

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – AUGUST 4, 2026

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on August 4, 2026. Mr. Schwartz called the meeting to order.

Those present:

Zoning Hearing Board:	Christian Schwartz, Chair James McCartney, Vice Chair Mike McVan, Secretary Larry Borda, Member Robert Heinz, Member
Others:	Dan McLoone, Planner Adam Flager, Zoning Hearing Board Solicitor

APPEAL #Z-26-19 – LUCA
Tax Parcel #20-042-115
5 FAYETTE DRIVE, YARDLEY, PA 19067

Mr. Kenneth Rose and Ms. Penny Luca 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 15-sheet Construction Plans 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.

Ms. Luca asked to submit letters from two neighbors who were unable to attend this evening. Mr. Flager stated they do not generally accept letters from people who are not present. He stated they could be presented, but they would not be accepted formally into evidence. Ms. Luca stated they are from the house next to her right and the house behind her. Mr. Flager marked them for identification purposes collectively as Exhibit A-4.

Ms. Luca stated they plan to put an addition on the house which was within her budget and be able to do some upgrades. She stated it is one floor with two bedrooms and only one bathroom. She stated she has gone through Stage 3

colon/anal cancer with residual effects, and she “desperately” needs another bathroom. She stated they bought this house and thought they could upgrade it with a master bedroom/bathroom that would accommodate her.

Mr. Heinz asked if she already bought the house, and Ms. Luca agreed. Mr. Heinz asked if was subject to this approval, and Ms. Luca stated they just bought it and hoped for approval.

Mr. Schwartz asked why the orientation of the bedroom is sticking out from the house rather than along side the house and within the parameters of where they are able to build. Mr. Rose stated they bought the house sight unseen in November when they were in Florida. He stated the virtual tour of the house looked better than when they actually saw it. He stated they got here in April with Penny’s hardship case and issues she has every day.

Mr. Rose stated the house is 72 years old and everything is bad in the house and has to be upgraded. He stated this project is a two-stage process. He stated the plan is to put the addition on; and after the addition is put on, they would have a place to stay with a little bit of a wet bar, and then renovate the main house. He stated the plumbing and electric are bad and is all original and needs to be upgraded. He stated they need a primary bedroom, and Ms. Luca needs a bathroom big enough since she has degenerative spine issues so that she will probably be in a wheelchair at some point, and the house does not accommodate that. He stated they need the square footage based on that. He stated in the addition the openings and doors are bigger and getting into the bathroom will be 4’ instead of 30” in case there is a wheelchair or walker involved, and they need that space for Penny.

Mr. Schwartz stated his question remains that if the addition of a same size were turned 90 degrees, they would probably be in the envelope where they would not need a Variance for encroachment into the rear of the property. Ms. Luca stated there would then be no windows in the kitchen and living/dining area, and there would only be one window in the front of the house.

Mr. Schwartz stated they have a deck that is almost the same size as the addition. He asked the size of the deck, and Mr. Rose stated it is a little bit more than half of what the addition is. He stated the addition is 612, and the deck is 350 to 360. Mr. Schwartz asked if it is a solid, concrete deck, and Mr. Rose stated it will be Trex/composite. Mr. Schwartz stated he assumes it will allow water to flow down through it, and Mr. Rose agreed.

Mr. McLoone stated he was conservative when he was doing the calculations, and he included it in the impervious so they instead of 30.2 is it actually 27.2%.

Mr. Rose stated they have proposed on the drawing putting in a dry well. He stated they have gardens in the corner, and they found out that they were a little bit out of impervious. Mr. Schwartz asked if they had a location in mind for the dry well as he did not see a location on the Plan. Mr. Rose stated it is on the first page, and it was noted on the screen. Mr. Schwartz stated he assumes that the downspouts off of the addition will be guided toward it, and Ms. Luca agreed. Mr. Rose stated he gets all of his downspouts away from the foundation and puts them underground in dry wells in houses that he has had.

Mr. McCartney noted the garage that is directly in front of where the addition is proposed. He asked if it goes front to back, and Ms. Luca agreed. Mr. McCartney asked if they considered bringing some of the master bedroom into that garage. Ms. Luca stated the garage is only big enough for the car and a little bit of storage. She stated they do not have a basement. Mr. Rose stated the main house is on a 4' crawlspace. Mr. McCartney stated with regard to the orientation that was referred to by Mr. Schwartz, he understands that they would lose some windows but he is not sure if there is not another creative way of doing that. He asked where is the throughway into the addition since the Plan does not show that. Ms. Luca stated you would enter the addition from the existing kitchen in the corner. She added that you would open into an open space, and the bedroom door would be to the left.

Mr. McCartney asked if there is a form of egress out of the addition. Ms. Luca stated beyond where you enter into it is the master closet; and if you went out of the house right behind the garage, first you enter into the small vestibule, and to the left is where you enter into the bedroom. She stated behind that wall and the little vestibule is the walk-in closet.

