

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – AUGUST 21, 2018

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on August 21, 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
 Pamela Lee, Member
 James McCartney, Member

Others: Michael Kirk, Code Enforcement Officer
 Adam Flager, Zoning Hearing Board Solicitor
 John B. Lewis, Supervisor Liaison

Absent: Keith DosSantos, Zoning Hearing Board Secretary

APPEAL #17-1792 – ERIN DEVELOPMENT

Mr. Gruen stated Erin Development has asked for another Continuance because they want to have further discussions with the Township.

Mr. Zamparelli moved, Ms. Lee seconded and it was unanimously carried to grant the Continuance to November 1, 2018.

APPEAL #18-1802 – JOHN GOODZ & FELICE FASANO

Mr. John Goodz and Ms. Felice Fasano 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 impervious surface breakdown was marked as Exhibit A-3. The letter explaining the reasons for the request was marked as Exhibit A-4. The e-mails that were attached between the Applicant and Mike Kirk were marked as Exhibit A-5. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to neighbors was marked as Exhibit B-3.

Mr. Goodz stated they are looking to have a shed installed in the back yard. He stated currently they have no place to store any gardening or snow removal equipment. He stated they would like to be able to park their cars in the garage, and currently the garage is their storage facility.

Mr. Gruen asked the size of the shed they are proposing, and Mr. Goodz stated it is 10/ by 16', and they have a 14' canoe they would like to fit inside of the shed instead of having it sit in the yard. Mr. Gruen asked he height of the shed, and Mr. Goodz stated he believes it is 8' tall although he stated he would have to look at the specifications. He stated he believes the roof it taller than that. Mr. Gruen asked Mr. Goodz if he had any drawings or pictures of the shed, and Mr. Goodz presented pictures of the shed which was shown in yellow. He stated he believes that the height is approximately 10'. Mr. Gruen stated that would be under the 15' height requirement, and they did not ask for a Variance for the height.

The picture presented by Mr. Goodz was marked as Exhibit A-6.

Mr. Goodz stated this picture was submitted when he filed the Permit.

Mr. Gruen asked Mr. Kirk if he had checked the impervious surface figures; and Mr. Kirk stated he did, and they were accurate. Mr. Gruen asked the allowable impervious surface, and Mr. Kirk stated it is 13%. Mr. Gruen stated they are already at 18.9%. Mr. Zamparelli stated he understands that previously the permitted was 18%, and Mr. Kirk agreed and it was changed from 18% in the mid to early 1990s.

Mr. Gruen asked how long they have lived in the home, and Mr. Goodz stated they have been there approximately eighteen months. Mr. Gruen asked if they added anything since they purchased it, and Mr. Goodz stated they did not. Mr. Gruen asked if there are any outstanding Building Permits, and Mr. Kirk stated there are not to his knowledge.

Mr. Zamparelli stated originally 18% was permitted, and when they purchased the home it was 18.9%, and he requesting going up to 19.8% which is less than 1%. He asked Mr. Goodz if he has any plans to mitigate it back to 18%, and Mr. Goodz stated they could remove a small patio. Mr. McCartney stated they could also install a trench rather than lose their patio. Mr. McCartney stated they could have a dry well or trench. Mr. Gruen stated they could put the shed on a bed of gravel and raise it 8", and dig under the shed and put about 1' of gravel in which will take the water that is going under the shed. Mr. Goodz stated the shed will be installed on stone. Mr. Gruen asked how much stone, and asked if it was just going to be piers and dirt underneath. Mr. Gruen stated they might just put in 6"

of stone. Mr. Zamparelli stated if the shed is over stone, it is still considered impervious. Mr. Goodz stated he believes it is 6" of stone. Mr. Zamparelli stated the Board could approve it conditioned on the Applicant used a method that was acceptable to the Township engineer to bring it down to 18%. Mr. Gruen stated his method will probably be to dig a trench approximately 10' long, 2' to 3' wide, and 3' deep, and put it somewhere on the lower end of the property; or if it is level, they should try to divert the roof into it. Mr. Zamparelli stated it would be subject to the Township engineer's approval. Mr. Goodz stated he would be willing to do the mitigation to bring it to 18%.

