

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – FEBRUARY 5, 2019

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 5, 2019. Mr. Gruen called the meeting to order at 7:35 p.m. He noted that he will recuse himself since the Applicant is his next-door neighbor. Mr. Gruen turned the meeting over to Mr. Zamparelli.

Those present:

Zoning Hearing Board: Jerry Gruen, Chair
 Anthony Zamparelli, Vice Chair
 Keith DosSantos, Secretary
 James McCartney, Member
 Michael Tritt, Alternate Member

Others: James Majewski, Director Planning and Zoning
 Adam Flager, Zoning Hearing Board Solicitor
 Fredric K. Weiss, Supervisor Liaison

Absent: Pamela Lee, Zoning Hearing Board Member

APPEAL #19-1820 – DANIEL EWART

Mr. Gruen stated there are only four voting members. Mr. Zamparelli stated since there will only be four Board members voting, the Applicant would lose if there were a tie. He stated the Applicant has the opportunity to Continue the matter to another night or proceed this evening. Mr. Ewart stated he would like to proceed.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The impervious surface breakdown was marked as Exhibit A-3. The December 3, 2018 letter from the Applicant to the Township requesting relief was marked as Exhibit A-4. The December 11, 2018 letter from a neighbor, Adan Powley, was marked as Exhibit A-5. A letter from the Social Security Administration granting Social Security Disability benefits to the Applicant's father-in-law was marked as Exhibit A-6. A copy of a handicapped placard was marked as Exhibit A-7. A copy of a disability claim form was marked as Exhibit A-8. 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. Daniel Ewart was sworn in and stated he is requesting relief for impervious surface for the driveway he installed for his in-laws and also for encroachment onto their neighbor's property over the 5' distance allowed. Mr. Ewart stated they built an in-law suite for his in-laws. He stated his wife is an only child, and she helps with his father-in-law day to day. Mr. Ewart stated a private entrance was put on for his in-laws on the side of the addition with the idea of being able to add a driveway there for easy access in and out of the door for his father-in-law as he has to frequently leave the home to and from the cardiologist for several doctor appointments.

Mr. Zamparelli asked if they obtained a Permit for the addition, and Mr. Ewart stated he was "not a big part of that." He stated he was under the assumption that since they added a private entrance that was part of it as well; and after the fact once they had the driveway put in, he was misled into believing that they did not need a Permit for just a modified stone driveway only.

Mr. DosSantos stated the question was did they get a Permit for the structure, and Mr. Ewart stated they did.

Mr. Zamparelli asked if it showed the driveway on the Permit, and Mr. Ewart stated he does not believe the driveway was part of the Plot Plans for the building. Mr. Zamparelli asked when they put the driveway in, and Mr. Ewart stated it was shortly after the completion of the build. Mr. Zamparelli stated Mr. Ewart indicated that he was misled by the contractor that they did not need a Permit for the driveway, and Mr. Ewart agreed. He added it was his mistake that he did not do more research about this and coming to the Township and finding out prior to doing the driveway. He stated by what he has been told from people who do this work it is different in different Counties, and he went on the contractor's word that since it was not blacktop or concrete and was just a modified stone driveway that it would be fine. Mr. Zamparelli stated in Lower Makefield, stone is impervious. Mr. Ewart stated that is why he is here so he can fix it in a proper manner.

Mr. DosSantos asked if the addition is just a bedroom addition, and he asked if there is a kitchen. Mr. Ewart stated it is a living room, bedroom, an office, and a bathroom. Mr. Ewart stated they have their own private entrance off the side of the house. Mr. DosSantos asked if that is where the driveway comes up to, and Mr. Ewart agreed. Mr. DosSantos asked if this is a separate driveway, and Mr. Ewart stated it is. He stated there is a driveway on both sides, and the original driveway goes up to his garage and the existing house. He stated to the left is the in-law suite, and there is a separate driveway leading up to that private entrance. Mr. DosSantos asked if there is a kitchen in the addition, and Mr. Ewart stated there is not, and they share the kitchen. He stated they have an entrance from the addition into his existing home.

Mr. Zamparelli asked if the new driveway is next to the neighbor's driveway, and Mr. Ewart stated it is next to it. He stated there is some grass in between the two driveways, and one or two trees.

Mr. McCartney asked Mr. Majewski if he was part of the planning for the Building Permit for the addition that was done, and Mr. Majewski stated he was not since that was before his time. Mr. Majewski stated he did however review the Permit particularly in relation to whether or not a driveway was shown, and it was not shown. Mr. McCartney stated there is not "self-sustaining kitchen" in the addition, and Mr. Ewart agreed. Mr. McCartney stated his in-laws have access to the interior of Mr. Ewart's home, and Mr. Ewart agreed. Mr. Ewart stated in their existing dining room, there were two windows which they took out and put French doors in that area so there is the ability to walk through from the addition.

