

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

The regular meeting of the zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on March 5, 2019. Mr. Gruen called the meeting to order at 8:05 p.m.

Those present:

Zoning Hearing Board: Jerry Gruen, Chair
 Anthony Zamparelli, Vice Chair
 James McCartney, Member
 Matthew Connors, Alternate Member

Others: James Majewski, Director Planning and Zoning
 Barbara Kirk, Township Solicitor
 Adam Flager, Zoning Hearing Board Solicitor
 Frederic K. Weiss, Supervisor Liaison

Absent: Keith DosSantos, ZHB Secretary
 Pamela Lee, ZHB Member

APPEAL #19-1820 – DANIEL EWART

Mr. Flager stated Mr. Ewart sent an e-mail to the Township today requesting that his Appeal be continued to the April 2 meeting as they are still trying to work out some of the issues to resolve some of the concerns that were raised previously.

Mr. McCartney moved, Mr. Connor seconded and it was unanimously carried to grant the requested Continuance to April 2, 2019.

Mr. Majewski stated he visited with Mr. Ewart and they looked at the property. Mr. Majewski stated the gravel he has is actually a gravel that is very loosely graded and water primarily infiltrates in so stormwater is not as much of an issue as is compacted gravel or a regular driveway. Mr. Majewski stated Mr. Ewart is looking at some of the alternatives to scale back as was discussed at the last meeting. Mr. McCartney asked if the gravel would compact in time, and Mr. Majewski stated it just stays loose.

APPEAL #19-1823 – WILLIAM COLFLESH

Mr. William Colflesh and Mr. Jason Colflesh 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. Gruen stated they want to put in a shed. Mr. Gruen stated they are putting it in the rear quadrant of the lot. He asked if he has discussed it with the Building Inspector, and Mr. William Colflesh stated that he did. Mr. Gruen stated they need a 1% increase in the impervious surface, and Mr. William Colflesh agreed. Mr. Gruen asked if they are willing to put gravel under the shed and extend it to the drip line, and Mr. William Colflesh agreed. Mr. Gruen asked how deep the gravel will be, and Mr. William Colflesh stated they have proposed 6" in depth. Mr. Gruen asked if it is a sloping roof shed, and Mr. William Colflesh agreed. Mr. Gruen asked Mr. Majewski if they do the drip line on both the front and back of the shed and go approximately 1' to 18" deep would that be sufficient, and Mr. Majewski agreed that it would be. Mr. Gruen stated they would not need more than 6" under the shed. He asked if they would be willing to do the section past the shed with the drip line, 18" deep instead of 6", and Mr. William Colflesh agreed that they would do that. Mr. Gruen stated that would hold more water.

Mr. McCartney asked if there are any current water issues in the back yard or do his neighbors have any water issues that he is aware of, and Mr. William Colflesh stated he is not aware of that for any of the houses behind him. He stated those house are 15' to 20' higher than he is; and their water becomes his water. Mr. McCartney stated Mr. Colflesh's property is the low spot, and Mr. William Colflesh agreed. Mr. Colflesh stated he has not had standing water except for a couple of times when it rained for a long time. Mr. Gruen asked how long the water stands if there is a 1" or 2" event, and Mr. William Colflesh stated it would be one or two days.

Mr. Frank Gallo, 1252 Dickinson Drive, was sworn in and showed the location of his property on the Plan. Mr. Gallo stated he has been in his home for twenty years and there are significant rainwater issues that have been in the area there. He stated he is at the higher end, and a few times over the years he has had water in his basement, and he is significantly higher than Mr. Colflesh's property and the next person who will be speaking. Mr. Gallo stated there are also a lot of standing trees there; and as the trees become more mature and the ground gets saturated,

he is concerned that the trees have started falling over when there are high winds although none have done that in their neighborhood yet. He stated he feels what is proposed will be adding to the problem that we already have.

Mr. Gallo stated his second concern is the aesthetics as there is a 10' offset from the property line on this Lot compared to the others of a relatively small size.

Mr. Gallo stated his property is at the higher end, and he is concerned about where this significantly large structure will end up being placed. Mr. Gallo stated his own garage's opening is 8', and what is being proposed for this shed is 10' by 12'.

