

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – MARCH 7,2017

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on March 7, 2017. Mr. Gruen called the meeting to order at 7:40 p.m.

Those present:

Zoning Hearing Board: Jerry Gruen, Chairman  
Anthony Zamparelli, Vice Chairman  
Keith DosSantos, Secretary  
Pamela Lee, Member  
James McCartney, Member

Others: Jim Majewski, Director Planning and Zoning  
Mark Eisold, Township Engineer  
Randall Flager, Zoning Hearing Board Solicitor  
John B. Lewis, Supervisor Liaison

ELECTION OF OFFICERS

Mr. Zamparelli moved, Mr. DosSantos seconded and it was unanimously carried to elect Jerry Gruen as Chairman of the Zoning Hearing Board for 2017.

Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to elect Anthony Zamparelli as Vice Chairman of the Zoning Hearing Board for 2017.

Mr. Zamparelli moved, Mr. Gruen seconded and it was unanimously carried to elect Keith DosSantos as Secretary of the Zoning Hearing Board for 2017.

APPEAL #17-1771 – BENJAMIN PULVER

Mr. Benjamin Pulver and Ms. Deborah Pulver were present and were sworn in.

Mr. Flager marked the following Exhibits: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. Photos of the proposed fence were marked as Exhibit A-3. Exhibit B-1 was the Proof of Publication. Exhibit B-2 is the Proof of Posting, and Exhibit B-3 is the Notice to the neighbors.

Mr. Pulver stated he would like to put a fence around his property, and it will be a four foot picket fence along the front and one side that he shares with his neighbor and privacy along the road, and along the back of the yard. He stated because it is a corner lot and the setback requirements are 80', he needs a Variance in order to proceed to get the Permit approved. He stated he would like the fence as shown as opposed to at the 80' setback because the 80' setback would cut the yard in half. Mr. Pulver stated the placement will be outside of the buffer easement, and it will be inside two sets of pine trees. He stated he will not be cutting down any trees to put in the fence, and he feels there will be minimal impact to the view from the road and the path; and it will be consistent with other fences along the path. Mr. Pulver stated they have two small children, and they would like them to be able to play safely in the yard.

Mr. Pulver stated there is no fence with the neighbor to the left-hand side, but there is a fence in the back; and their fence will be placed off of that since there are pine trees at or near the property line, and he is at least 5' to 10' off of any of the pine trees to make sure he is not too close to them. Mr. DosSantos stated he is not joining with his neighbor's existing fence at the rear of the property line, and Mr. Pulver stated that is correct adding that his neighbor placed their fence a bit off of their property line so he could not join it without going into their property. Mr. Zamparelli asked who would take care of the area between the fences, and Mr. Pulver stated his neighbor has a lawn service that comes through the rear property, and the rest of it is pine needles; and there is no grass there currently. Mr. Pulver stated there will be 20' between the two fences. He noted there is a utility box in the back corner which is serviced occasionally so the 20' will allow them to get to that box.

Mr. Zamparelli asked about the sight triangle on the angle where it meets Patriot Drive. Mr. Majewski asked if he is concerned with sight distance, and Mr. Zamparelli stated he is. Mr. Majewski stated they are 25' back from the right-of-way, and there is at least another 10' from the right-of-way to the curb so the fence would be 35' back. He stated he does not feel there would be any impairment to drivers.

Mr. Gruen stated he has two front yards, and on Patriot he cannot have a fence over 3' high; and the fence is proposed to be 4' high. He stated on Langhorne Road, this is another front yard where the fence cannot be over 3', and he is proposing it to be 6'. Mr. Majewski stated there are trees between his proposed fence and the road.

Mr. Gruen stated if they approve the fence they will have to be at least 2" from the ground so that water can go under the fence. Mr. Pulver stated on two sides it is a privacy fence.

Mr. Eisold stated at the intersection the property cuts across, and he asked why the property does not go to the right-of-way. Mr. Pulver stated he does maintain the corner but he does not own it. Mr. Eisold asked if there is a development sign there, and Mr. Pulver stated there is not; and there is just a tree with a mulch bed.

