

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JANUARY 20, 2026

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on January 20, 2026. Mr. Dougherty called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: James Dougherty, Chair
Christian Schwartz, Vice Chair
Mike McVan, Secretary
Peter Solor, Member
Robert Heinz, Alternate Member

Others: Dan McLoone, Planner
Maureen Burke-Carlton, Township Solicitor
Kyle Turner, Township Engineer
Adam Flager, Zoning Hearing Board Solicitor
Daniel Grenier, Supervisor Liaison

APPEAL #Z-25-51 – MURPHY/DELUCA
Tax Parcel #20-012-018
71 MANOR LANE SOUTH, YARDLEY, PA 199067
(Continuance requested to 2/3/26 meeting)

Mr. Schwartz moved, Mr. Solor seconded and it was unanimously carried to Continue the matter to February 3, 2026.

APPEAL #Z-25-52 – BOHN/STOCKING
Tax Parcel #20-059-004
1066 RANDOLPH DRIVE, YARDLEY, PA 18977

Mr. Steven Bohn, Mr. James Stocking, Ms. Nancy Stocking, and Mr. Rob Wagner were sworn in.

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. Wagner stated Mr. and Mrs. Stocking are looking to create an age-in-place addition on the first level to accommodate a bedroom and a bathroom. In order to do that a Variance is being requested for impervious coverage. The existing lot is about 5 square feet greater than the allowable 18%. Mr. Wagner stated the house is mostly existing from when it was built in the late 1970s aside from the patio that Mr. and Mrs. Stocking put on at some point. The addition is about 442 square feet; and to accommodate the extra impervious coverage, they have a dry well sized to bring them back to the 18% number. Mr. Wagner stated they are within the building setbacks, and it is just the request for the impervious surface Variance.

Mr. McLoone stated he checked the specs on the dry well, and it brings it back down to the 18% which is allowable. Mr. Solor stated they will complying with the Permit requirements, and Mr. McLoone agreed.

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

Mr. Schwartz moved, Mr. Heinz seconded and it was unanimously carried to approve the Appeal as presented with mitigation subject to approval from the Township engineer to an effective rate of 18%.

APPEAL #Z-25-50 – RANDALL/ST. IGNATIUS CHURCH
Tax Parcel #20-035-006
999 READING AVENUE, YARDLEY, PA 19067

Mr. Dougherty stated since he and Mr. Heinz are active members of St. Ignatius Church, they will recuse themselves from this matter. The matter will therefore be decided by a three-person Board.

Mr. Dylan Randall was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The three-sheet 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. Randall stated he would like to proceed at this time.

This portion of the meeting was chaired by Mr. Schwartz.

Mr. Randall stated he is representing Randall Signs and Graphics, and they are seeking a Use Variance for St. Ignatius Church. He noted on the Plans the existing sign. He stated they are looking to add an electronic message center to the sign. He stated documents submitted give some of the justification for the Variances. Mr. Randall stated some additional documents were provided regarding a question about the brightness of the sign. He stated the distance from the road and the control of the brightness is a good factor, and it is for safety and information to students of the School. He stated he feels in this day and age, it is an essential part of the School.

Mr. Schwartz asked if anyone is present from the Church to answer questions, but Mr. Randall stated there is not.

Mr. Solor stated there is a light trespass requirement, and he asked if they are staying underneath that requirement. Mr. Randall stated they will.

Mr. Schwartz stated a letter received mentioned controls with timing so that it can be shut down in the evening at a specific time and turn it on in the morning so that it would not be on all night; and he asked if the Church has a requested timeframe. Mr. Randall stated while he does not have that information, he would recommend that they follow anything the Township would recommend. Mr. Schwartz stated he believes that other houses of worship may want to do something similar, and he asked if there will be any commercial advertisement on the sign; and Mr. Randall stated there will be none, and it is purely for the School and the Church functions. Mr. Schwartz stated the Board could include a stipulation that there would be no commercial advertisements either paid or non-paid, and Mr. Randall stated the Church would not have an issue with that.

Ms. Carlton stated she was sent by the Township to oppose this Application primarily because the Church is located in a Residential Zone. She stated it is located on a relatively quiet road but for in and out to the Church during services, during the School day, and to the Yardley Country Club. She stated many notices were sent to neighbors. She stated the Zoning Ordinance does not allow for electronic signs in Residential areas. She stated the location is unlike other Churches that were alluded to which may be on a more public thoroughfare or street. She stated the Township is greatly opposed to any type of electronic messaging sign at this location.

Mr. Chris Yasinsac and Ms. Kimmel Nacewicz, 252 Reading Avenue, were sworn in. They requested and were given Party Status.

Mr. Yasinsac stated they are on the corner of Reading and Fairway and they can see the Church 24/7. He stated he has been in the house since 1998, and the Church and all their neighbors are “fantastic.” He stated their concern is with the flashing sign which is larger than what is allowed. He stated there are also three other businesses on the street that may want this as well if this is allowed.

He provided five photographs from different vantage points inside their home where you can see the Church. He stated they see cars going in and out of the Church every night and every day. He stated they have a concern with the flashing aspect of the sign.

The photographs were collectively marked as Yasinsac 1. Mr. Yasinsac stated the photographs show views from their dining room, lights of the Church, and views from the master bedroom and a guest bedroom.

Ms. Nacewicz stated while she is glad that there will be no ads, she asked what data they have to support putting a sign there since most of the people they are trying to reach are already members of the Church; and the Church has multiple opportunity to speak with them, send flyers, and use social media. She stated she does not understand the purpose of the sign. Mr. Randall stated the School is also there; and he feels that a lot of information from the School can rapidly change, and there have been emergencies at various schools in the area. He stated he believes that there is information that has to get out. Ms. Nacewicz stated she works in a School system, and there is a chain of what happens in an emergency situation; and it does not get broadcast on a sign. She stated there are calls and e-mails sent home, and they have information for every family. Mr. Randall stated he knows that a lot of the messaging was geared toward the School.

