

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – OCTOBER 20, 2020

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held remotely on October 20, 2020. Mr. Zamparelli called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Anthony Zamparelli, Chair/Temporary Secretary  
Michael Connors, Member  
Peter Solor, Member

Others: James Majewski, Director Planning & Zoning  
Barbara Kirk, Township Solicitor  
Adam Flager, Zoning Hearing Board Solicitor  
John B. Lewis, Supervisor Liaison

Absent: Pamela VanBlunk, ZHB Vice Chair  
Michael Tritt, Member

APPEAL #20-1873 – JEAN AUGUSTIN  
TAX PARCEL #20-054-089 – 3 RIDGE AVENUE, YARDLEY, PA 19067

Mr. Flager stated he has been in touch with Jean Augustin's attorney as well as the Solicitor for the Township. Mr. Flager stated they need to submit a Revised Application, and they want this matter Continued until December 1. He stated there is no Objection from the Township on that.

Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to Continue the matter until December 1, 2020.

APPEAL #20-1874 – PENNSYLVANIA AMERICAN WATER COMPANY  
TAX PARCEL #20-034-048 – WEST SIDE OF OXFORD VALLEY ROAD BETWEEN  
EDGEWOOD ROAD & MILL ROAD, YARDLEY, PA, 19067

Mr. Majewski stated Pennsylvania American Water Company has requested a Continuance until November 2 as they had a scheduling conflict this evening. Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to Continue the matter until November 2, 2020.

APPEAL #20-1875 – NICHOLAS & LAURA GREIF  
TAX PARCEL #20-052-038 – 1013 YARDLEY ROAD, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-2. The Site Plan was marked as Exhibit A-2. The Run-Off Volume Control Calculations consisting of four sheets was marked as Exhibit A-3. The Impervious Surface Breakdown Chart was 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. Nicholas Greif and Ms. Laura Greif were sworn in. Mr. Greif stated they want a drive installed in front of their house as the house does not have a driveway right now. He stated the address faces onto Yardley Road; and if they get packages delivered or people come to visit, they do not have a place to park; and they have been parking in their neighbor's driveway or out on the street. He stated they are already over the impervious amount permitted for the property. He stated they did calculations on the existing trees to see if that would offset the run-off; and according to the math that they came up with, they can account for the 182 cubic feet of run-off that the driveway would produce, and they could account for an abundance more of run-off.

Mr. Zamparelli stated they want to go from 19% to 25% impervious surface, and Mr. Greif agreed. Mr. Zamparelli stated they are indicating that they have enough water-loving plants and trees to compensate for that. Mr. Majewski stated they did the calculations; and according to the Ordinance just by virtue of the existing trees and everything that they have on the Lot, they can meet all of the requirements for the run-off control. He stated the total amount of impervious that they are adding is 1,000 square feet. Mr. Majewski stated when the Act 167 Plan was done for the entire Delaware River South Watershed, they took into account that many Lots would have some increases in impervious surface, and that would not necessarily require full-scale stormwater management. He stated they gave several alternatives in order to meet the stormwater management requirements. He stated one is the most common one which is the seepage bed where they put a stone trench in to let some of the run-off soak into the ground whenever it rains. He stated another method is a rain garden, another is to plant trees, and another is if you have all the trees that you are preserving in and around the driveway, that would also meet the requirements.

Mr. Zamparelli stated this is a 6% increase, and he is not comfortable with just having the trees. He stated trees could die and not get replaced. He stated he is in favor of a seepage bed, and he asked Mr. Majewski how large of a seepage bed would be required. Mr. Zamparelli asked if the Applicants would consider installing a seepage bed, and Ms. Greif asked what it would be. Mr. Majewski stated a seepage bed is a trench that would be dug most likely right next to the proposed driveway, and it would be approximately 2' wide and 2' deep and lined with fabric so that dirt does not get in. That would then be filled with clean stone. He stated water from the driveway would run into that and soak into the ground. He stated it also provides a little bit of a surface so that there would be an overlap on the side of the driveway so that cars would not get onto the grass.

Ms. Greif stated they are proposing a horseshoe-shaped driveway, and she asked if it would go around the entire perimeter, and Mr. Majewski stated it would be sections of it. Ms. Greif asked if there is a calculation as to how much they need in relation to the driveway. Mr. Majewski stated he feels it would be almost the entire length of the driveway that is off the road. He stated they could go 10' off the road and outside of the right-of-way and line that either on the inside or the outside 2' wide and 2' deep for the entire length of the driveway which is about 60'. Mr. Zamparelli asked if they would consider that, and Ms. Greif stated they would have to see how much that would cost.

Mr. Zamparelli asked Mr. Majewski if it could go somewhere else on the property. Mr. Connors asked if there is a low spot where they could collect the run-off from the driveway.

Mr. Majewski estimates that the cost for the seepage bed would be \$1,000 to \$2,000. He stated since they are already there putting the driveway in, it may be a little less. Mr. Majewski stated if they want to look into what the cost would be, they could look into that and come back to the Zoning Hearing Board at a later date. Mr. Zamparelli stated they could request a Continuance so that they can investigate that. Mr. Zamparelli stated he feels it is the better way.

Ms. Greif asked if you would be able to see it, and Mr. Connors stated it is underground. He stated they could leave the stone exposed and have it a 2' wide perimeter or put grass over the top of the filter fabric. He stated there are a number of ways they can do it, but they would want area where they can get the stormwater into the stone bed without impacting. Ms. Greif stated they would agree to that solution.

Mr. Zamparelli stated in order for the Board to be inclined to grant the Variance, they would want there to be a seepage bed installed in accordance with the Township. Mr. Zamparelli stated the Board would prefer that since they do not like to just do trees for such a large increase.

Ms. Kirk stated she is present to participate on behalf of the Township because there is a safety concern that has been raised. Ms. Kirk asked if their property is on the corner of Yardley-Morrisville Road and Arborlea Road, and Ms. Greif agreed. Ms. Kirk asked if they own the triangular-shaped property shown on the slide, and Ms. Greif agreed. Ms. Kirk asked why they chose the section along Yardley-Morrisville Road for the driveway as opposed to off of Arborlea where there is less traffic. Ms. Greif stated they chose it because that is where their front door is. Mr. Greif stated that is also their address. He added especially now with getting so many deliveries, people are not able to find their house; and they keep driving past the front of the house on Yardley-Morrisville Road and end up parking on the neighbor's driveway or out on Yardley Road.