Mr. McCartney asked why there would be the need for a separate driveway if there is access to the existing driveway by walking through the inside of the house. Mr. Ewart stated it was for privacy for himself, his wife, and his children along with respect to his in-laws' privacy as well which is why they built a private entrance for them and have their own living space and they could come and go as they pleased. They do share the kitchen. Mr. Ewart stated his in-laws are there for their convenience, but they also help out with the children as well; and it is nice to have three generations under one roof.

Mr. McCartney stated it seems that the one-story addition goes back approximately 15' and then out approximately 1' and then all the way back. He asked where the door is located in relation to the bump out, and he asked if it before the wall bumps out or after the wall bumps out. Mr. McCartney showed the area he is asking about on the Plan. Mr. Ewart stated it is labeled. He noted the small "kick-out" on the existing home which is the fireplace, and the entrance is right behind there. Mr. McCartney asked what would be the need to have the driveway extend all the way to the back of the one-story addition. Mr. Ewart stated a lot of that was for convenience for storage to his in-laws' basement. He stated his Father-in-law has two separate vehicles that he stores back in the area and they wanted to have access to have one car park in the back. He stated his Mother-in-law still works full time, and they wanted her to be able to get in and out without having to shuffle cars around. Mr. Ewart stated his Father-in-law has a Jeep and a pick-up truck that are parked in the back. He stated otherwise with the width, they would not be able to get two cars by one another.

Mr. McCartney asked if the basement access for the one-story addition is through a Bilco door, and Mr. Ewart agreed. Mr. McCartney asked if his in-laws are actively still using this, and Mr. Ewart stated his Father-in-law is not using it very much although occasionally he does give him a hand to get down there. Mr. McCartney asked if the Bilco door is around the back facing out connected to where the porch is, and Mr. Ewart showed him the location on the Plan where it is facing out back.

Mr. McCartney stated the driveway is 10' wide at the skirt, and then it tapers it up to 24 ½' wide. Mr. Ewart agreed adding that they went pretty much along the property line. Mr. McCartney asked if this still leaves a 4' to 5' grass strip, and Mr. Ewart stated it does not from his property. He stated from his property to his neighbor's property, he is over the 5' allowance. Mr. DosSantos stated aside from the actual allowances in the Code, aesthetically how wide is the grass between the addition driveway and his neighbor's driveway. Mr. Ewart stated that it is approximately 8' to 10'. Mr. DosSantos stated while there is grass, Mr. Ewart's driveway is encroaching into the 5' setback, and Mr. Ewart agreed. Mr. Ewart stated there is grass as well as a large tree in between and his neighbors' landscaped bed.

Mr. McCartney asked Mr. Ewart if he or his neighbor noticed any water issue particularly the last few weeks, and if there is any sitting water. Mr. Ewart stated there is not. Mr. Ewart stated he would not want to put that burden on his neighbors.

Mr. Zamparelli asked what is the plan to alleviate the 3.2% additional impervious surface over what is permitted, and he asked if there is a plan to bring that back to an effective 18%. Mr. Ewart stated he would be open to suggestions and stated he could plant trees. Mr. Zamparelli asked about installation of a dry well, and Mr. Ewart stated he would.

Mr. DosSantos asked how they could accomplish that if the driveway is already there since they would have to rip it up to put the dry well in. He asked Mr. Majewski if he has a suggestion for some type of stormwater management to offset the extra 3.2%. Mr. Majewski stated one method would be on the side of the driveway into their property, they could put an infiltration trench along the whole width of the driveway to absorb the run off from the driveway. Mr. Gruen asked if he could use the driveway for infiltration since it is all gravel. Mr. Majewski stated the driveway does absorb the water to a certain extent but not fully. He stated once you get compacted, crushed gravel, it compacts well and a lot of the water runs off. Mr. Gruen stated there is no room for a trench between the two driveways; and Mr. Majewski stated it would not be between the two driveways, it would be on the inside of Mr. Ewart's driveway.

Mr. McCartney asked if the driveway goes right up next to the one-story addition, and asked if there is green space between the one-story addition and the driveway. Mr. Ewart stated from the street to where the steps are, there is the existing front yard, and a landscape and a small front porch there. He stated it is stone. Mr. McCartney stated he assumes the existing driveway on the right hand side is asphalt or concrete, and he asked how many cars fit there, and Mr. Ewart stated it fits six vehicles. Mr. McCartney asked if he would consider doing some kind of walkway from the porch around the front of the house and alleviate the entire driveway on the left hand side. Mr. McCartney stated this would be a walkway coming out of the front of the in-law suite along the side of the existing two-story dwelling leading to the existing driveway. Mr. Ewart stated that was considered, but that would mean his Father-in-law would have to walk much further than he has to now. He stated his Father-in-law was diagnosed with heart failure and just had a pacemaker and defibrillator put in and he may need a heart transplant. He stated it would be difficult for him to walk further particularly in the cold weather.

