

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – NOVEMBER 5, 2018

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on November 5, 2018. Mr. Gruen called the meeting to order at 7:35 p.m. He noted that since there are only four members present this evening a tie vote would be a Denial, and the Applicants have the opportunity to postpone if they prefer.

Those present:

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

Others: James Majewski, Director Planning and Zoning
Adam Flager, Zoning Hearing Board Solicitor

Absent: Anthony Zamparelli, ZHB Vice Chairman
Keith DosSantos, ZHB Secretary
John B. Lewis, Supervisor Liaison

APPEAL #17-1792(A) – ERIN DEVELOPMENT

Mr. Edward Murphy, attorney, was present and stated they would like to proceed with the four members present this evening.

Mr. Mark Habers, engineer, was sworn in.

Mr. Murphy stated in the past, depending on the preference of the Board, they would permit him to provide a summary of the matter; and this case may be an appropriate one to do that, and he will then ask Mr. Habers if he has anything he would want to add. The Board had no problem proceeding in this matter. Mr. Gruen advised those present in the audience that they will have opportunity to ask questions at the end of the presentation.

Mr. Flager stated this was an Application from 2017, and this matter was Continued a number of times. He stated a Revised Application was submitted on October 9, and that was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The attached letter stating the reasons for the Variance was marked as Exhibit A-3.

The September 27 letter from Mr. Murphy's office enclosing the Application 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. Murphy stated this Application has been pending for quite some time, and it has been Continued multiple times since it was first submitted. He stated when the Application was originally submitted, the scope of relief that was sought at that time was much more extensive than it is tonight. He stated over the course of many months and multiple meetings with the Township staff, the Commission and Board members, the Application scope of relief has narrowed considerably to a point where what is left tonight to present to the Zoning Hearing Board are two items of relief. Mr. Murphy stated the first request for relief involves whether or not there needs to be a mix of unit types as part of this community. He stated the second item of relief involves relief from a buffer setback adjacent to one particular wooded area on the site.

Mr. Murphy stated this property has been the subject of various development scenarios over many years. He stated the site is 16 ½ acres, and is Zoned GB – General Business, which permits a wide range of uses both Residential and non-Residential. Mr. Murphy stated throughout the history of the job the site has been proposed for different Residential uses. He stated what is proposed with this Application this evening is an age-qualified community, which is a community for those residents over fifty-five. He stated what is proposed has as its principal design element a quad unit. He stated a quad unit is something that is fairly prevalent in this part of Bucks County and he noted there are several in Middletown Township and one in Newtown on Upper Silver Lake Road. Mr. Murphy stated what is proposed here is the same type of quad unit design. He stated this gives rise to the first item of Zoning relief as in the Lower Makefield Township Zoning Ordinance for an age-qualified community in the GB District it is required to have a unit mix. He stated this means that you are to have at least two architectural styles within the community. Mr. Murphy stated early on when they first developed the Sketch, they presented to the Township multiple Sketches that had different unit types that would comply with the Ordinance.

Mr. Murphy marked as Exhibit A-5 a set of drawings as to how the community could be developed in accordance with the Zoning Ordinance requirement and without requiring any Zoning relief. He stated each of the three sheets shows a Plan that would comply with the Ordinance. Copies were provided to interested residents.

Mr. Murphy stated the top sheet shows a mix of quad units and townhomes that would comply with the Township Ordinance. He stated the second sheet shows quad units and apartments, and the third sheet shows small single-family homes and apartments. Mr. Murphy stated all three of these Sketch Plans were the subject of reviews by the Planning Commission and the Board of Supervisors; and ultimately after months of discussion, what was concluded was the preference was the Plan that is before the Zoning Hearing Board this evening.

Mr. Murphy stated the first item of relief that this Application seeks is to not comply with the requirement of the unit mix, but rather to permit a single architectural style for the entire community. He stated the thought process behind that was to try to achieve some uniformity. He stated this site is relatively small. He stated when the adjacent Regency site was considered that at the time was also Zoned similarly, and the thought of having multiple unit types was more geared to a much larger scaled community where you did not want to have hundreds of units that would all be the same. Mr. Murphy stated the Regency project has aged-qualified, single-family homes, aged-qualified carriage homes, and aged-qualified condominium units with each of those sections being 200 units. Mr. Murphy stated what they are discussing this evening is a much smaller site, and the thinking of the Township was that to have multiple unit types on a small site like this would not look visually appealing as you approach the project. He stated they were also not in favor of having apartments. He stated ultimately it was concluded that the Board and Planning Commission's preference was for a single architectural uniform housing type, and that is why the Plan that is before the Board this evening seeks this first item of relief.

Ms. Lee asked how many units are on the Plan submitted, and Mr. Murphy stated there are a total of 76 units in the 19 quad buildings. Mr. Murphy stated that one of the earlier Plans sought a greater density than that, but one of the items that they eliminated was any density bonus. He stated this Plan complies with all requirements of the Ordinance except for two items.

Mr. Gruen asked if all the units will be identical, and Mr. Murphy stated they are not. He stated that was a questions previously, and some of the Township staff had visited the projects in both Middletown and Newtown to look at the color patterns and different exterior treatments and every unit will not be exactly the same.

Mr. Murphy stated the second item of relief involves one specific location on the site that is highlighted on the Plan that was submitted. Mr. Murphy stated the Ordinance has identified various natural resources that have different preservation levels. He stated in this case the site is ringed by wooded areas, and the quality of the woods is "not the greatest." He stated the area in question abuts the Railroad tracks along the northwest side of the side. Mr. Murphy stated the Ordinance

requires that you preserve a certain percentage of trees on the site which they are doing. In addition, the Ordinance requires that you maintain a buffer adjacent to those trees and they are doing that as well except in one area where the buffer is required to be 50', and they have 32 ½'. He stated in all other respects around the entire perimeter of the site, other than that one point, they are equaling or providing greater than the required buffer. Mr. Murphy noted Exhibit A-5, the three Sketches, which they were referring to as the Alternate By-Right Sketches, it shows that in none of those areas were they pushing against that one corner where there is a "pinch point" of the buffer adjacent to the Woods. He stated when he indicated that the Plans shown in Exhibit A-5 are by-right Plans at least at the Sketch level, he is saying those Plans did meet both of the items of relief that they are seeking from the Board for the Plan they are presenting this evening. He stated the same as with the unit mix, the Board of Supervisors and Planning Commission compared these Alternate Plans against the Plan that is being submitted this evening, and felt that granting relief for 17.2' in that one area of the buffer adjacent to the woodland area was more than an appropriate trade off given the way the community is to look and the uniform look of the unit types that they are proposing.

