

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – SEPTEMBER 1, 2009

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on September 1, 2009. Vice Chairman Bamburak called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Paul Bamburak, Vice Chairman  
Gregory J. Smith, Secretary  
Anthony Zamparelli, Member  
Keith DosSantos, Alternate Member

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

Absent: David Malinowski, Zoning Hearing Board Chairman  
Jerry Gruen, Zoning Hearing Board Member  
Matt Maloney, Supervisor Liaison

APPEAL #09-1517 – BARRY RUSH

Mr. Toadvine stated that Mr. Rush's attorney, Frank Sullivan, called him and advised that the litigation that had been ongoing in the Rush matter has been settled; however, all the paperwork has not yet been signed. He has asked that the matter be continued to 9/15/09; and by that time, the paperwork should be completed and the Appeal dismissed.

Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to continue the matter to 9/15/09.

APPEAL #09-1520 – LIBERTY TOWERS, LLC

Mr. Toadvine stated he received a letter dated 9/1/09 from the attorney for the Applicant, and this letter was marked as Exhibit B-1. In the letter they requested that the matter be continued to 10/6/09 and have waived the time limits through 10/30/09.

Mr. DosSantos moved, Mr. Smith seconded and it was unanimously carried to continue the matter to 10/6/09.

Mr. Donaghy left the meeting at this time.

APPEAL #09-1521 – TIMOTHY CARR (BATHROOMS GALORE)

Mr. Timothy Carr and Mr. George Fox were sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a one-sheet Plan dated 3/3/95, last revised 7/28/98, and this was marked as Exhibit A-2.

Mr. Carr stated they would like to put a 15' by 17' addition on the side of the house which will encroach into the setback. Mr. Carr stated the patio and the gazebo already encroach into the setback. Mr. Habgood stated the numbers the Applicant has shown on the Site Plan are accurate. He stated the existing deck and gazebo already encroach into the special setback for a corner lot, and they had not obtained a Permit for these. He stated they are showing 57' to the property line which is accurate. He stated the proposed addition will encroach somewhat less. He stated the maximum encroachment for the property will be 57'. The setback required is 80'.

The Township is not taking a position, and there was no public comment.

Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to grant a Variance to permit encroachment into the setback for the existing gazebo to 23' and for the proposed patio to 8'.

APPEAL #09-1523 – JOHN AND KATHLEEN COOK

Mr. John Cook was sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application is an impervious surface breakdown chart, and this was marked as Exhibit A-2.

Mr. Cook stated he originally filed an Application for a Permit to put on siding, a roof, windows, and an extension of the front porch with a patio. He stated the Permit was denied because it was over the impervious surface. He stated he did the calculations and found that his house was built 112' over the permitted impervious surface. He stated he is requesting to add a 7' by 20' patio to the front with a roof over it. He stated he is requesting 140 square feet which is .008 of the total lot. He stated currently he is 112' over so this will bring him 252' over or .1944. Mr. Cook stated he feels what he is asking for is deminimous, particularly in light of the fact that you can have 24% currently as opposed to 18% which he was permitted. Mr. Bamburak stated newer developments have different stormwater management techniques.

Mr. Habgood stated he did the calculations and feels the impervious surface would be slightly higher than Mr. Cook calculated and feels it will be 19.7% for the new total impervious surface. Mr. Habgood stated this is an older development, and there were different impervious surface requirements at that time.

The Township is not taking a position on this matter, and there was no public comment.

Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to grant the Variance for impervious surface to 19.7%.

#### OTHER BUSINESS

##### Appeal #08-1500 – Richard and Joan Kmiec – Request for Extension

Mr. Habgood stated they have submitted for their Building Permit for the new home and there were questions from the Building Inspector. He feels their Permit should be issued within the next three months so an extension to the end of the year should be sufficient.

Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to grant the Extension to 12/31/09.

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

Respectfully Submitted,

Gregory J. Smith, Secretary