Ms. Kirk stated the concern is that there is a great deal of traffic on Yardley-Morrisville Road, and there would be a safety issue trying to go in or out of the driveway. Ms. Greif stated that is why they wanted the horseshoe driveway so you would never have to back out, and you could pull through. Ms. Greif stated everyone else on Yardley Road has a driveway. Ms. Kirk asked if they do not have a driveway at all at this time, and Ms. Greif stated they do have a driveway that is in the very back of their property that goes to their garage. Ms. Kirk asked if the driveway they have comes off of Arborlea, and Ms. Greif agreed.

Ms. Kirk asked why they could not continue to maintain that driveway and put some kind of identification sign on the corner to identify the property as opposed to the proposed driveway. Ms. Greif stated they would like to have access to their front door. She stated while they do have the driveway, they have to provide long directions as to how to find the house, and they still have a problem finding the house. She stated their parents are also getting older, and they have to walk from Arborlea down the driveway and then up to the front door. She stated it is inconvenient for people to have to use the back door. Ms. Kirk stated she sees that the garage leads to the rear of the house, and Ms. Greif agreed. Ms. Kirk stated they are asking for the horseshoe-shaped driveway at the front because they do not like using the rear door anymore. Mr. Greif stated it is also because every time they give directions to the house, people are unable to find where to park.

He stated people are parking on the street or pulling up onto the Lot or the neighbor's driveway. Ms. Grief stated many delivery trucks just stop on Yardley Road and put their flashers on. Ms. Kirk stated that is "laziness on their part," and not the responsibility of the Applicants. Ms. Greif stated for safety, she feels it would be safer to have a driveway in the front. She stated she also finds packages under bushes or thrown over the fence because they cannot find the house.

Ms. Kirk asked what they intend to do with the existing driveway if a new one is installed. Ms. Greif stated she would like to put a gate up back there and not use that driveway, and just use the front. Ms. Kirk asked when they did the calculations for impervious surface coverage, did they consider having the existing driveway area removed and grassed over which would reduce the amount of increase they are asking for. Mr. Greif stated if they did that they would not be able to get to their two-car garage back there. Ms. Kirk stated they are asking for another driveway area, and they want to maintain both; and Mr. Greif agreed. Mr. Connors asked if they could reduce the area of the existing driveway which would reduce the amount of stormwater infiltration they would have to do. Ms. Greif stated it seems by the Township's calculations that they have enough trees to offset the water; and if they do that drainage seepage bed as well, they should not have an issue with water at all.

Ms. Kirk stated it does not mean that is necessarily what will happen, and it is a theoretical calculation that is being provided. She stated generally the Zoning Hearing Board's duty is to provide the minimal relief necessary in order to make the property usable. Ms. Kirk stated the concern is to the safety issue as to the driveway coming off of Yardley-Morrisville Road especially since it is at the corner. She stated it does not appear that there are any stop signs or traffic lights from Arborlea onto Yardley-Morrisville, and Mr. Grief stated there is a stop sign.

Mr. Majewski stated he did speak with the Township's Traffic Safety Officer, and he had no objection to the driveway provided that PennDOT gave their approval as this will require a PennDOT Highway Occupancy Permit.

Mr. Majewski stated there are a number of horseshoe-shaped driveways along this stretch of road for the reasons that were cited so that people can go in and then go straight out without having to back up onto the main road. Mr. Majewski stated the Traffic Safety Officer did not have a safety concern other than it would have to meet PennDOT criteria.

Ms. Kirk stated the Board of Supervisors had asked her to participate as there were some safety issues that they wanted to address. Mr. Zamparelli asked if there have been numerous accidents, and Ms. Kirk stated she cannot answer that; and it was just the location of the proposed driveway, and the fact that there is an existing driveway on the property. Mr. Zamparelli stated noted the location of the corner. He stated he does not feel that there is a great hardship. Mr. Zamparelli stated they would have to go through the PennDOT approve process as well.

Mr. Solor stated it appears that they have tried to pull the driveway as far away from the corner as possible. Mr. Solor stated he believes that what they are proposing with the new driveway is probably safer than what is happening now with drivers parking on the street. Mr. Zamparelli stated he does see that other properties on the street have u-shaped driveways; and if there is not a record of accidents, he does not see an issue.

Mr. Lewis asked if the Board could make their approval contingent on PennDOT approval, and Mr. Zamparelli agreed. Ms. Greif stated she has already applied with PennDOT but she needed to have an acknowledgement from the Township in order for them to process the Application. Ms. Greif stated they will come out to the property and look at the sight lines and safety.

Mr. Zamparelli asked how many feet it is from the proposed driveway to the corner. Ms. Greif stated there is a requirement from PennDOT, and they fit all of their safety requirements even though they have not process the Application yet. Mr. Majewski stated it will be approximately 75' from the near edge of the driveway to the edge of the road. Mr. Zamparelli asked if that would be acceptable to PennDOT; and Mr. Majewski stated while he believes so, PennDOT will review that, and if PennDOT does not approve it, it will not matter whether or not the Zoning Hearing Board granted a Variance, and they would not be allowed to do this.

Mr. Zamparelli stated provided they do the seepage bed, he does not have an issue as he agrees the u-shaped driveway is safer on that street. Mr. Solor agreed.

There was no one from the public wishing to speak on this matter.

Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to approve the Variance contingent upon PennDOT approval and provision of a seepage bed to provide for infiltration to the satisfaction of the Township.

APPEAL #19-1857 – TIMKO FAMILY ASSOCIATES,L.P.  
TAX PARCEL #20-016-096 – NW CORNER OF INTERSECTION OF EDGEWOOD ROAD & SANDY RUN ROAD, YARDLEY, PA 19067 (continued from 2/18/20, 3/17/20, 5/5/20, 6/16/20, 7/21/20, 8/4/20 & 8/18/20)

Mr. Zamparelli stated they have heard about this property previously, and it is a dimensional issue and not an impervious issue. Mr. Connors stated they do not have enough area to do what they want to do.

Mr. Edward Murphy, attorney, was present. He stated as discussed at the original Hearing on May 5 the application of all the different natural resource restrictions as they apply to this particular property which has almost every conceivable natural resource located on it, they would end up on an acre and a half Lot with no building envelope. He stated where they left off last May was that Greg Glitzer, the Applicant's engineer, had presented all of the Plans and calculations for all of the natural resources. He stated they had concluded that night with the suggestion made by the Solicitor, that they consult with the Township to determine if there was any interest by the Township in considering an alternate location, size, or re-configuration of the house footprint. Mr. Murphy stated they agreed to Continue the Application from that night.