Mr. Murphy stated they had good discussions with everyone, and there was a consensus to seek the approval from the Zoning Hearing Board for the quad plan with those two items of Zoning relief. Mr. Murphy asked Mr. Habers if he would agree with the summary just provided, and Mr. Habers agreed and stated he had nothing further to add. Mr. Murphy stated Mr. Habers was the project engineer for the project from Pickering Corts and Summerson. Mr. Murphy stated he is the Licensed, professional Civil engineer from Pickering Corts and Summerson who prepared all the Plans that were discussed this evening, and Mr. Habers agreed. Mr. Murphy stated he is Licensed in the Commonwealth of Pennsylvania as a Civil Engineer and has been for many years, and Mr. Habers agreed.

Mr. McCartney asked to see on the Plan the location of buffer area referred to, and Mr. Habers showed this area on the Plan where they need relief from the setback. It was noted that it is in the area of Building #7. Mr. McCartney asked if these will be Fee Simple PUD or Condos; and Mr. Murphy stated they will be a Planned Unit Development where you would own the footprint of the building but there would be common open space, and the area around the units will be maintained by an HOA not individually. Mr. McCartney asked if the Ordinance say anything specific to PUDs versus Condo ownership as far as what the requirement is for the buffer, and Mr. Majewski stated it does not. He stated the buffer is just for this type of development, and it is a 50' buffer from the perimeter of the Subdivision. He added they do meet that from the property line; but since they are preserving woods, that buffer gets pushed out, and they are encroaching slightly into the "buffer from the buffer." Mr. McCartney stated it is only at Building #7, and Mr. Majewski agreed adding it is only at one corner of the building.

Mr. Gruen asked if there are any letters of recommendation from the Planning Commission adding there is no one from the Township here. Mr. Murphy stated Mr. Majewski participated in a lot of the recent meetings. Mr. Gruen asked why they did not prefer the first option which does not require any Variances and meets the letter of the law over the one that requires two Variances.

Mr. Majewski stated the Board of Supervisors has not taken a position on this Application, and they do not have any objection; and therefore they did not send any of their professionals to participate in this matter. He stated the Board had looked at the various Sketch Plans and concur that the one that is the subject of this Appeal seems to be the most appropriate for this property for the reasons that Mr. Murphy had listed.

Mr. Gruen asked that Mr. Murphy explain again why they did not prefer the first options which have everything that they require under the Law. Mr. Murphy stated the principle reason is that the Ordinance requirement for a unit mix he believes was intended to apply to a much larger, denser community where it would be more appropriate to have multiple unit type when there is a larger density of units. He stated the Board felt that General Business requirements for unit mix did not make as much sense when applied to a small site where you would have a handful of townhomes, apartments, and quads; and they did not think in a small site it would look very appealing as you drove in where you would have an apartment section and other different types of sections. He stated having participated in multiple discussions, he feels that was the principle focus, and everyone felt that having it uniform would be more appealing and maximize property values and produce better ratables for the Township, and they did not feel that the trade off was very great. Mr. Gruen stated while he agrees that the site is too small for the mix, he wants to make sure that there are different facades on the building. He stated he believes that there is an Ordinance “in the book” that requires the facades to be different. Mr. Murphy stated they talked about colors and different elevations such as brick and stone, etc. to make them architecturally appealing. He stated the Board members made visits to the different sites in Middletown and Newtown to look at them before concluding what they did, and they felt comfortable after having seen the sites in person that it was a good opportunity.

Mr. Gruen stated while his question has no bearing, for his own information he stated it is age-restricted and it would have to be fifty-five and over and nobody under nineteen is allowed to live in there; and he asked why the age is nineteen, asking if it is because of the School system so nobody can go to School. He asked what would happen if “a daughter of the person that is thirty-five or forty moves in,” or does just the principal owner have to be fifty-five. Mr. Murphy stated only one of the owners has to be fifty-five, and they could have a younger spouse.

Mr. Gruen stated then “kids could live there.” Mr. Murphy stated it is a Federal requirement that has nothing to do with the Township or the developer. Mr. Gruen stated “as far as the School District it doesn’t really help any.” Mr. Gruen asked how many bedrooms are in the units, and Mr. Murphy stated most of them have three. He stated they are designed for empty-nesters, with the master bedrooms on the first floor, and he stated he feels the likelihood of any School-age children occupying any of the units is very small.

Mr. Gruen asked if they are going to follow the rest of the Ordinances as far as plantings, sidewalks, etc.; and Mr. Murphy agreed and they have had discussions about walkability and the need for connectivity. Mr. Murphy stated another big issue not related to the Zoning Hearing Board is the need for the reconstruction of Dobry Road for its entire length from Oxford Valley Road all the way back to the Railroad tracks. He stated that is being accomplished in connection with this project and the Caddis Assisted Living facility across the street. He stated these two projects insure the entire reconstruction of Dobry Road.

Mr. Gruen asked if there are any private homes bordering this property, and Mr. Murphy stated there are across the street and next door. Mr. Gruen asked if they are on sewer or wells. Mr. Majewski stated they are not on public water or public sewer, and this project will extend the public sewer through the project and along Dobry Road. Mr. Gruen asked who would hook them up. Mr. Murphy stated the developer provides the sewer for the opportunity for those people to connect. He stated they will extend the line in front of their homes so they have that option if they want to connect. Mr. Majewski stated the individual homeowners would be required to make the actual connection from the road to their homes. Mr. Murphy stated he does not believe the Township will force the homeowners to do so, and it would be the option of the homeowners. Mr. Gruen stated the developer is not going to help them monetarily to hook up, and Mr. Murphy stated they are not.

Mr. Gruen asked what would happen if someone has a well across the street since with this construction “obviously the water table is going to change.” Mr. Murphy stated the development will have public water. Mr. Gruen stated there will be two “holding basins” with the project, and with all the construction potentially the water table will change. Mr. Gruen asked “if a well dries across the street whose responsibility is that going to be.” Mr. Murphy stated if there is a causal connection between the loss of water and the project, then it would be on the developer to address that; however, he stated he does not feel that is likely although stormwater patterns may change, probably for better because part of the problem with Dobry Road as it is there has never been any stormwater controls in or adjacent to it which is why there is really no road left. Mr. Murphy stated with the positive

drainage that will be installed, they will have a brand new 26' wide fully reconstructed road. He added that Mr. Majewski has been an active participant in his role in the design and reconstruction of the Road.

