

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – OCTOBER 3, 2017

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on October 3, 2017. Mr. Gruen called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board:        Jerry Gruen, Chairman  
   Anthony Zamparelli, Vice Chairman  
   Pamela Lee, Member  
   James McCartney, Member  
   Matthew Connors, Alternate Member

Others:                                Jim Majewski, Director Planning and Zoning  
   Randall Flager, Zoning Hearing Board Solicitor

Absent:                                Keith DosSantos, ZHB Secretary  
   John B. Lewis, Supervisor Liaison

APPEAL #17-1787 – MIKE & JACKIE DEMAIO

Mr. Mike Demaio and Mr. Rob McCubbin, Anthony and Sylvan Pools, 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. McCubbin stated last year he met with the Demaios and discussed building a pool, and in August they came up with the pool plan as shown with some patio around it and a covered structure. He stated the property is in the R-1 District. He stated the square footage of the Lot is 19,200 square feet. He stated the total existing impervious coverage is 5,252 square feet or 27.4%. He stated what they are requesting is an increase of impervious surface to 35.3% which is an addition of 1,533 square feet of new impervious area.

Mr. Zamparelli asked what they will do about mitigation, and Mr. McCubbin stated they are doing an infiltration trench. He noted on the Plan on the right hand side of the swimming pool they have an infiltration with five yard drains and piping running to the trench which will be 10' wide by 16' long by 4' deep. This will completely mitigate the entire 1,533 square feet and bring it back to the 27.4%. Mr. Majewski agreed.

Mr. Gruen asked how did the property get to 27%; and Mr. Majewski stated the Subdivision was approved with a maximum allotment of impervious surface per Lot regardless of the size of the Lot of 5,445 square feet, so the amount that they currently have of 5,252 is below that number.

Mr. Gruen noted Item #3 Soil Resolutions, and he asked if this is for the impervious surface mitigation. Mr. McCubbin stated that would be an engineering question which he cannot answer. He added he knows that is a common note he sees on their surveys. Mr. Gruen asked if this is asking for a percolation test since putting a drainage system in a bed of clay will not work. Mr. Demaio stated he feels that is a Note that is put in if you are building a home, and it does not pertain to this project; and Mr. Majewski agreed. Mr. Majewski stated that Note is applicable if you are building a new home; and there are certain things you have to watch out for such as the ph of the soil, if you encounter bedrock or a high water table, or low fertility of the soil. Mr. Majewski stated the system they are proposing will store the water underground. He stated it is a rock-filled seepage bed and the voids within the rock are typically about 40% of the area of the bed. He stated they are proposing 10' by 16' times 4' deep, and if you multiply that by the .4 void ratio, it stores 256 cubic feet of water which is the amount of water generated by the 1,533 square feet of impervious surface. He stated the Stormwater Management Ordinances understand that for smaller projects like this, as opposed to a large Subdivision, that infiltration is not always possible; and so they want you to capture the first inch or two of rain and be able if possible to infiltrate it, or if not to store it on the property before it runs over. He stated it will eventually evaporate or infiltrate.

Mr. Gruen stated a perc test would be not be applicable at this point because he is just building a storage facility, and Mr. Majewski agreed because it is a small-scale facility. Mr. Majewski stated the Note shown is more appropriate for a new home.

Mr. John Landy was sworn in and stated he is the next-door neighbor. Mr. Landy stated he wishes his neighbors have many years of enjoyment of their property and their pool. He stated he was invited by this Board to speak to this matter, and he would like to understand that his property and the property lines will not in any way negatively impacted by the construction. He stated he was concerned with giving a Variance for impervious surface. He stated he feels it sounds like a large variation to the impervious surface ratio going from 28% to 35%. Mr. Zamparelli stated while it is, the Board has indicated that they will not give him that unless he has a plan to mitigate that increase. Mr. Zamparelli stated generally the mitigation makes the situation better than what is was before. He stated they are not requesting any dimensional Variances, and it is just impervious surface; and from the Plan and agreeing with the engineer, they have effectively reduced the impervious surface back to where it was originally.

Mr. Zamparelli asked Mr. Landy if he has water problems now, and Mr. Landy stated they have had water from the neighbor on the other side. Mr. Zamparelli stated the Applicant will not be adding any water to Mr. Landy's property because of the mitigation.

