

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – JUNE 15, 2010

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 15, 2010. Vice Chairman Bamburak called the meeting to order at 7:05 p.m.

Those present:

Zoning Hearing Board:        Paul Bamburak, Vice Chairman  
   Jerry Gruen, Member  
   Anthony Zamparelli, Member  
   Keith DosSantos, Alternate Member

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

Absent:                             David Malinowski, Zoning Hearing Board Chairman  
   Gregory J. Smith, Zoning Hearing Board Secretary

APPEAL #10-1555 – THOMAS ANZABI

The Application submitted was marked as Exhibit A-1. Accompanying the Application was a one-sheet Plan entitled, “Zoning Permit Plan” dated 4/8/10, with a last revision date of 5/4/10; and this was marked as Exhibit A-2.

Mr. Thomas Anzabi was sworn in and stated he wants to put in a swimming pool in his yard like his other neighbors have.

Mr. Toadvine stated there is an impervious surface issue and a fence that violates the setback requirement. Mr. Gruen stated there is also a setback issue with regard to the shed. Mr. Bamburak asked if the shed is existing, and Mr. Anzabi stated it is.

Mr. Bamburak asked if it was built without benefit of a Permit, and Mr. Habgood the shed was there when the current owner bought the property. Mr. Anzabi stated he would be willing to move the shed as his main concern is the swimming pool. Mr. Habgood stated there are two setback requirements for the shed – one is the minimum distance from the side yard which is required to be 10’ and the other is the 80’ special setback from the collector road. Mr. Bamburak asked Mr. Anzabi if he would be willing to move the shed so that it is in complete compliance. Mr. Habgood stated he feels it would be

difficult for him to meet the 80' requirement because of the layout of the property, but feels he would be able to meet the 10' side yard setback requirement. Mr. Habgood stated he also is requesting permission to have the fence within the buffer easement. He stated it is a buffer easement because the property has reverse frontage and backs up to the collector road. Mr. Majewski agreed that this is correct.

Mr. Bamburak asked about the impervious surface, and Mr. Habgood stated he feels what was shown on Exhibit A-2 is accurate.

Mr. Gruen asked the stone tire clean out area, and Mr. Anzabi stated he feels this is what is put in temporarily when they are doing the construction. Mr. Habgood stated this is a temporary item since when the pool is being constructed and they have to bring equipment in, that have to have a tire area to help keep mud from getting onto the public street. He stated this will be removed when the pool is complete. Mr. Majewski agreed.

Mr. Esposito stated the Township is participating and would like to make sure that the shed is moved away from the side yard setback, although they recognize that it will still be in the special setback. He stated they would also request that if the Variance is granted, even though it is a buffer easement that will most likely not have to be entered into, if for some reason the Township did have to enter this area, they would want the Applicant to agree to remove and reinstall the fence at his own expense. Mr. Anzabi stated the fence is built by the Township and it is the Township's responsibility to maintain the fence. He stated the existing fence is okay, but his concern is he has to close the yard in, in order to have the pool; and since he is going to enclose it, he wants to replace the fence and put in something that is better looking. Mr. Toadvine stated the Board would require that if in the future the Township ever needed access to the buffer area, it would be Mr. Anzabi's responsibility and not the Township's to take the fence down and replace it after they exit the buffer easement, and this would be a Condition imposed. Mr. Anzabi stated he would agree to this provided he had enough notice and his contractor could remove it and reinstall it.

Mr. Toadvine asked Mr. Anzabi if he would be willing to move the shed in so that it meets the 10' side setback requirement; and Mr. Anzabi stated he could move it in 10' away from his neighbor and he could push it toward his driveway, although he would not be able to meet the 80' requirement. He stated he feels he could meet 76'. Mr. Toadvine stated he assumes his preference would be to just move it in 10', and Mr. Anzabi stated he could do this.

Mr. Gruen stated he is requesting 23% impervious surface and the allowable is 18%. Mr. Gruen asked if he will put in any stormwater mitigation to take care of some of the water. Mr. Toadvine stated he will have a “detention basin” when he puts in the pool. Mr. Gruen stated he would not have leaders from the roof going to the pool. Mr. Majewski stated there are no issues with stormwater on this side of the road.

Mr. Bamburak advised Mr. Anzabi that in case of a tie vote since there are only four members present, the Appeal would be denied so he does have the option of waiting until there is a full Board. Mr. Anzabi stated he was not prepared for this, and neighbors with the same size or smaller lots have built swimming pools in the last two years.

There was no public comment, and testimony was closed.

Mr. Zamparelli moved, Mr. DosSantos seconded and it was unanimously carried to grant the Appeal to increase the impervious surface to 23.1% and install the pool subject to the Condition that the shed be moved so that there is a 10’ side yard setback. The fence is permitted as depicted on Exhibit A-2 located within the 80’ buffer easement. The shed is permitted in the Collector setback. If the Township needs to access the buffer easement, the Applicant is responsible to remove and replace the fence at their cost. The fence must have at least 2” gap from the ground in order to prevent obstruction of water flow.

#### OTHER BUSINESS

Mr. Gruen moved, Mr. Dos Santos seconded and it was unanimously carried to cancel the 7/20/10 meeting.

There being no further business, Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to adjourn the meeting at 7:25 p.m.

Respectfully Submitted,

Paul Bamburak, Vice Chairman