TOWNSHIP OF LOWER MAKEFIELD

ZONING HEARING BOARD

MINUTES – JULY 18, 2023

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield

was held in the Municipal Building on July 18, 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

 Masood Sial, Alternate Member

Others: James Majewski, Community Development Director

 Dan McLoone, Planner

 Barbara Kirk, Township Solicitor

 Adam Flager, Zoning Hearing Board Solicitor

 James McCartney, Supervisor Liaison

Absent: Mike McVan, Zoning Hearing Board Member

APPEAL #Z-23-2016 – MEGINNISS/HARRIS

Tax Parcel #20-034-130

0 EDGEWOOD ROAD, YARDLEY, PA 19067

Mr. Mike Meginniss, attorney, apologized for the late notice asking for a

Continuance. He stated in preparation for their presentation, it was discovered

that the dwelling unit per acreage calculation needs to be revised to account for

the net acreage rather than the gross acreage of the site. He stated the Applica-

tion will need to be re-advertised. He stated they did not pick a specific date

because of the re-advertisement, and he would suggest that he interface with

Mr. Majewski, Ms. Kirk, and Mr. Flager and pick a date that would be mutually

satisfactory to his client, the professionals, and the Board for the meeting to be

re-scheduled.

Mr. Solor stated the August 1 date is committed, and there will not be availability

that day. Mr. Meginniss stated he also does not believe that there would be

enough time to re-advertise for that meeting.

July 18, 2023 Zoning Hearing Board – page 2 of 24

Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried to

Continue the Appeal.

APPEAL #Z-23-2014 – ED OLEYNICK

Tax Parcel #20-056-104

261 ROCK RUN ROAD, YARDLEY, PA 19067

Mr. Ed Oleynick was sworn in. He stated they have a new puppy, and they

would like to put in a fence in the back of their yard. He stated there is a 10’

wide Sewer Easement between his property and the neighbor’s, and they

would like the fence to go through that Easement.

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. Dougherty asked if the red marker is going to be the perimeter of the fence,

and Mr. Oleynick agreed. Mr. Dougherty stated the fence will not go to the real

property line, and Mr. Oleynick agreed. Mr. Oleynick stated there is a stone

retaining wall and some bushes, etc. that he would still like to have access to.

Mr. Dougherty asked if the rear fence will be running through the Sewer Ease-

ment or just the two side fences, and Mr. Oleynick stated the Easement is on

the left side of the property.

Mr. McLoone stated on the Recorded Plan for Rock Run it shows the Sanitary

Sewer Easement, and Mr. Oleynick got approval from Aqua to place the fence

where he is showing.

Mr. Dougherty asked if the fence company or an engineer did the survey, and

Mr. Oleynick stated a surveyor came out.

Mr. Solor stated it is Aqua’s Easement and not the Township’s, and Mr. McLoone

agreed. He stated whenever there is a Sanitary Sewer Easement, they advise

the resident to get approval from Aqua, which he did.

Mr. Solor asked Mr. Oleynick if he talked to his neighbors about this, and

Mr. Oleynick stated he did.

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

July 18, 2023 Zoning Hearing Board – page 3 of 24

Mr. Dougherty stated he assumes Aqua told Mr. Oleynick that if need be he

would have to remove the fence at his cost and re-install it, and Mr. Oleynick

stated they did.

Ms. Reiss moved, and Mr. Dougherty seconded to approve the Appeal as

submitted.

Mr. Sial stated he will recuse himself as Mr. Oleynick is his neighbor.

Motion carried with Mr. Sial abstained.

APPEAL #23-2004 – ADR INVESTMENTS, LLC

Tax Parcel #20-034-020-001

READING AVENUE, YARDLEY, PA 19067

(Continued from 5/15/23)

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. Dougherty stated he and Mr. Meginniss have conducted business recently,

but that business has since transpired, and they no longer have an active business

relationship. He stated he does not feel that he has a need to recuse himself, and

he asked if anyone has an objection to his participation. Mr. Meginniss, attorney,

stated he can affirm the representation that a number of months ago he provided

legal services on a separate matter that had nothing to do with what is before the

Board this evening. He stated he would defer to the Board and the solicitors

regarding disposition for any recusal. Ms. Kirk stated the Township has no objection.

Mr. Flager stated it is not an on-going relationship, and Mr. Meginniss agreed that

he is not currently providing legal services and there is no pecuniary interest in

any of their Applications. Mr. Flager stated nothing from that representation is

relevant to this Application, Mr. Meginniss agreed. Mr. Flager stated it was right

to disclose, but he does not believe it warrants recusal.

Mr. Jonathan Geftman, Managing Member ADR Investments, and Mr. Vince

Fioravanti, engineer, were sworn in.

July 18, 2023 Zoning Hearing Board – page 4 of 24

Mr. Meginniss stated he is representing ADR Investments with regard to their

pending Application on Reading Avenue. He stated the property is located at

the border of Yardley Borough and Lower Makefield Township directly across

the street from the Yardley Country Club. He stated the property fronts along

Reading Avenue. He stated the property is approximately .38 acres and has a

number of unique property characteristics. He showed an Exhibit of the

property which is elongated, and it is a wide but narrow property in terms of

its depth. He stated the property meets the gross lot size qualifications in the

Township and already exists as a parcel, but it is limited depth provide for

some unique site constraints that would prohibit by-right development.

He stated he believes that at some point this property was part of the Railroad.

He stated if you are standing on this property looking out onto Reading Avenue,

you can see that the Railroad actually controls a substantial amount of acreage

to the left from the property out onto Reading Avenue. He stated to the right

of the parcel the creek can be seen, and then you are in Yardley Borough.

He stated that property which is also elongated is improved by a single-family

detached dwelling, but a bit far from the proposed dwelling and property line.

Mr. Meginniss stated this property has been undeveloped probably for the

reasons that they are going to discuss as part of the Application. He stated

it does have woodlands, and they are endeavoring to retain a substantial

percentage of the woodland features on site. He stated what they are

proposing is going to be substantially buffered on all sides both side yards

and the rear, but they are disturbing some of the woodlands that would

facilitate the construction of a single-family detached dwelling.

Mr. Meginniss stated they have tried to keep the scale of the improvements

reasonable but consistent, and they have a proposed footprint that is 1,574

square feet along with a driveway, patio, and walkway. He stated this is their

effort to have an appropriately-sized single-family detached dwelling

consistent with the community, but keeping in mind that they are attempting

to have the minimum relief necessary in accordance with the MPC.

