

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
REORGANIZATION MEETING  
MINUTES – JANUARY 6, 2015

The Reorganization Meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 6, 2015. Ms. Kirk 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  
Mark Moffa, Member

Others: Robert Habgood, Code Enforcement Officer  
Steve Ware, Keystone Municipal Services  
Mark Eisold, Township Engineer  
Barbara Kirk, Zoning Hearing Board Solicitor  
Jeff Benedetto, Supervisor Liaison

Absent: Keith DosSantos, Zoning Hearing Board Member

#### REORGANIZATION OF THE BOARD

Ms. Kirk called for a Motion for Chair Person of the Zoning Hearing Board for 2015. Mr. Gruen moved, Mr. Zamparelli seconded and it was unanimously carried to re-appoint Paul Bamburak as Chairman.

The meeting was turned over to Mr. Bamburak who called for a Motion for Vice Chairman. Mr. Moffa moved, Mr. Zamparelli seconded and it was unanimously carried to re-appoint Jerry Gruen as Vice Chairman.

Mr. Bamburak called for a Motion for Secretary. Mr. Gruen moved, Mr. Moffa seconded and it was unanimously carried to appoint Tony Zamparelli as Secretary.

#### APPOINTMENT OF SOLICITOR

Mr. Gruen moved, Mr. Moffa seconded and it was unanimously carried to appoint Barbara Kirk of Hill Wallack as the Zoning Hearing Board Solicitor.

APPOINTMENT OF COURT REPORTER

Mr. Gruen moved, Mr. Zamparelli seconded and it was unanimously carried to appoint DDL Court Reporters as Court Reporter for 2015.

APPEAL #14-1717 – KATHIE AND TOM YATES

The Application submitted was marked as Exhibit A-1. A chart showing impervious surface calculations was marked as Exhibit A-2. The Site Plan submitted was marked as Exhibit A-3. Notice of tonight's Hearing was published in the Bucks County Advance, and Proof of Publication was marked as Exhibit B-1. Notice was also posted at the property of tonight's Hearing, and a copy of that Posting was marked as Exhibit B-2. Letters were mailed to residents as required by the Ordinance, and a copy of that letter with the list of addressees was collectively marked as Exhibit B-3.

Ms. Kathie Yates and Mr. Tom Yates were sworn in.

Ms. Yates stated they are proposing a one-story addition which will involve one bedroom, one bath, and living space for her mother who is in attendance this evening. Ms. Yates stated due to declining health issues, her mother will need to move in with someone, and they want her to be with them. Ms. Yates stated her sister also lives in the Township, and she is also present this evening; and between them, they will be taking care of their mother. They want her to have an addition onto the house which will provide her own private space.

Mr. Bamburak stated the Site Plan does not show the existing and where the addition will be. Mr. Yates showed on the Plan the existing house and what they want to add. Ms. Yates stated the addition will not be seen from the street because it is behind the garage. She stated it will be built to conform to the rest of the house, and the building materials used will be similar to the existing home. She stated they hope it will also enhance the value of house.

Mr. Zamparelli asked what they plan in order to mitigate the additional impervious surface. Ms. Yates stated the drains on their house all go underground, but this was done before they bought the house; and this was done as a way to mitigate moisture problems in the basement. She stated when they discussed this with the architect, he indicated they could do this for the addition, install a separate dry well, or do something else to handle it. She stated they understand that they do have to address this.

Mr. Bamburak stated if the Board agrees to grant a Variance, it would be conditioned that they do a dry well that would mitigate the additional impervious surface so that there is no net increase in impervious surface; and Mr. and Ms. Yates agreed to this Condition. Mr. Bamburak stated these Plans would have to be approved by Mr. Eisold.

Mr. Gruen stated on the Plan they have not shown windows, doorways, etc. He stated he assumes the large rectangular room will be the living room, and he asked if there will be a fireplace in that room; and Ms. Yates stated they do want to put a fireplace on one end. She stated there will be a bathroom, bedroom, large walk-in closet, and a combined area for living space.

Mr. Bamburak asked about the location of a doorway to the exterior. Ms. Yates stated on the Plan on the side where the fireplace is, there is a small patio area; and there would be a door going out to there. Mr. Bamburak asked what the patio will be constructed of; and Ms. Yates stated they have included it in what they are asking for, but it does not have to be a cement patio. Mr. Gruen stated they could do a pervious surface patio, and Mr. Yates agreed.