Mr. Majewski stated with regard to the wells, the Subdivision and Land Development Ordinance Section 178-102 has provisions for the protection of the water supply for people who have well water within a radius of the project which encompasses all the properties in this area.

Mr. Gruen stated he does not want to go back “to what happened to Toll Bros. that took the guy three years to get water and water had to be brought in by tanks right after they developed across the street from him and he lost his well.”

Mr. Gruen asked Mr. Murphy if he is representing Erin Development, and Mr. Murphy stated he is. Mr. Gruen asked if Erin Development going to develop the property or “are they going to flip it to somebody else to build.” Mr. Murphy stated they are not sure of that yet. He stated Erin Development was the developer of Makefield Quarters, and he does not know that Erin knows yet whether they are going to build this or not. Mr. Gruen stated they do not know who is going to build it and if they are “going to stick to everything we speak about here.” Mr. Majewski stated anything that is made a Condition of the granting of the Variance such as varying facades would be required. He stated the protection of the water supply is covered under other Sections. Mr. Gruen asked if the facades are covered or is that something that the Board should put in as a Condition. Ms. Lee stated they could make it a Condition. Mr. Gruen stated this would reinforce the fact that the Zoning Hearing Board wants different facades.

Mr. Gruen asked if anyone has determined the impervious surface on the property, and Mr. Habers stated they are below what is allowed. Mr. Majewski stated the Township engineer from Remington Vernick Engineers checked this and concurs.

Mr. McCartney asked if the two developments they referred to are the McGrath built Flowers Mill and Villas at Newtown, and Mr. Murphy agreed. Mr. McGrath asked if they are going to follow that same type of pattern as far as facades since he has been through both of those developments and “gets lost” and they all look exactly the same. Mr. Murphy stated they will have different colors and different treatments of the stone elevation. He stated the units are built four together, and the difference will be more in colors than in anything else. Mr. McCartney stated he does think those developments are “beautiful, but they all look exactly the same.” Mr. Murphy stated there will be some color variation.

Ms. Lee stated she does not understand why the Planning Commission would choose the Plan proposed with all quads over the mix of the quads and townhomes. She stated it would use less space and it would comply with all the Zoning requirements.

Mr. McCartney asked if Erin did a highest and best use analysis on what the numbers looked like. Ms. Lee stated she understands why Erin would want this. Mr. Murphy stated it was not economically-driven. He stated the Township chose the quads because they did not think mixing the units on a small site like this would be appealing. Mr. McCartney stated the outside units could be the townhomes, and the inside, interior part would be quads. He stated he has been in many developments that looked like that, and from an aesthetic standpoint it does not look “too jumbled.” Ms. Lee stated she feels that would look better, and Mr. McCartney stated he agrees. Mr. McCartney stated with no one here from the Township to speak on why they chose the “quad path versus the mix path,” he is not sure why they would not be here to discuss that and give their feedback as there may be something the Zoning Hearing Board is missing that they saw.

Mr. Gruen asked Mr. Murphy if he “had a choice to decide,” would they build this Plan with the mix if the Board chose that. Mr. Murphy stated they would build a Plan that complied. He stated if the Zoning Hearing Board would prefer to Continue the matter to hear from a Township representative to explain their rationale, he would be happy to Continue the matter, and they could try to arrange that for the next meeting, if the Board wishes to hear from them directly.

Mr. Connors stated he would like to hear from the Township as to why they would want a Plan that requires Variances versus a Plan that complies with Zoning.

Mr. Gruen stated it seems that there is a lot more open space with the first Plan. Mr. McCartney asked the total number of units with the first Plan. Mr. Murphy stated on the Plan they are proposing, there are seventy-six. He added that all the Alternate Plans also had seventy-six units.

Mr. Michael Quinn, 1654 Dobry Road, was sworn in and stated he is on the east border. He stated there is a nice wooded border between his property and theirs which is approximately 40' to 50' wide; and he asked if that will all be mowed down. Mr. Habers stated it may be thinned out but general it will be preserved. He stated the 40' will be maintained. He stated the buildings are set almost 90' from the property line on the east side, and 40' of that will be woodlands and an additional 50' for the setback. Mr. Quinn stated he is fine with that.

Mr. Gruen stated he understands that it would be the same whether it was all quads or the mix, and Mr. Habers stated it could change a little with the Alternates.

Mr. Quinn noted the retention pond, and he asked if there will be any overflows. He stated when Beazer originally proposed this, they wanted him to donate the end of his property as an overflow buffer for the retention pond because the ground slopes continually downward from where the pond is. Mr. Gruen stated he does not believe they can drain the property into Mr. Quinn's without compensation. Mr. Murphy stated there is no such request from this developer.

Mr. Quinn stated they are going to improve Dobry Road and include a sidewalk from one end to the other, and this will go across the front of his property. He stated he does not want to shovel snow, and he wants to make sure that the sidewalk will be serviced from one end all the way to Oxford Valley Road and that it be made part of the Maintenance Agreement between Caddis and Erin. Ms. Lee stated she is not sure that they can require this, and Mr. Gruen agreed that they cannot.

Mr. McCartney asked if the sidewalk will "carry from Dobry Road and connect to where the sidewalk dies on Oxford Valley Road right now," and Mr. Murphy stated it does. Mr. Murphy stated the sidewalk will go the full length of Dobry Road from Oxford Valley Road all the way back on that side of the street.

Mr. Quinn stated he understands everyone will have the opportunity to tie into sewers and "maybe water." Mr. Quinn stated he has no problem paying for the "pipe line hooking it up from his property to the main," and he asked if they are going to get any help with the hook-up fees. Mr. Gruen stated he asked the developer, and he said no. Mr. Gruen stated the homeowner will be responsible for where the pipe comes into their property to the house. Mr. Gruen stated Mr. Quinn would only be responsible "for the last forty or fifty feet or whatever his setback is from the road." Mr. Majewski stated whatever the distance of the lateral is, the property will be responsible for that. Mr. Quinn stated there are Fees involved in hooking into the main sewer system, and Mr. Majewski stated that is typically the responsibility of the property owner as well. Mr. Gruen stated this would be the property owner's option, and they are not required to hook up. Mr. Quinn asked how much are the Fees as he understands they are "really big." Mr. Majewski stated he believes the Fee is \$2,750, but he is not positive. Mr. Gruen stated that is just for the "hook up," and not for the labor of putting the pipes in. Mr. Majewski stated that is hook up fee as opposed to the actual cost to install the lateral.

