

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – APRIL 2, 2019

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on April 2, 2019. Mr. Zamparelli called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board: Jerry Gruen, Chair (joined meeting in progress)
Anthony Zamparelli, Vice Chair
Pamela Lee, Member
Matthew Connors, Alternate Member
Michael Tritt, Alternate Member

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

Absent: Keith DosSantos, ZHB Secretary
James McCartney, ZHB Member

APPEAL #19-1820 – DANIEL EWART- TAX PARCEL #20-043-023-049
23 MILTON DRIVE

Mr. Daniel Ewart was present and was sworn in. Mr. Flager stated they had marked Exhibits at the previous Hearing in February, and there are additional Exhibits to be marked this evening. Mr. Flager marked the impervious surface breakdown as Exhibit A-9. He marked the new Plans submitted as Exhibit A-10. Mr. Flager stated Exhibit A-3 was the previous impervious surface breakdown, which has now been changed, and Exhibit A-2 was the original Plan.

Mr. Zamparelli stated at the previous Hearing they discussed some adjustments for the driveway, and he understands that adjustments have been made as shown on the new Plan. Mr. Majewski stated this is what they had talked about at the Zoning Hearing Board as one of the possibilities, which was to cut back the driveway to reduce the amount of impervious coverage, which the Applicant has done. Mr. Majewski stated he was at the property, and he verified the material for the driveway, which consists of 4" to 6" of very loose, non-binding gravel and water can readily absorb through so all Mr. Ewart would need to do is quantify the stormwater management compliance as part of his Driveway Permit.

Mr. Zamparelli asked Mr. Majewski if he would consider the stone pervious; and Mr. Majewski stated from a stormwater management perspective it is largely pervious but not completely.

Mr. Zamparelli stated the impervious surface has gone down from the 21.2% down to 18.4%, and the area is permitted to have 18%; and Mr. Majewski agreed.

Mr. Zamparelli asked Mr. Ewart if he is okay with all the changes; and Mr. Ewart stated he is. He stated this is something for his in-laws to make it easier for his father-in-law and to appease his neighbors as well. Mr. Ewart stated he will be cutting out about 900 square feet.

Mr. Tritt stated at the previous meeting he had asked Mr. Ewart to look into the pavers; and Mr. Ewart stated he did look into that, but they were extremely expensive. Mr. Tritt asked if the driveway will be wedged shaped; and Mr. Ewart stated the whole property goes that way, and the driveway follows the border of the property line. Mr. Tritt asked if it is right on the border, and Mr. Ewart stated it is back in from the property line 1' or 2'.

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

Mr. Flager asked about any remediation being done, and Mr. Majewski stated they would have to look into that. Mr. Majewski stated the stone would be classified from a stormwater management perspective as porous so he does not believe Mr. Ewart would have to do much of anything in the way of stormwater mediation. Mr. Majewski stated he would suggest that he comply with the recommendations of the Township engineer. Mr. Zamparelli stated Mr. Ewart should understand that whatever the Township requires to bring that down a little bit more for stormwater management, he would be okay with; and Mr. Ewart asked if he would have to bring it down more from the 18.4%. Mr. Majewski stated the Zoning Hearing Board could grant it as is or request that he bring it down to the 18%. The Board members indicated they were satisfied with it at 18.4%.

Mr. Tritt moved, Mr. Connors seconded and it was unanimously carried to approve as requested.

APPEAL #19-1824 – RYAN & SAMANTHA O'MARA – TAX PARCEL #20-050-239
1217 EVERGREEN ROAD

Mr. Ryan O'Mara and Ms. Samantha O'Mara 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. Photos of similar properties in the area were collectively marked as Exhibit A-3. Letters of support from the neighbors were collectively marked as Exhibit A-4. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Zamparelli asked if they have an existing garage there now, and Mr. O'Mara stated it is attached to the house on the rear. Mr. Zamparelli stated he sees the proposed new garage on the Plan but not the existing garage. Mrs. O'Mara stated you do not see it because you have to go down the back of the driveway and go around, and it is actually under the house in the back. Mrs. O'Mara stated you cannot get into the house through it although she assumes you could have at some point in the past when it was built in 1941.

Mr. Zamparelli asked that Mrs. O'Mara show on the Plan where it is located, and Mrs. O'Mara showed the location on the Plan. Mr. Zamparelli asked if it is a single-car garage, and Mrs. O'Mara stated it is an oversized one-car garage.

Mr. Zamparelli asked if they are using the existing garage for cars or as an office, and Mr. O'Mara stated one car fits in that garage along with three or four bikes. He stated they currently have two cars, and in a few years they will be getting a third car and another a few years after that. He stated that will be a problem because it would involve cars parking on the street.

Mr. Zamparelli stated they are asking to put up a new two-car garage, and he asked if that would be for cars or for the office space; and Mr. O'Mara stated the office would go inside the house where the garage is currently eventually, but that is not part of this proposal. Mr. Zamparelli stated the existing garage is going to be turned into living space, and Mr. O'Mara stated that eventually will be what is done.