Mr. Zamparelli asked if they talked to the Township about that; and Mr. Murphy stated while he did follow up with the Administration several times after that May Hearing, and the Township advised that they were not interested in discussing any possible modification of the footprint of the home and where it was located on the Lot.

Mr. Murphy stated since then they have had a series of Continuances once because of the electrical storm that knocked out power, once because there was not a quorum, and because Witnesses were not available.

Mr. Murphy stated tonight they were going to address some of the questions that came up at the end of the May Hearing about size of the proposed house on the Lot, its orientation, etc. Mr. Murphy stated they are requesting multiple Variances because the Lot is essentially sterilized from doing anything without relief. He stated the relief that they are seeking is tailored to the Plan that they submitted.

Ms. Kirk stated she understands that the Variances are dealing with the front yard setback, a rear yard setback, and the required buffer setback from the wetlands; and Mr. Murphy agreed.

Mr. Zamparelli stated if the Board were inclined to grant the Variances, they would still need to comply with stormwater management. Mr. Murphy stated Mr. Majewski and Mr. Glitzer could need to design a stormwater management system for this home on the Lot in whatever configuration it would take much like any other Building Permit Application. He stated this is not a Subdivision, and if they were going to get relief, it would be subject to the design and approval by the Township engineer of a stormwater management system.

Mr. Zamparelli asked if there is something they could do with this Lot that would not add to the issue of Brock Creek which is a “raging torrent.”

Mr. Murphy stated that was one of the questions that was raised at the end of the last meeting, and Mr. Glitzer is prepared to discuss that tonight.

Mr. Glitzer was reminded that he had been sworn in at the May meeting.

Mr. Glitzer stated they looked at some potential roof drain connectors and seepage beds in the front yard. He stated there may be better soils around the perimeter. He stated they know that they would have to comply with the Township’s Stormwater Management Ordinance with regard to water quality volume control and peak rate control.

Ms. Kirk stated the Township directed her to attend in opposition of this.

Mr. Zamparelli stated it does seem that there is a lot to be done to make this work so that it does not have a detrimental effect on the creek and the neighbors.

Mr. Murphy stated the burden is on the Applicant to design a stormwater management system that complies with the Act 167 requirements and the Township Ordinances whether the Zoning Hearing Board conditions an approval on that or not.

Ms. Kirk stated the Township believes that the size of the proposed house is such that they are not seeking the minimum relief, and their desire to create a house of the proposed size and magnitude is creating some of these Variance requests and do not represent the minimal relief necessary to use the property.



Mr. Zamparelli stated Mr. Murphy has indicated that the property is “worthless” without any kind of Variance. He asked what is the minimum they could do. Mr. Murphy stated he asked the Township that, and they offered nothing in terms of guidance. He added that was the point of Continuing the Hearing in May, and the Township indicated they had no interest in talking about it. Mr. Murphy stated they are present this evening to provide more Testimony about what is reasonable in the neighborhood of where the property is.

Mr. Zamparelli asked why the Township did not want to advise the Applicant. Ms. Kirk stated it is not up to the Township to tell them what it is, and they have to meet certain criteria for relief; and it is the Township’s position, that they are not asking for the minimal relief necessary. Ms. Kirk stated the Township believes that what they are requesting is greater than what otherwise should be permitted.

Mr. Murphy stated he would like to finish making his Record and have Mr. Glitzer and Mr. John Menno Testify.

Mr. Murphy stated they had previously shared with the Township some additional Exhibits that they would like to review with the Zoning Hearing Board this evening.

Exhibit A-10 was marked which is the Record Plan for Phase 1 of the St. Ignatius Subdivision, which is a Plan that was approved a number of years ago by the Township. Mr. Murphy stated it fronts on Sandy Run Road immediately to the north of the site being discussed; and it consists of a cul-de-sac of seven building lots and a basin and another separate, free-standing Lot #9 that fronts on Sandy Run Road. Mr. Murphy stated that Plan was prepared by Mr. Glitzer’s office. Mr. Murphy stated Mr. Glitzer has highlighted in red a number of various dimensions on Exhibit A-10.

Mr. Murphy asked Mr. Glitzer to remind everyone what the dimensions are on the building footprint that they are proposing as part of their Plan so that they can compare the dimensions. Mr. Glitzer showed the Plan that was submitted as part of the Application, (Exhibit A-2) and he noted the width and depth of the proposed unit. Ms. Kirk asked if that is different from Exhibit A-9, and Mr. Glitzer stated Exhibit A-9 is a colored version of Exhibit A-2. Mr. Murphy it shows a width of the proposed home of 52’ and a depth of 45’. and Mr. Glitzer agreed. Mr. Murphy stated he assumes that the Township believes that a 45’ deep by 52’ wide building footprint is too big.

Mr. Murphy noted Exhibit A-10 which is the St. Ignatius Plan which was marketed as The Estates of Sandy Run. Mr. Glitzer stated that project is due north of the Applicant's site along Sandy Run Road and consists of a cul-de-sac, and he had highlighted the dimensions on several of the typical house products that were offered there. He stated they do vary. Mr. Murphy stated the Lot sizes are relatively consistent and run from 12,000 square feet to approximately 18,000, and Mr. Glitzer agreed. Mr. Glitzer stated they are quite a bit smaller than the proposed Timko Lot. Mr. Murphy stated the Timko Lot is 1.4 acres. Mr. Murphy stated that it appears from the Lot sizes that both the houses and driveway configurations vary, and Mr. Glitzer agreed. He added that there are front-entry garages on the narrower Lots, which include Lots 1, 2, and 3 that access the cul-de-sac; and there are some side-entry garages around the bulb where there are more pie-shaped Lots and a wider envelope. Mr. Glitzer stated the widths vary from 52' to 64', and most of them are 52'. He stated depending on the size of the garage, the depths vary from a 40' unit with a front-entry. He stated there are also depths of 42'.

Mr. Glitzer stated a more applicable unit to the Application would be a Lot with access on Sandy Run Road as opposed to the cul-de-sac is Lot #9 which is a 54' wide unit which is 55' deep. He stated that accommodates a side-entrance, three-car garage. He stated this allows them to back out, turn around, and head straight out onto Sandy Run Road.

Mr. Glitzer stated the conclusion drawn by the comparison of the Estates at Sandy Run/St. Ignatius Plan with the proposed single-home is that what they are proposing is right in the mid-range of Lot depth, and are consistent with or smaller than the range of Lot width.