Mr. Tritt asked how often he goes out, and Mr. Ewart stated while it is not a lot they ask him to get out more. Mr. Tritt asked if there is a wheelchair he can use, and Mr. Ewart stated he is not at that point yet. Mr. Tritt stated they would need to put in a ramp in; and Mr. Ewart stated they have no ramp, and he hopes they will not get to that point.

Mr. DosSantos stated he assumes one of the reasons for the driveway was to reduce the walking distance his Father-in-law has to do given his condition. Mr. Ewart agreed adding it was the ability for him to park his car and be able to get into the home from their private entrance and leave the home as well.

Mr. Tritt asked the name of the contractor who gave him the advice that he did not need a Permit, but Mr. Ewart stated he cannot remember, and they were referred to him by the company that did the in-law suite which was Pro Line. Mr. Tritt asked Mr. Ewart if he paid the person who put the driveway in directly or did it go through Pro Line. Mr. Ewart stated his Father-in-law paid the driveway installer directly.

Mr. DosSantos asked if the area in front of where it states “existing porch” grass, and Mr. Ewart stated it is. Mr. DosSantos stated Mr. Majewski has indicated that they could put a trench in that grass area. Mr. Majewski stated they could but added that there is a large tree in that area so they would have to find a way to work it in. He stated there is room on the property to do some stormwater management. Mr. DosSantos asked Mr. Ewart if he would be willing to put in some stormwater management pursuant to the suggestions of the Township engineer if that were made a Condition of approval to at least alleviate the impervious surface Variance request, and Mr. Ewart agreed.

Mr. Gruen asked if they could put perforated pipe in the driveway leading to the back and put a trench in the back at the end of the driveway to catch the water under the driveway and lead it to a trench in the back rather than a trench right in the front yard, and Mr. Majewski stated that is a possibility. He stated they could work with the Township engineer to determine what is the most suitable method for this situation.

Mr. McCartney stated it shows 27” of existing River Jack Stone that looks like it was cut in along the street and into the right-of-way, and he asked Mr. Ewart if he did that. Mr. Ewart stated he was advised that he would have to get Public Works involved if he touched the street with the driveway, and that is something that they did not do. He stated the stone that they put down runs into the existing River Jack that was there prior to he moved in. Mr. McCartney asked Mr. Ewart if he knows what that River Jack was there, and Mr. Ewart stated he has no idea. He stated there are no sidewalks in the neighborhood and a lot of people have this. Mr. Gruen stated they put it there to get their cars slightly off the road.

Mr. John Barry, 16 Milton Drive, was sworn in. He stated his home is across the street three houses down. Mr. Barry stated he learned about this because he saw big trucks after 5:00 p.m. on a Friday putting down the stone. Mr. Barry stated he asked the “head guy” if he had a Permit for this, and he advised him that he did not need a permit and he used some foul language. Mr. Barry stated he then filed a Complaint with the Township about the work that was happening after hours without a Permit. Mr. Barry stated he feels the individual knew he needed to have a Permit since he is a large contractor.

Mr. Zamparelli asked Mr. Barry if he personally has an objection to this driveway. Mr. Barry stated he does not feel it is in keeping with the aesthetics of the neighborhood. He stated it is very close to the next-door property line. He stated there are Zoning Ordinances and rules for good reason. He stated people this would continue when they sell the house, and it could also be dangerous. He stated he does not know why someone would need two driveways. He stated there is one driveway where they can park six cars. He stated he did not know that his Father-in-law had a heart problem, but the driveway extends way past the door by approximately 4’ so he feels it seems excessive to put that driveway in. He stated if it had been done properly, it would go through the Permit process.

Mr. Zamparelli stated Mr. Ewart did explain that the driveway was to minimize the walking his Father-in-law would have to do. Mr. Barry stated he understands that, but there were ways to do it better. He stated one way would be to have a circular driveway like the neighbor across the street has, and they could install some bushes rather than having two driveways. Mr. Barry asked what it would look like in their neighborhood if everyone put in two big driveways so that they

could park eight to ten cars in their neighborhood where the houses are close together. He stated he does not believe it is in keeping with the aesthetic. He stated he feels that there are things that could be done to mitigate it and also accommodate the man with the heart issue. He stated they could also mandate that when the situation changes, the driveway would be removed.