Mr. Zamparelli asked Mr. Majewski if the total impervious surface shown correct, and Ms. O'Mara stated they included the patio even though grass grows up there and water goes down, it was considered impervious. She added there is a lot of patio. Mr. Zamparelli asked if they were planning on taking that patio out, and Ms. O'Mara stated they were not. Mr. Zamparelli asked Mr. Majewski if the impervious surface numbers are correct, and Mr. Majewski agreed.

Mr. Majewski stated the permitted impervious surface in this area is 18%. Mr. Zamparelli stated there is not a dimensional issue, and it is just impervious surface.

Mr. Tritt stated they are increasing the width of the driveway from 8' to 13' and asked the reason for that since 13' would not exactly accommodate two cars. Mr. O'Mara stated you could "sneak" two cars through, and currently you cannot. He stated there is a "bottlenecking" in the garage. Mr. O'Mara stated they tried starting it where the driveway currently ends versus going further back. Mr. Tritt stated an easy way to start eliminating some of the impervious would be to narrow it back down to the original 8', and they would then just have to drive on the grass to get around. Mr. Tritt stated what they are requesting is a high percentage of impervious, and he feels what he has suggested is one thing they should start with as far eliminating the width of that to the original width. Mr. O'Mara asked if they could put stone on the side of the driveway would that help or is it considered impervious, and Mr. Zamparelli stated it would depend on the type of stone.

Mr. Tritt stated another option is what was recommended to the last Applicant which involves pavers that you can get that are concrete that are hollow in the center, and you put dirt in it and put grass on it. He stated you see this on drive aisles and it is just natural grass that kind of blends in. He stated it provides stability for the cars so that you do not put ruts into the grass, and that could be an accommodation.

Mr. Zamparelli stated they are requesting a huge increase. He asked if there is any ponding going on that lasts when it rains, and the Applicant stated there is not. Mr. O'Mara stated they are pretty flat. He stated he is not in the back yard a lot, but the front yard is dry. Ms. O'Mara stated they do not have an issue.

Mr. Zamparelli stated there were photos submitted of the neighboring properties, and he is not sure how it applies to the Applicants' house other than it shows two-car garages.

Mr. Zamparelli stated he feels the impervious surface is quite a bit, and he asked if they have a plan other than what Mr. Tritt suggested to cut it back. He stated what they are requesting is a lot of increase, and there needs to be some kind of mitigation. Mr. O'Mara stated they are on the side of the street that goes to Morrisville, and you go back to where all the homes are that have the two-car garages. Mr. O'Mara showed on the Plan where there are two-car garages. He showed the location of his home on the Plan. Mr. Zamparelli asked if they have the same type of garages that Mr. O'Mara has which are underneath. Ms. O'Mara stated they do not because they converted them into living space.

Mr. Zamparelli stated he still has an issue with the excessive impervious surface. Mr. Zamparelli asked if they are going to put the cars in the new garage, and Mr. O'Mara agreed. Ms. O'Mara stated it is hard to maneuver out of their driveway, and when you pull up; and she showed where they can put cars. Ms. O'Mara stated they cannot accommodate other cars when people come over. She stated they have a lot of family that comes over, and one of their daughters will have a car in four years. She stated she does not want them to park on the street, and she does not feel the neighbors would want that either because it is narrow. She stated they moved here four years ago, and she does not want to have to move her daughters again since they are settled. She stated it is a difficult time for a Middle School child to move. Ms. O'Mara stated they have looked, and were trying to find a way to do this.

Mr. Zamparelli stated while he understands their concerns, what they are requesting is a lot.

Mr. O'Mara asked what the Zoning Hearing Board is looking for them to do. Mr. Zamparelli stated they are looking for some kind of concession where they would compromise on a lot less impervious surface and offer some kind of mitigation that would work for the Township engineer to reduce it. Mr. Zamparelli stated the neighbors need to weigh in a well, since the Zoning Hearing Board is always concerned about water; and they are increasing the impervious quite a bit. Ms. O'Mara asked what they can do. She stated if they are asking them to take up all the patio, she is not sure whether that could cause a flood. Mr. Zamparelli stated they can remove impervious areas such as the patio and other areas or they could install some kind of mitigation such as a dry well or other things to absorb water or take away the excess water. He stated there is going to be additional water with what they have proposed. Ms. O'Mara asked about dry well; and Mr. Zamparelli stated a dry well is concrete vault in the ground, and it would have to be a certain size, and Mr. Majewski could advise of the size needed to bring them down. Ms. Lee stated she does not believe it would bring it down by 9%. Mr. Majewski stated to do that, it would have to be rather extensive. Mr. Majewski stated that is a requirement whether or not a Variance is granted, and they are required to control the stormwater from any additional impervious surface.

Mr. Majewski stated someone had indicated they could possibly keep the driveway the width it is and add some porous gravel on the side to provide a cushion, and to do that to the rear of the house it would reduce the impervious surface by 335 square feet, which would be 2.02% so that would bring the impervious surface

to 24.85%. Mr. Majewski stated this would involve keeping the driveway width as it is just to the rear of the house, and then behind the house where there is maneuvering room, keep that the way it is or they will be on the grass.