Mr. Meginniss stated there is no clear sight triangle issue with this development,

but they did want to volunteer to the Township and the Board, that there is a

notation on Mr. Fioravanti’s Plan that says, “Proposed Guiderail.” He stated

because of the angle of the road, they do not feel that it is an issue; but if it is

something that the Board would like for protective measures with respect to

the proposed structure, they would be willing as a Condition of Approval to

install a guiderail.

July 18, 2023 Zoning Hearing Board – page 5 of 24

Mr. Meginniss stated this matter was Tabled before, and the relief needed was

updated to lessen the relief they are seeking. He stated they previously were

asking for a front yard Variance of 7.3’ when 35’ is required, and that particular

distance is now 12.8’; and they added a little over 5’ to the front yard. He stated

the functional front yard to the edge of pavement is wider than 12.8’, but

accounting for the right-of-way and the edge of the property line it is 12.8’.

Mr. Meginniss stated they are also requesting a Variance to allow a rear yard of

20.6’, and when that was applied for originally that was 10’, so this is a reduction

of the relief they are seeking. He stated they are also requesting a Variance to

permit a woodlands disturbance of 35.4%, and that number was initially 55%,

so that has also been reduced.

Mr. Meginniss stated anything proposed for development on the site would

require woodlands removal, and they are attempting to minimize tree removal.

He stated because of the lot depth you cannot build a house in conformance

with Zoning, but they tried to establish a balance between reasonable develop-

ment, reasonable relief, and the utility of the lot. Mr. Meginniss stated he

understands that there are significant challenges for developing lots like this,

and there is probably a reason that this property has been undeveloped; but

when you look at the big picture, he would suggest that they are keeping a

strong buffer around the structure and behind the home, and this would

essentially be non-visible from either side. He stated there is no home to the

left of the proposed dwelling, to the right of the proposed dwelling the home

is a substantial distance away. He stated the property backs onto Railroad

tracks, and the Railroad owns land immediately to the left. He stated they

are doing what they can to mitigate and minimize disturbance, and he feels

this is the minimum possible relief and will have no impact on the surrounding

community if the Zoning Hearing Board were to grant relief.

Mr. Geftman stated he a managing member of ADR Investments, and is the

owner of the subject property which is currently undeveloped. He stated

the lot is elongated and lacking depth. He stated they would like approval

so that they can develop the property with a single-family home to be

re-sold. He stated the size of the home proposed appears to be the right

size based on engineering, an appropriate size, and value.

Mr. Meginniss stated the Application requires front yard and rear yard relief as

well as woodlands disturbance relief, and Mr. Geftman agreed. Mr. Meginniss

stated they will retain the woodlands that are on the property in a manner that

is depicted on the Plan which would maintain a buffer to the side yards on either

July 18, 2023 Zoning Hearing Board – page 6 of 24

side and the rear yard, and Mr. Geftman agreed. Mr. Meginniss stated the

property has a Rail line that runs off the rear of the property, and the Rail

company owns property to the left of the subject property presently; and

Mr. Geftman agreed.

Mr. Meginniss stated earlier he made a representation that if it is desired, as

a Condition of Approval, they would work with the Township and be willing to

place a guiderail along a portion of the front in an area depicted on the Plan;

and Mr. Geftman stated they would do that if necessary.

Mr. Meginniss stated there are no improvements envisioned to the site other

than those depicted on the Plan, and Mr. Geftman agreed. Mr. Meginniss

stated they will comply with Township Stormwater Management Ordinances

in conjunction with the development of the home, and Mr. Geftman stated

they will.

Mr. Meginniss asked Mr. Geftman if he is aware of any property within close

proximity to this property which has a similar front yard setback issue.

Mr. Geftman stated the subject site is the last lot in Lower Makefield Town-

ship, but the property adjacent to it which is in Yardley Borough is a newer

home built in the early 2000’s which is similar. Mr. Meginniss asked if there

is also a home approximately three parcels over on Reading Avenue which

also has a similar front yard setback to what is proposed, and Mr. Geftman

agreed adding that is in Lower Makefield Township.

Mr. Meginniss asked Mr. Fioravanti to detail what Licenses he holds. Ms. Kirk

stated the Township is not going oppose Mr. Fioravanti being offered as a Civil

Engineer as he has been in front of this Board many times. Mr. Solor stated

the Board is also aware that Mr. Fioravanti has been before them a number of

times and has no objection.

Mr. Fioravanti stated he has a number of Exhibits which he will review with the

Board. He stated the property is in the R-2 Zone and has the required lot area

as it is 16,898 square feet where 12,500 square feet is required, and it is the

shape of the lot that necessitates the Variances. He stated the front yard set-

back requires 30’ and the rear yard setback is 45’. He stated looking at the

Exhibit, on the left they are 34’ wide and on the right they are 77’ wide so

when you apply the setbacks, there is no building area. He stated the lot is

big enough, it is just oddly shaped.

July 18, 2023 Zoning Hearing Board – page 7 of 24

Mr. Fioravanti showed the proposed house in the center of the Exhibit at 28 by

56. He stated the driveway is about 21’ from the edge of paving even though

the front yard is 12.8’ to the property looking at the left corner of the house.

He stated there is a nice view across the street of the Country Club. He stated

the sight distances are good, and when you come out of the driveway there is

good sight distance in both directions. He stated there are no extreme grades,

hills, or blind spots. The Railroad tracks are in the back, and there are no

immediate neighbors. He stated Silver Creek is to the right and goes underneath

Reading Avenue to a pond on the Country Club.

Mr. Fioravanti stated with regard to water and sewer, he noted the line on the

Exhibit noted as “FM” which is a force main which comes from the house and

then goes to two pits on either side of the stream, and they are taking the water

and sewer lines through there. He stated at the right, there is an existing Sub-

division, and there is a force main connection location shown. He stated there

is an existing clean-out and sewer system on the other side of the stream, and

there is water and sewer there.

Mr. Fioravanti noted that stormwater is not a problem. He stated while Silver

Creek exists adjacent to the property, the property is not in a floodplain so

there are no issues with flooding. He stated they will do the typical under-

ground stormwater seepage bed in compliance with the Ordinance.

Mr. Fioravanti showed an Exhibit which shows the boundary between Lower

Makefield and Yardley Borough is very uneven, and the red dot on the Exhibit

shows the site. Also shown on the Exhibit is Silver Creek to the right as it passes

under the stream, and that the lot is completely out of the floodplain.

