

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – MAY 21, 2024

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on May 21, 2024. Mr. Solor called the meeting to order at 7:30 p.m. noting that at this point there are only four members present, and it would require three members in favor for an approval. Applicants may wish to request a Continuance to a later date.

Those present:

Zoning Hearing Board: Peter Solor, Chair  
James Dougherty, Vice Chair  
Judi Reiss, Secretary  
Matthew Connors, Member (joined meeting in progress)  
Masood Sial, Alternate Member

Others: Dan McLoone, Planner  
Adam Flager, Zoning Hearing Board Solicitor

Absent: Mike McVan, Zoning Hearing Board Member  
Daniel Grenier, Supervisor Liaison

APPEAL #Z-24-10 – HORAN  
Tax Parcel #20-046-159  
10 IVY LANE, YARDLEY, PA 19067

Mr. Flager stated the Applicants sent an e-mail to Mr. McLoone today requesting a Continuance to June 4 so that they can work out some items with the Plans. The Township is participating and has no objection to the Continuance.

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

APPEAL #Z-24-2 – PISTORIO  
Tax Parcel #20-027-006  
183 TAYLORSVILLE ROAD, YARDLEY, PA 19067  
(Continued from 5/7/24)

Mr. Flager marked the Aerial Photograph as Exhibit A-4. The Property Deed was

marked as Exhibit A-5. The Revised Plans were marked as Exhibit A-6. The Revised Impervious and Stormwater Sheets were collectively marked as Exhibit A-7.

Mr. Charles Pistorio and Mr. Joel Petty were sworn in.

Mr. Connors joined the meeting at this time.

Mr. Petty stated the revised plan proposed is to move the garage inside the building envelope so there is now no request for a side yard setback. He stated this also eliminated the need for the longer breezeway and some of the other connection points to it. He stated they also looked at other ways to reduce the impervious coverage both in the driveway and the pull-off that Mr. Pistorio would like to propose next to the driveway. He stated it was reviewed with Mr. Majewski to utilize grass, drivable pavers which gets them to an impervious closer to 22 ½% instead of the 26% that they were closer to before.

Mr. Petty stated the mitigation by the proposed seepage bed is now designed to accommodate the entire coverage of the proposed construction, and they are not allocating existing trees or trees proposed to be planted even though Mr. Pistorio will be planting trees. Mr. Petty stated they will not be using any of those trees to calculate stormwater management for this proposal. He stated the structure is now within the building envelope, and they are trying to reduce the stormwater and mitigate that with management that will accommodate everything that is being constructed.

Mr. Dougherty asked Mr. McLoone what the effective impervious surface will now be, and Mr. McLoone stated it is well below the allowable at about 14.9%.

Mr. Dougherty stated they have come back with a good plan after hearing the comments made at the last meeting by the Board. Mr. Solor stated he appreciates the use of pervious pavers, and he wishes that more people would consider this in Residential. Mr. Connors stated he likes the plan much more than before. Ms. Reiss stated she appreciates that they went back and re-worked the plan.

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

Mr. Dougherty moved, Mr. Connors seconded and it was unanimously carried to approve the Appeal as presented tonight wherein the existing impervious of 14.9% is being increased to a proposed impervious surface of 22.6% but mitigated back to an effective impervious surface of 14.9%. We no longer

need to render an opinion on the side yard setback since it is less than 25'. Subject to Township engineer review with regard to the stormwater management/seepage bed.

APPEAL #Z-24-11 – BRACKUP/PATTERSON  
Tax Parcel #20-068-012  
1756 ASHBOURNE DRIVE, 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 and Stormwater 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. Brian Stover, Mr. Alan Brackup, and Mr. Brian Patterson, were sworn in.

Mr. Stover stated he is the contractor for the project and designed the swimming pool and outdoor living project for Mr. Brackup and his family. He stated he has designed over 1,300 swimming pools over twenty-five years. He stated the lot is 36,737 square feet, which is .4 acres; and the existing impervious is 7,187 square feet, which is 19.6%. He stated they are removing the existing patio and walkway and re-designed that and are adding a swimming pool to the back yard with a patio around it.

Mr. Stover stated Mr. Patterson is the survey engineer for the project, and he did the topographical survey plan and recognized that they were already over the limit; and he designed stormwater management to mitigate the additional impervious coverage for the lot.