Mr. Flager asked Ms. Nacewicz if they can see the existing sign from their home, and Ms. Nacewicz stated they can from their top floor.

The photographs provided were shown to Mr. Randall.

Mr. Randall asked for clarification of the lights shown in the photographs, and Ms. Nacewicz stated those are the Church lights that can be seen from their home.

Ms. Tina Gervasio stated she is speaking on behalf of Yardley Animal Kennels and her mother, Maryanne Widenmeyer. Ms. Gervasio was sworn in.

Ms. Gervasio stated St. Ignatius is already considerably lit up 24/7, and they can see all the parking lot lights in the winter although at summer it is a little less because of the leaves. She asked where they are proposing to place the “computer-generated” sign; and Mr. Randall stated there is an existing sign for the School which is about 30’ from the road in front of the School that is in the rear of the property, and it will go exactly where it is now in the current footprint. Ms. Gervasio stated it will just be bigger and brighter; however, Mr. Randall stated it will be the same size of the current sign, and they are adding the messaging.

Ms. Gervasio stated recently the Church has been a very good neighbor, although that has not been the case in the past “when somebody else was leading it.” She thanked the Monsignor for the changes he has made. She stated her fear is that if this sign is approved everyone else is going to want one including the vet next door; and they are not running the kennel, whoever gets the kennel next since their house will still be there.

Ms. Gervasio was asked if she wanted Party Status. Mr. Flager stated Party Status gives the opportunity to have rights to Appeal if the Board issued a Decision she did not like and also gives the opportunity to ask questions of the Applicant. Ms. Gervasio stated she would like Party Status; however, she did not provide an address.

Ms. Carlton stated the proof that was provided to the Board does not state how quickly the messaging will be changed as she knows it can be every two seconds to as long as the operator desires. She asked how quickly each individual message would be displayed. Mr. Randall stated the recommendation is typically to have them on there in minutes. He stated a lot of this is customizable. He stated while people have referred to flashing lights, once a message is up, it does not distract. He stated they try to keep the transition from two different messages they try to keep to a minimum as opposed to having something scroll in or flashing up. Ms. Carlton stated it seems that would defeat the purpose for an electronic billboard sign since the rotation of messages is not quicker so that someone driving by would only be able to see one message out of a possible five. She stated an electronic billboard sign in this area is not consistent with the Residential area. She stated there are also other businesses on that road; and if it is allowed for St. Ignatius, it may be allowed for the dog kennel, the vet, etc. She stated she does not feel that is what the Township would like to see.

Mr. Schwartz stated he spent five years on the local School Board, and this would be the least effective way to get messaging to the families of students. He stated texts, phone calls, and e-mails always work the best for rapid response. He stated for someone to see this, they would have to be on the grounds of the School; and he does not feel they would want the public to see a notice on the sign if there is an emergency which could result in flooding the parking lot and getting in the way of first responders should they be necessary. He stated he does not see a benefit to this.

Mr. McVan moved, Mr. Schwartz seconded and it was unanimously carried to Deny.

The meeting was turned back over to Mr. Dougherty.

APPEAL #Z-25-26 – MURPHY/PINCHUK
Tax Parcel #20-028-068
194 RIVER ROAD, WASHINGTON CROSSING, PA 18977

Mr. Edward Murphy was present with Mr. Vince Fioravanti and Mr. Joel Petty who were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The original two-sheet Site Plan was marked as Exhibit A-2. The Construction Drawings/Renderings was marked as Exhibit A-3. The Outline of Requested Relief by Mr. Murphy was marked as Exhibit A-4. The HRG Review Letter #1 dated June 25, 2025 was marked as Exhibit A-5. The second HRG Review Letter dated October 30, 2025 was marked as Exhibit A-6. The 12-sheet Plan Set circulated today was collectively marked as Exhibit A-7. The Planning Commission Meeting Minutes from November 13, 2025 recommending approval were marked as Exhibit A-8. Vince Fioravanti's CV was marked as Exhibit A-9. Joe Petty's CV was marked as Exhibit A-10. The Township engineer review letter from Boucher & James from May 6, 2016 was marked as Exhibit A-11. The June 7, 2016 ZHB Approval was marked as Exhibit A-12. Mr. Flager stated Exhibits A-11 and A-12 are for the neighboring property which will be discussed later. 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. Murphy stated this is an Application for a Special Exception and a number of Zoning Variances associated with removing an existing non-conforming home on River Road and replacing it with a new, compliant home which they believe will meet all of the criteria required for the construction of a new dwelling in a floodplain.

Mr. Murphy stated this Application is almost identical to an Application that he presented with Mr. Fioravanti ten years ago to a prior Lower Makefield Zoning Hearing Board. He stated that home which was approved in June, 2016 has been constructed located in the same position as the proposed home in the Delaware River floodplain. Mr. Murphy stated Exhibits A-11 and A-12 indicate the scope of relief that was sought ten years ago to allow the construction of that home which is identical to the relief they are seeking tonight. He stated there was also an existing non-conforming structure on that property just like this one; and a lot of the same considerations the Board will hear this evening were present and discussed at length ten years ago.

Mr. Murphy stated Mr. Fioravanti who will be testifying is a Civil Engineer licensed in the State of Pennsylvania; and Mr. Petty is an Architect who has a lot of experience in designing homes in floodplain locations, and he is responsible for many of the homes seen on River Road. They will prove that they have complied with the objective criteria in the Ordinance.

Mr. Murphy stated Exhibit A-9 is Mr. Fioravanti's CV, and Mr. Dougherty stated Mr. Fioravanti is accepted as an expert in Civil Engineering as he has testified multiple times before the Board.

