

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JANUARY 15, 2019

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 15, 2019. Mr. Flager called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board: Jerry Gruen, Chair
 Keith DosSantos, Secretary
 Pamela Lee, Member
 James McCartney, Member

Others: Jim Majewski, Director Planning & Zoning
 Adam Flager, Zoning Hearing Board Solicitor

Absent: Anthony Zamparelli, ZHB Vice Chair
 Frederic K. Weiss, Supervisor Liaison

REORGANIZATION OF THE BOARD

Mr. Flager asked for nominations for Chair of the Zoning Hearing Board for 2019. Mr. DosSantos moved, Mr. McCartney seconded and it was unanimously carried to elect Jerry Gruen as Chair of the Zoning Hearing Board.

The meeting was turned over to Mr. Gruen who asked for nominations for Vice Chair of the Zoning Hearing Board for 2019. Mr. McCartney moved, Mr. Gruen seconded and it was unanimously carried to elect Anthony Zamparelli as Vice Chair of the Zoning Hearing Board.

Mr. Gruen asked for nominations for Secretary of the Zoning Hearing Board for 2019. Mr. Gruen moved, Mr. McCartney seconded and it was unanimously carried to elect Keith DosSantos as Secretary of the Zoning Hearing Board.

APPOINTMENT OF SOLICITOR

Mr. McCartney moved, Mr. Gruen seconded and it was unanimously carried to appoint Adam Flager of Flager Associates as Solicitor for the Zoning Hearing Board for 2019.

APPOINTMENT OF COURT REPORTER

Mr. DosSantos moved, Ms. Lee seconded and it was unanimously carried to appoint Donna D’Angelis Court Reporting as Court Reporter for the Zoning Hearing Board for 2019.

Mr. Gruen stated that because there are only four Board members present this evening, if there is a tie, it would be a “no” vote. Mr. Gruen stated the Applicants have a choice of postponing the Hearing until there are five members or proceeding this evening.

APPEAL #19-1817 – JEFF & KRISTEN COHEN

Ms. Kristen Cohen stated they would like to proceed.

Mr. Jeff Cohen, Ms. Kristen Cohen, and Mr. Rob McCubbin, Anthony-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 Agreement between the Applicants and Anthony-Sylvan Pools 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. McCubbin noted the Site Plan and stated the Lot size is 37,488 square feet with an allowable impervious coverage of 19% or 7,122 square feet. He stated total existing at this time with nothing built out of the back of the house, with the exception of two sets of wooden steps, is 5,821 square feet or 15.5%.

Mr. McCubbin stated they are asking for relief from the Zoning Ordinance for this District to be allowed to go to 23.8% instead of the allowed 19%. He stated they will build an in-ground concrete pool, a swimming pool patio around the pool itself, and a patio off of the house with a walkway that will go back to the driveway. He stated this is a total of 3,118 square feet being added to the property. He stated they have a stormwater management plan to capture all of the stormwater that is over the 19%. He stated the stormwater management design accounts for 1,817 square feet to effectively get them back down to the 19%.

Mr. Gruen asked for details about the stormwater management plan. Mr. McCubbin stated they will have an infiltration trench with fabric and crushed stone, with soil back on top and piping and overflow relief throughout the trench itself. He stated the trench will be 2' deep, 2' wide, and 195' long. He stated it will be in a "U" shape around the swimming pool. Mr. McCubbin stated they have not submitted this to the Township engineer yet, and they will agree to whatever the Township engineer suggests. Mr. DosSantos asked if they would agree to taking the Township engineer's suggestions as to stormwater management as a Condition of approval, and Mr. McCubbin agreed.

Mr. Gruen asked where the overflow goes. Mr. McCubbin stated there are seven overflows proposed spaced evenly throughout the trench. Mr. Gruen asked if those are the small black boxes around the trench, and Mr. McCubbin agreed. Mr. Gruen asked if they are containers, and Mr. McCubbin stated they are catch basins. Mr. Gruen asked what kind of rain event was considered to determine this. Mr. McCubbin stated his surveyor did the plan, and they did whatever they have done before in Lower Makefield Township, and it does comply with the stormwater requirements. Mr. Gruen stated this will have to be approved by the Township engineer, and Mr. McCubbin agreed. Mr. Majewski stated the stormwater management design is to handle a 2" rainfall event.

