to anyone specifically.

Mr. John Kuebler, 51 Sutphin Pines, was sworn in and requested Party Status. He stated his home is behind proposed Building #10. Mr. Kuebler stated he lived on Milton Drive for many years, and he understands the comments by his neighbors outside of Sutphin Pines. Mr. Kuebler stated he did not attend any of the Sutphin Pines meetings. He stated from his perspective, living in Sutphin Pines next door to the proposed development he feels it is an excellent improvement; and there is nothing that he objects to in the Plan, and he complimented everyone who put it together. Mr. Kuebler stated he does feel that there is always a “nicer way” to use a piece of property; however, given the economics and “people having the right to do what they have to do,” he is present to say he has no objection, and it is a tremendous improvement.

Mr. Matthew Fry, 62 Sutphin Pines, was sworn in. He stated he has spoken to a few of the residents in Sutphin Pines; and like Mr. Kuebler, he is in favor of this project. He encouraged the Board to look upon this Plan favorably. Mr. Gruen asked where he lives relative to the proposed units, and Mr. Fry stated he does not back up to this project.

Mr. Fry requested Party Status.

Mr. Peter Kundra, 1312 Yardley Road, stated he is directly opposite Sutphin Road, two doors down from Dr. Weiss. Mr. Kundra requested Party Status. Mr. Kundra was sworn in.

Mr. Kundra stated he is in support of the project. He stated the Marrazzo property is a business, and with the business comes some of the “unpleasant things they have seen, but that is the business.” He stated he thinks the townhouse community will be better for the community, and he does not see that limiting this to two to three houses at a \$1 million each could be supported; and he does not see anyone paying that amount for a house in that area. Mr. Kundra stated he is familiar with DeLuca homes, and he has daughters who have bought their properties.

Mr. Kundra stated Mr. Murphy talked about the community being involved, but he has not heard anything from Mr. Murphy and he does not know that the other community members across the street from Marrazzos have heard from Mr. Murphy either about this

project. He stated it has been Sutphin Pines that has been involved throughout the entire project. He stated the “world involves more than just around Sutphin Pines.” He stated he feels those on Yardley Road should also be asked what they think about the project.

Mr. Kundra stated he has an Agreement with Mike Marrazzo along with Sutphin Pines so there is some history to his involvement with the property. Mr. Kundra asked that from now on, there be some involvement by those across Yardley Road and not just Sutphin Pines.

Mr. Kundra stated he does support the project, and he asked that they save Unit 11 for him.

Mr. Kundra stated he has walked through Sutphin Pines numerous times, and he never seen anyone swimming there.

Mr. Gruen stated the developer should be “happy that there are not more people here as they only turn out when they object to something.” He stated he does feel that this does effect mostly Sutphin Pines.

Ms. Kirk stated she was asked to attend this evening’s meeting and participate on behalf of the Township, and she asked the Board to grant a Continuance so that she can report back to the Township as to the specifics that were discussed tonight in order to see what further action, if any, the Township wishes to take. Ms. Kirk stated she will get the information to the Township by tomorrow or Thursday through the Township Manager, and should have an answer from the Board shortly thereafter.

It was noted that September 17 is the next available date; however, a number of Board members noted the number of Appeals already to be heard that evening. Mr. Murphy asked if the Township elects not to participate, could the Zoning Hearing Board just render its Decision on September 17.

Mr. McCartney asked Ms. Kirk if currently the Township is neutral, and Ms. Kirk stated that is true at this point because they wanted her to get more information.

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to Continue the matter to September 17, 2019 in order for the Board of Supervisors to review the additional data provided by Ms. Kirk.

APPROVE CANCELLING SEPTEMBER 3, 2019 MEETING

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to cancel the meeting of September 3, 2019.

OTHER BUSINESS

Mr. Gruen stated this will be his last meeting serving on the Zoning Hearing Board, and he thanked the members of the Board for being “kind and generous and having great meetings;” and even when there are times that they do not agree, when they leave the meeting, they are still friends. Mr. Gruen was thanked for his service.

There being no further business, Mr. McCartney moved, Mr. Gruen seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Keith DosSantos, Secretary