Mr. Murphy marked Exhibit A-11, and asked Mr. Glitzer to describe that Exhibit, which is entitled Surrounding Features Plan.

Mr. Zamparelli asked if the other Lots that Mr. Glitzer just described have the same issues as the proposed Lot has with regard to buffers, etc. He stated he recognizes that the Lots and the houses are the same size. Mr. Murphy stated in fact the other houses are actually considerably larger.

Mr. Murphy stated Exhibit A-11 was prepared by Mr. Glitzer on August 3, 2020. Mr. Glitzer stated it is an aerial photo with parcel boundaries, streets, and the Brock Creek corridor; and it also shows the nearest house across Brock Creek including dimensions for that house which is 69' wide and 45 and a half feet deep.

Mr. Zamparelli asked what could be done with the Lot if they are not allowed to build on it. Mr. Murphy stated he does not know if it is appropriate for him to answer that at this point; however, he does feel that the Zoning Hearing Board should talk to Ms. Kirk about this. Mr. Murphy stated when they first met in May he believes that he mentioned that there is a theory in the Law that is a de facto Taking, and he feels the failure of the Township to give them relief sterilizes the Lot which effectively acts as a Condemnation so “one way or the other the Township will own it and buy it.” He stated the question is how and when that happens unless the Township gives them relief. He stated his view is that absent some relief, the Township has sterilized the property to the owner’s detriment.

Mr. Zamparelli stated he has some legal questions he would like to discuss with the Zoning Hearing Board’s attorney, and he asked if they could go into Executive Session. Mr. Connors asked if the Applicant could complete their presentation first, and Mr. Zamparelli agreed.

Mr. Murphy stated they have shown what the houses are like on Salem Court across the creek. He stated there was a suggestion made at the last Hearing that what they were proposing was disproportionate in size to the homes in the immediate neighborhood; and he feels that by looking at the St. Ignatius Plan and Exhibit A-11, it is clear that they are not.

Exhibit A-12 was marked, and Mr. Glitzer stated it is a set of markings/ elevations of the units that were offered in the Estates at Sandy Run. He stated these include front views, architectural elevations, and floor plans. Mr. Murphy stated the Sterling Model shown on Exhibit A-12 presumes a side-entry garage, and Mr. Glitzer agreed. Mr. Murphy stated they will discuss later how a side-entry garage relates to the size of the home and also access. Mr. Glitzer noted the first-floor plan for a side-entry, two-car garage unit with 1,438 square feet of floor area. He noted there is a second floor option for a sitting room over the garage which would result in 1,700 square feet on the second floor. He showed other models. He stated there is curb appeal with a side-entry garage. Mr. Glitzer showed the Yardley model which has a two and a half-car garage which provides room for two cars and storage space.

Mr. Zamparelli asked if they are going to select from one of these models for the proposed property, and Mr. Glitzer stated they used them as comparables. He stated the Aspen model is actually larger than what they were proposing, and realistically they would probably be using one of the first two shown.

Mr. Murphy noted the Exhibit showing the footprint of the house and the driveway orientation for the side-entry garage. Mr. Murphy stated at the last meeting it was indicated that they could reduce the impervious if they did not have a side-entry garage. Mr. Glitzer agreed that there would be less impervious if there was a front-entry garage as opposed to a side-entry garage. Mr. Murphy asked Mr. Glitzer why they have elected as part of this Application to propose a side-entry garage as opposed to a front-entry garage. Mr. Glitzer just like on Lot #9 at the Estates at Sandy Run, they wanted to minimize the opportunity of backing out onto Sandy Run Road. He stated they have tried to maximize the distance from the intersection of Edgewood and Sandy Run, and from the center line of the intersection to the center line of the driveway, it is 189' which they feel is an appropriate offset from the intersection.

Mr. Murphy stated they should remember that the residents of Sandy Run Road have enjoyed very little traffic over the last couple of years since the road has been closed; however, with the advent of the presumed decision to authorize the installation of the round-about at Edgewood and Sandy Run, the road will re-open, and they feel it would be "foolhardy" to recommend something which would require drivers to back out onto Sandy Run Road at that location. He stated they feel a side-entry garage represents the better choice; and even though there is a little bit more impervious driveway, it is a far safer arrangements. He stated Lot #9 at Estates at Sandy Run further down Sandy Run Road has that exact same configuration. Mr. Murphy stated it would be different if it were a front-entry garage on a cul-de-sac where there is limited traffic, but it is a different situation when someone has to back out onto Sandy Run.

Mr. Zamparelli asked if the proposed round-about will be taking any of the land from their Lot. Mr. Murphy stated they have not been advised by the Township that there is any potential Condemnation of any portion of the frontage of this Lot to install the round-about. Mr. Murphy stated he does not know if the Plans have been fully engineered and submitted. He stated he read in the newspaper that the Board of Supervisors was almost ready to make a decision to authorize the design and construction.

Mr. Zamparelli stated he is concerned that the Zoning Hearing Board does not have all of the information that they need, and he feels this may be one of the reasons why the Township is against this; but they do not know this for sure.

Ms. Kirk stated the proposed Lot is 13,384 square feet; however, Mr. Murphy stated that is incorrect. Ms. Kirk stated the Application says that the Lot size is 13,384 square feet. Mr. Murphy stated that is the net of the calculation that Mr. Glitzer did. He stated the gross square footage of the Lot is 1.4 acres. Ms. Kirk stated that is not what is on the Application adding it does not ask for gross versus net, and it says Lot size. Mr. Glitzer stated the gross area is 63,272 square feet. Ms. Kirk asked if that is on the Site Plan, and Mr. Murphy agreed. Mr. Murphy stated they do show on the Application the 13,384 number, and Mr. Glitzer stated once you take away certain non-buildable areas because they have overlapping resources and you take away those protected resources including the wetland buffer, you are left with a much smaller number. Ms. Kirk stated if she accepts that it is 13,384 net square feet of buildable area, and goes back to Exhibit A-10 that was the St. Ignatius Subdivision Record Plan, Lot #1 appears to have a net square footage of 13,005' and it shows a house with a depth of 40'. Ms. Kirk stated Lot #5 appears to have a net square footage of 18,899 square feet, and that shows a larger house of 54' by 56'. Ms. Kirk noted Lot #6 is roughly 14,000 square feet, and it appears to have a depth of 42'. Mr. Glitzer stated the width of that house is 54'. Ms. Kirk stated that appears to be a house that would be comparable to what is proposed for this Lot, and Mr. Glitzer stated what they are proposing is a little narrower than that at 52', but a little deeper at 45'. Ms. Kirk stated there is also another comparable style house of 52' feet by 40' on Lot #7, and it appears that net Lot area is about 7,000 square feet greater than the subject property; and Mr. Glitzer agreed.

