

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – SEPTEMBER 16, 2025

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on September 16, 2025. Mr. Dougherty called the meeting to order at 7:30 p.m.

Those present:

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

Others: Dan McLoone, Planner
 Maureen Burke-Carlton, Township Solicitor
 Adam Flager, Zoning Hearing Board Solicitor

Absent: Suzanne Blundi, Supervisor Liaison

APPEAL #Z-25-26 – MURPHY/PINCHUK
Tax Parcel #20-028-068
194 RIVER ROAD, WASHINGTON CROSSING, PA 18977
(Continuance Requested to 10/21/25)

Mr. Schwartz moved, Mr. Solor seconded and it was unanimously carried to Continue the matter to October 21, 2025.

APPEAL #Z-25-31 – MCCUBBIN/MANCIA
Tax Parcel #20-037-150
916 PRINCESS DRIVE, YARDLEY, PA 19067

Mr. Rob McCubbin and Mr. Steven Mancia were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The two-sheet 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. McCubbin stated they are requesting a Variance for a pool. He stated the property is 19,500 square feet with a maximum impervious of 18% or 3,510 square feet of allowable impervious space. Currently the existing property has a dwelling, driveway, front walk, rear patio, which is a rear concrete slab in the back of the house, and a shed which consists of 4,171 square feet and puts the property at 21.39%.

Mr. McCubbin stated in addition to the pool there is an on-going construction project for which Permits were pulled. He stated the Plan presented shows shaded areas which have previously been approved and are under construction. He stated they are now looking to add a swimming pool and pool patio to the project which will put the impervious at 5,731 square feet or 29.39%. He stated the pool patio is about 1,213 square feet. He stated there is a pool equipment pad and a retaining wall. Mr. McCubbin stated a stormwater system has been designed to mitigate everything over 21.39%, and is designed for roughly 1,560 square feet of impervious area.

Ms. Reiss stated she lives at 969 Princess Drive across the street and three houses down from the Applicant's property. She stated she did not receive Notice. Mr. Solor stated Ms. Reiss' property was not on the list of those to receive Notice since her property is not within the 200' of the subject property. Ms. Reiss stated she does not recall when the other additional construction was approved. Mr. McLoone stated the Permit was approved about one or two months ago, and that Permit decreased the impervious surface. What is shown as the current impervious surface includes the construction taking place now. Mr. McLoone stated it was a net decrease of about 80 square feet. Mr. McCubbin stated part of the original Permit the front walkway from the front of the house to Princess Drive was being removed and the rear patio and covered porch were a swap. Mr. McLoone stated the existing patio was 584 square feet and the new covered one is 306 square feet.

Mr. Solor stated the topography looks relatively flat; and Mr. McCubbin stated it goes up about 18" to the north side of the property, and there is a slight retaining wall. Mr. McCubbin stated everything will run down toward the house; and as part of the stormwater, there are two yard drains in front of the proposed covered patio with piping and drainage through the pool deck out into the stormwater seepage bed which sits on the Baron Drive side of the property.

Mr. Dougherty asked if they would be willing to mitigate back to 18%, and Mr. McCubbin stated they would.

Mr. Solor stated there is a covered patio and a lot of pool surround, and it appears that there is more pavement than pool. Mr. Schwartz stated he agrees there is a lot of surround around the pool. He stated when they have seen that in the past on other pools, the Board has asked that they cut it back a little bit; and he would like to see this reduced if possible. Mr. Dougherty stated he feels the stormwater management could mitigate it back to 18% and would not need them to reduce the amount of paving around the pool. Ms. Reiss stated while she understands wanting more space around the pool, she feels it is a lot of coverage on that lot. Mr. McVan stated he also understands why they would want a big patio; however, for such a small lot, he feels it is excessive, and he would like to see something made smaller.

Mr. Schwartz stated on the left side of the addition, there is a line showing “proposed fence;” and he asked the height of the fence. Mr. McCubbin stated it is a 6’ high privacy fence which will be 6’ off the property line. Mr. Schwartz asked if there is an existing fence already on that side of the property, and Mr. McCubbin stated there is a “falling down” split rail fence on that side. Mr. McCubbin stated Mr. Mancini just bought the property. Mr. Schwartz asked how far the fence is from the property line, and Mr. McCubbin stated it is 6’ from the property line. Currently it is a split rail fence just on that side.

