

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – NOVEMBER 5, 2007

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on November 5, 2007. Vice Chairman Malinowski called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board: David Malinowski, Vice Chairman
 Jerry Gruen, Member
 Gregory Smith, Member
 Anthony Zamparelli, Member
 Keith DosSantos, Alternate Member

Others: Robert Habgood, Code Enforcement Officer
 James Majewski, Township Engineer
 Allen Toadvine, Zoning Hearing Board Solicitor

Absent: Paul Bamburak, Zoning Hearing Board Member
 Ron Smith, Supervisor Liaison

APPEAL #06-1372 – PETER ORLOFF AND JOY GRACE

Mr. Malinowski stated the Board has received a request for continuance from the Applicants until January 15, 2008 by letter dated 11/5/07.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried that the Hearing be continued until January 15, 2008 as requested by the Applicant

APPEAL #06-1448 – WOODSIDE PRESBYTERIAN CHURCH

Mr. Scott Fegley, attorney, was present representing the Applicant. He stated they are requesting a Variance for the setback requirement for the parking lot. He stated the Planning Commission recommended a change in the location of some of the parking, and this change necessitates that the new location be closer to the property line than would otherwise be required. Mr. Bruce Jones was sworn in.

The Application submitted was marked as Exhibit A-1. Attached to the Application was a two-page Plan dated 1/11/07, and this was marked as Exhibit A-2.

Mr. Jones showed a copy of the Plan noting the Church's location at the corner of Edgewood and Heacock Roads. He stated they have a Land Development Plan in place to expand the facility, and this expansion was shown on the Plan. He stated they have proceeded through Land Development and appeared before the Historic Commission, Environmental Advisory Council, and the Planning Commission. They had previously shown parking in compliance with the Codes, and those Boards took exception to the parking facing Edgewood Road. They were asked to consider other ways to solve the problem. They were able to re-locate the parking elsewhere around the facility, and one of the areas created the issue which required them to request a Variance. He stated the Variance is needed for the parking along the western and southern tip of the Church property which borders the driveway on the Giant/McCaffrey side of the property. They will be bringing parking within 10.46' of the property line on the southwest side of the Church property.

Mr. Jones presented additional drawings this evening. Exhibit A-3 was marked which is a one-page site Plan dated 1/11/07 with only one area highlighted in yellow and one in blue which is the By-Right Plan. Exhibit A-4 was marked which is a one page Plan dated 6/15/07 which has three separate areas highlighted in yellow which is the proposed Plan. Mr. Jones stated the Variance is only required for the southwest portion marked in yellow.

Mr. Zamparelli asked if they are bordering any residential properties, and Mr. Jones stated they are not. Mr. Gruen asked if they will put in any plantings, and Mr. Jones stated the existing trees will remain, and they will plant additional plantings as well to replace any trees they need to take out. Mr. Toadvine stated there are no buffer requirements as they abut Commercial.

Mr. Habgood stated the Township is not taking a position in this matter.

Mr. Fegley stated the By-Right Plan does allow them to construct a certain number of parking spaces, and he feels it would be to everyone's benefit to not have them parking in the front. All the reviewing Agencies have asked that the parking not be on this very visible corner.

There was no public comment, and the Public Hearing portion was closed.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to approve the Variance as requested to allow a setback of 11.46' in the area marked on Exhibit A-4 in the way of parking in the southwest portion of the property.

APPEAL #07-1449 – KATARINA HAUBEN

Ms. Katarina Hauben was sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a three-sheet document entitled, “Building Permit Plan for Lot #69” dated 4/29/77, and this was marked as Exhibit A-2.

Ms. Hauben stated they would like to replace an existing patio and front walkway that is concrete and in disrepair and install an E.P. Henry patio and walkway. This will result in slightly more impervious surface of 3.1%. They are currently at 19.71% impervious surface, and they are proposing to go to 23.02%. Permitted impervious surface is 18%.

Ms. Hauben stated they purchased the property 1/16/04, and they have not added any additional impervious surface. She owns the property with her husband, Todd.

It was noted that the Township is not participating in this matter.

Mr. Toadvine asked if they have experienced any standing water or water problems in the neighborhood. Ms. Hauben stated they have not noting there is drainage in the back and an eight foot drop back into a stream. She stated everything drains to this stream in the rear of her property. Ms. Hauben was asked the size of the existing patio, and she stated it is 16’ by 14’.

