

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JANUARY 15, 2008

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 15, 2008. Chairman Malinowski called the meeting to order at 7:40 p.m.

Those present:

Zoning Hearing Board: David Malinowski, Chairman
 Paul Bamburak, Vice Chairman
 Gregory Smith, Secretary
 Jerry Gruen, Member
 Anthony Zamparelli, Member

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

APPEAL #03-1235(A) – CARA MIA, LLC

Mr. Toadvine stated he received a letter from the Applicant's attorney, John VanLuvanee dated 1/15/08 which was marked as Board Exhibit 1. Mr. VanLuvanee has asked that the matter be continued until February 19, 2008. The other parties involved in the Appeal, Mr. Bray and Mr. Koopman, have indicated that they are in agreement to a Continuance with the understanding that if there are any scheduling problems with the several witnesses who need to be called for the Hearing, that they will contact Mr. Toadvine to request that the matter be further continued.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to continue the matter to 2/19/08.

APPEAL #06-1372 – PETER ORLOFF AND JOY GRACE

Mr. Toadvine stated he received a letter dated 1/14/08 from Ms. Grace. Mr. Toadvine stated this matter has been continued several times, and they are now requesting a Continuance until 4/15/08. This letter was marked as Exhibit B-6. Mr. Toadvine asked Mr. Majewski if he feels they will be ready to proceed in April, and Mr. Majewski stated he feels this is possible.

Mr. Bamburak moved, Mr. Smith seconded and it was unanimously carried to continue the matter until 4/15/08.

APPEAL #06-1410 – NORMAN P./PATRICIA K. O’ROURKE

Mr. Toadvine stated he received a letter dated 1/7/08 from the Applicants’ attorney, Mr. Murphy, requesting a Continuance. The letter was marked as Exhibit B-6. Mr. Toadvine stated the reason for the request of Continuance is that Mr. O’Rourke’s environmental engineering consultant has gone out of business so they need to obtain another consultant, and they are asking that the matter be continued until March 18, 2008.

Mr. Bamburak moved, Mr. Smith seconded and it was unanimously carried to continue the matter until 3/18/08.

APPEAL #07-1467 – YULIAN ZHANG

Mr. Toadvine stated he received a letter dated 1/5/08 from the Applicant indicating that they are requesting to withdraw their Application for a Special Exception. The letter was marked as Exhibit B-1.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to have the Appeal withdrawn at the request of the Applicant.

APPEAL #07-1429(A) – LUTHERAN CHURCH OF THE RESURRECTION

Mr. Murphy, attorney, Mr. John Biona, engineer, and Ms. Samantha Falcone, architect, were present. Mr. Murphy stated this is a continuation of the Hearing; and at the conclusion of Testimony at the last meeting, the matter was continued to this evening so as to permit some additional research and investigation into several issues raised. As a result of the continuation and investigation they have two witnesses – one Mr. Biona who was previously present as well as a new witness, Samantha Falcone, the architect.

Mr. Murphy marked Exhibit A-4 which was prepared by Mr. Biona since the last Hearing. Mr. Biona stated that A-4 is a summary analysis of the use of pervious pavement in the proposed parking lot combing both pervious pavement in the new parking area as well as portions of the existing parking area which will be removed and replaced with pervious pavement. Mr. Biona stated at the last meeting there was discussion that pervious pavement, per Township Ordinance, is not considered pervious material but is counted as impervious. He stated he was asked to review the effects of the

use of pervious paving and how effective it may be. Mr. Biona stated pervious pavement or porous blacktop is the same material as impervious blacktop but it has larger openings and it allows water to drain through rather than running off in a sheet flow pattern. He stated below the asphalt is a greater amount of stone which allows for storage of water. Mr. Biona stated the difference between this and a more typical parking lot is that the typical parking lot would have 6” of stone, 2” of a binder course of asphalt, and 1” of a wearing course. When using this pervious type pavement, it would be 18” to 24” of stone which is for water storage and 3” of pervious pavement with larger holes that allow the water to drain through.