Mr. Fioravanti stated he believes that this lot was an “orphan piece of ground”

when the Railroad took what they wanted and development came through.

He stated it still matches what is going on in the community in terms of the

lot shape and proximity to the road. He stated there is no danger of flooding

if this lot were developed.

Mr. Fioravanti showed another Exhibit of the site, and across Silver Lake to the

right, the next dwelling is shown. He stated that is one of the lots in an

approved Subdivision adding that the rest of the lots in that Subdivision were

approved, but there were never built. Mr. Fioravanti stated the lot is similar

in nature to their proposed lot although it is not as irregularly-shaped as their

proposed lot. He stated this lot and the proposed lot have a symmetrical look

July 18, 2023 Zoning Hearing Board – page 8 of 24

on either side of the stream. He stated they are both close to the road. He noted

the far left where there are other dwellings which are also very close to the road.

He stated what they are proposing is in character with the surrounding area and

will not have a detrimental impact on anyone. He stated none of the lots he just

mentioned will even be able to see the proposed dwelling.

Mr. Fioravanti stated he feels this is a good use for a property that otherwise has

no use. Slides were shown of a number of similar lots in the immediate area.

Mr. Meginniss asked Mr. Fioravanti about the Variance for the 12.8’ front yard

setback and whether that is the minimum relief necessary for construction of the

single-family dwelling, and Mr. Fioravanti agreed it would to be able to construct

a dwelling that would be in keeping with the community. Mr. Meginniss stated

the rear setback is 20.6’, and Mr. Fioravanti agreed. Mr. Meginniss stated

Mr. Fioravanti Testified that this would have no impact, and that we would

keep the visual buffer; and Mr. Fioravanti agreed. Mr. Meginniss asked if

the rear setback is the minimum relief necessary, and Mr. Fioravanti agreed.

Mr. Meginniss stated they are proposing to disturb 35.4% of the woodlands,

and Mr. Fioravanti agreed. Mr. Meginniss asked Mr. Fioravanti to describe

why they need to disturb 35.4% of the woodlands and cannot comply with

the 25% figure. Mr. Fioravanti stated if they were to comply with the 25%

figure, there would not be enough clear area to build a house and a driveway.

Mr. Meginniss stated there was a representation made earlier about offering

to install a guiderail, and he asked Mr. Fioravanti if there is any danger in

terms of vehicular traffic from the proposed development. Mr. Fioravanti

stated he does not believe there is any danger. He stated there is not a

sharp curve coming to the house where people could lose control and go off

the road going into the front yard. He stated the access roads are relatively

straight, and he does not see that there is any need for the guardrail. He stated

typically you have a guardrail when you are next to a stream, there is a cliff, or

there is something dangerous; and he does not see that to be the case here.

He stated there will be a wooded area there, and he feels it will be completely

safe; but they are willing to put it in if someone wants it.

Mr. Meginniss asked Mr. Fioravanti if there is any reason this project will have

a negative impact on the surrounding residents or members of the community,

and Mr. Fioravanti stated he feels it will have no negative impact. Mr. Meginniss

asked Mr. Fioravanti if he believes that this is the minimum relief necessary to

reasonably use this lot, and Mr. Fioravanti agreed.

July 18, 2023 Zoning Hearing Board – page 9 of 24

Mr. Meginniss asked that the package of Mr. Fioravanti’s Exhibits be marked,

and Mr. Flager stated these will be marked as Exhibit A-3.

Ms. Reiss asked how far they are from the underpass. The aerial was shown.

Mr. Dougherty stated the area Ms. Reiss is referring to is where the trestle is.

Mr. Majewski stated it is about 500’ from where the proposed house will be.

Ms. Reiss asked if they are aware that in 1996 the whole area flooded, and

one person died. Mr. Fioravanti stated while he does not know what caused

that, they are not in the one hundred-year floodplain. Ms. Reiss stated it was

a major rain storm in 1996.

Mr. Solor asked Mr. Majewski if they in compliance dimensionally with the

setback from the creek, and Mr. Majewski agreed.

Mr. Connors asked where they intend to put the stormwater management for

the property, and Mr. Fioravanti stated it will be in the green areas that surround

the dwelling. He stated there will be underground seepage beds under the drive-

ways and around the areas that they show as being cleared. He stated they do

not have much in terms of impervious surface with such a small development of a

house and a driveway, and they feel that they can handle it in the perimeter area.

Mr. Connors stated the tree line is right up against the rear of the building, and he

asked if their intent is not to have any clearance from there to the tree line.

Mr. Fioravanti stated in terms of an area of clearing, the shape of the cleared area

might be modified slightly, but they will hold to the area that they have designated

to be cleared. He stated they will not have the trees rubbing against the edge of

the dwelling, and they will remove foliage and trees so that is clear around the

corner of the dwelling. He stated they will hold to the 35%.

Mr. Connors asked if there is a possibility of moving the water and sewer line to

be underneath the driveway and providing more treed area along the edge of

the driveway. Mr. Fioravanti stated while that is possible, they need to keep in

mind that the edge of the trees that they show is essentially a canopy and the

stems and trunks of the trees might be a few feet further outward. He stated

they are also going to have to have some grading around the dwelling and the

driveway, and they need some extra room to clear so that they can blend the

grades back into the natural ground. He stated they may be able to save some

tree clearing, and when they get to that stage of design, they can look at taking

it more at a right angle. Mr. Connors stated it is a relatively flat sight as there is

only 2 ½’ change over the length of the building. Mr. Fioravanti stated it is

relatively flat, and as they grade the site, they will keep a 2% or 3% slope on the

July 18, 2023 Zoning Hearing Board – page 10 of 24

driveway and the dwelling and raise it up a little; and from the dwelling out, they

will be grading back down about a 3 to 1. He stated typically you have a couple

of feet where you are transitioning with the grades. He stated they should not

have any problems with drainage on the property.

Mr. Connors asked how far away from the Railroad tracks will the house be; and

Mr. Fioravanti stated it probably another 60’ from the rear line to the Railroad

tracks, and then there is the 20’ rear. He stated the Railroad tracks are elevated

“way up in the air” and wooded between so they are well buffered.

Ms. Kirk stated the Application indicates that the proposed house would be 1,574,

and she asked if that would be same according to the Amended Plan; and

Mr. Fioravanti agreed. Ms. Kirk stated there is a proposed driveway of 855 square

feet, and Mr. Fioravanti agreed. Ms. Kirk asked if this will be a single or two-story

building, and Mr. Fioravanti stated he believes it is to be a two-story building.

