

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – DECEMBER 3, 2019

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on December 3, 2019. Mr. Zamparelli called the meeting to order at 8:00 p.m.

Those present:

Zoning Hearing Board: Anthony Zamparelli, Chair
 Keith DosSantos, Vice Chair
 Peter Solor, Member
 Michael Tritt, Alternate Member

Others: James Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Michael Levin, Zoning Hearing Board Solicitor
 Suzanne Blundi, Supervisor

Absent: James McCartney, ZHB Secretary
 Pamela Lee, ZHB Member

APPEAL #19-1852 – JOHN & KERRY MCCLINTOCK
TAX PARCEL #20-035-006-010
770 SANDY RUN ROAD

Mr. Levin 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. John McClintock and Mr. Rob McCubbin, Anthony Sylvan Pools, were sworn in.

Mr. McCubbin stated they are looking to construct an in-ground concrete swimming pool with a pool patio around the pool area. He stated the property as Zoned is 28%, and they are looking to increase to 30.53% so it will be a 2 ½% increase on the property for the maximum impervious surface. He stated they currently have 27.23% impervious surface. He stated as part of the project, they are planning to do additional stormwater management facilities on the property to mitigate everything they are creating. He stated there is already a fairly big stormwater management facility on the property to account for the existing

driveway, the house, the patio, and the sidewalk; and that was built as part of the new construction for the house. He stated they are proposing to do a smaller version of that to capture the excess run off. He stated the net increase is 642 square feet.

Mr. Zamparelli asked why they are not planning to do a little more mitigation to keep it at 28%. Mr. McCubbin stated what they are proposing will maintain it at 28% maximum. He noted there was a huge stormwater management system that was built with the house for a maximum up to 28%. Mr. DosSantos stated what they are proposing is to add additional stormwater management to bring the impervious surface back to the 27.23% after the development.

Mr. Majewski stated there is a minor calculation error in their design, and he has made the Applicant aware of that; and they will need to adjust that either by making the seepage bed either slightly longer, wider, or deeper to account for that minor discrepancy.

Mr. DosSantos stated the Applicant has indicated that there is a robust stormwater management in place, and he asked Mr. Majewski is aware of that. Mr. Majewski stated that was designed as part of the Subdivision. He stated this property is part of the Estates of Sandy Run Subdivision. He stated this is an isolated Lot, and there are eight Lots around a cul-de-sac a few hundred feet down the road; and since this Lot was a little bit more remote from the detention basin, this Lot manages their stormwater on site rather than pipe it all down to the detention basin.

Mr. Zamparelli asked if there have been any problems with water in the area, and Mr. Majewski stated there is not that he is aware of.

Ms. Kirk stated the Township is taking no position in this matter.

Mr. Solor asked if there was spare capacity in the design of the stormwater management or was the stormwater management designed for the 27.83%; and Mr. McCubbin stated it was designed for 28% so they do need the additional mitigation.

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

Mr. Trill moved, Mr. DosSantos seconded and it was unanimously carried to approve the request subject to review and approval of the Township engineer.

APPEAL #19-1853 – PENNSYLVANIA-AMERICAN WATER COMPANY
TAX PARCEL #20-016-002
INTERSECTION OF QUARRY ROAD AND DOLINGTON ROAD

Ms. Kirk stated that this matter was scheduled for last month; however, there was an issue with the publication of the Notice for that Hearing so this matter was carried until today.

Mr. Levin marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The letter from Remington Vernick dated 10/23/19 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. David Jones, attorney, was present with Mr. Craig Darosh from PA-American Water, and Mr. Jeff Skinner, engineer, who were sworn in.

Mr. Jones stated he is the attorney representing Pennsylvania-American Water, and they are present this evening to request a new above-ground water booster pump building to replace a failing underground pump station at Dolington Road and Quarry Road. He stated they are requesting a Special Exception for the use as a utility and three Variances for the Type II Buffer plantings in a wooded, buffer requirement of 50' width, and the 80' front yard setback encroachment.