Exhibit A-4 was noted in the upper right hand corner which indicates that they are requesting relief to permit impervious surface of 31.5%. Mr. Biona stated the total site area is a little over five acres, and the existing impervious is just below 49,000 square feet or 23.3%. The current two-phase Plan proposes a total impervious cover of just over 69,000 square feet which is 31.5% impervious surface. He noted in the analysis Sections A through G, and each one is a different section of the parking lot. He stated Sections A, B, C, and D are all new paving and each of these is broken down into square footage for each segment and the percentage of the overall site. He stated A,B,C, and D represent the entire area of the proposed expansion of the parking lot, and this would all be porous pavement except for a small portion of the main drive aisle. Mr. Biono noted Sections E, F, and G are all existing asphalt paving which are impervious surface. In speaking with Mr. Majewski, it was determined that the best location for use of pervious paving is in locations where there are fewer high-speed turning movements such as parking stalls. He stated higher-volume aisle ways would have the potential for rutting if they used porous paving in these area. He noted Section D is the furthest removed from the Church and would have the fewest turning movements, and it was felt it would be acceptable to have the porous pavement in this area.

Mr. Biona noted there is one area of new paving where they are widening the entrance lane and one of the main aisle ways adjacent to Parking Area B which will have new paving which would be standard paving as there will be higher traffic volume in these areas.

Mr. Biona noted the chart in A-4 labeled “Effective Impervious Coverage,” which shows a reduction from the requested 31.5% to an effective number of 21.7% impervious surface which when compared to the existing impervious would be 6/10 of a percent less than existing impervious surface of 22.3% impervious surface. Mr. Biona stated the type of paving they are proposing to use will effectively absorb the run off. He stated they will also have infiltration facilities which is an important part of this type of paving. He stated this will reduce the impervious and promote infiltration which is one of the goals of the Township’s Low Impact Development Ordinance.

Mr. Murphy asked if the Church were to implement the use of the porous pavement would they need to make any other revisions to the stormwater management Plan.

Mr. Biona stated the existing basin would have to be increased; but by using this porous paving material, it would not have to be increased as much as if they were not using this material although the engineering has not yet been done.

Mr. Murphy asked if this site were to be developed as a single-family Residential development with lot sizes of 16,500 square feet, they could have a maximum impervious surface of up to 24% and if the lot size were to be 20,000, they could have a maximum of impervious surface of 28%; and Mr. Biona agreed. Mr. Murphy stated it would appear that the effective impervious surface would be considerably higher if it were a Residential development, and Mr. Biona agreed.

Mr. Murphy moved Exhibit A-4.

Mr. Bamburak stated he feels when the snow melts, it would be a slower process; but asked the impact when it rains as this would be a faster process. He asked if the new paving would be graded in any way to keep the water on the pavement. Mr. Biona stated the current grading of the parking lot is toward the basin; and he still anticipates some degree of slope from the Church building toward the lawn area although Sections A, B, C, and D could be graded flat. Mr. Bamburak asked if there is maintenance required with this type of paving, and Mr. Biona stated typical maintenance would involve commercial vacuuming once every one to two years to suck out any fines that might collect in the small voids. He stated they could put together a Maintenance Agreement with the Township. He stated this process does not have as much of a freeze/thaw effect as the water is held in the stone below.

Mr. Smith asked what would stop the Church in the future from putting a solution over top and sealing up any cracks. Mr. Murphy stated it would be the Condition of a Land Development Agreement that the Township would have the right to inspect, and they would be willing to offer the enforcement measures the Township chooses. Mr. Murphy stated he has installed such a parking lot at his office, and has similar provisions with the Township where he is located. Mr. Murphy stated this type of application is not appropriate for high-volume area like a shopping center; but is appropriate for lesser-used areas. Mr. Toadvine stated they will have to go through Land Development Approval, and this is something that they would work out in their Agreement with the Township.

Mr. Gruen asked what would happen to the snow that is plowed into one area when it melts and runs downhill. Mr. Murphy stated he feels it will melt just like a normal parking lot. Mr. Gruen asked about the percolation rate between the parking lot where it is paved and the open field noting he has a concern if there is a downpour. Mr. Biona stated this material has a faster rate of sucking up the water than the actual ground would. He stated they did test the ground in the middle of Section D.

Mr. Smith asked if anyone is present to testify as to what would be the burden to the Church if this Application were denied. Mr. Murphy stated Ms. Falcone and Pastor Cox are present this evening to answer questions.

Mr. Zamparelli asked the life span of the porous pavement they are considering, and Mr. Biona stated the materials are getting better each year. He stated the material is the same as standard asphalt but the fines are not introduced into it. He stated they are still studying the lifespan of the material, but he feels it would last over ten years.

