TOWNSHIP OF LOWER MAKEFIELD

ZONING HEARING BOARD

MINUTES – SEPTEMBER 5, 2023

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

held in the Municipal Building on September 5, 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

Barbara Kirk, Township Solicitor

Adam Flager, Zoning Hearing Board Solicitor

James McCartney, Supervisor Liaison

APPEAL #Z-23-2019 – JUDY HENDRIXSON

Tax Parcel #20-042-278

800 ROELOFS 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 Breakdown

Calculations and Stormwater Management Storm Water Management Small Project

Volume Control was collectively 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. Flager stated he is using the revised Publication, Posting, and Notice not the original ones as it had to be re-advertised.

Ms. Judy Hendrixson was sworn in.

Ms. Hendrixson stated she is requesting an increase in the impervious coverage.

Currently the property is at 17.8%, and the maximum allowed under the R-2 Zoning

is 18%. She stated they are proposing removing 667 square feet of existing imper-

vious coverage by removal of a shed and a concrete pad at the rear of the property

leaving the total impervious coverage of 4,841 square feet or 20.3% of the property.

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Ms. Hendrixson stated 593 square feet of impervious coverage is to be mitigated

to comply which is 99 cubic feet. She stated they are proposing to do that by

installing a rain garden of 96 cubic feet, which will be 80 square feet; and it will

be constructed in accordance with the infiltration facilities requirements outlined

in the Township Code. Ms. Hendrixson stated credit for existing tree canopy

reduces the volume required by 14 cubic feet so the total volume of run-off

controlled is 110 cubic feet.

Ms. Hendrixson stated they are also requesting a decrease in the side yard setback

from 15’ which is required to 10’. She stated currently there is a heavily-treed

buffer existing between the properties, and it is mostly evergreens along an

existing fence line. She stated the neighbors have met and discussed some

clean-up and additional plantings along the property line, but have no objection

to the proposed decreased side yard as it abuts their rear yard. An aerial view

was shown, and the existing heavily-wooded buffer was noted. She stated the

neighbors submitted a letter in support of the project which the Board should

have in their packet. Mr. Flager marked that letter dated June 18, 2023 signed

by Eugene and Mary Draganosky, 1601 Makefield Road as Exhibit A-4.

Ms. Hendrixson stated there are no other issues as the School is across the

street, and the other neighbors are not affected by this.

Mr. McLoone noted on the Plan the area where the setback is being proposed.

He noted the addition on the right side which results in the increased impervious

surface. He stated he believes the rain garden is in the rear.

Mr. Dougherty asked Mr. McLoone if he verified the impervious remediation;

and Mr. McLoone stated he did, and it covers the increase in impervious.

Mr. Dougherty asked what it takes it back to, and Mr. McLoone stated it takes

it back to the existing 17.8%. Mr. Solor asked if that is with or without the trees

included; and Mr. McLoone stated if they include the trees as existing, it would

technically be over the 17.8% because it is over the 99 cubic feet. Mr. Solor

stated the 99 cubic feet would mitigate, and Mr. McLoone agreed. Mr. Dougherty

asked if that takes them under 18%, and Mr. McLoone agreed. Mr. Solor stated

that mitigates all the new development by the Code. Mr. Flager stated 99 is

required, and the trench is 96. Mr. Solor stated they would have to do 99 to

reach the control volume.

Mr. McLoone agreed adding it would have to be 11’ long instead of 10’ long.

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Mr. Solor stated the amount of the expansion relative to the existing size of the

house seems “very significant,” and they are going from an 1,800 square foot

footprint to an almost 3,000 square foot footprint which is quite a lot. He stated

there is already parking, and the garage would just make it covered parking

rather than parking “that is there.” He asked why they are looking at so much

relative to what the size of the house is right now. Ms. Hendrixson stated part

of it is increasing the new kitchen lay-out to open that up, and the addition to

the left side at the top is part of the kitchen. She stated there is an existing

small bump-out to the back which is part of the kitchen now, but it is quite small.

She stated there is an existing porch, and the garage addition is so that they can

get their cars inside. She stated the garage is mostly on existing impervious, but

it will be an enclosed garage for two cars.

Mr. Connors stated he believes the side yard Variance would be less than 5’

because there is 34.6’ from the edge of what appears to be a 16” bump-out,

but there is a 24.6’ addition “to a 10’ so they are missing about a 1 and a half

in there.” Ms. Hendrixson stated part of that is the bump-out for the chimney.

