

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – MARCH 15, 2016

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on March 15, 2016. 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, Member  
Michael Tritt, Alternate (not voting)

Others: Steve Ware, Keystone Municipal Services  
John Koopman, Township Solicitor  
Mary Ellen Saylor, Township Engineer  
Randall Flager, Zoning Hearing Board Solicitor  
Jeff Benedetto, Supervisor Liaison

APPEAL #15-1747 – ALEX LARIONOV

Mr. Bamburak stated Mr. Murphy, attorney for the Applicant, indicated that they new Plans that had not yet been presented to the Township. Mr. Koopman stated he understands they may need to re-advertise. Mr. Ware stated he has not yet received anything other than an e-mail requesting a Continuance.

Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to grant a Continuance to April 19, 2016.

Mr. Bamburak asked that Mr. Murphy be advised that the Board agreed to a Continuance to April 19.

APPEAL #15-1749 – PENNSBURY SCHOOL DISTRICT

Mr. Peter Amuso, attorney, was present with Mr. Scott Millward, Pennsbury School District, and Mr. Owen Hyne, engineer.

Mr. Flager marked the Project Overview as Exhibit A-8 and the Presentation itself that they will show this evening as Exhibit A-9.

Mr. Bamburak stated at the previous Hearing when they were present the Board requested a bullet list which had been provided to the Zoning Hearing Board. Mr. Amuso stated Exhibit A-8 is the requested bullet list.

Mr. Amuso stated they need to amend the Application to request an additional Variance that came up in Township review since the last meeting. He stated he discussed this with Mr. Flager who indicated that they could orally amend the Application. Mr. Amuso stated in addition to the previously requested Zoning relief, they need relief from Section #200-73.C8 which requires a 10' landscape buffer around parking lots at Commercial enterprises. He stated there are portions which they will show where the landscape buffer is only 6'. Mr. Bamburak asked if the School gets included as a Commercial enterprise, and Mr. Amuso stated that is the interpretation of the Zoning Code.

Mr. Bamburak stated the last time this Application was advertised, a word was used in the newspaper posting requesting a "Waiver" as opposed to requesting a "Variance;" and the Zoning Hearing Board elected not to require them re-advertise for this. He stated the Zoning Hearing Board does not grant Waivers – only Variances. He stated they need to make a note of this for anyone who might have picked that up in the newspaper.

Mr. Amuso stated they have presented to the Zoning Hearing Board paper copies of their presentation. Mr. Amuso stated this projects is for all three of the Middle Schools with the main focus on Pennwood Middle School which was constructed in 1952, and it has been prioritized for a significant amount of work that is covered in Exhibit A-8 – the Project Overview. Mr. Amuso stated the issues will come up in the Planning process, and they are scheduled to go before the Planning Commission on March 28. He stated they are actually asking for fairly limited Zoning relief.

Mr. Amuso showed a slide of the Middle School campus as it exists with the three Middle Schools on one campus. He showed a slide of the proposed changes with the light green showing the changes including changes to parking, adding some green spaces, and adding some parking.

Mr. Amuso stated they are asking for five Variances, and the first three all have to do with the protection that the Zoning Code provides for floodplains; and these all have to do with Charles Boehm. He stated Charles Boehm was built in a floodplain before the Zoning Code and before there was a concern about floodplains. He stated the Township has very good, strict, protections for floodplains that say

that essentially you cannot touch it, and anything that you do, the floodplains have to be 100% protected; and there is nothing that they could do at Charles Boehm and leave it 100% protected. He stated they need Variances because as they make slight improvements to Charles Boehm, by definition they will be disturbing soil in the floodplain. He stated they will also have to cut into some steep slopes, noting that these slopes are not naturally occurring, and they were constructed when the building was originally constructed in the 1950s.