Mr. Kirk stated the Township has a stormwater management section that outlines different things they can do. Mr. Gruen stated he would like to leave out a rain barrel since in the winter they freeze and people do not take care of them and can remove them.

Mr. McCartney asked Mr. Kirk if they are "splitting hairs" by making him add something because the request is so small; and Mr. Kirk stated it is his opinion that they are. Mr. McCartney stated it is less than 1%, and they could be adding a huge expense to the homeowner by adding the dry well. Mr. Gruen stated he agrees which is why he recommended that they just put a foot of gravel under the shed to at least catch the water from the shed which is the addition that he is doing. Mr. McCartney asked Mr. Kirk if what Mr. Gruen is recommending is an acceptable method of mitigating impervious surface, and Mr. Kirk stated typically it is not.

Mr. Goodz asked if they could have gutters installed on the shed and diverted the downspouts under the shed so that any water that runs off the shed would go into the stone. Mr. Gruen stated they would have to put a foot or two of stone under the shed, and Mr. Goodz stated he understands that. Mr. Kirk stated there are other methods they can pick from that would not involve that. Mr. Zamparelli stated Mr. Goodz can work with the engineer, and Mr. Kirk stated he can help Mr. Goodz with this. Mr. McCartney stated they should try to make it the least expensive method for the homeowner since it is such a small percentage.

Mr. Gruen stated the reason the Board is so particular on this is because the whole area tends to get flooded; and FEMA "has a deal with the Township" that as long as they do not raise the impervious surface totally for the Township, they will not raise the rates as the rates depend on the amount of impervious surface in the Township.

There was no one present in the audience to speak on this Application, and Testimony was closed.

Mr. McCartney moved to grant the Variance for impervious surface with effective impervious surface not to exceed 18%, and the Applicant to work with the Township in achieving that number.

Mr. Gruen stated it is not to exceed 19.8%; however, Mr. McCartney stated the Motion was that the effective not exceed 18%. Mr. Gruen stated they can go to 19.8% but the effective will have to be 18%. Mr. Goodz stated he understands what they want.

Mr. Zamparelli seconded the Motion.

Mr. Gruen stated he does not want them to come in and put in a 20' shed and bring the effective to 18%, and he wants to keep the shed at the 16' he has requested; and they should put a cap on the amount that he can increase.

Mr. Flager stated they could grant it permitting him to put in a 10' by 16' shed which is what he requested so that they would not have to worry about a larger shed with the understanding that the maximum impervious should not exceed 19.8% with the effective brought down to 18%.

The Motion was approved unanimously to grant the Variance to permit a 10' by 16' shed with the understanding that the maximum impervious surface should not exceed 19.8% with the effective brought down to 18% and the Applicant to work with the Township in achieving that number.

APPEAL #18-1801- JOSEPH KNOLL

Mr. Gruen noted that since there are only four Board members present this evening, a tie vote is a “no” vote, and the Applicants have the opportunity to postpone if they wish.

Mr. Joseph Knoll and Mr. Harry Worrall, the contractor, were sworn in.

Mr. Gruen asked if they would like to proceed with the four Board members present, and Mr. Knoll stated he would like to proceed.

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 impervious surface breakdown was marked as Exhibit A-3. The letter attached giving the reasons for the requested relief was 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. Knoll stated he wants to build an extension off the rear of their home. He stated they have been residents of Lower Makefield since 1992. They are asking for a back addition to enlarge the kitchen area, the dining area, and the rear bedroom with a bathroom and a basement as well. Mr. Gruen asked how large the addition will be, and Mr. Worrall stated the additional impervious surface coverage will be 390 square feet which is where the new footprint will take place.