Mr. Greg Hunter, 15 Milton Drive, was sworn in and stated he lives on the same side as the Applicant, four houses south. He stated he is in the line of water that is coming from the impervious surface. He stated the Applicant's property is one of the biggest Lots in Old Wynnwood, and it is almost three quarters of an acre. He stated their impervious surface at 15% before the driveway was more impervious surface than he has on his whole Lot of a third of an acre because they are at three quarters of an acre so they are dealing with a lot. Mr. Hunter stated looking at the way the grading is of the elevation, if you put retention on the north side of the new gravel driveway, it is not picking up any of the extra run off that is coming from the new gravel driveway. He stated the way the water runs is toward Milton Drive and down toward Sutphin. Mr. Hunter stated his own front yard becomes a river any time it starts raining, and his next door neighbor's front yard becomes a lake. Mr. Hunter stated the amount of water run off that has happened since the addition and the gravel driveway is marked. He stated he has to go through multiple additions of mulch every year because the water comes down and takes all the mulch out of his beds.

Mr. Zamparelli stated Mr. Hunter is indicating that the new driveway is causing a lot of water running off. Mr. Hunter stated "he is not a scientist, and it is purely anecdotal." He stated the amount of water coming down is markedly more than it was before the driveway. He stated the impervious surface went from 15.2 to 21.2 where 18 is permitted. He stated they were 2.8% under on the largest Lot in the neighborhood, and they went to 3.2% over. He stated this in a neighborhood where there are not built in sewer systems, and water just becomes a river coming down the west side of Milton Drive.

Mr. Zamparelli stated Mr. Hunter is stating that since Mr. Ewart's driveway was put in the water is much worse, and Mr. Hunter agreed. Mr. Hunter stated they were not having to replace the mulch before.

Mr. DosSantos asked if Milton Drive slopes down from 23 toward 15, and Mr. Hunter stated it slopes down that way and it slopes from the back of the Lot to the front of the Lot. Mr. Hunter stated the east side of Milton slopes into it as well so you actually have dual rivers coming down the street because there is no sewer system.

Mr. Zamparelli asked Mr. Majewski if there is storm drainage on these streets; and Mr. Majewski stated while he is not sure, based on what Mr. Hunter is saying he feels there is probably not. Mr. Hunter stated the only street sewer is at Rickert and Milton Drive which is another five houses south of his home so everything that is coming down from above is coming through his yard. He stated both of his neighbors moved in when this happened so they do not have a “before and after.”

Mr. DosSantos stated one of the things they discussed with the Applicant was whether he would be willing as a Condition for approval to put in mitigation. Mr. DosSantos stated the idea of mitigation is to mitigate the water run off; and while it may not be the water run off from the driveway, it is water run off in general so the effective impervious surface from the property would be brought back to the allowable 18%. Mr. DosSantos stated he recognizes that they were under the allowable before. Mr. Hunter stated he would be in favor of that if it takes it back to 18%. Mr. DosSantos stated this would be done with the input of the Township engineer who will verify that what is being put in will capture that amount of run off. Mr. Hunter stated if they can do that, it would help with one of his points.

Mr. Hunter stated they have not addressed the easement of 5’ to the house to the south of the Applicant’s house. He noted Lower Makefield Township Zoning Ordinance general parking requirements. Mr. Hunter stated because of the extra room in the back, there is a lot of car storage and RV storage and a lot of cars in the driveway; and it is an eyesore in a “fairly nice” neighborhood. Mr. Hunter stated he worries about what it does to the property value of the neighborhood.

Mr. Hunter stated the second issue is the intent, and it was a “blatant disregard of the Zoning” in easements that are in place. Mr. Hunter stated he is friendly with Mr. Ewart, and this is not a personal thing. He stated Lower Makefield Township is one of the largest towns with “per capita per household income we have.” Mr. Hunter stated he used to live in Westfield, New Jersey, which “is right next to it in line, and Westfield, New Jersey would laugh this out.” He stated knows this because he lived there and he did an addition to a house, and he had to go through “multiple rounds of this” when they were 1’ there.

Mr. Zamparelli asked Mr. Ewart if these comments are correct about the water flow since he had indicated that no water flows out of his driveway. Mr. Ewart stated this is the first he has heard about this. He stated if there were any concerns, he believes that they are “approachable people,” and if there was a problem, he would feel guilty if he was “causing people grief.” Mr. Ewart stated this is the first of “his knowledge of hearing this,” and it was not his intent to put other

people in a situation that they do not want to be in. Mr. Ewart stated he cares about his neighbors, and he wished he would have known about “this prior,” and he would have tried to do something before we got to this point.

Mr. Zamparelli stated it seems that all the extra cars they have are attracting attention.

Mr. DosSantos asked if they took the stone addition from the bump out to the end of the driveway what would the impact be on the impervious. Mr. Majewski was provided the time to get the Permit so that he could review the exact house dimensions.