Mr. O'Mara stated what they are recommending is to remove the blacktop to the house right now and make it pervious with whatever it is that grass grows through, and that would reduce the overall because there is so much volume of blacktop; and Mr. Majewski stated that is not what he is saying. Mr. Majewski stated currently they have an 8' wide driveway to the rear of the house, and then it turns. He stated they are proposing 13' wide to the rear of the house; but if they kept the driveway as it is currently at 8', that would reduce the impervious surface, which would be 5' times the 67' which would be 335 square feet of impervious surface which equates to 2.02% less. He stated this would bring them down to 24.85%, which is still a lot of impervious. Mr. Majewski stated if they would reduce some of the patio, that could further reduce the number down, although they would have to determine what that would be.

Mr. Tritt stated if they adjusted the width to 8' and then brought it over on an angle and then up, and removed all the blacktop at a location he showed on the Plan, that would take out another 373 square feet, and that would reduce it by another 2%. Mr. Zamparelli asked Mr. Tritt if he is talking about eliminating the turn around area, and Mr. Tritt agreed. Ms. O'Mara asked if they would put the gravel stone there, and Mr. Tritt stated they would not; and they would have to get rid of it and put a walkway over to the house from the garage.

Mr. Majewski stated with regard to the impervious surface and stormwater management, there are several methods that could be used to control run off that would hit the ground and flow off. He stated one of them is a dry well which is basically a structure that is open that you could pipe the water to possibly from a roof leader from the garage, and then water is stored in there and can infiltrate into the ground; and after a certain rainfall amount, it would then spill over. He stated another alternative is a seepage bed/infiltration trench, which is basically a trench dug in the ground which could be 2' wide by 2' deep, and it would be wrapped in a fabric so that soil cannot migrate into the trench. He stated you fill the trench with stone, so that it is essentially a French drain. He stated water can go into that, and it keeps the water on the lot rather than going off to the neighbors or out to the road.

Mr. O'Mara asked if they are saying 24% is still too high, and Mr. Zamparelli agreed. Mr. O'Mara asked if 18% is "just a number," since ripping up the patio would be expensive. Ms. O'Mara stated she does not want to rip up the patio, and she is afraid that water would go right into her house.

Mr. Zamparelli asked what kind of stormwater management they would need to get it down more size wise. He also asked if there is room on the land to make that happen. Mr. Majewski stated they have room along the side of the driveway. He asked about the trees near the property line, and Ms. O'Mara stated there are four big trees. Mr. O'Mara stated against the perimeter, there are many, many large trees that they have. Ms. O'Mara noted where there is grass.

Mr. Majewski stated they do have the opportunity to control the stormwater if they bring it down a little bit as suggested. Mr. Zamparelli stated he feels the impervious surface is too high, and they need more mitigation besides reducing the width. Mr. Zamparelli stated in this area 18% is permitted. He stated currently they are just under 18% before doing anything.

Ms. Lee stated she feels they should speak to someone about different ways they can bring down the impervious surface so that is it close to 18%. She stated there is mitigation that they can do to bring the effective impervious down to 18% even though the impervious surface may be over 18%. Ms. O'Mara asked if 24% would be okay if they put in the drain; and Ms. Lee stated she would not know, and it would depend on what type of drain is installed and how big it was.

Mr. Zamparelli stated if they installed a dry well or some other mitigation, they may still be at 24%, but the effective impervious surface would be reduced. Mr. O'Mara asked if they would work with their contractor or Mr. Majewski. Mr. Zamparelli stated the Applicants would have to submit their proposal, and Mr. Majewski would have to approve the calculations.

Mr. Majewski stated another potential alternative, since the patio is classified as impervious surface, a deck is not so if they would replace the patio with a deck, that would help. Mr. O'Mara stated the patio is right on the ground unfortunately and goes into the house.

Mr. Zamparelli stated he feels the Applicants should speak to someone who can guide them through this, and they would have to work with Mr. Majewski as well.

Mr. O'Mara asked about making the driveway all stone as he would be willing to rip out the entire driveway and put in all stone; and Mr. Majewski stated that would create another situation, however, that is something they could discuss and work on alternatives, and discuss the different options. Mr. Majewski stated he could meet with them at their property to look at it.

Ms. Lee asked if they should Continue this matter. Mr. Zamparelli stated they may want to Continue this until after they get some more information, and work with Mr. Majewski to see what they could come up with that would work. He stated he feels a Continuance would be a good option. Mr. and Ms. O'Mara agreed to a Continuance. Mr. Flager stated the next meeting is April 15, and the one after that is May 7. It was noted that there are already six Appeals scheduled for May 7.

Ms. O'Mara stated she feels they will need some time to consider this.

Mr. Victor Livingston, 1219 Evergreen Road, was sworn in. Mr. Livingstone stated the O'Maras are great neighbors. He stated his concern is that there is a ponding problem in heavy rain, and his house is close to their driveway; and the property abuts almost to the driveway, and there are not many feet until you reach their property line. Mr. Livingston stated he provided a letter to the Board, and he is opposed to the 13' widening. He stated a simple solution might be, as suggested by Mr. Majewski, to take from the street to the house, and keep it at 8'. He stated maybe they should re-pave it because the driveway does need to be repaved. He stated that would reduce the impervious number, and it would also satisfy him as he is concerned about the ponding that they do get in heavy rain. Mr. Livingston stated is concern only extends from the street to the back of the house, as there is a fence; and what happens on the other side is not his concern. Mr. Livingston stated he is bothered by the widening of the driving as well as the impervious issue and the drainage which he feels will compound the drainage. He stated he has lived there for twenty-nine years, and there is a problem with water at the O'Mara's house. Mr. Livingston stated he does not have a problem with water at his own property, but it is the O'Mara house that had a problem with water with the past owners in the basement and they spent a lot of money on mitigating that problem in the basement.