Mr. Murphy stated Mr. Fioravanti and Mr. Petty prepared the packet of Exhibits marked as Exhibit A-7. Page 1 of Exhibit A-7 was marked as Exhibit A-7-1, and Mr. Fioravanti stated it is a Tax Map excerpt, and the site is shown with dots with the Delaware River to the right. He stated almost every parcel in this section of the Township owns property on both sides of River Road. River Road is the white strip down the middle of the Exhibit, and it runs north to south on Exhibit A-7-1. Mr. Fioravanti stated the colors show common ownership, and the houses that are on the left of River Road also own a parcel of property to the right. He stated the Applicant's site, which is marked in red on the Exhibit, does not own a property on the other side of the road; and there are no options to rebuild the house outside of the floodway, so the only place to rebuild the dwelling is in the same location as the existing dwelling.

Mr. Murphy stated throughout Exhibit A-7-1 there are small tan-colored, different-shaped objects, and Mr. Fioravanti stated those are buildings that exist on the property which are relatively accurate since they come from GIS (Geographic Information System) which the County employs and is satellite based. Mr. Murphy stated the structure with the small dot in the middle of it seems to be almost on River Road, right up against the side property line, and appears to cross over the front property line. Mr. Fioravanti stated what Mr. Murphy is referring to with the black dot in it on the corner of the property is the dwelling itself, and it looks to be right on the side property line and to cross the right-of-way on River Road; although as their survey shows, it does not actually cross into the right-of-way of River Road as it stops about 4' away. He stated the property is non-conforming in the front corner of the property, but it does not cross into the right-of-way. Mr. Fioravanti stated to rebuild the dwelling there is no other location but in the floodway.

Mr. Murphy stated this property, unlike the others that immediately abut it, does not own property on both the west side of River Road as well as the east side of River Road; and the only property owned by this Applicant is on the east side, the River side, of River Road. Mr. Fioravanti agreed.

Mr. Murphy marked Exhibit A-7-2 the second page of Exhibit A-7, and Mr. Fioravanti stated this is a collection of photographs to show the existing conditions of the dwelling that is proposed to be replaced. The upper left hand corner of Exhibit A-7-2 shows the front of the dwelling with River Road right in front of it. The upper right photograph shows the dwelling from the rear. Mr. Murphy stated it appears to have an elevated deck to the rear that is not visible in the upper left-hand corner picture from River Road, and Mr. Fioravanti agreed. Mr. Murphy stated that deck appears to cover the whole length of the home, and Mr. Fioravanti agreed. Mr. Fioravanti stated the photograph on the lower left shows the dwelling being 4.6' from the right-of-way of River Road and the small sidewalk and some shrubbery. He stated the dwelling is right up against the street, and is non-conforming in the front yard. He stated the photograph on the lower right shows that there is a deck that is on the property line.

Mr. Murphy stated Exhibit A-7-3 is labeled as an Existing Features Plan prepared by Mr. Fioravanti's office and identified as 194 River Road for David Pinchuk dated 12/12/25. Mr. Fioravanti stated this Plan shows the existing situation as it was surveyed, which he feels is dangerous and undesirable.

Mr. Murphy stated this is the accurate representation of where the house is located on the lot today, and Mr. Fioravanti agreed. Mr. Murphy stated it shows a wrap-around elevated porch that goes from the south side of the property, around the back, and finishes up on the north side; and Mr. Fioravanti agreed. Mr. Murphy stated Mr. Fioravanti had indicated that it appears that the distance from the edge of the right-of-way of River Road is 4.6', and Mr. Fioravanti agreed.

Mr. Fioravanti stated this Exhibit shows the surveyed location and elevations that exist on the site and the house and the deck in the non-conforming location with respect to the front and side yards. He stated this is relevant because there is no safe place to park a vehicle. He stated there is a gravel area with trees in it now where a car could be parked parallel to the road and pushed into the gravel and the vegetation, but there is no safe place for a vehicle to be parked which is a result of the setback in the front yard.

Mr. Fioravanti stated there was a cesspool on the property, but cesspools were eliminated in 1972 when standards were adopted for on-site septic systems; and over the years the cesspool that was in that location was contaminating water as it was used.

Mr. Murphy stated Exhibit A-7-3 suggests that there is 120' of linear frontage for this lot on River Road, and Mr. Fioravanti agreed. Mr. Murphy stated it has been labeled "gravel parking" up against the front of the property, and that is where cars today would be paralleling parking. Mr. Fioravanti agreed adding that the gravel area has some vegetation and overgrowth on it at this point. Mr. Murphy asked the location of the cesspool that was just referenced, and Mr. Fioravanti stated it is the circle on the right side, and he showed the location on the slide. Mr. Fioravanti stated that recently Mr. Pinchuk has undertaken testing by the Health Department, and they were able to replace the cesspool with an approved modern septic system. Mr. Murphy stated as part of the existing features of the lot today, there is installed an approved, Permitted septic system which replaced the failing cesspool.

Mr. Fioravanti stated this Exhibit also shows the finished floor elevation of the existing dwelling at 39.4, and the base flood elevation is 43.7, 4.3' above the finished floor. Mr. Fioravanti noted these elevations on Exhibit A-7-3. He stated that means that 4' of water would be sitting in the dwelling during the 100-year storm which another dangerous situation that the survey shows. Mr. Fioravanti stated this area of the River was studied by FEMA, and there are cross-sections that FEMA calculates when they model the River. He stated this property is

right next to one of their detailed cross-sections, and the flood elevation there is 43.7. He stated on the same datum, their topography was taken where they can compare the two numbers – 43.7 versus 39.4; and it is all based on the same elevation benchmark, and that is how they can tell that it is 4.3' below the base flood elevation. He stated the house was not really built to withstand the forces that it would be subjected to during a 100-year storm. He stated it is an existing dangerous situation with the dwelling.

Mr. Murphy noted Exhibit A-7-4 labeled as Aerial Plan dated 12/12/25.

Mr. Fioravanti stated this is an aerial view of the area showing the dwelling at 191 River Road that he and Mr. Murphy worked on ten years ago which has been constructed following the June, 2016 approval granted by the Zoning Hearing Board. Mr. Fioravanti showed the location of that property on the aerial as well as the existing dwelling at 194 River Road which is the subject of this Application. He stated the River can be seen, and according to the FEMA Floodplain Study, it is the exact same hydraulic conditions in terms of water depth, water velocity, and flood elevation; and the house that was done ten years was in the exact same situation as the house they are proposing now. He stated the house at 191 River Road is a lot larger than the house they are proposing now.

