

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

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on August 18, 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
James McCartney, Member
Matthew Connors, Alternate

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

Absent: Keith DosSantos, Zoning Hearing Board Member

APPEAL #15-1740 – DANA CAMPBELL

The Application submitted was marked as Exhibit A-1. An impervious surface breakdown chart provided was marked as Exhibit A-2. A Site Plan provided was marked as Exhibit A-3. 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 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 list of addressees was marked as Exhibit B-3.

Ms. Dana Campbell was sworn in.

Mr. Bamburak stated he understands that they want to add an addition and a shed which will put them over the maximum impervious surface permitted.

Ms. Campbell stated she has a little house but loves her neighborhood and does not want to move. She stated her mother also comes to live with them for half of the year. She stated her mother is an architect, and she has designed the addition.

She stated they want to bring the laundry room up to the first floor and the addition will be a master bedroom, master bathroom, laundry room and closet so that if her mother has to live with them permanently, she would have that area as an "apartment." She stated they live in a ranch house, and the laundry is downstairs. Mr. Bamburak stated they also want to add a shed, and Ms. Campbell agreed.

Mr. Benedetto joined the meeting at this time.

Mr. McCartney asked if this addition will have a separate entrance to the outside, and Ms. Campbell stated it will. Mr. McCartney asked if they are proposing a kitchenette; and Ms. Campbell stated the laundry room will have a utility sink in it so at some point if the addition were to be turned into an in-law suite, the laundry room would have a sink in it, and the laundry could be put back downstairs and that area could be turned into a little kitchenette. Mr. Bamburak stated there may be Code restrictions about having two kitchens in one house. Mr. Bamburak stated the concern is that at some point in the future someone may turn this into an apartment unit to be rented out. Ms. Campbell stated it would not be a problem if the Township did not allow there to be a second kitchen.

Mr. Gruen asked about the 15' by 20' area between the patio and the addition, and it was noted that this is the existing family room.

Mr. Bamburak asked if there are any problems with water run off. Ms. Campbell stated they bought the house from the original owners, and there is also an original owner across the street; and they have not had any water problems. She stated her house sits up on a slight hill. Mr. Bamburak stated they would be concerned about water running off Ms. Campbell's property onto her neighbors, and Ms. Campbell stated she does not feel there are any problems. Mr. Bamburak asked Ms. Campbell if she has discussed the proposal with her neighbors, and Ms. Campbell stated they have. She stated she feels there is only their home and one other home that has not been added onto, and everyone else's house has been added onto.

Mr. Gruen asked if they looked into the possibility of putting on a second level; and Ms. Campbell stated they did, but they would have had to renovate the entire house, and adding onto the back was very easy.

Mr. Gruen asked about the second entrance proposed, and Ms. Campbell stated it will be a small glass patio door. She stated if they do not have that exterior door, there would be a problem if there were an emergency. She stated they will also have an 18" interior door to go into her daughter's room so that they can access the bedroom from there if there is an emergency. Ms. Kirk stated under the Construction Code, she feels there has to be a secondary means of egress.

Mr. Bamburak stated the Plans do not show an additional sidewalk coming up to the proposed secondary door, and Ms. Campbell stated they are not planning on using the doorway, and they will put up curtains. It will just be for emergencies.

Ms. Campbell showed copies of the Plans showing the interior details.

Mr. Zamparelli asked Mr. Ware if the impervious surface calculations were accurate; and Mr. Ware stated he checked them, and they were slightly off on one calculations. He stated they are in the R-2 Zone, and the permitted impervious surface is 18%.

Ms. Saylor stated with regard to the Stormwater Management Ordinances, this property is in Delaware River South Watershed; and any for any extra impervious you have to account for the volume for something this size.

Mr. Gruen stated he would like to see a dry well added to the side of the house to mitigate 2%. Mr. Gruen described a dry well and stated the Township engineer could provide them with the spec for it. Mr. Bamburak stated this would allow them to have impervious surface of 20%, but it would have an effective impervious surface of 18% by installing this structure.

