

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – OCTOBER 21, 2025

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on October 21, 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
 Suzanne Blundi, Supervisor Liaison

APPEAL #Z-25-26 – MURPHY/PINCHUK
Tax Parcel #20-028-068
194 RIVER ROAD, WASHINGTON CROSSING, PA 18977

Mr. Dougherty stated the Applicant has asked for a Continuance. There was no one from the public wishing to speak on this matter.

Mr. Schwartz moved, Ms. Reiss seconded and it was unanimously carried to Continue the matter to December 2, 2025.

APPEAL #Z-25-35 – DOSHI
Tax Parcel #20-048-032-006
805 KENT DRIVE, YARDLEY, PA 19067

Mr. Yogesh Doshi 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 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. Doshi stated last year he made an expansion on the back of his home. He stated his terrain is not even; and when the new construction is done, the chances are that the water might flow near the wall of his home. He stated he is asking for a retention wall. He stated between the retention wall and the back side of the home wall he is planning to construct a patio. He stated he is not asking for any relief from impervious surface, but in that particular area there is a storm sewer easement; and he needs a Variance for that.

Mr. Solor asked Mr. Doshi if he considered other alternatives such as re-grading the back area. Mr. Doshi stated he discussed this project with the Township, and he does not know that there are any other options because the back terrain is slightly higher. He stated the only other option would be to excavate the entire back yard.

Mr. Dougherty asked if they could do a patio that came out a little less than 7' that would not go into the storm sewer, and the retaining wall would be just short of it. Mr. Doshi stated while he has not considered that, he feels that size patio would be too small. He stated he called an engineer who advised that the proposed size of the patio was reasonable given the size of the home. Mr. Dougherty stated he agrees that a patio that would come out a little less than 7' with a retaining wall would have no function.

Mr. Solor asked with the retaining wall 6' back could there be steps up and he could build a patio that is more easily removable within the Easement area.

Ms. Reiss stated since this is for sewer, if water were to get backed up, it would back up all over the street.

Mr. McLoone stated Mr. Majewski and Mr. Kirk have been on the site, and the office has reviewed the SALDO Plans and the As-Built; and they are questioning why there is an Easement because there are no utilities and/or storm sewers underneath it. He stated there are no utilities, no pipe, and no swale.

Mr. Schwartz stated he was in the neighborhood, and it is a steep hill from the top of the street, and the elevation lines show that it drops down almost 1' every 5' to 6'. He stated he assumes Mr. Doshi's property gets a lot of rain run-off in a heavy storm, and Mr. Doshi agreed. Mr. Schwartz stated the adjacent property on the right side is owned by the Township, and there is a large retention basin which collects water and slowly drains into an adjoining

creek on the other side. Mr. Schwartz stated the Storm Easement goes through the Doshi property, the neighbor's property, and probably all of those at the top of the hill. Mr. Schwartz stated his concern about building in the Stormwater Easement is the potential that it would block water that needs to get to the storm retention basin.

Mr. Doshi stated the plan is to do the grading in such a way that the water will go directly to the Easement.

Mr. Schwartz asked Mr. Doshi if he consulted with civil engineers for this project, and Mr. Doshi stated he did adding that he is an environmental engineer and worked 35 years for the EPA. Mr. Schwartz stated Stormwater Easements, wetlands, and floodplains are all delicate areas; and Mr. Doshi agreed. He stated he is concerned with anything disturbing a Stormwater Easement. Mr. Doshi stated he feels what he is proposing will have better run-off for stormwater run-off, and the grading will be such that water will go on both sides, mostly to the Easement directly.

A slide was shown of the house on the property. Mr. Doshi stated the house has a Tesla solar roof which is a 28KW system, and it is a carbon-neutral home. He stated he was concerned that the expansion consume any additional resources.