Mr. Amuso stated for the other two Middle Schools, they are requesting Variances from some of the parking requirements, particularly the requirement that parking areas cannot be located closer than 25' from any Lot lane; and much of the parking is already closer than that so to the extent that they are improving the parking, they will need a Variance from that. He stated they also have some areas where the landscape buffer is 4' as noted earlier this evening.

Mr. Amuso showed a slide of Charles Boehm as it exists, and stated Mr. Beach will discuss the improvements that are proposed for Charles Boehm.

Mr. Tom Beach, engineer, was sworn in. Mr. Beach stated they have highlighted the areas on the slide where they are making the improvements at Charles Boehm. He noted the new gated pedestrian crossing which will allow the students to be able to leave from the School and access the athletic fields without conflicts with vehicles. He stated they are proposing to remove the old fueling station and add some landscaped areas which will be in compliance with SALDO which requires every twenty parking spots to have an island and some landscaping. He also noted an area where they are adding green space behind the School. He noted the location for new visitor parking across the front of the School. He stated they are removing the on-street 90 degree parking on Big Oak Road which requires you to back out onto Big Oak Road. He stated they are also re-vamping the parking lot on the west side of the site for additional bus storage as well as a new fueling station.

Mr. Beach stated the light gray area on the slide is the area that is within the floodplain, and this shows that almost the entire School is within the floodplain area. He noted the landscaped areas along the rear of the parking lot, and he stated they are adding new landscaped buffers on the parking lot to the west of the building. He also showed some additional parking on the east side of the building. He stated this is in the wetlands area. He noted the brown area on the slide, and these are the buffers for the wetlands; and he noted some small areas where the landscaping and islands interrupt the wetlands buffer.

Mr. Beach stated the steep slopes are in the front of the School, and the area which will be disturbed is where they are putting the new visitor parking area in the front. He stated they will be re-grading the front and re-landscaping.

Mr. Beach stated these are the three Variances they are requesting for Charles Boehm. Mr. Amuso asked Mr. Beach if these are the minimum Variances necessary to do this project, and Mr. Beach agreed. Mr. Amuso asked Mr. Beach if these Variances are required because of the unique location of Charles Boehm Middle School being in the middle of the floodplain, and Mr. Beach agreed.

Mr. DosSantos stated there is a landscape buffer to the west of the building, and he asked if the purpose of that is to cover the fueling station; and Mr. Beach agreed.

Mr. Gruen asked what will happen to the space where there is currently parking on Big Oak Road, and Mr. Beach stated it will be curbed, filled in, and leveled with the surrounding area. He stated you will no longer be able to park along Big Oak Road.

Mr. Gruen asked if they are going to vote on each School separate as opposed to the whole project together. Mr. Amuso stated this is one project, and they would appreciate there be one vote on the whole Application. Mr. Bamburak and other Board members indicated that is what they would like to do. Mr. McCartney asked the advantage of voting on them separately, and Mr. Gruen stated a Board member may object to one item but did not want to vote the whole project down. Mr. McCartney stated if there is something they are not in favor of, they could discuss it at that point.

Mr. Beach showed the slide for William Penn Middle School. Mr. Beach stated currently there is bus drop off in front of the School along Derbyshire Road; and when the buses leave that drop-off spot, they have to circle around and perform a 180 degree turn, and then a hard right turn. He stated as part of the improvements they looked to try to make that circulation much easier for the bus drivers to handle. He showed the highlights of the area where they are making improvements. He stated on the eastern side, they are putting in a new sidewalk that is protected so that the students will not be in direct conflict with the existing parking area.

Mr. Beach showed a small area on the south side of the site that is currently landscaped where they propose new parking spaces. He showed an area where they are increasing the green space as well as in the courtyard up front.