Mr. Murphy noted Exhibit A-7-5 labeled as 191 River Road Adjoining Dwelling Plan which was prepared by Mr. Fioravanti's office dated 12/12/25. Mr. Fioravanti stated the design of the house at 191 River Road allows water to pass through and under the dwelling minimizing the fill that placed in the floodway.

Mr. Murphy stated the upper left of Exhibit A-7-5 shows a view looking at the home from standing in the middle of River Road. He stated the upper right hand corner of Exhibit A-7-5 is a drone view of that condition and shows the houses at 190 River Road and 191 River Road. Mr. Fioravanti stated you can tell when the dwelling is designed to be a waterfront dwelling, and the dwelling units are elevated well above the elevations that the floodwaters would ever come to. The Applicant's home is not being shown although you can see on the west side of River Road, the dwelling of the owner who has the boat ramp to the side of the Applicant's property. Mr. Murphy stated the larger view on the bottom of Exhibit A-7-5 was taken a little north on River Road looking back at the existing home at 191 River Road. Mr. Fioravanti stated this was taken using Google Earth, and the point of taking this photograph was that you can easily see that the openness between the inhabitable areas and the River and the space they have that would allow the water to pass underneath through the dwelling as opposed to the dwelling trying to resist those forces. He stated all of the critical infrastructure is up out of the floodplain as opposed to the existing dwelling as shown in the pictures.

Mr. Murphy noted Exhibit A-7-6 with the legend Proposed Site Plan prepared by Mr. Fioravanti's office dated 12/12/25. Mr. Fioravanti stated this is their proposed Site Plan and shows how the dwelling is designed similar to the other one that they did ten years ago to withstand the forces that it needs to. He stated the first-floor elevation is 49.5 which is 2' above the base flood elevation. He stated there is also a notation that the garage elevation will be 38.5. Mr. Murphy stated at the top it notes lower covered patio elevation 28.5. Mr. Fioravanti stated the base flood elevation for the 100-year storm is 47.5. The first floor of the dwelling will be at elevation 49.5 which is 2' above. He stated that is typically the safety factor that you would put for the first floor above the 100-year elevation so that all the utilities and living areas would remain dry and protected during the 100-year flood event.

Mr. Murphy stated it appears that the house has been set back further from River Road than what the existing dwelling is; and Mr. Fioravanti stated there is a 19.3' dimension which is the setback that is provided for the new dwelling, where the existing setback was 4.6'. Mr. Murphy asked what is the 26.5' measurement, and Mr. Fioravanti stated that is the distance between the garage door and the edge of paving of River Road on the Applicant's side. It is 19.3' measured from the edge of the right-of-way of River Road. Mr. Fioravanti stated the right-of-way of River Road is that location is 33' or 16 ½' from center. Mr. Fioravanti stated the setback now allows for safe parking of two vehicles on either side of the garage that can be stored perpendicular to the road. He stated sight distance in this location is more than adequate so there is no problem backing a car out onto River Road. He stated there is also room for a delivery truck to pull over and get off of the road.

Mr. Fioravanti stated the trench drain seen across the driveway will intercept run-off. He stated the garages are sloped 2.6% and 1.9% from the road up into the garage area, and run-off during smaller rain events will come down from the house, down the driveway, be intercepted by the trench drain, and re-routed into the River.

Mr. Fioravanti stated as noted the septic system has been updated, and is shown on Exhibit A-7-6 behind the dwelling. He showed the location of the existing septic tank. Mr. Murphy stated the system is designed to handle a home of this size, and Mr. Fioravanti agreed. Mr. Fioravanti stated the Health Department was out, the soils were good, and it was installed in place of the old cesspool.

With regard to the setbacks, Mr. Fioravanti stated the setback from the front was 4.6' and is now 19.3'; and on the side yard, the old house is 9.4' and now it is 10.2'. He stated while they are still non-conforming with regard to the front yard setback which is 80' from the Collector Road and the side yard setback of 25', the existing non-conformities are being reduced in each case. Mr. Fioravanti stated the required minimum lot area in this Zoning District is 3 acres, and this site is a half acre. He stated all of the lots in this area are non-conforming with respect to setbacks. Mr. Fioravanti stated the impervious is compliant as 13% is permitted, and 13% is proposed. Mr. Fioravanti stated there is no issue with regard to the rear yard setback.

Mr. Fioravanti stated fill in the floodway is reduced. He stated as was seen with the adjoining dwelling, when dwellings are designed properly, it minimizes fill in the floodway. He stated in this case they took out the old dwelling which is a solid rectangle down to grade with no areas for flood waters to pass through; and the entire dwelling was essentially fill in the floodway. He stated the dwelling was designed to pass flow waters underneath and through the bottom section so that fill in the floodway is reduced by the proposal.

Mr. Fioravanti noted on Exhibit A-7-6 the location of the concrete boat ramp which is owned by the parcel across the street from the subject property.

Mr. Fioravanti stated utilities and critical house components will be floodproof and installed above the base flood elevation. He stated an emergency generator will be installed, and non-conformities will be reduced in the side and the front.

Exhibit A-7-7 was shown. This is a comparison of the existing footprint of the home at 191 River Road with the proposed home that the Applicant desires to construct at 194 River Road. Mr. Fioravanti stated the outlines of the homes are in green, and the left is 194 River Road which has a 1,550 square foot footprint. He stated on the right is 191 River Road which has a 3,141 square foot footprint. Mr. Fioravanti stated they are both at the same location in terms of the floodway and flood hazards, and both will be designed and built to withstand what they need to.