Mr. O'Mara asked Mr. Livingston knows that they spent a lot of money in the basement, and Mr. Livingston stated he has lived there twenty-nine years, and he is aware that extensive remediation was done to keep the O'Mara's basement dry.

Mr. Livingston stated he has no major objection to the project except for the concern over the drainage. He stated if they kept the driveway at 8', that would make him very happy because then they would not have potential increase in the ponding which is already a problem on the whole street.

Mr. Livingston asked that the Board take up Mr. Majewski's suggestion and have a requirement that the driveway stay at 8'. Mr. Zamparelli stated they seem to be okay with that. Mr. O'Mara stated he heard that they would leave it at 8', and then use some type of stone that would have grass growing through it which would make it wider and then have a French drain off to the side.

Mr. Livingston stated while he is not an architect, his experience with stone is that ponding can still occur; and in fact sometimes the stone exacerbates the ponding. He stated he would prefer that the Board require the O'Maras to keep the driveway at 8' at least until the back of the house, and what they do at the back of the house, is their business.

Mr. Livingston stated another issue they were not clear on was that the Plans Ms. O'Mara gave him on the garage, indicate that it is a single-story garage; but there is no indication on the Plan that he got as to the height of the roof. He stated he is concerned that in the early morning, it might affect the amount of sunlight that hits his property. He stated he would like to know how high the peak of the roof will be and what the pitch is. He stated if there is a way they could make the pitch of the roof gradual rather than very high and step, that would help ameliorate his concern. He stated it is a small Lot that the O'Maras have back there, and he would like to know the height of the roof.

Mr. Gruen joined the meeting at this time.

Mr. Majewski stated the maximum height permitted is 15', and they are proposing to be under that. He stated that would be to the peak of the roof. He also stated the pitch of the roof is that for every 8" that you go up, it goes out 1' so that would be the angle. Mr. Livingston stated that sounds fine. Mr. Majewski stated it a normal pitch of roof and it not excessively peaked, and Mr. Livingston stated he has no objection to that.

Mr. Livingstone stated he heard them discussing stone, and he feels sometimes if there is a ponding problem, stone actually increases the pond; and he does not know if stone would really help with the drainage. He stated what he likes is grass; and if there is a way to maintain the two properties up to the back of the house the way they are, he would be in favor of that. He stated he is sure they are going to put in a new driveway because it needs to be replaced. Mr. Livingston stated keeping it the width it is to the back of the house would solve the bulk of their problem with the impervious surface. He stated the idea of a double wide driveway there would exacerbate the ponding and is not as nice as a narrower drive.

Mr. Zamparelli stated there are a few options such as the different types of pavers like Mr. Tritt referred to where grass goes through.

Mr. Livingstone stated he would not have an objection to the widening of the driveway of 1' on each side of the existing 8' driveway, but he feels 13' is a problem because of the drainage from the aesthetic side. He stated if it were kept at 10', he would be satisfied. Mr. Zamparelli stated the Board also has their own concerns about impervious surface, and they need to have it close to what it is supposed to be. Mr. Majewski stated he believes that we can work with the Applicants to address Mr. Livingstone's concerns and the Applicants' needs as well as the concerns of the Zoning Hearing Board.

There was no further Public Comment.

Mr. O'Mara requested that they be granted a Continuance to Monday, May 20. Mr. Zamparelli and Ms. Lee indicated they would not be present at that meeting. Mr. O'Mara stated they have to consider some things, and they would be happy to push if further beyond that. Mr. Flager stated they could Continue it to May 20; and if necessary and they need more time, they could go into June.

Ms. O'Mara stated she understands at this point they should work with Mr. Majewski and come up with a Plan. Mr. Zamparelli stated Mr. Majewski can help them if they have questions, but they should have someone guide them. Ms. O'Mara asked if that would be a contractor; and Mr. Zamparelli stated it could be a contractor, but they need someone to design something. Mr. Zamparelli stated they should be trying to get the effective impervious surface down close to 18%. Ms. O'Mara asked if they need to do the drain if they get to 18%. Ms. Lee stated that if they were able to get to 20% with new Plans, the drain will help them get an effective impervious surface back to 18%. Ms. O'Mara stated she assumes contractors would know what kind of drain would do that, and Mr. Connors stated that would depend on who they work with. He asked who put together their drawings, and Ms. O'Mara stated named the woman's name, and stated it was on-line. She stated one of her contractors had recommended her, and she will talk to her about this. Mr. Connors suggested that Ms. O'Mara discuss this with the contractor first; and if they have worked with the Township before, they should be able to help.,

Mr. Gruen stated he has question that may have been covered prior to his arrival. He asked if they have considered putting the office in the back of the house, keep the garage where it is, and widen the driveway a little bit so that they can back out of the garage, turn around, and get out instead of building a whole new detached garage with this excessive amount of impervious surface being added. Mr. O'Mara stated they cannot access the current garage from the house; and if they were to make the garage any larger, they would not be able to get around the house. He stated the current garage is attached to the house; and if they were to expand it to allow two cars into it, you would not be able to drive

a car around the house. Mr. O'Mara showed Mr. Gruen on the Plan where the current garage is located. Mr. Gruen stated it was difficult to determine the location of the garage, and he thought it was in the front.