Ms. Kirk stated she feels it stands to reason that the proposed house of 52' wide by 45' deep can be reduced consistent with what has occurred in other areas of the Township, and that would help minimize the impact of some of the Variances that are being requested. Mr. Glitzer stated they could go down to a minimum garage width.

Ms. Kirk stated the subject property is not part of the St. Ignatius Subdivision, and Mr. Glitzer agreed. Ms. Kirk stated they were just using the St. Ignatius Subdivision as comparables to what is being proposed for the house on the subject property; and Mr. Glitzer agreed that it was something in the vicinity that they felt could be the same or a comparable builder, and it would provide a scale reference.

Ms. Kirk asked Mr. Glitzer if he knows if any of the St. Ignatius Lots had the same issues with natural resources that the subject property has; and Mr. Glitzer stated that they did not on those specific Lots. He added that there are resources that had to be dealt with and avoided elsewhere in

the Subdivision. Ms. Kirk stated the Subdivision set aside those natural resource areas so that they were not impacted by the construction of any of the single-family homes, and Mr. Glitzer agreed.

Ms. Kirk asked the purpose of the Surrounding Features Plan (Exhibit A-11). Mr. Glitzer stated that was to establish the scale of the house across Brock Creek from the Application. Ms. Kirk stated it appears on Exhibit A-11 they have only provided dimensions for the one house on Parcel #6. Ms. Kirk asked if the remaining five houses shown are the same size, and Mr. Glitzer stated he does not know.

Ms. Kirk stated Exhibit A-12 was provided merely as illustrative of the type of house that is proposed to be constructed, and Mr. Glitzer agreed. He stated there had been questions at the previous Hearing about the appropriateness of the size of the proposed house by Mr. Polsky, and it is Mr. Polsky's house that they provided the dimensions for.

Ms. Kirk stated on the Sterling model the square footage on the first floor showed of 1,438 square feet, but the second floor had a larger square footage. It was noted that Mr. Menno could comment on that.

Mr. John Menno was sworn in. He stated his office is at 693 S. State Street in Newtown. He stated he is a Licensed Real Estate agent, Licensed in Pennsylvania, and has been so for forty years. Mr. Murphy asked Mr. Menno if he has any specialties, and Mr. Menno stated one of his specialties has been in land development and builder use for new construction. He stated this involves the acquisition of land, and working with developers in creating and designing homes for sites as well as the marketing and sale of the new homes. Mr. Murphy asked Mr. Menno the principle area he works in, and Mr. Menno stated it is primarily in the Lower Bucks area – Newtown, Northampton, Lower Makefield and Upper Makefield areas.

Mr. Murphy stated Mr. Menno is familiar with the St. Ignatius/Estates of Sandy Run project, as well as Prime Builders who was the builder/developer of that parcel; and Mr. Menno agreed. Mr. Murphy stated Mr. Menno is also familiar with the nature of this Application and the various Exhibits that have been presented to the Board, and Mr. Menno agreed. Mr. Murphy stated he is also familiar with the issue at hand which is whether or not what is being proposed is "reasonable," and is the minimum relief needed to make a reasonable use of the parcel given its site constraints; and Mr. Menno agreed.

Mr. Murphy stated tonight there has been discussion tonight about the reasonableness of the footprint of the proposed home which is 45' in depth and 52' in width. Mr. Murphy noted Exhibit A-10 which shows the different house dimensions of Lots both inside the cul-de-sac as well as on Lot #9. Mr. Murphy also noted Mr. Glitzer's Testimony that they may be able to "shave a couple of feet off the depth of the home. Mr. Murphy asked Mr. Menno what he thinks about the reasonableness of the 45' by 52' footprint that they are proposing and provide the benefit of his experience as to whether that is reasonableness and what flexibility there is as you lay out a house in this location.

Mr. Menno stated typically how he would start with a builder is they would look at the location and the size of the Lot and then work with the architect to design a home that would be appropriate for its location and its Lot size. He stated in this particular situation given the location in Lower Makefield, the size that is proposed is in line with what you would expect to market a home for in Lower Makefield. He stated the depth of a townhome today is 42' so to go to anything less than that, they would be compromising the home design and making it a very shallow home which would compromise its value and its marketability.

Mr. Murphy asked Mr. Menno his opinion about the feasibility or necessity of a front-entry garage as opposed to a side-entry garage. He noted the several models that are shown in Exhibit A-12 all show a side-entry garage similar to Lot #9 from the St. Ignatius Subdivision. Mr. Murphy asked Mr. Menno his opinion about the benefit of a side-entry garage versus a front-entry garage for the subject property given its location on Sandy Run Road. Mr. Menno stated they should go with a side-entry garage since the type of buyer that this will attract will be a family, and safety will be paramount. Mr. Menno stated you would not want teenage drivers backing out onto Sandy Run Road. He stated a side-entry garage provides the best method for safety so that you can pull out face forward to exit.

Mr. Murphy stated Ms. Kirk had questioned Mr. Glitzer about the floor plans for the Yardley and the Sterling models. Mr. Murphy stated Mr. Menno was the person who provided the sample brochures and floor plans, and Mr. Menno agreed. Mr. Menno added that he has represented Prime Builders in other communities as well. Mr. Murphy stated he is very familiar with their floor plans and the style and type of home they build, and Mr. Menno agreed. Mr. Murphy stated Ms. Kirk had asked why the square footages on the second floor were potentially larger than the square footages of the first floor.

Mr. Menno stated the square footage that is shown is heated square footage not including the garage. He stated the front elevation of the garage shows a window on the upper portion of the garage, and the builders are capitalizing and trying to maximize the square footage over the space above the garage; and that is why the second floor square footage is larger than the first floor footprint.

Mr. Murphy stated in their situation, the first-floor footprint shows a 45' by 52' dimension; and part of that 52' dimension includes the two/two and a half car garage, and Mr. Menno agreed. Mr. Murphy stated that garage square footage is not counted as livable square footage. He stated on the Sterling model floor plan, the 1,438 excludes the garage area; and Mr. Menno agreed. Mr. Murphy stated this is typical for the way that builders calculate square footage, and they do not include garage space; and Mr. Menno agreed. Mr. Murphy noted the slide which shows the sitting room which is above the area of the garage where the window is, and Mr. Menno stated it is the sitting room and a portion of the master bedroom which is over the garage space.