Mr. Tritt stated given the condition of Mr. Ewart’s Father-in-law, there is a product used in areas where there will be vehicle traffic but you still want to maintain a grass look. He stated they are pavers which are 1 foot to 18 inches square, and about half of the concrete sticks up, and everything else is below so you can put through there which allows drainage, but it does not allow for ruts to form so you could drive a car up close to the porch, but they would not have all of the gravel and everything else that takes away from the neighborhood. Mr. Tritt asked Mr. Ewart if he would be able to do something like that. Mr. Tritt stated it supports vehicles and you can mow over top of it so that would maintain the look of the neighborhood and his Father-in-law could still get close enough to the porch. He stated that way they could go back to grass and would not have to worry about the run off. Mr. DosSantos asked Mr. Tritt if he is talking about the entire length of the driveway; and Mr. Tritt stated it would only be up to the porch area, and he feels the back part should be removed and there should not be vehicles parked back there.

Mr. Gruen stated he feels Mr. Majewski would object to this since there is a Zoning law that you have to park cars on impervious surface. Mr. Tritt asked if they could have a little concrete pad at the very end right in front of the porch and that way, that part would be impervious. Mr. Tritt stated that would maintain the integrity of the neighborhood. Mr. Ewart asked how that would work in terms of impervious surface, and Mr. McCartney stated he may not then need the Variance.

Mr. Ewart stated some people had suggested having a circular driveway off of his existing driveway and the issue was the distance his Father-in-law would have to travel as well as cost effectiveness since his in-laws just put out a lot of money for what they built. Mr. Ewart stated in his opinion he does not feel what they have done looks awful although it could look better.

Mr. Ewart stated he feels what is being discussed would mean they would be “shelling out a whole lot more money for something like this for materials and labor.” Mr. Ewart stated the driveway was not put in to store a collection of vehicles and make the neighborhood look bad. He stated his Father-in-law has a pick up truck and a Jeep Wrangler that are back there and his Mother-in-law parks her vehicles in front of his vehicles to get out to go to work full time. Mr. McCartney stated from a practicality standpoint if there is already a driveway that holds six cars, they could store five cars in that driveway and one car right in front of the porch so his Father-in-law could walk out and not have to walk too far; and he feels that would appease a lot of people.

Mr. Ewart stated the reason they did it the way they did is because he himself has two vehicles – one being a work vehicle and one for personal use – and his wife has one vehicle; and they did not want to have to shuffle cars and inconvenience his in-laws asking them “to put their shoes on and come out in the cold to move their cars around” so he can take his children to different activities. Mr. Zamparelli stated what Mr. Tritt is suggesting eliminating most of the driveway and put in a cement section right in front of the porch for them to park on, and the other portion would be the other material.

Mr. Hunter stated he had assumed that the Township had already granted this, and they did not know about the Appeal until they received the letter approximately a week ago. He stated he did not talk to Mr. Ewart about it because he thought it was complete and approved. Mr. Hunter stated his wife had reached out to Mr. Majewski multiple times when it first happened, or possibly Mr. Majewski’s predecessor, to complain about it. He stated they made themselves known back then, and they just assumed that the Township had let them “get away with it.” He stated the reason he is here is because when they realized it was before the Board, they wanted to make sure that they were representing their neighborhood.

Mr. Majewski stated if they pulled back the driveway to be in the area where the bump out is where the entrance is to the addition, that would eliminate approximately 800 square feet of driveway, and that would bring them down to approximately 18.7%. He stated if they went a few feet past that it would be approximately 19%.

Mr. DosSantos showed Mr. Majewski a drawing of something he was proposing, and asked if that would allow for two cars to park in that space; and Mr. Majewski stated that would be between 16’ and 21’ so it would be narrow.

Mr. McCartney asked where on the driveway would they have to be in order to not require a Variance. He asked how far away from the bump out would they have to be.

Mr. DosSantos stated what they are looking at is taking the driveway area that is beyond the entrance out, and reducing or eliminating some of the back part which he feels would alleviate some of the neighbors' concerns and also significantly diminishes the impervious request which would also alleviate some of the neighbors' concerns about the run off. He stated they are trying to come to a compromise.

Mr. Ewart stated while he understands this, it defeats the purpose of what they had designed to allow his in-laws being able to have a vehicle one behind the other without having to move the vehicles around on a daily basis. He stated if his Father-in-laws Jeep was behind his Mother-in-law's car, they would have to shuffle cars in the morning before she goes to work. Mr. Zamparelli stated he understands that is inconvenient.