Ms. Lee moved, Mr. Connors seconded and it was unanimously carried to Continue the Appeal to May 20, 2019.

APPEAL #19-1825 – ERIC RENFORS & GEORGE SCHOTT
TAX PARCEL #20-016-062 – 670 STONY HILL ROAD

Mr. Eric Renfors was sworn in.

Mr. Flager marked the Exhibits as follows: The Application submitted was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The March 4 letter explaining the requested relief and everything that is being done 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. Renfors stated he is currently in negotiations with the owners of the Makefield Shopping Center to use Unit 9 in the shopping center for the purpose of running a learning center where Elementary and Middle School students can come and learn how to write computer code. He stated they are going to Zoned as a Commercial or Trade School, and he understands he needs a Special Exception to do this.

Mr. Renfors stated they will run several different programs, and they will have monthly subscriptions that they will sell where students can visit on a drop-in basis. He stated that program will run primarily outside of School hours after School and in the evening, and one morning on the weekends. He stated they will also run summer camps where parents can sign their children up for half or full days. He stated they will also run day camps on the days that School is closed and working parents need to have a place for their children to be while they go to work. He stated on the weekends, they will also have birthday parties.

Mr. Renfors stated they do not anticipate that any given time they will have more than twenty-five students visiting the Center with three to four High School students or Directors staffing it. He stated they do not anticipate many days when there will be more than thirty people at the Center. He stated with regard to the drop-in program, they anticipate that many of the parents will drop off their children and either leave to run errands elsewhere or perhaps visit the other

stores in the Shopping Center. He stated he believes that their business will complement the other businesses in the Shopping Center. He stated they are hoping to bring some new visitors to the Shopping Center maybe normally do not go there, and it could provide additional business to the restaurants.

Mr. Renfors stated he understands that he is required to show that they will not impact the utilities such as the sewage. He stated they will not be cooking anything, and they do not have any showers, etc. so they should not impact the sewage in any way. He stated they do not feel that they will impact the traffic in and out of the are or the parking.

Mr. Zamparelli asked the latest time they would have the birthday parties, and Mr. Renfors stated they will run outside of the normal Center hours. He stated they would probably happen on the weekends, and he anticipates that the Center would be open either Saturday or Sunday until Noon; and then the birthday parties would happen after that. He stated they could have one or two – one from 12 to 2 and another from 2 to 4.

Mr. Gruen asked if the events will include parents participating, and Mr. Renfors stated he does not anticipate. Mr. Gruen asked if there would be classes of “Mommy and Me,” and Mr. Renfors stated they would not have anything like that.

Mr. Gruen asked Mr. Majewski if he has looked into the parking situation, and Mr. Majewski stated he looked at the approved Plan for the parking and the differential between the parking that is required for a Shopping Center and the parking that is required for this sort of use. He stated although he feels this use is probably less intense with regard to parking from what is contemplated for a School under the Ordinance, they still have enough parking within the Shopping Center to meet the requirements of the approved Plan and the Ordinance.

Mr. Gruen stated he is concerned about dropping off young children, who will be running across the road. He stated usually the parents would go with the children in a Shopping Center; however, here children will be running in and out. He asked if they have considered putting in a “dropping area” behind the yogurt store where there is a little area where he could ask the parents to pull in and drop off their children instead of having them go across the parking lot. Mr. Renfors stated there are a large number of parking spaces that are adjacent to the building near where the Bagel restaurant is, and those spots would not be heavily used during the time that the Learning Center would be open. He stated if parents are inclined to drop their children off and not walk them into the Center, he feels they could use that location and go directly off the parking lot onto the grass area to get to the Center. He stated he hopes that not many people would just be dropping off their children as opposed to walking them into the Center.

Mr. Renfors stated Mr. Majewski had advised him that there was some concern about this, and Mr. Renfors stated when parents sign up their children for the program, this is one of the things he would request of them and share with them in writing that their first preference is that the parents walk their children into the Center to make sure that they arrive safely and that they come in at the end to pick them up and walk them out so that they are safe. He stated at the very least if someone is in a hurry, they would ask that they pull up at a spot where their child can walk directly onto the sidewalk. He stated they would be advised that if they have to park in a space that is away from the Center, the parents would have to get out of their car and walk their child in. He stated he would personally have that conversation with parents and give them something in writing when they sign up.

Mr. Gruen stated another good space would be if they could move the handicapped spot in front of the Center, and the parents could then pull right up to the sidewalk, drop off their child, and take off. He stated this may be something Mr. Renfors could work out with the Shopping Center. Mr. Renfors agreed to discuss that with them.

