

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – MAY 7, 2024

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on May 7, 2024. Mr. Solor called the meeting to order and stated since there are only four members present, an approval for a Variance would require a majority which would be three. He added that the Applicants have the option to continue to a later date.

Those present:

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

Others: Dan McLoone, Planner
Adam Flager, Zoning Hearing Board Solicitor
Daniel Grenier, Supervisor Liaison

Absent: Matthew Connors, Zoning Hearing Board Member

APPEAL #Z-24-2 – PISTORIO
Tax Parcel #20-027-006
183 TAYLORSVILLE ROAD, YARDLEY, PA 19067
(Continued from 2/20/24)

Mr. Flager stated the Applicant has requested that this be Continued to May 21, 2024, and they believe they will have time to get everything reviewed and have discussions with the Township by then.

Mr. Dougherty moved, Ms. Reiss seconded to Continue the Appeal to May 21, 2024.

APPEAL #Z-23-34 – WHALEN
Tax Parcel #20-055-142
423 RAMSEY ROAD, YARDLEY, PA 19067

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 Breakdown Calculations as well as the Stormwater Management Small Project Volume Control sheets 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 B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Miguel Angel Camacho and Mr. Matthew Whalen were sworn in.

Mr. Camacho they want to put in a concrete patio in the rear of the property. There are two rear steps going down as there are two exits on the back side of the house. He stated there was a wood deck that had carpenter bee issues; and while it was treated, six months later someone fell through the deck. He stated the patio will be pervious area, and they will put in a retention basin. He stated this could be a trench or an area of about 200 square feet set up on the outside of the patio. He stated at the top of the driveway, they will extend that about 200 square feet

Mr. Reiss stated what they are proposing is a good size, and she asked what the existing impervious surface is and what this will do to it. Mr. Dougherty stated they are currently at 18.7%, and they are proposing to go to 25.9% and then mitigate back to 18%.

Mr. Dougherty stated it is very difficult to see what they are proposing with what has been submitted; and he does not feel he will be able to make a decision based on what has been provided. He suggested that they request a Continuance and have a better plan drawn up. Mr. Dougherty stated as noted in the Stormwater Management directions, the width of the trench needs to be greater than two times its depth; and what has been proposed is a 2' deep by 3' wide trench. He stated he feels it would need to be at least 2' by 4'. Mr. McLoone stated they could make that adjustment. Mr. Dougherty asked if they decide to come back before the Board, that they revise that.

Mr. Camacho stated he could try to blow up the Plans. He stated he did have them on a blueprint. Mr. Dougherty suggested that they ask the Township what would be best to present to the Board.

Mr. Solor asked why they did not propose a wood deck since a wood deck would not be classified as impervious, and they would not have to come before the Zoning Hearing Board. Mr. Whalen stated when he bought the house the deck had a lot of termite damage, and dealing with the carpenter bees and other insects, he wanted to remove the deck; and he decided he

wanted a patio and wanted to see if that would be possible. He stated he felt a concrete patio would be an improvement over the deck. He stated when he started the process he did not know about mitigating impervious surface area. He asked if there is a problem if they are able to meet the Township's requirements.

Mr. Dougherty stated sometimes there is negotiation as to the amount of impervious surface being requested. He stated this neighborhood does have some flooding issues, and the neighbors in this area are sensitive to stormwater management. He stated at this point his problem is with the Plan as he does not understand what is being proposed for the driveway and an extra 400 square feet. He stated he does have a sense of what they are trying to do with the patio. Mr. Dougherty stated he would like to know why he needs another 400 square feet of driveway.

Mr. Whalen stated the street is very busy and he has small children. He stated his children are on the sidewalk and people are driving very fast down the road. He stated having more area for his children to be in rather than down by the sidewalk was a motivator.

Mr. Solor stated it would help to have the stormwater located relative to what the grading pattern is since if it is upstream, it will not help anyone downstream. He stated there needs to be a graphic depiction of where this will be relative to the flow of water since the Board cannot tell how this will work.

Mr. Camacho stated the idea was to have a French drain on the outside of the patio and take that drain and put it into a catch basin with riprap and $\frac{3}{4}$ " clean stone which would have to fed by gravity. Mr. Solor stated that is a good idea or if the grading does not work out on the property, they could connect to the roof leaders and take the run-off from the roof which would accomplish the same goal.