Mr. Landy asked if that basin will capture 100% of the water that is coming onto their property. Mr. Zamparelli stated a large pit will be capturing the water and there are drains around the pool on the lawn. Mr. Gruen stated it is only the additional wall. Mr. Landy stated in order to get the pool, he feels they will have to build up because it is on quite a slope; and it was noted there will be no build up. Mr. Zamparelli stated they just have to have the method for the rainwater not to go on Mr. Landy's property which is what he is doing. He stated this is for the additional rainwater as a result of this project, and the mitigation proposed effectively reduces the impervious surface back to where it was before the pool. Mr. Gruen noted that the pool itself does not count as impervious surface because the pool itself actually takes on water in the rain.

Mr. Landy asked where the drains are on the Plan, and Mr. Landy was shown these on the Plan. Mr. Landy stated they will all end up a couple of feet away from his property, and it was noted the water will go in the pit. Mr. Landy asked if the pit will ever overflow and run into his property, and Mr. Gruen stated they are not saying that. Mr. Zamparelli stated the pit is deep and it seeps down.

Mr. Demaio stated the top part of the seepage bed is 5' to 6' below Mr. Landy's house and everything on the property drains away from Mr. Landy. Mr. Gruen stated water will not seep uphill. Mr. Demaio stated he understands his house is higher, but he has property that is near the basin and it could overflow.

Mr. Majewski stated this has been calculated for 2" of run off which is the storm that accounts for about 94% of all rainfall events. He stated it would not account for a hurricane, but it will capture a lot of the water from the smaller storms and put it into the seepage bed. He stated in the event that it overflows, it will go down hill toward the rear of the property.

Mr. Landy stated the Board is giving him reassurance that he will by and large not be effected.

Mr. Gruen stated the Township engineer will also inspect it.

Mr. Zamparelli stated the pool itself will also accept water as well.

Mr. Landy stated he assumes there will be a fence, and Mr. Gruen stated they must have a fence by Code. Mr. Landy asked where the fence will be; however, Mr. Gruen stated that is not part of the Hearing this evening, although there are regulations he has to comply with the Township regulations for the fence as to where it must be and how high. Mr. Majewski stated the fence needs to be on the Demaio property a minimum of 10' away from the pool's edge. Mr. Gruen stated there is also a height requirement.

Mr. Landy was asked if he would like Party Status, and after Mr. Flager explained what Party Status means, Mr. Landy agreed he does want Party Status. He stated his address is 1071 S. Kimbles Road

Mr. Zamparelli moved, Mr. McCartney seconded and it was unanimously carried to grant the Variance as requested to a maximum impervious surface of 35.3% but with an effective impervious surface of 27.4% with the mitigation shown on the drawing to be installed.

#### APPEAL #17-1788 – CRAIG BRYSON

Mr. Craig Bryson was 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 letter outlining the reasons for the Variances was marked as Exhibit A-3. Three photographs of the lining under the deck were marked as Exhibit A-4. 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. Bryson stated he lives on a Lot that is 16,800 square feet; and currently there is a deck that was there when he purchased the house, and the deck needs to be taken down. He stated currently the existing impervious coverage is 3,741 square feet, and the replacement of the deck will be a screened-in porch with a small outside concrete patio; and it will result in a reduction of impervious surface to 3,671 square feet. He stated the current deck is 28' from the property line, and the proposed screened-in porch will be 31' from the property line. He stated the impervious coverage is an existing non-conformity; and even though he is reducing the impervious, by Law he had to come in since it is still above the amount allowed. He stated the new screened-in porch will be further away from the back property line; but because it will have a roof on it, he had to come in and get a Variance for that.

Mr. Zamparelli asked if there is plastic underneath the existing wood deck; and Mr. Bryson stated there is, and that is what he submitted pictures of.

Mr. Zamparelli asked Mr. Majewski the permitted impervious surface in this area, and Mr. Majewski stated it is 18%. Mr. Zamparelli asked Mr. Bryson if the deck was there when he bought the home, and Mr. Bryson stated it was there when he bought the home. Mr. Gruen asked Mr. Bryson if he has added any impervious surface, and Mr. Bryson stated he has not.

