

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – FEBRUARY 21, 2006

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 21, 2006. Chairman Kirk called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Barbara Kirk, Chairman
 David Malinowski, Secretary
 Paul Bamburak, Member
 Paul Kim, Alternate

Others: Robert Habgood, Code Enforcement Officer
 John Donaghy, Township Solicitor
 James Majewski, Township Engineer
 Allen Toadvine, Zoning Hearing Board Solicitor
 Grace Godshalk, Supervisor Liaison

Absent: Rudolph Mayrhofer, ZHB Vice Chairman
 Darwin Dobson, ZHB Member

**APPEAL #06-1357 – DANA WEYRICK, GARY CRUZAN AND RESIDENTS
AGAINST MATRIX**

Ms. Kirk stated the Board received a letter directed to the Board dated 2//9/06 from the Applicants' attorney, Robert J. Sugarman. This was marked as Exhibit B-1. The letter requested that the Hearing be continued to an alternate date as Mr. Sugarman is not available the first and third Tuesdays of the month. In response to that letter, Mr. Garton, the attorney representing the Township in this matter, sent a letter to Ms. Kirk dated 2/16/06 indicating he had no objection to the Hearing being continued to a later date in mid to late March. This letter was marked as Exhibit B-2. Ms. Kirk stated an alternate night that could be available is March 16 which is a Thursday.

Ms. Kirk moved and Mr. Bamburak seconded that the Hearing be continued to a special date of March 16, 2006 at 7:30 p.m. at the Township Building. Motion carried with Mr. Malinowski opposed noting he does not see the reason for a special Hearing on a special date.

Mr. Toadvine stated the Township has indicated that there is a difficulty with room availability; however, he does feel it is necessary to continue the matter to a specific date and they can work on the logistics between now and that time. He asked if there were members of the audience present for the Appeal this evening so that they can notify them in the event that the matter is continued.

Ms. Kathy Heuer, 106 Baylis Road, Langhorne, PA 19047 stated she is present because she is on the Matrix Committee in Middletown Township.

APPEAL #06-1358 – THOMAS AND SHERRY GOLDEN

Mr. Thomas Golden was sworn in and noted he resides at 1463 Hidden Pond Drive. The Application submitted was marked as Exhibit A-1. Included with the Application was an As-Built Plan of Lot #3 showing house location dated last revised 5/5/01. This was marked as Exhibit A-2.

Mr. Golden stated he backs up to a detention basin and is requesting to put a fence on an easement as shown on the drawing for safety issues. Ms. Kirk asked about the existing fence, and Mr. Golden stated there is a 6' black, slated, aluminum fence. It is not a pool fence. He stated there is an existing fence on the easement which was granted to the adjacent neighbor. Mr. Golden stated he would like to remove his own fence and connect to the neighbor's fence. Exhibit A-2 was noted and Mr. Golden stated the area shown in green is the neighbor's fence and the orange is Mr. Golden's fence. He stated he would like to take his fence out and connect in the front and the back. He stated it is fifteen feet in the front and fifteen feet in the back. Mr. Golden stated the easement is a storm drainage easement. Ms. Kirk stated where he wants to connect in the rear furthest right corner there is an existing manhole. Mr. Golden stated the manhole is outside of the neighbor's fence. He will connect to the fence and will not touch the manhole cover which is behind it.

Ms. Kirk stated if the neighbor received approval from the Zoning Hearing Board there would have been conditions attached to the approval including the requirement that the bottom of the fence be at least 2" between the ground and the bottom of the fence. She asked if he would agree to this condition as well, and Mr. Golden agreed. Mr. Majewski stated he has seen the neighbor's fence and there is sufficient room for water to pass underneath the fence.

Ms. Kirk asked if he would be agreeable to a condition that should the easement holder need access to the area, that he would be responsible for removing the fence at his sole cost and expense; and Mr. Golden agreed. Ms. Kirk asked if he would be agreeable to a condition that the installation of the fence would not interfere in any way with the drainage pipe, and Mr. Golden agreed.