Mr. Flager asked Mr. Quinn if he is opposing the Application, and Mr. Quinn stated he is not. Mr. Flager asked Mr. Quinn if he is requesting Party Status, and he explained what that means. Mr. Quinn did request Party Status.

Mr. Gruen stated originally it was a 100' buffer, and he asked Mr. Murphy where it was reduced to 50'. Mr. Murphy stated one of the earlier Plans for which relief was sought involved the very western tip of the property where you can see on any of the Plans there is a defined wetland area. He stated depending on the height of the vegetation in the wetland area, it has a sliding buffer that goes from 50' to 100'. He stated part of the reason that the Plans have been revised was to avoid any Units anywhere near that which would encroach within that area. Mr. Gruen asked if they mowed the vegetation. Mr. Murphy stated the Township for years was trespassing on the property and mowing the vegetation for reasons no one can explain. He stated the Plans have been revised so that they are not near that area and no encroachment.

Mr. Ron Dibbs, 1755 Dobry Road, stated this will be an inconvenience for him and he has a business and tenants. He stated he feels he should be helped out "with the sewer, water stuff, and all that kind of deal." He stated this will disrupt things "pretty bad for us – the business, tenants, and the other neighbors," and he feels they should be helped out. Ms. Lee stated she does not believe the Zoning Hearing Board authority over this. Mr. Gruen stated when it comes before the "town Board they can ask the town Board" that question. Mr. Majewski stated that would be under the purview of the Board of Supervisors when they go through the Subdivision and Land Development process, and he could then request that assistance. Mr. Dibbs stated he wanted it on the Record now. Mr. Gruen stated the Zoning Hearing Board is only involved with the two Variances, and from here it will go back to the Supervisors; so the developer has a long way before they start construction, and Mr. Dibbs will have plenty of opportunities to voice his opinion and requests.

Mr. Murphy suggested that the matter be Continued until the first meeting in December which will be December 4. He stated he will work with Mr. Majewski to determine an appropriate representative to attend the meeting. Mr. Majewski stated they will have a representative present if possible. Mr. McCartney asked if a representative is not available, they will request another Continuance; and Mr. Murphy agreed. Mr. Gruen stated if there is no one from the Township, he feels the Board should make the decision because "obviously they do not care enough." He stated someone from the Township should be able to be here. He stated it is not fair to "hold them hostage."

Mr. McCartney moved, Ms. Lee seconded and it was unanimously carried to Continue the matter to December 4 and a representative from the Township Planning Committee or a Supervisor to come and give some information as far as the request for the Variance.

APPEAL #18-1812 – JEFFREY & KATHLEEN HIRKO

Ms. Lee stated while she knows Mr. and Mrs. Hirko and attended their wedding, she feels she could remain unbiased but she wanted to hear from the solicitor to make sure she did not need to recuse herself. She stated while they are not her neighbors now, Ms. Hirko was many years ago. Mr. Flager stated in the interest of the appearance of impropriety, Ms. Lee should recuse herself. He stated that will leave a three member panel which eliminate the possibility of a tie vote which could benefit the Applicants. Mr. Flager stated with that type of personal relationship, it would be best to recuse. Mr. Gruen advised the Applicants with three members voting, they would need two votes in favor to get it approved. The Applicants indicated that they would like to proceed. Ms. Lee asked if she is recusing herself, and Mr. Gruen stated the attorney suggested that she should but it is ultimately Ms. Lee's decision.

Ms. Lee asked if they should ask the Applicants, and Mr. Flager stated that would defeat the purpose. Mr. McCartney stated if they waited until they had five members present, that would leave four members, and a tie vote would be a denial. He stated they would need three votes in favor with five and two votes in favor with three. The Applicants again indicated that they would like to proceed. Ms. Lee recused herself upon the advice of counsel.

Mr. Jeffrey Hirko and Ms. Kathleen Hirko 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 letter from their vet dated 9/18/18 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. Gruen stated they are requesting permission to have chickens and goats on their one acre property and he asked where is the hardship. He asked why they want the chickens and the goats. Ms. Hirko stated they are their pets. Mr. Gruen stated he saw from the Application that their property is surrounded by farmland. Mr. Hirko stated they have no neighbors, and their front door is 175' from the road and their neighbors are across the road. He stated as can be seen from the drawing they are completely surrounded by open farmland preservation of thirty acres. He stated there is also woods behind them, and they are not against any neighbors. He stated they only have chickens and there are no roosters, noise, or smell.

Mr. Hirko stated his wife was contacted by a woman from a church who wants to come pick up of their manure for a community garden. He stated they have them as pets, and they are no different from having dogs and cats.

Mr. Gruen asked Mr. Majewski if there is any chance of anyone building around them, and Mr. Majewski stated that property is a Farmland Preservation Corporation property so it is restricted from development.

Mr. Gruen asked the type of chickens they have; and Ms. Hirko stated she has many different breeds, and she picks them for the different egg color. Mr. Gruen asked if they are the small "fancy" chickens; however, Ms. Hirko stated they are regular sized chickens. Ms. Hirko reviewed the type of chickens she has. Mr. Gruen stated twenty chickens give a lot of eggs, and he asked what she does with them; and Ms. Hirko stated they either eat them or give them to friends. Mr. Gruen asked if they sell them; and Ms. Hirko stated they do not, and she never has a problem giving the eggs away.

Mr. Gruen asked about the goats, and Ms. Hirko stated they are Nigerian dwarfs, and they are the size of a medium-sized dog. Mr. Gruen asked if they are fenced in, and Ms. Hirko stated they are fenced in and closed up at night because there are coyotes in the area. Mr. Gruen stated they have no interest in selling any of the chickens, the eggs, or the milk; and Ms. Hirko stated they do not. Ms. Hirko stated the goats are all boys, and they are castrated and cannot have any offspring. She stated they are strictly pets. Mr. Gruen asked if they are noisy since goats tend to be, and Ms. Hirko stated they do not make much noise.