Mr. Skinner stated this involves a portion of a 34-acre property that is owned by the Township. He stated it was previously owned by the Snipes family, and Pennsylvania-American had purchased an Easement from them to provide a booster pump station on the site to increase the pressure to the Washington Crossing Zone. He stated the booster pump station was installed underground in approximately 1996. He stated it is at the end of its lifespan, and they are looking to replace it.

Mr. Skinner stated the booster pump station is in the Easement on the property, with the Easement being approximately 50' by 60'. He stated while constructing the new station, they have to maintain the existing station. He stated the Plan shows the existing buried station in front of the proposed new station. He stated they are also proposing a new driveway to access the new station.

Mr. Zamparelli asked Mr. Skinner to show the location of the existing station, and Mr. Skinner stated the existing station is in the front. He stated there are some existing plantings around it. He stated there are four hatches that can

be seen. He stated the existing station is 30' by 15' by 10' deep. He stated they are proposing a 30' by 13' station which will be approximately 10' to 12' tall. He stated it is essentially a small garage that will be in back of the existing station.

Mr. Skinner stated there will be a 10' wide driveway to access the building as well as two rain garden areas to capture the additional runoff created by the structure and the driveway.

Mr. Skinner stated they are proposing buffer plantings along the one side and retaining the existing plantings around the rear and the other side of the property. He stated the site will have an 8' black chain link fence with barbed wire to maintain security to the public utility system. He stated they will also have some screen planting out front to better hide the facility but still maintain some visualization, and they will not meet the buffer requirements.

Mr. Skinner stated currently there is no driveway access to the property, and the maintenance vehicles have to park alongside the road or on the grass. He stated they will be cleaning up that portion by having the driveway.

Mr. Skinner stated the box shown on the Plan behind the building is the area where the generator will be relocated, so it will be screened from the road by the building.

Mr. Skinner stated the new Easement will be 90' by 90' so they are expanding the Easement and they will need to revise the Agreement with the Township for the enlarged Easement area.

Mr. Skinner stated when they were doing research on the property, they found an existing vacant Sewer Easement running through the property. He stated it came up from the intersection of Quarry Road and Creamery Road, and is right under the proposed booster station, and it comes out toward Dolington Road and then up along Dolington Road. Mr. Skinner stated this Easement was never used. He stated it was for the properties further up Dolington Road; however, those properties were able to get sewer service from the development on the other side, so this Easement will never be used. Mr. Zamparelli asked if they will be building over top of the Easement. Mr. Skinner stated while they are, they went to the Sewer Authority who agreed to vacate the Easement. He stated they are in the process of doing that paperwork, and it will be Recorded in Doylestown to vacate the Easement.

Ms. Kirk stated she has been involved in this process through the Sewer Authority and the Planning Commission, and they already have the paperwork proposed for extinguishing the old existing Sewer Easement that was granted from the Snipes owners to the Township Sewer Authority. Ms. Kirk stated she has also been involved with Mr. Skinner in getting the documentation ready to prepare a new Easement due to the enlargement of the proposed area.

Mr. Zamparelli stated he understands that they are going to relocate the existing generator and not putting in a new generator, and Mr. Skinner agreed. Mr. Zamparelli asked how far back the building will be from the location of where the generate it at this time. Mr. Skinner stated it will be right behind where the existing generator is located. He stated they are moving the generator behind that new building.

Mr. Zamparelli asked about the noise level from the above-ground station. Mr. Darosh stated there should not be any additional noise. He stated the generator would be the largest noise-producer. Mr. Zamparelli stated that would only be run when there is a power outage. Mr. Darosh stated it would also be tested once a week. Mr. Darosh the pumps are relatively quiet and will be enclosed. He stated the pre-fabricated stations have a 2" thick foam core. He stated it will be a vinyl structure. Mr. Zamparelli asked if there will be some kind of insulation inside that would also dampen the noise from the pumps, and Mr. Darosh stated he does not believe they have that in the siding. Mr. Zamparelli asked Mr. Darosh if he feels there will be any excessive noise outside at 100' when the pumps are running, and Mr. Darosh stated he does not feel there will be.