Mr. Schwartz stated while it cannot be seen on the slide being shown, there is a shed on the lower right. Mr. Doshi stated it is about 8' by 4'. Mr. Schwartz stated it looked bigger from the street, and he was concerned if this shed was already in the Stormwater Easement since it is not shown on any Plan. It was noted that it is in the Easement. Mr. Doshi stated if that is a concern, he can remove it since he does not use it. Mr. Doshi stated it is at a higher elevation; however, Mr. Schwartz stated it blocks the water flow. Mr. Doshi reiterated that he would remove it.

Mr. Dougherty stated Mr. McLoone testified that they were out on the property, and there is not a swale. Mr. Schwartz stated while he understands that, over time the elevation could have changed. Mr. Doshi stated he has lived at the property for over 16/17 years, and it was never disturbed.

Ms. Carlton stated the Board of Supervisors asked that she attend to oppose this Application because of the importance of Stormwater Easements to the Township. She stated she heard Mr. McLoone state that there are no utilities, no piping underneath, and no swales; but it is an Easement which is there for a

specific purpose to divert or direct stormwater. She stated there is an issue with the encroachment. She stated there is also a problem with the retaining wall as well as the patio which would be blocking and stopping the water.

Ms. Carlton asked if there is an impervious surface issue, and Mr. Doshi stated he submitted the analysis, and there is not an issue. Mr. McLoone stated they are proposing an increase to the impervious surface, but they are well below the maximum allowable.

Ms. Carlton stated with all the issues the Township has had with stormwater and what the Supervisors are hoping to accomplish in the future to rectify that, to allow a patio and retaining wall in the Stormwater Easement is not acceptable to the Board.

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

Ms. Reiss asked Mr. McLoone if he feels this will cause a problem with water getting to the detention basin, and Mr. McLoone stated while he has only been to the front of the property, he does not feel it will make too much of an issue with the water, but he does think it is a valid concern. He stated he has not been in the rear of the property. He stated he understands the concern with placing impervious in an Easement.

Mr. Solor stated the current grading suggests that the water gets kicked toward the street on the left side not toward the detention basin. Ms. Reiss stated this is what she thought, and she was concerned that this would be putting more water in the street. Mr. Solor stated if they were to grade the south side of it so it all pitches toward the detention basin, anything behind the building would get diverted toward the detention basin; and Ms. Reiss stated she feels that would be preferable. Mr. Doshi stated that is the plan. Mr. Solor stated the Plan does not show re-contouring, and it just shows the existing. He stated currently there is a high point in the middle of the back where the patio is; and if it were to match the existing contours, water would go both ways whereas it could be re-graded to kick it all toward the detention basin. Mr. Doshi stated that is his plan.

Mr. Dougherty asked Mr. Doshi if the Board were to grant the Variance, would he work with the Township engineers and put a contour plan together that would satisfy them; and Mr. Doshi stated he would, and he did advise Mr. McLoone and Mr. Majewski if they had any concerns, he would address them. Mr. Solor stated he feels that would help solve an existing problem.

He stated since we do not know what is the long-term plan by the Township, a Condition should be included about removal at the owners' expense. Mr. Dougherty advised Mr. Doshi that anytime someone puts an improvement in an Easement, if the Easement owner needs to access the Easement whatever is in the Easement would need to be removed at the owners' expense. Mr. Doshi stated he would agree to that.

Mr. Dougherty asked Ms. Carlton if she has any further comments given the recent testimony; and Ms. Carlton stated based on consultation with Supervisor Blundi, they would be in agreement with re-contouring the back yard and to an agreement that if the Easement should become necessary in the future, that the patio would be removed at the owners' expense. Mr. Doshi agreed to those conditions.

Mr. Solor moved to approve the Appeal subject to a Grading Plan being provided that will have all of the drainage on the south side of the proposed improvement directed to the east toward the detention basin subject to the approval of the Township engineer, removal of the existing shed that is within the Easement and the Conservation Easement behind it, and that this improvement is subject to removal at the owner's expense at the request of the Easement holder if necessary.

Mr. Doshi asked the timeframe for the removal of the shed, and after discussion it was agreed to include in the Motion that the shed be removed before construction begins on the patio.