Mr. McCartney asked Mr. Flager if the Board approves this Application if it would be within their authority to make sure that the Variance does not continue to the next homeowner and could they put on a provision that there be no re-sale of the eggs should occur at the property. Mr. Flager stated the Variance runs with the land, but they can have a provision that there be no Commercial use since that would be running a business out of a Residential property. Mr. Gruen asked if they could not put on a Condition that it cannot change ownership since the next person could have a hundred chickens. Mr. Gruen stated they could put a number on the chickens. Mr. Hirko stated the Ordinance does have a limit on the numbers. Mr. Gruen stated they are limited now to no chickens. Mr. Gruen stated once they are given a Variance generally it continues with the property, and the Board is looking to give them permission but it "would just stick to them." Mr. Gruen stated Ms. Hirko takes care of the chickens and "cleans them," and they have a letter from the vet, and she does all the right

things; however, the next person that comes along into that house might increase the number of chickens and might not take care of them. He stated chickens generally cause salmonella and many other diseases that you can contract.

Mr. Flager asked the number of chickens they have, and Ms. Hirko stated she has fifteen. She stated she would like it if their property would be treated the same as a five acre property which would permit two livestock units, and you can then have as many as thirty chickens and five goats. She stated while she is not planning on getting more, she would like to have that number since the numbers could change adding the chickens do not live very long.

Mr. Majewski stated at one time this property was much larger, and it was subdivided down, and they cut out this property of approximately one acre. He stated if they did have five acres, they would have been allowed two livestock units. He stated a livestock unit is defined for the purposes of the type of livestock that the Hirkos like to keep as five sheep or goats and thirty chickens. Mr. Majewski stated it is in the Board's purview to lower that number if they so choose.

Mr. Connors asked what else is included in a livestock unit; and Mr. Flager stated one cow or horse is a livestock unit, five sheep or goats is one unit, two swine, and thirty birds or poultry.

Mr. Majewski stated the Board could limit it to just what they have currently.

Mr. Flager stated since they already have goats, they could only have up to thirty chickens.

Mr. McCartney stated the Variance would carry over with the property regardless of who it was, it would be treated as a five-acre, two unit property to whoever the next owner of the property was. Mr. Majewski stated the Board could put any appropriate restrictions that they like on it. He stated he knows that there were lots where they had chickens in a smaller neighborhood where the Zoning Hearing Board put Conditions on that as soon as the people move, the Variance is extinguished. Mr. Majewski stated it would be up to the Board to determine what appropriate restrictions should be placed on this. Mr. Gruen stated they had a couple of cases one of which involved a teacher who was using it for education, and she was allowed ten chickens. Mr. Gruen stated there was another case where an individual had five chickens, but they made her get rid of the rooster.

Mr. Gruen stated he personally is inclined to approve the fifteen chickens and the three goats, and let it continue as long as they own the property. He stated he would not like to "do a five acre," even though they are in a unique situation; although he added "unless they want to add a couple more."

Mr. McCartney stated they are protected all the way around by farmland, and it is not in a Subdivision; and it appears that it could be its own farm. Mr. Gruen asked what would happen when the next owner comes in and eliminates the chickens and put a second livestock in which is a couple of pigs. Mr. Majewski stated they could place a restriction on the type and number of the animals.

Ms. Hirko stated it is difficult with chickens since tomorrow she could lose three of them; and you cannot just get one chicken, and you would have to get two. She stated it is hard to limit to an exact number. Mr. Gruen stated he understands that when you lose chickens, it is difficult to introduce two or three new chickens; however, making it twenty chickens would not make a difference, as you would always have the same problem of introducing new chickens. He stated they would have to keep them as separate flocks.

Ms. Lee asked if they are rescuing them, and Ms. Hirko stated she just gets chicks and starts from the beginning; however, you always have to introduce at least two chicks at a time. Ms. Lee suggested that they do a range of fifteen to twenty. Mr. Gruen stated that would mean twenty, and Ms. Lee stated that would mean a maximum of twenty. Mr. McCartney stated he does not know whose jobs it is at the Township to do spot check on “chicken counts.” Mr. Gruen stated even though it is open land, they have one acre, and he feels that is excessive; and he would like to keep it at fifteen if possible and the three goats.

Mr. Tony Kehoe, 476 Liberty Drive, was sworn in. Mr. Gruen asked if his property is near the Hirkos, and he stated it is not. Mr. Kehoe stated the Hirkos restored a 1700s farmhouse that was part of the original parcel. He stated he feels that all they are doing is integrating everything back into a farm. He stated they are also very involved in Township conservation efforts. He stated he sees no harm by letting them have the thirty chickens and eight goats “or whatever it is.” Mr. Kehoe stated Mr. Majewski had indicated that the Board could tie the Variance to them. He stated they are part of a thirty acre parcel which is pretty big for the thirty chickens and eight goats. Mr. Gruen stated they only asked for twenty.

Ms. Hirko stated she was asking for the exception to have the numbers permitted for five acres so that they would not have to come back here again some day. She added it was very stressful and expensive and she has “been worried sick for months since they are like her babies.” She stated they are her pets. Mr. Gruen stated she is increasing, and he asked “when is enough is enough;” and Ms. Hirko stated she knows when “enough is enough” it is just to limit it is difficult.

Mr. McCartney asked Mr. Majewski to advise again what the numbers would be under the five acres. Ms. Lee stated it would be two units. Mr. McCartney stated he would like to make it specific. Ms. Lee stated it would be five sheep/goats and thirty birds or thirty birds and two swine, no goats. She stated it is two units. She stated it is five sheep or goats equals one unit, thirty birds equals one unit, two pigs equal one unit. Mr. Gruen asked what a horse equals, and it was noted that a horse is one unit. Ms. Lee stated one horse or one cow is one unit.

Mr. Kehoe stated he feels the Hirkos have done the Township a “real favor” by restoring the farmhouse and preserving. He stated this would add to its farm character because it was part of this original parcel, and it is in keeping with that.

Ms. Hirko stated she does try to have children come over and teach them about the animals.

Ms. Helen Heinz, 1355 Edgewood Road, was sworn in, and reviewed the history of the property. She stated the Hirkos are now duplicating what was there previously as at one time the property owners kept chickens there and sold the eggs. She stated she understands that Township originated this process as a result of a complaint, and she finds “incredibly sad that this has happened in our Township.” She stated she is here to support them.

Mr. McCartney asked if they know that there was a complaint about this site; and Mr. Majewski stated there was a complaint, but the Township does not reveal the nature of the complaint. Mr. McCartney asked if they are inclined to approve it as a five acre parcel with the two livestock units, does the Township require any type of follow up inspections by the Board of Health or is there a requirement to maintain the health and safety of the site because they are taking the five acres and condensing it into a one acre parcel, and Mr. Majewski stated he would have to check into this as he is not sure what Health Department regulations are. Mr. Hirko stated they are not selling anything out of the parcel. Mr. McCartney stated they could not have fifty cats in a house even though you are selling them, he feels from a health and safety standpoint, the Board of Health would want to look into this.

