

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – MAY 18, 2015

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on May 18, 2015. Chairman Bamburak called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board: Paul Bamburak, Chairman  
Jerry Gruen, Vice Chairman  
Keith DosSantos, Member

Others: Steve Ware, Keystone Municipal Services  
Justin Geonnotti, Township Engineer  
Barbara Kirk, Zoning Hearing Board Solicitor  
Jeff Benedetto, Supervisor Liaison (joined meeting in progress)

Absent: Anthony Zamparelli, ZHB Secretary  
Mark Moffa, ZHB Member

APPEAL #1721A – VICTOR VAN DKYE

Ms. Kirk stated she received a letter from the Applicant's attorney, Allen Toadvine, dated May 11, 2015 indicating that his client has instructed that the Application be withdrawn without prejudice. Ms. Kirk stated she has circulated a copy of that letter to the Board, and the Application is withdrawn.

APPEAL #15-1728 – RICHARD DOYLE

The Application was marked as Exhibit A-1. A Site Plan provided was marked as Exhibit A-2. A single-sheet with dimensional calculations for the property was marked as Exhibit A-3. A Schematic Plan for the proposed garage was marked as Exhibit A-4. Notice of tonight's Hearing was published in the Bucks County Advance, and a copy of the Publication was marked as Exhibit B-1. Notice was also posted at the property with notice of tonight's Hearing, and a copy of that Posting was marked as Exhibit B-2. Notices were mailed to property owners as required by the Ordinance, and a copy of that letter along with the list of addressees was marked as Exhibit B-3.

Mr. Richard Doyle was present and was sworn in.

Mr. Bamburak stated he understands that Mr. Ware found some mistakes in the Sections that were quoted, and Mr. Ware stated Mr. Doyle came in and they worked that out. Mr. Ware stated they did the proper advertising and notice.

Mr. Doyle stated he wants to build a three-car width, two-car door entry with a loft over it for storage roughly 25 deep, 35 wide. He stated it will be in the craftsman style to match the house, and it will be sided with the same siding that the house currently has.

Mr. Gruen stated it will not be attached to the house, and Mr. Doyle agreed that it will be a detached garage which will be forward facing. Mr. Gruen stated he needs a Variance for the height, and Mr. Doyle stated he needs a Variance for the height and for the property setback. Mr. Doyle stated according to the Plans that were submitted to the Township, the house is actually ten feet closer to the back line. Mr. Gruen asked what the setback is, and Mr. Doyle stated it is fifty feet.

Ms. Kirk stated fifty feet is required, forty-five feet is what is presently at the property. She stated with the installation of the detached garage, they are proposing twenty-seven feet.

Mr. Benedetto joined the meeting at this time.

Mr. Gruen stated according to Page 200-45, the impervious surface for a lot size 15,000 to 16,500 is 27% for the builder with total permitted by property owner inclusive of that of 30%. Mr. Gruen stated Mr. Doyle will only be over by .87%. Mr. Ware stated he has the calculation in there, and it is a very small percent. Mr. Gruen stated the Variance is minimal for this, and Mr. Ware agreed.

Mr. Geonnotti stated the construction of the house was prior to 1987, and Mr. Doyle stated that prior to 1987 the impervious surface requirement was 18%, but post that it was 30%; and by his calculations he will be under what new construction is required, but over what the requirement is for his building. Ms. Kirk stated the requirement for his lot is 18% since the property was constructed before 1987. Mr. Doyle stated the existing impervious surface he is asking for is 1.88% over what the property was already built with, and the drawing shows that he will be sacrificing and digging up his driveway to return some of that impervious surface. Mr. DosSantos stated he is asking for 1.87% over what was already built, and Mr. Doyle agreed.

Mr. DosSantos asked Mr. Doyle when he acquired the property, and Mr. Doyle stated it was in 2011. Mr. DosSantos asked if he added any impervious surface since he purchased the property, and Mr. Doyle stated he has not.

Mr. Gruen stated he will actually be 10.99% over what is permitted, and Mr. Doyle agreed. He stated he is asking for 1.88% more, and he could not find any Permit that was submitted for any of the extra that was already on the property.

Mr. Doyle stated on all his gutters at the back of the house he has fifty-gallon rain barrels for his garden and other items to try to recapture that, and he is willing to make concessions for the additional impervious surface. Mr. Gruen asked if this would be a dry well, and Mr. Doyle stated he will do whatever is within reason to capture additional water.

Mr. DosSantos stated he has already shown on the Plan that he is making some concessions by removing some of the impervious, and Mr. Doyle stated he is removing a good portion of the driveway to try to recoup some of that impervious.

Mr. Gruen asked about the height Variance, and Mr. Doyle stated he has a pick-up truck which comes in at seven feet, so a standard seven-foot garage door would be difficult so he would need an eight-foot garage door. He stated to put in an eight-foot garage door, you would need nine-foot ceilings; but you do not buy lumber at nine feet, you buy it at ten so he would be going to a ten-foot height for the first floor. He stated the ten foot height would be the interior height of the garage. He stated this will allow him room to put in an eight-foot garage door. He stated there would also be storage above on the second floor. He stated they need a storage loft because when their house was built, they had two by six ceiling joists; and in some of the areas they span fourteen feet. He stated they are currently using that space, and it is cracking the plaster on the ceiling since it was not designed to be used for storage. Mr. DosSantos asked if the storage loft will be strictly for storage, and Mr. Doyle agreed.

