

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JULY 21, 2020

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held remotely on July 21, 2020. Mr. Zamparelli called the meeting to order.

Those present:

Zoning Hearing Board: Anthony Zamparelli, Chair/Temporary Secretary
Pamela VanBlunk, Vice Chair
Peter Solor, Member
Michael Tritt, Member

Others: James Majewski, Director Planning & Zoning
Barbara Kirk, Township Solicitor
Adam Flager, Zoning Hearing Board Solicitor
John B. Lewis, Supervisor Liaison

Absent: Matthew Connors, ZHB Member

APPEAL #20-1857 – TIMKO FAMILY ASSOCIATES, L.P.
Tax Parcel #20-016-096 – NORTH WEST CORNER OF INTERSECTION OF
EDGEWOOD ROAD & SANDY RUN ROAD, YARDLEY, PA 19067

Mr. Flager stated he received an e-mail sent by Edward Murphy, attorney for the Applicant. He stated they had originally requested a Continuance until this evening because their Witnesses were not available at previous meetings; and one of those Witnesses was not available this evening. He stated they are therefore requesting a Continuance until August 4, 2020.

Ms. Kirk stated she is present on behalf of the Township who is participating, and they have no objection to the request for Continuance.

Ms. VanBlunk advised the Board that she will not be present at the meeting on August 4.

Mr. Solor moved, Ms. VanBlunk seconded and it was unanimously carried to approve the Continuance until August 4, 2020.

APPEAL #20-1864 – GEOFFREY SHULTZBANK

Tax Parcel #20-2057-224 – 1087 BANCROFT LANE, YARDLEY, PA 19067

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

The Applicant was not available at this time. Ms. Kirk agreed to contact the Applicant by phone to see if he was available. Mr. Majewski stated this Application was submitted on June 8, 2020 and the first Hearing must take place within sixty days. Mr. Majewski stated if they are unable to reach the Applicant, they could Continue this to the August 4, 2020 meeting.

Ms. Kirk stated the Applicant indicated that they are having difficulty accessing the meeting, and she is going to give them instructions on what to do. It was agreed to proceed with the next Appeal and come back to this Appeal once the Applicant has gained access.

APPEAL #20-1865 – KIMBERLEY & ALDO BARTRA

Tax Parcel #20-059-037 – 1439 BUFORD DRIVE, YARDLEY, PA 19067

Ms. Kimberley Bartra and Mr. Aldo Bartra 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.

Ms. Bartra stated they are looking to put in an in-ground pool in the back yard which will increase their impervious area. She stated they worked with an engineer to put in a trench drain around the concrete to make sure that all the water run-off was accounted for.

Mr. Zamparelli stated he reviewed the Plan, and he felt it was okay. He asked Mr. Majewski if the seepage pit is large enough. Mr. Majewski stated the seepage pit is large enough to handle the additional run-off that is generated from the impervious surface. He stated it should be

noted that the edge of the concrete is closer than 5' to the property line, and there is a minimum 5' separation requirement between grading for a pool and such amenities, and they are at approximately 2'. Mr. Majewski stated they will have to move the pool over by approximately 3' from where it is currently shown in order to maintain the 5' separation distance. Mr. Majewski stated that will reduce the amount of impervious surface down to 31.1%.

Mr. Zamparelli asked if they will need to move the pool itself over or is it the concrete deck area. Mr. Majewski stated they could move either or both.

Ms. Bartra stated their engineer put in drainage along the edge of the concrete and the water would then go to the seepage pit.

Mr. Zamparelli asked Mr. Majewski where the 5' mark is on the Plan, as he only sees a 10' line. Mr. Majewski stated they are not showing the 5' line; but by scale, it can be seen that they are at less than 5'.

Ms. Bartra stated there is a drain at the edge of the back of the concrete next to the fence, and she asked if that would not catch the run-off. Mr. Zamparelli stated while it does, everything needs to be moved over to 5'. He stated they cannot be any closer than 5' to the edge of the property.

Ms. Bartra asked if the concrete is moved 5' from the fence line would the drain still be required on the outside edge; and Mr. Zamparelli stated it would be required since that is the design.

Mr. Solor stated he noticed on the Grading Plan on the concrete, the area on the north side is draining to the north and not toward the control device; and Mr. Majewski agreed. Mr. Zamparelli asked Mr. Majewski if that would be an issue. Mr. Majewski stated that is something that the Township engineer will review during the review process and make sure that they meet all the stormwater requirements. Mr. Zamparelli stated they will still need to go through the Permit process if the Zoning Hearing Board approves this, and that is when it will be checked by the Township engineer, and Mr. Majewski agreed.

Mr. Solor asked if the Board approves this, it would be Conditioned on moving the edge of the concrete to be 5' from the property line, and Mr. Majewski stated it is actually the edge of the trench drain which is to be 5' minimum from the property line.