Mr. Connors stated there is a 16” bump-out for the chimney, and the chimney

is enclosed in the design, and it is still 24.6’. He stated she is taking dimensions

from two different locations, “and they add up to the same.” Ms. Hendrixson

stated they would still like to get to the 10’ setback.

Mr. Solor stated the 24.6 and the 34.6 are from the main wall of the house so

it is not from the chimney. Mr. Connors stated the Site Plan shows 34.6 from

the chimney, but then you have dimensionally right below it 24.6 from garage

addition over; and Mr. Solor agreed that would be correct. Mr. Connors

stated that 10’ should be 11.6. Ms. Hendrixson stated they are trying to get

to the 10’. Mr. Connors stated the Zoning Hearing Board needs to do the

minimum amount required for them to build what they want. Mr. Solor stated

it would be 11.4’ because it was indicated it was a 16” bump-out. Mr. Connors

stated it would be 11.8’; however, Mr. Solor stated 12 plus 4 is 16.

Ms. Hendrixson stated the garage needs to be the 24.6. Mr. Connors stated

he is not arguing with that, it is what the dimensional increase is. He stated he

believes it is a 16” discrepancy, and it should be 11.6 “or something like that.”

Mr. Hendrixson noted the survey drawing which shows 34.5/34.6, but she cannot

tell where that was taken from. Mr. Solor agreed that the 34.6 is from the chimney.

Mr. Connors stated he is pulling it from the corner of the house.

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Mr. Dougherty stated they are trying to determine what the setback should be to

get the 24 and a half foot garage, but the Board is looking for a de minimus approval.

Ms. Hendrixson stated the problem is when she looks at the Inland Design drawing,

he lines up the chimney with the corner of the house. The Existing Conditions Plan

was shown, and Mr. Solor stated it does show the 34.5 to the front corner of the

house, but it shows the chimney as inset. Ms. Hendrixson agreed adding that is

not what is “going on there.” Ms. Hendrixson stated Inland Design surveyed the

property to locate the property line exactly, and that is where the 34.5 came in;

but she measured the perimeter of the house so her drawing is a little bit

different.

Mr. McVan stated looking at the roof line on Google Maps, where it says, ‘paved

driveway,’ that is straight up, and the garage is a bump-out. He stated there is

then a slight indent, and you then have the chimney, and then it bumps back in.

Ms. Hendrixson stated there is an overhang on the roof. Mr. Dougherty stated

it seems if the fireplace/chimney were not there, it would “come down about

three-fifths, go in about 16”, and go straight back if no fireplace were there, and

Mr. McVan agreed. He stated looking at the roof line on the garage section,

there is definitely a bump-out of “16” 2’” which looks like it matches up with the

chimney which goes along with the picture.

Mr. Dougherty asked Ms. Hendrixson if she is an architect, and she agreed.

He noted Exhibit A-2, which is her drawing, and he asked Ms. Hendrixson if

there is a chance that what the original Plan shows might be accurate.

Ms. Hendrixson stated this is a schematic-level plan, and she knows that they

need to try to get the “26 in there to make this work.” She stated she felt that

they were looking at a 10’ setback. Mr. Dougherty stated the Board could

consider the 10’ setback, and Ms. Hendrixson stated that is what they are

asking for. Mr. Dougherty stated that if the Board can agree, it could be worded

that the garage should not exceed 24 and a half or no greater than a 10’ setback,

the lesser of the two.

Mr. Connors stated the problem is the Site lay-out is not referencing the

Site Survey and there is a discrepancy in dimensions. He asked what is the

actual minimum Variance request. Ms. Hendrixson stated it would be 10’ as

that is “where they want to go.” Mr. Connors stated that is not the minimum

allowed. He stated the Board is required to pass the minimum allowed.

Mr. Solor stated “if the math say 11’, they would be looking at 11’.”

Mr. Connors stated the problem is Ms. Hendrixson does not know what she

needs.

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The aerial map was shown, and the bump-out was shown, and Mr. McVan

stated that is the roof line. He stated looking at the Google map, driveway view,

this can be seen. Ms. Hendrixson stated the problem is that the surveyor located

the property line, and she does not know what he took it off of. She stated if he

took it off the corner of the house and it lines up with that, and there is room,

that would be great.

A picture of the house from Google Maps was shown, and Mr. McVan noted

where the garage “pops out.” He stated the line is not straight, and it is the

same thing as the chimney. Mr. Solor agreed that there is a projection.

