

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JUNE 2, 2026

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 2, 2026. Mr. Dougherty called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: James Dougherty, Chair
Christian Schwartz, Vice Chair
Larry Borda, Member
Robert Heinz, Member

Others: Dan McLoone, Planner
Adam Flager, Zoning Hearing Board Solicitor

Absent: Mike McVan, Zoning Hearing Board Secretary
James McCartney, Zoning Hearing Board Member

Mr. Flager stated since there are only four Board members present this evening and a tie vote would result in a Denial, Applicants could ask for a Continuance until a full Board is present.

APPEAL #Z-26-11 MCCUBBIN/PALUMBO
Tax Parcel #20-037-081
938 BARON DRIVE, YARDLEY, PA 19067

Ms. Heather Palumbo and Mr. Rob McCubbin 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. McCubbin stated they are seeking relief from the maximum impervious for the R-2 single-family dwelling. He stated the property is 16,308.69 square feet and 18% impervious is allowed in this Zoning District. The property was built before 1987. He stated currently the lot is at 28.98% at 4,727 square feet.

Currently existing on the property is the house, an asphalt driveway, front walkway, shed and a Bilco door. He stated they are proposing a medium sized pool with some patio. He stated they are adding 579 square feet of pool deck and coping, a pool equipment pad, and 378 square feet of pervious pavers. He stated he discussed this with Mr. McLoone, and the Township counts 50% of the pervious pavers so it is technically 189 square feet of the pavers. He stated they are also proposing to remove 510 square feet of the driveway to keep the numbers lower. He stated the relief they are requesting is to go from 28.98% to 30.71%.

Mr. McCubbin stated the stormwater system that they have designed takes the pool into consideration. He stated the system will mitigate 2,480 square feet of impervious surface which brings it back to 18% inclusive of the pool water.

Mr. Schwartz noted the location of the drains. He asked if there are roof leaders draining into the system as well; and Mr. McCubbin stated there are roof leaders already taken to a system toward the front of the property on the right side of the house. He stated there is an infiltration bed before you get to the street which is marked on the Plan as a stone bed. He stated the other roof leaders are landlocked with the driveway and the one on the front corner of the house.

Mr. McLoone corrected some prior information provided to Mr. McCubbin and stated the pervious pavers are only for Commercial sites so the number for impervious surface would be 31.9%. He added the advertisement was correct at 31.9%. Mr. McCubbin stated the bed will therefore have to be a bit bigger. Mr. Dougherty asked if Mr. McCubbin would prefer that a favorable ruling indicate that the pavers do not have to be pervious, and Mr. McCubbin agreed.

Mr. Heinz asked for more information as to the location of the front infiltration bed, and Mr. McCubbin noted the bottom of the Plan on the right-hand side where two roof leaders are tying in. Mr. Heinz asked if that is part of the calculation, and Mr. McCubbin stated it is not as it was done previously. Mr. McCubbin stated they are still functioning.

Mr. McLoone was asked if he reviewed the specs for the seepage bed, and Mr. McLoone stated he agrees with what has been provided.

There was no one wishing to make public comment.

Mr. Schwartz moved, Mr. Borda seconded and it was unanimously carried to approve the Appeal as presented with the change that the pervious pavers are no longer in the project and regular pavers would be useful. The existing impervious surface is 28.9% with an increase to 31.9% and an effective rate of 18% after the installation of the infiltration trench as approved by the Township engineer.

APPEAL #Z-26-12 – BALLINGER
Tax Parcel #20-055-148
959 WEBER DRIVE, YARDLEY, PA 19067

Mr. Andrew Ballinger 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. Ballinger stated he is requesting a Variance to allow him to add a paver patio and a storage shed. He stated when he became the owner the property's impervious coverage was already approximately 23 ½% as noted in the Township's Stormwater Utility Assessment, and it is above the 18% limit for R-2 Zoning. He stated the driveway, walkways, and other existing improvements that make up that coverage were all in place before he became the owner. He stated the existing footprint is what gives rise to the hardship that he is asking the Board to consider.

Mr. Ballinger stated the proposed patio and shed would add 491 square feet of new impervious surface bringing the total coverage from approximately 23 ½% to 26 ½%. He stated the stormwater impact of these additions is fully mitigated by an existing mature maple tree on the property whose canopy extends right next to the proposed shed area and provides more than two times the run-off volume credit required under the Township's Stormwater Management calculations. He stated the existing impervious driveway, walkways, and porches cannot be removed without eliminating structures essential to the every day use of the home. He stated the property cannot be reduced to 18% impervious coverage without losing these necessary improvements.

Mr. Ballinger stated the Subdivision itself seems to pre-date the December 14, 1987 date referenced in the Township's Impervious Surface Ordinance. He stated without the patio or the shed, the property would still exceed 18%.