Mr. Gruen asked Mr. Majewski what rear yard setback he needs for the screened porch, and Mr. Bryson stated it is a 50' rear yard setback by Code. Mr. Majewski stated he is requesting 31'. Mr. Zamparelli stated what he is requesting is less than what he has currently.

Mr. Gruen stated he is also building a new patio, and Mr. Bryson stated it is a concrete patio. Mr. Gruen asked if there is any way he could build it as a deck instead of a concrete patio so that it would be pervious instead of impervious. Mr. Bryson stated he prefers concrete because of the grades. He stated if he were to put in a deck, he would like the bottom anyway because of the weeds. Mr. Gruen asked how a deck would be off the ground if he put in a deck instead of a patio, and Mr. Bryson stated it would have to be at grade.

Ms. Mary Winegardner was sworn in and stated she is the neighbor to the west on the same side of the street, and they have no objection at all to them extending out to the back. She stated they do not feel there will be a water problem, and they are in support of the project.

Ms. Lee moved, Mr. Zamparelli seconded and it was unanimously carried to grant the Variances as requested.

#### OTHER BUSINESS

Mr. Majewski stated they have been looking to amend the Ordinance, and there are a lot of common Variances that come before the Zoning Hearing Board every month; and one of the most common one is the impervious surface. He noted the chart he had shown the Board previously, and he also provided one for their review this evening. He stated the Planning Commission has reviewed this. He stated they are looking to add a provision that if the homeowner provides stormwater management to mitigate the extra amount of impervious surface up to an additional 3%, they would not have to come before the Zoning Hearing Board. He stated this is for the RRP Zoning District which is the Resource Protection District which is primarily along the River between the River and the Canal, and they would be allowing them

an additional 3% provided they have stormwater mitigation that would have to go to the Township engineer for review and approval. He stated actually they do this anyway for increases in impervious surface. He stated they would not have to come to the Zoning Hearing Board unless they were adding more than 3%.

Mr. Majewski stated with regard to the other Zoning Districts, currently they slot out the amount of impervious surface by Lot size which results in the graph that he provided to the Zoning Hearing Board on the second page where it goes up and down. He stated when you reach a break in the range, when you get one square foot bigger, you lose the ability to put in 400 to 800 square feet of impervious surface. Mr. Majewski stated he came up with a formula with a set amount and then used a straight line graph from there on, and that results in the red line seen on the second page which encompasses all the peaks that are allowed under the Ordinance currently. Mr. Majewski stated they are also allowing for an extra 2% of the Lot area although the Zoning Hearing Board could recommend an additional 3% to the Board of Supervisors if they wish.

Mr. Majewski noted the chart on the next page and the table that shows that until your Lot gets big, you have a slight increase in the impervious surface you are allowed. Mr. Gruen stated it will be in relationship to the square footage of your Lot, and Mr. Majewski agreed.

Mr. Majewski noted the next page is what would happen for the Lots that were developed before December 14, 1987; and for those he made a straight number that captures all the peaks between the 6,000 and 20,000 square foot range of 3,600 square feet is the allotment in the 6,001 to 20,000 square foot range, and then allowing an extra 3% of the Lot area on top of that. He stated that results in a slight increase in impervious surface for the properties while still complying with the stormwater management regulations. He stated he went back and reviewed Applications from the past two years; and if these changes were made, it would reduce one third of the Applications that came before the Zoning Hearing Board. Mr. Majewski advised the Board that the Township actually loses money on every Application and a lot of people's time when for these smaller impervious surface increases, the Zoning Hearing Board generally grants them subject to stormwater management. He stated the larger ones would still be required to come before the Zoning Hearing Board so that neighboring residents would have the opportunity to voice objections and concerns which once you get 3% above are a little more relevant.

Mr. Gruen asked if there are any other recommendations regarding sheds to reduce the setback, and Mr. Majewski stated they will look into this in the future.

Mr. Majewski stated he feels it could be a minimum of 3' to 5'; and Mr. Gruen stated he feels 5' from the rear and side would be appropriate. Mr. Zamparelli, Ms. Lee, and Mr. McCartney were in favor of 3'. Mr. Gruen stated he would be in favor of 3' as well.