Mr. McVan stated this view makes it look like that it sticks out further than

the chimney. Mr. Dougherty stated due to the age of this house, that type

of setback of 2’ would typically be normal.

Ms. Reiss stated she is concerned if this is a working fireplace, and it is

bumping out into an enclosed garage with cars and gasoline. Ms. Hendrixson

stated it is a masonry chimney. Mr. Connors Dougherty stated that is common.

Mr. Solor stated the 2’ bump-out is a “major deal,” and it is more than the 16”.

He stated if the 34.6’ is measured from the front corner, they would need 12’.

Mr. Connors stated he has a dimensional issue with this, and he is not

comfortable moving forward.

Ms. Hendrixson stated the survey is the 34.5. Mr. Solor stated if that is from

the front corner of the garage, they would take it 2’ back to get to the wall line

to build the garage out per the Plan. He stated they would be demoing that

2’ back because it is inside the new garage.

Mr. Dougherty stated we do not have the correct plans in order to be able to

make an informed decision. He stated while he understands that Ms. Hendrixson

is asking for 10’, the Board does not want to give the 10’ if they do not have to.

Mr. Dougherty stated a Continuance could be approved. Mr. Connors stated

Ms. Hendrixson might also want to take the opportunity to look at what this

footprint looks like versus what she designed to see if there are any other

additional problems. Mr. Solor stated right now that projection is inside the

new garage.

Ms. Hendrixson stated no matter what they are going off of the 34.5 from the

front corner, and they need to have the 24.6’ off of that front corner. Mr. Solor

stated that is not what the drawing shows for the garage design. Ms. Hendrixson

stated while she understands that, they have to go by the survey number.

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She stated what he is showing on the drawing does not have “that sticking out

further either.” She stated if he measured from that front corner to the property

line at 34.5, we need to have the 24.5. Mr. Solor stated that does not match the

drawing. He stated he feels it is best to have a Continuance and re-visit this.

Ms. Linda Plews, homeowner of the property, was sworn in. She stated she

understands the concern with the drawing. She stated the Plan was not to demo

the bump-out as it is part of the existing house. She stated it can be seen that the

garage addition is set back, and it would be set back the 20’ and all of that would

be enclosed. She stated it is already existing impervious surface, but it would be

enclosed. She stated Mr. Hendrixson is showing from the bumped-out portion

where the current “non-functional garage is.” Mr. Solor stated that is not what

is shown on the drawing.

Mr. Connors stated they should go back and review this to “figure out what is

going on” and come back next month.

Mr. Flager stated there are sometimes discrepancies in the numbers and

Applicants need to go back and check the numbers and possibly revise the

Plan. Once that is done, they then come back to the Board at a subsequent

money, and that is what the Board is suggesting. Ms. Reiss stated the drawings

need to match up with “the ask.”

Ms. Kirk stated she is the attorney for the Township, and while she is not involved

in this Application, when people come before the Zoning Hearing Board, they are

asking for specific relief that is to be minimal. She stated the Board relies on the

documents matching what is being requested. She stated it is not an advisory

board to tell Applicants what they should do. In order to make sure that it is

documented the right way for when the Construction Plans are submitted,

they need to be sure that what is being requested is what they are considering

whether to approve or deny. She stated the Board is stating that even if they

are schematics, the numbers still make a difference, and that is why they are

suggesting a Continuance.

Mr. Solor asked if they are open to a Continuance and when they would be ready

to present again. Mr. Flager noted the first meeting in October is October 3.

Mr. Flager stated if the relief is being reduced, they would not have to re-advertise.

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

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

Continue the matter to October 3, 2023.

APPEAL #Z-23-2025 – STEVE BOHN

Tax Parcel #20-058-069

1333 REVERE ROAD, YARDLEY, PA 19067

Mr. Rob Wagner was sworn in. He stated he is from Matt Piotrowski Architect’s

office.

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

A-1. The Site Plans were marked as Exhibit A-2. The Impervious Surface and

Stormwater Management documents were collectively marked as Exhibit A-3.

The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was

marked as Exhibit A-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Flager stated he received Notice of this Appeal as a neighbor; however, he

has no issue or comment on it.

Mr. Wagner stated the Coughlins are looking to do a kitchen addition out of the

rear left of the house as well as adding a small home office. He stated the Lot is

already over the 18% max impervious, but the impervious they are adding with

the addition will be accommodated by a dry well for the full added square

footage. Mr. Wagner stated they are also requesting a rear yard setback Variance.