Ms. Kirk stated the front yard setback is 12.8’, and Mr. Fioravanti agreed.

She asked if that is consistent along the whole frontage of the proposed house,

and Mr. Fioravanti agreed. He stated the house is parallel to the road line in

that area. Ms. Kirk stated the rear yard setback from the corner on the left

side of the house is 20.6’, and Mr. Fioravanti agreed. Ms. Kirk asked what is

the rear yard setback from the opposite corner of the rear of the house.

Mr. Fioravanti stated while he can get that number, he does not have it with

him, adding he looked at the worst case which would be the left corner.

Ms. Kirk asked if the other corner would be of greater distance than the

other side, and Mr. Fioravanti agreed.

Ms. Kirk stated it was indicated that there would have to be disturbance of

approximately 10.4% greater than permitted in order to build the house and

driveway, and Mr. Fioravanti agreed. Ms. Kirk stated that includes construction

areas, and Mr. Fioravanti agreed.

Ms. Kirk asked if the proposed house will have a rear deck; and Mr. Fioravanti

stated they do not have a rear deck shown on the house, and they just have 28

by 56. Ms. Kirk asked if this house were to have a rear deck installed, would

that mean that they would have to come back for additional disturbance of

woodlands. Mr. Fioravanti stated that would depend on the size. He stated

at 35%, there is area around the dwelling that was set aside for stormwater

and grading. He stated as noted the actual shape of the canopy that they

disturb can vary a little, but they are bound by what they are asking for.

He stated if there was a small deck off the back of 6 by 6 on the right side

July 18, 2023 Zoning Hearing Board – page 11 of 24

it might be able to be fit in. He stated if they end up clearing less on the left side,

they might be able to clear a little bit more on the back. He stated 35% is what

they need to be able to build the house, the driveway, and have room for grading.

He stated they could probably do a small deck without coming back; but if it were

to be larger, they would have to come back.

Ms. Kirk asked if three quarters of the lot is heavily wooded, and Mr. Fioravanti

agreed. Ms. Kirk stated based on the proposed location of the house, the

property owner intends to retain woods in the rear, and Mr. Fioravanti agreed.

Ms. Kirk asked what would stop a future owner from trying to disturb more

woodlands in order to construct accessory structures to the house. Mr. Fioravanti

stated he feels that would be the same situation for any lot in the Township where

there is a wooded lot with a dwelling on it; and if the homeowner wanted to start

cutting down trees in excess of the disturbance permitted, he would have to go to

Zoning. Mr. Meginniss stated per the notation and a Deed Restriction so someone

would be on notice, and the Township would have more enforcement. Ms. Kirk

asked if that would be an agreed to Deed Restriction, and Mr. Meginniss stated

they would agree to that. Mr. Connors asked that there be markers to the Deed

Restriction on the property so that where is visual identification of where the tree

line is, and Mr. Meginniss stated they could have that as an Exhibit. He stated he

had worked with the Zubaida Foundation and the Township to approve Deed

demarcation points for disturbance to insure that no more trees were removed,

and they would be willing to do that here.

Ms. Kirk stated the Plan shows a proposed guiderail, and she asked if that is

existing, and Mr. Fioravanti stated it is not. Ms. Kirk asked the purpose of the

proposed guiderail; and Mr. Fioravanti stated they were told that there were

some concerns about the access and the sight distance and with the dwelling

being so close to the road. He stated he personally has no such concerns as he

had noted earlier given that he feels the geometry of the road is safe and that

sight distance is good. He stated he does not believe that it is necessary, but

if the Township had a concern, they would be willing to do it. Mr. Meginniss

stated when they looked at the Application, he thought the rear yard impact

was not existent because the property does not back up onto a home or another

use. He stated they feel the woodlands disturbance is reasonable considering

what they are keeping on site and the fact that some woods are going to have

to be removed to develop the site in any capacity. He stated he thought the

concern that could exist that would prevent the property from being developed

would be the proximity of the home to the road. He stated in an effort to miti-

gate any concerns, they were offering the installation of the guiderail as a

July 18, 2023 Zoning Hearing Board – page 12 of 24

potential Condition if the Township were so inclined, even though the Applicant

did not believe that it was necessary from a safety standpoint. Ms. Kirk stated

that was just an additional Condition to try to provide additional safety, and

there was no independent sight distant test or surveys conducted; and

Mr. Fioravanti stated he believes it is unnecessary.

Ms. Kirk asked if other than the one property that appears to be in the Borough

are there any other properties along this stretch that have guiderails; and

Mr. Fioravanti stated there is one at the stream crossing to the right where

the stream crosses underneath Reading Avenue, and typically guiderails are

installed in areas where it would be very bad if you went off the road such as

cliffs and streams.

Mr. Dougherty stated he often drives in this area, and he does not think the house

that is adjacent to this property has a guardrail, and Mr. Fioravanti, Ms. Reiss, and

Mr. Connors agreed that there is no guardrail there.

Mr. Connors asked if the Applicant is agreeing to Deed Restricting the woodlands

as well as having a visual identification so that there is no mistaking that the trees

are protected, and Mr. Meginniss agreed.

Mr. Majewski stated they do show clearing right at the house, and he does not

know how they will build and dig there without disturbing that; and he feels

that they need to slightly re-configure that wooded clearing area so that they

still have the 35% but leave adequate room from the rear of the house to where

they will ultimately be clearing and have that marked with a fence so that it is

clear to the property owner that this is the limit of where they can go.

Mr. Meginniss stated if they were granted relief, prior to any Recording or any

Permits issued, etc. he would suggest that they would prepare an additional

Exhibit with some specificity that is circulated to the Township that would be

in addition to the written agreement that they are able to construct a home

while still maintaining the specific percentage relief that they are granted.

He stated they would agree to that Condition as well.

Mr. Sial stated looking at the contours there is 13’ of difference between the

Railroad track and the road, and he asked how stormwater would be controlled.