Mr. McLoone advised that Mr. Doshi could replace the shed at a different location on the property. Mr. Solor stated that is not part of the discussion this evening. Mr. Flager stated the Motion is requiring that the shed be removed from its current location out of any and all Easements; and if Mr. Doshi wants to replace it, he should work with Mr. McLoone on an acceptable location. Mr. Flager asked if the shed was included in the impervious calculations, and Mr. McLoone agreed. Mr. Doshi stated he has no intention of relocating it.

Ms. Reiss seconded the Motion, and the Motion carried unanimously.

APPEAL #Z-25-36 – MEGINNISS/PROPERTY PERFECTION INC.

Tax Parcel #20-034-020-001

0 READING AVE, YARDLEY, PA 19067

Mr. Bryce McGuigan, attorney, was present with Mr. Vince Fioravanti, who 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 tree photographs were marked as Exhibit A-3. The aerial photograph from Bucks County Parcel Viewer was marked as Exhibit A-4. The Sewer Flow Path Map was marked as Exhibit A-5. The Aqua GIS Sheet was marked as Exhibit A-6. The Zoning Exhibit was marked as Exhibit A-7. The Floodplain Viewer was marked as Exhibit A-8. The Erosion Control Plan was marked as Exhibit A-9. The Sanitary Sewer Details and Profiles Plan was marked as A-10. A segment of the Zoning Map that covers the subject parcel and the immediate surrounding area was marked as Exhibit A-11. The Lay-Out, Paving, Utility, and Landscape Plan was marked as Exhibit A-12. 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. McGuigan stated Property Perfection Inc. is the owner of the vacant property along Reading Road. He stated the property is at the border of Lower Makefield and Yardley Borough and fronts on Reading Road across the street from the Yardley Country Club, and behind the property is the Railroad. The property is 1/3 of an acre located in the R-2 Residential District. The property is unusual as it is oblong, 65' in depth at its deepest point, and is 100% covered in brush that has grown uncontrolled into what is now technically woodlands under the Ordinance.

Mr. McGuigan stated the Zoning Hearing Board granted relief approximately two years ago in connection with the construction of a single-family home, which is the same single-family home that they are present for this evening. He stated there were three Variances granted. The first was for a 12.8' front yard setback, the second was for a 20.6' rear yard setback, and the third was to allow a woodlands disturbance rate of 35.6% where 25% is the maximum allowed under the Ordinance. Mr. McGuigan stated that was the minimum relief required to reasonably use the lot and build a single-family home that made sense for the R-2 District.

Mr. McGuigan stated since that time, Property Perfection, Inc. purchased the property and moved forward with the development process; however, there was a problem with access to public sewer. He stated while technically they can connect, there is no capacity at the time because there are certain upgrades that need to be made to the local pumping station, and those have been put on hold indefinitely. Mr. McGuigan stated in order to be able to proceed, the Applicant is seeking to move forward with a septic system on the lot, and they have Permits in hand from the Bucks County Health Department; and this has been approved by DEP as well.

Mr. McGuigan stated in order to make room for the septic system and septic field, they need to remove more woodlands on the property which equates to eight trees. He stated they also now need a Variance for lot area. He stated the way the Ordinance reads is that there is a 16,000 square foot minimum lot size for a single-family home in the R-2 District, and that is contingent on that home being connected to public sewer. He stated because they are now going forward with a septic system, the minimum lot area is 34,000 square feet.

Mr. McGuigan stated the size and the location of the home are the same, and they are not seeking relief to disturb more woodlands because they are trying to build a bigger home or provide any other accessory structures, pool, etc.; and they are just before the Board because of a problem not made by the Applicant. He stated they cannot connect to public sewer for the foreseeable future, and they are trying to do what they can to make the project work and build the house that the Board previously approved, but in a way that can work on the lot.

Mr. Fioravanti was accepted by the Board as an expert. He stated he heard the statements made by Mr. McGuigan. and they are true and correct to the best of his knowledge.