Mr. McCubbin showed on the Plan the stormwater management system around the pool as well as the fence around the pool. Mr. McCubbin stated the pool fence is not attached to the house at all.

Mr. Gruen stated he read in the notes that they would need to be careful mowing over the trenches. Mr. McCubbin stated they would need to be careful if they used very heavy equipment so that they do not compact the soil. Mr. McCubbin stated soil and grass would be over the trenches. Mr. Majewski stated it would be 6" to 12" of grass, and most lawnmowers would not impact the absorption capability of the seepage bed. He stated a commercial mower would not be a problem, but they could not bring in a "huge" tractor. Mr. Gruen stated he understands that lawnmowers that commercial landscapers use would not impact it, and Mr. Majewski stated they would be okay.

Mr. Gruen asked if they considered putting in pervious pavers on the patio with crushed stone underneath. Mr. McCubbin stated he did not consider that because he did not feel the Township recognized pervious pavers. Mr. Gruen stated while they do not recognize it as such in the Building Department, it would be up to the Zoning Hearing Board to approve the impervious surface.

Mr. DosSantos asked about the calculations, and Mr. McCubbin stated the surveyor included the patio with the pool deck. Mr. DosSantos asked Mr. Majewski if he agrees with the calculations, and Mr. Majewski stated he agrees. Mr. McCubbin stated the patio at the house is 977 square feet, the walkway coming from the patio to the driveway is 197 square feet, the pool patio is 1,649 square feet, and there is a seat wall at the edge of the patio with four pillars at 107 square feet.

Mr. Gruen stated it seems like there “is a lot of patio,” and Ms. Lee agreed. Mr. Gruen asked how they will deal with the water where they have the knee wall. He stated the patio would have a slight slope away from the house, and the knee wall will keep the water on the patio. He asked where that water would go to. Mr. McCubbin stated typically there would be separation in drainage between the patio and the wall. Mr. Gruen stated it will drain right toward the pool; however, Mr. McCubbin stated it will not. He added that landscapers would typically do that application and get some kind of piping underneath the wall between the patio. He stated it is called a strip drain. Mr. Gruen stated he felt they could put gravel underneath it and put in pervious pavers, and they could “solve two problems at once.” Mr. Gruen stated they could then reduce the impervious surface as well as catch all of the water from going into the pool since they have no mechanism between the pool and the patio to catch the water, and it seems that everything will flow away from the house. Mr. McCubbin stated it will flow away from the house, and then there will be strip drain between the wall and the patio so that they can get the water out toward the sides of the patio. He stated that way they do not undermine the wall, and it will not go back toward the swimming pool.

Mr. Gruen asked if they have considered reducing the around the pool or connecting the house patio to the pool so that they can reduce the size of the patios a little bit since they are asking for an almost 5% increase in impervious surface. Mr. DosSantos stated they are requesting 8.3% over what is existing. Mr. Gruen stated they are permitted to go to 19%.

Mr. McCartney stated on the next page there is a diagram of a filter bag with a discharge hose, clamps, and a pump system; and he asked for an explanation of that. Mr. McCubbin stated that is for construction to keep the pool de-watered and send the water back to the street. Mr. McCartney stated this would be temporary, and Mr. McCubbin agreed.

Mr. McCartney asked the Applicants if they have any water issues during a normal weather season, and Ms. Cohen stated they do not.

Mr. McCubbin stated one of the reasons why they did not connect the pool patio to the house patio is because they wanted to make sure that the pool was completely enclosed because they have young children. He stated they wanted to only do a walkway in between the two patios.

Mr. Gruen stated the walkway is not the problem. He stated it is a very big surface around the pool. He stated there is a sitting patio by the house and a huge sitting patio by the pool.