Mr. Fioravanti stated in its current configuration, the run-off from the Railroad

tracks runs down the hill, along the property, into Silver Creek, and then under

the road to the pond. He stated when they grade the site, as he noted earlier,

they would take the existing elevation at the end of the road and start to

increase the driveway slope about 2% so that as the driveway moves back

July 18, 2023 Zoning Hearing Board – page 13 of 24

toward the rear, it is coming up in elevation. He stated when it turns into the

dwelling, the dwelling would also be raised up 1’ or 2’ so that there would be

a swale between the house and the back property line; and any run-off that

came down off the tracks would hit the swale, then flow to the right, and then

to the stream. He stated they would have to account for the little bit of run-

off that comes off the embankment, but there would be a swale that would

convey the run-off from left to right into the stream and then into the pond.

He stated there would also be a stormwater system on the site to take care

of our impervious surfaces so that when they would be controlled going to

the stream, and they would not be increasing peak flows. He stated there

would be a conveyance swale in the rear yard to take that run-off.

Mr. Sial asked why the guardrail would not be in front of the house rather than

on the left side of the house. Mr. Fioravanti stated that was just a potential

guiderail, and he would prefer not to put it in as he does not feel. that it is

needed and would not look nice. He stated they would put it in if the Board

wanted it. He stated the reason it was proposed for the location shown was

they were addressing the concern that if a car were to leave the road, and the

house was close to the road, it could be an issue; and this would prevent some-

one from striking the house if they lost control, but he does not feel that it is

necessary.

Ms. Reiss stated they would be putting more water in the stream, and she

asked if the stream can handle more run-off. Mr. Majewski stated he feels

it can. He stated the Applicant will have to handle all of the stormwater run-

off from the site. He stated currently the water in the stream is limited

because there is the culvert underneath the Railroad and the bridge so that

there are limitations on how much water can get through there. He stated

this will add a miniscule amount compared to the overall drainage area.

Mr. Fioravanti stated they will also be required by the Township to control

their stormwater; and they would capture their stormwater, hold it, and

release it slowly into the stream so it should be a little bit less than what there

is now.

Mr. Solor asked Mr. Majewski with regard to the woodlands disturbance if that

would be a contribution to the Tree Bank, and Mr. Majewski stated it would not.

Mr. Majewski stated that is only applicable to a Subdivision and a Land Develop-

ment, and it is not applicable to an individual house.

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

July 18, 2023 Zoning Hearing Board – page 14 of 24

Mr. Dougherty moved to approve the Appeal allowing a front yard setback of

12.8’ where 30’ is typically the minimum, a second Variance to allow a rear yard

setback of 20.6’ where 45’ is the minimum, and a third Variance to permit a

35.4% woodlands disturbance when 25% is the maximum. We need to have a

Deed Restriction Recorded stating that the maximum tree disturbance is 35.4%

and therefore no more tree disturbance will be permitted. We will need visual

markers denoting where the trees are not to be disturbed, subject to Township

with respect to said markers.

Mr. Connors asked Mr. Majewski if he can confirm if this happens before a

Building Permit gets issued. Mr. Majewski stated they will make sure that is

done.

Mr. Connors seconded the Motion.

Ms. Reiss stated these are mature trees so she is sure that they have very large

roots, and she asked Mr. Majewski if they lose more trees due to the construction

is there anything that would be done. Mr. Majewski stated he is not sure how

we could address that unless there was a Condition that if any trees are lost

during construction that they would have to replace them.

Ms. Reiss moved that if they lose trees due to construction, they would have

to replace them. She stated they are already upsetting the habitat.

This was acceptable to Mr. Connors and Mr. Dougherty.

Motion carried unanimously as amended.

APPEAL #23-2005 – ADR INVESTMENTS, LLC

Tax Parcel #20-012-018

HEACOCK ROAD, YARDLEY, PA 19067

(Continued from 5/15/23)

Mr. Mike Meginniss, attorney, was present with Mr. Jonathan Geftman, ADR

Investments, LLC, and Mr. Vince Fioravanti, engineer were present.

Mr. Flager marked the Exhibits as follows: The Application was marked at

Exhibit A-1. The Plans were 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.

July 18, 2023 Zoning Hearing Board – page 15 of 24

Mr. Jonathan Geftman and Mr. Vince Fioravanti were sworn in.

Mr. Meginniss stated present this evening are Mr. Jonathan Geftman, principal

of ADR, and Vince Fioravanti, engineer, who prepared the Plan which is before

the Board for consideration this evening. Mr. Meginniss stated this parcel

fronts on Heacock Road. He stated the property is approximately .4 acres

gross; however, because there is a 120’ right-of-way, 60’ of which are on our

portion of Heacock Road, it cuts down the net developable area of the site

considerably.

Mr. Meginniss stated the site is rectangular, but the net lot area comes out to

just over approximately 9,200 square feet. He stated they are endeavoring to

develop the property with a reasonably-sized single-family detached dwelling.

He stated they require front and rear yard Variances due to the narrow depth

which results from the right-of-way on Heacock. Mr. Meginniss stated they

are asking for a front yard Variance of 8 ½’; however, the functional depth of

the front yard shown on the Plan is approximately 40’. He stated the front yard

from the home to the edge of pavement along Heacock is approximately 40’, but

the actual Variance is 8 ½’ because of the extensive right-of-way along Heacock.

He stated if someone were traversing Heacock and looking to the right, if this

house were built, they would see a house functionally set back 40’ from the

edge of pavement assuming Heacock is not widened at a later date. He stated

being sensitive to the location in the front yard, the adjacent property at 542

Heacock has two structures which he believes are located as close or closer to

Heacock than the proposed dwelling is. He stated he feels that their develop-

ment is in keeping on Heacock with the surrounding community in terms of

the front yard depth.

Mr. Meginniss stated he suspects that the rear yard depth is potentially the

more controversial component of the Application. He stated they have done

what they can given the site constraints with the rear yard depth, but that space

is limited.

Mr. Meginniss stated the Variance if granted would allow for the construction

of an approximately 1,568 square foot home in terms of the footprint with a

driveway and walkway.

Mr. Meginniss stated he does not know if the homeowner to the rear of this

site is present this evening, but understanding in a normal situation if they

were building either a single-family home on one lot or a Subdivision to

facilitate construction where there would be concern regarding rear yard

July 18, 2023 Zoning Hearing Board – page 16 of 24

depth, they would work with the neighbors to buffer the property and plant

arborvitaes or something similar along the rear property boundary to mitigate

any of those concerns. He stated in this instance because of their compressed

rear yard which is 10’ to the fence line, they would be happy if the neighbor is

interested to plant arborvitaes if they are interested along their rear property

fence; and they would be willing to make that a Condition of approval for a

single-family detached dwelling.