There was no one in the audience wishing to speak on this matter.

Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to grant the relief requested with the Stipulation that all fences put in have at least a 2" high clearance from the ground.

#### APPEAL #17-1772 – RANDALL S. AND BARBARA BASHEDA

Mr. Randall Basheda, Ms. Barbara Basheda, and Mr. Paul Kiss were present and were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Kiss stated he is a Licensed architect in Pennsylvania and did the design work. He stated the Bashedas would like to make the house more comfortable for aging in place, and an expansion of the master bedroom and a new bathroom that would be more accessible is proposed for the house that was built over fifty years ago.

Mr. Kiss showed the Plan which shows what is currently on the property including the driveway, walkways, a patio in the back, a deck area, the house itself, and a small shed in the back corner. He stated the drawing on the right is the proposed footprint which maintains the driveway and the front walkway, and the addition is the bump out to the back and to the right of the original footprint. Mr. Kiss stated they propose to remove the on-grade patio completely, and to build a new deck that connects the kitchen and dining area over to part of the existing deck, and then remove some of the existing deck. He stated where the existing deck goes to 28.8' from the rear property line, they would move it back so that the remaining portion is 39' from the rear property line which opens up the back yard a little bit that way.

Mr. Kiss showed a floor plan, and he stated they are taking a small existing bedroom and making it a more generous size by expanding out to the right and the rear creating a small sitting area, a bay window to look out into the back yard, and a new, larger master bathroom that will be easy to adapt in the future if need be. Mr. Kiss showed the plan for the deck as well.

Mr. Zamparelli asked if the existing paver patio was there when they purchased the home, and Ms. Basheda stated it was there when they bought it. Mr. Zamparelli stated he believes it is already encroaching into the setback.

Mr. Gruen asked if the new deck will be pervious, and Mr. Kiss agreed. He added there will not be any plastic underneath, and it will just be gravel.

Mr. Eisold asked if the old patio will be completely removed even underneath the deck, and Mr. Kiss agreed.

Mr. Zamparelli asked Mr. and Ms. Basheda if everything was there when they bought the property, and they agreed. Mr. Gruen asked when they purchased the house, and Ms. Basheda stated they purchased it April of 2014.

Photos of the property were presented to the Board this evening, and these six photographs were collectively marked as Exhibit A-3. Mr. Kiss stated the first shows the existing house and the driveway. He stated the second shows the right side of the house which is the view from the front looking toward the back where the small bump-out would go to the right. Mr. DosSantos noted the area where the HVAC unit is located, and Mr. Kiss stated that will have to be moved forward approximately six feet. Mr. Kiss stated the third photo was taken from the back yard looking toward the corner where the addition is proposed. He stated the fourth photo is looking from behind where the addition is proposed. He noted the portion where you can see the stairs, and he stated that is the portion that will be removed.

Mr. Gruen asked what portion of the deck they are removing, and Mr. Kiss showed it on the Plan.

There was discussion whether the deck would be considered a structure, and Mr. Eisold stated if it were covered with a roof it would be considered a structure; but if it is an open deck, it is not a structure so it would be allowed to be within 50'.

Mr. DosSantos noted the photo which has a paver pad with table and chairs, and he asked if this is proposed to be removed; and Mr. Kiss agreed. Mr. DosSantos stated the new deck will abut the existing deck, and Mr. Kiss showed this on the Plan and how they would access the back yard.

Mr. Zamparelli asked their plans for stormwater management, and Mr. Gruen stated they are proposing 29% and are allowed 18%. Mr. Kiss stated they were not able to reduce it much, and they would be open to a stormwater re-charge trench. He showed the low part of the property where they could do an underground trench after running the calculations to alleviate the excess impervious.