He stated it is significant and no one else in the area has something this large although there are sheds. Mr. Gallo showed the location of his home in relation to Mr. Colflesh's property. He stated his property is 15' higher than Mr. Colflesh's and he has had water in his basement.

Mr. McCartney asked if Mr. Gallo knows if the source of the water is groundwater coming up from the slab, and Mr. Gallo stated he believes it is ground water.

Mr. Gallo stated with regard to standing water, between the two Lots, the Lot Line between his and Mr. Colflesh's, there is a retaining wall on Mr. Colflesh's property which was put in by the previous occupant; and when it rains, the water backs up to that retaining wall even during typical rain storms. Mr. Gallo stated he knows that other neighbors in the area have water problems.

Mr. Zamparelli asked Mr. Gallo if he feels the shed will block the water rolling down from his property to Mr. Colflesh's property, and Mr. Gallo stated he feels this is an issue for the entire neighborhood. He stated for himself personally he feels it is probably less of an issue because he is at least 10' higher, but he has a concern for the neighborhood as it will contribute to a problem we have all around.

Mr. McCartney asked Mr. Majewski if ground water gets effected by impervious surface; and Mr. Majewski stated primarily when you add impervious surfaces it inhibits the ground from absorbing water so you get more surface run off, and it does not impact infiltration and ground water, and would actually have the opposite effect. Mr. McCartney stated adding more impervious surface will not increase the odds of Mr. Gallo getting more water in his basement. Mr. Gallo stated when there is a lot of rain and there is a lot of water standing there, he had to put a pump in where his patio is to pump the water away. Mr. Gallo noted areas on the Plan where the ground is significantly wet. Mr. Gallo stated his concern there is that it is saturating the ground and there are trees all around.

Mr. McCartney stated looking at the Site Plan, they plan to put the shed on the east side of the property. Mr. Majewski stated it is on the opposite side from Mr. Gallo's lot and it closer to the lot on the other side of the property. Mr. McCartney asked if the installation of the shed will involve removing any trees, and Mr. William Colflesh stated it will not. Mr. McCartney stated it was indicated that the need for the shed was for storage of lawn maintenance equipment, and Mr. McCartney asked if this is commercial storage; and Mr. William Colflesh stated it is for residential yard equipment for his own property. Mr. Gruen noted the proposed size of the shed is 12' by 14'.

Mr. Gallo asked that he be shown on the Plan where something of that size exists now adding that he feels there are none. He stated no one has anything like this in the neighborhood.

Mr. McCartney asked if there will be electric to the shed, and Mr. William Colflesh stated there will not. Mr. Jason Colflesh stated there are sheds in the neighborhood; however, Mr. Gallo stated there are small sheds. Mr. Gallo stated as he indicated earlier the opening on the garage of his house is 8' wide and that is attached to his home and the depth of his garage is approximately 16' deep. Mr. Gallo stated the shed also has to be 10' off the property line on all edges. Mr. Gruen stated it has to be a minimum of 10'.

Mr. McCartney asked Mr. Majewski if the Applicant put in a 10' by 10' shed would he need the Variance, and Mr. Majewski stated currently they are already over the impervious surface. Mr. McCartney stated anything he would put in would need a Variance, and Mr. Majewski agreed. Mr. Majewski stated this development was built in the late 70's, and at the time they did this there was no impervious surface requirement and there was a 15" building coverage. Mr. Majewski stated virtually every Lot within Yardley Hunt is over the impervious surface that is allowed of 18%. Mr. Majewski stated the way the Ordinance is written, after 1987 the Township allowed additional impervious surface because those developments had stormwater management and basins. Mr. Majewski stated although Yardley Hunt does have stormwater management basins, they made the cut off too late.

Mr. Gallo stated he put on an addition on the back of his home, and he came before the "same Board of Supervisors" and he had to modify his addition so that he would not go over the impervious limit; and he changed his design and had to go back to the architect. He stated "in point of fairness," he was not allowed to go over that impervious limit and it was about the same and it was less than 2% over the allowable limit.