Mr. Majewski stated from an enforcement perspective, the Township does go and check on properties if there are complaints and also if they suspect that people are not complying with the rules and regulations that they agreed to during the Zoning Hearing Board Appeal process. Mr. Flager stated he feels the Township would still have the ability if the conditions were unsanitary to enforce the same way they could if there was a lot of trash on a property. Mr. Hirko stated they are all penned in.

Mr. Gruen asked how close is the closest house across the street, and Ms. Hirko stated she believes that it is 350'. Ms. Hirko stated she did go to the neighbors' home; and while they did not answer, she could not see her house from the neighbors' door.

Mr. Gruen stated when chickens get scared, "and start clucking, you hear them." He stated he hears his neighbors' chickens, and they are 200 feet away. He stated he is not inclined to approve "the five acre thing" but he would be willing to give a Variance to keep the chickens and goats as long as the Hirkos live there. He stated it should go only with their ownership, if they can do that.

Mr. Connors asked about giving them one and a half units so that they have some flexibility and limit it to chickens and goats. Mr. Gruen stated he would be in favor of that.

Ms. Hirko stated she did knock on her neighbors' door to talk to them, and she does not believe that they even know that she has them.

Ms. Judith Grant, 1576 Bud Lane, was sworn in and stated she is here to support the Hirkos. She stated she has known them for years; and while she does not want to reiterate everything Ms. Heinz and Mr. Kehoe said, she feels it is "incredulous" as someone who has lived in the Township for fifteen years that this complaint was even brought to the attention of the Township. She stated she hopes that the Board will be generous with their decision. She stated these are pets, and there have been no complaints by neighbors whatsoever; and the neighbors are "far, far away." Ms. Grant asked the Board to understand Ms. Hirko's concern about managing her flock and how she has to manage it. She stated Mr. Gruen had indicated he had chickens, so she is sure he understands completely what her constraints are.

Mr. Gruen asked Ms. Grant where she resides in relation to the property, and Ms. Grant stated she lives in Tanglewood in the south part of the Township.

Mr. McCartney stated currently they have three goats and fifteen chickens, and he asked Ms. Hirko if the bigger concern is with the chicken population and being able to go up to thirty. Ms. Hirko stated she has no plans to get more goats, but she would rather not be restricted for the rest of her life; and when she does not work anymore she might have a desire to get another animal, and she does not really like "being restricted like that, which is why she made her request. Ms. Hirko stated all of her present know that she takes them in the coops and feeds the goats, and every morning she is up at 5:00 a.m. to clean out the coops every single day. She stated everything is very clean and sanitary, and she cleans up again at night and locks them all in. She stated it is a very clean environment. She stated she loves the animals, and they are her pets.

Mr. Connors asked if one and a half units would give her the flexibility she needs, and Ms. Hirko stated she would like to have more and not be restricted to under two units.

Ms. Janette Kelley, 1 Austin Road, affirmed to tell the truth. She stated she is about one mile from the property; and she stated she has been to the property several times, and you do not hear them from the front door of the property. She stated she feels it is highly improbable that any neighbors who lives there have ever heard or would even know that they had animals. She stated she feels the Board should give them some leeway on a few extra chickens so she can maintain the flock.

Mr. Gruen asked who owns the property around the house, and Mr. Majewski stated it is owned by Farmland Preservation Corporation. Mr. Gruen asked if there is a possibility of the Hirkos leasing some additional property land for a “symbolic sum every year” for them to create a five-acre parcel. Mr. Hirko stated he has talked to them already, and they stated they would do that for them providing he got a rider on his homeowners’ to cover the additional property. He stated Farmland Preservation has no qualms about it because it is not farmed, it is wooded. Mr. McCartney asked if he has priced out the cost of the additional insurance, and Mr. Hirko stated he did not. Mr. Hirko stated he believes it would be a nominal fee. Mr. McCartney asked Mr. Hirko if this is something he would be willing to do, and Mr. Hirko agreed.

Mr. Gruen asked if that would not be the easiest thing to do, and just lease additional land in which case, when they leave the property, it is gone; and the next owner would not get the Lease. He stated this would solve the problem, and they would not need a Variance. Mr. Majewski stated technically their Lot would not be five acres, and they would still need a Variance. Mr. Flager stated they are not buying it so it would not be part of their parcel. Ms. Hirko stated they do already rent a small portion where they have a garden. She stated they rented it from them for \$1.

Mr. Hirko stated the only thing Farmland Preservation did not want him to do was to put up any kind of electric fence although they had no problem with a wire fence.

Mr. Majewski stated in hindsight it probably would have been better when they carved out the lot to have made it bigger and coincide with the woods that would not be farmed.

Ms. Lee stated she has no doubt in her mind that Ms. Hirko would not take good care of these animals.

Ms. Sydney Gastaldello, 72 Black Rock Road, was sworn in and stated while she is not a neighbor, she thinks of them as not having any neighbors. She stated she is here to support them and stated “she would take a neighbor like them any day.” Ms. Gastaldello stated she feels that they already have a farm. She stated it is clean and their animals are well taken care of. She stated she would like to see them treated like a five acre lot as it should have been that way, and it is a mistake that it is not.

A short recess was taken at this time so that the Board could confer with their attorney.

When the meeting was reconvened Mr. Flager stated the Board met in Executive Session to discuss some of the legal issues and ramifications for this Application.

Ms. Hirko stated if they will not agree to have the two units as if they had the five acres, she would ask that there be a provision that if they were to lease four more acres from Farmland Preservation that they could then the two units.

Mr. Gruen stated the biggest issue is that the Variance goes with the property; and while they all agree that she takes good care of the animals, and they have no problem with her having the Variance, the problem is that they cannot limit it just to them owning the property.

Mr. McCartney stated Mr. Flager indicated that the Variance she asked for is just to be considered a five acre parcel. Mr. Flager stated the requirement under the Zoning Ordinance is that you cannot have livestock unless you have a minimum five acre Lot. He stated they are asking for a Variance to have it despite the fact that they do not have a five acre Lot. Mr. McCartney asked if that is the correct Variance request. Mr. Flager stated it is since they have livestock, but they do not have the minimum Lot area.