Mr. McCartney stated he is asking if there would be exterior egress to this area through another door in that room to the outside. Ms. Luca stated in the bedroom there are French doors on the left-hand side. Mr. McCartney stated it would be facing the proposed deck, and Ms. Luca agreed.

Mr. Rose stated A-100 of the Plan shows the walls, doors, etc.; and this was shown to the Board.

Mr. McCartney asked if they are planning ramps inside and out for future handicap accessibility. Ms. Luca stated they will deal with that when needed. She stated there is a wide entrance into the bathroom. She stated you can go directly into a wet room which is a zero radius shower that she would be able to get into.

Mr. McCartney asked how far into the setback they are going, and Mr. McLoone stated it is 33'5". Mr. McCartney stated even if it were turned sideways, it would still encroach into the rear setback. Mr. McLoone stated that is possible, but it would be much smaller. Mr. Schwartz stated he feels it would be 15'. He added that as noted by Ms. Luca it would cut off all of the windows that are already on the back of the house.

Mr. Rose stated they initially discussed turning the addition 90, but it eliminated the lighting which is why they went out past the garage.

Mr. Borda noted a sink in a part of the addition, and Ms. Luca stated that is a small wet bar in the entryway next to the dining room.

A large porch on the front was noted and Ms. Luca was asked how much that will be used if they have a back deck. Ms. Luca stated they sit there every morning to have their coffee and give treats to dogs walking by with their owners. The deck on the back will not be impervious, and it will not have an awning.

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

Mr. Heinz stated he understands the impervious surface will be returned back to 22% which is the limit as opposed to 18%. Mr. Schwartz stated 26% is the limit, they are currently at 22.8%, and they are proposing to go to 27.2%. He added that their dry well will bring it back to 26%.

Mr. Borda asked if they could not get an improvement on that with the dry well. Mr. Schwartz asked Mr. Borda if he is asking for them to go below what is required. Mr. Heinz asked that they be asked to bring it back to 22.8%. Mr. Borda stated that would maintain the property to what it is currently in terms of impervious surface. He stated to do that the dry well/infiltration trench would need to be made a little bigger. Mr. Schwartz stated whatever the Board requires them to go down to would remain in perpetuity so that they would always be required to keep it at a lower amount that is allowable by Code.

Mr. Borda stated he does not know what his suggestion would cost in terms of additional dollars versus what they have to do to get it to 26%. Mr. McLoone stated he did not do a calculation for 22.8, but he would help them with the dimensions. Ms. Luca stated their budget is tight. Mr. Schwartz stated the percentage is affected by the overall size of the lot; and on a larger lot, 1% means a lot more than a tiny lot. Ms. Luca stated Mr. Rose already proposes to have all of the existing downspouts to be put underground. Mr. Schwartz stated if the Board approve 26%, when they come in with their Permit, the Township engineer will work with them on sizing a dry well or multiple dry wells to get it down to 26% for the overall property.

Mr. Borda moved and Mr. Schwartz seconded to approve the Appeal where the current impervious surface is 22.8%, the proposed is 27.2%, and approved subject to mitigation back to 26% impervious surface at least as determined by the Township engineer. Setback is approved as present. Motion carried with Mr. McCartney opposed.

APPEAL #Z-26-20 – O'NEILL/BARTOLUCCI
Tax Parcel #20-055-073
1505 ESTHER LANE, YARDLEY, PA 19067

Ms. Kathleen Bartolucci and Mr. Mark Irwin were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-2. 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.

Ms. Bartolucci stated she has lived at the home since 2009 and as a single Mom with her four kids since 2020. She stated her partner recently moved in with his three kids, and they are looking to build an addition so that each of the children have their own bedroom. She stated they are also going to build a family room and an extra bathroom on the main floor.

Mr. Irwin stated they worked on a number of options and felt that the best option was to have the addition on the left side of the home because the garage is on the left side, and they would be building a fair amount of the addition on top of that already existing footprint not adding as much impervious. They will be adding three bedrooms onto the left side and adding a family room.

Mr. Schwartz stated the Board was only provide a Site Plan that was one drawing, and there was nothing provided showing what the addition will look like with the rooms, floors, etc. Mr. Irwin stated that was submitted; however, it was not able to be found in the OneDrive.

Mr. Schwartz stated this is a corner lot, and Esther Lane is the front of the house. The front setback is 35' and the rear is 45' per Zoning. The side facing the left-hand neighbor is 15', and they have a mark on the Plan of 15' for the righthand side on Jack Road. Mr. McLoone stated because it is a corner lot, they have two front yards, and it should be a 35' side yard along Jack Road, with the other side yard being 15'. Mr. Schwartz stated it is supposed to be 35', but the existing house is already 23'. Mr. Irwin stated that is their hardship in that it is a corner lot, and it was already under the 35'.