Mr. McCartney asked if they could grant a Variance based on a specific use; and then once the use is no longer needed, the Variance goes away; however, Mr. Flager stated Variance goes with the land. Mr. McCartney stated this is the concern that this will stay this way for fifty years. Mr. Ewart stated he had a conversation with his neighbor and it came up that if someone had to move, he would take care of it; and they have a gentleman's agreement that is something he would take care of. Mr. Ewart stated this is something for his in-laws and it serves him no purpose whatsoever. He stated he plans to be in this home for a long time, and this driveway serves him and his wife no purpose. He stated he cannot foresee the future and tell them that it will be there for the "longevity" of his stay there.

Mr. Zamparelli stated Mr. Ewart indicated that his Father-in-law cannot walk much, but he assumes that since he has his own car, he is going out by himself; and Mr. Ewart agreed. Mr. Zamparelli asked Mr. Ewart what he could do to help them adjust this driveway somehow.

Mr. Majewski with regard to the question as to what it would take to not require a Variance at all, they would have to scale back the driveway to be about 2' behind where the porch is. Mr. McCartney stated that would give them enough space to pull one car up since it would be 16' wide at that spot, and they would have the ability to pull one car up and have walking access from the front entrance to the car; and Mr. Majewski agreed.

Mr. Hunter stated they currently have the truck and the Jeep parked in the back, and he asked if it wide enough that they could have two cars there.

Mr. McCartney stated it is not. He stated what they are looking at is letting him keep the existing driveway up to a point where he would not need the Variance, but that would only include a 16' wide area coming off the front porch, which would only fit one car with a little bit of room on each side of it.

Mr. Ewart stated if they are going to continue to keep the truck, the Jeep, and his Mother-in-law's vehicle in a short span they will be sitting in the front driveway which he feels will look worse than the way it looks now. He stated the truck and the Jeep are currently tucked in the back where they are not obvious. Mr. McCartney stated there is also the other driveway that fits six vehicles so that between his three vehicles and his in-laws three vehicles, they would all fit in that driveway and one could fit on the other side so that his Father-in-law could access it without having to make a long walk. Mr. Ewart stated while he understands that, if he is on vacation his in-laws car could be "stuck" in one of the spots.

Mr. Zamparelli stated other than the inconvenience, he is "not getting it." He stated his in-laws are driving so they could move cars around if they had to.

Mr. Gruen asked Mr. Majewski how close he is to "upgrading" the Commercial vehicle parking situation. He stated one of Mr. Ewart's vehicles is a Commercial vehicle that he uses for work, and he might not be able to park it in his driveway anyway. Mr. Majewski stated they are a few months' away. Mr. McCartney stated he is currently parking that vehicle in the driveway. Mr. Gruen stated in the future we are "changing the Zoning," and he might not be able to drive that vehicle home. Mr. Gruen stated if it did not have the company logo on it, it could be parked there. Mr. Hunter stated he does not have an opposition to the Commercial vehicle that is Mr. Ewart's work vehicle as it a vehicle that you would see in a driveway many places just without a company logo. Mr. Majewski stated the Ordinance does not talk about whether or not it has Commercial painting on it and it just talks about Commercial vehicles over a certain weight. He stated the weight limit is currently very low, and they are looking into changing that to be a more reasonable standard. Mr. Majewski stated currently we probably have hundred of vehicles that are parked illegally in the Township.

Mr. Hunter stated he does not feel Mr. Ewart's work vehicle is an issue.

Mr. McCartney asked with regard to the driveway entrance coming off of Milton are there are any requirements that need to be met, and was Mr. Ewart permitted to just make a driveway onto a Township road from the other side of his house.

Mr. Majewski stated there are requirements. He stated they did not get a Permit, and they also need a Road-Opening Permit to be allowed to tie into the Township roadway to make sure it is done properly and so that the Public Works Department has the opportunity to inspect the work to make sure it does not do any harm to the road. Mr. Majewski stated the second component is that whenever you add impervious surface on a Lot, you need to comply with the Stormwater Management Ordinance to control the extra run off from the driveway so that you do not exacerbate the existing problems they already have in the neighborhood. Mr. Majewski stated they also have to comply with Zoning and that is why they are before the Zoning Hearing Board.

Mr. McCartney asked if the Zoning Hearing Board were to grant a Variance would Mr. Ewart still have to go through those steps, and Majewski agreed.

Mr. Hunter asked if the River Jack along the road was calculated in the 21.2% or was that done with no Permit. Mr. Majewski stated it is not in the calculation, and that would be within the Township right-of-way. He stated the right-of-way typically is anywhere from 9' to 14' beyond the edge of pavement.