Mr. McCartney asked if they are also proposing an outdoor grill area to the left, and Mr. McCubbin stated there is. Mr. McCartney asked if that will be an outdoor kitchen, and Mr. McCubbin stated it is at some point in the future. Mr. McCartney asked if that will be temporary propane, permanent run propane, or natural gas. Mr. McCubbin stated there are no plans for it at this time, and they were just making provisions for space. Mr. McCartney asked if the house has natural gas, and Mr. McCubbin agreed. Mr. McCartney asked if they plan on running a natural gas line out to that area by the pool. Mr. McCubbin stated the area by the pool is a seating area, and the outdoor kitchen area is planned by the house. Mr. McCubbin also noted an area where the filter will be. Mr. McCartney asked if they plan on heating the pool with natural gas, and Mr. McCubbin agreed. Ms. Lee asked why there is such a “huge bump out” there. Mr. McCubbin stated it is furniture, outdoor sectionals, etc.

There was further discussion about the effective impervious surface they are proposing, and Mr. McCubbin stated they will have an effective impervious surface of 19%. Ms. Lee asked Mr. Majewski if he agrees with the effective calculations, and Mr. Majewski stated he agreed.

Mr. McCartney asked Mr. Majewski to discuss the proposal to have multiple trenches since typically they only have one. Mr. Majewski stated basically it is one large area in a “U” shape around the entire pool so water will drain off in all directions into that. He stated that is acceptable, and the more area you have the more chance you have for the water to balance out and find its way into the ground a little bit better. Mr. McCubbin stated the pool will sit higher than the top of the drainage system.

Mr. DosSantos noted another bump out area to the left looking at the pool, and asked the dimension of that area. Mr. McCubbin stated it is 11’ by 20’. It was noted that it is 220 square feet. Mr. Majewski stated that is 0.6%.

Mr. Gruen stated if they need the patio, he would be more in favor if they made the patio by the house pervious. Mr. DosSantos stated there would then be two different type of pavers on a contiguous area.

Mr. McCubbin asked if the pervious pavers count in the Township Code. Mr. Gruen stated it is up to the Zoning Hearing Board to approve it. He stated if they went to the Building Department at this point, they would not accept pervious pavers as the remedy, but the Zoning Hearing Board can allow it. Mr. Gruen stated none of this is acceptable to the Township, and that is why the Applicants are before the Zoning Hearing Board. Mr. DosSantos stated use of the pervious pavers would effectively reduce the run off. Mr. Majewski stated there are two aspects to impervious cover, and one is that you are covering the ground and the other is the impact on stormwater management. He stated if they use the porous pavers, they would reduce the amount of stormwater impact even though they are still covering the land. Mr. Gruen stated aesthetically it should not be that bad since they have the knee wall and it will not be seen as a contiguous patio since there is a natural break with the knee wall. Mr. McCartney stated they could use the pervious pavers the entire wall for continuity. Mr. Gruen stated they would not object to that, but he did not want to burden them with that extra cost; and he feels that would cause a financial hardship if they were forced to do all of it that way.

Mr. McCubbin stated he does not feel the Applicants would appreciate the look of the pervious pavers. Mr. DosSantos stated he agrees from a aesthetic perspective especially on the patio around the house even though it would greatly reduce the stormwater problem. Mr. McCubbin stated pervious pavers are okay for walkways and driveways.

Mr. Gruen stated the other possibility could be to have a deck instead of pavers, and they could come out of the house to a deck, which would be pervious. He stated there are “wonderful” materials that can be used which are not like the old wood that was used before. He stated that would be aesthetically very pleasing and further reduce the impervious surface. He stated it might also be advantageous overlooking the pool. Mr. Gruen asked if they would like to take the time to discuss this matter at this time.

Ms. Cohen stated they would be willing to look into decks although she feels it will considerably increase the cost of the design. She stated one of the reasons they designed it the way they did was to have the ability to have the fence all the way around the pool and to have a lifted deck that steps down and then have the fence around the pool it seems more difficult designwise. Mr. Gruen stated it should not make a difference because they have steps leading from the deck down to the walkway to the pool. Ms. Cohen asked if rather than committing to complete pervious of the patio by the house or committing to build a deck is there a specific

reduction that would make the project possible from the current square footage that they have. Mr. DosSantos asked Ms. Cohen if she is asking if they could increase the size of the trench. Mr. McCubbin stated before the meeting started, he had a conversation with the Applicants about reducing the size of one of the patios.

