

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
REORGANIZATION MEETING  
MINUTES – JANUARY 3, 2018

The Reorganization Meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 3, 2018. Mr. Gruen called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board:        Jerry Gruen, Chairman  
   Anthony Zamparelli, Vice Chairman  
   Keith DosSantos, Secretary  
   James McCartney, Member  
   Matthew Connors, Alternate Member

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

Absent:                             Pamela Lee, Zoning Hearing Board Member

REORGANIZATION OF THE BOARD

The meeting was turned over to Mr. Flager as Chairman Pro Tem who called for nominations for Chairman of the Board.

Mr. Zamparelli moved, Mr. DosSantos seconded and it was unanimously carried to approve Jerry Gruen as Chairman of the Zoning Hearing Board for 2018.

The meeting was turned over to Mr. Gruen who called for nominations for Vice Chairman of the Board.

Mr. Gruen moved, Mr. DosSantos seconded and it was unanimously carried to approve Anthony Zamparelli as Vice Chairman.

Mr. Gruen moved, Mr. Zamparelli seconded and it was unanimously carried to approve Keith DosSantos as Secretary of the Board.

#### APPOINTMENT OF SOLICITOR

Mr. Gruen moved, Mr. McCartney seconded and it was unanimously carried to appoint Flager & Associates as the Zoning Hearing Board Solicitor for 2018.

#### APPOINTMENT OF COURT REPORTER

Mr. Gruen moved, Mr. Connors seconded and it was unanimously carried to appoint Donna D'Angelis Court Reporting as Court Reporter for 2018.

#### APPEAL #17-1790 – HOWARD BRENT BATEMAN

Mr. Flager marked the Exhibits as follows: Exhibit A-1 is the Application. Exhibit A-2 is the Site Plan for this project which is the page which shows “Bucks County” in the top left corner, and “Page 1 of 1” in the top right corner. Mr. Flager stated this is the actual Site Plan for this project. Exhibit A-3 is the 11/17/09 Zoning Hearing Board Meeting Minutes which were attached to the Application. The Lot Plan for 1248 Colts Lane was marked as Exhibit A-4. Exhibit B-1 is the Proof of Publication. Exhibit B-2 is the Proof of Posting. Exhibit B-3 is the Notice to the neighbors.

Mr. Howard Brent Bateman was sworn in and stated they bought the house in September, and they have an eighteen month old child and a dog; and they want to confine them and protect them from the deer that run through their yard all the time. He stated they want the fence to be the extent of their property line. He stated their adjacent neighbors both have their fences to the extent of the property line despite the concern that it is on the drainage easement. He stated his neighbors went through this process before; and given that, he felt it would make sense to proceed with an Application to get his fence at the same location.

Mr. DosSantos asked if his fence will be contiguous with the neighbors on both sides, and Mr. Bateman agreed.

Mr. Gruen stated they need a Variance on two sides – for the back and the right side facing his property. Mr. Gruen stated Mr. Bateman submitted a letter about the Hearing that was held for Appeal #09-1532 on November 17, 2009; and he indicated that every Application is judged on its own merit, and just because his neighbor got a Variance, does not mean that the Board will approve this one. Mr. Gruen stated there are varying differences. He stated Mr. Bateman's neighbor has a swimming pool; and he asked Mr. Bateman if he has a swimming pool, and

Mr. Bateman stated he does not. Mr. Gruen stated that was part of the consideration as he remembers that Hearing and he needed to move the fence because of the pool.

Mr. Zamparelli asked if there are any water problems, and Mr. Bateman stated there are not. Mr. Zamparelli stated Mr. Bateman should realize that if he puts something there and the Township has to go in there, Mr. Bateman would have to remove the fence at his expense; and Mr. Bateman stated he understands that.

Mr. Gruen asked Mr. Majewski if he feels there are any water problems, and Mr. Majewski stated there are not. Mr. DosSantos asked Mr. Majewski if there are any problems with putting the fence in this location and if there were any problems that have arose since the 2009 Application to the present, and Mr. Majewski stated there are not. Mr. Majewski stated this is a typical one that eventually he would like to revise the Ordinance to allow for this, but he has not determined how to place the appropriate Conditions, so therefore this still needed to come to the Zoning Hearing Board until they determine a mechanism that protects the Township as well as the homeowners.