Mr. Solor stated Remington Vernick provided a number of comments on the proposal, and it does not appear that the Application took those comments into account; and he asked if there is a revised version. Mr. Skinner stated they have Revised Plans; however, they have not re-submitted them because they wanted to complete the other processes. He stated they wanted to make sure that if anything else was added during the process before the Sewer Authority, the Planning Commission, or the Zoning Hearing Board, they wanted to include any of those comments before they re-submitted the Plans to the Township. Mr. Skinner stated they are prepared to meet all the requirements of the Remington Vernick letter.

Mr. DosSantos asked if the Zoning Hearing Board were to grant Approval and made a Condition that the Applicant meet the requirements as set forth in the October 23, 2019 recommendation from the Township engineer, they

would be agreeable to that. Mr. Darosh stated they would with the exception of the two Variance they discussed about the Lot width which the Applicant does not feel is appropriate since this is an Easement and not a separate Lot. Mr. Jones stated those items are under Sub Section II, #1 and #2. Mr. Jones stated it his understanding that Mr. Majewski was agreeable that these two items would not be required, and Mr. Majewski agreed that those two are not applicable. Mr. Majewski stated when the Planning Commission discussed this proposal, one of their recommendations was that they comply with the Township engineer's review letter except for Comments #1 and #2 which are not applicable to this.

Mr. DosSantos stated they will comply with the remainder of the comments, and Mr. Darosh agreed.

Mr. Skinner stated with regard to the stormwater management, they are preparing to have perc tests done at the proposed locations for the raingardens and submit a report with their calculations to confirm that the drainage/infiltration is acceptable. He stated one of the proposed rain gardens is directly over where the existing vault will be filled in so they will be able to put in appropriate soil at that location so they know that location will be good. He stated at the other they will be investigating further and confirm before re-submitting. Mr. Zamparelli asked Mr. Majewski if he will be reviewing that, and Mr. Majewski stated the Township engineer will be reviewing that.

Ms. Kirk stated she attended the Planning Commission meeting when they reviewed the proposed Plan. She stated they went through all of the specific requirements as set forth in the engineer's review letter, and they recommended Approval subject to compliance with the Conditions set forth in that letter except for those two additional Variances and the Condition that the Applicant work with the Township and solicitor's office in vacating the old Sanitary Sewer Easement and prepare the appropriate instrument for Recording for the new Easement area. Ms. Kirk stated she made a recommendation to Mr. Skinner and the representatives that a whole new Easement would probably be more beneficial than trying to add on to the existing Easement, and that is the direction that they will be taking.

Mr. Solor asked how this lay out relates to the proposed Dolington Road re-alignment by the State sometime in the future. Mr. Skinner stated they show on the left side of the Easement the future 70' right-of-way so they will not be encroaching in that at all. He stated if they were to do the 25' buffer, they would be into the right-of-way but

at that point it is no longer a side yard, it is a front yard, and would probably not be required. He stated they requested a Variance from that requirement to confirm that was acceptable.

Mr. Tritt asked about the insulation. Mr. Darosh stated the siding does not have insulation. He stated typical stations have 2" thick foam core. Mr. Tritt stated that will add some additional soundproofing. Mr. Zamparelli stated he assumes the inside is heated, and Mr. Darosh agreed.

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

Mr. DosSantos moved, Mr. Tritt seconded and it was unanimously carried that the Special Exception be granted and relief be granted for the three Variances requested with the Condition that the Applicant will meet the requirements set forth in the 10/23/19 letter from the Township engineer, Remington Vernick – Comment Section II with the exception of Sub Paragraphs 1 and 2 and that the Applicant take all steps necessary to obtain the appropriate Easement documentation for the enlarged Easement as well as vacating the Sewer Easement as discussed by the Applicant and Ms. Kirk on behalf of the Township.

There being no further business, Mr. DosSantos moved, Mr. Tritt seconded and it was unanimously carried to adjourn the meeting at 8:40 p.m.

Respectfully Submitted

Anthony Zamparelli, Chair