Mr. Ballinger stated patios and storage sheds are everyday features and properties with similar impervious surface characteristics are common throughout the neighborhood. He stated he does not believe his additional would have any negative impact on any adjacent properties. He stated both projects are sized for what he needs, and the shed is intended to store items such as snow blowers, a pressure-washer, a generator, etc. He stated this is equipment that currently takes up most of the garage so that there is no room for a car. He stated a 12' by 16' footprint is the smallest size that would fit everything. He stated the patio is sized to fit the existing space between the garage, the back porch, and the driveway. He stated 299 square feet is what that area accommodates.

Mr. Schwartz stated inheriting the existing conditions does not prevent the Board from requiring that it be remedied. He stated it is easy to get down to 18% using infiltration trenches and not taking out sidewalks, driveways, or structures. He stated there could also be a rain garden which includes infiltration underneath plantings. He stated the Board does not necessarily allow trees and shrubs any more to be relied upon because storms could kill the trees and shrubs, property owners can take them out, and future homeowners make take them out not knowing that they are necessary for the rain run-off for the property. He stated one of the Conditions the Board will want is an infiltration trench installed somewhere in the area where the improvements will be constructed. He stated this will keep the stormwater from running out into the storm system or onto a neighbor's property. He stated the goal is to keep as much rain water on a property to drain at the property.

Mr. Ballinger stated he did think about an infiltration trench as an option, and there is one location in the back yard that would be a viable option; however, due to the fact that there are a lot of tree roots in the area and the cost, he wanted to know if would be permissible to build one that would mitigate back to the current 23 ½%. Mr. Schwartz and Mr. Dougherty stated they would not agree to that as the trend has been to take it back to 18%.

Mr. Dougherty asked if an uncovered deck could be installed in lieu of the patio, since a deck would not be considered impervious. Mr. Ballinger stated he did not feel a deck would go well. He stated if they are requiring 18%, he would do that with a trench.

Mr. Schwartz asked Mr. McLoone how large of a trench would be required to take it back to 18%. Mr. McLoone stated it would be approximately 3' by 6' by 21', and he would work with Mr. Ballinger to make sure it was the right size.

Mr. Flager asked if he could add rain barrels tied into the rain leaders so that the trench could be a little smaller; and Mr. McLoone stated while it would, he does not know the calculations at this time, and he could look into that. Mr. Schwartz stated he did not feel it was effective to use a ran barrel for stormwater management.

Mr. Heinz stated there is a large front yard, and it does not appear that there is any water collection coming from the front; and he asked if some of the infiltration trench could be in the front yard as opposed to only in the back, and there could be multiple trenches. He stated there are three downspouts in the front yard that could lead into a similar location.

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

There was further discussion on whether or not rain barrels would be permitted as part of the stormwater management.

Mr. Schwartz moved, Mr. Dougherty seconded and it was unanimously carried to approve the Appeal where the existing impervious surface of 23 ½% is increasing to 26 ½% and then reduced to an effective 18% utilizing infiltration trenches, rain gardens, or any other method that does not include live vegetation or rain barrels subject to the Township engineer's approval.

APPEAL #Z-26-13 – PUGLIESE/NEIL
Tax Parcel #20-050-036
1228 GREENHILL ROAD, YARDLEY, PA 19067

Mr. Nicholas Pugliese was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan and Construction Drawings were marked as Exhibit A-2. The Impervious Surface Breakdown Calculation 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. Pugliese stated the existing site is out of compliance. He stated the existing impervious surface is 27.1%, and that was done at the time the house was constructed. He stated to get down to 18%, they would have to take out half of the driveway, the front walk, and the rear patio. He stated they are proposing to add about 200 square feet. He stated the front walk would be removed and put back in exactly the same, the front portico will be slightly larger, and they are doing a covered landing with the portico. He stated the proposed rear patio is slightly larger than the existing. He stated this will bring them up to 28.5% from 27.1%. He stated they have mitigated the additional stormwater management through a rain garden at the back of the driveway to help mitigate some of the existing run-off from the driveway and then catch the patio as well. He stated in the front, they will put the leads out into their own, and they will do a stormwater management system underneath the entire front walk. He stated they have 64 cubic feet of trench volume and the raingarden.

Mr. Borda asked how they are feeding into the infiltration trench below the walkway, and Mr. Pugliese stated it will be the downspouts from the front feeding directly into the trench. Mr. Pugliese added that there will be pop-ups in the lawn for any overflow. Mr. Schwartz asked if this will bring them down to 24%, and Mr. Pugliese agreed.

It was noted that Mr. Pugliese had included trees, and those will be taken out of the calculations, and it will have to be added to the trench. Mr. Pugliese asked if there is any credit for the rain garden; and it was noted that there is, and the size of the rain garden would need to be calculated. Mr. Pugliese stated he believes that it is about 250 square feet. Mr. Dougherty stated he can work with the Township engineer on this.