Mr. Zamparelli stated the Zoning Hearing Board always asks for mitigation. Mr. Gallo stated they wanted him to “put in a tank.” Mr. Zamparelli asked Mr. Gallo if Mr. Colflesh was willing to do mitigation that brings him back down to 18% which is lower than what he has now, would he still be against it or is it just the shed size he has a problem with. Mr. Gallo stated aesthetically he is concerned. He stated he does have a concern for the impervious surface for the neighborhood, and he is concerned about aesthetically. He stated there are some sheds in the neighborhood which can be seen on the Plan, and he noted several on the Plan.

Mr. Gruen asked Mr. Colflesh why he needs such a large shed; and Mr. William Colflesh stated there was no particular reason other than it was cost effective to do so, and there was room to put it there. He stated at the time, they thought that it would still be within the impervious surface; but when they finished mapping it out, they found it was over. Mr. Gruen asked if he would be willing to scale it down a bit, and Mr. William Colflesh stated he would. Mr. Gruen asked how far he could scale it down and still be comfortable with the size. Mr. William Colflesh stated he does not know how the size he had put a contract out on compares to the other sheds that are existing. He noted some locations on the Plan where there are some larger sheds.

Mr. McCartney stated one of the Lots that Mr. Colflesh pointed to where there are existing sheds is Mr. Gallo’s Lot; and Mr. Gallo agreed that he does have a shed. Mr. McCartney asked Mr. Gallo the size of his shed, and Mr. Gallo stated he does not know the dimensions, but stated it is less than 12’ in one dimension, and maybe 8’ in the other. Mr. McCartney asked Mr. Gallo if he would offer the same solution of 8’ by 12’ to Mr. Colflesh. Mr. Gallo stated he would be okay with 8’ by 12’.

Ms. Gladys Welber, 1248 Dickinson Drive, was sworn in. She stated she is on the other side of the property and has lived there thirty-five years. She showed the location of her home on the Plan. Mr. McCartney stated her property goes down, and water has come down and gone into her basement and into her family room. She stated the part of her house that is closest to Mr. Colflesh does not have a basement so that includes her laundry room, her bathroom, and her family room; and they have had water run down in there. Ms. Welber stated she does not want any more extra water and aesthetically she does not like the idea of having something that close to her property line.

Mr. McCartney asked Ms. Welber the last time over the last ten years she has had water infiltration; however, Ms. Welber stated she could not remember, but added they do get a substantial amount of water. Mr. McCartney stated his question was when she last got water infiltrating into her house, but she indicated that she could not remember. Mr. McCartney stated it seems that the concern is more with the aesthetics; and Ms. Welber stated it is not just the aesthetics. She stated she is concerned because she is “down from there” and with the kind of dimensions he is talking about and the water which runs through.

Mr. Zamparelli stated Mr. Colflesh did offer mitigation and to reduce the size of the shed. Ms. Welber stated where he wants to place it is very close to her property line, and she is concerned about the size of it. Mr. Zamparelli stated he has agreed to change the size. Ms. Welber asked if he could not move it someplace else so it is not so close to her. Mr. Gruen stated he is restricted as to where it can be put it, adding he cannot put it any closer than 10’, and he cannot put it in the front. Mr. Gruen stated he must put it in the rear quadrant of the property, and he has a right to do this by right. Ms. Welber stated she agrees that he has a right, but she has a right to object. Mr. Gruen stated the gravel that will be put underneath will probably fix the situation, and there will be less run off; and the water will get into the gravel and sit there. Ms. Welber asked if they can guarantee that. Mr. Gruen stated there is no guarantee.

Mr. McCartney asked Ms. Welber if she would consider, since she indicated she has had so many incidences of water events, putting in some kind of water mitigation system on her own property. Ms. Welber stated she would not consider that adding she has lived there thirty-five years. She stated Mr. Colflesh has discussed that there is no standing water, but he has lived there less than a year so he does not know the history of the neighborhood. Mr. McCartney asked Ms. Welber since she has indicated that she does know that there is a standing water issue, if she would not be open to putting in a water mitigation system. Ms. Welber stated she has lived there thirty-five years, and she would not consider that. Mr. McCartney stated this would protect her own property. Ms. Welber stated at her own property if she has to “go through that again it would be terrible” since it went into the basement. She stated occasionally she does get water in the basement as there is a lot of water there. She showed on the Plan where water is running.