Mr. Gruen stated he feels the Code calls for two by sixes, and then you put in a plate and a foundation. Mr. Gruen stated while he does not want to design Mr. Doyle's building, he feels he could get by with eight-foot lumber. Mr. Gruen stated he does not feel there is any reason to allow a ten-foot ceiling in the garage. Mr. Bamburak stated Mr. Doyle is requesting a seven-foot height Variance, and he asked Mr. Gruen if he would be happier if it were a six foot height Variance. Mr. Doyle stated he is willing to make concessions, and he drew a Plan that would best suit his needs and he is getting feedback to find out what concessions he needs to make to get the garage he would like to have. Mr. Gruen stated he feels he could make concessions by building an eight-foot ceiling. Mr. Gruen stated they would be saving two feet. He stated if he attached the garage to the house, he would not need the Variance.

Mr. Gruen stated although he does not know the reason, there is a reason why they made the rule; and in the past they did not approve height Variances. Mr. Bamburak stated they have approved height Variances in the past; however, Mr. Gruen stated they have not since he was on the Board. Mr. Bamburak and Mr. DosSantos stated they did not have an issue with the height request. Mr. Gruen stated it is a way of reducing it; however, Mr. DosSantos stated to reduce it by a foot would not make a big difference aesthetically since it is a big structure going in.

Mr. Gruen asked what he would do about the impervious surface recognizing that a lot of it was not his doing. Mr. Doyle stated currently he has four fifty gallon rain barrels used to water his garden. He stated he had discussions with the mason projected to do the slab, and he is willing to put in a dry well for the gutters to feed into. Mr. Geonnotti stated usually in this type of situation they recommend that they mitigate the increase in impervious surface. Mr. Geonnotti stated he is proposing to increase it 310 square feet, and he would recommend a dry well catching the entire roof from the garage and putting it underground and satisfy the stormwater criteria which is basically two inches off the new impervious. Mr. Geonnotti stated he could always do a little extra if he wished.

Mr. Bamburak stated typically they attach a Condition to the Approval; and he could be granted the impervious area of 28.99% provided he installs the dry well to give the effective impervious of 27.11%.

Mr. Gruen asked if Mr. Doyle will run water or electric to the garage, and Mr. Doyle stated he will run electric but no sewer or water. Mr. Gruen asked if he would agree not to put in a bathroom, and Mr. Doyle agreed.

Mr. Chris Myer, 880 Queens Drive, was sworn in and stated Mr. Doyle is his next-door neighbor, and they are friends socially. He stated he is concerned about the size and scope of the work. He stated the height due to where it is proposed on the property and the proximity to his own property, is all he would see from his screened-in porch. He stated his main concern is the property value; and he checked with a Realtor who has done business in the Township for over twenty years, and although she could not tell what it would mean in terms of property value since he is not prepared to sell his home, she did state that if there were a similar home like his for sale when he would be selling his and there was a large detached garage there, this would be a question a buyer could potentially have and it would be a concession from a price perspective for him.

Mr. Myer stated he discussed with Mr. Doyle that he would work with him since he understands his desire to have something like this, but he would like to see it a little smaller and done a little differently.

Mr. Bamburak stated it seems that he does not like the height, and Mr. Myer stated he is not concerned about one or two feet, rather it is the overall height which will be taller than his current home. Mr. Myer stated it is also very close to his property and approximately ten feet from his screened-in porch.

Mr. DosSantos asked if it is more of a location issue, and Mr. Myer stated it is location and size. He stated it is proposed to be 25' by 25' which is big, and it is the height as well. He stated Mr. Doyle has offered to put in some arborvitae there. Mr. Doyle stated he has a fence on his own property that is in need of replacement, but he feels if they put in arborvitae, he would not get any sun in that area. Mr. Myer stated if it were something smaller, he would not mind if it was in that area. He stated he would prefer that it be attached to the home, but he realizes that there are reasons why that may not be possible. He stated his concern is just the sheer size of the project.

Mr. DosSantos asked Mr. Myer if there are any issues with flooding in the area, and Mr. Myer stated he does not. He stated his property slopes down.

Mr. Bamburak asked Mr. Doyle if his home is a single-story home; and Mr. Doyle stated currently it is a ranch, but they have future plans to raise the roof; and this is one of the reasons why they were looking at a detached home. He stated currently his garage is 15' and inside there is a 3 and a half-foot staircase to go to the basement so the interior is really tiny. He stated they looked into the option of expanding the existing garage but it would be a forward-entry, and they have a large oak tree which would have to be removed; and they would have to change the whole front of the house. He stated because of where Mr. Myer's house is to get the width needed, he would really encroach on his property, and he did not want to do that. He stated they considered where the existing driveway is and then agreed to sacrifice part of the driveway.