He stated the minimum rear yard setback in that District is 50’, and due to the

nature of the odd-shaped lot, the addition requires a slight encroachment into

that. He stated at the “worst spot,” they will be at 44 and a half feet from the

rear property line where 50 is required.

Mr. Solor asked if the Board were to grant relief for the increase in impervious

area and the setback, would they be open to providing stormwater mitigation

back to 18%. Mr. Wagner stated he does not feel that would be a problem.

He stated the dry well as proposed was about 7 ½’ by 7 ½’ square; and while

he does not know at this time what it would take to get it back to 18, he feels

that the Coughlins and the contractor would look into that. Mr. Solor stated it

would approximately double it. Mr. Wagner stated they could also make it a

little deep to keep the size of it down. Mr. Connors stated they could put one

on either side of the house and connect it in. Mr. Wagner agreed that is

another option.

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Mr. Solor asked if they have talked to the neighbors.

Mr. Brian Coughlin, homeowner, was sworn in. He stated he did discuss this

with a number of his neighbors. He stated the Notice seemed to cover a big

area, and people from a few blocks away were asking him about it. He stated

he talked to about ten neighbors who approached him, and they had no issue

with it. He stated it does not really “approach to anybody’s property as they

sit on the rain basin already.” He stated their property is the last one on the

basin, and it is the furthest corner from anyone else’s property, and he does

not feel it will bother anyone.

Mr. Solor asked Mr. McLoone about the County Floodplain Map view, and

Mr. McLoone showed the Map. He stated it is not in the floodplain.

Mr. Connors stated he believes the nearest floodplain is about two blocks

over. Mr. Solor stated he wanted to know what the property was backing

up to. Mr. Connors stated that is the regional detention basin for the whole

Subdivision.

Mr. Dougherty asked Mr. Coughlin if he spoke to the neighbor that abuts his

property in the rear not on the basin. Mr. Coughlin stated he did not as there

is a language issue there although they are friendly.

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

Mr. Connors moved, Mr. Dougherty seconded and it was unanimously carried

to approve the Appeal as submitted subject to mitigation to 18% impervious

subject to review and approval by the Township engineer.

APPEAL #Z-23-2026 – DANIELLE HANAK

Tax Parcel #20-021-019

1536 EDGEWOOD ROAD

YARDLEY, PA 19067

Mr. Stephen Tedesco, husband of Ms. Hanak, was sworn in. He stated he is also

the property owner with his wife.

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

A-1. The Site Plans and Rendering were marked as Exhibit A-2. The Impervious

Surface and Stormwater Management Sheets were collectively marked as

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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. Tedesco stated the Site Plan shows that their property is approximately

578’ deep. He stated it is on Edgewood Road, and it is about 76’ wide.

He stated there is no room on the sides of the house for a detached garage.

He stated they have an existing garage in the rear of the property, and they

are looking to demo that so that they can have more of a rear yard space,

and then put in a detached auxiliary structure at about the 50% mark on the

back yard. He stated the relief that they are looking for is for the height as

they are looking for 17’, and the Ordinance permits 15’. He stated he would

like to have “4-12 pitch on the 12’ 6 walls with a 4-12 pitch.” He stated he

is also looking to pull the auxiliary structure forward since the property is

so deep so that he does not have to walk 600’ to the garage. He stated it is

inline similar to what the neighbors have. He stated the center of the

building will be at the 50% mark instead of the back quarter of the yard.

Mr. Dougherty asked that the GIS maps be shown. He added that he believes

he saw a pole barn on that street located similarly. Mr. Tedesco stated there

are three of them to the left.

Mr. McLoone showed on the aerial where the pole barn would be located.

It was noted that the neighbors have a similar detached building to the left

which was shown on the aerial.

Mr. Dougherty asked Mr. Tedesco if he knows what are the heights of the other

outbuildings in the area. Mr. Tedesco stated he believes that the height of the

structure of the next-door neighbor is probably 15’; however, to the left there

are three pole barns, and they are similar to the 17’.

Mr. James Breece, 1530 Edgewood Road, was sworn in. He stated he is not

against the height proposed, but he is concerned if it will be used as a Commer-

cial warehouse. Mr. Tedesco stated it will just be used for Residential use, and

it will replace the garage that he will tear down. Mr. Dougherty stated the Code

Enforcement Department would get involved if there was an attempt to use this

Commercially, and Mr. Breece could contact the Township is that were done.