Mr. Murphy asked Mr. Menno what he feels the Lower Makefield "experience" has been with regard to square footage and discuss the research he has done looking into the average square footage of homes sold recently in Lower Makefield. Mr. Menno stated taking a snapshot of the absorption in the last six months in Lower Makefield of single-family homes that have sold in the \$600,000 to \$750,000 price range, you are looking at homes that are twenty to twenty-years old; and the average square footage is 3,360 square feet. He stated in Lower Makefield that is the norm. He stated this is an accurate snapshot of homes that have closed in the last six months.

Mr. Murphy stated in Mr. Menno's experience the 45' by 52' footprint with a side-entry garage is not at all out of line with what he would expect the market in Lower Makefield to be consistent with the sales pace of the Estates of Sandy Run up the street and current trends in the market place. Mr. Murphy stated the suggestion was made at the end of the May Hearing if they could build a much shallower, much longer home there; and he asked Mr. Menno to comment on that. Mr. Menno stated as he noted earlier the current townhomes seen today at 40' to 42' in depth; and to take the depth of a design of a single-family home to anything smaller than that, it would make an obsolescence floor plan for a home like this. He stated it would compromise the entry foyer and the whole design using the Sterling model as an example.



Ms. Kirk stated Mr. Menno stated that with regard to the sales over the last six month, they average of the homes that were sold were from twenty to twenty-five years old; and Mr. Menno stated that is correct in the price range from \$600,000 to \$750,000. Ms. Kirk asked Mr. Menno if he researched houses that would have sold from \$300,000 to \$500,000 in the last six months, and Mr. Menno stated he did not because of knowing the location of this Lot and the type of home that would be built here. He stated the price he researched is the price that they would be selling a home for in this location given what they were selling up the street as well.

Ms. Kirk asked Mr. Menno if he is familiar with the Yardley Hunt area, and Mr. Menno stated he is. Ms. Kirk stated Yardley Hunt has a large variety of single-family homes which generally have side garages. She stated their average sales for the most expensive house is going for \$600,000 or less so there are homes within the Lower Makefield area that do sell for less than \$600,000 that do not necessarily need to be of the size that has been presented tonight, and Mr. Menno agreed. Ms. Kirk stated Lower Makefield does retain some of its rural characteristics which is a draw for many people, and Mr. Menno agreed. Ms. Kirk stated there are a lot of older homes of smaller size that have that unique characteristic. She stated it is possible that the proposed house to be designed for this Lot could have a unique characteristic with a small footprint that would still be marketable in this area. Mr. Menno stated he feels they would have to quantitate that with the price point as well. He stated at this location given the size of the land and its location, he feels what has been done up the road has proven that that absorption is what the public likes and wants; and he feels it was well received and looks good. Mr. Menno stated that is something that he would continue going down that same path and do something very similar. Ms. Kirk stated what was done up the road is just one example of the style of homes that sell in Lower Makefield, and Mr. Menno agreed.

Mr. Zamparelli stated he understands that the larger the house the more money it would sell for which is what they are trying to do as well as to match the other houses in the neighborhood which he feels is a great idea. He stated the other houses seem to be the same square footage, but there are issues with this Lot. Mr. Zamparelli asked if they feel that they are going to “cheapen the neighborhood,” if they sell the house for \$500,000 as opposed to \$600,000.

Mr. Murphy asked if Mr. Menno would still come back to the point that there is still a minimum depth to any home that would be built on this Lot that would probably have to be in the 40' to 42' range or it would not be practically or commercially feasible, and Mr. Menno agreed. Mr. Murphy stated if a townhome has a 40' depth, they would not build a single-family home that would not be at least that or a little bit more; and Mr. Menno agreed. Mr. Murphy stated they could have proposed a bigger footprint than they did; but they did not, and the question is one of balance. He stated they are trying to balance out the impact safety wise and natural resource wise, but still build something that is commercially reasonable. He stated it does not have to be the biggest or the smallest, and they tried to find a middle ground that everyone could live with. He stated what they tried to do tonight is to show the Board that what they have done is in the middle of the newest project that has been built in Lower Makefield which is right down the street.

Mr. Lee Polsky, 724 Salem Court, was sworn in. Exhibit A-11, the Surrounding Features Plan, was shown. Mr. Polsky stated his home is directly across Brock Creek from the proposed residence that Timko is interested in building. He stated his neighbors at 718 and 730 may also be on the line. Mr. Polsky stated the word "compromising" has been brought up this evening, and he asked if they understand how the building of this structure will compromise his home at 724 as well as 718 and 730 with respect to the tearing down of trees which provides a wind barrier to the trees on the opposite side of Brock Creek as well as "water rising which absorbs water on that side of Brock Creek" where the structure is going and where all the water would come to his side of Brock Creek and ultimately into his structure which it has done previously as well as to 718 and 730. Mr. Polsky stated he has lived here since 1978, and he has seen a lot that has gone on over the years.

Mr. Polsky stated they are currently in the FEMA 100 year flood zone, and they would like to remain within that flood zone. He stated they have voiced their concern at previous meetings. He stated he feels they are being compromised on Salem Court, and they could be thrown out of the 100 year flood zone if something were to happen with respect to flooding in the home that is being built and the homes on Salem Court.

Mr. Polsky asked if there is a basement proposed at the Timko property. Mr. Glitzer stated he is not sure, but he expects that there would be. Mr. Polsky stated that is a mistake unless there is proper drainage with proper French drains and sump pumps and control of the water from Brock Creek which turns into enormous rapid water during heavy rains.

He stated water has entered all of their structures, and it will enter the home that is proposed to be built on Sandy Run Road. He stated if there is a buyer thinking of buying this property, it is a very big mistake.

Mr. Polsky stated his biggest concern is how this compromises his home and his neighbors' homes. He stated he is concerned about the removal of trees which absorb water on that side of Brock Creek and act as a wind barrier which prevents trees from falling down on his side of Brock Creek. Mr. Polsky stated he has been here since 1978, and there has been no damage so far; and he is concerned about this property being compromised and his property being compromised.

Mr. Majewski stated it is the Applicant's responsibility during that their design and construction that they demonstrate that they meet all stormwater management requirements and all requirements of the Floorplan Management Ordinance. He stated that will require more detailed Plans to ascertain whether or not they can meet those requirements.