Mr. Zamparelli asked the Board's opinion with what Mr. Majewski has described with regard to impervious surface. Mr. Connors asked how they will account for the designs of the stormwater management systems since there is a lot of clay soils in the Township. He asked if they will build something into the design to account for that; and Mr. Majewski stated what he is describing are considered small projects in the Ordinance. He stated there is an Appendix in the Ordinance that says if you have a small site, the impact is not as drastic if it fills up and you get another rainfall after; and it is not as much of an issue. Mr. Connors stated now they would be building it so that it allowable, and he asked if they should also require a perc test so you can size it correctly. Mr. Majewski stated the way the Ordinance is written they calculated the size of it assuming you have soils typically in most of the Township with very poor drainage and minimal infiltration. He stated that is a watershed-wide Plan that they came up with. He stated this is throughout Bucks County, and there are two major watersheds in Lower Makefield Township – the Delaware River South watershed and the Neshaminy Creek Watershed. He stated they came up with something they felt would work on a lot-by-lot basis without being overly burdensome on either the property owner or the Township. He stated you were to require a perc test, you would have to have someone witness the perc test; and it could become expensive and burdensome on both the homeowner and the Municipalities. Mr. Gruen stated he understands that the mitigation would be for the worst possible perc condition, and Mr. Majewski stated it is assuming that there is no infiltration.

Mr. Zamparelli asked if they would let them have a rain garden or rain barrels since he would not agree to that. Mr. Zamparelli stated he would want there to be some kind of seepage/dry well. Mr. Majewski stated the Ordinance does allow for a variety of different techniques. Mr. Zamparelli stated he would not be in favor of a rain garden or rain barrel since typically people do not keep them up.

Mr. Connor stated the accepted methods would fall under the PennDEP, and Mr. Majewski agreed. Mr. Majewski stated this was promulgated from the DEP down to the watershed level and down into the Municipalities.

Mr. Gruen asked what will the mitigations be, and he asked if rain barrels will be allowed; and Mr. Majewski stated rain barrels could be part of it, and it could be a rain garden, infiltration trench, a dry well, and planting trees. He stated there is a whole menu that is allowed by the DEP to account for this.

Ms. Lee stated they are just shifting it, and the engineer will make the decision; and Mr. Majewski agreed.

Mr. Gruen stated in the past an Applicant showed the shrubs and trees he had, and it was approved that the mitigation could be the trees. He stated he feels it should have to be a seepage pit or trench. He stated he is not in favor of rain barrels since in the winter they freeze, and they do not do anything. He also asked who is going to inspect them. Mr. Majewski stated with regard to freezing up in winter, in winter everything runs off for the most part; and Mr. Gruen agreed. Mr. Majewski stated ultimately he feels they need to rely on the fact that the DEP and the EPA have done their research, and they feel this is what is appropriate as one size does not fit all. He stated that is why they may be granted the extra 3%; however, if they go beyond that, it would still need to go to the Zoning Hearing Board, and the Board would have control over what they would want for mitigation.

Mr. Zamparelli stated if the Supervisors are comfortable with what is proposed, he is as well.

Mr. Majewski stated as to the issue regarding who maintains the mitigation system, they have been wrestling with this since the Ordinance was adopted in 2005/2006; and for several years after that when he was the engineer once a year they would go out and check all the BMPs that were installed in the Township. He stated he does not know what they do now. He stated he was thinking that they could have the property owners self report in writing that they are checking and maintaining their facility properly; and if you put a Stormwater Management Operations and Maintenance Agreement in place and Record it, that measure would be enforced by the Township if they so chose. He stated if there is a problem based on neighbor complaints or observations, the Township would have the right to go in and check.

Mr. Gruen asked about pervious surfaces such as pervious macadam, and Mr. Majewski stated that is a future topic. He stated the question has come up what is considered impervious surface, and right now it is any hard surface that does not absorb water or in the opinion of the Township engineer is not pervious. He stated they would not want a property owner to pave over their entire yard with porous pavers. Mr. Gruen asked if there will be a mechanism so that nobody can build wall to wall on their property, and Mr. Majewski agreed. Mr. Gruen stated part of impervious surface was only a certain percentage of the Lot could be developed so you leave some green space; however, with mitigation someone

pave over everything with pervious surfaces. Mr. Majewski stated for years people have asked why they do not allow porous pavement to count as not being impervious, and Mr. Majewski stated he was concerned that someone would then pave over the entire yard. He stated impervious surface requirements were for stormwater management and also so that there would be green in the Township.