Mr. Zamparelli asked Ms. Welber how long she has standing water on her property, and she stated it could stay there three or four days. She stated she is very concerned about mosquitos in the summer because of the water. She stated she is

also worried about trees falling down since she has lost trees. She stated the original pine trees that acted as a barrier between them are beginning to age out and need to be replaced. She stated she has had to replace trees.

Mr. Zamparelli asked Ms. Welber has a shed, and she stated she does not. She stated she has a two-car garage which was adequate for thirty-five years to “keep all of their stuff in.”

Mr. McCartney stated the Zoning Hearing Board is more inclined to grant Variances like this when the Applicant is willing to keep or lower the effective impervious surface that they currently have.

Ms. Welber stated when came tonight because she was concerned about the dimensions, and Mr. Zamparelli stated he has already agreed to reduce that. Ms. Welber stated she was also concerned about the aesthetics of the location.

Mr. Gruen asked that she and Mr. Colflesh get together and plant some trees so that Ms. Welber would not have to look at the shed. He stated they could do this as good neighbors recognizing that the Zoning Hearing Board would not order either of them to plant trees. Ms. Welber stated all the years she lived at her home she was able to put everything she needed in her two-car garage. She stated she came tonight because she is not in favor of it.

Mr. Flager asked Mr. Gallo and Ms. Welber if they wished to have Party Status. Mr. Flager explained what it means to have Party Status, and both Mr. Gallo and Ms. Welber indicated they wished to have Party Status. Mr. Flager asked if they are both opposing the Appeal, and both indicated they were.

Mr. Gruen stated Mr. Colflesh has agreed to reduce the shed to 10' by 12'; and Mr. William Colflesh stated they were actually asked about 8' by 12', and they would agree to that. Mr. Gruen stated they have also increase the gravel past the drip lines of both sides of the roof, and Mr. William Colflesh agreed. Mr. Gruen stated the depth of the gravel would be 18" past the shed, not under the shed. Mr. Gruen asked about this, and Mr. Majewski stated he believes that will mitigate the additional impervious surface generated by the shed. He stated this was one of the wettest years on record, and there was approximately 70" of rain when it is normally 45". Mr. Gruen stated he feels what is being proposed will help the two neighbors.

Mr. Connors moved, Mr. McCartney seconded and it was unanimously carried to grant the Variance for the construction of an 8' by 12' shed with 6" of gravel underneath the shed, followed by an 18" by 18" trough on either side of the drip line.

APPEAL #19-1821 – MUNZ CONSTRUCTION

Mr. Chris Munz and Mr. Robert Moses were present and sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan – Sheet 1 of 1 was marked as Exhibit A-2. Additional Plans 2 Sheets was marked as Exhibit A-3. The 12/13 letter from Dumack engineering concerning the Variances being requested was marked as Exhibit A-4. The 11/1/18 e-mail from Mr. Mike Kirk to Munz about the Appeal was marked as Exhibit A-5. The 11/5 e-mail from Dumack to Munz was marked as Exhibit A-6. The 12/14/18 e-mail from Dumack to Munz was marked as Exhibit A-7. The e-mail/review letter dated March 5, 2019 from Remington Vernick, the Township engineer, concerning their review of the Application as well as some comments from Mr. Majewski 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. Munz stated they want to put a sunroom on the back of the house, the majority of which will go on an existing patio. Mr. Gruen stated it looks like it will be on piers. Mr. Munz stated it will be on piers but it will be closed in. Mr. Gruen stated they need a number of Variances from the Resource Protection area and wetlands. Mr. Gruen asked if they have read the engineer's report which was received today.

Mr. Majewski stated he forwarded the letter to Mr. Munz who had a chance to review it, and he does not believe that Mr. Munz has any issues with what they are proposing. Mr. Majewski stated a lot of the items from Mr. Pockl, the Township engineer, are related to the Building Permit; but he wanted to make sure that the Applicants were aware of all of the items that needed to be taken care of.

Mr. Majewski stated he did confirm with Mr. Munz that the disturbance that is shown on the Plan that is within the wetlands is only a temporary disturbance for construction, and it is a path to get back to do the work; and there will be no grading or permanent disturbance within the floodplain area. Mr. Gruen stated they should fix it after they are done and re-vegetate it, and Mr. Munz agreed.