Mr. Gruen stated the Board could grant a Continuance so that they could consider it further and come back at a future meeting.

Mr. McCubbin stated they did have discussions about making reductions, and they came up with an idea to reduce everything by a full percent which would be a reduction of 375 square feet. He stated this would be the house patio. He showed on the Plan the area which would be reduced. Mr. DosSantos asked if they reduced the total by a full percent would they keep the drainage the same size, since that would bring the effective impervious surface to 18%, and Mr. McCubbin agreed it would be below the 19%.

Mr. Gruen stated the job of the Zoning Hearing Board is to give them the minimum amount of relief.

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

Ms. Lee moved, Mr. DosSantos seconded and it was unanimously carried to grant the Variance with the Condition that the proposed construction of the pool and patio as described in Exhibit A-2, the patio surface will be reduced by 375 square feet which equals 1% impervious surface and that drainage ditches be subject to the approval of the Township engineer, and that the final caveat is to make the effective impervious at 18%.

APPEAL #19-1818 – STEVEN & MELISSA HALL

Mr. Steven Hall and Ms. Melissa Hall were sworn in. Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. Photographs submitted were 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. Flager asked the Applicants if they would like to proceed with four members present, and the Applicants agreed to proceed at this time.

Mr. Gruen asked if the structure is built, and Mr. Hall stated it is. Mr. Gruen asked what it is. Mr. Hall stated they moved into the home about five and a half years ago, and his daughter asked him to build a tree house. Mr. Hall stated he started to build it, and his daughter asked him to enclose the bottom of the tree house so he

put panels on the bottom of the tree house. He stated he received a violation in the mail because it was within 10' of the "set off." He stated they are asking to keep it where it is.

Mr. Hall stated he spoke to his neighbors and when the Township came out the bottom was partially enclosed. He stated once he got the Notice of Violation, he stopped doing anything pending the Hearing today. He stated there was artwork that was going to go on the outside and windows, but he totally stopped everything pending the meeting today. Mr. Hall stated he would be willing to take the bottom off if necessary and move it if necessary. Mr. Gruen stated what is shown in the photographs is not the finished structure, and Mr. Hall agreed.

Mr. Gruen asked Mr. Majewski if there is a height restriction; and Mr. Majewski stated they measured it, and it is below the 15' height. Mr. Majewski stated the issue is that it is in the front yard setback as this is a corner Lot so they are considered to have two front yards one. Mr. Majewski stated the structure is in the front yard portion of S. Houston Drive. Mr. Gruen stated it is not just that it is too close to the front, it is also in the wrong place. Mr. DosSantos asked if the Township did not address the issue with regard to corner lots, and Mr. Majewski stated that was only for fences.

Mr. Hall stated looking at the street itself, there is about 14' between his property line and the street; and they do not own from the fence to the street. He stated out the front door is what he feels is their front yard although not by the rules of the Township, and running on the back side of the property where this ends up there are a number of hardwood trees between his property line and the street that they came in and removed and did some work because they did not want them to fall down with power issues. Mr. Hall stated inside his fence line is a string of pine trees that are on his property so there is not only a string of pine trees along his fence line, but there are also hardwoods on the outside of the fence line. He stated this was the only usable space where he could put the tree house, and it is the most logical spot because it is the back corner of the property. He stated they have a pool on the other side.

Mr. DosSantos noted Exhibit A-1 and asked the orientation of the top photograph. Mr. Hall stated it is looking from the street. He showed his house, and the neighbor's tree. He showed the pine trees going down his property line heading toward the front yard and the pool area.

Ms. Hall stated they were not aware that side was considered a front yard. Ms. Hall presented a number of different photographs.

