

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – FEBRUARY 20, 2024

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 20, 2024. Mr. Solor called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Peter Solor, Chair
James Dougherty, Vice Chair
Judi Reiss, Secretary
Matthew Connors, Member
Christian Schwartz, Alternate Member

Others: Dan McLoone, Planner
Timothy Duffy, Township Solicitor
Adam Flager, Zoning Hearing Board Solicitor
Dan Grenier, Supervisor Liaison

Absent: Mike McVan, Zoning Hearing Board Member

APPEAL #Z-24-5 – JOLLY
Tax Parcel #20-054-063
6 OAK AVENUE, YARDLEY, PA 19067

Mr. Solor stated a Continuance has been requested to March 5, 2024.
Mr. Flager stated there may be input from neighbors that the Board will receive once it comes up for discussion in March.

Mr. Connors moved, Mr. Dougherty seconded and it was unanimously carried to Continue the Appeal to March 5, 2024.

APPEAL #Z-24-2 – PISTORIO
Tax Parcel #20-027-006
183 TAYLORSVILLE ROAD, WASHINGTON CROSSING, PA 18977

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 Impervious Surface Calculations and Stormwater Breakdown Sheet were collectively 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 A-3.

Mr. Charles Pistorio and Mr. Joel Petty were sworn in.

Mr. Petty stated Mr. Pistorio is the new owner of this property, and he is proposing to build a new six-car garage. He stated they have four cars in the family and two cars that he has collected, and he would like to put those indoors. Mr. Petty stated the lot has some constraints and it raises 11' to the back of the property and even more at the very tip. He stated when you get to the existing shed, it is already 11' higher than where the garage is proposed. Mr. Petty stated detaching it and doing it as an accessory structure was difficult to pull it that far back of the property since access to the house becomes much more difficult. Mr. Petty stated he did not want to extend the driveway all way through the back of the lot as well.

Mr. Petty stated the proposal is to try to have it much closer to the house and the existing driveway, the location of which Mr. Petty showed on the Plan. He is proposing to extend it into two car bays that face the street and four car bays that face the house. He stated they would then connect that to the house with a breezeway to what will be a proposed covered patio area in the back of the house. There is already an existing patio which they propose to cover into the back entrance of the house.

Mr. Petty stated the difficulties are the lot constraints as to where this is situated and pulling it back makes it difficult. He stated one of the opportunities was to try to pull it where the cars are on the lot now on a stone driveway area next to an adjacent neighbor's parking area for their house. He stated it would also allow easier access to the existing structure without taking more of the lot and having even more impervious surface.

Mr. Petty stated the proposal is to expand the impervious surface from where it currently stands to 26.9%. He stated they are trying to keep it under 30% even though it is well over where it is by Ordinance regulations. He stated they are requesting relief from the side yard setback, conforming to the front and rear yard setbacks, and trying to keep it as a guideline within the accessory structure setback which is the 10' but not to the 25' to be able to utilize the driveway without getting into the area too close to

the house, the existing landscaping, and things that are already there. He stated although it is not proposed as a detached accessory structure, they are trying to push it further forward on the lot but also have it connected to the house.

Mr. Petty stated it is a one-story structure, but because of the width, to match the pitch of the rest of the house, the ridge would be 19', which is over the 15' allowable for an accessory structure. He stated having it covered and connected to the house through the breezeway is also an opportunity "to get rid of that as a request although both are on the table based on some feedback which one is more important." He stated those are the two Variances that are being requested at this juncture; and Mr. Pistorio would hopefully be able to get his cars into some kind of structure and not have to park them outside.

Mr. Dougherty asked Mr. McLoone what they will be mitigating it back to. Mr. McLoone stated it would be a little bit below the 14.9%. He stated they are proposing 1,094 cubic feet of total run-off volume control where 1,041 cubic feet is required. He added this is a very large amount of stormwater management.

Mr. Dougherty asked why they have to have the six-car garage structure and the driveway that services it the way they have shown, and he asked why could they not shift it closer to the house and stay inside the 25' setback. Mr. Pistorio stated if they connected it to the house, you would not be able to get into the garage. He stated they would have to reconfigure something to try to do that, but the way it is currently laid out makes it accessible to get into the garage because of where the existing house is. Mr. Solor asked about rotating it 90 degrees. Mr. Petty stated while they did look at that, it was not what Mr. Pistorio wanted to do. He stated the area is already wooded and buffered with trees, and the idea was to utilize that to keep the view of the lot and the slope, and not have to drain water. He noted the existing stone wall which is about 5' high. He showed on the Plan how the water currently drains; and if they were to rotate it 90 degrees, there would be water all the way around it. He stated what has been proposed is a more natural flow through the lot to be able to get water to drain the way Mr. Petty showed on the Plan.