Mr. Ewart stated with regard to tying into the street, that was one of the points that he brought up with the existing River Jack that is there, that they did not tie into the street. Mr. McCartney stated Mr. Ewart is saying that the River Jack is serving as a buffer between his property and the street, and Mr. Ewart agreed. Mr. McCartney asked if that is legitimate, and you can say you are not tying into the public street because they have 27" of River Jack between their driveway and the street; and Mr. Majewski stated they would have to look into that.

Mr. Zamparelli stated when he wanted to have an offset in his front yard to park a car, he talked to the Public Utilities and they said he could do that. Mr. McCartney stated Mr. Zamparelli did not design a driveway and cut it out to the road, and Mr. Zamparelli stated he did not. Mr. McCartney stated he feels whether the River Jack is there or not, they would still have to comply with the requirements are when you are tying in your driveway to a Township Road, and Mr. Majewski agreed.

Mr. Zamparelli stated he is in favor of Mr. Tritt's suggestion, and he asked what that material is called. Mr. Tritt stated they are paving stones by Turfstone, and there are other manufacturers. Mr. Ewart was shown a picture of what Mr. Tritt was describing.

Mr. Tritt stated they would not need a Variance because it is pervious coverage and it would have a grass look all the way through and provide a more uniform look for the neighborhood. He stated it would also give his Father-in-law a safe place to drive up and be closer to the walk.

Mr. Majewski stated the Ordinance requires that cars be parked on a suitable hard surface. He stated that is loose wording, and gives people the discretion to have something suitable although they could not just park on the grass. He stated the product that has been mentioned is probably a suitable alternative that would be allowed under our Zoning Ordinance.

Mr. DosSantos asked if Mr. Powley was present, and it was noted Mr. Powley was present.

Mr. Barry stated he and his wife would like to see an accommodation made for Mr. Ewart's Father-in-law to be able to get closer to the house, and it seems like there are a lot of solutions that are better; and had they gone through the Permit process in the first place, they would have come to a different solution and money may not have been "squandered" the way it could be depending on what they now have to do. Mr. Barry stated he feels the reason why people do not have two driveways are because of safety. He stated Mr. Powley could sell his house and someone else could move in who has small children, and he feels that should be a consideration. Mr. DosSantos stated while that is true, any prospective knowing that this is existing, and that is something Mr. Powley has to consider. Mr. Barry stated it could be a young couple that buys the house that does not have children, and then when they have children, they may feel differently about this.

Mr. Gruen stated Mr. Ewart is here because of a hardship, and you get a Variance because of a hardship. Mr. Gruen stated his hardship is because of his in-laws, and that is what the Board is looking at. Mr. Barry stated he feels any solution should be granted while required and then be reversed when the man no longer lives there or the house is sold. Mr. Barry asked if they could imagine if everybody started putting in two driveways, and Mr. Zamparelli stated everybody does not do that. Mr. Flager stated the Variance runs with the land and is not something that will get extinguished in a certain amount of years.

Mr. McCartney asked if there are any Variances in place under the Americans with Disabilities Act where they do not stay with the house; and once the disability is no longer there, it has to be removed. Mr. Flager stated we are dealing with Lower Makefield Township Ordinances.

Mr. Gruen suggested that Dr. Weiss and Mr. Majewski to look into something in the Zoning so that they could give temporary Zoning Variances. He noted the Variances they gave for people to have chickens, and when the people moved, the Variance stays. He asked that they look into something in the Ordinance that we could issue a “sunset” for the Variance. Mr. Majewski stated they would have to discuss this with the Township solicitor.

Mr. Adan Powley, 21 Milton Drive, was sworn in, and stated he lives next door to the Applicant. Mr. Powley stated he did submit a letter; and being a direct neighbor he is impacted more than anyone on the street. He stated he was aware of the conditions of the reasoning for putting the driveway in, and that Mr. Ewart was not just putting in an extra driveway because he wanted one, and there was a reason for doing so. Mr. Powley stated he does thing about the impact on the value of his property because of the distance from his boundary, but with the existing trees and the way the property is set up, there was no other way to put in a driveway that would allow access to the back of the property to allow the in-laws to get to their entrance to the property unless it was that close to his property. Mr. Powley stated his family are friends with the Ewarts, and their children play together constantly. He stated Mr. Ewart is a great neighbor, and he values his friendship. Mr. Powley stated neither of them plan on leaving their properties in the near future, but if for any reason Mr. Ewart plans to sell his property or if Mr. Powley were to sell his property or if for any reason in the future it appeared that there was an issue with the run off or drainage, Mr. Ewart gave him an assurance that he would take care of the driveway and all Mr. Powley had to do was ask. Mr. Powley stated while he is living next to him and Mr. Ewart is occupying the property, he made the decision that he is comfortable having the driveway there given all of the circumstances.