Mr. McCartney asked who built the structure, and Mr. Hall stated he did. Mr. McCartney asked Mr. Hall if his background is in construction, and Mr. Hall stated it is not. Mr. McCartney noted the stairwell which he does not feel was built close to Code. Mr. Hall stated the stairs are not finished since he got the violation; and they were just a mechanism to get in and out of the top, and would not be the final stairs. Mr. McCartney was asked about the roofing material, and Mr. Hall stated it is aluminum, and the exterior is T-111.

Mr. Gruen stated if the Zoning Hearing Board were to approve this, they would have to submit it for a Building Permit and they will have to comply with all the building issues including footings, the siding, roof, etc. Mr. Flager stated this Hearing is just for them to have the ability to have the structure where they have it.

Ms. Hall stated they did apply for a Building Permit which was denied and they indicated they would have to make sure the stairs and everything were safe. Mr. Majewski stated this initially to the Township's attention by one of our Building Inspectors when they went to the neighborhood and saw this being built. He stated a Stop Work Order was issued, and that is why they are now at this point.

Ms. Lee asked the size of the structure, and Mr. Hall stated it is 10' by 10'. Ms. Lee asked the ceiling height. Mr. Hall stated the second story is approximately 6' and the bottom is approximately 7'. Mr. Hall stated the structure is about 3' from the property line.

Mr. McCartney asked if there is electric to the structure, and Mr. Hall stated there will be no electric. He stated it is actually a temporary, movable structure so that at some point it will be taken down when his children are older. He stated he "counter sunk the poles" about 6" below the grass so that "once it is gone, it is gone."

Ms. Lee asked Mr. Majewski the setback requirement for the lot, and Mr. Majewski stated he believes it would be a 40' setback. Ms. Lee asked if there is a different setback because it is a two-story structure, and Mr. Majewski stated there is not. Mr. Majewski stated the structure is not permitted to be in the front yard; and since this is a corner lot, it has two front yards.

Mr. Gruen asked if Mr. Hall would have installed one of the "pre-made redwood swing sets with a fort" would he have had to put it 40' away from the front, and Mr. Majewski stated he would not. Mr. Gruen stated this is a different structure than a "fort/swing set;" and Mr. Majewski agreed, adding that this is considered a building structure subject to the Building Codes.

Ms. Hall stated she had discussed this with the Township a number of times, and there has been some confusion. She stated she was told at one point that 40' was not required, and she got an e-mail that indicated it only had to be 10'.

Mr. Gruen stated the issue is that if they were to have put it in the back yard in the rear quadrant of the property where you put sheds, it could be 10' from the side and rear yard setback; and it is because it is in the front. Ms. Hall asked if it is because they are a corner lot, and it was noted that is correct. Ms. Hall stated the other corner is their pool. Ms. Lee stated that other corner would be considered the back yard. Ms. Hall stated because there is a pool there, this was the only corner that was left.

Mr. Gruen asked if they installed the pool, and Mr. Hall stated they bought the house with the pool already there.

Mr. McCartney stated obviously there are some obvious health and safety issues with this structure. He asked if the Building Department will make them take it down or a part of it down. Mr. Majewski stated there are two alternatives - they can comply with the Building Code by installing the proper footings for the structure, proper bracing and supports for the stairs, and any other Code requirements that need to be met or they need to remove some or all of the structure that does not comply.

Mr. Majewski stated it is not 40' that is the requirement, rather the requirement is that it is to be in the fourth of the lot furthest removed from the road opposite from where it is now. Mr. McCartney stated that would be where the pool is now, and Mr. Majewski agreed.

Mr. McCartney stated he does not know if Mr. Majewski did an on-site inspection and he asked roughly what the Building Department will require, and how much of it will need to be torn down. It was noted they would need to have footings. Mr. McCartney stated then it would be the entire structure that would need to come down, and he asked if the Applicant is willing to do this. Mr. McCartney stated he feels they would have to tear down the existing structure and rebuild it.

Ms. Hall stated when she had conversations with the Township, the only thing she was told was that they need to get a Permit and the Township would have to come out and inspect. Ms. Hall stated "Mike" indicated they would want to make sure that it was sound and safe. Mr. McCartney stated he does not want the Applicants to be misled and if the Zoning Hearing Board were to grant the Variance, they would have to get a Building Permit and he feels they are going to have to tear down the entire structure and redo it. He stated he feels that is going to be the condition of the Building Inspector.

