

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – NOVEMBER 5, 2012

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on November 5, 2012. Chairman Bamburak called the meeting to order at 7:00 p.m.

Those present:

Zoning Hearing Board: Paul Bamburak, Chairman
 Jerry Gruen, Secretary
 Mark Moffa, Member

Others: Bob Habgood, Code Enforcement Officer
 Barbara Kirk, Zoning Hearing Board Solicitor

Absent: Keith DosSantos, Zoning Hearing Board Member
 Anthony Zamparelli, Zoning Hearing Board Member
 Jeffrey Benedetto, Supervisor Liaison

APPEAL #12-1654 – MAKEFIELD WOODSIDE, LLC

Mr. Edward Murphy, attorney, was present and stated when they were last before the Board on October 16, there was testimony about the merit of the substitution of the full-service restaurant for the deli/sandwich shop that was going to be located in Building #1. He stated the Board had expressed reservation about substituting that use and re-allocating the parking as they were concerned about the combined parking demand of the full-service restaurant and an ice-cream store. He stated at the conclusion of the Hearing that evening, the Board suggested that he review with his client and the potential restaurant operator a Condition that might suggest that if the restaurant were approved, the proposed ice cream store for Building #2 would have to be reconsidered by the Board at a subsequent Hearing when a particular tenant might be presented to propose a use for Building #2 whether it were an ice cream store or some other use.

Mr. Murphy stated there have been almost continuous conversations over the last two weeks among the owner of Edgewood Crossing, the tenant, and other potential tenants for both Buildings #1 and #2; however, they have been unable to reach any agreement with any of the potential stakeholders. Mr. Murphy stated the suggested Condition which the Board had proposed at the conclusion of the last Hearing is not acceptable. He stated the Board would therefore be in a position to make a decision on the merits of the Application that was presented to the Board at the last Hearing.

Mr. Gruen moved and Mr. Moffa seconded to deny the request for Variance.

Mr. Murphy asked that they include as part of the Record the TND Ordinance that was created for this Zoning District and upon which this Application was based. The excerpt of the Zoning Ordinance that deals with Traditional Neighborhood Development from Section 200-38.1 through 200-38.6 was marked as Exhibit A-3.

Motion to deny carried unanimously.

APPEAL #12-1655 – LANCE AND CATHERINE BRIERLEY

The Application submitted was marked as Exhibit A-1. The impervious surface calculations submitted were marked as Exhibit A-2. A Site Plan for the property was marked as Exhibit A-3. Notice of tonight's Hearing was published in the Bucks County Advance, and the Proof of Publication was marked as Exhibit B-1. Notice was posted at the subject property, and a copy of the Notice was marked as Exhibit B-2. Notices were mailed to adjacent property owners in accordance with the Zoning Ordinance, and a copy of the letter with the listing of owners was marked as Exhibit B-3.

Ms. Catherine Brierley, Mr. Francisco Rameriz, and Mr. Adrian Rodriguez were sworn in.

Mr. Bamburak stated they are looking to build a patio that will extend five feet into the minimum rear yard setback of twenty-five feet, and Ms. Brierley agreed. Mr. Bamburak asked if there is currently a patio there, and Ms. Brierley stated there is not an existing patio.

Mr. Gruen stated he feels the main issue is the impervious surface; however, Ms. Kirk stated there is not an issue with impervious surface. Mr. Habgood stated the permitted amount for this property is 58%. Mr. Gruen asked why they are building two patios and Mr. Rameriz stated it is one patio. Mr. Gruen asked if there is a drawing showing this, and it was noted that this had been included in the Board's packet. Ms. Kirk stated it is one patio but the two larger sections have different dimensions, and Ms. Brierley agreed.

There was no one present in the audience to speak on this Application.

Ms. Kirk stated the patio will be constructed in the rear yard of the property, and there is no encroachment in the side or front yard; and Ms. Brierley agreed.

Mr. Gruen moved, Mr. Moffa seconded and it was unanimously carried to grant the Variance as requested for five feet into the rear yard setback.

November 5, 2012

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CANCEL NOVEMBER 20 MEETING

It was noted that there are no new Appeals scheduled for the next meeting of the Zoning Hearing Board. Mr. Gruen moved, Mr. Moffa seconded and it was unanimously carried to cancel the November 20, 2012 meeting.

There being no further business, Mr. Gruen moved, Mr. Moffa seconded and it was unanimously carried to adjourn the meeting at 7:15 p.m.

Respectfully Submitted,

Jerry Gruen, Secretary