Mr. Pistorio stated he also felt it would look nicer the way it has been proposed. Mr. Dougherty stated he understands that from Mr. Pistorio's standpoint if they were not considering the neighbors and setbacks were not part of it. He stated setbacks are in place for a reason, and he would like to know if the next-door neighbor is part of Public Comment tonight.

Mr. Duffy stated the Township is opposed to this Application due to the extent to which the impervious surface coverage ratio is exceeded which was a result of the size of these buildings. He stated the Township would be looking to make sure that there is adequate volume control.

Mr. Duffy stated the Plan has two alternates for the setbacks. He asked if they would agree that if they are using the breezeway, it is connected to the primary residence, and they would be subject to the 25' setback; and Mr. Petty agreed. Mr. Duffy stated whatever Plan is approved, they will revise the Plan to make sure it has that number on it; and Mr. Petty agreed.

Mr. Duffy asked if they have considered any alternates other than having larger BMPs for stormwater management, and he asked why they could not just shrink the size of the improvements. Mr. Petty stated the idea was that with the cars that he has including the two collector cars, this was the ideal scenario. He stated if the structure is part of the problem, they could look at other options. He stated what was proposed was Mr. Pistorio's option for getting the cars indoors. Mr. Duffy asked if it was designed for Mr. Pistorio's specific cars, and Mr. Petty agreed. Mr. Duffy stated typically when a Variance is granted it runs with the land, which would mean that a future property owner may not have Mr. Pistorio's car collection, but would still be able to take advantage of that, and that is the Township's concern.

Mr. Schwartz asked the overall height of the garage, and Mr. Petty stated it is 19'. Mr. Schwartz asked what the Ordinance says with regard to accessory structure height. Mr. McLoone stated this is not an accessory structure as it is attached to the house. He stated they would need to meet the 35' height requirement for a structure attached to the house. He stated for an accessory structure it would be 15'. He stated the 19' proposed would be allowed. Mr. Schwartz stated they are not treating this as an accessory structure, and Mr. McLoone agreed.

Ms. Reiss stated she is assuming that we are considering the breezeway as making it attached to the house, and Mr. Petty agreed. Ms. Reiss stated this is a large breezeway, and she has a problem with the proposal. Mr. Petty stated if that were removed and it was treated as an accessory structure, there would be other ways to look at it; and he believes Mr. Pistorio would be open to that. Mr. Pistorio stated he would, and this was the first lay-out of it based on the fact that he wanted to build a good-sized garage. He stated they could look at the 25' setback. He stated as they are going through the

process, he has a better understanding of the setback part; and they may be able to reconfigure the 25' part. He stated with regard to the walkway part, they proposed to do it to the setback.

Mr. Dougherty asked if it is more important to have a 19' high garage or more important to set it back further from the house. Mr. Pistorio stated probably the height is more important. Mr. Dougherty stated he assumes he will stack the cars, and Mr. Pistorio stated he will probably put at least one lift in it. Mr. Pistorio stated the way the property is laid out, what they proposed was the ideal spot for it. He stated while they could discuss putting it closer to the house, he is not sure how that could be done.

Mr. Solor stated if it were put closer to the house and rotated 90 degrees, it would significantly reduce the impervious area, and significantly shorten the connection to the house.

Mr. Solor asked given the slope and the pitch of the property, where and how do they propose the stormwater management going in to effectively deal with the increased run-off. Mr. Petty stated two of the original thoughts were that stormwater management would work in the front area of the corner of the lot as well as proposing, even in the pervious part of the parking area, to have pavers under that. He stated they would work with the Township engineer on options, but the ideal location would be under the garage at a location Mr. Petty showed on the Plan or as part of the way that the driveway is constructed.

Ms. Reiss stated while she is not unsympathetic, this is a lot of building and is almost doubling what is there.

Mr. Dougherty stated there are usually sound ways to mitigate impervious; but when you look at how this lot is naturally graded, and thinking of putting a seepage bed close to the corner of the lot, generally that is not ideal as everything is pitching away at the same time. He stated there is a lot to overcome here.

An aerial of the property was shown. Mr. Petty noted the tree line.