Mr. Meginniss stated when they looked at this site trying to ascertain what the

minimum, reasonable development was, they tried to balance a home which is

in keeping from a square footage standpoint with the community while under-

standing that they wanted to mitigate the impact on the surrounding property

owners, and that is how they came up with the plan and the numbers that are

before the Board this evening.

Mr. Meginniss stated the rear property of the home that they would back onto

would be approximately 95’ from the rear of the proposed home. He stated

that is an 85’ rear yard from the edge of the property owner to the fence line,

and then another 10’ from the fence line to what would be the rear of the

proposed house. He stated that if you look at the Tax Map and look at 1601

Penn Oak Drive and 1602 Penn Oak Drive, the corner of those two homes are

located approximately 42’ from each other. He stated there is a compressed

rear yard, but the actual distance from the rear of the proposed home to the

rear of the home immediately behind them is actually more than twice the

distance of the side of the home at 1601 and the side of the home at 1602.

He stated they feel this is the minimum relief that would satisfy the MPC

criteria given the site constraints for the construction of a single-family,

detached dwelling. He stated they do not need any natural resource Variances.

Mr. Meginniss stated that given the special setback requirements, there is no

no building envelop on the site without Zoning relief.

Mr. Geftman stated he is the Managing Member of ADR Investments and the

owner of the subject property which is currently undeveloped. Mr. Geftman

stated he is looking to develop the property and build a single-family home to

be re-sold. He stated based on the size of the lot, what is proposed would be

the appropriate style and size home. The intention is that the house would

be two stories.

Mr. Meginniss stated the Application requires both front yard and rear yard

Variances, and Mr. Geftman agreed. Mr. Meginniss stated if the home were

constructed it would be built approximately 40’ from the current edge of

July 18, 2023 Zoning Hearing Board – page 17 of 24

Heacock Road, and Mr. Geftman agreed. Mr. Meginniss stated there would be

a 10’ rear between the edge of this home and the existing fence line, and

Mr. Geftman agreed. Mr. Meginniss stated he made a representation at the

beginning of this Hearing, that given that there is an abbreviated rear yard,

they would be willing to volunteer to plant arborvitaes along the rear property

boundary with 1601 Penn Oak Circle, and Mr. Geftman stated it would be a

buffer of trees.

Mr. Meginniss asked Mr. Geftman if he is familiar with the subject area and

surrounding parcels including the neighboring property, and Mr. Geftman

stated he is. Mr. Meginniss asked Mr. Geftman if there are structures which

exist on the neighboring property which are as close or closer to Heacock

Road than this home would be if it was built, and Mr. Geftman agreed.

Mr. Meginniss stated if this Application were to be approved, they would

have to install stormwater management mitigation measures to offset any

increased run-off, and Mr. Geftman agreed.

Mr. Fioravanti was offered as an expert in Civil Engineering, and there was

no objection from Ms. Kirk or the Board. Mr. Meginniss stated Mr. Fioravanti

prepared the Plan which is before the Board, and Mr. Fioravanti agreed.

Mr. Fioravanti showed an Exhibit of the rendering which shows the shape of

the lot. He stated it is a uniformly rectangular property, which he believes

was “orphaned” by development which occurred around it over the years.

He stated the property goes to the center of Heacock Road as a lot of the

Deeds did “in the old days.” He stated the problem is that Heacock Road

has a 120’ ultimate right-of-way, and when you take 60’ out of the property,

you are left with about 40’ feet which is a small depth for the property.

He stated it does have a lot of width but is challenged in the front and rear

yard dimension.

Mr. Fioravanti showed on the rendering the driveway access, adding that

street access is easy, level, and there is good sight distance. There is 40’

from the house to the street. He stated looking at Heacock Road, there is

one lane in each direction, a full shoulder, and left-turn lanes in the center

so it is easy. He stated it is close to the intersection with Cardinal, and it is

open there.

July 18, 2023 Zoning Hearing Board – page 18 of 24

Mr. Fioravanti stated there will be no negative impact to the surrounding

community. He stated they are not tying into any neighborhoods, and there

is no storm water draining across anyone’s lot. He stated there is public

water and sewer. He noted the dark line on the rendering which was a limit

of disturbance. He stated the water and sewer lines are available by access

to a public road to the development across the street. He stated there is a

force main for the water connection, and there is a terminal manhole for the

sewer system across the street which they have access to. He stated there is

also a water line in that same area so the same trench can provide water and

sewer across Heacock Road all in public rights-of-way without any Easements.

Mr. Fioravanti stated with regard to stormwater management, a seepage bed

can be seen in the upper right; and there is a downspout collection system

designed on this property to the seepage bed. He stated the drainage patterns

go to a stream so that there is no run-off that will be running across anyone’s

property. He stated the natural run-off from the property is into the stream.

Mr. Fioravanti showed an Exhibit of the site. He stated the reason this lot

ended up the way it did is because the roads were widened over time and

large tracts of land were developed; and whoever owned this piece was not

part of the development. He stated developments happened around the lot

and roads were widened on either side of it.

Mr. Fioravanti showed an Exhibit showing the site in red, the blue being

where the water main line is located, and the green in Cardinal is where the

terminal sewer manhole is that they would connect to. He noted the blue

dots on the right are where the drainage swale is. He stated looking at the

contours, this is where the drainage from this whole area would reach its

final destination, a tributary to Brock Creek, and then the Delaware River.

He stated the stormwater from this site runs to the stream without impacting

anyone else’s lot, and there will be no impact from their proposal to any of

the surrounding neighborhoods including no vehicular access, and no drainage.

Mr. Fioravanti stated you would be able to see the proposed dwelling from the

dwelling behind them; however, the dwelling behind them will still be closer to

the dwelling to its right than the proposed dwelling will be. He stated he feels

visually they can mitigate the house to the rear with buffering, and they are

offering to buffer on the opposite side of the property line as well as the

Applicant’s side if that helps.

July 18, 2023 Zoning Hearing Board – page 19 of 24

Mr. Fioravanti showed Exhibits showing other dwellings that are similar to what

they are proposing and close to the road. He noted the dwelling down the road

next to them where there are multiple structures on the property, one of which

is very close to the street, and is even closer to the street that what they propose.

He noted another dwelling further down the road which is angled toward the

road and is much closer than the proposed house will be. He stated he feels

they are in keeping with the surrounding area; and other than the Variances for

the setbacks, he feels it will be a typical dwelling, will match the community, and

will have no detrimental impact.