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

Mr. Schwartz moved, Mr. Dougherty seconded and it was unanimously carried to approve the appeal where the existing impervious surface of 27.1% is increasing to 28 ½% and bringing it back down to 24% through use of a proposed rain garden and infiltration trench as part of the sidewalk and front of the house with total volume calculated and approved by the Township engineer.

APPEAL #Z-26-14 – GEONNOTTI/CRONIN
Tax Parcel #20-022-221
1050 WINDER DRIVE, YARDLEY, PA 19067

Mr. Justin Geonnotti was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A1. The Site Plan/Zoning 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. Geonnotti stated they moved into the house two years ago, and they want to put on a front porch. In order to do so, there will be a small increase in impervious surface going from the existing of 20.9% to 21.5% with the 303 additional square feet. He stated portions of the front walk will be removed. He stated there was an existing paver patio which he has already removed. Mr. Geonnotti stated all of the service walks around the building are brick/porous paving, but they counted everything as full impervious on the site. He stated the front porch will extend off the front center shown in gray on the Plan.

Mr. Geonnotti stated the other area of relief being sought is a small side yard setback. He stated the lot is basically a flag lot and is irregular. It is just over an acre which is the minimum lot area. He noted the side yard setback where the house sits is 24.4, and the side yard setback is 25. He stated looking to the neighbor's house it is over 80'.

Mr. Geonnotti stated the driveway makes up 25% of the allowable impervious on the lot.

Mr. Geonnotti stated with regard to mitigation for the additional impervious, he is asking to do trees because of the small amount as trees are permitted per Appendix I of the Ordinance which has not yet been amended; and they are allowed to use trees especially for applications proposing less than 5,000 square feet of new impervious. Mr. Geonnotti stated he would agree to doing a structural system, and he reviewed what he could do. Mr. Dougherty stated he feels Mr. Geonnotti should be required to do a structural system as has been required by others. Mr. Geonnotti stated for the increase in impervious he could do a structural dry well off the front of the house.

Mr. Schwartz asked Mr. Geonnotti if he has talked to the neighbor where he is encroaching on the neighbor; and Mr. Geonnotti stated while they have a good relationship with them, he has not talked to them about this. He stated he feels based on the location on the lot, he does not feel it is noticeable, and he feels it will be a significant improvement to the front of the house once it is built.

Mr. Schwartz stated since they are digging for the impervious surface, he would like to see it at 19% when done. Mr. Geonnotti stated that would be a significant difference going to 19% on a big lot. He stated they are only increasing 303 square feet. He stated it would be another 1.9% of a big lot which would be a very large system, and that would mean he would need to capture and detain another 1,300 square feet of impervious. Mr. Schwartz asked Mr. McLoone what that additional 1,300 square feet work out to in cubic feet of an infiltration trench. Mr. McLoone stated he does not know what that would be at that time.

Mr. Dougherty stated when the increase in impervious is 1% or less the Board usually permits the Applicant to get back to the existing impervious; and he would be in favor of that given that 25% of the impervious is the driveway, which he feels is a hardship. Mr. Schwartz stated if that has been past practice he is fine with that. Mr. Geonnotti stated even though they will be installing the structural component, they will also plant trees as part of this.

Mr. Heinz asked if there is a way to capture some of the run-off from the driveway into an infiltration trench along the side of the driveway. Mr. Geonnotti stated he pulled the Record Plans and Subdivision Plans for how the subdivision was designed and approved. He stated the subdivision was constructed in 2001 when there was a Stormwater Management Ordinance in place so the run-off from this house has already been accommodated by the on-site stormwater management system which runs down the street into a basin. He stated to capture a driveway is difficult, and you would have to put in a cut-off trench into the driveway and collect it in some place and then determine where it would go from there. He stated they would have to connect back to the Township's MS4 system which would not be allowed. He stated the easiest thing to do is take an equivalent area of impervious, which in this case would be the roof of the new porch or an area of the roof that comes down to the porch and put that into the area. He stated this is a regional approach.

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

Mr. Schwartz moved, Mr. Heinz seconded and it was unanimously carried to approve the Appeal where the existing 20.9% is being increased to 21 ½% and reduced back to 20.9% via infiltration mitigation as well as approval of the side yard setback being reduced 8” down to 24.4” subject to the Township engineer’s approval.

OTHER BUSINESS

Mr. McLoone reviewed Appeals on the June 16, 2026 Agenda. It was noted that the Car Wash was continued to July 21, but may be Continued further at some point.

Mr. McLoone noted that tonight is Mr. Dougherty’s last meeting, and he thanked him for his service on the Board. Mr. Dougherty stated it was an honor to serve on the Board and working with the staff.

There being no further business, Mr. Schwartz moved, Mr. Dougherty seconded and it was unanimously carried to adjourn the meeting at 8:18 p.m.

Respectfully Submitted,

James Dougherty, Chair