Exhibit A-7-8 was shown which was prepared by Mr. Petty and is labeled Flood Volume Offset Plan Comparison dated 12/30/25. Mr. Petty stated this is a comparison between the existing dwelling and the proposed dwelling as to how much fill in the floodplain will work to let water run through the dwelling and underneath whereas now the entire dwelling

that exists today blocks water from moving down the River. The image on the upper left is the existing structure basement and the upper right is the existing structure first floor. Mr. Petty stated the plan to the left shows the basement of the dwelling and the post-structure for the elevated deck and stairs that are the wrap-around deck. He stated the image on the right shows the upper level of the dwelling which is consistently in the floodplain and the deck structure itself that sits in the floodplain. He stated currently everything about that dwelling – the wood construction and things that are a detriment to damage – are in the floodplain level.

Mr. Murphy stated everything there is at the base level elevation or below, and Mr. Petty agreed.

Mr. Murphy stated the lower left and lower right are labeled Proposed Structure Plan Lower Level and Proposed Structure Garage Level. Mr. Petty stated highlighted in blue is the structure that holds up the dwelling. He stated at the lower level to the left there is a footprint that is fill that is incorporating the structure, stairs, and what compares to the basement of the existing house below grade. He stated there is a patio at the lower level, but the posts seen in blue around the back are the support structures for the dwelling above. He stated water will flow underneath the dwelling and it flows in between the piers. He stated that same structure incorporates at the grade level now where that is all footprint of the first floor of the house; and in this proposal that is the garage level which allows for off-street parking, and is also designed to let water flow through it. Mr. Murphy stated there will be no residential occupancy at that garage level on the right side, and Mr. Petty agreed.

Mr. Petty stated the owner would prefer that the garage area stay enclosed, and it is being proposed with break-away panels that are hinged. He stated in the event of a flood, they have industrial hinges on them tied to 6 by 6 structural posts that would allow for those to open in the event of a flood to let water flow through. He stated it is also seen on the south side of that where there are structural walls – both north and south walls – where you do not see break-away panels, there are flood vents. He stated those will allow water to penetrate the wall, allowing it to equalize pressure on the structure for the house, but also let water flow through the building.

Mr. Petty stated the idea of designing it this way was to lower the level of structure within the floodplain; and the area seen in blue compared to the area in orange and green of the previous drawing is less structure in the floodplain.

Exhibit A-7-9 was shown which was prepared by Mr. Petty labeled Elevations, and is dated 12/30/25. Mr. Petty stated the top left two drawings highlight the existing structure. He stated the dashed line is the 100-year floodplain line so in that event the light blue is the amount of house that would be damaged by that event. He stated on the right is the proposed dwelling, and the garage level is inhabitable space. He stated all of the stairs and structure within the floodplain would be FEMA-compliant materials and are either concrete, pressure-treated lumber, or metal. He stated the doors are on float-control sensors so that in the event of a flood, they go up and allow more water to flow through the building. He stated the lower level also allows for off-street parking.

Mr. Petty noted the images on the lower portion of Exhibit A-7-9 and these are to show the proposed building, the proposed break-away panels, and the structure for the elevated area of the house where water can flow underneath with no effect on the proposed first floor of the structure.

Exhibit A-7-10 was shown which is labeled Floorplan Section Details, and Mr. Petty stated the left drawing is a detail of the door break-away panel which has hinges tied to the structure of the building; and when water flows through the panels will not become damaged and float down the River since they stay attached to the structure. Mr. Petty stated in the upper drawing on the right side it shows the proposed mechanical room on the first floor of the dwelling above the floodplain so that all mechanicals and the generator on the deck structure will be elevated and above any flood damage. The lower right of Exhibit A-7-10 is a garage floorplan detail showing location of the proposed break-away panels and flood vents so that water can flow through the garage level.

Exhibit A-7-11 is labeled Site Plan Parking prepared by Fioravanti dated 12/12/25. Mr. Fioravanti stated it shows that two typical vehicles can fit in the driveway. He stated Exhibit A-7-12 shows that there is an area where a delivery truck can pull over and get off of the cartway to deliver mail and packages.

Mr. Murphy noted the second review letter from the Township engineer dated October 30, 2025 (Exhibit A-), which included suggested revisions/comments to the Plan just discussed. Comment #1 was with regard to the accuracy of steep slopes on the property, and Mr. Fioravanti stated the Existing Features Plan shows the steep slopes highlighted. He stated steep slopes under 3,000 square feet are exempt from regulation, and their largest steep slope area is 928 square feet. He stated they added this detail to the Plan.

Comment #2 discusses the need for a Permit to build the house if approvals are received, and Mr. Murphy stated they understand that is a requirement that they will obtain. Comment #3 relates to the need to elevate all of the various utilities to minimize or eliminate flood damage; and Mr. Fioravanti stated that is a will comply as was discussed by the presentation, and is already accounted for in the architectural design.

Comment #4 discussed structural calculations for the proposed piers, breakaway panels, etc.; and Mr. Petty stated that was addressed with the break-away panels being fastened to the structure so that they do not create debris in the floodway. He stated the structure will be compliant and to allow for 5.7' of water at 7' per second. He stated that design standard is what the area would require, and it is included on the break-away detail on the Exhibit.

Comment #5 wants confirmation that all building materials are flood resistant, and Mr. Petty stated they will comply with that. Mr. Petty stated FEMA requires that any structure in the floodplain below that datum either be pressure-treated lumber, metal, structural concrete - things that will not rot or deteriorate based on a flood event; and they will comply with that.

Comment #6 suggests that alternate floodproofing beyond the use of break-away panels be considered. Mr. Petty stated in this scenario the owner would prefer that the garage area be closed in, and break-away panels are a legitimate way to do that. He stated what was indicated by the Township engineer was that they create debris in the floodplain; however, their proposal is that they be attached to the structure, and therefore can still operate in a way to let flood waters flow through the property but not create a debris hazard in the River.

Comment #7 speaks to where and how various electric and other utilities are being designed to prevent water entry. Mr. Petty stated as highlighted in the drawing, the mechanical room is located on the first floor of the structure which is above the freeboard area and is compliant with the FEMA standard above the flood datum.