Mr. Meginniss stated he had made a representation at the beginning of the

Hearing that due to the special setback along Heacock that they have an

extremely limited building envelope. Mr. Fioravanti stated there is a special

setback on the street that requires a 100’ setback and a rear yard setback of

50’. He stated looking at the amount of land left over, they would be 50’ wide

with 150’ of combined setbacks. He stated if they were to honor the setbacks

there would be no building envelope whatsoever. Mr. Meginniss stated they

are asking for an 8 ½’ front yard Variance, and he asked Mr. Fioravanti if he

believes that is the minimum relief necessary for construction and use of this

property, and Mr. Fioravanti agreed. He added that he tried to put a

reasonable-sized dwelling on the property leaving him 10’ in the back and 8 ½’

in the front as that was all the room they had. He stated he did put more to

the back than in the front, and believes that to be the minimum.

Mr. Meginniss stated he made a representation at the beginning of the Hearing

that from the rear of 1601 Penn Oak to the rear of our proposed dwelling is

approximately 95’, and he asked Mr. Fioravanti if he believes that is an accurate

number; and Mr. Fioravanti agreed. Mr. Meginniss stated the edge of the

structure on 1601 Penn Oak to its neighbor on 1602 Penn Oak is approximately

43’, and he asked Mr. Fioravanti if he agrees that is an accurate number; and

Mr. Fioravanti agreed.

Mr. Meginniss asked Mr. Fioravanti if based upon his recitation as to how this

lot has been created and maintained, does he believe that it meets the criteria

for there being unique physical circumstances and conditions including topo-

graphy for the subject parcel; and Mr. Fioravanti agreed.

Mr. Meginniss stated Mr. Fioravanti had Testified to the limited building

envelope, and he asked Mr. Fioravanti if he has an opinion as to whether these

circumstances prohibit development in strict conformance with the Zoning

Ordinance.

July 18, 2023 Zoning Hearing Board – page 20 of 24

Mr. Fioravanti stated without Zoning relief, nothing could be built on this

property. Mr. Meginniss stated Mr. Fioravanti has Testified previously that

this lot’s existence predated his client’s acquisition of the property, and

Mr. Fioravanti agreed. Mr. Meginniss stated he feels that the hardship and

relief seeking was not created by his client, and Mr. Fioravanti agreed.

Mr. Meginniss asked Mr. Fioravanti to state his opinion as to whether the

construction of this home would alter the essential character of the neighbor-

hood or permanently impair the appropriate use or development of adjacent

parcels. Mr. Fioravanti stated as he has already stated, he thinks there is

no adverse impact from the development of a dwelling on this property to

any of the surrounding properties. He added that there is no vehicular access,

no stormwater impact, the utilities can be reached without any Easements,

and there will be no impact whatsoever to any of the surrounding areas; and

it will match the character as well.

Mr. Meginniss asked Mr. Fioravanti if this is the minimum relief necessary to

construct a home on this lot, and Mr. Fioravanti agreed.

Mr. Meginniss asked that they move Mr. Fioravanti’s Exhibits into Evidence,

and Mr. Flager stated they will be marked as Exhibit A-3.

Mr. Dougherty stated he agrees with Mr. Fioravanti that this is the minimum

relief requested; and while he does not have a problem with the front set-

back, he has a “massive problem” with the back setback. He stated he has

been on the Board for some time, and they get very concerned about sheds

and detached garages being inside the minimum setbacks. He stated this is a

house that will be 10’ off the property line. He stated Mr. Meginniss brought

up that this lot pre-existed the owner that is here. He stated the owner did

not create this, and this condition with the lot like this with the ultimate

right-of-way existed before he bought it. Mr. Dougherty stated he bought

it in 2018 for a Recorded price of less than $3,000, and there are neighbors

on Penn Oak who have been there for some time. He stated they have

significantly more invested in their properties, and he has “huge problem”

with this property being 10’ off a property line.

July 18, 2023 Zoning Hearing Board – page 21 of 24

Ms. Reiss stated she agrees with Mr. Dougherty. She stated while it is nice to

plant arborvitaes on someone else’s property, she feels they would need to be

on the Applicant’s property. She stated she has a major problem with 10’ in

the back. She stated she does not feel that every property needs a house on it,

and this may be one of those.

Mr. Connors stated the overall square footage of the lot is identified as 21,300,

and the minimum net area is identified as 9,300 which he believes is the dark

bold line surrounding the lot outside of the ultimate right-of-way. Mr. Fioravanti

stated the overall dimensions of the property are 106 by 200 out to the center

of the street; and when you take the 60’ away, you are left with 4,650 by 200.

He stated 4,650 would be the depth of the lot and 200 would be the width.

Mr. Connors stated this is essentially a lot of 9,300 square feet, and Mr. Fioravanti

agreed. Mr. Connors stated that is less than the buildable lot requirement, and

Mr. Fioravanti agreed as the buildable lot requirement is 13,500. Mr. Fioravanti

stated the side yard setbacks are required to be 15’; and while he understands

that it does not sound good when a rear yard is 10’, a compliant side yard

between a property line and a building is 15’. He stated they are 95’ from the

nearest house even though they are 10’ from the property line.

Mr. Connors asked Mr. Fioravanti to elaborate on the comment that he made

that the house is typical of the neighborhood. Mr. Connors stated that there

is one other lot which he believes is the existing farmhouse for the Subdivision

behind which is farm and has a significantly sized lot, but there are no other

houses on Heacock Road. He added it is a collector street connecting the Mall

area to a Mall area, and they are talking about putting a Residential property

on it. Mr. Fioravanti stated there are not many driveway accesses to Heacock,

and it is a collector road with 120’ width. He stated as he depicted, adjacent to

their lot, there is a dwelling closer to the road with a driveway access, and if

you continue in that direction where there is an overpass, there is another

dwelling. He stated there are not many driveways on Heacock, but there are

some. He stated there is one immediately adjacent to them and then one

about a mile or so down the road.

Ms. Kirk asked Mr. Fioravanti what is the lot across the street from the

subject property on Heacock, and she asked if that is the Dog Park.

Mr. Fioravanti noted on the Plan the Subdivision across the street and the

open space. Mr. Connors noted the location of the detention pond. He added

that the Dog Park is south of this.