Mr. Polsky asked how they would handle stormwater management on the opposite side of Brock Creek to protect his property and his neighbors' properties. Mr. Glitzer stated they would propose a series of underground seepage beds both under the driveway and adjacent to the proposed driveway. Mr. Polsky stated water seeks its own level. Mr. Polsky stated he does not know if they have seen Brock Creek during a storm. Mr. Zamparelli stated he has seen it when it is a "raising torrent." Mr. Polsky stated it comes 25% up the hill and back to his home; and if it were not for the \$30,000 that he invested in French drains and three sumps, he would constantly have water in his basement. He stated his neighbors had to do the same thing. He stated this is a serious problem that no one is paying attention to. He stated they are paying attention to the size of the problem and not the damage that they could possibly cause by tearing down trees that absorb water.

Mr. Zamparelli asked if it is not a possibility that the mitigation efforts such as the seepage beds could improve the situation. Mr. Polsky stated it will not improve the situation. He stated if there are trees and roots that are absorbing water on that side of Brock Creek, he asked how that will improve anything. Mr. Zamparelli stated there could be other mitigation efforts to mitigate that and improve the situation.

Mr. Glitzer stated he understands the concern and the impacts of living adjacent to the floodplain and the creek. He stated obviously this is a pre-existing problem that Mr. Polsky and his neighbors have. He stated removing a few trees in the watershed will have very little if any measurable impact. Mr. Polsky stated they are moving more than a few trees as they are building a big home. Mr. Glitzer stated they have to model the impact of the loss of trees in their stormwater run-off to the creek. He stated this Lot is not Mr. Polsky's problem, and Mr. Polsky's problem is what is coming downstream from all of the drainage area. He stated while he has not looked at the entire drainage area, he knows Brock Creek very well; and everything that comes down is causing Mr. Polsky's issues.

Mr. Polsky stated when Brock Creek fills up and the flood comes down Brock Creek the water disperses to the right and to the left; and if they remove trees on the right, the water has nowhere to go except to the left which is his property. Mr. Glitzer stated he is not saying that removal of trees does not have an impact, and they have to manage that impact with the run-off from this Lot; however, according to floodplain hydrology trees in the floodplain provide roughness and retardance of flow, and when you take out trees in the floodplain, the flood water actually flows a little bit better. He stated they do have to model the run-off impact of the loss of the trees. Mr. Polsky asked how they will model the run-off on his side of Brock Creek; and Mr. Glitzer stated he is not, and he has to model it on the Applicant's side of Brock Creek. Mr. Polsky stated they would have to do the same on his side as well if it is impacting him, adding "he will see to it that it gets done through the Township." Mr. Majewski stated the Applicant will meet the Ordinances. Mr. Polsky stated they are making a "big mistake with this."

Mr. Zamparelli stated they appreciate Mr. Polsky's concern, and they are trying to work this out for everyone's benefit. Mr. Polsky stated as a neighbor, the developer has to be concerned with how building this will impact neighbors around him. Mr. Polsky stated he would like to know what is going to be done in order to protect his property if this is approved. Mr. Zamparelli stated they own this Lot, and they would like to see something on the property which could be smaller, recognizing that their point of view of salability and that this area commands a certain kind of structure; however, they recognize the water issue, and Brock Creek has always been a major water issue.

Mr. Flager asked that they show the graphic where Mr. Polsky's home is in relation to this property, and the slide was shown of Mr. Polsky's property.

Mr. Zamparelli stated he would like this project to work, but he needs it to work for everybody; and he thinks that this can be done.

Ms. Kirk stated she has no authority from the Township to compromise on any aspect of this project, and she has been told to appear in opposition. She stated it is up to the Zoning Hearing Board to make a decision as to how they want to proceed; and then the Parties, depending on the decision, would have to decide whether they are going to Appeal or not. Ms. Kirk stated she has no authority to compromise the Township's position in opposition to this Application.

Mr. Solor stated he feels they should go into Executive Session to asked their Counsel some questions.

There was no more public comment at this time.

Mr. Murphy Moved his additional Exhibits – A-10 to A-12, and there was no Objection.

The Board adjourned to Executive Session as at this time.

The Board reconvened at 9:50 p.m.

Mr. Connors stated they are asking that the wetland buffer be brought down to 10'. He asked what is to keep the homeowner out of that 10' since it is one of the narrowest wetlands buffers he has seen. He stated he has concerns that the property owner will turn that into his back yard, and take away any kind of buffering capability. He stated he is concerned as to how that can be restricted.

Mr. Glitzer showed a slide showing the buffer and stated that the actual buffer from the back wall of the house not including the lower landing is about 24'. He stated they could sign the buffer and install a split rail fence with a gate or monument it in some way to call attention to it. He stated there is also a Disclosure Ordinance that the Township has and the buyer would have to acknowledge the resources and restrictions on the Lot. Mr. Murphy stated they could also consider a Conservation Easement that would give rights of enforcement to the Township if there were a violation in addition to what Mr. Glitzer has discussed.

Mr. Connors asked the impact of run-off from the landscaped area getting into the wetlands. Mr. Glitzer stated the change in cover is in the wetland buffer, and some of that would be preserved in native vegetation. He pointed out the notation “LOD,” and he stated that is what they are anticipating as the limits of disturbance based on site grading. He stated from the limits of disturbance to the house would be turf; however, outside of that it could be enhanced in the understory since right now there is not a great understory there. He stated they could plant wet-tolerant shrubs and riparian corridor plantings back into that area to restore it as much as possible. He stated that would balance the run-off from it.

Mr. Glitzer stated the primary technique is to do underground stormwater management. He stated if they had a basement it would be a walk-out basement so it would have gravity drainage, and they would not want to rely on sump pumps to drain that out. He stated on either side of the house they would run the roof drain collectors into underground seepage beds which would store the run-off, slowly release it, or if it were too wet there, they would have an underground detention basin. He stated he feels they would have to utilize all the parts of the yard to make this work including some areas underneath the garage. He stated they do not want to pond water against the house. He stated there is a decent grade on the site, and it pitches down pretty well from Sandy Run Road.

Mr. Connors stated everything is coming down Sandy Run Road down into the wetland area. Mr. Connors asked the grade change from the front to the back as it looks to be about 4'. Mr. Glitzer stated he feels it is 7' as these are 2' contours. Mr. Connors stated they are going to “bury the basement and have a walk-out and two steps down on the front. Mr. Glitzer stated they would elevate the first floor up so that the full basement depth is not in backfill, bury 5' of it, and expose the basement floor out the back at grade with maybe one step down.