Comment #8 discusses the direction of the flow of water and velocity for flood waters. Mr. Fioravanti stated that has been added to the Exhibits. He stated the flow is west to east in the River, 6.9' per second.

Comment #9 discusses the cumulative effect of any proposed development which will not increase the base flood elevation. Mr. Fioravanti stated when you look at the cumulative effect on floodplain elevations, if they are adding

fill in the floodway, the elevations during the 100-year storm would technically get a little higher although negligible with the size of this house and the size of the River. He stated the way you negate any impact is that the fill has to be reduced with the new construction which is what they have proposed.

Mr. Murphy stated the proposed fill as depicted on the Exhibits as they would construct the home will be less than the amount of fill that exists today, and Mr. Fioravanti agreed that there will be no negative impact on flood elevation.

Comment #10 relates to the design being adequate to withstand pressures, velocities, impact, and uplift forces. Mr. Fioravanti stated that is a structural comment which would be taken care of with the completion of the building design which would be reviewed by the Township as a Condition. Mr. Murphy stated Mr. Petty has already stated that they would use all flood-resistant and compliant materials in the design so that is a will comply.

Comment #11 asks that they provide information about what materials would be stored within the garage and base flood area to confirm that they will not endanger human life. Mr. Murphy stated those areas will not be habitable, and they would be only garage and storage space.

Comment #12 relates to erosion and sedimentation controls. Mr. Fioravanti stated if the relief were to be granted, they would have to provide an Erosion and Sedimentation Control Plan with the County Conservation District; and they will do so. Mr. Murphy asked if those Permit Applications been submitted yet. Mr. Fioravanti stated the Erosion Control Plan is processing, but they have not received the Permit yet.

Comment #13 talks about a completed, signed Elevation Certificate. Mr. Fioravanti stated while they have not done that yet, that is a will comply. He stated that documents the 100-year flood elevation and the proposed elevation of the first floor.

Comment #14 discusses any Permits required from DEP for encroachment into the floodway. Mr. Fioravanti stated DEP would require a Chapter 105 – Water Obstruction Permit – for any construction in the floodplain or floodway; and they are in the process of submitting that to the DEP so that is a will comply Mr. Fioravanti stated there will be no impact as the fill is actually reduced by the construction.

Comment #15 asks for confirmation that building areas located below the first floor are to be utilized only for parking, incidental storage; and Mr. Petty stated that level is only for parking access and access to the upper floors.

Comment #16 indicates that the space below the lowest floor is designed to meet the requirements and be certified by either Mr. Fioravanti or Mr. Petty or both; and it was noted that is a will comply. Comment #17 discusses a Non-Conversion Agreement, and Mr. Fioravanti stated that is a will comply.

Mr. Murphy stated Comment #18 was already addressed with regard to the amount of fill in the floodplain being less in this Application than currently, and Mr. Fioravanti agreed.

Comment #19 discusses calculations for storm drainage, and Mr. Fioravanti stated that is a will comply. He added that if Variances are granted, there will be a submission to the Township engineer for review of the stormwater system.

Comment #20 with regard to water and sewer has already been testified to; and the Plans reflect that they have installed a current, Permitted septic system approved by the Board of Health designed and sized to handle the proposed dwelling. Mr. Fioravanti added that there is also an existing water well on the property that will remain.

Comment #21 looks for confirmation that the placement of the new home has no effect upon the flow and height of water, and Mr. Fioravanti agreed it will not. Comment #22 discussed the need for proper anchoring to avoid anything floating, and Mr. Petty stated his Plans reflect those precautions are being taken. Comment #23 was noted with regard to walls, ceilings, paints, and adhesives, and Mr. Petty stated they will comply with the Ordinance in terms of location and design. Mr. Murphy stated they will conform with respect to Comment #24 regarding the Building Code and Comment #25 about clear sight triangles. Mr. Fioravanti stated a PennDOT Permit will be required for the driveway, and they comply with sight distance.

Mr. Kyle Turner was sworn in.

Mr. Dougherty asked Mr. Turner if he prepared both Review Letter #1 and Review Letter #2, and Mr. Turner stated he prepared Review Letter #2. Mr. Dougherty asked if Review Letter #2 supersedes Review Letter #1, and Mr. Turner agreed. Mr. Dougherty asked if Review Letter #1 would be moot; and Mr. Turner stated it would be since they did review their submission initially based off of that initial review letter. He stated they removed items that were acknowledged as will comply or were addressed through their review of the Plans.

Mr. Dougherty noted Item #11 with regard to details on materials to be stored within the garage in the base flood area to confirm that they will not endanger human life. Mr. Dougherty stated the Applicant indicated that they would comply with this requirement at the time of building, design, and Permitting. Mr. Dougherty asked what protections the Township has that the occupant of the property will not put something down there that could be dangerous to human life. Mr. Turner stated if a flood were to occur and gasoline were to be stored in the garage, the gasoline would be transported downstream; and that is what that requirement is referring to, and that they would not be storing anything that could cause pollution or potential harm to anyone if it were to be transported downstream. Mr. Dougherty asked if he is talking about in perpetuity or just during the build, and Mr. Turner stated it would be in perpetuity. Mr. Dougherty asked if it would make sense to have a provision in any approval that the occupant has to agree to a provision so that there is enforceability. Mr. Flager stated they could reference not only that but all of the provisions that the Applicant has indicated that they will comply with.

Mr. Dougherty stated he is more concerned about the end user moving into the property as opposed to the Applicant complying. He stated he is also concerned about future end users moving into the property to make sure they are in compliance. Mr. Flager stated any Condition would be part of the approval and run with the property. Mr. Dougherty asked if there would be a Deed Restriction; and Mr. Flager stated he does not feel they would need a Deed Restriction, and it could be put in as a Condition of the approval, and it would still have the same enforcement mechanism that the Township would have. Mr. Dougherty stated he wants whoever moves into this house that this provision exists so that they do not store gasoline, heating, oil, etc. down there. He wants to know how this is communicated to the homeowner.