Ms. Lee stated Mr. Renfors is “tagging this business” as a Trade or Commercial School; and Mr. Renfors stated that is not how he personally would tag it, but according to the classifications that are in the Township Code, he feels that matches up the closes with what they are proposing. Ms. Lee asked if everyone employed will have background checks, and Mr. Renfors agreed.

Mr. Gruen asked Ms. Kirk if she was participating in this matter, and Ms. Kirk stated the Township asked that she attend merely to participate and review the Application, and to insure that the Testimony before the Zoning Hearing Board was consistent with what was presented at the Planning Commission meeting at which time the Planning Commission unanimously recommended approval.

Ms. Kirk stated Mr. Renfors had indicated that the Center itself is 2,000 square feet, and Mr. Renfors stated it is 2,040 square feet. Ms. Kirk asked how many restrooms will be available, and he stated there will be two restrooms with two toilets in each restroom. He stated that was what the architect indicated the Code required.

Mr. Gruen stated he thought they were taking two stores and combining them; however, Mr. Renfors stated they are not. He stated there are two stores vacant right now, and they will be taking the one that is closest to the Indian restaurant.

Ms. Kirk stated they are not expecting more than twenty-five students at any given time, and Mr. Renfors stated he feels that is a reasonable number to expect. Ms. Kirk asked if the programming is set up in one hour increments, and Mr. Renfors agreed. Ms. Kirk asked if students can come in any time during the 3 to 8 time period to work for one hour on the computer, and Mr. Renfors agreed it is open so that the parents can bring their children in at their convenience. He stated they will wear wristbands; and when they come into the Center, they scan their wristband, and the clock starts, and they have one hour to work on the curriculum. He stated there is a program that keeps track of the time that they are there; and when their hour is up, they get a five-minutes warning.

Ms. Kirk stated while she was unable to attend the Planning Commission meeting, she is familiar with what was stated at that meeting, and she asked how children learning computer coding relates to Code Ninja where you earn belts. Mr. Renfors stated the CEO of the company was at his son's martial arts class, and had the idea that he could create a curriculum set up so that much as children do in the martial arts, they start as a white belt and learn basic coding; and there are certain tasks that they need to accomplish and when they accomplish those, they move onto the next belt. He stated they work their way up to a black belt. He stated the Franchise has only been around for two years, and he does not know that anyone has completed their black belt. He stated the goal is that by the time the student has completed the curriculum and gotten their black belt, they would have created an app that would be appropriate to offer for sale in an app store.

Ms. Kirk stated part of the programming does not include outdoor activities of any type, and Mr. Renfors agreed. Ms. Kirk stated that would be exclusive of trips to a facility, as she understands that Mr. Renfors had mentioned that they might go to Schools. Mr. Renfors stated they are going to run a summer camp, and he felt that they might take a trip to the local schools to visit their robotics team at Pennsbury High School or Council Rock High School. Mr. Renfors stated they want to build relationships with the local Schools, and they feel that this program will be a good feeder to the robotics and computer science programs at the Schools.

Ms. Kirk asked if the summer camp programs would be full-day programs for blocks of a week, and Mr. Renfors stated there is also a half-day option where students could come from 8:00 a.m. or 8:30 a.m. to 12 or the parents could pay for them to keep the children the full day until 3:30 or 4:00. Ms. Kirk asked if they are not providing any sort of cooking facilities, how would they plan with feeding the children if they attend the summer camp program, and Mr. Renfors stated the parents would have to send them in with a bag lunch.

Ms. Kirk stated there would be no food provided for the children during the camp hours, and Mr. Renfors stated they might buy pizza one day or sandwiches from one of the local restaurants, but there would be nothing prepared at the site. Ms. Kirk stated there will not be any cooking facilities of any type at the Center, and Mr. Renfors agreed.

Mr. Gruen asked if parents will reserve the time that they are going to bring their children in. He asked if there could be a situation where there is “is a run on the place,” and he asked how many students they can accommodate at one time. Mr. Gruen stated his concern is that too many students show up and there a number of them waiting for space, and he asked what would happen to them. He stated if the parents drive by and drop them off, they would not know that there was not a spot for their children. Mr. Gruen asked if there is a system where they can make sure that when the parents drop them off, they can go into the Center and stay there. Mr. Renfors stated he does not anticipate that would be a problem; however if that were to occur, he would take one of the High School students working for them so that if the parents were to pull up to drop their children off, they could intervene and make sure that the parents understood that their children would have to wait for a computer. Mr. Gruen asked where they would be kept waiting, and Mr. Renfors stated there is a reception area, and they would not be waiting outside the door. Mr. Renfors stated he would never let them wait outside. He added that he has been a School Principal for the last thirteen years.

Ms. Kirk stated Mr. Renfors has indicated that he intends to talk to the parents about requiring them to either bring their children into the Center and pick them up, or if they are going to just drop them off, put them into a set area. Ms. Kirk asked if he could also instruct the parents that if they are going to do a monthly subscription that they have to pick an allotted slots as to when their children will be coming. Ms. Kirk stated she feels that consistency would be an important element, and this would help regulate any possibility of overcrowding. Mr. Renfors stated if they got to the point that they had enough students that they needed to consider something like that, he knows that there are programs and Website where they can require them to sign up and that is something that they could consider doing to insure that there would be more than the number of students that they have seats for. Mr. Renfors stated this is a Franchise, and he does have to work within the parameters that they provide; however, if this did become a problem, he would have this discussion with them to make sure that the facility was not too crowded.

