

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – FEBRUARY 1, 2022

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 1, 2022. Mr. Solor called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Peter Solor, Vice Chair  
Matthew Connors, Secretary  
James Dougherty, Member

Others: James Majewski, Community Development Director  
Adam Flager, Zoning Hearing Board Solicitor  
Fredric K. Weiss, Supervisor Liaison

APPEAL #22-1946 – STEPHEN & CAITLIN TAMBURO  
Tax Parcel #20-020-132  
1 PLYMOUTH LANE, YARDLEY, PA 19067

Mr. Stephen Tamburo was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Impervious Surface Breakdown Calculations and Stormwater Management Small Project Volume Controls 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. Tamburo stated they are looking to put in an in-ground pool as well as some extra concrete. He stated instead of 3' concrete around, they are looking for 4' and one end to be 10' so that there is more area for chairs, a patio set, etc. He stated as to the impervious surface, they are over a little more than 1% from the allowed 18%.

Mr. Connors asked if they will be mitigating the impervious surface with a seepage bed, and Mr. Tamburo agreed.

Mr. Majewski stated our Stormwater Management Ordinance requires that they control all of the increased impervious surface so it will go back to 15.6%.

Mr. Jonathan Watson, 15 Highland Drive, was sworn in and stated he is in support of the Applicants with what they have done with their home which has also added value to the neighborhood.

Mr. Connors moved, Mr. Dougherty seconded and it was unanimously carried to approve the Appeal as submitted with impervious of 19.3% mitigated to 15.6% subject to approval from the Township engineer.

APPEAL #22-1947 – MATTHEW & ANNE MOYER  
Tax Parcel #20-059-028  
1428 REVERE ROAD, YARDLEY, PA 19067

Mr. Matt Moyer was sworn in.

Mr. Flager marked the Exhibits as follows: Exhibit A-1 shows the setback of the house compared to others similarly-situated homes. Exhibit A-2 is the aerial showing the amount of pools in the surrounding area. The Plan showing all the proposed tree plantings was marked as Exhibit A-3. Exhibit A-4 is the proposed shed location. Exhibit A-5 is a letter in support from a neighbor. The Application was marked as Exhibit A-6. The Site Plan was marked as Exhibit A-7. 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. Moyer stated he is applying for an impervious surface Variance to put in a pool. He stated the impervious surface area currently is 25.1%, and he is requesting approval to go to 30.9%. He stated he is mitigating it through a seepage pit to get it back to 25.1%.

Mr. Connors asked if he could drop the request to 30% instead of 30.9%. Mr. Moyer stated he is willing to do whatever he needs to do to make this happen adding that is why one of the Exhibits had the proposed tree planting. He stated he read through some Minutes and knows that trees do mean something, and he is doing a substantial amount of landscaping to help with additional remediation. Mr. Connors stated this District allows 18%, and he feels going over 30% is a little excessive for the neighborhood.

Mr. Majewski stated to drop the effective impervious surface by 1%, if they made the bed 2 ½' deep as opposed to 2' deep. Mr. Moyer stated he would go even lower if they wanted to get it below the starting point and take it down to 24 or

23 if that helps. Mr. Solor stated stormwater mitigation helps everybody in the community. Mr. Connors stated he would support more mitigation. Mr. Majewski stated if they make the depth 3', they would probably be at 23%. Mr. Majewski stated he will provide the Applicant with the exact numbers but it is approximately 1'.

Mr. Moyer stated he also wants to discuss the location of his current shed. He noted Exhibit A-4 and his shed is actually 3" on his neighbor's property. He stated his request is for a Variance for a 5' setback as opposed to a 10' setback on the left hand side of his property which is shown as proposed location No. 2. He stated it would be at the top of his driveway. He stated he reviewed the Plan with his neighbor who owns the house closest to the proposed location of the shed, and the neighbor was in support of this. Mr. Moyer noted as a precedent a neighbor two doors down has a shed in the same location that he is proposing at the top of the driveway and also has a pool.

Mr. Flager stated one issue with that request is that it was not part of the Public Notice. Mr. Flager stated Mr. Moyer could request a Continuance, and the Township could re-advertise the additional Variance request. Mr. Flager stated it was also not in the Application, and Mr. Moyer agreed. Mr. Flager stated Mr. Moyer could submit a Revised Application which would have both Variance requests, and that would get re-advertised, and Mr. Moyer could then come back before the Zoning Hearing Board. Mr. Flager stated if Mr. Moyer were to proceed tonight and get an approval for the impervious surface, he would then have to file another Application.

Mr. Moyer stated he would like to get an approval on the pool Variance so that he can start the Permitting process so that the pool will be installed by this summer. He stated from his discussions with Township staff, he understands that the first meeting he might be able to get on would be March 1 which would be another month. Mr. Flager stated while Mr. Moyer could get an approval just on this part, he would then have to pay for another Application and he would be paying two Application Fees.

Mr. Majewski stated he did discuss this with Mr. Moyer, and Mr. Moyer wanted to get this Variance now and then later come back with the shed because of the timing, understanding that there is no guarantee that the shed can go where he wants it to go. Mr. Connors asked if it would have to be two separate submissions;

and Mr. Majewski stated there will be a slight reduction in the Fee because the file is already set up, they have the owners' list, and the mechanisms are in place to re-advertise. He stated it would be the cost to re-advertise, the cost of the Court Reporter, and some Administrative overhead.

Mr. Connors stated Mr. Moyer should be aware that if he does this as two separate Applications, he will have to pay more money although he understands the timing issue. Mr. Moyer stated he would like to proceed with the Pool Variance and then do what he needs to do to apply for a Variance for the shed.

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

Mr. Connors moved to approve the Variance for an impervious surface area of 30.91% down to an effective impervious surface area of 23% subject to review and approval by the Township engineer.

It was noted that this includes the impervious surface for the shed.

Mr. Dougherty seconded and the Motion carried unanimously.

APPEAL #22-1948 – GARY & JUDI REISS  
Tax Parcel #20-057-019  
969 PRINCESS DRIVE, YARDLEY, PA 19067

Mr. Gary Reiss, Ms. Judi Reiss, and Mr. Charles Sudhop, pool contractor, were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The 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. Flager stated his firm used to represent Ms. Reiss in her capacity as the Prothonotary in the past, but he does not believe this is an issue since he does not have a vote on the matter.

Ms. Reiss stated they are looking to put in an in-ground pool, and they have worked with their contractor to have the pool in such a way to mitigate any type of water possibility. She stated they have lived there for forty-six years, and they have never had a water issue. She stated she believes that their mitigation will put them back to 18% which is better than they are right now.

February 1, 2022

Zoning Hearing Board – page 5 of 5

Mr. Connors asked if Mr. Majewski has reviewed the numbers; and Mr. Majewski stated he has, and they are correct.

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

Mr. Dougherty moved, Mr. Connors seconded and it was unanimously carried to approve the Appeal for impervious surface of 26% subject to mitigation to bring the effective impervious surface back to 18% subject to review and approval of the Township engineer.

There being no further business, Mr. Connors moved, Mr. Dougherty seconded and it was unanimously carried to adjourn the meeting at 8:00 p.m.

Respectfully Submitted,

Matthew Connors, Secretary