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Mr. Solor stated if they are going to use this as a garage, they are not showing

any driveway being put back to it. Mr. Tedesco stated he does not plan on doing

that any time soon. He stated he has trucks that he has been re-building, and he

does not need a driveway access every day, and it is more for projects. He stated

at this time he does not plan on putting a driveway back there. Mr. Solor stated if

he were to do that he would potentially have to come back to the Zoning Hearing

Board for a driveway if it were to impact the impervious, and Mr. Tedesco agreed.

Mr. Breece stated he would prefer to see a stone or macadam driveway continued

on the property line going back to the garage because of the dirt that it would

create with trucks that are there. He stated the dirt could filter down to his

property on Edgewood Road when it rains. Mr. Dougherty stated Mr. Breece

would have to come back to the Zoning Hearing Board if that were to be

requested at a later time.

Mr. Dougherty stated he has no problem with the request.

Mr. McLoone stated there was some concern about run-off to the west a few

lots down, and he asked Mr. Tedesco if he is confident that there would not

be an issue. He stated he contains everything on their site with their Grading

Plan. Mr. McLoone asked if this is just for the storage of equipment, and

Mr. Tedesco stated he has a few trucks that he wants to get under roof so

it looks better. Mr. McLoone asked if it is one story, and Mr. Tedesco agreed.

Mr. Edward Albertson, 1554 Edgewood Road, was sworn in. He stated the

other pole barns to the left are 12’ and 13.8’ and Mr. Tedesco wants to go

to 17. He asked if it will look like an industrial building in the back of his house

when he looks out his back yard. Mr. Tedesco stated it will be 17’ to the ridge,

and the walls will not be 17’. He stated the whole building will not be 17’ tall.

Mr. Albertson stated the other pole barns are substantially less, and he asked

where they are getting 17’ to the ridge. Mr. Tedesco stated he will be working

on trucks.

Mr. Albertson stated some of the neighbors are still on wells, but the question

has already been asked about the water run-off. He stated he is not sure how

this could affect his well, although he is fine since Mr. Tedesco stated he will

be containing the water.

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Mr. Albertson stated he is more concerned about looking out his back door and

seeing a metal warehouse structure. He stated he is concerned about re-sale

value of his home. He added that Mr. Tedesco has done a wonderful job with

the house, and it looks beautiful, and he has been a great neighbor; however,

he is concerned about the future when he wants to sell his own home.

Mr. Tedesco stated he does not plan on making it look like a Commercial

building, and they will stay with the same style that they did with the main

house. He stated it will not look like a Commercial building in the back yard.

Mr. Dougherty stated his expertise is in valuation, and he does not see the 2’

difference harming the property values. Mr. Albertson stated he wants it on

the Record that he is making his point very clear if he takes “a hit on the re-sale

value.” He stated there is a Variance being requested, and he asked why we

put the 15’ in if it is not an issue.

Mr. Solor stated it is shown to be 10’ high doors, and Mr. Tedesco agreed

adding that is why he needs that 12’ inside dimension. Mr. Connors stated

there are 12’ walls with a 4’ pitch. Mr. Tedesco stated there is also the thickness

of the metal because it is corrugated.

The aerial map was shown, and Mr. Albertson noted the other existing pole

barns going up Edgewood toward Mirror Lake that are compliance with the

height of 15’, and that was why he asked if they could go to 15’, why he

could not. Mr. Tedesco stated the difference is that he needs 10’ doors,

because he cannot get his one truck in if it is only an 8’ door.

Mr. Dougherty asked if it would be possible instead of having two garage

doors to have one garage door that is 12’ wide and 8’ high. Mr. Tedesco

stated the 8’ high is the issue. He stated he needs the height more than

the width.

Mr. Albertson stated he is sure that Mr. Tedesco will do a great job as his

house looks “fantastic,” but he is worried about the metal structure that

looks like a warehouse in his back yard.

Ms. Reiss asked if the 17’ structure would be seen from the street if you do

not see a 15’ structure, and Mr. Albertson stated it would.

Mr. Connors stated the Board does not have any say over what it looks like,

and they would only be deciding on a Variance on the 2’. Mr. Solor stated they

are also requesting a Variance for the location.

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Mr. Solor stated it would not be visible over a house, and it would only be visible

from a gap in between which would be the case whether it was 12’ high or 17’

high.