Mr. Fioravanti stated his office designed the Plans before the Board, and the project generally remains unchanged from the first time they were before the Board with the exception of the modifications that resulted because of the need for septic. Mr. Fioravanti stated when they were before the Board two years ago the easiest way to connect to public sewer was to take the sewer line out from the property, go to the east, and go to the Yardley Borough sanitary sewer which exists on the other side of the stream about 250' away. He stated they would have to take the pressure line underneath the stream, rise back up again to the street, and connect into the low-pressure sewer system that exists on the other side of the stream. He stated

the flow would go through the Yardley Borough system, eventually to their pump station and then to Morrisville for treatment. Mr. Fioravanti stated when they designed that and approached them, they discussed the Inter-Municipal Agreements that would be required between Yardley and Lower Makefield and indicated that it would not be technically feasible even though it was, and they then indicated they would not allow the connection.

Mr. Fioravanti stated they then did a design taking it to the west 2,000' away to hook into the terminal manhole owned by Aqua that flows through Lower Makefield Township. It stated it would still flow to the Yardley Pump Station which needs to be upgraded. He stated the upgrade is designed through a Connection Management Plan with DEP. He stated once the upgrade is designed and the Contract is issued to make the repairs, you can come off the waiting list and public sewer would be available. He stated they were told the Contract would be awarded in early 2025, and the Applicant proceeded with the design to go 2,000' down the road, and everything was approved. He stated they were waiting for the contract to be awarded to fix the pump station. He stated they were next told it would not be awarded until August, but in August they were told that they did not know when it would be awarded. He stated they looked for a back-up option which would be septic system on site which is what they are proposing. He stated soils were good, the septic system was designed, the Permit was issued with DEP, and the Health Department approved it.

Mr. McGuigan stated in order to proceed Variances are needed from the Zoning Hearing Board. He stated the first is woodlands disturbance relief. The prior Variance was for 35.6%, and now we need 49.1%. Mr. Fioravanti stated the entire site is 16,898 square feet, and the shape of the property was shown on the Exhibit. He stated the entire site is wooded, but it is just uncontrolled growth not necessarily specimen/healthy trees; and it is mostly woody vegetation that has been undisturbed for many years. Many of the trees have no branches, they are half dead, and leaning; however, continuous canopy counts as woodlands, and the site is 100% wooded. He stated when they were before the Board previously, they indicated that they needed to remove 1,752 square feet beyond what they were allowed to remove which was 35.5% instead of 25%.

Mr. Fioravanti showed the Exhibit which indicates that the dark green is the vegetation that will stay, the light green is the clearing that was approved the first to allow the house to be built with public sewer, and the intermediate shade of green is the additional 8 trees that they need to remove to build the

septic system. He stated this will be an additional 2,325 square feet for a total of 4,077 square feet of woodlands disturbance beyond the 4,000 that they are allowed to disturb. The Exhibit showed the impact to the canopy by removing these additional 8 trees.

Pictures of the character of the trees to be removed in the area where the septic system will be placed were shown. He stated the area where they are proposing to remove the trees will not impact how the property is viewed from the street. Exhibit 1 was shown which shows the existing vegetation that will remain undisturbed; and from Reading area, the area to be cleared will not be seen. He stated the septic system is a sub-surface sand filter, and it will not be the sand mound that people are familiar with. Mr. Fioravanti stated it will just look like lawn, and there will be no visual impact from the street.

Mr. Fioravanti stated he does not feel that there will be any negative or detrimental impact associated with the grant of this relief if it is granted.

Mr. McGuigan stated the next Variance relates to lot area. He stated this is required because of the inability to connect the property to public sewer, and now they need a minimum of 34,000 square feet instead of 16,000 square feet.

Mr. Fioravanti stated there is no practical issue with connecting this property that is small than 34,000 square feet and building its own septic system on site. He stated the typical reason that you would want a larger site for a septic system is because there are required isolation distances between septic systems and water supply wells and neighbors' property lines. He stated this lot is essentially isolate all around, and here are no neighbors near it.