Mr. Donaghy stated the Board of Supervisors asked that his firm participate just for assurance that conditions would be attached along the lines of those already indicated if the Variance is granted. He asked if the Applicant would also accept a condition that if any additional drainage issues arise as a result of the fence, that he would be responsible for any remediation; and Mr. Golden agreed.

There was no public comment.

Mr. Bamburak moved, Mr. Malinowski seconded and it was unanimously carried to approve the Variance to construct a fence within the easement with the Condition that installation of the fence will not disturb or interfere with the existing drainage pipe in the easement area; that there be at least a 2” clearance between the bottom of the fence and the ground in the drainage easement area; that if the Township or easement holder needs access to the easement area for whatever reason for the drainage pipe, that the Applicant will be responsible to remove and replace the fence at their sole cost and expense; if additional drainage issues arise as a result of the location of this fence across the easement area, that the Applicants at their sole cost and expense be responsible for remediation of these drainage issues; and that the Applicants follow all other restrictions or covenants dealing with the easement area as set forth in the Deed.

APPEAL #06-1359 – STEPHEN AND KRIS YOUNG

Mr. Stephen Young, Ms. Kris Young, and Mr. Jim Hefelfinger were sworn in. Mr. Hefelfinger stated he is an architect and is present to represent his clients.

The Application submitted was marked as Exhibit A-1. Also submitted was a one-page Site Plan prepared for the property last dated 1/23/06. This was marked as Exhibit A-2. Also submitted was a three-page Plan prepared by James Hefelfinger for the property with As-Built Plans, first level Plan, and a basement foundation Plan. This was collectively marked as Exhibit A-3. Mr. Hefelfinger presented this evening photographs of the existing home. The photograph showing the front of the property was marked as Exhibit A-4. A photograph showing the rear of the property was marked as Exhibit A-5.

Mr. Hefelfinger stated they are requesting a Variance to Article 5, Section 200-23.B 15,000 square feet and up impervious coverage with maximum of 18% due to the provision in the Ordinance that states that any Subdivision prior to December, 1987 has a maximum of 18% impervious coverage for an R-2 property. Mr. Hefelfinger stated the property is in the Edgehill Gardens section of the Township at 906 Greenway Avenue. The home was built in 1927 and is of very high quality matching the neighborhood of Edgehill Gardens. Mr. Hefelfinger stated they have four children and are finding that the home as it exists is somewhat inadequate in terms of not having a family room or a large enough kitchen area. They also have only a single garage and it is difficult to get a modern vehicles into it. They are proposing additions to the basement and first-floor level that would include a family room, kitchen with breakfast room, screen porch, and exterior deck. This would all be at the first-floor level which is a full level above the grade as shown on Exhibit A-5. Mr. Hefelfinger stated at the basement level they are proposing a basement area comprising a game room and a two-car garage. This is shown on the Plans prepared by his office.

Mr. Hefelfinger stated on the Site Plan it is shown where the existing areas comprise approximately 24% impervious surface which is in excess already of what is imposed by the Ordinance of 18%. They feel it is a hardship imposed by the Ordinance in that it creates a non-conformity of this particular lot that it already has 24% coverage. They are proposing with the additions that the coverage will be 27.6%. He stated this is within the guidelines of Section 200-23.A which states, “for a lot of 16,501 square feet to 20,000 square feet, the development area impervious cover is 25% and the area allowed by developer and by owner is 28%. They feel they are therefore within the guidelines of the Ordinance as stated for a similar-sized lot that would have been built after 1987. They are asking that they be granted the use of the property for additions and renovations and would ask for the 28% coverage so that there is a slight “fudge” factor based on their plans for various walkways.

Mr. Hefelfinger stated within the Plans they show a covered porch. He stated they are counting this in the impervious coverage because it has a roof area; but in fact, it is a story above the ground and they would be removing an existing patio below that area and doing plantings in that area below the porch.

Ms. Kirk stated it appears that the existing driveway is being expanded out to the rear and to the left of the existing driveway, and asked why it is not being squared off to reduce the impervious surface. Mr. Young stated they did it in this way to enable them to get in and out of the garage and to allow for a turn around. Mrs. Young stated they have a large vehicle they would like to be able to get into the garage. The entrance to the garage is in the rear of the property.

