

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – SEPTEMBER 2, 2014

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on September 2, 2014. Chairman Bamburak called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Paul Bamburak, Chairman
Jerry Gruen, Vice Chairman
Anthony Zamparelli, Secretary
Keith DosSantos, Member (joined meeting in progress)
Mark Moffa, Member

Others: Robert Habgood, Code Enforcement Officer
Mark Eisold, Township Engineer
Barbara Kirk, Zoning Hearing Board Solicitor
Kristin Tyler, Supervisor Liaison (joined meeting in progress)

APPEAL #14-1704 – MARK SZUL

The Application submitted was marked as Exhibit A-1. A Plot Plan for the property was marked as Exhibit A-2. Impervious surface calculations that were provided were 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 of the Hearing was also posted at the property, and a copy of that posting was marked as Exhibit B-2. Notices were mailed to property owners as required by Ordinance, and a copy of the letter with the list of addressees was collectively marked as Exhibit B-3.

Mr. Mark Szul, owner of Szul's Landscaping, was sworn in.

Mr. Bamburak stated they are planning to replace an existing retaining wall.

Mr. Szul provided pictures of the wall this evening. He stated there will be proper drainage.

Mr. Bamburak stated the issue is the impervious surface; and Mr. Habgood stated the impervious surface is 20.6%, and they are permitted to have 18%. Mr. Bamburak asked how long it has been 20.6%, and Mr. Habgood stated he is not sure because it appears a prior owner did work without a Permit to bring the impervious surface to 20.6%. The existing and proposed impervious surface is 20.6%, and Mr. Szul stated they are replacing the wall and installing it in the existing footprint.

Mr. DosSantos joined the meeting at this time.

Mr. Eisold stated with the new wall, they will put in tie-backs; and Mr. Szul stated it is Geogrid textile back into the grade to hold the wall. He stated he feels the major problem with the existing wall is due to improper drainage. Mr. Eisold stated it appears that the wall is right on the property line, and he asked if the grids will tie into the neighbor's property; and Mr. Szul stated they will slightly, and they have talked to the neighbors. Mr. Eisold asked how far the grids will go back, and Mr. Szul stated approximately one foot or two feet. He stated they have to go two to three feet into grade, but it is all buried; and the existing landscaping will be on top of it. He stated it is approximately three feet underground, and they have permission from the neighbor to do this. Mr. Eisold asked the height of the wall; and Mr. Szul stated it is five feet but six inches are in the ground. Mr. Eisold stated he feels they will need a Permit for this, and Mr. Habgood stated a Permit is required. Mr. Eisold stated for anything over three feet he feels they need a signed and sealed engineered drawing. Mr. Habgood stated the Plans do need to be done by a design professional when they submit their Permit Application, and a copy of that will go to the engineer for review. He stated this is part of the Building Code. Mr. Eisold stated he wanted to make sure that going onto the neighbor's property was not an issue, since if the neighbor said "no," he would not be able to build the wall as he is proposing.

Mr. Gruen asked about drainage, and Mr. Szul stated there is clean stone and a drain pipe.

Ms. Kirk stated assuming the Board grants Approval, she would suggest that when they submit the Application for the Permit, they should check with the Township as in addition to the field plans she feels he will probably need a written, notarized letter from the adjacent owner acknowledging he understands what construction is being done and that he agrees to the encroachment.

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

Ms. Tyler joined the meeting at this time.

September 2, 2014

Zoning Hearing Board – page 3 of 3

The black and white photos submitted of the failing wall were marked as Exhibit A-4, and the color photo depiction of the proposed wall was marked as Exhibit A-5.

Testimony was closed.

Mr. Gruen moved, Mr. Moffa seconded and it was unanimously carried to grant the Variance for impervious surface of 20.6%.

There being no further business, Mr. DosSantos moved, Mr. Moffa seconded and it was unanimously carried to adjourn the meeting at 7:40 p.m.

Respectfully Submitted,

Anthony Zamparelli, Secretary