Mr. Stover stated the Plan shows that there is an outdoor living space with an outdoor kitchen and a seating area, a walkway to the driveway, a swimming pool/spa, and a walkway going around the pool with a small lounge area and a shade structure in the back. He stated on the downhill slope side on the back right corner as you face out, Mr. Patterson has designed a seepage pit/stormwater management to mitigate the overage and can even accommodate 63 square feet more than what they are proposing.

Mr. Patterson stated the seepage bed as it is designed is actually larger than it needs to be by 63 cubic feet. Mr. Dougherty asked if the effective would then be lower than 18% or lower than the 19.6%. Mr. Patterson stated he

believes that the Zoning maximum for this District is 19%. Mr. Dougherty stated it is 18%, and Mr. McLoone agreed. Mr. Patterson stated if that is correct, he has it incorrectly shown on his Plan since he thought he got the 19% from the Zoning Ordinance. Mr. McLoone stated that can be changed when they submit the Permit. He stated he believes that the Recorded Plan for this Subdivision is 18%. Mr. Patterson stated he was referencing everything by the 19%. He stated he would have to go back to the design of the bed if it is not under the 18% to make sure that it is under what is allowable.

Mr. Patterson provided some additional visuals showing what is existing today.

Mr. Flager marked the Existing Features was marked as Exhibit A-4. The Aerial Parcel Map was marked as Exhibit A-5.

Mr. Patterson noted on the Existing Features the contours on the property. He noted the right rear corner where there is an iron pin which was at ground level. He stated the elevation at that right rear corner is 178.3. He stated it shows that the existing rainwater today flows from left to right toward the right rear corner of the property.

Mr. Patterson stated the colorized sheet is from the Bucks County Website. He noted the contours which are the USGS contours every 5'. He stated they show that, like the survey, the current direction of flow for any rainwater is from left to right. He stated where he has the stormwater seepage bed designed, if it were to overflow, they would not harm anyone downstream as it would go into a wooded area, and then flows directly to Core Creek. He stated while he thought he had this over-designed, he will make sure that he at least captures that to get them under the 18% if that is the criteria.

Ms. Reiss stated the lot is under an acre, and the amount of impervious surface is about 3,000 square feet. She stated it seems that this is an ambitious, large project for this neighborhood although it is attractive. She asked if they have spoken to their neighbors. Mr. Brackup stated as you face their house to the right, their neighbor, the Hilzers, contacted them today to indicate that they had no objection. He stated he cannot speak to the other neighbors. Mr. Flager stated Gregg Hilzer sent an e-mail to the Township stating his support.

This letter was marked as Exhibit A-6.

Mr. Solor stated there are two rear adjacent lots; however, Mr. Brackup stated he received no feedback from them.

Ms. Reiss asked if the people across the street were notified, and Mr. McLoone stated they were not. Mr. Brackup stated there was a sign posted in their yard. Mr. Solor stated that is the public posting, and there is also notification provided to adjacent neighbors; and there has been some discussion at the Township as to how much notification is being provided by mail. Mr. Dougherty stated based on topography, he does not feel those across the street would be effected.

Mr. Dougherty stated he feels what has been proposed looks very nice. He stated he is in favor of stormwater management when it is engineered correctly, and he does not have any opposition.

Mr. Solor stated it seems like a lot for the space on the property, and he feels it should be scaled back. He stated it is a significant increase. Mr. Connors stated he agrees. He added that there are two to three outdoor eating areas and two socialization areas with a lot of impervious in the back of the lot.

Mr. McLoone stated the impervious permitted is 18%. He stated he believes that the Ordinance Mr. Patterson was looking at was referring to homes built after 1988, and this was built in 1987, and this lot is permitted 18%.

Mr. Sial stated with regard to the elevation, the existing contour shows that the elevation is 182; however, the pool deck elevation is 6" lower than the surrounding area. Mr. Patterson stated the pool deck is at 181.5 and the seating area at the end of the pool is at 182 so it is a 6" step up to get to the seating area. He showed the 180 contour, and the 183 contour, which is at the existing patio which they are removing. He stated there will be one or possibly two steps down to get to the pool deck. He stated this is a fairly flat lot, and he did the grading as shown so that they could capture any run-off in the swale he showed on the Plan, which would be directed to the seepage bed. He noted another side where there are flow lines coming around which would also capture run-off and be brought into the seepage bed. He stated he could re-visit the elevations/contours to make sure they are getting the run-off.