Mr. Bamburak stated on the drawing, they have the breakdown of the existing impervious, but it does not show a patio; but on the new construction they show a patio and they need to know how this all adds up to come up to 29.4%. Mr. Bamburak asked if they are sure that the 29.4% includes the patio, and Ms. Yates stated it does. She stated they currently have a small patio out back, which they are taking out. Mr. Bamburak stated if the Board grants a Variance for 29.4%, there would be a problem if they came back stating that they forgot the patio. Ms. Yates stated the patio was included. She stated the numbers from the architect indicate that the new addition is 721 square feet including the new patio.

Mr. Habgood stated he agreed that the numbers are correct.

Mr. Habgood asked that the Board confirm with the Applicant that this will not have a separate cooking facility, and Ms. Yates stated they understand that this. Mr. Gruen stated this is why he asked about the doors, etc. as he does not want it to turn into a second apartment. Ms. Yates stated they would not do this, and it would be an area for she and her husband to age in place in the future.

Mr. Gruen stated on the Application they mention a screened-in porch, and Ms. Yates showed where this is on the corner where the patio is. She stated this is included in the impervious surface.

Mr. Gruen stated the permitted impervious surface is 19%; however, Mr. Habgood stated for this lot it is 24%. Mr. Motto asked if they should offset it to 24%, and Mr. Bamburak stated they could include this in the Motion, and he feels 24% is reasonable.

Mr. Bamburak stated there would also be a Condition that there can be no new kitchen facility and that this could not be used as a rental.

Ms. Carol Carter, 450 Roelofs Road, the sister of the Applicant, was sworn in. Ms. Carter stated she is in support of this because she is also helping to care for her mother who currently lives in Hamilton Township, and driving back and forth in the bad weather is difficult.

Ms. Joan Daley was sworn in. She stated she has very bad arthritis and there is less she can do on her own and both her daughters live in Yardley so it would help if she could be with them. She stated she does not want to live with anybody so this is why an addition to the house makes sense so that they can all have privacy. She stated what they are building will also enhance the house.

There was no further Public Comment, and Testimony was closed.

Mr. Moffa moved, Mr. Zamparelli seconded and it was unanimously carried to grant the Variance for impervious surface as requested at 29.4% subject to the Condition that a stormwater management facility such as a dry well would be installed to alleviate stormwater so the net effect of any increased impervious surface coverage would equate to 24% subject to the Township engineer's approval. In addition this is Conditioned that there be no kitchen facilities in the proposed addition and that the addition will not be used in the future for rental.

#### APPEAL #14-1718 – JEFFERY SCHARF AND NANCY RUSSELL

The Application submitted was marked as Exhibit A-1. A Site Plan provided was marked as Exhibit A-2. Notice of tonight's Hearing was published in the Bucks County Advance, and a copy of that Publication was marked as Exhibit B-1. Notice was also posted at the property of tonight's Hearing, and a copy of that Posting was marked as Exhibit B-2. Letters were sent to property owners as required by the Ordinance, and this was marked as Exhibit B-3.

Ms. Kirk advised the Board that she knows Jeffery Scharf from a prior business relationship, but she has no vote in the matter and has no say in how this proceeds. She stated she discussed this with Mr. Scharf who has no objection to her continuing to act as Board solicitor. The Board had no objection to this either.

Mr. Gruen stated he is also familiar with Mr. Scharf, and Mr. Bamburak stated Mr. Gruen will recuse himself from this matter.

Mr. Jeffery Scharf, Ms. Nancy Russell, and Mr. John Schweizer, Contractor for Gasper Landscapes, were sworn in.

Mr. Bamburak stated they are asking to increase the impervious surface by 1%.

Mr. Schweizer presented a sheet with four photographs of the exterior pool area of the property, and these were marked as Exhibit A-3. Exhibit A-4 was also marked which is a sheet showing existing features and proposed construction.

Mr. Schweizer stated the homeowners wanted to replace a deteriorating deck on the back of the house. He stated portions of it can be seen in the pictures. He stated the deck is not an issue, and they have submitted and been approved for the deck reconstruction. He stated they are looking to reduce the size of the deck because the accessibility around the pool area between the deck and the pool is a little bit narrow and difficult to access around that area and the deck itself was rotting. He stated they have therefore limited the deck space, and they were looking to increase the amount of paving that is on the property. Mr. Schweizer stated they applied for the Permit and were Denied for the paving portion because the existing pavers were already in excess of what was allowed for the property which was 24%. He stated they are looking to add 1%, but they had to apply for a Variance because of what was existing.

