

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JULY 1, 2014

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on July 1, 2014. Chairman Bamburak called the meeting to order at 7:35 p.m.

Those present:

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

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

Absent: Keith DosSantos, Zoning Hearing Board Member

APPEAL #14-1698 – EDWARD AND LEE PALUMBO

The Application submitted was marked as Exhibit A-1. A Site Plan for the property which was submitted was marked as Exhibit A-2. Notice of tonight's Hearing was published in the Bucks County Advance, and a copy of that publication Notice was marked as Exhibit B-1. The property was also posted with notice of tonight's Hearing, and a copy of that Posting was marked as Exhibit B-2. Notices were mailed to property owners as required by the Ordinance, and a copy of that letter along with a list of the addressees was marked as Exhibit B-3.

Mr. Edward Palumbo and Ms. Lee Palumbo were present along with contractor, Mr. Mike Zimmerman; and they were sworn in.

Mr. Bamburak stated according to the Application they want to build a deck to make it easier for some family members. Ms. Palumbo stated the deck is 20' by 16' and would be going out from the kitchen through sliding doors. She stated she has a brother who is handicapped, and what is proposed would make it easier for him to egress.

Ms. Palumbo noted they are asking for relief from the setback. Ms. Kirk stated the Code indicates that because their property is adjacent to Stony Hill Road which is an arterial road, the rear yard requires 120' as the setback. With the proposed deck it is going to be 85'. Ms. Kirk stated there is also an existing shed on the property as well which is 90'. She stated the relief requested is for a Variance to the special rear yard setback.

One gentleman indicated that he reviewed the Application and squared it on the Plot Plan, and the setback is 101.6', so that the deck came out 1.6 which is where the 85 comes in so that it will be approximately 85' from the main road. Ms. Kirk stated in reviewing the Plot Plan, it indicates "deck," and there is a line from the edge of the deck to the roadway, and it states "85'" and the same for the shed so she followed the numbers. The gentleman stated the way he got his 85 was the total number of setback from the road to the back of the house which was 101.6. He stated it will be about 5" all the way around because of the eave and the overhang. He stated it is in that range.

Mr. Habgood was asked if 101.6' was correct, and Mr. Habgood stated for this development it appears that they went with a special rear yard setback of 100' so the house is a little bit inside that mark. He stated the measurements that they are showing do appear to be accurate; but if the Board wanted to err on the side of caution, they could give relief for 84'.

Mr. Bamburak stated he understands that they have determined that there is not an issue with impervious, and Mr. Habgood agreed.

Mr. Zamparelli asked if there is a roof over the deck, and Ms. Palumbo agreed.

Mr. Moffa stated Ms. Kirk indicated that there is a 120' setback, but Mr. Habgood had indicated that it was 100'. Mr. Habgood stated for this development, they did 100' for the rear yard setback instead of 120'.

There was further discussion about the size of the deck and the roof overhang.

Ms. Kirk asked Mr. Habgood if the Board were to grant the relief and approved the Variance from the rear yard setback as shown on the Site Plan, would this be sufficient; and Mr. Habgood indicated that it would be.

Mr. Moffa asked about the Note on the Plan about the driveway encroaching 1', and Ms. Kirk stated she feels this was the result of what was on the As-Built in 1991; and this is not germane to what is under discussion this evening.

July 1, 2014

Zoning Hearing Board – page 3 of 3

Mr. Sucre Ramirez, 195 Crestview Way, was sworn in. He stated he and his wife have known the Palumbos for a number of years and they are wonderful to their family and the community, and he would highly recommend that the Board favorably consider granting them the request.

Testimony was closed.

Mr. Zamparelli moved, Mr. Moffa seconded and it was unanimously carried that the Variance be granted as requested for setback relief as shown on the Plan for 84'.

Mr. Gruen that the shed is 90'. Mr. Bamburak asked the Board if there was any problem indicating that the shed could remain at its current location.

Mr. Zamparelli moved, Mr. Moffa seconded and it was unanimously carried to Amend the Motion to include that the shed could remain where it is at 90' setback.

There being no further business, Mr. Moffa moved, Mr. Gruen seconded and it was unanimously carried to adjourn the meeting at 7:46 p.m.

Respectfully Submitted,

Anthony Zamparelli, Secretary