Mr. Donaghy stated he understands that if the request were granted for impervious surface they would accept a Condition relating to the use of porous pavement in the areas noted on the Plan submitted this evening, and Mr. Murphy agreed. Mr. Donaghy stated he also understands that there would be no objection during the Land Development process to a requirement for some kind of Agreement with the Township as to the maintenance of the pervious parking area, and Mr. Murphy agreed.

Mr. Toadvine asked Mr. Majewski if he has reviewed the Plan, and Mr. Majewski stated he has, and he agrees with Mr. Biona's calculations as to the effect of the use of pervious pavement in the impervious surface. Mr. Murphy asked Mr. Majewski if he would also agree with Mr. Biona's testimony about the site alternately being developed as Residential and that the impervious surface ratio would be significantly higher, and Mr. Majewski agreed. Mr. Donaghy asked Mr. Majewski if it is correct that although the proposed pervious paving may have the effect of 21.7% impervious surface, in fact it is still considered as impervious surface under the Township Ordinance, and Mr. Majewski agreed. He stated the definition of impervious surface in the Zoning Ordinance is surfaces which do not absorb water; and stated the paving does not absorb the water as grass or soil would, but it does allow water to pass through. He added from a stormwater management perspective, pervious paving allows water to pass through to the sub-soil just as grass would.

Ms. Samantha Falcone was sworn in and stated she is a licensed architect in the Commonwealth of Pennsylvania since 2002. She is a staff architect for Althouse Jaffe which specializes in Ecclesiastical designs. She stated since 1980 they have done over 100 church projects for all different faiths. She has worked there for over ten years. She stated their firm was retained by the Church to assist them with their master plans. She stated the existing Church is cramped and they are running out of classroom space and multi-purpose space. She stated once a Church Sanctuary is 80% full it is considered full to a person coming in from the outside. She stated the existing Sanctuary is also very limiting in terms of what they can do with the space. She stated there are also problems with the acoustics and the stage which is not flexible; and there have been some accidents with people falling off the steps. She stated with new technology in worship there are a lot of electronics and multi-media used to encourage more people to come to Church, and the current Sanctuary is limiting their ability to do this.

Mr. Murphy stated while Ms. Falcone was not present at the last Hearing, he did advise her that the Zoning Hearing Board members had raised a number of questions about whether or not the design as presented in Exhibit A-3 was the most efficient and whether there might be certain economies of scale or other re-designs possible to try to minimize the creation of new impervious surface. Mr. Murphy asked that she describe why they have designed the Church expansion in the way presented. Ms. Falcone stated the existing Sanctuary is rectangular with two rows of pews running straight – front to back. She stated the new Sanctuary will be a fan shape which is found to be a better design acoustically and for functionality in terms of the number of aisles they can have and the number of people that can be closer to the altar to have a more intimate worship experience. Ms. Falcone stated they typically use a square foot per person design lay out, and they used 12 square feet per person. She stated although they sometimes go to 13 square feet per person, because they were trying to conserve space, they used 12 square feet per person.

Ms. Falcone stated Phase I includes an expansion of the first floor, an elevator to access the second floor, a new stair tower, and a second floor addition over top of the existing office wing which they did to conserve space. This will include classroom space as well.

Mr. Murphy stated he had asked Ms. Falcone to take another look at the design to see if there were any other ways to reduce the footprint of Phase I, and Ms. Falcone stated she did, but feels it is as efficient and minimal as possible based on the needs of the Church now and for the future expansion.

Mr. Smith asked if the way the Church exists now is it possible for those who are present to express their religious beliefs within the existing space. Mr. Murphy asked what he meant by this. Mr. Smith asked if it is possible for them to express their religious beliefs as mandated. Mr. Murphy asked if he is talking about the size of the space, and Mr. Smith stated he is talking in general – the size, the configuration, and the entire experience. He asked if it possible for the people who attend the Church now to be able to express their religious beliefs. Mr. Murphy stated possibly Pastor Cox would be in a better position to answer this. Ms. Falcone stated they are currently using the space to express their religious beliefs, but they are running out of space to open their doors to new people that are moving into this growing area. Mr. Smith stated he assumes this would allow new people to come into the Congregation and use the space, but he asked if the space and configuration they have now allows the congregants to express their adherence to their faith. Mr. Murphy stated he felt she had already answered this.

Mr. Smith asked her opinion as an architect if the space that exists now would allow the congregants to express their adherence to their faith. Ms. Falcone stated it seems that the people that are worshipping there now are happy to be there and continue to be there.