Mr. Dougherty asked Mr. Albertson if he is three houses down from the subject

property, and Mr. Albertson stated he is two houses down. Mr. Dougherty

stated as he noted his expertise lies in valuation, and he does not see any

diminution in value because of this. He stated he did a lot of expert witness

work for diminution cases, and he would not take this case. Mr. Albertson

stated his point was that the 15’ was put in for a reason, and he asked why

they are going for 17’. Mr. Solor stated that is the purpose of coming to the

Board to get relief from some aspect of the Ordinance. He stated Mr. Tedesco

is asking permission to have the higher garage so that he can put a larger truck

in as well as putting it in the middle of the property as opposed to the back end

of the property. He added the Board tries to use their best judgement in granting

Appeals.

Mr. Dougherty stated this is an outbuilding that is being put pretty far back in the

middle of a very deep lot. He stated if it were much closer to people’s main

dwellings, he would have more of a problem with this request. Mr. Albertson

stated the lots are 76’ across, and they are not 125’ across. Mr. Dougherty

stated it is back pretty deep. Mr. Tedesco stated he is 280’ from the street.

Mr. Connors asked if it is the view that Mr. Albertson is concerned about, would

Mr. Tedesco be interested in putting a few evergreens on the side of the

structure. Mr. Tedesco stated he would be willing to do that. Mr. McLoone

stated when the Permit is filed, they would need to account for the increase

in stormwater management, and that could be part of the Stormwater Mange-

ment Plan. He stated he does not need a Variance for the impervious surface.

Ms. Reiss stated the trees would make for a better view and trees are an asset.

Mr. Dougherty stated two people brought up water run-off to the west, and he

asked if this is approved that the Township engineer be required to approve the

grading of the Lot, and this was acceptable to the Applicant who agreed to

submit a Grading Plan.

Mr. Dougherty stated he is in favor of the tree plan proposed by Mr. Connors,

and asked Mr. Connors if he had a suggestion. Mr. Connors stated he would

suggest planting three evergreens along the property line for screening on the

west side. Mr. Albertson stated that would help him.

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Mr. Dougherty moved, Mr. Connors seconded and it was unanimously carried

to approve the Appeal as presented subject to a Grading Plan as approved by

the Township engineer and a Tree Plan wherein three evergreens will be planted

on the west side property line in the vicinity of the proposed pole barn.

APPEAL #Z-23-2027 – RICHARD BRONGA

Tax Parcel #20-037-115

901 SENSOR ROAD, 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 Impervious Surface Breakdown

and Stormwater Management was collectively marked as Exhibit A-3. The Brochure/

Shed Photo 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. Richard Bronga was sworn in.

Ms. Kirk stated she is present on behalf of the Township who is participating.

She stated in reading the Application it appears that Mr. Bronga requested

relief from the provision of Section 200-69.A.14.a regarding the location of the

shed; but there is nothing in the Application seeking relief for impervious surface

coverage, and she beliefs that was part of the advertisement. She stated she

believes that Mr. Bronga needs to submit a Revised Application because it was

not in it.

Mr. McLoone stated when he was reviewing the Plan he noticed that Mr. Bronga

needed a Variance for impervious surface so it was included in the ad. Mr. Flager

stated the advertising is right. Mr. Solor stated the advertising includes the

Ordinance reference. Mr. Flager stated the Application itself does not have it.

Mr. Bronga stated he did the impervious surface calculation. Mr. Flager stated

the shed is existing.

Ms. Reis asked the impervious surface for the area, and Mr. Bronga stated it is

18%.

Ms. Kirk asked if it was included in the Notice to the neighbors since certain

residents may not have come based on the Notice; however, it was noted that

it was included in the Notice to the neighbors and in the Public Notice.

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Mr. Flager stated it is in the Application in the sense that it is part of the

overall package, although it is not in the actual Application.

Mr. Bronga showed the location of the shed. He stated it is a new shed 10 by

14. He stated the Code calls for it to be “10’ off and 10’ off,” which puts it in

the middle of the yard. He stated it wanted to “stuff it into the back yard,”

and make it aesthetically pleasing. He stated he provided pictures of the shed,

and it is a “very nice shed.” He stated he has talked to the neighbors, and

nobody has any problems with it. He stated he is looking for relief to be able

to keep it in the spot that it is.

Mr. Dougherty asked if he had it installed without seeking relief, and

Mr. Bronga agreed. He stated he was just trying to put a shed in.

