

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – OCTOBER 18, 2022

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on October 18, 2022. Mr. Solor called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Peter Solor, Chair
Matthew Connors, Vice Chair
Judi Reiss, Secretary
James Dougherty, Member
Mike McVan, Member

Others: James Majewski, Community Development Director
Dan McLoone, Planner
Barbara Kirk, Township Solicitor
Adam Flager, Zoning Hearing Board Solicitor
Fredric K. Weiss, Supervisor Liaison

APPEAL #22-1975 – ZUBAIDA FOUNDATION
Tax Parcel #20-041-002
855 BIG OAK ROAD, YARDLEY, PA 19067

Mr. Flager stated that the Applicant's attorney, Mike Meginnis, from Begley, Carlin requested a Continued to November 1, 2022. They have met with most of the neighbors and resolved their issues, and they want to continue to work with the remaining neighbors that they have not come to an understanding with. He stated they hope the two extra weeks will give them that opportunity. Mr. Flager stated he understands that the Township has no opposition to the Continuance.

Mr. Kirk stated Mr. Ottinger, who represents a few of the residents, also has no objection to the Continuance.

Mr. Dougherty moved, Mr. Connors seconded and it was unanimously carried to Continue the matter to November 1, 2022.

APPEAL #22-1978 – DILLON & REBECCA TUNG

Tax Parcel #20-049-129

243 VALLEY DRIVE, YARDLEY, PA 19067

Mr. Flager stated they have requested a Continuance to the November 1, 2022 meeting.

Ms. Kirk stated the Township will be participating, but have no issue with the Continuance.

Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried to Continue the matter to November 1, 2022

APPEAL #22-1979 – MARK HYLAND

Tax Parcel #20-020-084

33 HIGHLAND DRIVE, YARDLEY, PA 19067

Mr. Mark Hyland was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Renderings of the Addition which the Applicants had marked as A-1 through 14 were 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. Hyland stated they want to put an addition on their home which would be a bedroom and a bathroom for his mother-in-law who has been with them for the past eighteen months. He stated she is 88 years old and is still mobile, but it is best that she lives with them rather than going to some other type of care. He stated they have made a decision to build her a room and the doors and bathroom will be wide enough if she becomes wheelchair bound.

Mr. Hyland noted on the Plan the blue portion which is the addition. He stated they are already over the permitted impervious surface as the house was built in 1963, and there were different rules and regulations during that time. He stated this will take them from 20.31% impervious to 20.99%. He stated they are taking up a lot of concrete deck, and the new addition will be going on top of what was previously a concrete deck so it is only about 100 square feet of new building.

Mr. Hyland stated they contracted with a civil engineer – Dumack Engineering – and they are proposing to bring it back to 18% by installing a dry well as shown on the Plan in the northwest corner of the property.

Mr. Connors asked Mr. Majewski if he checked calculations, and Mr. Majewski stated they did and they are accurate.

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

Ms. Reiss moved, Mr. Dougherty seconded and it was unanimously carried to approve the Appeal as presented.

Mr. Solor moved, Ms. Reiss seconded and it was unanimously carried to recess at this time. The meeting was reconvened at 8:10 p.m.

APPEAL #22-1977 – DANIELLE CARCIA & MARC DICKERSON
Tax Parcel #20-047-059
15 GLENOLDEN ROAD, YARDLEY, PA 19067

Mr. Edward Murphy, attorney, was present with Ms. Danielle Carcia who was sworn in.

Mr. Flager marked the Exhibits as following: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Outline of Requested Relief prepared by Mr. Murphy 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. Murphy stated Marc Dickerson and Danielle Carcia are the owners of 15 Glenolden Road in the RRP – Residential Resource Protection District. It is about .35 acres with a single-family home and a detached three-car garage on it.

Mr. Murphy stated the Applicants had a prior Application two years ago, and the Decision was dated December 1, 2020. At that time relief was granted to permit an increase in impervious surface from 23.7% to 29.9%. He stated at that time they were cognizant of the fact that the increase would need to be offset by a certain amount of reduction in impervious which they had agreed to do and which effectively brought the net on-lot impervious down to 23.7%. Mr. Murphy stated since that time, their family situation has changed which has given rise to the nature of the request this evening.

Ms. Carcia stated she lives at 15 Glenolden with her husband and her daughter. She stated her father is widowed and previously lived in Falls Township, but has since sold his house. She stated he has developed some health issues and has had two heart attacks and multiple hospitalizations. She stated currently he does not have a residence in “this State.” Ms. Carcia stated they want to create some living space for him in the garage so that he has a place where he can stay as he continues to age, hopefully in a more healthy manner.

Mr. Murphy stated Ms. Carcia is a health care professional, and Ms. Carcia stated she is a physician/geriatrician and she has insight into the progression of chronic illness. She stated before her father gets to a point where he is not able to help care for himself, they would like to give him some resources here.

