

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JUNE 2, 2015

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 2, 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
Matthew Connors, Alternate
James McCartney, Alternate

Others: Steve Ware, Keystone Municipal Services
Maryellen Saylor, Township Engineer
Barbara Kirk, Zoning Hearing Board Solicitor
Jeff Benedetto, Supervisor Liaison

Absent: Anthony Zamparelli, Zoning Hearing Board Secretary
Keith DosSantos, Zoning Hearing Board Member

APPEAL #15-1729 – PAUL AND KIM PALMIERI

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 the Proof of 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 the letter with the list of addressees was marked as Exhibit B-3. Ms. Kirk stated that today the Township engineer prepared a review letter of the Application in relation to the Floodplain Regulation Ordinance adopted by the Township, and a copy of that review letter was marked as Exhibit B-4.

Ms. Kirk stated she was reviewing the Application for tonight's Hearing, and the Applicants have requested Variances from impervious surface coverage as well as the lot area and yard setbacks under the Ordinance; however, according to the Township engineer's review letter the property sits within the floodplain. She stated the new Floodplain Management Ordinance would therefore come into effect, and the Applicants would then need Variances from Sections 200-53 through 200-59 of the Ordinance dealing with the technical, mechanical, and other specific technicalities under the Floodplain Ordinance. Ms. Kirk stated the property itself

is an existing non-conforming structure under the Ordinance, and a Variance under Section 200-86B1 would also be required as the Applicant is intending to expand or enlarge an existing non-conforming structure.

Ms. Kirk stated she has already spoken with the Applicants and Ms. Miller from Hacienda Design who prepared the Site Plan and explained the situation, and she believes that the Applicants will be requesting a Continuance in order to be able to review the Township engineer's review letter, ascertain if their property actually sits within the floodplain as set forth under the Township floodplain maps; and if so, would need to file an Amendment to their request to ask for these additional Variances which would need to be re-advertised and posted.

Ms. Kirk stated the Applicant has documentation that he received from FEMA to indicate that the property is not within the floodplain, and she has directed the Applicant to submit that information to the Township engineer's office to review and confirm whether or not the Floodplain Ordinance would apply. Ms. Kirk stated until those issues have been resolved, she recommended that the Applicant request a Continuance.

Mr. Paul Palmieri and Ms. Kim Palmieri were sworn in.

Ms. Kirk stated if the Floodplain Ordinance does apply, that is a very large issue that needs to be handled with respect to this Application.

Mr. Bamburak asked the Applicants if they would like to request a Continuance, and Mr. Palmieri agreed.

Mr. Palmieri stated they did have a certified surveyor do an elevation survey and they submitted all the forms to FEMA about two and a half years ago, and FEMA accepted the results confirming that they were not in the floodplain. He stated the maps do show that there is a portion of their property that does sit in the floodplain, but it is not within the housing structure.

Ms. Saylor agreed to look at this information; however, she added that FEMA just went through a process over the last five years, and they just adopted the new maps in March of this year. Ms. Saylor stated FEMA will look at Mr. Palmieri's property and either re-validate his property or look at the maps and stated that it is no longer valid. She stated she can review the FEMA Website, and she asked that Mr. Palmieri provide her with his documents.

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Mr. Bamburak asked Ms. Saylor if there would be enough time to get this done if this matter were continued to July 7, and Ms. Saylor agreed. Ms. Kirk stated if it is determined that the Floodplain Ordinance does apply, the Applicants will need to go through the review letter and make sure that they meet all the specific requirements.

Mr. Gruen moved, Mr. McCartney seconded and it was unanimously carried to Continue the matter to July 7, 2015.

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

Respectfully Submitted,

Paul Bamburak, Chairman