Mr. Solor stated the shed on the property is non-conforming. Mr. McLoone stated he discussed this with Mr. Petty. He stated while it is in the back fourth portion of the lot, the Ordinance requires that it be 10' off the property line which is the issue. He added it was not included for a Variance, and they may

have to re-locate it because it does not meet the setback requirements. Mr. Solor asked if the shed would be removed with the creation of the garage, and Mr. Petty stated that was a consideration although Mr. Pistorio would like to be able to keep that square footage. Mr. Pistorio stated he does not have a problem removing the shed.

Mr. Duffy asked how much of the 6,437 square feet of new impervious is the breezeway, and Mr. Petty stated it is only about 300 square feet. Mr. Duffy asked where is the 192 square feet located that they are proposing to remove. Mr. Petty stated it is part of the existing stone driveway. Mr. Petty stated the breezeway also covers part of the new parking area so it would work as impervious either way.

Ms. Reiss noted the street view and stated she feels it puts “an awful lot right up there.” She stated it is close to the neighbor, and the street view is concerning.

Mr. Dougherty asked Mr. Pistorio if he discussed the project with his next-door neighbor, and Mr. Pistorio stated he did. He stated the one on the side which is mostly effected did not mind as far as he knows. He stated Mr. Brad Hoffman is the neighbor behind him, and he is present this evening.

Mr. Brad Hoffman was sworn in, and he stated that he has no objection as he does not see it. He stated he is at 182A Taylorsville Road which is on the other side. He stated there is a long driveway, and what Mr. Pistorio proposes to do does not affect him directly so he has no objection.

Ms. Reiss stated she is uncomfortable with that much additional building on the property between water and aesthetics from the street as it is a lot.

Mr. Dougherty stated if the Township engineer indicates that we can mitigate the water, he is fine with what is being built; however, he feels that there is a better way to go about it from a setback standpoint. He stated they could turn it where you would come off the side of the property a little bit, and you would still have quality ingress/egress out of the garage. He stated he may not have six garage bays that he could ingress/egress out of, but he may have four garage bays since when you turn it, you could “tuck the four-car behind the two-car.” He stated he has been on a lot of properties where he has seen classic car collectors configure their car-storage buildings whether it is a pole barn or a stick-built structure on site; and it is not unusual to not have a door access to it

every day. He asked that they look into coming up with a better plan so that they can at least not have a 10' setback. He stated he feels a 20' setback would be acceptable.

Mr. Pistorio stated what he wants to build will not be a metal, Commercial-look building; and he is proposing to match it to the house.

Ms. Reiss stated her concern is with the setback, and she would be more comfortable with a different configuration. She stated she would be in favor of a 20' setback.

Mr. Solor stated he would also agree as to the setback, and he feels that with reorientation, they could significantly reduce the imperious increase. He stated he understands the stormwater management requirements of the Township; and while they are mitigating for the construction, that is based on the design rainstorm, and they are really adding a significant amount of impervious surface. He stated reorientation and possibly removing the shed are things he would be looking at.

Mr. Connors stated he agrees that there is a better lay-out for this site so that they would not need a Variance for the side yard setback. He stated he feels they should be able to reduce the impervious down possibly to 18%. He stated he sees no reason to have a side yard setback Variance whether it is 10', 15', or 20'; and there is no reason that they cannot meet the 25' side yard setback.

Mr. Solor stated while the shed is an accessory structure, it is not dealt with in the Application, so that will have to be considered as part of this as well. Mr. Connors stated if they were to take it down, they would get an impervious coverage savings.

Mr. Schwartz stated from what he sees on the drawings with regard to the grading, they could grade the paving down a slope. He stated he assumes the garage floor will be level. He stated there is a 5' drop from one end of the garage to the other on the grade around it so he does not know how they plan to address all of that. Mr. Pistorio stated the garage has a step in it. He added that the front of the garage with the two bays facing the road is one height, and the other ones are a different height. Mr. Schwartz asked the difference in the two heights, and it was noted it is 2'. Mr. Solor stated that would go away if they were all oriented facing the street because it looks fairly level on those contour lines.

Mr. Schwartz stated he would prefer that it be rotated 90 degrees and push it closer to the house away from the proper setback lines.

Mr. Dougherty asked Mr. Pistorio his intent with the shed. He asked if it is a viable shed or does it make sense to tear it down. He also asked if it could be moved. Mr. Pistorio stated the shed is in fine shape, and it was built in 1965 with the original house. He stated it has lights in it, and it is slab on grade. He stated he could not move it. He stated it is usable.

Mr. Solor asked if it was built in 1965, would the 10' setback for accessory structures apply, and he asked if that requirement was in effect in 1965.