Mr. Schwartz stated in the past there were issues with fences and sheds in the side/front yard for corner lots. He asked Mr. McLoone if anyone has come in with this type of scenario where they are looking to put an addition on that side; and Mr. McLoone stated while he is sure that has happened at some point, he cannot recall a specific case. He stated he does not feel what is being requested is unreasonable.

Mr. Schwartz stated they are currently at 22.4% impervious surface, and they are proposing 26.2% where 18% is allowed. Mr. Schwartz asked Mr. Irwin if he is intending to install an infiltration trench or dry wells to collect the excess runoff and get it down to 18%. Mr. Irwin stated while that is not on the Plans now, he is not opposed to it if needed. He stated he would like to be able to use rain barrels; or if it must be underground, not a full dry well but to be able to get water away from the house as best they can. Mr. Schwartz discussed issues with rain barrels in that they rely on the homeowner to use the rain water collected and problems in the winter when it can freeze. Mr. Schwartz stated while they want the water away from the house, they do not want it going into the street and overflowing the stormwater system on the neighbors or the neighborhood. He stated he sees locations where some small dry wells could be located. He stated he feels the best place to put an infiltration trench is where they are going to dig for the addition and the new walkway so that some of the roof drains would go underground through French drains, etc. to the infiltration trenches. Mr. Schwartz stated if approved, they would need to work with the Township engineer on the sizing to make sure it meets the requirement.

Mr. Borda asked what will be in the addition since they do not have a detailed plan. Mr. Irwin stated the red is the additional added square feet. He stated the entire red square will go up two stories, and right behind the red square toward the rear of the home is a one-story addition that would be added. There would be bedrooms on the second floor. Mr. Borda stated there is 45' on the opposite side of Esther Lane which is basically the back yard adjacent to the patio, and he stated he assumes that does not lend itself to putting an addition there. Mr. Irwin stated that would result in more impervious since they are proposing to add a second floor overtop of the garage and over top of the first-floor addition. Mr. Borda stated if they put the addition on the other side of the garage, it would still be tapping into the garage. Mr. Borda stated he is looking to do the addition on the back of the home since he is concerned about the setback. Ms. Bartolucci stated the kitchen is back there, and that would be a very expensive project.

Mr. McCartney asked if they have anything to show what this will look like when it is completed. Construction renderings were shown and marked as Exhibit A-3. Mr. McCartney asked what the garage faces, and Ms. Bartolucci stated it faces Jack.

Mr. Schwartz stated he feels if the addition were moved to the back side of the garage as has been suggested, the whole house would be cut up, and you would not be able to line up the second floor with the rest of the house as it would stick out the back.

Mr. Heinz asked if there is an existing walkway that is being taken up. Mr. Irwin stated there is a walkway they will be taking up and putting a new walkway in. Mr. Heinz asked if the patio of 705 square feet in the back will remain, and Mr. Irwin agreed. Ms. Bartolucci stated it is a brick patio. Mr. Borda stated while there is expense involved in moving the patio, could they put the addition where the patio is and move the patio over. Mr. Irwin stated it is already two stories on that side, and if they were to add this much square feet they would be adding more impervious. Mr. Schwartz stated it would also impact the flow, and they would have to remove a bedroom and make it a hallway. Mr. Borda stated he is concerned about the setback.

Mr. Schwartz asked Ms. Bartolucci if she has talked to her neighbors about this, and she agreed she has. She stated everyone she spoke to was very supportive including the neighbor closest to them on Esther. Mr. Schwartz

stated the neighbor who will be most affected is the one across Jack Road, and Ms. Bartolucci stated they did talk to Karen Murphy, the person who is currently renting there, and the owner is also aware of the plan and they had no concerns.

There was no one from the public wishing to make public comment at this time.

Mr. Schwartz stated while there has been discussion about moving the addition to different locations, the Applicants have chosen the location for very good strategic and architectural reasons. He stated the house is already within the front/side yard setback and this would be encroaching it by another 7'2".

Mr. Borda stated he is not happy with the setback. Mr. Heinz stated he is not either. Mr. Borda stated he feels 15' is too close. Mr. Schwartz stated he is not sure that they could shave footage off the side of the corner without making the addition useless. Mr. McVan stated while it is a nice plan, and he sees what they are trying to do, he agrees that 15' is very tight. He stated this is a difficult envelope to build in.

Mr. Irwin stated that is the situation that they are in, and they are trying to make the most out of it given the already existing location of the house and it being a side yard on a corner lot. Mr. Heinz stated they have to abide by the front yard setback on the side yard, and Mr. Schwartz stated that is the detriment of having a corner lot in the Township. Mr. Flager stated if it was on the other side, it would be 15', and Mr. Schwartz stated they would not need the Variance.