He noted the location of the proposed water well. He stated a septic system has to be 100' from a water supply well, and what they are proposing meets current guidelines. He stated there are also no other wells within 100'. He stated if this were a Subdivision that had 16,000 square foot lots, it would be likely that your septic system would be close to your neighbor's well; but in this situation that is not the case as there are no close neighbors, and there is adequate separation between the well and the septic system. He stated the soils were fine for a septic system.

Mr. McGuigan stated they already have Permits, and they are not asking the Board to make a decision based on hypotheticals. Mr. McGuigan asked if there is any reason why this relief if granted would be problematic to the health, safety, or welfare of the community or detrimental to any other local property; and Mr. Fioravanti stated there is not. Mr. McGuigan stated the property and this project would otherwise be in compliance with Zoning and in compliance with the prior Decision rendered by the Zoning Hearing Board if not for this issue with the sewer connectivity, and Mr. Fioravanti agreed. Mr. McGuigan stated that is an issue that the Applicant did not cause, and Mr. Fioravanti agreed. Mr. McGuigan asked Mr. Fioravanti if it is his testimony that the relief they are requesting tonight is the minimum required to reasonably use this parcel, and Mr. Fioravanti agreed. Mr. McGuigan stated that none of the details with regard to the size or location of the home have changed from the prior Application to this Application, and Mr. Fioravanti agreed.

Mr. McGuigan stated they are not trying to maximize of the building or any other accessory uses, and Mr. Fioravanti agreed adding that the building has not changed at all.

Ms. Reiss stated they are now asking for double what is allowed which she feels is a problem. She stated when you put in septic and dig holes, it will disturb the roots of other trees not just the ones that they want to take down, which she also feels is a problem. She stated she knows the area which has flooded and someone was killed. She stated the definition of a woodlands is that it is not a manicured garden, and it is wild with weeds, vines, and dead leaves. She stated she is concerned with the amount of disturbance and the history of the property.

Mr. Solor stated Oxford Road is on the other side of the Railroad embankment, and he asked if that is part of the same sewer lateral that is currently at capacity. Mr. Fioravanti stated that sewer system drains in a different direction. He stated they investigated underneath the overpass to connect to that sewer, but it was economically not viable given what would be required according to Conrail.

Mr. Solor asked how the Tree Bank system for development applies to Residential development; and Mr. McLoone stated he does not believe it applies to a single-family house, and it would only apply at the Land Development stage if there was more than one unit. Ms. Carlton agreed although it could be considered for a Residential unit.

Mr. Solor stated generally the root system for trees is considered to be equivalent to the outside edge of the tree canopy area, and he sees a 30" diameter tree on the Plan so that root system would extend far out. Mr. Solor asked Mr. Fioravanti his opinion as to how many of these trees will be compromised. Mr. Fioravanti stated when they were on site making judgments on the health of the trees, they did not look healthy, they were leaning, and their limbs were fragile. He stated they discussed internally if it would help the Board make a Decision that they would agree to a tree banking system in terms of what they are taking out, although there is no room to replace trees on the property.

Ms. Reiss asked if they had an arborist look at the trees, and Mr. Fioravanti stated they did not. Mr. McGuigan stated the lot will still remain a very wooded lot with over 50% woodlands, and they are trying to build a modest single-family home but maintain the wooded character of the lot; and this is why the view from the road has remained unchanged. Mr. Fioravanti stated while the percentage of trees being taken down may look high, the number of trees being taken down is small. Pictures of the trees were shown.

Mr. McVan stated the option is there that the new homeowner could tie into the public sewer once it was available. Mr. Fioravanti stated public sewer may be available one day, but they do not know when.