Mr. Gruen stated he believes that there is software available where before they come they could look on their computer at home to see if there are open spots and then sign in for that spot. Mr. Gruen stated he feels this would be better than having the students sit there and wait, and then their parents come back in an hour and they have not been able to do anything yet. He stated he believes that would be a good service for the School. Mr. Renfors stated if their enrollment to be such that they believe this may be a problem, that would be something that he would want to look into.

Mr. Flager stated they did receive a memo from Mr. Majewski about the Planning Commission voting 4 – 0 to recommend Approval, and he marked this as Exhibit B-4.

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

Mr. Connors moved and Mr. Tritt seconded to approve as requested.

Mr. Zamparelli stated he thinks the idea is great; but he understands what Mr. Kirk was saying, and he would be concerned about “chaos” if it started to build faster than anticipated. Mr. Zamparelli stated he wants to make sure that they understand that if it gets like they, they will have to have a plan. Mr. Renfors stated they did pay for the rights to open up a second center, which they plan on doing in either Newtown or Richboro; and if it got to be that they were going to be crowded, they would just move faster on that so that customers who are coming from that part of the County would be more inclined to go to that other center.

Motion carried unanimously.

OTHER BUSINESS – APPEAL #19-1827 – CHICHI AHIA

Mr. Flager stated Appeal #19-1827 is scheduled to be heard on April 16, but there has been a formal request to have that Continued by one of the neighbors. He stated if it were to be Continued, it would still be within the sixty-day time period. He stated they received a letter dated yesterday for this request, and that neighbor, Jill Cohen, is present this evening. He stated he understands the Applicant is present as well. Mr. Flager stated they will not get into the merits of the Appeal this evening, and the discussion would be strictly on the basis of whether they want to grant the Continuance and the reasons for the Continuance.

Ms. Jill Cohen, 1976 Boxwood Drive, was sworn in. Ms. Cohen stated she is requesting a Continuance of the Hearing scheduled for April 16 because she and her husband will be out of the Country celebrating Passover with extensive family on that date, and they have concerns about the requested Variance and would like to be heard and go on the public formal Record about those concerns and potential opposition. She stated she understands that there is a sixty-day period that the requested Variance can be heard, and that the next available date would still be well within those sixty days. She stated she does not know that there is any time sensitivity for the requested Variance that would prejudice the Applicant. She stated she did have a chance to speak to the Applicant just today on the phone, and it may be that they do not ultimately oppose it; however, she does have some concerns that she would like the time to look into more and potentially be heard on the Record. Ms. Cohen stated she just received the Notice from the Township about the Variance. She stated the Notice was dated March 22, and they received it a couple days later in the mail. She stated on that date, her husband left for a business trip so he has not even been home since receiving the Notice about the requested Variance in order for them to discuss it. She stated this is a very personal matter for her family.

Ms. Cohen stated the Variance is a request to keep farm animals on a one-acre Lot when five acres is normally required, and it is a Residential neighborhood. Ms. Cohen stated her concerns range from public health, property rights, and other matters. She stated it is about live animals and health issues. She stated she would like time to be able to look into it and address it.

Ms. Cohen stated she would like to request official Party Status so that she has standing to request the Continuance. She stated it is her understanding that would give her the status to do this.

Mr. Flager stated Ms. Cohen is a “notice neighbor,” and she is requesting Party Status. He stated if it were going to make the Application outside of the sixty days, it would be a much different issue, and they would most likely need the Applicant to agree to it as they many times do. He stated in this case it is a little unusual in that the request is not coming from the Applicant or even at the suggestion of the Board, but from one of the “notice neighbor.” Mr. Flager stated since it would still be within the sixty days, as far as he understands it, it is still proper for the Board to entertain it.

Mr. Gruen stated before a Decision is made, he would like to hear from the Applicant who is present, and Ms. Lee agreed.

Mr. Chichi Ahia was sworn in. He stated he lives at 1984 Amber Drive, Newtown. Mr. Gruen noted that is a Newtown mailing address, but it is in Lower Makefield Township.

Mr. Zamparelli asked Mr. Ahia if he has an issue with the Continuance. Mr. Ahia stated he very much wants to be an accommodating neighbors and to treat the neighbors the way he would want to be treated. He stated great measures are being taken to insure that everybody is being considered. He stated the only challenge he has are his obligations to others. He stated he had been working with a breeder who has agreed that if there are any problems in the future, they would agree to take them back; but they are on the breeder's schedule. He stated as part of this, they will build a structure to house them so there are contractors involved. He stated he is also scheduled to be in Austin on May 7; and if it were just his schedule he would agree to it, but there are a "lot of moving parts," and he wants everyone to be considered including the vendors and breeders.

Mr. Zamparelli asked if he could talk to the vendors and see if there is an issue with them; and Mr. Ahia stated he has talked to two out of three, and while they are not in favor they would not "throw the job away." Mr. Gruen asked if the goats are born yet, and Mr. Ahia stated they will be born this week. Mr. Gruen stated they have to be weaned first, and Mr. Ahia stated it would be anywhere from six to nine weeks until they are weaned. Mr. Gruen stated what they are considering would be that they would be hearing the Application in about three weeks; however, Ms. Lee stated it would be five weeks. She stated if Mr. Ahia is going to be away on May 7, that would be another two weeks that would be seven weeks.

