

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – FEBRUARY 3, 2015

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 3, 2015. 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  
James McCartney, Alternate Member

Others: Barbara Kirk, Zoning Hearing Board Solicitor  
Jeff Benedetto, Supervisor Liaison

Absent: Mark Moffa, Zoning Hearing Board Member  
Steve Ware, Keystone Municipal Services

APPEAL #14-1720 – GEORGE ROSE AND CARRIE ANN ROSE

The Application submitted was marked as Exhibit A-1. An existing first-floor Plan provided was marked as Exhibit A-2. A four-page Elevation Certificate was marked as Exhibit A-3. A proposed garage lay-out Plan was marked as Exhibit A-4. The Township engineer's review letter dated 1/29/15 was marked as Exhibit A-5, and Ms. Kirk stated she will distribute copies of this letter to the Board. 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 also posted at the property of tonight's Hearing, and a copy of the Posting was marked as Exhibit B-2. Notice was mailed to property owners as required by the Ordinance, and a copy of the letter with the list of addressees was marked as Exhibit B-3.

Mr. Allen Toadvine, attorney for the Applicants, was present; and he stated they are requesting that the matter be continued because the Township engineer's review letter, Exhibit A-5, was not received until Friday. He stated that letter raises some issues which the Applicant's engineer and architect need to address in order to properly present the Application to the Board. He stated it may even necessitate an additional Variance request; and if that is the case, he will notify Ms. Kirk in writing of his request that the Application be Amended and be re-advertised. He asked that the Board continue the matter to March 3, 2015.

Ms. Kirk stated she spoke to Mr. Koopman late yesterday afternoon, and the Township is going to be entering its appearance as Party to this matter. In light of knowing that the Continuance was being requested, Mr. Koopman did not attend this evening.

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

Mr. Gruen moved, Mr. DosSantos seconded and it was unanimously carried to continue the matter to March 3, 3015.

#### APPEAL #14-1721 – VICTOR VANDYKE

The Application submitted was marked as Exhibit A-1. The Sketch Plan provided was marked as Exhibit A-2. 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 was also posted at the property of tonight's Hearing, and a copy of that Posting was marked as Exhibit B-2. Notice was mailed to property owners as required by the Ordinance, and a copy of the letter with the list of addressees was marked as Exhibit B-3.

Mr. Allen Toadvine, attorney, was present on behalf of the Applicant; and he asked that the matter be continued to March 3, 2015. He stated it would appear that one if not two additional Variances are needed in order for the Application to proceed. He stated one of those Variances would be from the Section of the Zoning Ordinance requiring that all lots front on a road that is built to Township specifications, and he understands that these lots do not. He stated the second Variance that may be necessary has to do with the setbacks from the limits of the natural resources protection as opposed to the lot lines. He stated in connection with that the Applicant's engineer is preparing a new Plot Plan which will show which trees are going to be removed, the actual percentage of disturbance that they are requesting over 30%, and will also show a footprint with the proposed structure and the setbacks from the edge of the natural resource protection. He stated in order to do this, they need additional time. Mr. Toadvine stated he will send a formal letter to Ms. Kirk requesting the Amendment of the Application as soon as he hears from the Applicant's engineer as to whether the second Variance is needed.

Mr. Toadvine stated this would have to be re-advertised so he is requesting that this matter be scheduled for March 3, 2015.

Ms. Kirk stated Mr. Koopman on behalf of the Township is going to be requesting Party status to this Application. She also noted that Mr. Rodger Breidenbach has sent an e-mail to the Township Zoning Officer, Mr. Ware, dated yesterday indicating that he would like to voice concerns about the proposed project, but he is not available for the next several months as he is in Florida. The e-mail was marked as Exhibit RB-1, and Ms. Kirk agreed to distribute copies to Mr. Toadvine and the Board members.

Mr. Toadvine stated there are several neighbors present this evening, and Ms. Kirk had suggested that after the meeting he might meet with them to see what are their concerns.

Mr. Gruen expressed concern about the location of the Postings at the property, and Ms. Kirk stated the Ordinance requires that they be visible from the street. Mr. Gruen stated he had difficulty finding the property because there is no road, and he eventually did see one Notice 8' high on a telephone pole behind an evergreen. He asked that the Notice be placed on a stake at the entrance to the property which is at the end of Elm Road. Ms. Kirk stated under the Municipalities Planning Code as well as the Township Ordinance it states that written Notice of the Hearing must be conspicuously posted on the effect tract of land at least one week prior to the Hearing, and there are no specifications as to height or distance.

Mr. Gruen asked if they will address the fact that the property is on a running stream; and Mr. Toadvine stated while he did not see this on the engineer's Plan, if that is the case, they will address it. Mr. Gruen stated most of the trees seem to be marked for removal, and Mr. Toadvine stated the Plan will depict which trees will be removed and the percentage they are seeking.

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to continue the matter to March 3, 2015.

#### CANCEL FEBRUARY 17, 2015 MEETING

Mr. Bamburak noted that no Appeals are scheduled to be heard on February 17, 2015. Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to cancel the meeting of February 17, 2015.

February 3, 2015

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

Respectfully Submitted,

Anthony Zamparelli, Secretary