Mr. Bamburak stated he understands that impervious was installed without a Permit, and Mr. Schweizer agreed that was done in the past.

Mr. Schweizer stated the increase to what is existing is 222 square feet which is 1%, and this will bring them to a total coverage of 27.2% since currently there is 26.2% on the property.

Mr. Moffa asked how long they have owned the property, and Mr. Scharf stated they purchased it in 1991. Mr. Moffa asked if they installed the deck, and Mr. Scharf stated they had someone install it. Mr. Moffa asked if they applied for a Permit for that adding this is probably when they went over the 24%. Mr. Schweizer stated the deck is pervious. Mr. Scharf stated they went over with the patio, and he assumed that when the pool contractor applied for the pool, that he had included that as well in 1995 as part of the pool project.

Mr. Moffa asked about installing a dry well. Mr. Schweizer asked if this would be to mitigate the increase they are requesting or to mitigate down to what is allowed, and Mr. Moffa stated he would like to see it brought down to what is allowed.

Mr. Scharf stated he would be willing to consider this. Mr. Schweizer stated they could do rain barrels to collect the downspouts which would incur minimal costs to the homeowners. He stated they could also do rain gardens which they have done in the Township before, and the size of the rain garden would be determined by the amount of offset. He stated to offset 700 square feet, he feels they would need a 300 square foot rain garden. They could also have some kind of underground system which they have also done in the Township which can run several thousand dollars.

Mr. Moffa stated he feels any combination would be acceptable provided the Township engineer is satisfied with the effect. Mr. Schweizer stated he feels they could mitigate it by using rain barrels or a small rain garden. Mr. Zamparelli stated they are only increasing it by 1% which he does not feel is that egregious. Mr. Moffa stated this homeowner did bring it up over the permitted impervious surface, and he would like to see it brought down to 24%.

Mr. Bob Talarico was sworn in and stated he is a neighbor and lives on their left side. He stated he has reviewed the Plans, and he has no issue with what they propose. He stated there are no water issues in the area now even with the overage. He stated he does not feel 1% more is an issue.

Mr. Paul Goldberg was sworn in and stated he is the neighbor on the other side. He stated he has a good idea of the Plan which he feels seems appropriate, and he has no objection. He agreed that there are no water problems.

Mr. Scharf stated he also has two notarized letters from other neighbors behind them, and they are in favor of the Application.

Mr. Moffa stated since this homeowner brought the impervious surface over, he would them to bring the effective impervious surface back to 24%. He stated while 1% does not seem like much, if everyone added on 1%, it is a cumulative effect. Mr. Bamburak asked if he is looking for them to mitigate the 1% or to take it back to 24%, and Mr. Moffa stated he would like to see it go back to 24%.

Mr. Bamburak stated they would have to mitigate 3.2%, and he asked Mr. Eisold for a estimate of how large of a rain garden this would involve. Mr. Eisold stated he feels it could cost \$1,500 to \$2,000. Mr. Schweizer stated a rain garden would be much more economical than doing a seepage pit. Mr. Moffa stated he would be in favor of a rain garden to bring the effective impervious surface to 24%.

Mr. Schweizer stated they could also do a combination of a rain barrel and a rain garden. Mr. Eisold stated this would also add some appeal to the property as opposed to something underground.

There was no further comment, and Testimony was closed at this time.

Mr. Moffa moved, Mr. Zamparelli seconded and it was unanimously carried to grant the relief as requested to an impervious surface of 27.2% with the Condition that enough offsetting infrastructure be put in place via rain gardens/rain barrels to bring the effective impervious surface down to 24%.

#### OTHER BUSINESS

Mr. Gruen stated the Fox Application is supposed to come next meeting, and he asked Mr. Zamparelli if Mr. Fox has been meeting with the Supervisors to work out a deal. Mr. Benedetto stated he does not know anything about this. Ms. Kirk stated Mr. Fox has purchased the adjacent property.

There being no further business, Mr. Gruen moved, Mr. Zamparelli seconded and it was unanimously carried to adjourn the meeting at 8:05 p.m.

Respectfully Submitted,

Anthony Zamparelli, Secretary