Mr. Gruen asked where they will enlarge the patio, and Ms. Hauben stated it is the portion shown in yellow on the Plan. She stated they are connecting the patio to the driveway with a narrow walkway and adding a walkway from the driveway to the front of the house all in E.P. Henry pavers which will be set in sand. Mr. Toadvine asked if there is any water absorption to this type of system, and Mr. Majewski stated there is a little bit.

Mr. Zamparelli noted the portion in the front is 4’ wide, and asked if it needs to be this wide. He also noted the lower spur to access the lower portion of the driveway, and Ms. Hauben stated she feels this is necessary for aesthetics. Ms. Hauben stated the current width of the walkway is 3’ and they do not have the lower spur, but felt this would make it easier to walk up. She also noted the location of plantings and areas where they propose additional plantings. Mr. Gruen asked if the additional spur is necessary. He also noted the increase in the rear. Ms. Hauben noted the back patio and stated the opening next to the house is 3’ and there are plantings and grass in the area.

Mr. Smith noted the width of the driveway is 12’ and Ms. Hauben stated they would like to keep it at 12’. Mr. Smith asked if there is any way to make this less wide, and Ms. Hauben stated it is currently macadam.

Mr. Toadvine stated since they are asking for a Variance the legal criteria for a Variance is hardship such that they could not use the property as zoned without the Variance. He stated typically the Board likes to grant the least amount necessary to accomplish the result. He stated the Board is looking to see if there are any areas where she could reduce the impervious surface so the request is less. Ms. Hauben stated with regard to a “hardship,” they have had people trip on the concrete because of the cracks, and they did feel it would be more inviting as they have proposed.

Mr. Smith reviewed a number of possible ways they could eliminate some of the impervious surface.

Mr. Toadvine stated they show existing impervious in front of the house in blue, and the new walkway is shown in yellow. He stated he assumes they are removing the blue portion and installing the yellow portion, and Ms. Hauben agreed. Mr. Toadvine asked if they have calculated how much impervious surface was to be removed, versus how much will be added; and Ms. Hauben stated they did. She stated currently it is 227 square feet, and they are going to 370 square feet with the irregular shape.

Mr. Gruen stated if they reduced the width of the walkway from 48” to 40,” this may help. Ms. Hauben stated she felt this was reasonable.

Mr. Smith stated he lives near this area; and even though there are no neighbors present to testify to water problems, he does know that there is a water problem a few blocks away from this property. He stated there are water problems throughout the Township, and the reason they try to limit impervious surface is so that it does not make this problem worse. He suggested that they look at the Plan and work with their landscaper to see if there is a way to reduce the impervious surface somewhat.

Mr. Gruen stated if they were to use stepping stones in certain areas as opposed to the E.P. Henry pavers as proposed, this would reduce the impervious surface. He stated they could Continue this matter to a future meeting to give them time to consider this.

Mr. Majewski stated they are asking to go to 23.02% which is 196 square feet additional impervious surface.

Mr. Toadvine stated the Board could consider granting an increase of impervious surface to 22%, and Ms. Hauben could then go back and work with her contractor as to where she wants to use this impervious surface. Mr. Gruen stated he would not be willing to grant 22% impervious surface.

Ms. Hauben stated she had reviewed Minutes from prior Zoning Hearing Board Appeals, and the Board had granted higher percentages. Mr. Gruen stated possibly those individuals were going to install a drainage system to collect the water. Ms. Hauben

stated there are three drains that lead the water to the stream. Mr. Gruen stated they are trying to reduce the amount of water that is going to the stream.

Mr. Malinowski asked if there is a number that a majority of the Board is comfortable with, and Mr. Zamparelli stated he feels 21% would be acceptable. Mr. Malinowski stated he would be in favor of coming up with a number a majority of the Board could agree to so that the Applicant could work within this number rather than requiring her to come back to another meeting.

There was no public comment, and the Public Hearing portion was closed.

Mr. Smith moved and Mr. Zamparelli seconded to grant a Variance to permit 21% impervious surface. Motion carried with Mr. Gruen opposed.

OTHER BUSINESS

There being no new Appeals scheduled for November 20, 2007, Mr. Smith moved, Mr. DosSantos seconded and it was unanimously carried to cancel the meeting of 11/20/07.

MARRAZZO APPEAL

Mr. Toadvine stated the attorney for the neighbors and the attorney for the Applicant have agreed that they would like to have this matter continued until February as they are continuing to work on this matter. Mr. Gruen moved, Mr. Smith seconded and it was unanimously carried to continue the matter until 2/19/08. Mr. Habgood was asked to contact the neighbors involved.

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

David Malinowski, Vice Chairman