Mr. Smith asked if the space that exists now allows those congregants who are attending the Church a reasonable opportunity to engage in those activities that are fundamental to their faith, and Ms. Falcone stated there are some things that the Church is not able to do because their space does not allow them to do so. She stated they need to expand their Sunday School classrooms. She stated the nursery is also very crowded at this point. Mr. Smith asked if expansion of their Sunday School classes and nursery is fundamental to their faith and an expression of their faith, and Ms. Falcone stated it is. Mr. Smith asked in what way, and Ms. Falcone stated they teach the members of their congregation their faith as this is what Sunday School does. Mr. Smith asked if they are able to teach Sunday School and have nursery in the space they have, and Ms. Falcone stated they are not able to very well. She stated she has been there and seen that one of the problems is that they have a large, open, multi-purpose meeting room, and the way they break it down for Sunday School is through partitions which are not designed well because they can barely hear what is happening in their class, and this is hindering what they are trying to do. Mr. Smith stated they are not denied the opportunity to do it, and Ms. Falcone stated this is correct.

Mr. Smith asked if by leaving the Church the way it is today, is it Ms. Falcone's opinion that it would compel the congregants to engage in some kind of conduct or expression that might violate a tenant of their faith. Mr. Murphy objected noting he does not feel Ms. Falcone is qualified to answer this, and Pastor Cox may be able to answer these questions.

Mr. Gruen asked how many worshipers the current Church can hold, and Ms. Falcone stated they can currently hold 120 people in the pews with approximately fifty in an overflow area with movable chairs. Mr. Gruen asked if it is possible to improve the acoustics by renovating the Church, and Ms. Falcone stated while it would be possible in some ways, it would not be possible in others as their current space is full of hard surfaces because it is a wood sanctuary with wood pews. Mr. Gruen asked if they would not have hard surfaces in the new Church, and Ms. Falcone stated much of the acoustical problem they are experiencing is due to the shape of their Sanctuary which is difficult to correct acoustically. Mr. Gruen asked what type of soundproofing they will install so that the sound from the electronic equipment discussed will not leave the Church. Ms. Falcone stated while this design has not yet been done for the Sanctuary, in other Churches they have worked on they have used Tectum which is an acoustical material that could be used here as well. She stated changes in surfaces also break up the sound. She stated the walls will also be insulated. She does not feel there will be a multitude of sound exuding from the space unless they open up the windows.

Mr. Donaghy stated he understands Phase I will involve a second floor over a part of the existing building and he asked if there are any other opportunities to build up rather than building out. Ms. Falcone stated there are not the way the existing building is designed. She stated they did consider this. Mr. Donaghy asked if they have taken into the account

the possibility of building over existing sidewalks or parking, and Ms. Falcone stated most of the sidewalk will remain and there will be some additional sidewalk at the front entryway. They will also some of the existing sidewalk.

Pastor Colleen Cox was sworn in. She stated she is the Associate Pastor which means there is a Senior Pastor, and she is the Associate. She has been at the Church since August, 2005. She stated she was not present at the previous meeting, but she has heard the discussion this evening regarding the quality of the “religious experience” that congregants enjoy. Mr. Murphy asked that she describe what the experience is like and how the experience may be improved by virtue of the proposed expansion. Pastor Cox stated currently they have three worship services on Sunday to accommodate the growing congregation. She stated during the second service held at 9:30 A.M., they simultaneously have Sunday School. She stated most of the classes are in the Fellowship Hall as described by Ms. Falcone where the room is partitioned into classroom space. She stated the sound quality is bad, and the rooms are crowded and warm. She stated there is a youth room which has been sectioned off the back of the Fellowship Hall and they are at capacity with this group which is Sixth through Twelfth Graders. She stated they are unable to put tables and chairs in this room because there are too many in attendance.

Pastor Cox noted with regard to the worship experience, they are 80% full; and while they have a full worship experience in the space that exists, they are limited in terms of new things they can do. She stated the second service is a contemporary worship service with a band that plays two Sundays a month for that service, and the acoustics are not good. She stated there is also a lot of electrical equipment and wires, and they have to re-accommodate how they do worship based on the amount of people they have in the space they have. She also noted the way the chancel area (altar area) is set, it is multi-leveled and the altar rail is in the middle which requires taking a step up to get to the altar rail. She stated anyone who is in a wheelchair or has a problem with steps can never come to the altar rail to take Communion. She stated while this does not mean that they do not receive Communion, it means they cannot come up to the rail with the rest of the Congregation. She stated while this does not deny them a part of the worship service, she would like to see everyone have the opportunity to be up with the community during that part of the Service.

