

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – FEBRUARY 18, 2020

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 18, 2020. Mr. Zamparelli called the meeting to order at 7:30 p.m..

Those present:

Zoning Hearing Board:                   Anthony Zamparelli, Chair/Temporary Secretary  
  Pamela VanBlunk, Vice Chair  
  Peter Solor, Member  
  Matthew Connors, Alternate Member  
  Michael Tritt, Alternate Member

Others:                                       James Majewski, Director Planning & Zoning  
  Michael Levin, Zoning Hearing Board Solicitor  
  John B. Lewis, Supervisor Liaison (joined meeting  
  in progress)

APPEAL #20-1857 – TIMKO FAMILY ASSOCIATES, L.P.  
TAX PARCEL #20-016-096 – NORTH WEST CORNER OF INTERSECTION OF EDGEWOOD  
ROAD & SANDY RUN ROAD, YARDLEY, PA

Mr. Zamparelli stated the Applicants have requested a Continuance until March 17, 2020.

Ms. VanBlunk moved, Mr. Solor seconded and it was unanimously carried to approve the Continuance until March 17, 2020.

APPEAL #20-1856 – BEN MANIS  
TAX PARCEL #20-042-377 – 630 FRIAR DRIVE, YARDLEY, PA

Mr. Levin marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The January 3 Denial e-mail from M. Kirk 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. Ben Manis was sworn in. He stated that he and his wife moved into the home in August so that his wife could be closer to her work as a teacher in the Township. He stated they are raising their six-year old grandchild, and they would like to install a pool at their home. He stated he was given a price by a contractor; and when they applied to get the pool, they were told they had to “come here.”

Mr. Lewis joined the meeting at this time.

Mr. Zamparelli stated they are proposing to increase the impervious surface from 24.6% to 27.7%. Mr. Zamparelli stated he feels that is a large increase, and he would like to hear his ideas for mitigation to bring that percentage back down. Mr. Manis stated he has a back yard, and there is an existing deck; and whoever built the house also built a Florida room. He stated he has a “decent-sized” yard. He stated there are no fences on either side although the property in the rear has a fence. He stated the pool will not be huge.

Mr. Zamparelli stated the existing 24.6% impervious surface is larger than the 18% originally permitted, and he asked if there were any past Permits that would have allowed the impervious surface to increase to that amount. Mr. Majewski stated looking at the Plan it is the driveway, the house, a little paver walk, and a deck so there is really nothing would have been added; and he is not sure how they got to the 24%.

Mr. Zamparelli stated they need to reduce the impervious surface back to what is existing, and he again asked the plan for mitigation such as a dry well or some other method.

Mr. Steven Fahs was sworn in. He stated they have proposed planting trees on the property to absorb additional water for the additional 3.1% that they are proposing. He stated ten trees are shown on the Plan to be planted to absorb the additional run-off, and they will be planted in an area where water would be running away from the pool.

Mr. Zamparelli stated the total on the Plan still states 27.7%, and he asked if that is the total with the trees. Mr. Fahs stated 27.7% is the total impervious that will be proposed, and the trees are proposed to absorb the additional percentage. He stated when Mr. Manis bought the house, the impervious surface was 24.6%. He stated the trees they are proposing to plant are to

absorb the extra 3.1% impervious. Mr. Zamparelli stated the trees will bring it down to an effective impervious surface of 24.6% which they have now, and Mr. Fahs agreed.

Mr. Zamparelli asked Mr. Majewski if those calculations are correct; and Mr. Majewski stated he has not had a chance to review the calculations, however, he added that they would be reviewed when the Permit is submitted.

Mr. Fahs stated the Township engineer does have their Plan. He stated it was submitted, and the Township engineer asked for some corrections to be made which have been made. He added he is not sure how far the Township engineer is with regard to the final approval on the impervious as that would be up to the Zoning Hearing Board. Mr. Fahs stated he had submitted the Permit, and the Township engineer indicated he wanted a few changes made; and Mr. Fahs stated he made those changes and re-submitted, but he has not heard anything since.

Mr. Solor asked if they considered an infiltration trench or a dry well. Mr. Fahs stated while they could, the trees seem to have worked well in the past when he has done those as most Townships require some kind of stormwater management. He stated these will be evergreen trees. Mr. Fahs stated while infiltration systems can be built, they are more intrusive, they would have to tear up the property to build them; and the Township engineer seemed to accept the plantings. He stated the Township engineer did want corrections made to the Plan the Applicant had submitted, and those corrections were made.

Mr. Zamparelli stated they do not know if the trees are going to take care of the issue. Mr. Fahs stated the trees were on the Plan originally; and when it came back, the Township engineer did not question the stormwater management on the Plan, and he only wanted some other items changed, which they did and then resubmitted it.

Mr. Majewski stated the Township engineer does review the stormwater calculations, and if the Township engineer did not comment on it, he assumes the engineer feels that the trees will be adequate to handle the additional stormwater.

Mr. Manis stated it would be difficult to do any kind of swales on the property since there is a 36" storm sewer going across the back of his property, and there are also two large catch basins there. He stated putting anything back there, would damage the concrete storm sewer. He stated that is why he was proposing the trees on both sides and around the back of the house. He stated four have been put in already.

Mr. Zamparelli asked how they follow up on trees over time since trees could be taken down or they could die and they would then lose the mitigation.

Mr. Majewski stated that is an issue with trees.

Mr. Zamparelli asked Mr. Manis if he would consider an alternative method which would be more permanent. Mr. Zamparelli stated he would prefer a dry well, and he asked if there would be enough room for that in the area where the trees were going to be planted. Mr. Manis stated he would have to go on his neighbor's yard if he were to put a dry well in. He stated he cannot go into the back or onto the one side, and he would have to go to the left-hand side of the house which is where the water comes running down. He stated if he were to put a "detention center" there, he would have constant flooding there. Mr. Zamparelli asked Mr. Manis if an engineer has advised him that, and Mr. Manis stated he himself has done water testing there himself and done "camera-shooting" of the storm sewer. He stated when the area gets wet, it takes a couple days to dry. He stated they could not put a dry well there as it will "flood out in the first rain." He stated he feels trees are the best thing because they suck up a lot of water. He stated trees live hundreds of years.

Mr. Majewski stated in the Township engineer's letter he has noted that the Applicant will have to sign an Operations and Maintenance Agreement for the stormwater controls which would be the trees. Mr. Majewski stated that is something that the Township does track.

Mr. Zamparelli stated he would be comfortable with that if it is being tracked, and the property would therefore have this Agreement in perpetuity; and Mr. Majewski agreed.

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

Mr. Solor asked if there is any reason to put in more stormwater mitigation to bring the percentage back down, and Mr. Majewski stated that is something that the Zoning Hearing Board could entertain if they would like to go further than having them mitigate what they are proposing.

Mr. Connor moved, Ms. VanBlunk seconded and it was unanimously carried to approve the Variance subject to installation of a stormwater management system to be reviewed and approved by the Township engineer to bring the effective impervious surface to 24.6%.

#### OTHER BUSINESS

There being no matters to be considered on March 3, 2020, Mr. Connors moved, Mr. Solor seconded and it was unanimously carried to cancel the meeting of March 3, 2020.

There being no further business, Mr. Zamparelli adjourned the meeting at 7:50 p.m.

Respectfully Submitted,

Anthony Zamparelli, Chair