Ms. Bartolucci stated they looked at several other properties in Yardley making it a priority to stay here because her kids are enrolled in Pennsbury School District, and it was a problem finding a property with enough bedrooms for all of the kids. She stated they explored the possibility of doing this project hoping they could stay put and provide stability for both of their families and avoid further uprooting. She stated it is important for them to provide them each space while she understands they are asking the Board to make an exception.

Mr. Schwartz asked how many bedrooms and bathrooms the house currently has, and Ms. Bartolucci stated currently there are five bedrooms and three bathrooms. She stated there is one bathroom on the first level. There are four bedrooms upstairs where the kids currently have to share. Mr. Schwartz asked if that was always the configuration of the house or did she add a bedroom somewhere. Ms. Bartolucci stated she turned a downstairs family room into a bedroom to prioritize giving her kids their own spaces. She stated if they were to move the

addition to the back, that would involve going through her existing bedroom. Once the addition is completed, there would be eight bedrooms and four bathrooms.

Mr. Heinz asked Mr. McLoone is there is a maximum number of bedrooms in a property in Lower Makefield, and Mr. McLoone stated there is not that he is aware of.

Mr. Borda stated if they were to pull back the front of the addition so that it would be symmetrical with the front of the house, he assumes that would not provide the additional square footage needed; and Mr. Irwin agreed. Mr. Irwin stated they went through scenarios like that, and it would not allow them to have three good-sized bedrooms in the addition and would only allow for two bedrooms which is why they are asking for the additional square feet. Mr. Borda asked if he made calculation as to what the setback would be, and Mr. Irwin stated he believes it was 17' as opposed to 15' because they are still at an angle.

Mr. Borda stated while he empathizes with the situation, he is not happy with the setback.

Mr. Schwartz asked the ages of the youngest and oldest children who will be living in the house; and Ms. Bartolucci stated the oldest is 18 and will be going to Bucks, and the youngest is 5 and about to start Kindergarten.

Mr. Heinz moved and Mr. Borda seconded to Deny. Motion carried with Mr. Schwartz opposed.

Mr. Irwin asked if they were able to bring the feet back to level with the front of the house could this be approved. Mr. Heinz stated he feels they would have to take it back to 23', and adding on anything in that space would be prohibitive. He stated that setback is already reduced from 45 to 23. He stated while he understands that was approved, the Board does not need to approve any additional ingress into that space. Mr. Schwartz stated it is also possible to look at the 23' that already exists, they could extend forward farther and try to keep that within the 23' and maybe they will get the square footage and same rooms that way.

Mr. Irwin asked if he would still need to ask for a Variance if he were to keep it within 23'. Mr. Flager stated he would not need it for the setback as long as they were not increasing, but they would still be increasing the impervious so

they would need a Variance for that. He stated if they are extending something that already exists, they do not need an additional Variance for that. Mr. Irwin asked if he could ask for the Variance today for the impervious since they are trying to proceed with this before winter.

Ms. Bartolucci stated there are currently three kids sharing a bedroom which is not ideal.

Mr. Flager stated he is requesting a Variance for the impervious to go up to 26.2%. Mr. Irwin stated it was noted that if they keep it within the 23' and do not encroach on that anymore, and they could re-configure that and at least they would have the impervious approved. Mr. Heinz stated he would have to see the design of the house to make sure it was appropriate, and he could not give that Variance approval right now.

Mr. Schwartz stated what they are asking for is an open-ended Variance on the impervious surface where the Board does not know what the numbers are going to be, and the Board does not generally do that. Mr. Schwartz stated what is approved by the Board goes with the house in perpetuity and will be in the Deed, and they need hard numbers. Mr. Flager stated they want it based on Plans and not a potential Plan. Mr. Flager stated the Applicant can go back and work on this further and stay in touch with the Township and they could come back to the Zoning Hearing Board relatively quickly depending on how fast they can get plans re-submitted. Mr. Irwin stated he would like to be able to get something drawn up quickly. Mr. McLoone stated they could not come back before the Board until September 1 since it needs to be advertised.

Mr. Irwin asked if there is anywhere in the Township where there is a residential building at 15' for a front yard setback; however, Mr. McLoone stated he was not able to answer that. Mr. Flager stated Real Estate is unique and each parcel is judged by unique characteristics.

OTHER BUSINESS

Due to lack of an Agenda, Mr. Borda moved, Mr. McVan seconded and it was unanimously carried to cancel the meeting of August 18, 2026.

There is nothing currently scheduled for September 1, although there is still time for an Appeal to come in. The Car Wash is scheduled for September 15.

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There being no further business, Mr. Borda moved, Mr. McVan seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Mike McVan, Secretary