Mr. Gruen asked if was built on “6 by 6 pressure treated,” and Mr. Hall agreed. Mr. Gruen stated it is basically like a pole barn. Mr. Gruen stated he feels they are going to have to pour footers so it will have to be torn down. Ms. Hall stated she did not get that from the conversations she had; and that the safety of the steps was mentioned, but everything else was fine.

Mr. McCartney stated this is why he brought this up and wants to make sure “everybody here is on the same page.” Mr. Hall stated they would submit drawings. He stated they are 30’ counter sunk in and are all cemented in. He stated they are not just sitting on the ground, and they are all cemented in and it will not go anywhere. Mr. McCartney asked Mr. Majewski what the Code requires for footings on a 14’ structure, and Mr. Majewski stated he would have to look into that.

Mr. Hall asked if every tree house built in Lower Makefield Township has to get a Building Permit and follow the Codes. He stated he runs 50 to 60 miles a week, and he has run by hundreds of tree houses regularly all along the Canal. He asked if every tree house has submitted a Building Code Plan and been approved.

Ms. Lee stated she does not feel this is a tree house. Mr. Hall asked if they could take the bottom of the structure down so that it looks like a tree house. Mr. Gruen stated it is not a tree house since a tree house is built in a tree, and this is a structure. Ms. Lee stated she is disinclined to allow this structure where it is. She stated it is a huge structure and right in the front.

Mr. Gruen asked if there is no other place on the property where they could move it. Ms. Hall stated if they were to move it, it would “really be in their front yard.” Mr. Gruen asked the age of their daughters, and Ms. Hall stated the youngest is twelve. Mr. Gruen stated he feels it would only be three years for the use of the building. Mr. Hall stated if he has to take it down, he will not building another one. Mr. Hall stated it was going to be a second-story tree house, and his daughter asked him to enclose the bottom which he did, and now they are here. He stated otherwise it would have looked like a tree house sitting 8’ into the air on four poles as opposed to what it looks like. Mr. Hall stated there are no large hard wood trees to put it in on their property since the hard wood trees are on the other side of their property.

Mr. Gruen stated if the Board were to grant the Variance, it would be good forever; and four years from now their daughter will grow up and not use the tree house, but the neighbors will have to live with it until it “falls apart.”

Ms. Lee asked Ms. Hall if she was going to suggest moving it to another part of the yard. Ms. Hall stated she knows that the Township is calling this a front yard, back it looks like it is in the back if you came to their property. She stated the other corner of their yard has the pool. She stated if they were to move it, it would be

closer to their front yard, which would be more visible by several neighbors as opposed to the one neighbor. Ms. Lee stated because this is a corner lot, it is considered a front yard. Ms. Hall stated the neighbors on one corner contacted her and said they did not have a problem.

Mr. Joseph Lowe and Ms. Linda Lowe, 1079 S. Houston Road, were sworn in. Mr. Lowe stated he is a 42-year resident at this address. Mr. Lowe stated the location of this structure severely impacts his property. He stated as you stand on Houston Road and look at the front of his house, it is right there are the corner; and it is 1' from both side of their property line. He showed a survey which was done in 1976 which shows his property. A copy was provided to the Board.

Mr. Lowe stated when Mr. Hall first started the structure, he told him it was going to be a playhouse; and he did not have a problem with it. However, Mr. Lowe stated as time went on he was more concerned because of where it was located because it has a great impact on his property. Mr. Lowe stated he advised Mr. Hall that it was in violation where it was being located, but he continued to build. Mr. Lowe stated it became a "monster structure," and it went to a two-story structure. Mr. Lowe stated he has had numerous people stop by his house asking him what he was building on his property, and Mr. Lowe told them it was not his but that it was so close to his property that everybody thinks it is his. Mr. Lowe stated he was trying to be a good neighbor and did not want to create conflict, but now he is "annoyed." Mr. Lowe stated he does not feel it should be there.