Mr. Gruen asked if they will be adding the trees that have been recommended, and Mr. Munz stated they were discussing whether to go forward with a dry well or install the trees. Mr. Gruen stated if they wanted to bring it to 18%, they would need approximately 12 trees which should be a minimum of 2 ½” to 3” caliper. Mr. Munz asked what if they did a dry well in lieu of that. Mr. Majewski stated in this instance since there is a stream nearby, and there is no tree cover near the stream, it would be more environmentally-beneficial to have some trees planted down along the stream bank which would help stabilize the embankments from erosion. Mr. Majewski stated it could be a combination of trees and a dry well may work best in this situation; and if they did that to the satisfaction of the Township engineer, he feels that would be sufficient.

Mr. Munz stated Mr. Moses had offered that they could take some of the pervious from the existing patio away to bring it down. Mr. Gruen stated if they have a patio that they can remove, that would work as well. Mr. Gruen asked how much they would remove, and Mr. Munz stated they estimated that it would be 20 square feet. Mr. Gruen stated he would prefer that they put in trees. Mr. Munz asked if they could get the number of trees required down. Mr. Moses stated they enjoy the opportunity to see the stream, and one of the reasons to build the sunroom was to take full advantage of that visually. Mr. Gruen asked if he could put in shrubs in lieu of the trees. Mr. Majewski stated they could make a calculation. He suggested that there be a combination of all three of the items suggested – plant a few trees down along the stream but not enough to block the view, put a dry well in, and remove some additional impervious surface. He stated the goal would be to get to an effective impervious surface of 18% subject to review and approval by the Township engineer.

Mr. Munz asked who would determine the size of the dry well; and Mr. Majewski stated there is a standard calculation, and he had provided the Applicant a copy of several sample calculations that show sizes of infiltration trenches and trees, and they could figure out a combination of the two. He stated if they remove some impervious surface, they would not have to mitigate that. Mr. Majewski stated mitigation is required for any stormwater management regardless of whether or not they need a Variance. He stated if they were at 16% and they added on the sunroom and were still below the 18%, they would still be required to manage the stormwater run off through the additional impervious surface. Mr. Munz asked if they were to eliminate part of the driveway and put in pavers would that still be considered impervious, and Mr. Majewski stated pavers are considered impervious.

Mr. Munz asked if there is a specific place where they can or cannot put the dry well, and Mr. Gruen stated he does not believe it can be in the Resource Protection area. Mr. Majewski stated he would prefer that it not be within the floodplain. Mr. Munz stated he was looking at putting it closer to the house, and Mr. Gruen agreed.

Mr. Gruen stated they could take the leaders from the roof and direct them to the dry well.

Ms. Kirk stated she is present on behalf of the Township to participate and not necessarily in opposition. Ms. Kirk stated the Zoning Plan provided show existing impervious for the patio of 696 square feet and for the proposed impervious it shows the patio at 556 square feet, and she asked why there is a difference. Mr. Munz stated the sunroom addition is going over a portion of the existing patio. Ms. Kirk asked if there are two patio sections since according to the Plan it shows that the proposed addition is going on the rear of the building and toward the right of that is a little section marked off as patio. Mr. Munz stated there are two concrete patio, and the one to the side is approximately 20 square feet.

Ms. Kirk asked if there is any thought to converting the rest of the patio into a wood deck without a cover in order to eliminate the increase in impervious surface since if the water is allowed to drain through a wood deck, they would have eliminated the increase in the impervious surface. Mr. Majewski stated that would be another alternative they could explore. Mr. Moses stated it is a bluestone patio, and Ms. Kirk stated this was just a suggestion.

Ms. Kirk stated she saw the limit of disturbance area on the Plans, and she asked if that is just for the floodplain section. Mr. Munz stated that is the only area they will disturb, and he does not even feel they will disturb that much. Ms. Kirk stated according to the relief requested, there will be a 14 ½% water course buffer disturbance; and she asked where the water course buffer is shown on the Plan. Mr. Munz stated he did not do the Plan. Ms. Kirk stated the property is irregularly-shaped; and on the left she can see the line for the water course buffer, but going into the property itself, she cannot determine where the water course is. Mr. Majewski stated looking on the left side of the Plan they show the 100' water course buffer that actually goes through the house right where the word "addition" is and then comes out the front right corner of the house and down between the "A" and the "V" on "paved drive." Ms. Kirk stated the water course buffer it's the center portion of the property where the house exists, and Mr. Majewski agreed.