Mr. Gruen asked how they will protect the green space; and Mr. Majewski stated they will only allow an additional 3% with the changes, and if they want to go above that, they have to come before the Zoning Hearing Board.

Mr. Connors asked if people could continue to come in and keep getting an additional 3% over the life of the property; however, Mr. Majewski stated it does not work that way. He stated there is a set amount, and they are now letting them go 3% over that. He stated they could do 1%, 1%, 1% or do the 3% all at once; and if they go above that, they would have to come before the Zoning Hearing Board.

Mr. Majewski stated another change is making the life of a Variance be two years rather than six months. He stated this allows people time to get Land Development or Subdivision Approval, raise the funds they need, etc. He stated this will keep the Township in line with what other Townships have.

Mr. Majewski stated with regard to fences and walls, they are eliminating the Buffer Easement as being restricted from having a fence. He stated the Subdivision and Land Development Ordinance requires a fence to be within a Buffer Easement for certain buffers so part of the Ordinance is saying they should violate it by putting in a Buffer Easement, and the other part is saying it is a Variance which makes no sense. He stated if you go down Edgewood Road, you see half the Lots have the fence on the other side of the trees, and the other half have them at the street side of the trees; and this change would legitimize all the ones that are on the street side of the trees without having to get a Variances.

Mr. Majewski stated in the beginning fences and walls are mentioned, and “wall” is not mentioned again so he added in “wall” for the maximum heights. Mr. Majewski stated currently it says fences and wall may be erected in the front, rear, yard and side yard; and then it is stated the maximum height of a fence is a certain amount, but they never mention “wall” again. He stated they added in “or wall.”

Mr. Connors asked if they mean a retaining wall or a free-standing wall. Mr. Majewski stated at the Planning Commission they did bring up that they need to discuss this further.

Mr. Majewski stated there is also the corner Lot issue, and they have had twelve of these over the last ten years. He stated initially he proposed to the Planning Commission that for each foot in height that the fence exceeds three feet which is the maximum in the front yard, that it be set back six feet from the right-of-way line; however the Planning Commission felt that was overly restrictive, and they felt three feet back was more appropriate. Mr. Majewski stated a three foot high fence could be at the property line, at the right-of-way line, one foot off the sidewalk. He stated a four foot fence would have to be set three feet back from that, a five foot fence would have to be six feet away, a six foot fence would have to be nine feet away, and a seven foot fence would have to be twelve feet away. Mr. Majewski stated after discussion, the Planning Commission ultimately went with the three feet back. He stated at the Zoning Hearing Board years ago it was either granted or they pushed it back a couple of feet; however, lately the Zoning Hearing Board has been pushing it back further and further. He stated the Planning Commission felt three feet per foot in height setback was appropriate. He stated if the Zoning Hearing Board has a different idea, they could considered that. He stated this would be for the corner Lots.

Mr. Gruen stated he feels very strongly that it should be at the edge of the front of the house and no close to the road. Mr. Majewski stated if he means no Variance would be granted at all; and Mr. Gruen agreed unless it is a hardship as this has been the way it has been, and it really changes the neighborhood when you start getting fences and every Lot is walled in so there is no air circulation. He stated this would change the character of the Township from an open Township to everybody being closed in.

Mr. Connors stated he is in the opposite direction. Mr. Gruen stated he wants to fence everything in; however Mr. Connor stated if you have a corner Lot he would be fine with them having privacy. Mr. Gruen stated they could have privacy, but corner Lots are generally larger to begin with and they have a lot of extra space in the front. Mr. Zamparelli stated children do not play in the front. Mr. Connors stated the front is a public view. He stated you want privacy in the rear, and there is not a lot in the rear of a corner Lot. Mr. Zamparelli stated he does not feel it has to be even with the house, and it could be out closer to the right-of-way.