Ms. Blundi asked if there was an answer given as to how many trees they feel may be impacted, and Mr. Solor stated they did not have an answer. Mr. Fioravanti stated they did not have an arborist come to the site, and even the arborist would be guessing. Mr. McGuigan stated at this point they are seeking relief for 49.1% which they believe is the maximum number that they will be disturbing as a result of the development. He stated to the extent where other trees are negatively impacted as a result of this, they would commit as part of any Decision tonight to maintain the rest of the lot in a wooded capacity so that if any other trees are disturbed, they could plant others to maintain the wooded nature of the lot in accordance with the Plans before the Board. He stated they are not trying to get around the Ordinance and disturb more than they are asking for.

Mr. Schwartz stated Morrisville Municipal Authority owns the Sewer, and he asked if they have a moratorium on adding any new homes to their system. Mr. Fioravanti stated he believes that you go on their waiting list at this point for the area that drains to the Yardley pump station. Mr. Schwartz stated going the 2,000' the other way takes you to St. Ignatius Church, and he asked if that also drains into that system; and Mr. Fioravanti stated it drains to the Yardley pump station as well through the Aqua lines.

Mr. Fioravanti stated he believes that the original Zoning Hearing Board Decision had a contingency that any trees that would die during construction would be replaced. Mr. McLoone stated it also included a note about a Deed Restriction, and the Board could amend that wording to reinstate another Deed Restriction. Mr. McGuigan stated they would be agreeable to that; and they understand that woodlands are important for a variety of reasons, and if they did not truly need this relief they would not be requesting it. He stated if they had a large enough property to plant replacement trees in a way that made sense, they would do it; however, they are dealing with a small lot and cannot do that, and they would be amenable to a contribution to the Tree Bank for the trees that are proposed to be removed.

Ms. Carlton stated the Supervisors sent her this evening to oppose this Application primarily because of the amount of disturbance and removal of the trees. She stated having heard testimony this evening, it does appear that there is a hardship that the Applicant may not have created; and while with great economic cost, they could go to the other side, if they were to commit to replacing the trees that would be compromised as a result of the removal of the 8 trees in the newly-defined area and commit to a contribution to the Tree Bank in accordance with the new Ordinance, she believes that the Supervisors would be amenable to approval of the Variances requested.

Mr. Dougherty stated the Board originally approved this because there were no neighbors, and he does not have an issue with the requests being made this evening. He stated the lot will still be more wooded than most of the lots in the Township. He stated the septic system will not impact the well and is not up against any neighbors.

Mr. Robert Heinz was sworn in. He stated he did not hear anything brought up about the occupancy; and he knows that septic systems have a maximum occupancy with bedrooms, etc. Mr. Dougherty stated that is outside the governance of the Zoning Hearing Board, and they have Permits already. Mr. McLoone stated septic is regulated at the County level, and they did get approval from the County. He stated it becomes a Township issue if they were to build an addition with another bathroom, and they would have to get additional approval from the County because they would be adding strain onto the utilities.

Mr. Heinz stated he understands that sometimes the Township requires a homeowner to transition from a septic system to a sewer system when the space opens up. Mr. Dougherty stated he does not believe Aqua would run lines down Reading Avenue since there is only one other house on the block.

Mr. Heinz asked if they are required to transition from a septic system to a sewer system will it be a Township's responsibility to pay for it. Mr. Dougherty stated he understands it would be the homeowner's responsibility. Ms. Carlton agreed it is always the homeowner's responsibility to pay for the connection. She stated this case is unusual since it will be a brand new septic system; and she feels it would be "cruel and unusual" once the homeowner has put in the septic system to ask them to connect to the public sewer if it becomes available. She stated septic systems now last for 30 to 50 years.

Ms. Blundi stated Mr. Heinz is the new Zoning Hearing Board Alternate; and she thanked him for attending, participating, and learning.

Ms. Reiss stated she does not feel that every parcel that has land and trees needs to be built on. She stated she has a lot of concerns from history of how water is in this area. She stated she does not have a concern with the septic tank, but she is concerned with this much destruction of woodlands, and she is concerned that the disturbance is going to cause more problems with the existing trees that are left.

Mr. Schwartz stated he feels it was helpful to get some compromise through the discussion with the Township solicitor and all of the information regarding the sewer issue.

