

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – MARCH 21, 2023

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on March 21, 2023. Mr. Solor called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: Peter Solor, Chair
James Dougherty, Vice Chair
Judi Reiss, Secretary
Matthew Connors, Member
Mike McVan, Member

Others: Dan McLoone, Planner
Adam Flager, Zoning Hearing Board Solicitor
James McCartney, Supervisor Liaison

APPEAL #23-1998 – LYNETTE & JIM SHAVEL
Tax Parcel #20-028-106
1554 SURREY BROOK COURT, YARDLEY, PA 19067

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.

Ms. Lynette Shavel and Mr. Jim Shavel were sworn in.

Mr. Shavel stated they have a very active dog and would like to add a fence to their back yard. He stated there is an Easement that crosses through it, and they would like to place the fence with the understanding that if there was anything to occur where that Easement needed to be accessed, they would pay to remove the fence.

Mr. Solor asked Mr. McLoone if there is a pipe in the Easement adding it does not show on the Plans. Mr. McLoone stated there is a pipe, and the fence would cross it. Mr. Connors asked if there is a depth to the storm sewer that they would need to be concerned about if they were putting in a post; however, Mr. McLoone was

not sure. Mr. Solor stated a solution could be that we have them make sure that their fence posts are more than 3' off the center line. Mr. Shavel stated they would agree to that.

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

Mr. Connors moved, Ms. Reiss seconded and it was unanimously carried to approve the Appeal as submitted subject to the homeowner agreeing to removal of the fence if and when repairs to the sewer system are needed and subject to a mark out to make sure the fence posts straddle the sewer so as not to damage it.

APPEAL #23-2000 – BOB & SUSAN WHITLOCK

Tax Parcel #20-058-208

1377 REVERE ROAD, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows. The Application was marked as Exhibit A-1. The Plans were marked as Exhibit A-2. The Impervious Surface Calculations and Stormwater Management Small Project Volume Control were 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. Rob Whitlock and Ms. Susan Whitlock were sworn in.

Mr. Whitlock stated they want to add a 410 square foot patio to the rear of their house. He stated currently there is furniture sitting on the grass.

Mr. Connors asked if everything in gray is what they are adding. Mr. Solor stated they were not provided an overall plan of the property. An aerial was shown, and Mr. Whitlock showed where the patio would be. Ms. Whitlock stated it stops just before the dogwood tree. Ms. Whitlock stated they are not changing any surface area of the driveway or the sidewalk.

Mr. Solor asked Mr. McLoone if the impervious surface calculation was correct, and Mr. McLoone stated it is.

Ms. Reiss stated they are increasing the impervious by 2.4%, and she asked what is their plan for management of the water. Ms. Whitlock stated they propose to plant six evergreen trees. Mr. Whitlock noted the calculations under the Stormwater Management Small Project Volume Control for projects under 5,000 square feet. He stated it indicates that there could be a stone infiltration trench or tree plantings. He stated when they did the calculations, six new evergreens got them the water mitigation. He stated they will actually have more than that.

Ms. Reiss stated the problem with trees is that they could die or be knocked over and they are not really a permanent solution. Ms. Whitlock stated they could do something in the alternative. Mr. Whitlock stated the trees was the least costly option. Mr. Solor stated if the increase is more than 1%, the Board generally asks for a stone infiltration trench since that would guarantee that the run-off will not be coming off of the property. He stated the photo shows that they are putting the patio on the highest spot on the property, and the could put a trench in anywhere.

Mr. Solor asked Mr. McLoone what size trench would be needed, and Mr. McLoone stated it could be 3' deep by 3' wide by 19' long. He stated that would cover the 68 cubic feet of required control volume. Ms. Whitlock asked if they could put soil on top of it and plant grass, and the Board agreed. Mr. Flager stated they could still plant the trees.

Mr. Connors asked if the soils are okay; however, Mr. McLoone was not sure.

Mr. Solor stated what is being proposed would mitigate it back to the existing condition of 21.1%, and Mr. McLoone agreed adding that it is a non-conforming lot.

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 subject to stormwater mitigation from 23.5% back to 21.1% in the form of a seepage bed, said seepage bed to be designed in conjunction with the Township engineer's approval.

OTHER BUSINESS

Mr. Solor noted the Board will hear Appeal #23-1999 (Verizon) on April 4, 2023. Mr. McLoone stated he understands that will be the only Appeal heard that evening. Mr. Flager stated since he and Ms. Reiss are members of Synagogue involved in this Appeal they will recuse themselves. Mr. Flager stated he had suggested that Conflict Counsel be appointed which the Board can do this evening. He stated at the last meeting it was discussed that the Board could appoint Russ Sacco. Mr. Solor stated he has offices in Yardley, and he has experience doing this.

Mr. Solor moved and Mr. Connors seconded to approve Russ Sacco as Conflict Counsel for review of Appeal #23-1999.

Mr. Solor stated since Ms. Reiss will not be taking part in this Appeal it would be appreciated that everyone attempt to be in attendance. It was noted that there are now Alternates as well.

There being no further business, Mr. Connors moved, Mr. Dougherty seconded and it was unanimously carried to adjourn the meeting at 7:50 p.m.

Respectfully Submitted,

Judi Reiss, Secretary