Ms. Kirk stated the reason the Township is participating is because it appears

based on the Plan that there was supposed to have been an existing driveway

previously removed, and she is not sure if it still exists or not. She stated that

would impact impervious surface coverage. She stated the shed has increased

the impervious surface coverage which is 2% greater, and there is no stormwater

management calculations or plan provided.

Mr. Bronga stated the driveway is in the impervious surface calculations.

Ms. Kirk stated there are two driveway sections on the Plan – one is showing

a driveway that comes off of Sensor Road that winds to what is called “the

proposed addition.” She stated there is another section on the left hand

bottom corner of a larger area of a driveway that says it is supposed to have

been removed. She asked if that driveway off the addition still exists.

Mr. Bronga stated the driveway off the “existing is a driveway.” He stated

the other driveway that is coming around the circle is gone, and it is all yard.

Mr. Solor stated this seems to be a “very old Plan Application in the background.”

Mr. Bronga showed on the Plan the existing driveway with the driveway.

He stated the other driveway is not there and it is gone. Ms. Kirk stated that

is what is confusing about the Plan. Mr. Bronga stated this is the Plan that

the Township gave him as the house was owned by his mother-in-law, not him.

He stated when he took it over, “he got this Plan, and this is what he has.”

Mr. McLoone stated it was given to Mr. Bronga as a courtesy because he did

not have one. Mr. Bronga stated he appreciates that.

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Ms. Kirk stated the primary issue is that all of the deluges of water and flooding

that have occurred recently. She stated they are already 2% over the impervious

maximum cove4rage, and there needs to be some type of stormwater calculation

provided to offset the increase in the impervious surface coverage. Mr. Solor

stated they are talking about the shed because “that is the new work.”

Ms. Kirk agreed adding that it was not until the shed was discovered to have

been installed without a Permit that the Township found that there was the

increase in impervious surface.

Mr. Connors asked Mr. McLoone if he reviewed the impervious calculations,

and is satisfied with what was provided. Mr. McLoone stated the first page was

complete, but the second page was not.

Mr. Solor stated 23 cubic feet needs to be mitigated. He stated that could be

a dry well. Mr. McLoone stated it could be a dry well or two or a small seepage

pit. He stated he personally would have no problem with trees since it is only

140 square feet. He stated it could also be a rain barrel or a small rain garden.

Ms. Kirk stated Mr. Bronga may want to have further discussions with Township

staff to ascertain the best course of action before the Board makes a decision.

Mr. Solor stated the Board could include their standard condition of stormwater

mitigation to the satisfaction of the Township engineer. Ms. Kirk stated the

Township Supervisors are hyper-sensitive in light of the recent flooding and

rainstorms.

Mr. Connors asked if there is a fence on the yard, and Mr. Bronga agreed.

Mr. Connors stated the shed buts up against the corner, and Mr. Bronga agreed.

Mr. Connors asked the height of the fence, and Mr. Bronga stated it is 54”.

Mr. Connors asked if the shed was placed in such a way so that there is access

behind it so that area can be maintained, and Mr. Bronga stated there is 4’ on

one side so you can get behind it. Mr. Connors asked Mr. Bronga if he would be

open to working with the Township to mitigate for stormwater, and Mr. Bronga

agreed.

Ms. Reiss stated a pool was also drawn in, and she asked if the pool has cement

around it, and Mr. Bronga stated it is just grass.

Mr. Connors asked Ms. Kirk if the Township would be in agreement with the

Applicant working with the Township engineer, and Ms. Kirk agreed.

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

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Mr. Dougherty stated he is not in favor of the shed being 16” off a property

line. He stated it seems that there would have been plenty of space in the

top right hand corner to install a shed and not have it affect the back yard

and would not have required a Variance. He stated had Mr. Bronga come

before the Zoning Hearing Board before it was installed, he feels that the

Board would have advised him to install the shed in the top right hand corner.

Mr. Solor asked the type of foundation the shed is on, and Mr. Bronga stated it

is on 4” of stone.

Mr. Connors stated while he agrees with Mr. Dougherty, there is a fence that

screens a majority of the shed, and he did provide enough access to be able to

get behind the shed so that area can be maintained.. Mr. Bronga stated he

also planted trees down the whole back side of the lot, and his neighbors have

trees on the other side of his lot which they just planted all the way down the

side. He stated that will provide privacy from the shed in two to three years.