The Zoning Hearing Board approval from the neighboring property was reviewed. Mr. Murphy stated he has not seen the Permit the Township issued when that house was built. Mr. Dougherty asked Mr. Flager if it is his belief that we do not have a mechanism that would alert anyone who bought this house that this is a Condition that the Township would like met. Mr. Murphy stated he would not have an issue if they entered into a Unilateral Declaration of Covenants and Restrictions that would alert any future purchaser that they have to continue to comply with all of the Floodplain Regulations going forward. He stated they have done this in the past. Mr. Dougherty stated he would be in favor of that.

Mr. Dougherty stated it was noted that the Applicant is to provide a properly completed and signed Elevation Certificate. Mr. Fioravanti stated the current base flood elevation is 43.7, and they are building to 49.5. Mr. Dougherty asked what would happen if they get a Certification and it comes back at 45.7 instead of 43.7. Mr. Fioravanti stated that would not happen as they are on the FEMA datum, and it is 43.7 at that location. He stated as the project is built, they would certify that the elevations for the house are set above the floodplain elevation, and the Elevation Certificate will show the floodplain elevation which they have, which is a calculated elevation at that point; and they would survey the first floor of the house once built, and the paperwork would show that the house was built above the floodplain elevation. Mr. Fioravanti stated the Flood Certification is really to check the elevation of the house that you built.

Mr. Dougherty asked Mr. Turner to explain what a Non-Conversion Agreement is as noted in his review letter Item #17; however, Mr. Turner was not able to explain what that was. Mr. Murphy stated he believes that they have to agree that they will not convert uninhabitable lower-level areas to habitable space. He stated they can deal with that as part of the Unilateral Declaration if the Board wants to do that.

Mr. Solor stated it was indicated that a Variance was not required because of the limited area of impact from steep slopes, and he asked Mr. McLoone if that is correct; however, Mr. McLoone was not sure. Mr. Fioravanti stated they are not requesting relief for that, and the Township engineer would have to review their Site Plans including the steep slopes, and they would verify the numbers they were putting in. He stated if the Township engineer were to come up with a different number additional relief may be required; however, they do not believe that it is required because of the 3,000 square foot exemption.

Mr. Solor stated with NOAA Atlas 15 coming out changing the design rainfalls, there will be implications for flood elevation heights; and he asked what does the preliminary data for that indicate. Mr. Fioravanti stated there are times when FEMA re-evaluates and re-models different watersheds and comes up with slightly different elevations for the 100-year flood. He stated they are basing their elevations off of the latest FEMA floodplain maps; and if FEMA were to modify the elevations, while typically they do not change that much, they could ask for another Floodplain Elevation Certificate. He stated the floodplain elevation is a calculated elevation, and they have certain cross-sections through the stream and the amount of water coming down to come up with an elevation that they calculate. Mr. Solor stated NOAA Atlas 15 will increase the

amount of rainfall in the watershed which will have a corresponding increase in the volume of water downstream which by necessity means that there is going to be a higher elevation once that data is incorporated. Mr. Fioravanti stated even if there is a higher elevation, they are 2' above the current elevation, and he feels that there will be plenty of space above it. He stated once that elevation is established by FEMA it will affect the amount of freeboard they have between their first floor and the floodplain elevation. He stated at their dwelling the first-floor elevation is 49.5, and the floodplain elevation is 43.5 so they are 6' above.

Mr. Solor stated some of that is associated with the floor structure and the structural elements there are complete at that point so it is really the bottom of the first floor. He asked how thick is the floor in the structure system, and Mr. Petty stated it is 16". He added it is not at the 18" of freeboard typically in the FEMA requirement, and they are 3' even above that which is allowing them some flexibility even in what could become a greater storm than we have seen now to be able to not be implicated by that at all. He stated the floor structure of the garage itself is concrete and in place and would be able to withstand that, and the first floor of the structure would be well above even a higher flood than they would anticipate.

Mr. Dougherty asked Mr. Fioravanti why they need a Variance for the side setback on the right, and he asked why the house is not more centered. Mr. Fioravanti stated with the proposed side setback, they are decreasing the non-conformity. He stated they have to remove the existing dwelling, and to minimize disturbance and cost, it seemed the appropriate place to have the dwelling to minimize site work and disturbance to the floodplain area. He stated it also maximizes the area. He stated there is a well that exists in the area if he were to move the dwelling to the center, and he would have to replace that if they were to move the dwelling. He stated since there was going to be a hole where the existing dwelling came out, it made sense to place the new home in the same area, reduce the non-conformities, and re-use the existing well to minimize site work.

Mr. Dougherty stated it seems that it is physically possible to move the house and center it more to take away the side Setback Variance but it would be an economic hinderance. Mr. Fioravanti stated they are minimizing disturbance of the site in the floodplain. Mr. Dougherty asked if they would be willing to move the property to the left so that they would not need a side Setback Variance as a compromise. Mr. McVan stated they would lose two big trees.

Mr. Dougherty stated the permitted side yard is 25', currently it is 9', and they are proposing to go to 10 ½'; and they are asking that the house be moved 15' toward the north. Mr. Dougherty asked if that is a compromise that the Applicant would consider, although Mr. McVan has just indicated that two trees would have to come out. Mr. Murphy stated it is feasible to do it.

Mr. Dougherty stated it was indicated that the garage doors will automatically open in case of flood waters coming into the ground level. He stated there is a generator, and he assumes that they are tied into the generator which will power them up. Mr. Petty stated there is a float switch that gets triggered when flood waters come up that is not only tied to the generator but is battery backed up. He stated it is common building technology used in floodplains.

Mr. Dougherty asked the distance between the well and the septic system; and Mr. Fioravanti noted Exhibit A-3 with a circle around the well of 100' which is the typical distance between a well and a septic system on properties that have that much space. He stated when a Health Department comes to a situation like theirs, they look at the distance, the soils, and the water samples; and in situations where you cannot have the 100', they approved the separation as being the best available and approved it as being safe; and the new septic system was installed. Mr. Fioravanti stated the location of the cesspool is shown on Exhibit A-3, and the new septic system is shown on Exhibit A-6.