Mr. Murphy asked what opportunities the expansion as proposed afford the Pastor and the Congregants to have an improved worship experience. Pastor Cox stated the expansion would provide the ability to move more during the Worship experience, to accommodate more people, and acoustically it would correct a lot of the sound issues they are currently experiencing so that it would be acoustically balanced and those who have hearing issues would be able to hear everything. She stated in addition to the Worship experience which is a top priority, their mission is also to grow. She stated in the current space they are limited in their ability to grow. She stated the expansion would

allow them to grow not only in membership but to grow in opportunities for worship to try to do things and experience worship in new ways and afford the opportunity to enhance their experience not only on Sundays when they worship but throughout the week when they have meetings, Bible study and other classes and would allow them to expand what they currently offer. She stated currently they can only offer what they have space for.

Mr. Malinowski asked if the space is adequate for the Congregation as it stands today, and Pastor Cox stated it limits them. She stated they can make do, but it limits what they can do.

Mr. Smith asked if there is any tenant of the faith that they cannot practice in the space they have now. Pastor Cox stated when they do a Baptism, they cannot use the Baptismal font as it is attached to the lectern and does not allow them to be able to have the family around the Baptismal font. She stated they actually create a Baptismal font in the middle of the altar space area so that the entire Congregation can see the Baptism and the whole family can come around the font. Mr. Smith asked if it is a tenant of the Lutheran faith that they have the entire family surrounding them, and Pastor Cox stated she feels it is important for the family to be part of this although it is not specifically a tenant.

Mr. Smith stated he assumes it is not a tenant of the faith that the entire Congregation be included in the Baptism; and Pastor Cox stated it is, as part of Baptism is being called into the community of the faith. Mr. Smith asked if they are unable to witness it where the baptismal font is now; and Pastor Cox stated not everyone sitting would be able to witness it, and they would have to move.

Mr. Malinowski asked if the space they have now is a burden on the Congregation and on their ability to serve the Congregation and the Congregation to enjoy the tenants of the faith, and Pastor Cox stated it is a burden because it limits them and crowds them. She stated part of their mission is to grow; and when visitors come in and feel there is no space for them, they do not come back. Ms. Falcone stated from an outsider's perspective, it is a very claustrophobic space. She noted there are windows which do not allow you to see out or let in much light. She stated they have improved the lighting slightly, but it is still somewhat dark.

Mr. Smith asked if you need to have a certain amount of space around you in order to practice the Lutheran religion. Pastor Cox stated you do not. He asked if you have to see out the windows in order to worship, and Pastor Cox stated you do not.

Mr. Donaghy indicated he had no questions of Pastor Cox.

Mr. Malinowski stated at the last meeting he provided an opportunity for members of the audience to express opinions for or against this Application and this evening he is opening it up to the audience but only for opinions or questions which were not asked at the prior Hearing.

Ms. Andrea Scherer was sworn in and stated she lives at 1631 Makefield Road which is across the street from the Church. She asked what would happen is snow is pushed to one area and will it put a burden on that area if the pervious paving is used. Mr. Murphy stated this has had no negative impact at his property where he has used this system. Mr. Biono stated while he is not aware as to how they plow the Church, pushing snow into a corner of the parking lot is no different when using this system. He stated it will melt in place and soak into the ground. If it melts on standard paving, it will run off either on the grass or in this case a section of porous paving which will soak it up. Ms. Scherer stated there is an existing water problem now, and she is concerned that it will get worse. Mr. Biono stated neighbors discussed this at the prior Hearing, and there are offsite issues at the Brookstein and Potter properties which are southeast of the Church property. He stated the Church's detention basin is in the southeast corner and discharges into a pipe that discharges into Friar Drive. He stated he and members of the Church met with the Brooksteins and the Potters. Mr. Biono stated this drainage issue is independent of the Church; and while Church run off does go through there, the proposed improvements with the porous paving will absorb more water than currently on the site. He stated he and the Township engineer will work on this during the Land Development stage. Mr. Murphy stated there is no water being discharged to Makefield Road, and Mr. Biono agreed. He stated all the Church downspouts run to the east away from Makefield Road. Ms. Scherer stated she is still concerned for her neighbors. Ms. Scherer stated she is also concerned that they do not know the longevity of the surface, and the Township will now have the burden of policing this. She also feels this will set up precedence for people who may do a project in the future. Ms. Scherer stated she is also concerned width noise. She stated they can hear the music from the Church in the springtime; and when the new Sanctuary is installed it will be closer to the road; and if the sound will be electrified and amplified, she feels it will be loud. She is concerned with the impact on their property values with a lot of weddings and loud noise.