Mr. Majewski was asked if he was in agreement with the impervious surface calculations, and he stated they have one minor discrepancy on the proposed driveway square footage and calculated this to be 2029 square feet which is less than what the Applicant is showing by 65 square feet. Ms. Kirk asked if he agreed that the bulk of the addition to the existing dwelling will be built over the existing driveway, and Mr. Majewski stated that a good portion of it is over the existing driveway.

Mr. Toadvine noted the stone patio to the rear of the house to the west, and Mr. Hefelfinger stated this is the patio area that will be removed; and they will have plantings below the screened porch. Mr. Toadvine asked if the stone patio is being removed and an elevated deck is installed, would this be considered impervious; and Mr. Majewski stated they would still classify this as impervious since there is a roof over it and water will not necessarily be able to get underneath it. He agreed that they could consider some credit to be applied. Ms. Kirk asked if this section is approximately 285 square feet, and Mr. Majewski stated it is between 260 and 285 square feet.

Mr. Toadvine noted the concrete walk from the street to the house and from the driveway to the house and asked if both were necessary. Mr. Young stated one connects to the sidewalk and the other is a slate walkway toward the driveway which they could take this out if necessary. Mr. Young stated he estimates this would be 90 square feet.

Mr. Majewski stated the small area to the left of the driveway and the walkway over towards the front of the house would be a total of 162 square feet. Mr. Young stated they could give this up if necessary.

Mr. Kim asked when they purchased the home, and Mr. Young stated they purchased it in 2000. Mr. Kim asked if there was an increase in their family since they purchased the home, and Mr. Young agreed there was.

Mr. Kirk stated if they eliminated 162 square feet of impervious surface, it would equal a reduction of approximately 1% impervious surface.

Exhibit A-5 was noted, and Ms. Kirk asked if the elevated screen porch at the rear of the property is being eliminated; and Mr. Hefelfinger stated it is. He stated this area will become part of the family room.

Mr. Donaghy noted the driveway to the rear and the small portion that goes past the building setback line. He stated given the fact that they will now have a turn around area to the left, would the existing area noted still be necessary; and Mr. Hefelfinger stated it may or may not be and they could eliminate this which would be approximately 48 square feet. Mrs. Godshalk stated if this is removed and if there is another car, they may need that space to get out of the driveway. Mr. Young stated from an appearance standpoint, they would prefer to take the driveway out from the middle of the back yard as they would like to keep some grass for their children. Ms. Kirk asked if they would be willing to remove the 48 square feet of that portion of the driveway into the back, and Mr. Young stated they feel they may need this. Ms. Kirk stated it appears that the proposed modifications of the driveway would give room on the left to turn around or back into the driveway. Mr. Hefelfinger stated this is why they were asking for the slightly larger “fudge” factor.

Mr. Toadvine asked if they have added any impervious coverage since they purchased the home, and Mr. Young stated they have not. Mr. Toadvine asked if they have any standing water on their property or notice any on the neighbors’ properties. Mr. Young stated they are on a hill and the water runs from the front to the back. Mrs. Godshalk stated the entire street was realigned approximately ten years ago and it solved a number of water problems they had been having.

There was no public comment.

Ms. Kirk moved and Mr. Malinowski seconded that the Application for impervious surface increase as submitted by Stephen and Kris Young be granted less 162 square feet more or less of the concrete walk between the front walk and the driveway be eliminated.

Mr. Toadvine suggested that this impervious coverage be quantified so that when they come in for a Building Permit, the impervious surface coverage will be calculated.

Mr. Majewski stated with the elimination of the 162 square feet of walkways, it would be 26.4%.

The Motion was amended as follows: Ms. Kirk moved and Mr. Malinowski seconded that the Variance request be granted to permit impervious surface coverage up to 26.4%. Motion carried with Mr. Bamburak opposed.

OTHER BUSINESS

Ms. Kirk noted no new Appeals have been filed for the March 7, 2006 meeting.

Mr. Malinowski moved, Mr. Kim seconded and it was unanimously carried to cancel the March 7, 2006 meeting.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'David Malinowski', written in a cursive style.

David Malinowski, Secretary