Ms. Lee asked if leasing the land from Farmland Preservation were part of the Condition, and the property changes ownership, the new owners would not necessarily be leasing the four acres; and she asked if the Variance could be tied to that. Mr. Flager stated if the Variance is contingent upon the Applicants leasing four acres so that they would have five acres even though they only own one, the Board could entertain that; the subsequent owner would have

to independently continue that Lease. Mr. Flager stated the next owner could abandon the Variance. He stated if this approval were contingent upon them having the Lease, the subsequent owner would have to enter into a Lease for at least four acres to make use of the Variance.

Ms. Lee stated it just came to her attention that funds were raised by neighbors and friends to help the Hirkos bring this Appeal. She asked that the Board consider that if they Lease out the land they would approve this so that if they are able to Lease out the land, they would not have to bring another Appeal if and when they do Lease the additional land. She stated she believes that Ms. Hirko is asking that if the Board not inclined to grant the Variance for two units that they approve it with an extra provision in the Motion that if they were able to lease out four acres, they could have the two units.

Mr. Flager stated they could make the Approval contingent upon them entering into a Lease. Ms. Lee stated that would not run with the land, and Mr. Flager agreed.

Mr. McCartney stated they could make a Motion to permit twenty chickens and three goats “as is;” but if they get the four additional acres, they could amend the Variance to have the full two units. Ms. Hirko stated she would be happy with that.

Mr. Flager stated this would provide immediate relief; and if they can get the land, they could have the two full units and not have to come back.

Mr. McCartney moved and Mr. Connors seconded to grant the Appeal for no more than 30 chickens and no more than 3 miniature goats, and no un-neutered billy goats as is. If the Applicant obtains an additional four acre Lease from the contiguous property, two full units would be permitted which would be 30 chickens and no more than 5 miniature goats and no un-neutered billy goats. There can be no Commercial uses derived from the livestock.

Mr. Gruen asked if they are okay with impervious surface. He asked where they keep the animals, and Mr. Hirko stated they are on grass. Mr. Gruen asked about the structures. Mr. Hirko reviewed the size of the structures which are raised.

Motion carried unanimously. Ms. Lee did not vote on this matter.

APPEAL #18-1813 – JOHN & SALLIE KINGHAM

Mr. John Kingham and Ms. Sallie Kingham were present and 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 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. Kingham stated he is still an active firefighter with the Yardley-Makefield Fire Company, and as part of those duties he often gets calls in the middle of the night or early hours of the morning; and during the winter when you get into a car that has been outside, you cannot see out of the windshield. He stated he would prefer to keep their cars in the garage. He stated he also is fairly active with various hobbies, and he has a small workshop off to the side of the garage currently. He stated he is asking for a 150 square foot addition to the addition workshop/storage area off the side of the garage. He stated the impervious surface ratio is present 21%, and it would increase to 22% with this addition.

Ms. Kingham stated apparently their house was “built five years too early,” and they have a smaller impervious surface ratio than other developments that came later of houses of their size.

Mr. Gruen stated they know that Zoning was changed, and the driveway originally was not considered part of the impervious surface; and now that it is, that is how they got to 21%. Mr. Majewski stated they also had a prior Zoning Hearing Board Application in 1989 that increased their impervious surface from 20% to the 21%; and now they are requesting an additional 1% to go to 22%. Mr. Gruen asked what that Variance was for; and Mr. Majewski stated it was for the garage/storage area which was 135 square feet.

Mr. McCartney asked if that is the 10 by 15.6 area directly behind the garage, and Mr. Kingham agreed. Mr. McCartney stated they are going to 10 by 30, and Mr. Kingham agreed. Mr. McCartney asked if they do anything to help reduce the effective impervious surface when they did the prior Application. Mr. Kingham stated they did not. Mr. Majewski stated it was not required at that time. Mr. McCartney asked if they would be willing to do mitigation this time, and Mr. Kingham stated the would depending on what it is.

Mr. Majewski stated in order to reduce it down to what it is currently, it would require a seepage bed that would be approximately 2' deep, 4' wide, and 8' long. He stated if they reduced it down to what it was prior to the previous Variance that would be 2' deep, 4' wide and approximately 16' long. Mr. McCartney asked Mr. Kingham if he understands what a seepage bed would be, and Mr. Kingham stated he does. Mr. McCartney stated it seems that there would be an adequate spot for it in the back right part of the corner of the lot, and Mr. Kingham stated there is room for that now since previously there were trees there but several storms have created a clear area now. Mr. McCartney asked Mr. Kingham if he would be willing to do that, and Mr. Kingham agreed.

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

Mr. McCartney moved, Ms. Lee seconded and it was unanimously carried to approve the Variance for the additional proposed 15 by 10 storage area with the Condition that the Applicant install an adequate seepage pit to bring the effective impervious surface to 20%.

APPEAL #18-1814 – TOMASZ STASIUK & MAGDALENA SZORC

Mr. Tomaz Stasiuk, Ms. Magdalena Szorc, and Mr. Lionel Scriven, architect, were present and 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 reasons for the requested relief which was attached to the Application 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. Scriven stated they are seeking two Variances, one of which is impervious surface, and the other is the front yard setback. Mr. Scriven stated the owners would like to increase the size of their garage which is in a location he showed on the Plan. He stated it would be 500 square feet for both additions as there is an addition on the side and an addition in the front. He stated on the Site Plan, the existing setbacks are delineated; and the front addition does not encroach upon the setback, but the side one does as the house already exists it is outside of the current setbacks.

Ms. Szorc stated they purchased the property in July, and it is a "fixer-upper." She stated they want to do the extension because there is no way of parking cars there and also having storage. She stated the property does not have any sheds, and the garage is the only place to keep whatever they can.

Ms. Szorc stated it is located on the side of Essex, and everyone goes into the development through that street. She stated it is pretty tight and the driveway is from that side as well right on the corner, and numerous times as they go in and out it is a little bit hard to pull out of the driveway since the street is so narrow; and their neighbor is right across as well. She stated that is why they wanted to put it to the other side. She stated where Greenhill is, that is a cul-de-sac so there are no cars going in and out right there.

Mr. McCartney stated what they are asking is effectively to turn the garage so it faces Greenhill Road and also change the driveway coming in from Greenhill Road, and Mr. Scriven agreed. Mr. Stasiuk stated the front of the house is on Greenhill Road and the address is Greenhill Road as well. Mr. McCartney asked what they would do with the existing driveway that is on Essex Lane, and Mr. Scriven stated they would remove it. Mr. McCartney stated aesthetically they are going to change the look of the Colonial from a side egress garage to a front-egress garage.