Ms. Mariann Matarese and Mr. Michael Applebaum, 505 Kings Road, were sworn in.

Ms. Matarese stated their home is on the corner of Kings and Princess, and they have lived there for 27 years. She stated they know the neighbor’s property very well, and she was the listing agent on the property when the Mancinis bought it. She stated she is concerned with flooding in the back during storms; and when it rains really hard, her back yard is a “lake.” She stated she does not see drainage, and there are water trails from water flowing from the top of Kings and the back of Baron down to her street. Mr. Applebaum stated a line of trees was put in to stop the water.

Ms. Matarese stated they are also concerned about the amount of impervious surface on a lot of impervious surface on a “very, very small space.” She stated she knows that it is going to flow into her yard.

Ms. Matarese stated while there are a lot of things they would like to have on their property, they have not done that because the Township was always so strict on impervious “soil.” She stated the Township Code is 18%, and the Applicant is already above that. She stated people are coming into meetings and are permitted to build incremental amounts of 24%, and this is almost 30% which is a stretch.

Mr. Applebaum stated his property is also the lowest property on the corner, and the ranch house on top of the hill washes down and will increase even more water coming into their yard. He stated they get washed out on the other side from the neighbor on Kings.

Mr. Gary Tice, 940 Baron Drive, was sworn in.

Mr. Tice stated his house is on the other side of the house that is right above the house being discussed. He stated he has lived there for 27 years and has had a lot of experience with run-off; and when there are heavy rains, their back yard becomes a lake. He stated they added dirt, but it has not helped a lot. He stated one of the reasons this is happening is because in the late 1700’s there was a creek in the back of his property. Mr. Tice stated his other concern is that about 15 large trees were removed in the last year from the house above the Applicant’s house as well as the Applicant’s house. He stated trees absorb hundreds of thousands gallons of water a day, and those trees are now gone.

Ms. Reiss stated she has been in her house 49 years; and when the house was built they found that there was an underground aquifer in the area, and there is a creek off of Ramsey and Gaines and water flows in that direction.

Ms. Carlton stated she was asked by the Board of Supervisors to participate in this Appeal, and they are concerned with the amount of impervious surface and the increase. She stated she is comforted by the oral agreement to reduce it back to the 18% as long as it is an appropriate mechanism in order to reduce the percentages.

Mr. Dougherty asked Mr. McLoone if he feels if the homeowner, developer, and the Township agreed on stormwater management taking it back to 18% would that remediate some of the issues the neighbors are having; and Mr. McLoone stated by taking it back to 18%, it will be mitigating it further than what is currently on the lot. He stated they are putting in an infiltration trench that is used a lot in the Township that has proven to be effective.

Mr. Schwartz asked about the location of the infiltration trench. He stated it is close to the street on the Baron Drive side, and it seems that the water runs down the center of the homes on the opposite side of the home. Mr. Schwartz asked if it would be better served to have the trench on that side. Mr. Solor stated looking at the contours, from a grade perspective it seems that it would be relatively the same effect. He stated it would be more beneficial from the neighbor's perspective if it were on the plan east side of it. He stated the net impact of it is the same either way. Mr. Schwartz asked if the infiltration trench were split in two with one on each side; and Mr. Solor stated that might be more effective, and it might also cut down on the amount of the sub-drainage they are showing. Mr. Solor stated they might also do some kind of surface intercept on the east side.

Mr. McCubbin stated they can pull the impervious down to 28% which is just over 200 square feet. He stated the problem with the older homes that were built before 1987 is that they had an 18% max impervious. He stated in the R-2 Zoning District, if this property were built today at 19,500 square feet, the maximum impervious surface would be 28%. He stated they can pull it to 28% and mitigate to 18%.