Mr. Patterson stated natural BMPs can be utilized as well although he did not include any of those in the calculations for the seepage bed. He stated there are trees at the back property line, and there are also trees on the neighboring

property to the north. He stated almost as soon as water leaves the property it hits a wooded area even though it is not on their property. He stated he believes that it is within the 100' requirement for use of natural BMPs. He stated they have the overland flow which allows the water to cool which is a natural BMP as well.

Mr. Solor stated while they like to see vegetation, the Board does not see it as a good long-term solution since they do not know what the next or adjacent property owners may do in the future; and he is glad that they are proposing to mitigate everything entirely. Mr. Solor stated he seems they are proposing a lot in the back area. Ms. Reiss stated she agrees that a lot is being requested.

Mr. Petty stated they did look at ways they might be able to scale back. He stated when he does designs, he looks at the impervious coverage as well as the surrounding homes. He stated there are quite a few homes in the development that have significant impervious surface. Ms. Reiss stated she cannot give a reason for what a former Board may have done; but with the change in climate, we are getting a lot more significant storms.

Mr. Solor stated the National Weather Service is adjusting the rainfall forecast for the two-year, five-year, and ten-year design storms; and those numbers are going up. He stated while no one is making public comment tonight, the Board has heard from the public in the past about run-off with the recent storms especially since there is a lot of clay on properties in the Township. Mr. Solor stated that he appreciates the fact that they are willing to mitigate back to 18%, but he is concerned about the scale of the project.

Mr. Connors stated he agrees with Mr. Solor as to the scale of the proposed project.

Mr. Flager stated the prior Application heard this evening had been before the Board with their Plan previously, and they revised those Plans and were able to cut back on their impervious coverage; and he feels it might be worth it for the the Applicant to take the time to see what they could do. Mr. Petty stated the permeable pavers might be an option. Mr. Connors stated he would be in favor of approving a Continuance so that the Applicant would have time to consider this further and then come back before the Board.

Mr. Dougherty asked what the Board would be in favor of in terms of the proposed impervious. He stated they are currently proposed to be at 27.6%. Mr. Solor stated he would suggest that the outside seating areas be removed,

possibly making the sidewalks more compact, or pulling the pool closer to the building which are ways that would reduce the square footage. Ms. Reiss noted where the concrete wash-out is adding that while she appreciates the symmetry and the design, it is more impervious. Mr. Patterson stated there is an existing sidewalk there, and they will be replacing that as part of the overall project.

Mr. Petty commended the Township on the Permit process, adding he wishes every Township would adopt it. Mr. McLoone stated it has been much more seamless.

Mr. Patterson asked if the patio areas were pervious pavers, and Mr. Solor stated they would still be looking for a reduction since it is large relative to the property. Mr. Connors stated the pervious pavers still count as impervious in the calculations, but they are a stormwater management BMP. Mr. Solor stated it is a combination of a scale and impervious issue. He stated the reason why 18% is permitted is that it was meant to have more open space.

After discussion, the Applicant requested a Continuance until June 18.

Mr. Connors moved, Ms. Reiss seconded and it was unanimously carried to Continue the Appeal to June 18, 2024.

#### OTHER BUSINESS

With regard to public notification, Ms. Reiss stated she spoke to one Supervisor who understands the issue; and she would be willing to speak to the rest of the Supervisors. Mr. Flager stated if the Zoning Hearing Board is in favor, a letter could be sent to Mr. Grenier, our Supervisor Liaison, and the Township Manger requesting that while they might be changing the notice requirements in the future, in the interim that for any upcoming Appeals before it is officially changes, to please notify the neighbors across the street as well since some of these projects affect the neighbor across the street more than it affects the neighbor behind you or beside you. It was agreed that letter should be sent out this week.

Mr. Connors moved, Ms. Reiss seconded and it was unanimously carried to send a letter to the Board of Supervisors requesting that for upcoming Appeals to notify neighbors across the street as described.

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There being no further business, Ms. Reiss moved, Mr. Solor seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Judi Reiss, Secretary