

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JUNE 6, 2017

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 6, 2017. Mr. Gruen called the meeting order at 7:40 p.m.

Those present:

Zoning Hearing Board: Jerry Gruen, Chairman
Anthony Zamparelli, Vice Chairman
Keith DosSantos, Secretary
Pamela Lee, Member
Michael Tritt, Alternate Member

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

Absent: James McCartney, Zoning Hearing Board Member

APPEAL #17-1776 – NEIL AND MICHELE MCKEON

Mr. Flager stated he received a letter today from the Applicant's attorney withdrawing the pending Zoning Variance Application and a request that the Zoning Hearing Board take no further action with regard to this matter. The letter indicates that the Applicants will be applying for Permits in the near future based upon a fully-compliant Plan. This letter was marked as Exhibit A-4.

APPEAL #17-1777 – THOMAS AND JEN SZYMANIK

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

Mr. Thomas Szymanik, Ms. Jen Szymanik, and Mr. Steve Fahs, the contractor, were sworn in.

Mr. Fahs stated they are proposing an in-ground swimming pool with a 3' walkway around it. They have proposed stormwater management to compensate for the additional impervious surface that will be installed, and it will handle any additional run off and will not adversely impact any adjoining properties.

Mr. Zamparelli asked what type of stormwater management they are proposing, and Mr. Fahs stated it is a seepage pit. Mr. Gruen stated if the Board approves this, it will be subject to the Engineering Department.

Mr. Gruen asked what they are requesting for impervious surface, and Mr. Zamparelli stated the Plan shows 23%. It was noted the existing is 21.6%. Mr. Gruen asked the Applicants if they had added any other impervious surface, and the Applicants stated they did not. Mr. Gruen asked Mr. Majewski how they arrived at 21.6%. Mr. Majewski stated a lot of the homes in the older neighborhoods predated the institution of the impervious surface requirement, and at that time they had building coverage requirements.

Mr. DosSantos stated he understands they purchased the home in January, 2017; and the Applicants agreed.

Mr. DosSantos asked Mr. Majewski if the proposed stormwater management will bring the effective impervious surface down; and Mr. Majewski stated it brings the effective down to what is currently existing which is 21.6%. Mr. Majewski stated to get down to the Ordinance requirement of 18%, they would have to approximately double the size of the proposed stormwater management facility.

Mr. Gruen asked how large is the seepage pit they are proposing, and Mr. Fahs stated it is shown on the Plan and will be 144 cubic feet. Mr. Gruen stated he feels they should approve the Variance if they enlarge the seepage pit to further reduce the impervious surface to at least 19% or closer to what it should be. He stated it should also be subject to the Township Engineering Department's approval as far as the size.

Mr. Zamparelli asked where the seepage pit is shown on the Plan, and Mr. Fahs stated it is the square by the pool. Mr. Zamparelli stated he agrees they should make it larger to get it closer to what is permitted. Mr. Fahs stated they could make it larger. Mr. Majewski stated if they provide the calculations, he will verify it. Mr. DosSantos asked Mr. Zamparelli if he is proposing that they bring it down to 18%, and Mr. Zamparelli stated it should be close to it. Mr. DosSantos stated if they are asking them for calculations, they need to tell them specifically what they are asking for whether it is 18% or 19%. Mr. Gruen stated he would be in favor of double the size they are proposing currently whatever it comes out to if it is approved by the Engineering Department.

Mr. Gruen stated it is difficult to read the map provided, and he asked if they are proposing to be 10' from the side yard; and Mr. Fahs stated the pool is proposed to be 10' from the side and 10' from the rear. Mr. Gruen asked Mr. Majewski if this meets with the Township requirements for a swimming pool, and Mr. Majewski stated it does.

Mr. Zamparelli asked if it is acceptable for the seepage pit to be 5' from the edge, and Mr. Majewski stated he can verify this. Mr. Zamparelli stated it also has to be a certain number from the house as well, and Mr. Majewski agreed.

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

Mr. DosSantos asked if they use the shed on the property, and Mr. Szymanik stated they do. Mr. DosSantos stated he was looking for a way to reduce the impervious.

Mr. Gruen stated he does not see a pad or anything for the pool equipment, and Mr. Fahs stated it is by the house; and he showed Mr. Gruen the location on the Plan.

Mr. DosSantos asked the Applicants if they would be agreeable to the Board approving the Variance with the restriction that the stormwater management device would bring the effective impervious surface to the Code-mandated, and the Applicants agreed.

Mr. Zamparelli moved to grant the Variance for installation of the pool as long as they mitigate for impervious surface to an effective 18% and to be approved by the Township engineer.

Mr. Zamparelli stated they are showing on the drawing 5' from the edge, and Mr. Majewski should verify this.

Mr. Gruen stated Mr. Majewski should make sure that the mitigation is going to be a seepage pit and not barrels, etc. Mr. Zamparelli stated it needs to be some kind of dry well or seepage, and not barrels. Mr. Zamparelli stated it should basically what they have proposed but twice the size.

Mr. DosSantos seconded, and the Motion carried unanimously.

APPEAL #17-1778 – ORUM D. STRINGER

Mr. Orum Stringer and Mr. Emilio Madrigal were sworn in.

The Application submitted was marked as Exhibit A-1.

The Site Plan was marked as Exhibit A-2. Two letters of approval from their neighbors were 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. Notice to the neighbors was marked as Exhibit B-3.