There was no one from the public wishing to speak on this matter.

It was noted that the Township was not participating in this matter.

Mr. Solor moved, Mr. Tritt seconded and it was unanimously carried to approve the Variance with the Condition that the trench drain and edge be moved 5' minimum from the property line and that the seepage pit be adequate for the impervious surface in the design.

APPEAL #20-1866 – CHARLES TRAVIS KEYS

Tax Parcel #20-051-019-001 – 495 KEATING DRIVE, YARDLEY, PA, 19067

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

Mr. Charles Keys and Ms. Beth Keys were sworn in.

Mr. Keys stated for the past few summers they have been having an issue with mosquitos so they would like to have a screened-in porch. He stated it will take them over the impervious surface. Mr. Zamparelli stated it will take them over .8% over what is existing. Mr. Flager stated the allowable percentage is 18%. He stated they are currently at 22.8%, and this will take them to 23.6%.

Mr. Zamparelli asked the Applicants if they added anything to the property which increased the impervious surface. Mr. Keys stated they did add a stone paver patio, and they did not understand that was part of the impervious surface. He stated he believes that is what pushed them over to the 22.8%. Mr. Zamparelli asked if they got a Permit for that, and Mr. Keys stated they did not because they did not realized they needed a Permit "for that impervious piece."

Mr. Zamparelli asked if there is a plan to mitigate the impervious surface. Mr. Keys stated he and his neighbor had problems with water, and about ten years ago they made a dry well at the end of his property, and they also expanded it and have a horizontal plastic tube with vents which was dug down about 2' deep, and the hole is about 4' deep. He stated it is

filled with crushed rock. He stated this was done years ago. Mr. Zamparelli asked Mr. Majewski if he was aware of that, and Mr. Majewski stated he was not of that. Mr. Majewski stated if the Board feels that the Variance would be appropriate, they would have to make sure that whatever was installed previously could accommodate the run-off from the patio that was added in addition to the proposed addition or they would have to augment the existing system if necessary. Mr. Majewski stated the Township would need a sketch of that to be able to judge to effective that would be.

Mr. Keys asked If he should do a sketch of the 6' pipe, and Mr. Zamparelli stated he should do a sketch carefully and accurately and submit it to Mr. Majewski who will determine if it is okay. Mr. Keys stated he would be willing to do that. He added that it has been effective, and given the limited amount of square feet to be added, he does not feel it will be a lot more water. Mr. Zamparelli stated while they realize that, it is about getting it mitigated properly and not setting a bad precedent given the requirement, adding they always try to get the residents to bring the impervious surface down as much as possible.

There was no one from the public wishing to speak on this at this time. It was noted that there was a Mr. Williams, but he has since left the meeting.

Mr. Tritt and Mr. Solor seconded and it was unanimously carried to approve the Variance contingent upon the homeowner providing a sketch of the currently-installed stormwater mitigation system and are open to expanding that system if the Township deems that it is not adequate to cover the additional impervious cover.

APPEAL #20-1864 – GEOFFREY SHULTZBANK

Ms. Shultzbank was sworn in.

Mr. Flager stated the Exhibits had previously been marked earlier this evening.

Ms. Shultzbank stated they put in a pool a few years ago and fenced in part of the yard. She stated it was a wood fence, and it is time to upgrade and replace it, and they wanted to incorporate their whole back yard. She stated some of their back yard is over a Sewer Easement which they wanted to go over. She stated they talked to their fence contractor, they made sure that when he

was putting up the panels that they would be removable since they knew that the Township could need access to it. Ms. Shultzbank stated they wanted to make the back yard bigger and give their children more room to play.

Mr. Zamparelli stated she understands that if the Township needs to get to the Sewer Easement, she will be responsible to taking it down and absorb the costs for that; and Ms. Shultzbank agreed. Mr. Zamparelli stated the fence also has to be a certain number of inches off of the ground to allow water to run through it, and Ms. Shultzbank agreed.

Ms. Kirk stated that while they were waiting to access the meeting, she discussed with them the Township's concerns that they would agree to the Condition of removing the fence if for some reason the Township needed access to the Sanitary Sewer Easement, and Ms. Shultzbank agreed with that. Ms. Kirk stated as long as that is a Condition of Approval, the Township has no other opposition. Ms. Shultzbank she understands that, and be willing to agree to it.

There was no one from the public wishing to speak on this matter.

Mr. Solor moved, Mr. Tritt seconded and it was unanimously carried to grant the Variance with the Condition that the fence sections within the Easement areas are removable at the expense of the homeowner, and that the fence is 2" off the ground.

There being no further business, Ms. VanBlunk moved, Mr. Zamparelli seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Anthony Zamparelli, Chair/Temporary Secretary