Mr. Beach stated with regard to the bus turnout, they will make it so that they have a straight left-hand turn rather than having to loop around and go out. He showed a light gray area on the slide which is existing paving, and they are proposing to re-vamp the turnaround and overlay that area so that it is new paving, and then stripe it for parking. He stated when they create parking in that area, it creates the requirement for the 25' setback. He stated currently the existing paving is approximately 14 1/2' from the property line. Mr. Amuso stated for William Penn they only need one Variance for the striping. Mr. Amuso noted that this is macadam that is already existing, and they are just adding stripes so they can increase the parking which is already at a premium at the School.

Mr. DosSantos stated they are not increasing the macadam at all, and they are just repaving it and striping it. Mr. Beach agreed; and he added that for the overall site, they are actually increasing the green space on the site. Mr. DosSantos asked what that paved area is used for now, and Mr. Beach stated that is where the bus turnaround is where they have to make the 180 degree turn. He stated the turnaround will be eliminated, and the buses will be able to pull straight out and make a left-hand turn onto Derbyshire Road.

Mr. McCartney asked Mr. Beach if they were part of the original design for the School, and Mr. Beach stated they were not. Mr. McCartney stated he was wondering why they came up with this design for the buses. Mr. Millward stated the entrance off Derbyshire Road on the south side of the building was original as were the islands in the front; however, the cut-out at the back side was an add on. He stated they now want to cut through that which gives them the ability to add the parking spaces. He stated it was not designed with the "S" space, and that was a result of the second entrance being formed.

Mr. Koopman asked if these additional parking spaces will be buffered from Roelofs Court, and Mr. Beach stated the buffering already exists.

Mr. Amuso asked Mr. Beach if this is the minimum Variance that the School District needs to do this work at William Penn, and Mr. Beach agreed. Mr. Amuso asked if the Variance is needed due to the unique shape of the property, and they are simply striping the macadam that already exists; and Mr. Beach agreed.

Mr. DosSantos asked about the need for the new parking spaces since they do not have parking spaces in that area now. Mr. Millward stated the parking for the staff is very tight, and some of them are parking in the back of the School wedged into spaces that they can get their cars into which is not ideal. He stated some of the program changes within the building that relate to Special Education have increased the staffing level, so there is a need for additional staff parking. He stated there are also times of the day when they are visitors. Mr. DosSantos asked if they also hope

to eliminate some street parking on Derbyshire and Roelofs Court; and Mr. Millward stated if there is street parking happening there now, and they have more available spots, he feels people would be more inclined to park on the lot.

Mr. Amuso showed the slide for Pennwood. Mr. Beach showed where they have existing bus storage which will be moved to Charles Boehm. He showed a large paved area on the northwest corner which does not have a well-defined entrance, and he showed an existing small parking lot parallel to Roelofs Road as well as diagonal pull-in parking on Makefield.

Mr. Beach stated they are proposing a number of improvements at the Pennwood site, and this is the major School where they are doing the renovation work. He showed the slide of the proposed improvements at Pennwood. He stated they are adding a new parking lot in the front of the building for visitor parking, and they will eliminate all of the diagonal, pull-in parking on Makefield Road which is a very hazardous condition. He stated they are also widening the entrance off of Makefield for a bus loop; and it will strictly for buses to come in, unload the students, and go back out or throughout the rest of the campus. He showed where there are gated crossings to insure that the students can pass from the School to the athletic fields without any traffic going through. He stated the gates will be closed at certain times of the day when students are moving back and forth between the facilities.

Mr. Beach noted the back northwest corner where they are aligning the entrance up with Ramsey Road. He showed an area which is currently all paved, and he stated they will be making it smaller; and there will be a small auxiliary lot for overflow parking and for parking for the athletic fields. He noted a green area that is new green space that is being added. He stated they are looking to recoup the parking they will lose on Makefield Road by installing a much larger parking area and a parent drop off. He stated now instead of dropping off along Makefield, the parents would enter at a location he showed on the Plan, drop the children off, and then proceed to Roelofs Road where they can go either right or left. He stated at the corner of Roelofs and Makefield Roads, they are proposing to put in a new right-hand turn lane so that there will be two lanes at that intersection; and there will be a dedicated left and a dedicated right-hand turn lane.

