

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – FEBRUARY 19, 2008

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 19, 2008. Chairman Malinowski called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board:        David Malinowski, Chairman  
   Paul Bamburak, Vice Chairman  
   Jerry Gruen, Member  
   Anthony Zamparelli, Member  
   Paul Kim, Alternate Member

Others:                                Robert Habgood, Code Enforcement Officer  
   John Donaghy, Township Solicitor (left meeting in  
   progress)  
   James Majewski, Township Engineer (left meeting in  
   progress)  
   Allen Toadvine, Zoning Hearing Board Solicitor  
   Matt Maloney, Supervisor Liaison

Absent:                                Gregory Smith, Zoning Hearing Board Secretary

APPEAL #07-1434 – DAN MARRAZZO

Mr. Toadvine stated he received a letter dated 2/18/08 from the Applicant's attorney asking that the matter be continued to May 6. The letter was marked as Exhibit B-6. Mr. Toadvine stated they have indicated that they are amending their Application which will require that the matter be re-advertised. All principals involved in the case have consented to the matter being continued.

Mr. Bamburak moved, Mr. Gruen seconded and it was unanimously carried to continue the matter to May 6, 2008.

APPEAL #03-1235(A) – CARA MIA, LLC – REMAND

Mr. Toadvine stated when this matter was scheduled for the January 15, 2008 meeting it was indicated that they were not sure that all witnesses would be available. The matter was continued to the first meeting in February, and Mr. Toadvine was told that the Applicants would come up with a date certain when everyone would be available.

The letter dated 2/19/08 from Mr. Koopman, who represents one of the opposing neighbors, indicates that all principals have agreed that the matter should be continued to a date certain of 5/6/08. The letter was marked as Exhibit B-2.

Mr. Bamburak moved, Mr. Gruen seconded and it was unanimously carried to continue the matter until 5/6/08.

Mr. Donaghy and Mr. Majewski left the meeting at this time.

#### APPEAL #08-1460 – ST. JOHN THE EVANGELIST CHURCH

Msgr. James Fitzpatrick, Ms. Gina Horan, and Ms. Christine Porta-Heaton, Business Manager, were sworn in.

Mr. Toadvine marked as Exhibit A-1 the Application filed. Accompanying this was a one-sheet Plan dated 1/23/06, last revised 12/4/06, which was marked as Exhibit A-2.

Ms. Porta-Heaton stated they are applying for a Variance for two signs – one at the corner of Makefield and Big Oak Roads and one in front of their School. It was noted the red dashes on Exhibit A-2 show where the signs are proposed to be located. She stated the sign on the corner will be two v-shaped panels. The two-paneled sign will be at 60 degree angle so that it can be seen from all four corners as you approach the Church. She stated they have an existing flat sign which cannot be seen from all sides, and they have had problems with people unable to find the Church.

Mr. Toadvine asked the square footage of the signs, and Mr. Habgood stated each sign proposed for the corner will be 29.5 square feet so the total would be approximately 59 square feet. The sign proposed in front of the School is 28 square feet. They are permitted to have one sign of 24 square feet. Mr. Gruen asked if they included the square footage of the signs that hang below on the School sign, and Mr. Habgood stated they were not included in the calculations. Mr. Gruen asked if these should be included, and Mr. Habgood agreed that technically they should be included. Msgr. Fitzpatrick stated these signs are removable and are only used temporarily announcing certain events. He stated one sign would include the Masses and it would be screwed in.

Mr. Zamparelli asked how close the corner sign will be to the property line, and Ms. Porta-Heaton stated it will be located at the same place where the current sign is located which is 44' back according to the drawing. Ms. Porta-Heaton stated it does not interfere with the traffic lights or any pedestrians.

Mr. Habgood stated Mr. Majewski indicated that there were no issues with regard to the engineering.

Mr. Gruen stated he did look at the site, and this Church's sign is the smallest on the road compared to the other Churches in the area.

Mr. Kim expressed concern with setting a precedent and asked if they are making any special exceptions because this is a religious institution since he is aware from past practice that the Board has frowned on signs or over-advertisement of businesses. He stated both the businesses and the Church have the same objective of being able to be located. Mr. Toadvine stated the difference is that 99% of the time when a Church comes in for a sign, it is because they are in a Residential District, and the Ordinance is very restrictive as to signs in Residential neighborhoods. He stated when a business comes in, they are in a Commercial District where they are already permitted large signs, but they are requesting permission for a larger sign. Mr. Toadvine stated he does not feel they can compare the Church to a business. Mr. Gruen stated he feels the Board tries to treat everyone equally. Mr. Bamburak stated he feels each Application is viewed on its own merit.

Mr. Toadvine marked as Exhibit A-3, the one-page Plan dated 1/23/07 which depicts the sign at the corner of Big Oak and Makefield Roads. Exhibit A-4 was marked which is a one-page plan dated 1/23/07 which depicts the free-standing sign in front of the School.

Mr. Toadvine asked if the signs will be illuminated, and Msgr. Fitzpatrick stated they will not. Mr. Toadvine asked if they will remove the existing sign, and Msgr. Fitzpatrick stated they will.

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

Mr. Kim moved, Mr. Bamburak seconded and it was unanimously carried to approve the Variance for placement of three signs, two on the corner of Big Oak and Makefield Roads and one in front of the School with the Condition that they remove the old sign and the signs not be illuminated.

There being no further business, Mr. Bamburak moved, Mr. Kim seconded and it was unanimously carried to adjourn the meeting at 7:50 p.m.

Respectfully Submitted,

David Malinowski, Secretary