Mr. McLoone stated he is not sure if that was a requirement in 1965, although 10' is applicable today. Mr. Solor stated they are not adding anything to the shed.

Mr. Flager stated if it predates the Applicant and predates the Zoning, while it would still get counted as impervious cover, Mr. Pistorio did not put it there. He stated the Board could discuss this with the Applicant if it is something that they are considering to help offset some of the added impervious whether Mr. Pistorio built it or not.

Mr. Solor suggested that there be a Continuance, and that the Applicant consider what was discussed this evening, and then come back with another presentation. He stated they also have the right to request a decision tonight. Mr. Petty stated they would like to request a Continuance so that they can get to a point where everyone is happy with it.

Mr. Dougherty asked if it makes sense for the Board to make a decision on the shed, and he would like to take that off the table. Mr. Connors stated he disagrees since that is part of what he is seeking an overall Variance on as it relates to the impervious coverage. Mr. Dougherty stated he was talking about whether or not he needs a setback Variance for the shed. Mr. Solor stated he does not believe he does because it is a pre-existing condition. Mr. Flager stated it is not a situation where Mr. Pistorio installed it without a Permit or Zoning relief; and if he bought the property like that, the Zoning Hearing Board does not make people do that again although he could remove it to help offset the added impervious or he could move it because he wants to "be in the Board's good graces." He stated we do not require people to change things that they inherited when they purchased the property.

Mr. Schwartz stated he disagrees because that happened to him. He stated he bought a property with a shed on it which was only 3 ½', and he had to get a Variance to keep it to use for his pool equipment. Mr. Solor stated in this case, they believe that it was installed prior to the Zoning requirement for the 10' setback. Mr. Flager stated he understood that there was not that setback requirement in 1965. Mr. McLoone stated he is not sure of the history of the house in terms of the improvements, and he only knows that currently the Ordinance requires that it be 10' off of the property line. Mr. Solor stated this should probably be investigated, and Mr. McLoone agreed to do so if a Continuance is granted.

Mr. Dougherty stated the assertion is that the Township did not have the 10' setback requirement when the shed was constructed, so it would be grandfathered. Mr. Connors stated they need to determine if it was valid in 1965 when it was built. Mr. Petty stated he believes that the shed was built with the original house because it has the original board and batten siding on it that was from the 1960s.

Mr. Pistorio stated he would request a Continuance. After discussion it was agreed to continue the matter to April 2, 2024.

Mr. Connors moved, Mr. Dougherty seconded and it was unanimously carried to Continue the matter to April 2, 2024.

Mr. Solor asked that the Applicant work with Mr. McLoone and Mr. Majewski to get updated documentation. Mr. Dougherty stated it would make sense to have the Stormwater Management Plan on the Plans.

APPEAL #Z-24-4 – GOLL
Tax Parcel #20-024-003
5 S HOMESTEAD DRIVE, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan set was marked as Exhibit A-2. The Existing and Proposed Impervious Coverage were collectively 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. Geoffrey Goll and Ms. Amy Goll were sworn in.

Photos were provided by Mr. Goll, and these five photographs were marked as Exhibit A-4. Mr. Goll stated one of those is an aerial photograph.

Mr. Goll stated they are looking to knock down an existing three-season porch. He stated it was built by a prior owner, and it is on deck posts; and he believes it had been a deck at one point. He stated underneath there can be seen old concrete steps that went to the door that was there. He stated it is currently 12' wide by 21' to 22'. He stated it is not insulated. He stated they had looked into whether they could get it retrofitted to weatherize it; however, it would have been too costly and likely would not have passed the Permit requirements of the Township.

Mr. Goll stated their house is a modest house which was built in 1948, and they renovated it in the early 2000s. He stated it is approximately 1,700 to 1,800 square feet and dark inside. He stated they want to not only knock down the three-season room, but also extend it out another 6' which will be a living room space that they do not have at this time.

Mr. Goll stated they had put in some pavers over the years around the house as paths. He stated it is not a patio, it is a front walkway. He stated it is flagstone spaced out with lawn around it. He stated a number of the houses in the neighborhood do not have access to the front by a path, and most people enter their home through the kitchen. He stated they felt that they were under the impervious cover at the time they put it in, but they found that they were not. He stated when he started working on the Application and adding everything up, he realized that they were over especially with he proposed addition by 1.8% where 18% is the allowable.

Mr. Goll stated the shed in the back was installed a number of years ago, and everyone in the neighborhood has sheds. He stated that will need to get a Permit retroactively. He stated it is an 8' by 12' shed. He stated they are proposing to move it to the required setbacks. He stated he also found out that there needs to be a ground anchor installed so that it does not get blown away or move and damage someone else's property.