Mr. Gruen stated he is familiar with a location where a friend of his has one of these in his back yard; and those pipes constantly break, and the Township goes in to repair them. Mr. Gruen stated if the fence has to be moved, it would have to be moved in a timely manner; and Mr. Bateman stated he is aware of this. Mr. Gruen asked if the Township will move it and charge him if he does not move it in a timely manner. Mr. Majewski stated they would provide notice.

Mr. Majewski asked what type of fence he is proposing, and Mr. Bateman stated he had provided a picture of the 5' high metal fence which is the same as his neighbors have. Mr. Majewski asked if he would be willing to put a gate in so that so that there would be access; and Mr. Bateman stated while he would if he was required to do so; but considering that his neighbors do not have that, he was wondering if that was absolutely necessary. Mr. Gruen stated while it is not necessary, but he would suggest that he put in at least one section that is 12' wide so they can take the bolts off the side of the post; and they would not have to rip it out which will help save money and time. Mr. Bateman stated his neighbor's fence is right on top of it. Mr. Gruen asked if he is putting it fence to fence, and Mr. Majewski stated it is on the side. Mr. Gruen stated on the side he would not need a gate. Mr. Gruen stated it could be on the back which is at Quarry Road.

Mr. Gruen asked if he is going to put up his own fence next to his neighbor's fence so that there would two fences, and Mr. Bateman stated he is not.

Mr. DosSantos stated he is going to use the existing fence on the sides, and he will put up his own fence across the back. Mr. Bateman showed where the pipe starts and ends.

Mr. McCartney asked if it is a 5' fence there is not requirement on where it goes on the side of the house, and Mr. Majewski stated it can go all the way to the front corner if he wishes. Mr. Gruen asked how high the fence is going to be, and Mr. Bateman stated it will be 5' high, and there will be a 2" gap from the bottom.

Mr. Gruen stated when they put in the fence they need to make sure that they do not crack the pipe, and Mr. Majewski stated any reputable fence company will not put the posts into the pipe. Mr. DosSantos stated if they do he is sure that there is liability coverage that will cover the Township.

Mr. McCartney moved, Mr. Connors seconded and it was unanimously carried to approve the Variances for the fence to be installed in conformance with the fence installation per the Township and that there be at least a 2" gap at the bottom of the fence with the understanding that if any work needs to be done on the easement it would be the responsibility of the homeowner for the removal of the fence.

#### OTHER BUSINESS

Mr. Majewski stated he is trying to get more information out to everyone electronically rather than having all the paper, and he asked how the Board members would feel about having the packet either e-mailed to them or to be put on a shared drive that they could access at any time. Mr. Gruen stated he would like to continue to get paper because they need to bring it to the meeting otherwise they would have to print it at home. Mr. DosSantos asked if it could be done, he would like to have one scanned in since it is good to be able to pull something up on the train, etc.; however, for the meeting itself, he does prefer paper. Mr. McCartney stated possibly they could have five iPads. Mr. Majewski stated ultimately he would like someday for the Supervisors to have an iPad or some device available so that it could be called up; and when they are in the meeting room they could have that available. Mr. Lewis stated he is in favor of electronics since he can always read it, adding he takes an iPad to the Township meetings because of the volume of paper he gets. He stated with respect to Zoning Hearing material, he would prefer to have it electronically. Mr. McCartney asked if they could test an iPad situation for a few meetings. He stated they could Chromecast it up to the screen so that everyone could see it visually. Mr. Majewski stated they

January 3, 2018

Zoning Hearing Board – page 5 of 5

could consider this long term adding short term, they will still have paper; however, he would still like to have a shared drive so that the Board members could access it if they wanted to from their own phone, tablet, etc.

There being no further business, Mr. DosSantos moved, Mr. McCartney seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Keith DosSantos, Secretary