

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – AUGUST 13, 2013

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on August 13, 2013. Chairman Bamburak called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Paul Bamburak, Chairman
 Jerry Gruen, Vice Chairman
 Anthony Zamparelli, Secretary
 Keith DosSantos, Member
 Mark Moffa, Member

Others: John Koopman, Township Solicitor
 Barbara Kirk, Zoning Hearing Board Solicitor
 Kristin Tyler, Supervisor Liaison

APPEAL #13-1658 – SUNFLOWER FARM, LLC

Mr. Bamburak stated he feels this was a difficult case, and Dr. Bentz would have built a fine facility and is a great veterinarian from everything they heard. He stated everyone knows that the Township has to do something with the property, and he feels it is beyond the scope of a volunteer effort; but he is also concerned that they seem to be parceling the Farm out. He stated his decision would have been easier had the rest of the preservation agreements been in place, but they are not.

Mr. Zamparelli stated he is concerned that they could be setting a precedent for Spot Zoning. He is concerned about this property and other properties in the future.

Mr. Moffa stated he felt that some of the residents made good comments, and he particularly noted David Zewe who reminded the Board to consider the six Variances rather than a lot of the other issues that were raised. Mr. Moffa also noted that Zachary Rubin pointed out that there are other parcels available in the Township that would allow this use including one that was available for eighteen years. Mr. Moffa stated he feels that this is important since during the Testimony Mr. Murphy tried to make a case for Exclusionary Zoning. Mr. Moffa stated he feels the medical boarding use on the property would alter the character of the neighborhood and would do so significantly. He stated he feels that the property could be developed in conformity with the Zoning Ordinance, and he feels the Application does not request the minimum Variance.

Mr. Gruen stated he had a difficult time making a decision because he likes Dr. Bentz's proposal; however, he feels that trying to squeeze everything she wants to do on five acres is too much. He stated he does not feel that there is a hardship. He stated the hardship that the Township put before them is self created. He stated the Township neglected the property, and now they are trying to sell it; and they put conditions on it that private citizens did not want. Mr. Gruen stated when the Township went into an Agreement with Dr. Bentz, they removed a lot of the conditions. He feels that if the Township wants to sell it to a private entity for a residence, they will be able to do so without changing the character of the neighborhood.

Mr. Gruen stated Dr. Bentz had also suggested that she would be removing a lot of the small buildings on the property, and he feels this is part of the charm that the Farm has; and when they start taking pieces away from it, it is no longer the Farm that it was. He stated if they are going to preserve it, it should be preserved as a private residence or as a whole farm. Mr. Gruen stated he feels the Township should fix the building and use it for something for the community.

Mr. DosSantos stated Dr. Bentz presented a good plan; however, the problem he had was the historic preservation value of the property. He stated he feels the Township residents spoke eloquently both for and against, and it was a difficult decision. Mr. DosSantos stated he is also concerned about the Spot Zoning.

Mr. Moffa moved, Mr. Zamparelli seconded and it was unanimously carried that all the Variances be denied.

There being no further business, Mr. Gruen moved, Mr. DosSantos seconded and it was unanimously carried to adjourn the meeting at 7:40 p.m.

Respectfully Submitted,

Anthony Zamparelli, Secretary