Mr. Gruen asked if they would need permission to access the road with the new driveway, and Mr. Majewski stated they will. Mr. Gruen asked who they are supposed to get it from; and Mr. Majewski stated those are both Township Roads, and they would need a Road-Opening Permit from the Public Works Department. He stated he does not believe Public Works would any objection to the relocation of the driveway. Mr. Gruen asked if the line of sight is clear and there is no problem coming in and out. Mr. Majewski agreed adding that the way it is now they are accessing off of the main portion of the road; and with the change, they would be accessing off of the cul-de-sac.

Ms. Szorc stated all the neighbors do come in off Essex, and she feels that is more of a main road. She stated with regard to the more extended space of the garage, they want to use it for storage of yard machines. She stated she also plans to have her parents move in with them. Mr. Gruen asked if they would be moving into the garage; and Ms. Szorc stated they would not, but to the house which they are renovating.

Mr. Gruen asked about the side yard setback, and Mr. Majewski stated 35' is required, and they are requesting 15'. Mr. Gruen stated that is a huge request. Mr. Gruen asked about the impervious surface, and Mr. Stasiuk stated they are requesting 3% more than what they have now. Mr. Flager stated they are requesting to go to 30% from 27%. Mr. Majewski stated the required amount is 24%, and they current have 27%. He stated they are requesting an additional 3% to go to 30% total. He stated this is a small Lot, and that is why the percentage is at 24% since the smaller the Lot, the higher the amount you get. Mr. McCartney asked if that included removing two existing patios, and Mr. Scriven stated they are removing one patio.

Mr. McCartney stated it looks like the roof line will be turned, and Mr. Scriven agreed. Mr. McCartney stated it also looks like there is an additional dormer that is being added over the first bay of the garage doors; and Mr. Scriven stated while the footprint is not changing, on the second floor as shown on Sheet A-1 they are increasing that in 10' in width. Mr. McCartney stated they are adding a 10' room over the first bay of the garage, and Mr. Scriven agreed.

Mr. Gruen stated it will be a three car garage, and Mr. Scriven agreed.

Mr. McCartney stated he feels the hesitation of the Board members if determining what the hardship is for the third car garage. He stated changing the egress from Essex to Greenhill makes sense from an access standpoint; but they are concerned about adding a third-car garage and changing the setback. Mr. McCartney asked if the existing garage is 20 by 20. Mr. Connors stated their current front yard setback are 26.86 and 39.82. He stated what they are looking to do is to reduce the 26.86 to 15 so it is an 11' garage.

Mr. Gruen stated they indicated that the reason for the third-car garage is to store garden equipment. Ms. Szorc stated that is part of it. She stated their daughter is growing up and her parents have plans to move in with them and they need storage and room for parking of the cars with four adults. Mr. Gruen stated it is a big request for the side yard, and he was going to suggest giving them a Variance for a shed to store their equipment instead of reducing the side yard setback. He stated a shed would solve part of the problem with the storage, and they would not need a Variance for the side yard. He stated a shed would also not be as large as a third garage.

Mr. Stasiuk stated with the garage, they can basically they can put in one car because it is only one door; and it is really hard to put two cars in. Mr. Gruen stated if they are changing it around, they could make it a "good two-car garage."

Mr. Connors stated if the other thing they could do if they wanted a three-car garage was to keep the same configuration they have coming off of Essex and go back further. Mr. Stasiuk stated they could not go back because there is a room inside behind the garage. Mr. Connors stated he was just trying to give other options.

Mr. McCartney stated his only concern is the continuity of it with a three-car garage in that neighborhood as he does not think anybody has a three-car garage in that neighborhood. Ms. Szorc stated they did talk to the neighbors, and everyone was happy that the house was finally getting the care it needs. She especially noted the neighbor where they are adjacent with the driveway since it would be a bigger effect on them as well as the neighbors across the street, and they were in favor and asked if they had to come to the meeting.

Mr. McCartney stated this is considered a front yard because it is on the corner, and Mr. Majewski agreed. Mr. McCartney asked the side setback, and Mr. Majewski stated it would be 15'. He stated it should be noted that these roads are narrow in this development, so that even though it is 15', that is to the right-of-way; and in this situation the road is about another 15' away so it will be approximately 30' from the pavement to where the addition is because it is a narrower road. Mr. Scriven noted Sheet SP1 the property line is 15' in from the pavement so it is really 30'.

Mr. Connors stated essentially they want to treat it as a one frontage Lot.

Mr. McCartney stated Greenhill "dies" right in front of their house.

Mr. Majewski stated there is another house in the development that has a setback that is less than 30' on the other corner of the road where they are closer to the right-of-way than what is permitted. Mr. McCartney asked if that was part of the development or did they get a Variance. Mr. Majewski stated there was no Variance, and previously they did not often do two front yards, and they just did one front yard and some houses were closer.

Ms. Lee stated she feels the impervious surface might be more difficult. Mr. Gruen asked if they would be willing to do mitigation for the impervious surface as was discussed with the previous Applicant. He stated this would be a trench to collect some of the water that they are increasing. Mr. Stasiuk stated they would. Mr. McCartney stated it would be for their protection as well. He stated if they are increasing the impervious surface, they would not want to have standing water in their or their neighbors' yards. Mr. McCartney stated he would like to see the mitigation at least to what is existing. Mr. Majewski stated if they took it back to the existing 27%, they could have a seepage bed 2' deep, 4' wide, and 22' long. Mr. Gruen stated they could make it shorter if it were 3' wide.

Mr. McCartney asked if they have water issues now, and Mr. Stasiuk stated they do not because the whole yard is pitched to the woods. Mr. McCartney asked if there are neighbors behind that, and Mr. Majewski stated it is Township open space. Mr. Gruen stated in consultation with the Township engineer, they should determine where it should go. Mr. Majewski stated they will need to provide a Grading Plan and calculations. This was acceptable to the Applicants.

Mr. Gruen asked if they are running a business out of the property since there is a home office, and Ms. Szorc stated they are not.

Ms. Lee moved, Mr. McCartney seconded and it was unanimously carried to grant the Variance for the impervious surface pursuant to the Plans submitted provided the Applicants in working with the Township engineer and Mr. Majewski bring the effective impervious surface back down to 27% through a seepage pit with specifications acceptable to the Township engineer and to allow the front yard setback as requested.

There being no further business, Mr. McCartney moved, Ms. Lee seconded and it was unanimously carried to adjourn the meeting at 9:55 p.m.

Respectfully Submitted,

Jerry Gruen, Chairman