Curtis Panzer, Esquire, stated he was asked to produce a Brief which he presented this evening. Mr. Panzer was sworn in and stated he lives at 687 Friar Drive. Mr. Panzer stated he knows that in the Catholic faith they have CCD during the week, and asked if it would be possible to have their classes during the week. Pastor Cox stated their children as part of the Sunday School classes come into the worship service. She stated they also have mid-week services during certain times of the year.

Mr. Smith asked if it is a tenant of the faith that religious education and worship be done on a Sunday, and only on a Sunday; and Pastor Cox stated Sunday is the Lord's day. Mr. Smith asked if it is a tenant of the faith that worship and religious education be done

only on a Sunday. Pastor Cox stated they worship on Sunday. Mr. Smith indicated he did not feel his question was answered.

Mr. Malinowski asked that they move on.

Mr. Panzer asked the engineer when the percolation test was done as he recalls that it was done in the heat of the summer during a dry period. Mr. Biona noted it was done in late July.

Mr. Panzer stated they indicated this evening that the Variance they are asking for is to go to 31% although they indicated that the effective impervious would result in no change if they were to use the pervious pavement. He stated the problem with this is that the Code does not recognize that these materials are pervious so he feels the Board would be required to make their deliberations based on the fact that it is impervious but are going to put on a Condition that they want them to use these materials. He stated the Church may in the future decide they should not have to do this since it was already determined that it is impervious.

Mr. Panzer stated at the prior Hearing, they provided the Hearing notes from July 1987, which he found peculiar because it included the fact that there was no discussion in the Findings of Fact about impervious ratio, no request for a Variance to increase the impervious ratio from 15% up to 22% which is existing today, and no grant of Variance that allowed the Church to build in excess of the permitted which was 15%. He stated therefore as it exists today, the Church is out of Code. He stated for this reason the Zoning Hearing Board cannot grant a Variance from 22% to 31% because they do not have a Variance for the amount of impervious surface they currently have today.

Mr. Panzer stated he has provided a thirteen-page Brief as well as portions of the Code. He stated the Board will see that the rules have not substantially changed since the time of the Hearing in 1987. He stated at that time, although there was a Hearing for a Special Exception, there was no evaluation by the Planning Commission that was considered by the Zoning Hearing Board. He stated he does not feel that they can lean today on the fact that the evaluation was proper and thorough in 1987 because it was not. He stated one of the requirements in 1987 for the Special Exception was conditioned on the Church working with the Township engineer to come up with a Plan to handle the water problems that were known to exist in 1987. He stated he was a professional engineer for more than thirty years and engineers can make designs and advise that in their estimation there is a limited possibility that water will flow over the berm, but this does not preclude the evaluation which must be done by the Zoning Hearing Board to weigh the needs of the community, the Church, and the neighbors. He stated simply putting on a condition that they will come up with a design later does not meet the needs or provide for a reviewable file. He stated the Zoning Hearing Board must therefore start from scratch.

Mr. Panzer stated at the last meeting there were no scientific statistics made about the present, near term, and future needs of the Church. He stated they have not established that there is a need and the Board cannot grant any Variances based on lack of information or hearsay.

Ms. Robin Potter stated a new neighbor moved into the area two weeks ago who would be effected, and she is not sure that they were notified.

The Public Hearing portion was closed. A short recess was taken at this time.

The meeting was reconvened at 9:10 p.m.