Mr. Schwartz asked if they can split the trench and put half on each side, and Mr. McCubbin stated he can discuss that with their engineer to see if that is the most effective way to do it. Mr. McCubbin stated the Plan shows where yard drains are proposed that will capture the water and send it into the trench. Mr. Dougherty stated they will be actively moving water from the east side of the property over to the west side of the property where Baron Drive is, and Mr. McCubbin agreed. Mr. McCubbin stated the seepage bed is going to serve two purposes – it will capture the water from the surface that runs toward Baron Drive, and they will capture the water on the other side of the property in the two yard drains and send it to that trench. Mr. Solor stated they are also intercepting some of the roof leaders, and Mr. McCubbin agreed.

Mr. McCubbin stated he can have a discussion with their engineer to see if they can split the system; however, Mr. Dougherty stated he does not know that would make the most sense with having two inlets there and subsurface piping into it. He stated he would like to do what makes the most sense according to sound engineering. Mr. McCubbin stated he knows that the engineer likes to do piping because the piping itself holds water versus just stone in a pit.

Mr. Dougherty advised the neighbors that there will be two drain inlets which will capture water and pipe it underground to the sub-surface seepage bed which will be closer to Baron Drive. He stated currently the impervious is 21.4%; and while it will go to 28%, it will go back to an effective of 18%. He stated it will be 3.4% better stormwater management and also have a mechanism in place that should be actively moving the water away from the neighbor's property.

Mr. Applebaum stated he currently has three underground drains on his property, and his yard still floods. He stated it is a pipe drain that goes out the side of his yard to Kings. Mr. McCubbin asked if it was designed by an engineer; and Mr. Applebaum stated he designed it, and he is a third-generation plumber. Mr. McCubbin stated the stormwater calculations that they use are the State's calculations that they use to capture rainwater. Mr. Applebaum asked if they are proposing an 8"; and Mr. McCubbin stated they are proposing 12" inlets, 8" pipe, and a proposed seepage bed of 4 by 20. Mr. Applebaum asked how many gallons per hour; however, Mr. McCubbin did not have that information adding it is not done by gallons. Mr. Solor stated it is done by total volume retained in the detention system. Mr. Applebaum asked about a 6" rainfall, and Mr. Solor stated that is not the design rainfall for the Township. Mr. Solor stated there is an Ordinance-driven 2-year design rainfall, and Mr. McLoone agreed. Mr. McLoone stated that information is available on the Township Website. Mr. Solor stated they are mitigating the volume of the rain, as that is what the purpose of mitigation procedures are; and it is not how fast you move the water, it is what you do to store the water to keep it from running away. He stated when you push it out, you are just putting more load on stormwater management elsewhere in the Township.

Mr. Applebaum stated there are two storm drains down the corner which currently get backed up with leaves when it is not maintained. He asked what is the plan to maintain them regularly. Mr. Dougherty stated there is not a relationship between that storm sewer management and what this property owner is doing to try to manage his stormwater. He stated it is his stormwater versus the entire neighborhood's stormwater that flows through there. Mr. Applebaum stated that is going to affect his property. Mr. Solor stated there will be less water going to Mr. Applebaum's property than there is now because of the volume of water that is going to be retained in the pit since there is nothing being retained now. Mr. Solor stated you want to retain the water below grade.

Mr. McCubbin stated the pool itself will also capture 6" of water before it overflows.

Ms. Matarese asked if there is not a concern that when they build up the soil, they will raise the topography and cause run-off. Mr. McCubbin stated they are not building anything up, and they are building at the grade that everything is now.

Ms. Matarese stated it had been indicated that if this were new construction it could be 28%, but this is a neighborhood that was built in 1969; and she has to live with what she has. She stated these are big ranches on small parcels that have water. Mr. Solor stated while they understand that, the way the Ordinance is written and what they are asking for is that there will be more water retained on the site than there is now, and there will be less run-off than there is in a typical two-year design rainstorm because it is being retained and held in the below-grade facility. He stated they are also going to cut back a little on the concrete as well. Mr. Solor stated new construction has to mitigate for all impervious surface so they are mitigating for the two-year storm 100% on the property. Mr. McCubbin stated the stormwater systems are serious systems that are engineered, designed, built properly, and inspected. He stated there is also a Maintenance Agreement that will be signed with the homeowner and the Township.

