TOWNSHIP OF LOWER MAKEFIELD

ZONING HEARING BOARD

MINUTES – NOVEMBER 21, 2023

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield

was held in the Municipal Building on November 21, 2023. Mr. Solor called the

meeting to order at 7:30 p.m. Mr. Solor noted that there are only four Board

members present this evening; and for an Appeal to be approved, a majority

would be needed which would mean three out of the four if that impacts anyone’s

decision to proceed with their Appeal tonight.

Those present:

Zoning Hearing Board: Peter Solor, Chair

James Dougherty, Vice Chair

Judi Reiss, Secretary

Mike McVan, Member

Others: Dan McLoone, Planner

Barbara Kirk, Township Solicitor

Adam Flager, Zoning Hearing Board Solicitor

Absent: Matthew Connors, Zoning Hearing Board Member

APPEAL #Z-23-2016 – MEGINNISS/HARRIS

Tax Parcel #20-034-130

0 EDGEWOOD ROAD, YARDLEY, PA 19067

Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried to

Continue the Appeal to December 5, 2023.

APPEAL #Z-23-2028 – RICHARD TURCHI

Tax Parcel #20-032-023-002

0 BIG OAK ROAD, YARDLEY, PA 19067

Mr. Dougherty moved to Continue the Appeal to December 5, 2023.

Ms. Kirk stated she received a copy of an e-mail from one of the residents who

lives next to the property asking if could be carried to January 3, 2024.

She stated Mr. McGuigan then sent an e-mail request to Mr. Majewski asking

for the Appeal to be carried to the January 3, 2024 meeting in order to accom-

modate the resident who was requesting the later date.

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Mr. McLoone stated that meeting will be held on Wednesday, January 3 because

of the holiday, and the Agenda is not full that night.

Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried to

Continue the Appeal to January 3, 2024.

APPEAL #23-2036 – KONYVES/MCKENNA

Tax Parcel #20-022-102

1038 HARVARD DRIVE, YARDLEY, PA 19067

Ms. Rose McKenna and Mr. James McKenna were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit

A-1. The Plans were marked as Exhibit A-2. The Impervious Surface Breakdown

and Stormwater Management Small Project Volume Control Sheets 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. Eric Snee, KS Pools and Patios, was sworn in and stated he is the contractor

and project manager on the job.

Ms. McKenna stated they are looking to install an in-ground pool, and it will

take them slightly over the impervious surface limits for their property.

She stated they want to increase the enjoyment of their outdoor space with

their children and their family. She stated they are willing to put in any of the

groundwater mitigation tactics that are necessary which Mr. Snee can speak to.

Mr. Snee noted the overhead Plan showing the outline of the project.

Mr. Snee stated just to the left of the proposed pool is the infiltration trench

that has been added. He stated on the right of the Plan it shows that when

they moved into the house, they were at 20% impervious with a limit of 18%.

Mr. Snee stated with the addition that is being added of 366 additional square

feet for the total project and including what they were over on the existing and

what is being added it is just under 800 square feet of additional square footage

that they have to account for. He stated the calculations for the infiltration

trench are shown on Page 3 of the engineered plan. He noted #1 which shows

that they are putting in stormwater management for 849 square feet which is

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more than 100 square feet above accounting for the existing overage and the

new that is being added with the pool according to the Township calculations.

Mr. Snee stated the drainage will actually become better with the installation

of the pool and it will exceed the conditions required by the calculations.

Mr. Solor asked Mr. McLoone if the calculations are accurate, and will it mitigate

it back to the 18%. Mr. McLoone stated they are accurate, and in terms of

stormwater they are proposing 2.36 times the required control volume; and

it brings it back to 18%.

Ms. Kirk stated it will control 144 cubic feet of run-off which is sufficient to

cover 844 square feet of impervious surface, and Mr. McLoone agreed.

Ms. Kirk asked the property owners that if the Board grants the approval,

they will agree to the installation of the stormwater facility as shown in the

Application, and the Applicants agreed.

Mr. Solor asked if all of the impervious will be able to be directed to the

proposed basin. Mr. Snee stated everything already runs that way, and

they are doing a lot of grading work to channel it. He stated the home-

owners are also planning on adding trees; and while he knows that no

longer counts as a stormwater management tool, trees do work as well.

Mr. Snee stated what has been proposed seems to be the ideal way to

capture the most water and collect it before it leaves the property.

Mr. McVan asked where is the decking to get to the pool. Mr. Snee stated the

decking goes around the pool. He stated they have an existing composite deck

and you can walk down the stairs into the yard. He stated they also have a

perimeter fence around the entire yard, and they plan on alarming any other

outside area. Mr. McVan asked if they are going to walk down the wood deck

into the grass and then from the grass to the pool, and Mr. Snee stated that

is what is shown on the Plan. He stated if they wanted to put down some

gravel there is room, but they have not applied for anything else.

Ms. McKenna stated they do not like a lot of paved space.

Mr. Solor stated if they were to extend the wood decking but kept it grass

underneath, it would not count as impervious; and Mr. McLoone agreed.

Mr. Snee stated that was something that they were considering in the

future once we got past this stage. Mr. McLoone stated as long as they

meet the setback requirements, that would be fine.

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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 according to the Plans and the approval of the Township

engineer mitigating the effective impervious surface back to what is Zoned

as 18%.