Mr. Chris Gorski was sworn in and stated he lives behind Mr. Doyle and he has similar concerns to what Mr. Myer spoke about. He stated he is friends with Mr. Doyle which makes it difficult to come here and object to something. He stated the way it impacts him the most is it is going to be a Variance going back toward his property. He stated the reason he bought in this neighborhood is because it is a very open neighborhood with a lot of big back yards and open space, and there are really not any detached garages of this size that he knows of in the neighborhood. He stated he feels it goes against the character of the neighborhood. He stated it is a very big structure, and he feels it is going to effect property values as well.

Mr. Gorski stated he discussed this with Mr. Doyle and indicated he would have no problem with him building an attached garage, and his biggest issue is the Variance. Mr. Gorski stated he feels the rules are in place for a reason to keep the neighborhood a certain way and to keep property values in place, and he would not have any issue with any construction he does as long as it stays within the Code or generally close to the Code.

Mr. Bamburak asked Mr. Gorski if he has any water problems, and Mr. Gorski stated he does not.

Mr. Gruen asked where the door is to the existing garage, and Mr. Doyle stated it is in the back. Mr. Doyle stated his wife cannot get into the garage. He noted the problems with the size of the garage and the existing staircase.

Mr. DosSantos stated it seems that he has had discussions with his neighbors, and Mr. Doyle stated he has had discussions with all of the neighbors to discuss their concerns; and he understands their concerns. He stated it is a wonderful neighborhood, and they are all wonderful neighbors. He stated he did offer concessions to Mr. Myer. Mr. Doyle stated he has a large maple tree and Mr. Myer has a large cherry tree, and he offered to have his landscaper go onto Mr. Myer's property landscape the property with 16' to 18' arborvitae. Mr. Doyle stated he also offered to have his landscaper do the same landscaping on his side as well to make it more palatable for everybody. He stated he recognizes that everyone has needs for their property. Mr. Doyle stated everyone has been very friendly, and he will not hold anything against any of them.

Mr. DosSantos stated it seems the scope of the project is the problem, and he asked if he has considered scaling the project down and have a two-car garage instead of a three-car garage. Mr. Myer stated he has considered not doing the second floor. He stated he does collect antique furniture, and he wanted to be able to store furniture there. He stated while he was proposing a two-car garage, it was proposed to be wider. He stated he has two boys and wanted to be able to do woodworking with them and use his shop tools. He stated where the third door was proposed, this would be a small workshop space. He stated he has considered dropping the height because he wants his neighbors to be happy. He stated with regard to the width, he might be able to give up two to three feet, but he would then lose the ability to have the shop space. Mr. DosSantos stated possibly he could have the shop and a one-car garage, and one car could be parked in the driveway which would give him something he wants and reduce the scope of the project.

Mr. Bamburak asked Mr. Doyle what he plans to do with the existing garage. Mr. Doyle stated next year he proposed to turn that into living space. He stated it is not usable, and his kitchen is right off of that. He stated they would like to turn that into a formal dining room. Mr. Bamburak asked Mr. Doyle if he is planning to do the work, and Mr. Doyle stated he does have a mason. Mr. Bamburak asked if he prepared the Plan, and Mr. Doyle stated he did. Mr. Bamburak stated possibly an architect would have some ideas on a better way to get in all the space he wants; however, Mr. Doyle stated he has reviewed multiple plans and sent some out to Websites for garage designs for the purposes he was looking for, and the footprint is what he came back with after speaking to multiple sources that build garages of what would best serve his purposes.

Mr. Bamburak stated while he appreciates what Mr. Doyle wants to do, he also appreciates the concerns of the neighbors about the size of the structure. He stated the Board looks to give the minimum Variance to get the shop done. He also noted the size of the large dormers in the front. Mr. Doyle stated they did this because it would marry well with the front of the house when they raise the roof. Mr. Bamburak stated they have to consider the Application that is in front of the Board, and possible he should consider scaling the project down. He also added if he is going to have a second floor, possibly he should wait and do it all at one time. Mr. Doyle stated he did not have the funds to do it all at this time.

Mr. Bamburak asked Mr. Doyle if he would like to come back with a modified plan.

Mr. DosSantos stated he feels he should talk some more with his neighbors recognizing that the Board also has concerns about the size. He stated the matter could be Continued for a month and he may want to come back with a scaled-back plan to satisfy everyone. Mr. Bamburak stated possibly the woodshop could be bumped out in a different way.

Mr. Gruen suggested he speak with an architect and come back with a Plan showing what he wants the house to look like incorporating the garage. Mr. Doyle stated he did not do this because he was not submitting for the changes to the house at this time. Mr. Gruen stated an architect may be able to incorporate the garage into the master plan so that it would not be as massive. Mr. Gruen also stated if he wants to do woodworking, most people do it in the basement; however, Mr. Doyle stated he does not have a finished basement. Mr. Gruen stated if he is going to do it in the garage, he could get into noise issues. Mr. Bamburak stated this is not an issue for the Zoning Hearing Board.

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Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to Continue the matter to June 16, 2015.

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

Respectfully Submitted,

Paul Bamburak, Chairman