Mr. Gruen stated they are at 22.27%, and they want to increase the impervious surface to 24.87%. Mr. Gruen stated the allowable amount is 24%. Mr. Zamparelli stated if they bring it down to 24% with some minor mitigation, he would have no issue with it provided it is acceptable to the Township engineer.

Mr. Gruen asked the width of their driveway, and Mr. Knoll stated it is “huge;” and Mr. Gruen asked if they want to cut a piece of the driveway off, they could do that. Mr. Knoll asked if stone would be acceptable. Mr. Gruen asked if it was just stone would that be acceptable, and Mr. Kirk stated that would be up to the Township engineer. Mr. McCartney stated another option is a dry well. Mr. Knoll stated the soil investigation showed dark gray and orange clay down 15’ so it will not perc. He stated it is a hard packed clay and a dry well would probably not work. Mr. Zamparelli stated if the Board were to grant the Variance, they would have to work with the Township engineer to get down to an effective 24%; and Mr. Knoll agreed. Mr. Worrall stated it would only be about 120 square feet, and Mr. Knoll stated they could narrow the driveway and would work with the Township engineer.

Mr. Gruen stated they are also asking for a 5’ reduction in the setback. Mr. Worrall stated 45’ is required, and they are requesting 40.3. He stated presently the existing property is at 46’. Mr. Gruen asked Mr. Knoll if he has discussed this with his neighbors, and Mr. Knoll stated he does not feel any of his neighbors have any objection.

There was no one present in the audience to speak on this Application, and the Testimony was closed.

Mr. Zamparelli moved, Mr. McCartney seconded and it was unanimously carried to grant the Variance for impervious surface to reduce it to an effective 24% working with the engineer and also granting a Variance for the setback to be reduced to 40’ instead of the required 45’.

APPEAL #18-1804 – HEATHER & MITCH LIVINGSTON

Mr. Mitch Livingston 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. A letter from the neighbor, Emil Sadloch, 9 E. School Lane, which was written in support of the requested relief, 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 neighbors was marked as Exhibit B-3.

Mr. McCartney stated there was a typo on the Proof of Posting as it indicated it was construction of a 34 square foot addition, and it should have been 340 square feet. Mr. Gruen asked if this presents a problem and could it be that more people would have come to the meeting. Mr. Flager stated the Public Notice in the newspaper was accurate as was the notice to the neighbors.

Mr. Gruen stated they want to put on a small addition. Mr. Livingston stated it is an older home and it has small closets and small bathrooms. He stated they have been there fourteen years and would like to stay there so they are looking to build an addition to the master bedroom on the first floor which would add a bath and a closet space. He stated it is 314 square feet. He stated they are requesting a Variance for impervious surface, and instead of 18%, they are requesting 18.5% and instead of a 50' setback, they are asking for a 4.1' Variance off the back which is actually the side yard of their neighbors behind them.

Mr. Zamparelli stated this appears to be the same as the last Applicant, and Ms. Lee stated he is even asking for less. Mr. Gruen stated he feels they should just approve it and not require anything special for the half percent. He stated the area is "sandy" and water does not stand there. Mr. Livingston stated they never have any standing water on their property. Mr. Gruen stated he is familiar with the area, and the water is gone within hours after a "big storm." Mr. Zamparelli stated he feels they should stay consistent and require that they bring the effective back to 18%. Mr. McCartney stated they would have to bring the effective back down to 18% through some type of water mitigation plan working with the Township engineer; and this should not be difficult.

There was no one present in the audience to discuss this Application, and the Testimony was closed.

Mr. McCartney moved, Ms. Lee seconded and it was unanimously carried to approve the Variance as requested for the minimum rear setback requirement and the effective impervious surface to meet the 18% and the Applicant to work with the Township engineer to meet that standard.

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

Respectfully Submitted,

Jerry Gruen, Chairman