Mr. Majewski stated initially he was thinking of a 4' or 5' setback, and he proposed 6' to the Planning Commission based on the Zoning Hearing Board's most recent decisions. He stated the Planning Commission eventually recommended it be 3' back for each additional foot in height over three feet. Mr. Gruen stated he does not feel 3' is enough, and he would prefer 6' for every one foot additional in height.

Mr. McCartney stated he would prefer to hear it on a case-by-case basis, and he would not change it; but they could use what Mr. Majewski has proposed as a rule of thumb depending on what else is going on at that corner.

Ms. Lee stated there could be neighbors who are opposed to it. She also stated there could be a slope in the property.

Mr. Majewski stated for one of the Applications, it was indicated that the neighbor across the street had a fence; and when he checked, it was approved by Zoning although it did not comply with how he interprets it. Mr. Majewski stated he checked several others, and they were also signed off on as fine. He stated it was the Zoning Officer at the time disagreed with his interpretation. He stated one was seven years ago, another was thirteen years ago, and one was a few years after that. Ms. Lee asked if they disagreed with the interpretation of the Zoning Hearing Board's ruling; and Mr. Majewski stated they disagreed with what he interpreted the Ordinance says which says that the maximum height in a front yard is three feet. He stated when you have corner Lot you have two front yards so even though your Lot is bigger, a quarter of your rear yard is not really a rear yard; and a quarter of your rear yard is a front yard.

Mr. Majewski stated the Permits were just approved without going before the Zoning Hearing; and those were just three that he found without really doing a lot of research.

Mr. Zamparelli stated it might be better to do it on a case-by-case basis since every corner Lot is different. Mr. Majewski stated it could also depend on how your house is facing. Mr. McCartney stated because it varies by Lot, he would prefer hearing it and deciding it on a case-by-case basis. Mr. McCartney stated he likes the proposal of 3' for each additional foot of height of the fence, but they should look at them on a case-by-case basis. Mr. Zamparelli stated he feels a lot of times the homeowners say they were not aware of this rule; and he believes they might have been unaware because the Relators are probably not telling them about the restrictions on a corner Lot. Mr. Majewski stated there have been Variances granted over the years; and in reviewing a dozen properties, he found eight were Variances, two never got a Permit, and three were rulings by the Zoning Officer that it was okay.

Mr. Gruen stated you also need to look at the line of sight; and some corner properties moving it back three feet and raising it to six feet high will block the intersection. He stated he feels a case-by-case basis is better. Mr. Majewski stated sight distance is always a requirements anyway.

Mr. Connors asked if there is a mechanism to allow a corner Lot to have one of the front yards identified as the front yard, and the other would be identified as a side yard. Mr. Majewski stated that is a possibility. Mr. Connors in his home town it was determined that the front yard would be what the Lot numbering was, and the other was identified as a side Lot even though it was a corner Lot; and that allowed the homeowner to have a front yard, a rear yard, and two side yards. Mr. Majewski stated then the house could be pushed too close to the street. He stated there is then the potential to have a seven foot fence right along the sidewalk, where what is proposed is that understand they do not want to have the walled-in effect, but pushing it back grants use of the rear yard but does not impact the view.

Mr. Zamparelli stated it is more of an issue since people are using the solid white vinyl fences. Mr. Gruen stated he would not have an issue if they put in a split rail fence. Mr. Gruen asked if they could put something in the Ordinance about split rail versus solid fences. Mr. Majewski stated they then have the issues with privacy, and Mr. Gruen stated they could do a split rail with plantings to get the privacy. Mr. Majewski stated they would need to verify the plantings were there and maintained. Mr. Gruen stated if they want the privacy, they will maintain them.

Mr. Majewski stated swimming pools currently require a five foot fence, and the Uniform Construction Code – the International Residential Code – requires a four foot fence. He stated Lower Makefield arbitrarily required it to be a foot higher which costs the homeowners more money. He stated there is also an unusual spacing requirement which makes the fence almost more climbable than what is required by the UCC. He stated he is therefore recommending that it just say comply with the Nationwide, Statewide Codes.

Mr. Majewski stated the other item has to do with accessible parking space dimensions and the number of spaces should comply with the ADA Act.

Mr. McCartney moved, Mr. Connors seconded and it was unanimously carried to adjourn the meeting at 8:45 p.m.

Respectfully Submitted,

Jerry Gruen, Chairman