APPEAL #23-2037 – MCCUBBIN/GILMORE

Tax Parcel #20-025-231

815 HUDSON DRIVE, YARDLEY, PA 19067

Ms. My Mahoney, Mr. John Gilmore, and Mr. Robert McCubbin, Anthony Sylvan

Pools, were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit

A-1. The Site Plans were 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. McCubbin stated they are looking to install an average sized swimming pool

and an attached spa with a little bit of concrete patio around it. He stated the

Lot size is about 16,500 square feet, and the allowable limit is 18%. He stated

currently the property is at 25.4% impervious surface so it is already non-

conforming in terms of the Zone. He stated they are looking to add 668 square

feet of impervious surface. He stated they have a stormwater management

plan that would mitigate everything over the 18%. He stated these lots were

built before 1987.

Ms. Kirk stated the stormwater calculations were too hard to see on the plan

that was provided. Mr. McLoone stated they are proposing 668 square feet,

and proposing a 5’ by 5’ by 32’ stormwater management device which would

create 320 cubic feet of control volume where 111 is required so they are

proposing 2.9 times what is required. He stated that will bring it back to

the 18%.

Ms. Kirk asked if it is a trench, and Mr. McCubbin stated it is an infiltration

bed. He stated it is a stone pit with fabric and ballast-type stone. Ms. Kirk

asked where it is located in relation to the pool, and Mr. McCubbin stated

it is between the pool and the drive so everything slopes down from the

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back of the house down toward the house. Ms. Kirk stated the property slopes

naturally toward the stone pit, and Mr. McCubbin stated it goes down toward

the house and then toward the driveway.

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

Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried

to approve the Appeal as presented in tonight’s Application where we are

taking the existing impervious surface of 25.4%, increasing it to an actual of

29.5%, but then mitigating it back to an effective of 18% to the satisfaction

of the Township engineer.

APPEAL #Z-23-2038 – MAHAMITRA

Tax Parcel #20-058-127

1315 KNOX DRIVE, YARDLEY, PA 19067

Mr. Nirandra Mahamitra and Mr. Christopher Bilotti were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked at Exhibit

A-1. The Site Plan was marked as Exhibit A-2. The Site Sketch Plan was marked

as Exhibit A-3. The Impervious Surface Breakdown and Stormwater Manage-

ment Small Project Volume Control 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.

Mr. Mahamitra stated he currently has a wood deck that he would like to

remove and replace with a deck with pavers. Mr. Dougherty asked if he

is keeping the exact same perimeter, and Mr. Mahamitra stated the patio

will be a little bit bigger than the current deck.

Ms. Kirk asked the size of the existing deck, and Mr. Bilotti stated the

existing deck is 20’ off the house, and they are only extending the width

by another 7’. Ms. Kirk asked for the measurements. Mr. Bilotti stated

the existing rear deck is 600 square feet.

Mr. Solor stated what is existing is a wood deck, and it is proposed to be replaced

with pavers so it is all new impervious.

Mr. Dougherty stated there is a Building Plan that shows the deck being 500

square feet.

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Ms. Kirk asked how much larger will they increase the patio. Mr. Bilotti stated

the new patio is going to be just under 750 square feet. Ms. Kirk asked the

exact measurements, and Mr. Bilotti stated it is 718. Ms. Kirk stated it will be

with pavers, and Mr. Bilotti stated it will be pavers with modified stone base.

Ms. Kirk asked the end result of the impervious surface as a result of installing

the paver patio. Mr. Bilotti stated 19 is existing and he believes it is going up

to 23. Ms. Kirk asked if he agrees that 18% is the maximum, and Mr. Bilotti

agreed.

Ms. Kirk asked what is the proposal to mitigate the increase in impervious

surface. Mr. Bilotti stated through the forms filled out with the Township

he proposed using a stone trench and the existing trees, but he heard that

might not be sufficient. He stated a drainage field would be required.

He stated he would run a perimeter pipe out to the left side of the property

into a filter system. He stated it would be an infiltration trench to be fed

by a perforated pipe from the patio to the left side of the property.

Ms. Kirk asked if the trench would be sufficiently large enough to mitigate

stormwater to a net effect of 18% impervious, and Mr. Bilotti stated there

is enough room to make it whatever size we would need.

Mr. Kirk asked Mr. Mahamitra, as the property owner, if the Board were to

grant the request, would he agree to a Condition that he would have to

install an infiltration trench sufficient to mitigate the stormwater to a

maximum net effect of 18% subject to the Township engineer’s approval;

and Mr. Mahamitra agreed.

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

Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried

to approve the Appeal whereas there is an existing impervious surface of

19.1.%, it will be increased to 23.3% proposed, and then they will mitigate

back to an effective impervious surface of 18% using an infiltration bed

subject to the Township engineer’s approval.

OTHER BUSINESS

Ms. Reiss asked if there will be a meeting on December 19, and

Mr. McLoone stated he believes that the current plan is to cancel that

meeting, but that will be confirmed. Mr. Flager stated there is a meeting

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scheduled for December 5, and the December 19 meeting could be canceled at

that time.

There being no further business, Ms. Reiss moved, Mr. Dougherty seconded

and it was unanimously carried to adjourn the. meeting at 8:10 p.m.

Respectfully Submitted,

Judi Reiss, Secretary