Mr. Beach stated currently at the parking lot, the distance from the property line is about 30', but by making the parking lot much larger, they will go down to 4' along that property line; and so they are asking for relief from the 25' setback, and at the same location, they are asking for relief from the 10' landscaped buffer that is required. A slide was shown of what this would look like on Roelofs Road.

Mr. Amuso stated despite it not being 25' back from the property line nor a full 10' of buffer there is still a substantial landscape buffer, and is really an improvement over what exists now.

Mr. McCartney asked the estimated distance, and Mr. Hyne stated it is almost 10' from the curb line to the parking lot.

Mr. DosSantos asked if there will be a dedicated ingress and egress for the parent drop off along Roelofs Road, and Mr. Hyne stated on Ramsey it is two-way traffic but the other driveway is actually exit only which helps reinforce the pattern that they want to see.

Mr. Gruen stated he is happy to hear that they are putting in a right-hand turn from Roelofs into Makefield, and he asked if the right turn will continue for merging traffic where before it was a parking area or will it be ended at the intersection. Mr. Beach stated it ends at the intersection. He stated the area that is parking now would be curbed and filled in so that it will be all landscaping across. Mr. Gruen asked if they looked at the possibility of making a right turn since buses as they come out will have a huge line up, and maybe they could make the turn and merge into traffic instead of waiting at the stop sign. Mr. Beach stated they did look into this. Mr. Millward stated the feel that there will be a very limited number of buses doing that because the primary bus loop is on the south side and the buses on Roelofs Road would be few and would probably coming from William Penn, make a right out of William Penn, and make a right onto Roelofs. Mr. Gruen stated he felt at the last meeting they stated that buses would be coming out of Makefield and going to Big Oak Road. It was noted that is the next exit down, and Mr. Beach showed on the Plan how the buses would travel either through the campus or come back out to Makefield Road and go down to Big Oak Road.

Mr. Gruen stated there was also discussion about temporary parking on Roelofs for twenty buses in the front where the tennis courts were. He stated he has a problem with having the neighbors endure two years of the buses parking under their windows even though it is temporary. Mr. Beach stated this would be part of the Phasing Plan. He stated because this is an active School, and they will be doing construction when the School is active, they will have to make some concessions and move the vehicles around as they work on individual areas. He stated they would try to minimize any kind of storage of buses on Roelofs Road. Mr. Amuso stated they will be meeting with the Planning Commission on March 28, and they can discuss that with them. Mr. Bamburak stated since this is a temporary construction feature, this does not need a Variance so this is not a matter for the Zoning Hearing Board. Mr. Zamparelli stated he feels this is okay for the short term since the buses have to go somewhere. Mr. Gruen stated if the Zoning Hearing Board is granting Variances, he is not in favor of putting twenty buses in front of those homes for two years; however, other Board members noted that they are not granting a Variance for this. Mr. Gruen stated it is not a parking lot so they should not be able to park there. He stated they do need permission to park there.

Mr. Bamburak stated it is not a Variance request, and this is a temporary construction feature. Mr. Zamparelli stated he has been on many construction projects, and there is always something that has to be done temporarily during the construction phase. Mr. Gruen stated he does not feel two years is short term. Mr. Millward stated the lot which they are proposing to be a temporary lot is a lot now, and it is not the tennis courts. He stated the lot currently houses vehicles visiting the athletic fields so it is a parking lot currently, and they just wanted to allocate buses in there. He stated the length of time they will be there is not expected to be the full two years, and it is just until they can complete the work at Charles Boehm. He stated it is not their intention that this phasing would last two years.

Mr. McCartney asked if it is financially feasible to put the buses somewhere else for two years, but Mr. Bamburak stated they would have to pay for that. Mr. Millward stated the problem is not a financial issue, rather it is logistics as there is a sequence for the pick-up/drop-off; and any disturbance in the path effects that. He stated if they were to move the buses off site and bring them onto the site for the pick-up would effect that loop. Mr. McCartney stated that would also create other types of obstacles throughout the Township.