Mr. Majewski added that is because there are no woods down near the stream, therefore it is a 100' buffer. He stated if there had been woods then it would only be a 50' buffer.

Ms. Kirk noted the e-mail reply from the Township engineer that was sent to the Applicant has seven items enumerated, and she understands that all seven of those items are things that Mr. Munz and/or the property owner will comply with in order for the submission of the appropriate Permit. Mr. Moses stated he has not seen it. Ms. Kirk stated under the Floodway Ordinance, there are very specific requirements such as Letter of Adequacy from the Bucks County Conservation District, an Erosion and Sedimentation Control Plan, etc.; and she asked Mr. Munz needs to discuss this with Mr. Moses to make sure he sees this and knows that any Variance request would be subject to these terms and conditions. Mr. Munz stated he is not used to dealing with floodplains, and he felt he would get guidance from the Board if there was a major issue. Ms. Kirk stated the Zoning Hearing Board is only here to hear the Testimony as to why the request for Variance should be granted. She stated the Applicant would need to comply with the Township's requirements; and to the extent that something could be resolved if there is an issue, Mr. Majewski could probably provide some guidance. He stated the Applicant is required to meet all the specific requirements in the Ordinance.

Mr. Gruen asked if Mr. Majewski could explain it to them in layman's terms so that they understand what they are agreeing to. Mr. Majewski stated Item #1 from Mr. Pockl noted that the Applicant will need to provide stormwater management. Mr. Majewski stated as he noted earlier this is a requirement for any addition of impervious surface regardless of whether or not you need a Variance, and you must comply with that, and it has nothing to do with the Zoning Hearing Board. Mr. Majewski stated he has made up a spread sheet that helps people calculate that. Mr. Majewski stated Item #2 discusses the disturbance of the floodplain; and as was discussed, there will be no permanent disturbance within the floodplain, and Mr. Pockl is just pointing out that a Note should be added to the Permit Plan. Mr. Majewski stated Item #3 discusses that an Erosion and Sediment Control Plan must be prepared and submitted to the Bucks County Conservation District, and that is also a requirement for all disturbances greater than 1,000 square feet; and since the Plan shows that, the Applicant must comply with that in order to get a Building Permit regardless of any actions of the Zoning Hearing Board. Mr. Majewski stated Note #4 indicates that prior to the start of construction, the engineer is requesting that the floodplain limits be staked out to make sure that they will not disturb in that area. He stated when they stake out for the work, they should do this. Mr. Majewski stated Item #5 relates to the disturbance where the stone landscape wall is shown, and they are requesting that the Applicant provide a little extra detail as to how that is going to be restored. Mr. Majewski stated he understands that there is a wall

that is going to be taken down and rebuilt, and they should include a Note on the Plan stating that so that it is clear for everyone involved. Mr. Majewski stated Item #6 talks about being within 50' of the top of the bank of any water course; however, Mr. Majewski stated they are definitely beyond 50' from any water course, so that comment is not applicable. Mr. Majewski stated he measured off about 70'. Mr. Majewski stated with regard to Item #7, the engineer has recommended that the space below the lowest floor be constructed with flood vents. Mr. Majewski stated the Applicant has stated that area is not going to be a basement or crawl space, and it is just going to be filled in. He stated they will have the outside wall at the low end exposed wall, and behind that where you would have a crawl space or basement, it will just be fill. Mr. Majewski stated therefore Item #7 is not applicable either.