Mr. DosSantos asked Mr. Powley if Mr. Ewart were to move out without rectifying the driveway would he object to the driveway. Mr. Powley stated he has an understanding with Mr. Ewart that he would not sell the property with the driveway there. Mr. DosSantos stated Mr. Powley should understand from the conversation this evening that would not necessarily be an enforceable understanding, and Mr. Powley stated he does understand that. Mr. Flager stated it would not be enforceable from the Township’s perspective. Mr. Powley stated knowing Mr. Ewart the way he does, he knows that the only reason that driveway is there is to allow his in-laws to have access.

Mr. Zamparelli stated they do not know the cost of the suggestion that Mr. Tritt has made, and asked Mr. Ewart if he would like to have a Continuance to consider other options before the Board votes.

Mr. Tritt asked if Mr. Ewart was to narrow the driveway and pull it back and go within the normal or below the impervious coverage ratio could it be done with a Permit. Mr. Majewski stated he does not believe he could reach the 5' so he would need a Variance for that; however, they could consider something else that would get them under the impervious surface. Mr. Majewski stated he could discuss this with Mr. Ewart between now and the next meeting.

Mr. DosSantos noted the comments made by some of the neighbors about the increase in run off since the driveway was put in, and he asked Mr. Powley if he has noticed any increase in run off as the direct next-door neighbor. Mr. Powley stated that is hard to say since he recently purchased the property and he does not recall how long he purchased it before the driveway was put in. He stated he feels there always has been a run off issue in their street as the water runs down the street. He stated he cannot comment on whether there has been a noticeable difference because he does not have much to compare it to.

Mr. McCartney stated what they are talking about is reducing the size of the driveway to the area where the porch is, and from the porch back to the rear of the one-story addition along the side would be removed. Mr. Zamparelli stated they should look into the cost and that by the porch they would have a cement pad just for the car and look Mr. Tritt's idea for the permeable pavers for the rest of the way. Mr. Tritt stated they would not have to do a whole driveway width with the pavers, and they could just make two drive lines. He stated this would reduce the costs and keep the aesthetic view of the neighborhood as well as accommodating his Father-in-law.

Mr. Ewart stated he is open to suggestions and is not here close-minded saying he wants to keep what they have. He stated he does want to fix this. Mr. Ewart stated if they did the blocks like Mr. Tritt is suggesting, could they still keep the outline of what he has now taking the modified stone up. Mr. Tritt stated he would create two drive lines for width of a normal vehicle so there would be a solid surface to drive up on, and in the area where his Father-in-law would park the car he would make a parking area the size of a normal parking spot. He stated he feels he could also probably pull it back so that he is outside of the 5' buffer as well. Mr. Ewart stated what he was asking was if he could keep what is existing as far as the outline without the modified stone using the pavers Mr. Tritt is suggesting. Mr. Zamparelli stated he would still need the setback Variance.

Mr. Flager stated the impervious surface would be resolved that way, but the setback would be the same. Mr. McCartney stated it would be whether or not the Board is willing to approve the setback from the street all the way to the back. Mr. Gruen stated he feels the pavers would resolve the setback because he would just be putting in "two rails" but he will have to open it

in the back if he wants to keep parking there. Mr. McCartney stated they would bring two rails up to where the porch is and then split it off so that there are two parking spots where the stone area is. Mr. McCartney stated that would depend on where the rail will lie on the left hand side if they are still within that setback or not.

Mr. Flager stated use of the pavers would eliminate one issue.

Mr. Ewart apologized for not getting the Permit in the first place, and he wants to go about this in the right manner.

Mr. Zamparelli asked Mr. Ewart if he wants to consider some of these options and not ask for a decision this evening, and Mr. Ewart agreed. Mr. DosSantos stated they could grant a Continuance now, and Mr. Ewart could talk to Mr. Majewski and the Township engineer to consider some other ideas besides what was discussed this evening. Mr. Ewart stated he would also like to apologize to those here tonight and he wished he had knowledge that there was an issue since this is the first time he has heard about it. Mr. DosSantos stated the idea now is to come up with a solution and come back to the Zoning Hearing Board adding he could also have some interaction with his neighbors.

There was discussion on the length of the Continuance needed. Mr. Flager stated the next Hearing is in two weeks on February 19, and the one after that is March 5. Mr. Ewart asked that the matter be Continued until March 5.

Mr. Flager asked those present who spoke if they wished to have Party Status, and he described what is involved with Party Status. Mr. Barry, Mr. Hunter, and Mr. Powley all asked to have Party Status.

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to grant a Continuance to the March 5, 2019 meeting. Mr. Gruen did not vote on this matter.

There being no further business, Mr. Zamparelli moved, Mr. McCartney seconded and it was unanimously carried to adjourn the meeting at 8:45 p.m.

Respectfully Submitted,

Keith DosSantos, Secretary