Mr. DosSantos stated Ms. Lowe had indicated she had photographs, and these were shown to the Board.

Mr. Hall stated he can end this right now. He stated Mr. Lowe did come and speak to him although he did not specifically ask that he take it down. He stated if Mr. Lowe had asked him to stop and take it down, he would have done that. He stated having now heard what Mr. Lowe stated, he will take it down.

Mr. Gruen stated he understands that he wanted to build something for his daughter which was to be a "little tree house, but it grew."

Mr. Hall stated he likes his neighbors and they have a great neighborhood. He stated he did not hear it specifically stated like that before today. He stated he has \$3,000 to \$4,000 into it, but he will take it down. Mr. DosSantos stated he is withdrawing his Application, and Mr. Hall agreed.

Mr. McCartney asked if Mr. Hall withdraws his Application what would be the next course of action from the Township with regard to the Application. Mr. Flager stated if the Application is withdrawn, no Motion needs to be made regarding this Application.

Mr. McCartney asked Mr. Majewski if they can relieve the Applicant of the Application Fee or is there a partial refund, since he is withdrawing the Application. Mr. Majewski stated there is a non-refundable portion off the fee and a portion where the Township actually tracks the expenses; and if there are monies remaining from that portion, they would refund those back to the Applicant.

Mr. Gruen asked Mr. Hall if he is officially withdrawing his Application, and Mr. Hall agreed. Ms. Hall stated her daughter “will be a mess and will go on a hunger strike.”

Ms. Lee stated if it is any consolation, she was leaning to deny it anyway. Other members of the Board agreed that was how they were leaning as well. Mr. Gruen stated it is a “big box and was right in the front.” Mr. Gruen advised Mr. Hall he will have to remove the structure.

APPEAL #19-1819 – HOWARD & PHLAXY ROSENMAN

Mr. Howard Rosenman and Ms. Phlaxy Rosenman were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan which included a letter from the architect submitting the Plan was marked as Exhibit A-2. The impervious surface calculation 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 he understands that they want to put a bedroom addition downstairs and they are here for impervious surface percentage. Mr. Gruen asked about the hardship. Mr. Rosenman stated they have lived in their house for thirty-five years, and they want to stay where they live. He stated unfortunately the bedroom is on the second floor, and it has become more difficult to do that. He stated he has had a hip replacement and a knee that is mending from surgery.

Mr. Rosenman stated he wants to be proactive since he does not know what the next thing that could happen to either one of them will be, and they want to stay where they are and age in place “gracefully.”

Mr. Rosenman stated he heard the previous questions about drainage and storm management, and they will do whatever the Township says that they need to do to make it okay.

Mr. Gruen asked Mr. Majewski the allowable impervious surface; and Mr. Majewski stated 18% is allowed, the existing is 17.7%, and the proposed after the construction would be 20.31%.

Mr. DosSantos asked if they would be willing to have stormwater management in place as proposed by the Township engineer to bring the effective impervious down to the allowable 18%, and Mr. Rosenman agreed.

Ms. Rosenman asked what that would involve. Mr. Majewski stated one method of stormwater management would be to dig a trench, which in this case could be 3' deep, by 6' wide, and 25' long. He stated it would be filled with stone. He stated they would run the roof leader from one of the gutters into that pit and that allows the water to be stored underground, percolate into the ground, and then run off. He stated systems like this can cost a few thousand dollars added onto the cost of the overall construction. Mr. DosSantos stated it takes the extra impervious that they are putting in, and effectively eliminates it to bring it back down to the allowable 18%. Mr. Rosenman stated they would agreed to do what the Township engineer requires. Mr. Gruen stated Mr. Rosenman should have his contractor come in with a proposal to be reviewed by the Township engineer. Mr. Majewski suggested to Mr. Rosenman that he get a few quotes from contractors for the work. Mr. Gruen reviewed some of the details of the work that will need to be done.

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

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to approve the Variance as requested conditioned on the Applicant working with the Township engineer to keep the effective impervious surface a 18% or below by putting in a trench.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Keith DosSantos, Secretary