Mr. Zamparelli moved and Mr. Bamburak seconded that the request for impervious surface of 31.5% be granted with the Condition that a pervious pavement system be installed as outlined in Exhibit A-4. The Motion is Conditioned on the fact that the effective impervious surface ratio as a result of the pervious pavement that is being installed will be 21.7%. It is also a Condition that the Church enter into an Agreement with the Township for a maintenance plan that maintains the full effectiveness of the pervious pavement in perpetuity. As part of this Agreement there should not only be an inspection, but also perpetual maintenance of the pervious pavement system to insure that it functions in accordance with the effective impervious surface ratio of 21.7%. Variance is also granted to permit a front yard setback from Sutphin Road of 60' for the new expansion and a front yard setback from Makefield Road for the new expansion of 92' in lieu of 100' with the understanding that the existing Church maintains a 53' setback from Makefield Road and 37' from Sutphin Road currently. Motion carried with Mr. Bamburak, Mr. Malinowski, and Mr. Zamparelli in favor, Mr. Gruen opposed, and Mr. Smith abstained.

APPEAL #07-1452 – RON AND BARBARA YETMAN

Mr. Toadvine stated at the last meeting when this matter was considered, a neighbor was present to speak to the matter; and since a prior matter had taken a significant amount of time, the neighbor was not provided a significant period of time to speak. He stated the neighbor wrote a letter to the Board expressing their concerns, and a copy was provided to the Applicant. He feels the letter should be made part of the record and it was marked as Exhibit N-1 – a letter dated 1/15/08 from Andy Burke.

Mr. Robert Hauss was present with Ron and Barbara Yetman. Mr. Toadvine stated there were questions about existing and proposed impervious surface and the size of the lot. Mr. Hauss stated the lot size is 20,473 based on the Deed they have. Mr. Majewski agreed with this calculation. Mr. Hauss stated the existing impervious surface is 21% and the proposed is 21.9%, and Mr. Majewski agreed. The size of the addition which is a

detached garage is 24' by 24'. The height will be 15'6" maximum so they will need a Variance from the height requirement because only 15' is permitted. Permitted impervious surface is 18%. Mr. Yetman stated they purchased the property five year ago in its current condition.

Mr. Toadvine asked if they have installed any type of impervious coverage since they purchased the property, and Mrs. Yetman stated they did replace some existing sidewalk but they did not change the size. Mr. Toadvine asked if 21% was permitted previously, and Mr. Habgood stated due to the age of the home impervious surface was previously covered through building coverage and driveways were not included until 1987 so many older properties are already over the currently permitted impervious surface.

Mr. Donaghy stated the Township is participating and if the Variance were granted they would like to see a few stormwater controls included as Conditions. He asked if the Applicant would have an objection if the Variance were granted that there be a Condition that the garage roof leaders be tied into a dry well or seepage bed to the satisfaction of the Township engineer. Mr. Majewski stated typically this would have to be a 3' deep by 3' wide by 10' long trench lined with filter fabric so that soil could not seep in, and then filled with course stone that is clean so water can percolate back into the soil or be stored underground. Mr. and Mrs. Yetman stated they would be in agreement with this Condition.

Mr. Toadvine noted the letter from Mr. Burke which expresses concern with the current stormwater problems.

Mr. Zamparelli asked if other rain leaders should also go into the dry well.

Mr. Majewski stated the primary area where impervious surface is being added is in the area of the garage and a seepage bed to handle the additional run off created by the additional impervious surface would be sufficient to allay the concerns of the neighbor.

Mr. Gruen stated until they look into the soils, they do not know if a seepage bed will work. Mr. Majewski stated in this case if there is the opportunity for water to infiltrate in the soil it will infiltrate in; and if not the water will be stored in the voids between the stone and you would get approximately 40% storage within the area that is contained by the stone which would compensate for the additional impervious surface and any infiltration would be a bonus. Mr. Gruen also asked why they need to have a detached garage and asked why they did not put it where the blacktop is now. Mrs. Yetman stated the area of the back wall is all windows and it is a bedroom. She stated they would not only lose the windows, but you would have to walk into a bedroom from the garage to get into the house.

Mr. Toadvine stated they did submit a Revised Plan, and this was marked as Exhibit A-3 which is a one-page sheet received by the Township 12/31/07.

There was no public comment as there was no one present either for or against.

The Public Hearing portion was closed.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to approve the relief as requested with the Condition that stormwater controls be put in place to the satisfaction of the Township engineer.

OTHER BUSINESS

Appeal #07-1437 – Dale Pinchot – Approve Request for Extension

Mr. Toadvine noted there is a request for Extension by Dale Pinchot. Mr. Smith moved, Mr. Bamburak seconded and it was unanimously carried to grant a six month extension.

There being no further business, Mr. Smith moved, Mr. Bamburak seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Greg Smith, Secretary