Mr. Connors asked if they have done the testing yet to determine what high ground water is in this area, and Mr. Glitzer stated they have not yet done that testing. Mr. Connors stated they will want to do that.

Mr. Connors stated he has concerns about the 10' wetland buffer and he would like to see 20' which he knows impacts their limits of disturbance; however, he feels protecting that wetland a bit more than a 10' distance would be suitable when all of the water from the landscaped area and quite possibly any of the fertilizers are going to end up into the wetlands with no

type of filtration whatsoever. Mr. Glitzer stated looking at the limits of disturbance, they do have some opportunities on the sides; and that limited buffer is just beyond the narrow point he showed on the slide as well as the collection point in the wetlands. He stated they have the opportunity to pitch grades and sculpt it to direct the water into more of a lateral flow path so it does not flow directly down into Brock Creek, but would run alongside it into some natural plantings through that area and maximize the effect of the buffer.

Mr. Connors stated they are talking about a walk-out basement, and he stated they are looking at 14' from the back line to the limit of disturbance; and he asked how that area would be used. Mr. Glitzer stated that would likely be turf, but they can pitch the drainage to follow the flow path of Brock Creek. He stated the usable yard areas would be more to the sides. He stated the back would be turf and transition to buffer plantings which would be native, riparian buffer plantings. Mr. Glitzer stated since that is outside the limits of disturbance, they do not anticipate taking anything down to re-plant it; and they would have to find a balance point. He stated there may be some gaps in the understory that they could plant. He stated that would get outside of their limit of disturbance; however, they are just talking about plantings shrubs to re-establish the understory which he feels is appropriate.

Mr. Connors stated with regard to the driveway, there is 188.77' from the center line of Edgewood Road to the near edge of the driveway; and Mr. Glitzer stated that is actually to the center line of the driveway. Mr. Connors asked where they came up with that number, and he asked if that is an arbitrary number. He asked what are PennDOT's sight triangle requirements for a driveway in this position. Mr. Glitzer stated he does not know exactly what the sight triangle is at the intersection, but he does not feel it is near 188'. He stated it was not an arbitrary number, and there is a front yard setback of 80' required off of Edgewood Road; and they set the edge of the house right on the front yard setback; given the dimensions of the house, they have the result of the dimension given so it was driven by the front yard setback on Edgewood. He stated with the side-entry driveway, it gives a little more separation. Mr. Glitzer stated he would have to check the Subdivision Ordinance, but he believes intersection to driveway separations are in the magnitude of 40' to 60'.

Mr. Connors asked Mr. Glitzer if he has any concerns about the turn in the road just past the driveway and having proper sight distance. Mr. Glitzer stated they are on the outside of the curve so they have good sight distance.

He stated he has not seen the plans for the round-about and does not know how that will function. Mr. Connors stated the Zoning Hearing Board has not seen it either.

Mr. Zamparelli asked why they could not make the house a little wider and less deep. He stated he understands there is an 80' setback in the front yard, and asked if they could not encroach into that so that they would get a little bit more room in the back. Mr. Glitzer stated they were trying to provide flexibility for the product style. He stated 40' would be the minimum. He stated they would not change the design of the house to make a longer, narrower ranch style because they would start to run into setback issues off of steep slopes in an area he showed on the slide. Mr. Glitzer stated they were trying to stay off of Edgewood for the maximum amount possible. Mr. Zamparelli stated if they came off the back a little, it would make it nicer for the back yard as opposed to the 10' they are showing. Mr. Glitzer stated they have 24 and a half feet to the wetland, and about 10' of that would be effective buffer.

Mr. Glitzer stated if there is a walk-out basement, there will be a transition grade.

Mr. Connors asked what the 25' front yard is driven by, and Mr. Glitzer stated they wanted to balance the wetland buffer. He stated that is one of the Variances they are seeking. He stated they would not want to go much closer than 25' because it starts to compromise the ability to get a car oriented to be able to pull out straight. He stated the normal setback is 30' so they are looking for a 5' Variance. Mr. Connors stated the only impact to that is that it would be a smaller front yard, and it would still allow them to get the car turned and proper movement; and Mr. Glitzer agreed.

Mr. Connors stated there is a stormwater seepage bed in the front yard which appears to be fairly close to the right-of-way, but it is also on the high side of the property. Mr. Glitzer stated it has not yet been designed, and they need to do test pits; and they feel they will probably have three of them surrounding the house. Mr. Connors asked if they are looking to capture roof run-off so that it would be clean and they could dump it into the seepage bed. Mr. Glitzer stated they would put a disconnect between the roof drains and the seepage bed so that if we do get an extraordinary rain, they would not surcharge water on the roof. He stated they could put a trap in the connection to make sure that whatever gets in is clean.



Mr. Connors stated he is okay with the front yard, and it is the back yard that he has a concern about. Mr. Zamparelli asked if the back could not be 29.51. Mr. Glitzer stated they could go down to that minimum amount. Mr. Murphy stated Mr. Zamparelli is suggesting a 40' by 52' footprint, and Mr. Zamparelli agreed. Mr. Connors stated he would prefer the 30' back yard so that they could protect the wetlands, and he would prefer a 20' buffer instead of 10' for the wetland buffer. He stated he also likes the idea of putting in a fence so that it does not get impacted. Mr. Connors stated he does not feel any of that sounds unreasonable; and he feels the 29 and a half would work within the parameter, although they would have to play with the footprint a little bit. Mr. Connors stated he would be more comfortable with that than what they were proposing, and Mr. Zamparelli and Mr. Solor agreed.

Mr. Solor moved and Mr. Connors seconded to approve at 20' wetland buffer, a 29.5' rear setback from the wetland buffer, a 25' front yard setback, that there be a fence and signage to the agreement of the Township on the wetland buffer line to indicate the boundary, and a Conservation Easement for the wetland areas to be Dedicated to the Township.

Mr. Murphy stated the net impact of the Motion will result in at 40' by 52' footprint. It will be 40' in depth and 52' in length; and Mr. Zamparelli agreed. Mr. Murphy stated with respect to the Conservation Easement, the Township would have the right of enforcement; and there would have to be a legal description and a Plan prepared that would highlight the areas to be conserved outside of the limit of disturbance.

Motion carried unanimously.

There being no further business, the meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Anthony Zamparelli, Temporary Secretary