Mr. Majewski stated he included comments as well, and one of his comments was that the base flood elevation is actually at 82.1 where the addition is, and the Plan shows it as 82.0; and that should be corrected so that it is accurately shown. Mr. Majewski stated the Plan also needs to note the lowest floor elevation of the proposed addition. Mr. Majewski stated there are actually two floor levels on the Plan shown, one where the addition is going at an elevation of 87.14, and there is another one over to the north where the steps are is 87.59. Mr. Majewski asked if the intention is to have the sunroom at the same grade as the existing house where it comes out at 87.14 or is there a step down. Mr. Munz stated it will be level. Mr. Majewski stated on the Plan they will need to show that the proposed floor elevation is 87.14. Mr. Majewski stated it is also required that an Elevation Certificate be provided for the house one reason being currently most of the house is shown in the floodplain; and when they do the mapping, they have estimated elevations and they just draw a line where the less accurate elevation shows the floodplain to be. Mr. Majewski stated in this instances they have a survey that is an one the ground survey which is more accurate, and they have depicted the floodplain as shown in their Zoning Plan more accurately than FEMA's flood mapping. Mr. Majewski stated he is not sure if Mr. Moses has flood insurance on the property, and Mr. Moses stated they do not. Mr. Majewski stated if he were to sell the property, flood insurance would be required; and he is suggesting that Mr. Moses get the Elevation Certificate and apply for a Letter of Map Amendment since based on the elevations shown on the Plan, the lowest floor of the house, the ground outside of it, and the addition are all above the base flood elevation. Mr. Majewski stated if they apply for a Letter of Map Amendment, there will be no requirement for flood insurance now or in the future. He stated the Letter of Map Amendment administratively amends the floodplain map so that there is a letter on file with the Federal Government that says that based on the survey information that was provided, regardless of the maps showing the floodplain cutting into his property, the house is not actually not in the floodplain, and therefore it not required to have

flood insurance. Mr. Majewski stated if he would try to re-mortgage his house in the future or sell it and they had a Federally-backed mortgage, flood insurance of several thousand dollars a year would have to be paid. Mr. Majewski stated it would cost \$1,000 to do what he is suggesting, and that would save the yearly cost of \$5,000.

Mr. Majewski stated another requirement of the Township Ordinance and FEMA is that whenever a Variance is granted for work in the floodplain the Zoning Hearing Board must notify the Applicant in writing that the granting of the Variance may result in increased premium rates for flood insurance; however, if Mr. Moses gets the Letter of Map Amendment, he will not need that, although it will still be a Condition of the Variance approval. Mr. Majewski stated requirement is that the Applicant must be notified in writing that such Variances may increase the risk to life and property. Mr. Majewski stated this a standard FEMA-mandated Ordinance requirement that is in the Lower Makefield Township Zoning Code related to floodplains so that people are advised that when you get a Variance in a floodplain, there are potential ramifications to that.

Mr. Munz asked where they would get the Letter of Map Amendment, and Mr. Majewski stated if they have an Elevation Certificate from their surveyor, which they will need to get when the project is done, that will be the basis for the Letter of Map Amendment. Mr. Majewski stated they could have their surveyor/engineer fill it out or fill it out themselves as the paperwork is fairly straight forward. He stated they would need a copy of the map, the Elevation Certificate, and some additional paperwork about the property. Mr. Majewski stated the Application for the Letter of Map Amendment is available on-line, and he could help them to assist them with the paperwork once they have the Elevation Certificate.

Ms. Kirk stated the Application indicated that the designated area of 25% steep slopes is manmade and not natural, and she asked what that is. She asked if it is a buffer or berm that was created. Mr. Moses stated when he purchased the home thirty-five years ago that was the grade. Ms. Kirk stated it is therefore natural and not manmade. Mr. Munz stated it was probably made by someone at some time. Mr. Majewski stated it was manmade when they built the home some years ago.

There was no one present to speak on this Application.

March 5, 2019

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Mr. Zamparelli moved to grant the Variance as requested with the Condition of compliance with the Township engineer and Mr. Majewski's e-mail letter and removal of twenty square feet of the patio. Mr. McCartney seconded and the Motion carried unanimously.

Mr. Gruen stated they will have to give them the "warnings," and Mr. Flager stated will be put in the Decision.

APPROVAL TO CANCEL MEETING OF MARCH 15, 2019

Due to lack of an Agenda, Mr. McCartney moved, Mr. Connor seconded and it was unanimously carried to cancel the meeting of March 15, 2019

There being no further business, Mr. McCartney moved, Mr. Connor seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

Jerry Gruen, Chair