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to approve the Appeal amended to be a maximum impervious area of 28% subject to mitigation back to 18% with the design subject to approval of the Township engineer.

APPEAL #Z-25-32 – HOUTZ/BAINBRIDGE
Tax Parcel #20-022-046
1299 YALE DRIVE, YARDLEY, PA 19067

Mr. Graig Jolley 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 Construction Drawings 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. Jolley stated they are looking to put on a small addition on the back of the house with a crawl space. It will put the impervious surface up to about 23%. He stated they are looking to increase the size of their home for their family. He stated for drainage they have five downspouts off of the house, one at each of the four corners all going toward the sides and the driveway; and they have never had any issues with heavy storms as their house sits high at the top of Sandy Run II. He stated for proposed drainage off the back of the house when they do the addition, there is one now in the middle that goes to the middle of their back yard; and he would recommend to put that toward the side as well to keep up with the flow of water coming off the drain.

Mr. Jolley stated he feels what is proposed is a simple addition comparable to other houses in the neighborhood where their impervious surfaces have also gone up a little bit, and there are other additions from the initial lot when most of these houses were built in the same manner in the 1970's.

Mr. Solor asked Mr. Jolley his proposed stormwater detention, and Mr. Jolley stated it would be to push all of the water to the sides of the house. Mr. Solor stated detention means to detain the water on the property, and they do not want the water coming off of the property because that puts more of the load on the stormwater system by pushing water downstream which increases flood flows. Mr. McLoone stated they could do a small seepage pit, and Mr. Jolley stated they could do that on the fence line next to where his neighbors have their pool. Mr. Dougherty stated the Township engineer would be able to work with Mr. Jolley and his builder to help design the seepage bed, and Mr. Jolley stated he would agree with the recommended remediation. Mr. Dougherty stated they would request it be remediated back to 18%, and Mr. Jolley stated he would agree to that.

There was no one wishing to make public comment on this matter.

Ms. Carlton stated the Township is not participating in this matter.

Mr. Schwartz moved, Ms. Reiss seconded and it was unanimously carried to approve the Appeal where the proposed impervious surface increases to 23% from the new construction with the reduction down to 18% via a filtration trench the dimensions approved by the Township engineer at the Permit process.

APPEAL #Z-25-33 – MILLER/WODOTINSKY
Tax Parcel #20-039-302
367 RAMSEY ROAD, YARDLEY, PA 19067

Mr. Mark Wodotinsky and Ms. Tracy Miller were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan which also has the renderings and stormwater calculations 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. Miller stated the house is from the 1980's and has a tiny kitchen, and their family requires more space in the kitchen area. They are proposing to do a 12' by 20' addition on the back of the house to expand the kitchen. Currently the impervious coverage is at 21%, the addition takes it to 22.3%, and there is 18% permitted. Ms. Miller stated they have included the calculations for the stormwater management, and the infiltration is located on the left side because the back yard slopes in that direction, and the front yard slopes toward the street.

Mr. Dougherty asked if they are mitigating back to 18%; and Ms. Miller stated as it is designed, it is mitigated back to 21%, but the homeowner is willing to go back to 18%.

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

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to approve the Appeal as written modified for reducing the effective impervious to 18% subject to approval of the Township engineer.

APPEAL #Z-25-34 - GASTALDELLO
Tax Parcel #20-046-142
72 BLACK ROCK ROAD, YARDLEY, PA 19067

Mr. Justin Gastaldello and Ms. Cidney Gastaldello 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 Construction Drawings 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. Dougherty noted the letters of support were sent out today, and these three letters were collectively marked as Exhibit A-4. Mr. Dougherty noted the photo addenda that were added as well, and these 8 photos were marked as Exhibit A-5.

Ms. Carlton stated the Board of Supervisors have asked her to participate in this Application.

