

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – APRIL 21, 2015

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on April 21, 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
Mark Moffa, Member

Others: Steve Ware, Keystone Municipal Services
Mark Eisold, Township Engineer
David Truelove, Zoning Hearing Board Solicitor
Jeff Benedetto, Supervisor Liaison

APPEAL #15-1723 – RALPH C. DUMACK

Mr. Truelove stated Mr. Murphy submitted a request to Ms. Kirk dated 4/17/15 asking for a Continuance based on the fact that there are still some issues the Township engineer is reviewing which would not be completed by this evening. They are asking for a Continuance to June 2, 2015. Mr. Truelove entered the letter into the Record as Exhibit A-5.

Mr. Gruen moved, Mr. DosSantos seconded to Continue the matter to June 2, 2015.

Mr. Gruen stated he would like to add to the Motion to tell the Applicant that since the house is on the market for sale, he would like it put on the Record that if he sells the house before the Board approves or rejects the request, he cannot come before the Board and indicate he has a hardship because he sold the house on half a lot and now he cannot build on the other part which would create in the Applicant's mind a hardship. Mr. Gruen stated while he does not know how to word it, the Applicant should be advised that if he sells the house, he cannot come and ask for a hardship or he cannot sell the house until the Board renders a decision.

Mr. Truelove stated he does not feel the Zoning Hearing Board can tell the Applicant that he cannot sell his house, but the risk he runs is that if he sells the house he may lose the hardship argument. Mr. Truelove stated he can advise Mr. Murphy of this. Mr. Truelove stated if he comes to the Board asking for a hardship status after he sold the house, this is something that he would have to take into account.

Mr. Gruen stated if he sells the house with the entire lot as it is there is not issue. Mr. Gruen stated the house is listed with half the lot; and if he gets a deal between now and then and accepts it, he could come in and say he has a hardship. Mr. Bamburak stated at that point the Board could vote to turn him down.

Mr. Truelove stated he can convey to Mr. Murphy, the Applicant's attorney, the Board sentiment, but he does not feel it has to be an official condition in the Motion.

Motion as originally stated carried unanimously.

APPEAL #15-1725 – RICHARD AND TRACY HUDE

The Application submitted was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The impervious surface calculations were marked as Exhibit A-3.

Mr. Richard Hude and Mr. Matthew Piotrowski, architect, were present and were sworn in.

Mr. Piotrowski stated they need a Variance to construct a sunroom. The sunroom is proposed to be constructed on top of a portion of an existing deck. Mr. Piotrowski provided site elevations this evening.

Mr. Bamburak stated in the past Mr. Habgood verified the impervious calculations submitted, and he asked Mr. Ware if he does that now; and Mr. Ware stated he does, and the calculations submitted were correct.

Mr. Gruen asked the age of the house, and Mr. Hude stated he feels it was built in 1978. Mr. Gruen stated it seems that it was built outside of the building envelope. Mr. Piotrowski stated the house is non-conforming in that if the house were built today, it would need a dimensional Variance, and this is part of the reason that they are present for the Variance. He stated this is a corner lot, and they have two front yards which forces them to have only one side yard and one rear yard. He stated there is a 50' setback required, and presently the deck and a corner of the house are already in that setback. He stated they feel the property has a hardship because of the way the house was constructed and the position of the house on the property.

He stated they also think that the Variance they are asking for is de minimous in that someone driving or walking past would have difficulty seeing this because it is behind the house. He stated if you are on Randolph Drive and look over, you are not going to be able to tell that there was a Variance needed to construct this.

Mr. Piotrowski stated the room is 18' by 15' and is a three-season room. He stated presently when they sit on the deck in the summer it is extremely hot because there is no shade, and the structure will give them some relief in being able to use that space. He stated the reason they are providing the walls is so that they can also use that space depending on the weather fairly late into the season because of the amount of sun that hits this space will warm it up.

Mr. Gruen asked if there is any reason why they cannot move the sunroom centered with the house since they would then need less of a Variance. Mr. Piotrowski noted the left side elevation which sticks out 2' past the other portion, and there would be difficulty in constructing the roof of the sunroom. He stated there would also be an issue with the bedroom windows. He also stated the kitchen would become a "dark hole." He stated they are leaving a portion of the deck, and the way this is positioned, it actually gives a portion of the deck some shade. He stated they did look into what Mr. Gruen has suggested; however, it did not work.

There was no one present in the audience to speak on this matter, and Testimony was closed.

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

There being no further business, Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to adjourn the meeting at 7:45 p.m.

Respectfully Submitted,

Anthony Zamparelli, Secretary