Ms. Carcia stated they would like to turn two of the bays of the garage or 2/3rds of the garage into living space for her father, and one of the bays would remain a garage for parking, etc. She stated they did get Permits for this from the Township but she was unaware that she needed Zoning relief as well which is why she is present this evening. She stated they have Permits for sewer, electric, etc. which are in the Application.

Mr. Murphy stated the conversion of the two bays is as outlined in Paragraph 8 of the Application, and it is 617 square feet. Ms. Carcia agreed adding that within that 617 square feet there will be a bathroom, small kitchenette, and one bedroom. Mr. Murphy stated Ms. Carcia had discussions with the Township staff about minimum requirements if permission were granted to use the two bays of the garage to be used as an in-law suite. Mr. Murphy stated Ms. Carcia is willing to accept a Condition that would limit the use of the one-bedroom apartment to only blood or family relatives, and Ms. Carcia agreed.

Mr. Murphy stated at his suggestion, Ms. Carcia canvassed the surrounding neighbors. Ms. Carcia stated she had discussions with the two neighbors next to her at 13 and 17 Glenolden, the neighbors across the street at 18 Glenolden, the neighbors at 11 Glenolden, and two of the neighbors on Glen. She stated none of the neighbors had any objection. Mr. Murphy stated they were made aware by Ms. Carcia of the nature of the plans, that the garage would not be expanded any further to include any more than one bedroom, and that any occupant of that space would have to be a blood or family relative; and Ms. Carcia agreed. Mr. Murphy stated Ms. Carcia was advised that as a Condition of any approval the Township solicitor would want to insure that a Declaration of Covenants and Restrictions is executed that would be Recorded that would state that the space would be limited in use to those

Conditions just described, and Ms. Carcia agreed and stated that would be acceptable. Mr. Murphy stated this was also explained by Ms. Carcia to the neighbors, and Ms. Carcia agreed.

Ms. Kirk stated she spoke with Mr. Murphy ahead of time to get agreement for the Condition that the use of the in-law suite be relative to either relatives by blood or marriage to the occupants of the principal residence. Mr. Murphy added that the apartment would be accessory to the use of the property as a principal residence.

Ms. Kirk asked what is intended to install in the kitchenette, and she asked if it would be an actual stove or a microwave. Ms. Carcia stated they would like to put in a stove for her father if that would be granted. Ms. Kirk asked if it would be gas or electric, and Ms. Carcia stated they have both at their home. She stated once she was made aware of the fact that she had to come before the Zoning Hearing Board, they halted everything so they have not made a decision about that.

Ms. Kirk asked what they will do with vehicles that would otherwise have been installed in the two garages. Ms. Carcia stated they currently only use one bay. She stated in agreement with the previous Zoning Variance, they removed 300 square feet of driveway, but they have an exceptionally large driveway in the back so there is plenty of room for parking.

Mr. Dougherty stated for the last Variance it was indicated that the proposed garage had a 10' rear setback, and he asked if that setback is allowable now that this garage is being converted to an in-law suite. Mr. Majewski stated it is still being classified as an accessory structure so the setback would still be acceptable.

Mr. Solor asked since they are converting what was originally intended not to be inhabited space into inhabited space, is it being brought into full Code compliance with things such as insulation, framing, etc.; and Ms. Carcia agreed. She added that it will be up to date with the Permits and inspections they have, and she would be happy to confirm with the Township what else might be needed.

Mr. Solor stated he did not believe it was originally built to be insulated inhabited space so there would be things that should have been applied with the Code if it was originally constructed that way in 2021. Mr. Murphy stated the Applicants are aware of that and the inspectors made them aware of that when the work that had been on-going was stopped because of this. Mr. Majewski stated the Permits would need to be amended, and they will need fire separation from the

garage, insulation, safety issues addressed including smoke detectors and carbon monoxide detectors, and means of ingress and egress. Mr. Connors stated these would be part of the Building Code and outside of Zoning. Mr. Solor stated if they are not complying, they would have to deal with that which might change the consideration of what they are looking at which is why he brought it up.

Mr. Solor stated he does not believe a stove is permitted in an in-law suite. Mr. Majewski stated that is correct, and the Ordinance does not allow for separate cooking facilities which the Township has traditionally considered to be a stove. He stated a microwave or air fryer would be permitted. He stated the thought with an in-law suite is that they would be having main meals with the family. This was agreeable to Ms. Carcia.

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

Mr. Dougherty moved, Mr. Connors seconded and it was unanimously carried to approve the Appeal as presented with the Township requiring a Recorded Declaration and Covenant that the occupants of the in-law suite need to be related by blood or marriage to the occupants of the principal residence. This building is an accessory to the main building.

There being no further business, Ms. Reiss moved, Mr. Dougherty seconded and it was unanimously carried to adjourn the meeting at 8:25 p.m.

Respectfully Submitted,

Judi Reiss, Secretary