Mr. Gastaldello stated they are requesting a Variance for the height and location of a new pole barn. He stated they have classic cars that were passed down to them that have been in storage. He stated they have decided that they are too attached to get rid of the cars, and they are looking to build a pole barn to store them. He stated their goal was to keep the footprint as small as possible to have less of an impact on impervious coverage. He stated they could either place the building where it was attached to the existing driveway so they would not have to add any additional paving or they could raise the interior ceiling height to 12' which was recommended by the builder. By raising the interior ceiling height, it allows them to put in a car storage lift so that they can stack a couple of the cars inside of the building. He stated by doing that, they were able to reduce the size of the building they needed. He stated with regard to scale, it is very similar to their existing garage which is 20' high. He stated their house is three stories.

Mr. Gastaldello stated they knew they would need a Variance for the height because it pushed the roof peak up; however, they did not realize that they would need one for the location. He stated their home was built close to 200 years ago and faces the River. An aerial was shown of the property. He showed the location of their entrance yard and what they consider their front and back yard. The existing garage is in what they consider to be their back yard.

Mr. Gastaldello stated when you are on Black Rock Road, you cannot see their existing garage, and photos they provided of this were shown. Mr. Gastaldello stated while they have a 3-acre lot, the lot lines are "strange." The evergreens along their property line were shown as well as the front entrance of the house.

Mr. Solor stated the way it is shown the setbacks indicate that it is being built within the setback. Mr. McLoone stated since it is an accessory structure, it would need to be at least 10' off the property line, and it is more than that. Mr. Gastaldello stated he believes that the closest is 18'.

Mr. Schwartz stated it was indicated that there were three letters of support from neighbors, but he does not know which neighbors sent them.

Ms. Gastaldello stated one of them is from their closest neighbor; and if anyone were to have an issue, it would be them. Mr. Schwartz noted coming into the driveway, there is a house to the left which faces Black Rock, and he asked if they have any issues. Mr. Gastaldello stated they spoke to that neighbor, and he had no issues.

Mr. Schwartz stated he is familiar with others who have done this in a pole barn, and the pictures he saw of what is proposed were even nicer than what he has seen. He stated he understands the issue with the peak having to be where it is at. He stated there are also no impervious issues, and Mr. McLoone agreed.

Mr. Dougherty stated he feels what is proposed is a great plan. He stated of the three letters of support, one of them was not from the next door neighbor who fronts on Black Rock Road. Ms. Gastaldello stated they did have a great conversation with him; and while he would have probably provided a letter of support if they had asked him, he is fine with this. Mr. Gastaldello stated they spoke to everyone before they applied.

Ms. Carlton stated given the testimony this evening, the letters in support, and the fact that there are no neighbors wishing to speak, she believes that the Supervisors would not object to this Application.

There was no one wishing to make public comment on this matter.

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

OTHER BUSINESS

Cancel October 7 Meeting

Mr. McLoone stated there is nothing scheduled for October 7, 2025.

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to cancel the October 7, 2025 meeting.

Board Vacancies

Mr. Dougherty asked the status of replacements for Zoning Hearing Board members and Alternates. Mr. Flager stated he spoke with Tony Zamparelli, a former Chair of the Zoning Hearing Board, to see if he would be interested in serving again; and he indicated that he would, and that was relayed to Ms. Blundi and Ms. Carlton. Mr. Flager stated at this point there is still a full Board.

Mr. Bob Heinz stated he was appointed as an Alternate to the Zoning Hearing Board, and he would like to be considered as a full Member before someone who is not on the Board is considered. Mr. Schwartz stated the Board of Supervisors makes that decision, and he should notify the Chair of the Board of Supervisors and the Township Manager of his request once a vacancy is announced.

Ms. Carlton stated there have been a number of interviews conducted by the Board of Supervisors, and they are going to decide where the Applicants are best suited.

Mr. Dougherty stated his five-year appointment will end soon, and he will be stepping down when it does come up; but he will provide enough notice so that his position is filled. He stated Ms. Reiss will also possibly be going onto higher office, and Mr. Solor will be moving out of the Township.

Mr. Heinz stated he has been attending the Zoning Hearing Board meetings even before he was appointed as an Alternate to the Zoning Hearing Board.

Mr. Solor stated he will be here through December. Ms. Reiss stated if she is elected, she will still wait to resign from the Zoning Hearing Board until the end of the year.

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

Respectfully Submitted,

Christian Schwartz, Secretary