Mr. Ahia stated he is happy to meet with any of the neighbors at any time; and if there is a serious objection, he cannot say that they would not withdraw the Application. He stated if there was a meaningful objection that they could not answer credibly, they would consider withdrawing the Application.

Ms. Lee asked Mr. Flager if there is any other forum that they could take the neighbor's Testimony, and could it be in the form of a written Testimony. Mr. Gruen stated Ms. Cohen could write a letter. Mr. Flager stated she could write a letter, but she would not then have the ability to respond to anything said on that day; and even if they kept the Hearing open until the May 7, if that is not good for the Applicant and he cannot be there, he would therefore be prejudiced by not having the ability to respond.

Mr. Gruen stated he heard that Mr. Ahia could change his plans and be her on May 7.

Ms. Lee asked what date the Application was filed, and Mr. Majewski stated it was filed on March 15, 2019

Mr. Gruen asked Ms. Cohen when she will be back in the Country, and Ms. Cohen stated she is gone from the 7th to the 22nd. Mr. Gruen asked if it would be possible to change the Zoning Hearing Board meeting to Monday, May 6 instead of May 7. Mr. Ahia stated he will be away on May 6. Mr. Ahia stated he also heard that they had a full Agenda on May 7, and he asked if there would be time for his Application to be heard. Mr. Flager stated it would be a very long meeting. Mr. Majewski stated they would be first on the Agenda since he was the first one submitted. Ms. Lee stated she understood that Mr. Ahia had a business trip on May 7, and Mr. Ahia stated he does.

Ms. Lee moved not to Continue this, and to allow the neighbor to submit evidence in advance of her going away.

Mr. Gruen stated he would like to discuss the possibility of changing the date of the meeting “so everybody is happy.” Mr. Gruen asked Mr. Ahia when he is leaving on his trip, and he stated it is the Sunday prior to May 7. Mr. Gruen stated moving it to May 6 would not help. Mr. Ahia stated he would agree to May 7 understanding that this would be at great sacrifice to his family and their schedule, and he hopes that there will be conversation happening with any of the neighbors who have an objection in advance. He stated he would agree to Continue with the understanding that hopefully they could discuss concerns in advance of the meeting.

Mr. Gruen stated it would be helpful to discuss this with the neighbors prior to the meeting. Mr. Ahia stated he did talk to a couple of the neighbors that were immediately around him; and once they understood they felt it was fine, but he did not make it around the entire neighborhood. Mr. Ahia stated he handles Zoning matters in Commercial Real Estate.

Mr. Gruen asked Ms. Cohen if she has someone who could represent her at the meeting such as an attorney as he understands that she is an attorney. Ms. Cohen stated she is an attorney, but she would have to give that some thought; and she does not feel that she would be comfortable asking anyone from her firm since they are based in New Jersey. She stated she believes only person in her office is Barred in Pennsylvania, and it would be a lot to ask one of her colleagues to come and represent her. She stated as far as other neighbors, it had been indicated that it was hoped that people would talk in advance; however, she is not present to represent anyone else’s interests, and it is her own interest to have it “adjourned,” because she will no be here. She stated she is most comfortable speaking for herself, and she feels she would be prejudiced to not have the opportunity to rebut. She stated she is a lawyer, a litigator, and she is “good on her feet;” and if things came up

she wants to have the opportunity to have the due process to respond to them on that moment. She stated she would be much more comfortable to speak for herself and not put that burden on her neighbor's shoulders. She stated this has the potential to be "very touchy," and this neighbor wants to do something personal for his family, and he has plans in the works before even having the Variance granted so he obviously has some real plans and hopes to do this. Ms. Cohen stated her concerns are very serious about a wide variety of issues, and she would like to have the opportunity to address those herself.

Mr. Gruen stated the main reason he is looking for both Mr. Ahia and Ms. Cohen to be here at the meeting is because Ms. Cohen will have Party Status; and if they were to approve it, you cannot do anything legally for thirty days because she could challenge it. He stated if it goes to Court, it could take months. He stated he would prefer that it get resolved the evening they are here with both of them present.

Mr. Ahia stated he is agreeable to the Continuance to May 7, but the purpose is not to address the concerns of any individual but more to facilitate a discussion just as he would want to have an opportunity to have a discussion. Mr. Gruen stated they appreciate it if Mr. Ahia would agree to the Continuance.

Ms. Cohen stated as she had noted previously once she has the opportunity to speak to her husband and think about a little more and do her own due diligence, she may not oppose it. She stated it is her intention to try to resolve this amicably and in advance of the meeting. She stated she would like to be as neighborly as possible as well.

Mr. Connor moved, Ms. Lee seconded and it was unanimously carried to approve the request to Continue to the May 7 meeting.

There being no further business, Mr. Connors moved, Ms. Lee seconded and it was unanimously carried to adjourn the meeting at 9:05 p.m.

Respectfully Submitted,

Jerry Gruen, Chair