Mr. Koopman stated the School District has not asked for a Variance for that he assumes because it is an existing parking lot; but if the Zoning Hearing Board wants to address this, they could attach a Condition that they minimize the bus parking along Roelofs Road to the extent possible during the construction phase. He noted this will be reviewed by the Planning Commission and the Board of Supervisors during the Land Development stage, and he feels this is where the ultimate decision will be made. Mr. Flager stated this would really be something for the Planning Commission and the Board of Supervisors to discuss, and it is not part of the Variance request for tonight.

Mr. Amuso stated for Pennwood, they are just asking for two Variances – one a Variance from the 25' parking setback and related to that a Variance from the 10' landscaping buffer. He stated they will have 4' of landscaping buffer and it is approximately 10' from the right of way to the parking lot.

Mr. Amuso asked Mr. Beach if these were the minimum Variances required for this project, and Mr. Beach agreed. Mr. Amuso asked if this is a product of the unique shape of the property particularly the location of the strip of land between this School and Roelofs Road, and Mr. Beach agreed as well as to optimize the circulation of the site.

Mr. DosSantos asked what would be the net increase in the main parking lot, and Mr. Hyne stated the single lane will be about sixty-five stalls in the last bay of parking on Roelofs. Mr. Millward showed on a slide two existing lots on Roelofs Road and showed the larger lot. He stated they are switching the lots so they can get the parking closer to the building. Mr. Gruen asked if they are eliminating any spots for the ball fields, and Mr. Millward stated they are not.

Mr. Amuso stated this concludes their presentation.

Mr. Bamburak stated at the last meeting, Mr. Koopman indicated that he was going to take this back to the Township for their input. Mr. Koopman stated he has not had the opportunity to do that yet, and the Township would like the Zoning Hearing Board to Continue the matter so the Board of Supervisors would have the opportunity to review the amended Variance Application, review the power point that they saw today, and also review the Overview. He stated the Supervisors do not meet again until April 6, so the Township would request that this matter be Continued until April 19.

Mr. Amuso stated the School District would object to the Continuance request since the project has not changed in the last few months, and the Township does have opportunity for input at the Planning Commission stage; and they are just asking for Zoning relief here. He stated the Zoning Hearing Board is independent of the Board of Supervisors, and he does not feel they have registered any opposition. Mr. Amuso stated the School District will be in front of the Planning Commission and the Board of Supervisors so they will have opportunity for input.

Mr. DosSantos asked Mr. Koopman if there is a reason why it was not brought to the Board of Supervisors' attention between the prior meeting and now. Mr. Koopman stated they have an Amended Application and some additional information this evening. He asked for an opportunity to confer with Mr. Benedetto.

A short recess was taken at this time.

When the meeting was reconvened, Mr. Koopman stated after conferring with

Mr. Benedetto, the Township is withdrawing the Continuance request, and the decision is up to the Zoning Hearing Board as to how they will act on the Application. He stated he will meet with the Supervisors subsequently and review any questions they have about the Zoning Hearing Board proceedings.

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Mr. Joe Reinhart was sworn in, and he stated he feels he is the most impacted since his house adjoins the property on Roelofs Road. He stated he understands that they have to deal with the buses temporarily, but he feels two years is a long period. He asked that they factor this into their priorities and build the section first where the buses will go. Mr. Zamparelli stated they did indicate that it would not take the full two years. Mr. Bamburak stated he feels the Township will be able to set parameters for construction so that they can address this when they go through Land Development.

Testimony was closed.

Mr. Zamparelli moved, Mr. Gruen seconded and it was unanimously carried to grant the Variances as requested including the oral Variance requested this evening.

Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Anthony Zamparelli, Secretary