

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES - FEBRUARY 19, 2019

The regular meeting of the Zoning Hearing Board of the township of Lower Makefield was held in the Municipal Building on February 19, 2019. Mr. Gruen called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board:        Jerry Gruen, Chair  
   Anthony Zamparelli, Vice Chair  
   Keith DosSantos, Secretary  
   Pamela Lee, Member (joined meeting in progress)  
   James McCartney, Member

Others:                                Jim Majewski, Director Planning & Zoning  
   Adam Flager, Zoning Hearing Board Solicitor  
   Frederic K. Weiss, Supervisor Liaison

APPEAL #19-1821 – MUNZ CONSTRUCTION – TAX PARCEL #20-038-170  
691 DEER PATH LANE

Mr. Flager stated Ms. Kirk was going to participate in this matter on behalf of the Township, but she had a Hearing this evening in District Court that she was unable to get out of. Mr. Flager stated Ms. Kirk was in touch with the Applicant about a Continuance, and they are in agreement with that. Mr. Flager stated he received a letter this afternoon dated February 19 requesting the Continuance until March 5, and an e-mail response from Chris Munz on behalf of the Applicants agreeing to the Application being Continued until March 5.

Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to Continue the matter until the meeting on March 5, 2019.

Ms. Lee joined the meeting at this time.

APPEAL #19-1822 – BETH & ALFRED ALON – TAX PARCEL #20-072-014  
1491 BROOKFIELD ROAD

Ms. Beth Alon and Mr. Alfred Alon were present and were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit as A-1. The Site Plan was 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. Gruen stated they are asking to put in a split rail fence in the back yard in a restricted area, and Mr. Gruen asked what the fence is for. Mr. Alon stated the fence is to prevent their pet from leaving the property as well as to protect it from an encroachment by a person or animal when their three young children and puppy are in the back yard.

Mr. Gruen asked what the restricted area is for. Mr. Majewski stated it is a storm sewer easement, and there is a storm sewer line that goes through the rear yard. He stated their fence would be a few feet off of where that line is. Mr. Majewski stated the Township has no objection provided the usual conditions are placed on it by the Zoning Hearing Board.

Mr. Gruen asked the height of the fence, and Ms. Alon stated it is three rails. Mr. Alon stated it is a 4' high fence. Mr. Gruen asked if they are putting in wire, and Mr. Alon agreed. Mr. Gruen asked with the wire do they have to keep it a couple of inches off of the ground so that the water flow is not blocked, and Mr. Majewski stated they do not. Mr. Majewski stated they would be concerned about that if it were a solid fence, and since this fence has openings even with the wire, there is room to go through the fence to the easement.

Mr. Gruen stated they indicated in the letter that if they were allowed to have the fence if the Township or anybody had to enter that area to do work in the easement, they understand that they would be obligated to remove the fence at their expense and they could re-install it at their expense if they wished. Mr. Gruen stated if this is approved, that would be one of the Conditions. Mr. Alon agreed to this Condition.

Mr. Gruen stated the fence will be in line with the back of the house, and it will not be in the front of the house. Mr. Alon stated it will encapsulate the back yard, and they are not coming to the front.

Mr. Walter Billia, 1487 Brookfield Road, was sworn in. He stated he borders two of their “fence properties.” Mr. Billia stated he wanted to make sure that they would be careful with the trees. He stated with regard to the fence along the driveway, there is a water pipe, and he asked if they will be “offset a little.” Mr. DosSantos asked what he means by a “water pipe,” and Mr. Billia stated it is public water from the street. Mr. DosSantos asked if this is the easement that they are referring to, and Mr. Billia stated it is a different easement. Mr. Gruen asked what he means by a water pipe, and he asked who put in the water pipe. Mr. Billia stated he assumed it was the Township although he does not know. Mr. McCartney asked if this is the water coming in from the street to the house. Mr. Billia stated he has a well; however, in order to get the property built he was told that public water had been run from the street to his house. Mr. Majewski stated it appears that there is an easement not on the Applicants’ property, and their fence will not impact the water pipe. Mr. Billia stated the water pipe should be on his property.

Mr. Gruen stated Mr. Alon will put his fence on his own property. Mr. Gruen suggested that Mr. Billia and Mr. Alon get together to make sure they have the boundaries correct. Mr. Gruen asked Mr. Majewski if Mr. Alon is required to have a survey. Mr. Alon stated they had a survey done.

There were no others wishing to speak on this matter and the Hearing was closed.

Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to grant the Variance as requested per the Plans submitted with the Condition that if the Township or some other entity needs to gain access to the Easement, the fence will be removed and replaced at the owners’ expense.

There being no further business, Mr. DosSantos moved, Mr. Zamparelli seconded and it was unanimously carried to adjourn the meeting at 7:45 p.m.

Respectfully Submitted,

Keith DosSantos, Secretary