

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – NOVEMBER 18, 2014

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on November 18, 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  
Mark Moffa, Member

Others: Robert Habgood, Code Enforcement Officer  
Maryellen Saylor, Township Engineer  
Barbara Kirk, Zoning Hearing Board Solicitor  
Kristin Tyler, Supervisor Liaison

APPEAL #14-1711 – MIKE SEIDLER

The Application submitted was marked as Exhibit A-1. Calculations regarding impervious surface coverage both existing and proposed was provided, and this was marked as Exhibit A-2. The Site Plan submitted was marked as Exhibit A-3. The construction drawing was marked as Exhibit A-4. Notice of tonight's Hearing was published in the Bucks County Advance, and a copy of the publication Notice was marked as Exhibit B-1. Notice of tonight's Hearing was 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 marked as Exhibit B-3.

Mr. Michael Seidler was sworn in.

Mr. Bamburak stated Mr. Seidler wants to build a patio that will increase the impervious by 1.7%, and Mr. Seidler agreed. Mr. Seidler stated he believes the patio was installed at the back of the house when the house was first built. He stated the roots of a tree next to the patio are pushing up through the patio resulting in large cracks, and every year it gets worse.

Mr. Seidler provided pictures, and the four photos were marked as Exhibit A-5.

Mr. Seidler stated it is now a safety hazard for his mother and his children. Mr. Seidler stated they first looked into repairing the patio, but if they were to do that, they would have to take the tree out; and they would like to save the tree which provides shade for the house.

Mr. Bamburak stated the existing patio which he proposes to remove is 21' by 15', and Mr. Seidler agreed. Mr. Seidler stated because he does not want to take the tree down, he had to find another place to put a patio. He stated they were already over the impervious surface limit. He stated when he purchased the house in 2004, the patio was existing; and he assumes whoever built the patio did not get a Permit.

Ms. Kirk stated the documentation shows an existing patio of 315 square feet which is 21' by 15' as shown on the drawings.

Mr. Bamburak stated the existing impervious is 19.4% including the existing patio, and Mr. Seidler is requesting an additional 1.7% since he is planning on making the patio larger; and Mr. Seidler agreed.

Mr. Habgood stated he agreed with the impervious surface calculations. He stated the Applicant is proposing a 600 square foot patio which will be an additional 285 square feet over what is existing. He stated the percentage they are showing of 21.1% is accurate.

Mr. Gruen asked if there was any consideration in installing a raised patio. He asked if they are at ground level when you come out of the home, and Mr. Seidler stated the existing door is slightly raised by possibly 6".

Mr. Moffa asked Ms. Saylor if she had any concerns with the additional 285 square feet. Ms. Saylor asked Mr. Seidler if he was planning to do anything with regard to stormwater mitigation to account for the extra impervious surface. Ms. Saylor stated when you add impervious it increases run off; and even though it is a small amount, she asked if he had any plans to do any stormwater management measures. Mr. Seidler stated he understands they are going to put in an extra length drainpipe to pull more water away from the house, but he does not know if this addresses Ms. Saylor's concerns.

Mr. Bamburak stated they could put in a French drain which would be a pit filled with stones, and the gutters would be run into that since the water is supposed to stay on his property until it recharges into the ground. He stated there are calculations which would indicate how large the pit has to be to give a zero increase in the impervious. Mr. Seidler stated he would be open to suggestions.

Mr. Zamparelli asked if shrubs could do this. Mr. Gruen stated he could install a rain garden. Ms. Saylor stated he would only have to do a small rain garden. Mr. Gruen stated a rain garden is an area in the yard where you pull most of the water into with gravel underneath. He stated the Township engineer could explain the procedure. He stated this would involve the installation of water-loving plants.

Ms. Kirk stated on the construction drawing it does show large sections on both sides that are to be landscaped; and she asked if there is anything that could be converted to a small rain garden that would fit in with the proposed landscaping. The plants proposed were reviewed. Ms. Kirk noted that some of the proposed plantings on the construction drawing were cut off when it was photocopied. Mr. Seidler stated he did not have a copy of the original drawing with him this evening.

Mr. DosSantos asked Ms. Saylor if the landscaping shown would be enough to mitigate the relatively small amount of impervious he is adding, and Ms. Saylor stated it probably would be since he is only increasing it by 200 square feet.

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

Mr. DosSantos asked if they have flooding issues, and Mr. Seidler stated he does not.

Mr. Bamburak stated there are things that could be done which would benefit the property such as French drains, and the Township engineer could give some tips on how to calculate this; and they could add plants that would absorb more water. He stated the whole idea is to keep the water on his property although it does not appear to be much of a problem.

Mr. Gruen stated he could research rain gardens on the Internet, and this would provide a list of plants that would be suitable.

Testimony was closed.

Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to grant the Variance as requested.

OTHER BUSINESS

Appeal #14-1709 – Thomas Schneider, Jr.

Mr. Thomas Schneider and Mr. Robert Dumont were present and were reminded that they were still under Oath.

Mr. Bamburak stated Ms. Kirk was to do some research to determine if the Board could go out and do a site visit.

Ms. Kirk stated she did complete her research, and the Commonwealth Court Decision that she was referencing when she spoke at the last Hearing dealt specifically with the issue of a project where a Zoning Hearing Board did not provide ample Notice to all interested Parties of the site inspection. She stated accordingly the Zoning Hearing Board does have the ability to go out and do a site inspection, although no Testimony is to be taken. She stated Notice would have to go to all the Parties who appeared and requested Party Status. Ms. Kirk stated if the Board is inclined to schedule the site inspection she has a listing of all the Parties, and she has a copy of the Minutes from the last meeting which has all the addresses listed; and she will send a Notice to each of them by regular mail of the Board's intent to conduct the site inspection.

Mr. Bamburak stated he understands they have to do this as a group, and Ms. Kirk agreed. The Board members indicated they did want to have the site inspection. It was agreed that the site visit would be Saturday, November 29 at 10:00 a.m. at the property on 100 W. Ferry Road.

Mr. Bamburak reminded Mr. Schneider and Mr. Dumont that no Testimony will be taken at the site visit. Ms. Tyler suggested that the letters to the Parties lay out the ground rules for the site visit. Ms. Kirk stated it is simply a site inspection. Mr. Bamburak stated he did note this at the last meeting when the residents were present.

Ms. Kirk stated the matter has already been Continued until December 2, and Mr. Bamburak stated the Board will have discussion at that time and possibly render a Decision.

Mr. Seidler asked if the Board will be touring the neighborhood when they come out to the site on November 29, and Mr. Bamburak agreed that they will get a feel for the neighborhood. Ms. Kirk stated the Site Plan submitted has a map of the area in the upper right hand corner.

November 18, 2014

Zoning Hearing Board – page 5 of 5

Cancel December 15, 2014 Meeting

It was approved that the meeting scheduled for December 15, 2014 will be canceled.

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

Respectfully Submitted,

Anthony Zamparelli, Secretary