Mr. Goll stated three views of the three-season porch have been provided to the Board. He stated the aerial photograph shows the current lay-out. He stated the flagstone in the front can be seen as well as the shed in the back.

Mr. Goll stated the house is actually not to scale, and it looks like the addition is wider than the house, but that is not the case.

Mr. Goll stated with regard to the stormwater management, they currently have one rain garden which was built about two years ago; and a photograph has been provided. He stated it is connected to the front roof with sub-surface pipes. He stated the proposal is to expand it. He stated for the first three to four feet there is a silt material soil, but then you hit a “brown, beach sand,” and water goes right in. He stated he will excavate down to the four feet, and replace it with a mix of mason sand and leaf compost. He stated they need 71.6 cubic feet of water storage based on 2” of rain, and the front rain garden which will be expanded, will have 75 cubic feet of capacity, and the rear rain garden will have about 69 cubic feet of capacity which will double the amount that is required. He stated it will be planted as seen in the photograph with a native seed mix. He stated it can rain for three days, and in twelve hours it is empty.

Mr. Goll stated from the front of the house it will not be seen the work that will be done in the back. He stated in the back, the width of the room will remain the same, and they will extend it out 6’. He stated they did have to do an odd-shaped roof line because there is an existing window. He stated this will bring more light not only into the room, but also into the middle of the house.

Mr. Duffy stated the Township is participating, but is not opposed to the Application. Mr. Duffy stated the net result is that they are covering 140 cubic feet, and Mr. Goll stated it is about 144 cubic feet of stormwater that they are capturing. Mr. Duffy stated that will bring it down almost to below 18%, and Mr. Goll stated the idea was to get it below the amount required by Ordinance for the Zone.

Mr. Schwartz stated he was going to ask questions about the rain gardens until he heard Mr. Goll’s description. He stated the Board has been moving away from allowing trees to mitigate water, and he was concerned about vegetation doing it; however, it sounds like whether the vegetation is there or not what Mr. Goll is doing to treat the soil below it first is what is going to be mitigating the water. He stated the amount of impervious surface that he is over is such a small percentage, he does not have any issues with it. Mr. Grenier stated the vegetation is almost an added benefit, and the rain garden itself it more of a stormwater basin on its own with the vegetation added to it.

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

Mr. Grenier stated underneath the existing deck it looks like there are under-deck drain pipes. Mr. Goll stated the way the deck was constructed was they wanted to keep it as low as possible, but it is very flat there. He stated what Mr. Grenier is referring to are PVC pipes that are under the deck and discharge outside of the deck and carry overland run-off. He stated it is not connected to the house or adding any other additional run-off or higher peak flows, and it is just to help keep it dry underneath the deck. Mr. Goll stated the Plan shows “concrete deck and wood step.” He stated when they built the deck, he wanted to have a step down to the lawn, and so he built the law up; but there was still a gap, and he put a small cinderblock wall under there, and it blocks the water from sheet flowing out from underneath, and that is what the pipes do so that there is no moisture under there.

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

OTHER BUSINESS

Mr. McLoone stated there will be three Appeals at the next Hearing, and one is scheduled for the 19th.

Ms. Reiss stated she had a problem with being able to open the attachments. Mr. Solor stated he was not able to either, and he had to have Mr. Majewski send them to him as a separate e-mail. Mr. McLoone stated they are working on some issues with the OneDrive. He stated in light of sustainability, we are trying to get away from a lot of paper being mailed out. He stated if there are issues in the future, they can e-mail the attachments directly to the Board. He stated they are also going to have the residents or their architects bring in large-scale plans so that they can be viewed at the meeting.

Mr. Dougherty asked if this is an issue with delivering them to the homes of the Board members and having to engage the Police to drop the information off at the Board members’ homes or is this an issue related to saving paper. Mr. McLoone stated he believes that it is both. Mr. Grenier stated with regard to engaging Township resources to print out and hand delivering multiple packets, most Boards have discontinued this practice for a number of years.

February 20, 2024

Zoning Hearing Board – page 13 of 13

He stated the policy from the Board of Supervisors is to discontinue that entirely; however, they want to make it as convenient as possible by setting up a OneDrive or a Team site so that everyone has access. He stated at the meetings themselves, there would be larger Plans that could be viewed by those Boards that require large Plans such as the Planning Commission and the Zoning Hearing Board.

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

Respectfully Submitted,

Judi Reiss, Secretary