

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – APRIL 4, 2017

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on April 4, 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 & Zoning  
   Randall Flager, Zoning Hearing Board Solicitor  
   John Lewis, Supervisor Liaison

APPEAL #17-1773 – TERESA AND DOUG TRAUB

Ms. Teresa Traub and Mr. Doug Traub were present and were sworn in.

The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The impervious surface chart was marked as Exhibit A-3. 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. Traub stated there is nothing in their back yard so they do not have any space to entertain. He stated they want to put in a paver patio.

Mr. Majewski stated the property is Zoned Residential Resource Protection. He stated this lot is higher up so it is not within the one hundred year floodplain.

Mr. Gruen asked Mr. Majewski if he checked the numbers for impervious surface; and Mr. Majewski stated he did, and he had the Applicant revise them as they had made some errors in their calculations. Mr. Majewski stated they are proposing 18.8%. Mr. Majewski stated when the home was built there was not a number for impervious surface, and those numbers were developed after the house was built and 18% was permitted. He added at some point the Township changed this area along the River to RRP and changed the permitted impervious surface to 13%. He stated almost every house that you see along the River is over the permitted impervious surface.

Mr. Traub stated they do plan to do landscaping around the patio, and they want to put trees in the yard as well as there are currently no trees. He stated they will add the trees once the patio is installed, and that should help with water and drainage.

Mr. Majewski stated this property has only the house, the driveway, and a sidewalk in front; and they are at 15.5% currently.

Mr. DosSantos asked if they have any drainage problems in the back yard as it exists now, and Mr. Traub stated they do not. He stated at the side yard there is a storm drain that takes the water off their lot. He stated they are not draining onto anyone else's lot.

Mr. McCartney asked if they have a basement, and Mr. Traub stated they do. Mr. McCartney asked if they have a sump pump in the basement; and Mr. Traub stated they do not, and they have no issues.

Ms. Lee asked if they gave any thought to using something other than pavers for the walkway to the driveway such as gravel so that they can lower the impervious surface. Mr. Traub stated they wanted to make it look continuous, and they were also concerned that gravel might wash away. Ms. Traub stated they have two small children, one of whom is special needs; and they were concerned about the safety, and they felt pavers would be more flush and level with the ground and not removable.

Mr. Gruen asked if they would agree to install trees on the property as a Condition of the approval, and Mr. Traub stated they would agree to this. Mr. Gruen stated river birch is a tree that soaks up water.

Ms. Lee asked Mr. Flager if the Zoning Hearing Board is setting a precedent for other homeowners coming in if the Board were to grant this in this neighborhood. Mr. Gruen stated every Application stands on its own merits. Ms. Lee asked for Mr. Flager's legal opinion. Mr. Flager stated in this case the impervious was correct when the house was built; and since the Township changed it, it would become pre-existing so it would be a non-conforming use. Mr. Flager stated if they mitigate, they could get the number lower. Ms. Lee stated she was concerned since the percentage was so high; and while they want their residents to be happy, she is concerned about flooding. She stated if they grant it to this Applicant, everyone could come in and have special circumstances. Ms. Traub stated many people in their neighborhood have patios and pools and are able to enjoy their yards, and they have nothing. She stated she feels what they are requesting is reasonable.

Mr. McCartney asked Mr. Majewski what he would suggest to mitigate the impervious surface. Mr. Majewski stated he did discuss several alternatives with the Applicants. Mr. Majewski stated he felt it would be fair to bring it to 18% since that is what would have been allowed. Mr. Majewski stated it could be vegetation or some other method to mitigate the stormwater run off to the satisfaction of the Township. Mr. Majewski stated it will be reviewed when they submit the Permit. Mr. Majewski stated there is a lot of flexibility for situations like this. Mr. Zamparelli stated installation of the vegetation would be the easiest.

There was no one present in the audience to speak about this matter.

Mr. McCartney moved, Mr. Zamparelli seconded and it was unanimously carried to approve the Variance for impervious surface at 18.8% with an effective impervious surface of 18% by adding vegetation subject to the oversight of the Township.

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

Respectfully Submitted,

Keith DosSantos, Secretary