Mr. McVan asked if there is a picture of the actual shed in the back yard as it

is now. Mr. McLoone stated it was the brochure for the shed. Mr. Bronga

stated it is a New England-style shed done with vinyl siding with a black

roof, two windows, and shutters. The picture of the shed from the brochure

was shown. Mr. McVan stated he was more interested in what it looked like

on the site.

Mr. Solor stated since it is on stone, it is feasible that it could be moved.

Ms. Reiss stated she has a problem with 16” and feels that a large dog could get

caught. Mr. Bronga stated the yard is fenced so a dog cannot get into the yard.

Ms. Reiss stated she feels it is really tight.

Mr. Flager asked the height of the shed, and Mr. Bronga stated it is no more

than 10’ high.

Mr. Dougherty asked how the Township became aware of this, and Mr. Bronga

stated the Township came to him and said he needed a Permit. Mr. Dougherty

asked if anyone is aware if someone reported the shed to the Township, and

Mr. McLoone stated he recalls that Mr. Bronga came in and stated that he

needed a Variance and they told him that he also needed a Permit. He added

he is not sure if someone from Code Enforcement went out although he

assumes they did if someone from the Township told Mr. Bronga that he needed

a Variance. Mr. Dougherty stated he wanted to know if one of the neighbors

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was concerned that the shed was this close. Mr. Bronga stated he talked to all

of his neighbors, and nobody had a problem with it. Mr. Solor stated he did

ask for public comment and no one made any public comment on-line or in

present.

Mr. Dougherty stated as he noted earlier he feels that if Mr. Bronga had come

to the Board before installing the shed, the Board would have told him to put

the shed on the other side where it would not impact Mr. Bronga’s enjoyment

of his back yard and would not require relief.

Mr. Connors asked what the shed is being used for, and Mr. Bronga stated it is

for storage of tools, lawn chairs, etc. He stated he wants to be able to put his

car in the garage.

Mr. Connors asked Mr. Dougherty and Ms. Reiss if they would be satisfied if

there were 4’ all around the shed, and they both agreed that it would be better.

Mr. Dougherty stated since it is on loose stone, it could be moved. Mr. Dougherty

stated he could also agree to leaving it where it is if that is the desire of a majority

of the Board.

Mr. Connors stated his biggest concern is the impervious coverage. He stated

while he agrees that had Mr. Bronga had first come to the Board, he would

have been asked to pull the shed out more; but the mitigating factor is that

there is a fence around it. Mr. Bronga stated he will do whatever is needed

to fix the impervious surface. Mr. Solor stated the shed could be left in place,

but they could ask for additional mitigation. He stated it would not be back

to the permitted percentage for the property as that would be significant,

but more than the 140. Mr. Connors asked if they could double that to 280.

Mr. Bronga asked what they would entail.

Ms. Kirk suggested that Mr. Bronga meet with Mr. McLoone to get an idea of

what 43 cubic feet of stormwater mitigation would entail before he commits

to it. Mr. Connors agreed that the Applicant should know how much this would

cost before he agrees to it. Mr. Bronga asked if he could use rain barrels.

Mr. McLoone stated the leader could be attached to the roof and go into a

rain barrel. Mr. Solor stated the Board has agreed to rain barrels a few times

on small projects. Mr. Solor stated more than one 55 gallon rain barrel would

be required to cover the amount. Mr. McLoone stated he does not feel they

need to double the amount of stormwater to be contained for the shed.

He stated if the Board feels that is necessary, he would need two rain barrels.

Mr. Connors stated he feels that he would need more than two rain barrels.

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Mr. Connors stated he feels the Board should grant an Extension, and the

Applicant can then come back and advise what he is proposing after meeting

with Mr. McLoone. Mr. Solor stated the alternative would be to mitigate for

143 square feet rather than 280, but relocate the shed.

Mr. Bronga agreed to the extension.

Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to

Continue the Appeal to October 3, 2023.

OTHER BUSINESS

Mr. McLoone stated there are four Appeals scheduled for September 19.

Mr. Solor asked for an update on the Cell Tower Application, and it was noted

that is scheduled for October 17. Mr. Connors asked if there is a sense that

they are making progress. Mr. McLoone stated he does not have an update

on that. Mr. Flager stated the first meeting in November will be Monday,

November 6 since Tuesday, November 7 is Election Day.

There being no further business, Mr. Connors moved, Mr. Dougherty seconded

and it was unanimously carried to adjourn the meeting at 9:20 p.m.

Respectfully Submitted,

Judi Reiss, Secretary