July 18, 2023 Zoning Hearing Board – page 22 of 24

Ms. Kirk stated Mr. Fioravanti Testified that Heacock Road has a 120’ wide

right-of-way, which is 60’ on either side of the center line; and Mr. Fioravanti

agreed. Ms. Kirk asked Mr. Fioravanti if he agrees with Mr. Meginniss’

representation that but for that right-of-way, the property could have a 40’

front yard setback. Mr. Fioravanti stated looking at the gross square footage,

it would be 21,000 square feet so they would be complaint if it were not for

the fact that it goes to the center of the street as many of the old Deeds did.

He stated once you take that big of a right-of-way out, it creates this situation

that they have. Mr. Meginniss stated the edge of pavement to where the home

is proposed, he had represented would be approximately 40’. He stated he

believes that Ms. Kirk is requesting that to be confirmed, and Mr. Fioravanti

confirmed that is the distance from the dwelling to the edge of paving, but not

to the right-of-way.

Ms. Kirk asked how wide the current paved lane is on Heacock adjacent to

this lot; and Mr. Fioravanti stated there is a center lane that is a two-way,

left-turn lane, there are two travel lanes, one in each direction, and then a full

shoulder. He stated he believes it is probably a total of 60’ in width paving.

Ms. Kirk asked from the center lane to the lot, what would be the width of

the main lane. Mr. Fioravanti stated there is a left-turn lane so there would

be half of that, and then there is a travel lane which is probably 10’ to 12’,

and then a shoulder which is probably 8’ so it would probably be 30’. Ms. Kirk

asked if the house were to be moved forward to Heacock for another 10’ it

would encroach into the ultimate right-of-way, and Mr. Fioravanti agreed.

Ms. Kirk asked what would be the likelihood of Heacock Road being widened

in light of its current configuration, and Mr. Fioravanti stated he thinks that

it would be very unlikely. Ms. Kirk stated if they were to move the house

forward by 10’, that would give them an additional 10’ in the rear; and

Mr. Fioravanti stated that while that is correct, they would have to get

permission to be within the ultimate right-of-way. Ms. Kirk asked how

close to the edge of the ultimate right-of-way could this house be; and

Mr. Fioravanti stated with a Variance, they could be on the line and that

would give them another 8 ½’. Ms. Kirk stated even if they moved it another

8 ½’ forward and put it right on the line of the ultimate right-of-way, they

could increase the rear yard setback by 8 ½’ so it would not be 10’ to the

rear property line. Mr. Fioravanti stated they do have the flexibility to

move the house forward.

Ms. Kirk stated the other house on Heacock is the old farmhouse, and

Mr. Fioravanti agreed that it is to the right as you stand along Heacock.

July 18, 2023 Zoning Hearing Board – page 23 of 24

Ms. Kirk asked what is the proposed width of the proposed house, and

Mr. Fioravanti stated it is 56 by 28. Ms. Kirk asked if there is any way to

narrow the width of the house and elongate it so that it would better fit the

lot and maximize the yard setbacks that could be available. Mr. Fioravanti

stated he feels they could take a couple feet off the 28. Ms. Kirk stated it

will be a two-story house, and Mr. Fioravanti agreed. Ms. Kirk stated the

schematics of the house will not exactly fit what is in the other development

because of the constraints of the house, and this is something that could be

done that could maximize the rear yard setback to lessen the impact between

this lot and the one behind it. Mr. Fioravanti stated he feels that they could

change the dimensions to move more of the non-conformity to the rear.

Ms. Kirk asked how much of a rear yard setback he feels that he could get, and

Mr. Fioravanti stated he feels they might be able to get it to 18’. Ms. Kirk asked

if they were able to get it to 18’ in order to insure that there would not be any

further encroachments of structures in the rear yard, would Mr. Geftman be

agreeable to a Deed Restriction that would prohibit the building of any further

structures in the rear yard area, and Mr. Geftman stated he would.

Mr. Solor asked if all of the setback requirements were in place when the lot

was purchased, and Mr. Majewski stated there have been no changes.

Ms. Deborah Karmels, 1602 Penn Oak Circle, was sworn in. She stated she

is “beside herself over this.” She stated she does not care that it is 95’ from

her house to this proposed house, and it is essentially being built in her back

yard. She stated they are asking for an extreme Variance. She stated there is

a reason that this property has changed owners so many times in the twelve

years that she has been here. She stated it will take from her property, and

it will essentially be in her back yard. She stated putting trees in her back

yard will take from her grandkids area that they play in, and that is a non-

option for her.

Mr. Dougherty asked how Ms. Karmels feels about Ms. Kirk’s question about

moving the house closer to the ultimate right-of-way and possibly have an 18’

or 18 ½’ rear setback, and Ms. Karmels stated it might as well be 10’ as it is

not a lot of footage.

Mr. Flager stated if they were going to move it closer to the right-of-way, they

would have to re-advertise since they would need more relief than has been

advertised; and given the nature of the type of relief, he does not feel it is a

July 18, 2023 Zoning Hearing Board – page 24 of 24

de minimous undertaking. Mr. Meginniss stated given the disposition of the

Board, that seems unnecessary; however, if the Board were to tell them to

re-advertise and come back, they would be willing to do that.

Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried to

deny the Appeal.

OTHER BUSINESS

Ms. Solor stated the next meeting is dedicated to the CELLC 0 Appeal.

Mr. Majewski stated several of the attorneys have been discussing this, and it

is possible that they will be doing an Extension of time on that. He stated there

are some other Appeals scheduled for that meeting. He stated with regard to

the CELLCO Appeal, they will be sending the Township something shortly as to

what date they anticipate coming in either in September or October.

Mr. Majewski stated they are compiling some additional information; and

depending on how quickly they can get that together would determine whether

it would be a September or October meeting date. Mr. Solor stated it would be

helpful if they were to pick a day per month anyway since we know that this

will take more than one session, and Mr. Majewski agreed. Mr. Flager stated

he has discussed this with Mr. Ken Federman, who will be the Conflict Counsel

so that there could be one meeting a month for that Appeal and one meeting

a month for all of our other business. Mr. Majewski stated it may be

September 19 and October 17. Mr. Flager stated the Board could vote on the

Continuance on August 1, and Mr. Majewski could post the information on

Facebook and the Township page. Mr. Majewski stated he spoke to the attorney

for some of the Parties in opposition, and he advised that he had been in discussion

with the Verizon attorney so they are aware of that already.

There being no further business, Mr. Solor moved, Ms. Reiss seconded and it

was unanimously carried to adjourn the meeting at 9:`15 p.m.

 Respectfully Submitted,

 Judi Reiss, Secretary