Mr. Eisold stated based on the difference between 18% and 29.3%, which is what they are proposing, that would require about 320 square feet of open storage and 800 square feet of stone. He stated the trench could be 4' wide by 3' high, by 70' long although it could be a different configuration. He stated it should be near where the new impervious is so it would be in a position to accept that flow and the roof drains as well. Mr. Kiss stated they would be agreeable to that. Mr. Eisold stated they would need to make sure it is wrapped in geo-textile, and Mr. Kiss stated they would submit it for Mr. Eisold's approval.

Mr. DosSantos asked if there are any existing flooding issues in their rear yard, and the Applicants stated there are not. Mr. Gruen stated Makefield Road has no storm drainage whatsoever.

Mr. Gruen stated according to the topo, it appears they are dropping one foot toward the back yard, and Mr. Eisold agreed. He stated it would work well if they put the trench in the back yard. Mr. Eisold stated he feels across the back yard would be the best configuration. Mr. Kiss stated they would like to avoid any tree roots. Mr. Gruen asked about existing trees, and Mr. Kiss showed on the Plan where they are located. Mr. Gruen stated the trench does not have to be a straight line. Mr. Gruen stated they may also want to consider a rain garden which would look nicer; and Mr. Kiss stated he would agree, and they would discuss this if the Board is agreeable to that.

Mr. McCartney asked for more information about the 70' trench; and Mr. Eisold stated that would be just one configuration, and they could shorten it up if they made it a little deeper and a little wider. Mr. McCartney asked if there are any requirements for side setbacks for stormwater systems; and Mr. Eisold stated while there are not, they should stay back at least 5' off the property line.

Mr. McCartney asked about the setback for the existing shed, and Mr. Gruen stated it is non-conforming. Mr. Gruen stated they need to be 10' from the side and back yard, and it seems that on the side they are 2' and from the back 5'.

Mr. Gruen asked the size of the shed, and Mr. Basheda stated it is approximately 8 by 12. Mr. McCartney asked if it would be easy to move. Mr. Basheda stated it is up on cinder blocks. Mr. DosSantos asked if they know if the prior property owner obtained a Variance for the shed; and Mr. Majewski stated he would need to check on that, but he would guess that there was not Variance. Mr. Gruen stated it could have been built in 1950 when the house was built and would have conformed at that time. Mr. McCartney stated in the past the Board has required Applicants to be compliant with the shed location especially if it would be easy to move and not a permanent structure. Ms. Basheda stated moving it would take up more of their

yard. Mr. Kiss noted the location of a tree near the shed, and Mr. DosSantos stated it is underneath the apron of the tree. Mr. McCartney stated he feels that if they are going to grant a Variance, they should make the whole thing compliant.

Mr. Kiss showed an aerial which shows that you cannot see the shed because it is underneath the tree, and it is probably not visible to the neighbor on the right. Mr. Gruen stated he feels it would be a hardship for them to move the shed because the back yard is so small with the house set back 75' from the road.

Mr. McCartney stated they should therefore amend their Application to request a Variance for the shed.

No one was present in the audience wishing to speak on this Application, and Mr. Gruen closed Testimony.

Mr. DosSantos asked if they would agree to amend their Application to include the request for a Variance for the setback of the shed, and Mr. and Ms. Basheda agreed.

Mr. DosSantos moved, Mr. McCartney seconded and it was unanimously carried that the Application as Amended be approved to include a Variance for a side yard and rear yard setback for the existing shed under Section 200-69A.14 and the rest of the relief be granted as requested provided the Applicant agrees to stormwater management to bring the effective impervious back to 18%, and the stormwater management be approved by the Township engineer.

#### CANCEL ZONING HEARING BOARD MEETINGS

Due to lack of an Agenda, Mr. DosSantos moved, Mr. McCartney seconded and it was unanimously carried to cancel the March 21, 2017 meeting.

Mr. DosSantos moved, Mr. Gruen seconded and it was unanimously carried to cancel the April 4, 2017 meeting if no new Applications come in by tomorrow.

#### OTHER BUSINESS

Mr. Gruen asked the Board members about the possibility of starting the meetings at 7:00 p.m.; however, Mr. DosSantos stated he would not be able to make it by that time on a regular basis.

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There being no further business, Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Keith DosSantos, Secretary