Mr. Stringer stated this is an Application for a two-car garage to go on the side of the house. He stated they have been in the house for thirty years, and they are the only house in the entire development that does not have a garage. He stated previously they could not afford a garage, but now they finally have reached a point where it can be done. Mr. Stringer stated this will substantially improve the value of the house and also give a contribution to the value of the homes around them.

Mr. Gruen stated they are asking for a Variance for impervious surface.

Mr. Madrigal stated the impervious surface is currently 16.5%, and the proposal is for 21.2%. Mr. Zamparelli asked Mr. Majewski if he verified these figures, and Mr. Majewski stated he did. Mr. Gruen asked what is the allowable impervious surface, and Mr. Madrigal stated the allowable is 18%.

Mr. Zamparelli asked if they are planning any mitigation to bring it back down to 18%, and Mr. Madrigal stated they could if required adding they could do a seepage pit.

Mr. Zamparelli stated on the drawing it shows a setback of twelve and a half feet, but the required setback on the side yard is fifteen feet; and he asked if they are requesting a dimensional Variance. Mr. Majewski stated he looked into that this afternoon; and the development at the time it was approved and this lot was created, the setbacks were 20' total for both sides, so they comply. Mr. Gruen stated he understood that one side had to have a minimum of 10'; however, Mr. Majewski stated it is a minimum of 5' with an aggregate of 20'.

Mr. Gruen stated it seems that the driveway is almost 24' wide going up to the road which is two car lengths, and he stated most driveways fan into the garage so you can get it, but as you go toward the road, they narrow. He asked if they would consider removing a little bit on either side of the driveway so it is only one lane going into the road. Mr. Madrigal stated they did discuss this; but for ease of parking and not having to move cars, what is proposed would be easier for the homeowners. Mr. Madrigal stated there is some maneuvering required for having such a short distance with going from two lanes into one. Other Board members agreed. Mr. DosSantos stated since they are asking for mitigation, he does not feel this should be an issue.

Ms. Lee asked if it would be a hardship to do the mitigation as she does not know how much this will add to the cost of the project as they indicated earlier it was a financial hardship for them to install the garage previously. Mr. Stringer stated while they have not factored in mitigation, they did put aside money for this; and there is a little bit of buffer for unforeseen items other than what is in the Plans. He stated he feels they could carry the extra if that is what needed to get the project finished.

Mr. Gruen stated they have not shown contours on the Plan, and he asked if the lot is pretty level or are there slopes; and Mr. Stringer stated it is essentially flat.

Mr. Gruen asked Mr. Majewski approximately what they need, and Mr. Gruen asked if they would need 10 by 3 by 3. Mr. Majewski stated the seepage pit would need to be approximately 3' by 6' by 20' long which is large. Mr. DosSantos stated from an economic standpoint this may be a hardship. Mr. Gruen stated the equipment is already there, and it is just additional gravel.

Mr. Tritt asked if they could do it underneath the driveway as he has done that in other commercial and industrial properties where they put it underneath the macadam. Mr. Majewski stated typically they do not do that in case you need to dig it up in the future for maintenance.

Mr. Zamparelli asked if they could make it deeper instead of wider. Mr. Gruen stated they could go wider instead of longer. Mr. Zamparelli asked if it would have to be 20' wide, and could it be deeper; and Mr. Majewski stated they could go deeper, but they could run into ground water or rock. Mr. Gruen stated they could do it 4' wide and not as long.

Mr. Gruen asked if the driveway is already paved; and Mr. Madrigal stated it is not, and it is a gravel driveway. Mr. Gruen stated they could put in pervious macadam or pervious EP Henry although not pre-cast blocks, but it would be a lot costlier. He stated the pit is not a very costly item. Mr. DosSantos stated they could leave the driveway gravel which is pervious. Mr. Gruen stated if they do not put any plastic underneath and just have the gravel with modified on top to make it smooth it could be considered pervious; however, Mr. Majewski stated that is incorrect and gravel is considered as impervious. He stated the next homeowner would not realize there was a restriction and just pave it over, and the Township would not be able to monitor that accurately.

Ms. Lee noted prior requests which were granted for impervious surface for decks, and she feels not having a garage is more of a hardship than not having a deck. Ms. Lee asked what precedent they have set by establishing impervious surface for those instances, and Mr. Flager stated each case stands on its own so they did not establish a precedence. He stated what this Board has consistently done is to try to get mitigation down so that it is at least where it was and better if possible.

Mr. Gruen asked Mr. Stringer if he would consider the mitigation proposed which is to bring the effective to 18%. Mr. DosSantos stated the 18% could be a combination of the seepage bed or taking some off of the driveway. This was acceptable to Mr. Stringer.

Ms. Laura Vogl, 1104 Gloria Lane, was sworn in and stated she is a neighbor. Mr. Gruen asked where her home is located, and Ms. Vogl stated she is across the street and one house up. Ms. Vogl stated she came in support as she feels it will look nice and improve property values for everyone around and make the house look nicer.

Testimony was closed.

Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to grant the relief requested conditioned upon the homeowner bringing the effective impervious down to the allowable 18%.

CANCEL MEETINGS OF JUNE 20, 2017 AND JULY 3, 2017

Due to lack of Agenda items, Mr. DosSantos moved, Ms. Lee seconded and it was unanimously carried to cancel the meetings of June 20, 2017 and July 3, 2017.

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

Respectfully Submitted,

Keith DosSantos, Secretary