Ms. Carlton stated there was discussion about the Deed Restriction that was part of the 2023 approval. She asked if that will "go by the wayside now," since right now it is at 35.4% and it will be going to 49.1%. She asked if it is necessary since we are voiding it, but she would like to see a Deed Restriction placed on the property for the maximum amount of disturbance that is requested this evening, and "hopefully this time it sticks." Ms. Reiss asked if the Board could add that there be no more Zoning Variances permitted on the property. Mr. Dougherty stated he would not be in favor of that since he does not feel it is fair to the homeowner. Mr. Solor stated he believes a future Board could overrule it. Mr. Flager stated the Board can put reasonable conditions on approvals, but he does not feel it is a reasonable condition to say that they could never come back.

Mr. Solor moved and Mr. Schwartz seconded to approve the Appeal as written subject to contribution to the Tree Bank in accordance with the new Ordinance for the removed trees associated with this project, maintaining the wooded nature

of the lot, i.e. replacing any of the trees outside of the disturbance area that are compromised by the loss of the root systems, and that the Deed Restriction be amended or re-issued at 49.1% disturbance.

There was further discussion about the sewer proposal, and Mr. Flager stated if public sewer would become available before they started construction, they could revert back to the original plan.

Motion carried with Ms. Reiss opposed.

APPEAL #Z-25-37 – BOHN/VILADELGADO
Tax Parcel #20-025-124
1209 DICKINSON DRIVE, YARDLEY, PA 19067

Mr. Rob Wagner 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 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. Wagner stated Ms. Villadelgado would like to remove the existing deck on the back of the house and replace it with a new family room off of the kitchen and a small patio that would go between the new family room and an existing sunporch that currently exists on the back left corner. He stated the deck was constructed as pervious, and everything that they are adding as new will be impervious. He stated this is causing them to go over the maximum allowable percentage for the lot. He stated currently the lot is at 19.9% where 18% is the max; and with the proposed construction, it will be at 22.5%. He stated they are proposing a dry well to comply with Lower Makefield's Stormwater Ordinance for any new impervious coverage. He stated they are currently just adding that to account for the new imperious that is being created and not for what was already the overage on the lot. Mr. Wagner stated all of the setbacks are in compliance, and there are no building coverage restrictions; and it is just the impervious coverage overage that they are asking a Variance from.

Mr. Schwartz stated the Board has a tradition of asking that since they are already digging to put a dry well in, that they make it large enough to get back to 18%; and Mr. Wagner agreed to do that.

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

Mr. Solor stated the plan is to intercept roof leaders, and he assumes they will be intercepting an existing roof leader to bring it up to the capacity, and there is no issue with grading. Mr. Wagner stated the back yard is relatively flat once it comes off a couple steps down from the existing deck.

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

Mr. Schwartz moved, Ms. Reiss seconded and it was unanimously carried to approve the Appeal in which the existing impervious surface of 19.9% is being increased to 22.5% with a dry well to reduce it to the effective 18% subject to the approval of the Township engineer.

OTHER BUSINESS

Ms. Reiss stated until you need to use or help someone to use a handicap-accessible ramp, you do not realize that they get approved without anyone looking at where they are or if they will help someone who is handicapped. She stated there are several in the Township where the ramp either is either so far away from the entrance or the pitch is so high that it creates a problem. She stated there are some which are almost impossible to use. She asked if this is a Zoning issue or that the Board of Supervisors needs to look at. Mr. Solor stated it is in the Building Code. Mr. McLoone stated it is in the Building Code, and we also have a Disability Advisory Board that Ms. Reiss could contact. Ms. Reiss stated she will bring this up with the Disability Advisory Board.

CANCEL NOVEMBER 3, 2025

Mr. Solor moved, Mr. McVan seconded and it was unanimously carried to cancel the meeting of November 3, 2025

October 21, 2025

Zoning Hearing Board – page 16 of 16

There being no further business, Mr. Solor moved, Ms. Reiss seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Christian Schwartz, Secretary