Ms. Kirk stated under the Stormwater Management Ordinance she felt if it was 1,000 square feet or more was when you would require separate stormwater management facilities, and this is only an additional 530 square feet.

Ms. Saylor stated Bucks County Planning Commission will now allow the Township to amend the Ordinance so that if you are 1,000 feet or under you do not have to account for volume, but Lower Makefield has not done that yet. Ms. Saylor stated for 1,000 square feet or under you do not have to control the peak rate or submit an ENS Plan, but you do have to take care of the volume of 2" of water just for the new impervious surface.

Ms. Saylor stated the dry well cannot be any deeper than 3 ½ feet, and it could be 8' by 9' by 3 ½' filled with stone and topsoil and grass on top of that. She stated they have to make sure it is 15' away from the foundation with the roof drain going underground to a pipe to the infiltration trench or dry well 15' away. She stated they could also do a rain garden 6" deep and 14' by 14'. Mr. Gruen stated he feels the rain garden would be more expensive since they would have to purchase plants for the rain garden. Ms. Saylor stated these would need to be water tolerant/drought tolerant plants for the rain garden. Ms. Saylor stated the soil underneath would be treated to make it permeable.

Mr. Bamburak stated if the Board were to grant the Variance, there would be a Condition that one of the stormwater management measures must be implemented to mitigate the 2% impervious being added with the details to be provided by the Township engineer, and Ms. Campbell agreed to this as a Condition.

Mr. Connors asked if they also need a Variance for the shed, and it was noted that what they have proposed meets the setback requirements.

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

Mr. Gruen moved to grant the Variance of an additional 2% with the Condition that the homeowner will have a choice of mitigation either a dry well or a water garden.

Ms. Kirk suggested that the Motion be modified that it is subject to installation of a stormwater management facility as recommended and approved by the Township engineer in the event that there is another alternative that might be available that could be implemented. Mr. Bamburak stated the Motion should also grant 20% impervious surface and not an additional 2%.

Mr. Gruen stated he does not want there to be a rain barrel since he does not believe in them adding in the winter they do not work. Mr. Bamburak asked Ms. Saylor if a rain barrel is a viable alternative; and Ms. Saylor stated while she understands Mr. Gruen's concerns, rain barrel's have been used successfully. Mr. Gruen stated they involve more maintenance and there can be mosquitos. Mr. Gruen stated he would be willing to amend the Motion for anything but a rain barrel.

Mr. Bamburak stated the Motion should be to approve impervious surface of 20% and not a 2% increase as that would put it at 19.7%, and he would rather go to 20%, and this was acceptable to Mr. Gruen.

Mr. Gruen moved, Mr. McCartney seconded and it was unanimously carried to grant the Application as requested subject to the installation of a stormwater management facility as recommended and approved by the Township engineer except no rain barrel.

Mr. Gruen and Ms. Saylor provided the Applicant with some additional information on rain gardens. It was suggested that Ms. Campbell speak further with the Township engineer following the meeting about mitigation alternatives.

OTHER BUSINESS

Appeal #15-1725 – Richard A. Hude

Ms. Kirk stated Mr. Ware received a letter from the property owner, Richard Hude, asking that the Variance which the Board approved on April 21, 2015 be extended for one year as he is still in the process of getting the financial funding necessary in order to submit for the Building Permit. The Application that came in before the Board was for a sunroom addition to a corner lot on Randolph Drive. He needed a Variance from the rear yard setback requirement. Under the Ordinance 50' is required, and the proposed addition would sit 36' 8" from the rear yard setback. After Testimony, the Board approved that Variance. Ms. Kirk stated under the Ordinance you need to submit a Building Permit Application within six months, and Mr. Hude knows that he will not meet that requirement and has asked for an extension until October 21, 2016.

Mr. Gruen moved, Mr. Connors seconded and it was unanimously carried to grant the Extension for one year to 10/21/16.

There being no further business, Mr. Gruen moved, Mr. McCartney seconded and it was unanimously carried to adjourn the meeting at 7:55 p.m.

Respectfully Submitted,

Anthony Zamparelli, Secretary