Mr. McVan stated he is also confused as to what is going on, and it is hard to approve anything that he does not completely understand. He suggested a Continuance.

Mr. Whalen stated he would like to request a Continuance, and they will improve evidence of what is going to be done so that the Board can be more confident that they are within the parameters of what is expected. Mr. Dougherty stated

he may need to engage a Civil Engineer to draw a Site Plan with the topography on it, show where the trench is going to be, and show what is existing now and what is proposed.

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

After discussion Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried to Continue the Appeal to June 4, 2024.

APPEAL #Z-24-9 – FORMAN
Tax Parcel #20-020-142
21 UPTON LANE, 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 Shed Model Photo was marked as Exhibit A-3. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Alexander Forman was sworn in.

Mr. Forman stated he is looking to put in a 10' by 12' shed in the back corner of his back yard. He stated he is asking for relief for a proposed setback of 5' where it should be 10' setback being on the rear property line as well as on the side.

Mr. Solor asked Mr. McLoone if there are any impervious concerns, and Mr. McLoone stated there are not as it is under the maximum allowable impervious.

Mr. Solor asked Mr. Forman if he discussed this with his neighbors, and Mr. Forman stated they had no issues with installing the shed or the setback proposed.

Ms. Reiss asked why it could not be 10'. Mr. Forman stated his yard is an "L," and it makes a lot of the yard unusable separating it almost into two spaces. He stated it would be 15' to where there are shrubs and bushes. He stated what he is proposing would make the yard a little bit more usable.

Mr. Dougherty stated assuming the two contiguous neighbors are not opposed to this, he does not have a problem. He stated he knows that he wants this to be 5' off the property line, but he asked how far he would be from the fence line. Mr. Whalen stated he believes that the fence is 1' to 1 ½' off of the property line. Mr. Dougherty stated the Board usually wants a minimum of 3' from a fence so that strip of ground can be maintained. Mr. Whalen stated it would be more than 3' off of the fence line, or if not 2' to the fence line. Mr. Whalen stated he has a fence on the side property line and on the rear property line. Mr. Dougherty asked if Mr. Whalen would be okay if part of any approval would be that the engineer verifies that the shed will be no closer than 36" to the existing fences, and Mr. Whalen stated he feels that is reasonable.

Mr. Grenier stated a few years ago he believes at the property at or near 25 Upton there were concerns about run-off from that back yard to the neighbors behind them who are on Plymouth. He stated he believes that was a steeper slope than this property, but he wants to confirm that this property is relatively flat. Mr. McLoone stated he is not sure about the topography for this area. Mr. Grenier stated he does not see that here based on what he knows of the area. Mr. Grenier stated the neighbor at 19 Upton also has a shed at an angle in the back yard. Mr. Whalen stated his neighbors catty-corner and directly next to them have sheds. Mr. Grenier stated 19 is the one on the corner with the shed at an angle. He asked Mr. Whalen if his shed will be in that similar corner on his property, and Mr. Whalen agreed. Mr. Whalen added that he will not angle it, and it will be square.

Mr. McVan stated it looks like everyone in the neighborhood has a shed tight to one of their corners. Mr. McVan stated he feels what is proposed makes sense.

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

Ms. Reiss moved, Mr. Dougherty seconded and it was unanimously carried to approve the Appeal with the Condition that the Township engineer insure that the shed is no closer than 36" from the fence.

OTHER BUSINESS

Ms. Reiss stated she has been questioned by residents about notification, and she feels we need to notify more of the surrounding property owners including in some cases those immediately across the street. Mr. Solor stated he agrees. Mr. Grenier stated the Board of Supervisors discussed this recently, and the Board directed staff to look into an increased radius. He stated while this has not been set yet, it will be increasing. Ms. Reiss stated she feels this will help avoid issues with unhappy residents. Mr. Grenier stated while SALDO requires 1,000', that is probably not what will be done here. Mr. Flager stated currently it is 300'. Mr. Solor noted there was an Appeal recently where the neighbor across the street was not notified, and there could have been an issue with line of sight.

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

Respectfully Submitted,

Judi Reiss, Secretary