Mr. McVan asked if they are only removing one tree, and Mr. Murphy agreed.

Ms. Carlton stated the Board of Supervisors sent her to oppose this Application primarily due to the fact that there are too many Variances. She stated she does not think that there was enough of an emphasis given to the fact that this is in a floodway not just a floodplain. She stated the entirety of the house is in a floodway, and Mr. Fioravanti agreed. Ms. Carlton stated by definitions floodways are water courses of a River that must be reserved in order to discharge the base flood, and the purpose is to insure that there are no increases in the upstream flood elevations, and this is a benefit to the communities. She stated this is a big concern to the Township since floodways are a higher level and the entirety of the house is in a floodway.

Ms. Carlton stated the Ordinance does not even allow fences in floodplains, and Applications have been before the Zoning Hearing Board previously about fences in floodplains and floodways. She stated the reason is debris can get caught in fences, cause flooding, etc. She stated there was a discussion previously about the break-away doors and what will be stored in the garage,

and she is in agreement with the Applicant's attorney that the best way to handle this would be through Declarations of Covenants and Restrictions not a Deed Restriction; however, it is still not the panacea to the concern of what is going to be stored in the garage. She stated the Applicant showed an Exhibit showing a picture of 191 River Road, and they used that as a comparison that had been approved ten years ago; and if you look at the picture there are a number of things in the lower level although you cannot see exactly what they were. She stated it would be difficult to police what is going to be stored in the garage; and what could be stored in the garage are things that we do not want in our waterways not only big things like lawnmowers and tools, but also oil, fertilizer, etc. that could pollute our waterway. She stated having a Declaration of Covenants and Restrictions is one way to put everyone on notice that it is not permitted; however, it is not a policing mechanism, and it would be difficult to police that.

Ms. Carlton stated when 191 River Road was approved that was a different Board and a different engineer.

Ms. Carlton noted Item #6 in the October level, and she asked Mr. Turner to give his opinion as to what is stated there and the testimony given this evening by Mr. Fioravanti and Mr. Petty with regard to the break-away panels. Mr. Turner stated initially when they were reviewing it the name implied that they would break away and float downstream and create issues. He stated he has not seen any technical data regarding the hinges; and he assumes that they will be constructed to a typical standard to resist forces although he has not reviewed anything to confirm that they will be compliant, although the hinges do seem to alleviate the concern on the surface of the panels breaking away. He stated there is always the potential that they could break away and float downstream, and they need to make sure that they are designed to be able to resist the proper forces.

Ms. Carlton asked Mr. Murphy when the property was purchased by the Applicant, and Mr. Murphy stated it is in the Application; and Ms. Carlton stated it is shown as March 3, 2023. Ms. Carlton stated she presumes that he purchased this property with the knowledge that he was going to either live in the house as is or "hope to do what he is going to do." Mr. Murphy stated that is correct although it is irrelevant.

Ms. Carlton stated the standards in the Township's Floodplain Ordinance state that in reviewing any requests for Variances, the Zoning Hearing Board shall consider at a minimum the following: "A – that there is good and sufficient

cause, B – the failure to grant the Variance would result in an exceptional hardship to the Applicant, C – that the granting of the Variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense nor create nuisances, cause fraud, or victimize the public or conflict with any other applicable State Statute, Regulation, or local Ordinance or Regulation.” Ms. Carlton stated she does not know if all of those Conditions have been met by the Application this evening.

Mr. Murphy stated the Township has several provisions in the Ordinance that regulate how to do things in locations like this. He stated Section 200-98A. talks about the Special Exception requirements, and the Zoning Hearing Board is aware that the Planning Commission per Ordinance had to review this, and they endorsed it. He stated looking at the specific provisions which were covered through the testimony of Mr. Fioravanti and Mr. Petty, they have met every condition to enjoy a Special Exception. Mr. Murphy stated as to the Variances, they have made it clear from the beginning that this property is sterilized if the Zoning Hearing Board does not grant relief. He stated what they propose is better and fully compliant than what exists today.

Mr. Murphy stated the issue of what is going to happen in the lower level is no different than anyone who owns a property and has compliance issues; and there is an enforcement arm in the Township whether they look at properties in the floodplain or anywhere else, and if there is a Zoning violation it gets reported, and this is the same thing. Mr. Murphy stated he does not think it is fair to impose a greater burden on a property in the floodplain than one that is not; and if there is a Zoning violation, the Township should deal with it. Mr. Murphy stated they are prepared to execute a Declaration that makes it clear to any property owner in perpetuity where the property is and what limitations exist with respect to that property so enforcement is not an issue.

Mr. Murphy stated he feels this Application complies with every item in 259 that Ms. Carton cited in terms of specific or general criteria. He stated he does not feel they could have a more complete Application than what they presented tonight that addresses every Condition, and that they fully comply. He stated he feels that they are entitled to relief in order to be able to construct a home on this property, even though it is in the floodway adding he does not feel it matters whether it is in the floodway or the flood fringe. He stated they are rules and regulations that apply, and they comply. He stated no one has suggested that they have not complied, and he feels it is self-evident that they are entitled to the relief.

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

Mr. Flager stated there was testimony about the fill being reduced compared to what is there currently, and he asked the difference. Mr. Petty stated existing is 7170 cubic feet and proposed is 7124. Mr. Solor asked if that includes the building structural elements, and Mr. Petty agreed.

Mr. Dougherty stated he feels the Application makes sense as the existing non-conformity is a worse option for the Township than what is being proposed since what is being proposed will diminish the fill, create a safer situation with the break-away doors and automatic garage door openers allowing the water to flow through, and the setback non-conformities are being diminished. He stated while he is not advocating for the Applicant, he agrees with Mr. Murphy that they put together a strong Application that met everything to the best of their abilities; and looking at Review Letter #2, he feels that they did. He stated while he does not like being on the other side of the Township, he feels what is proposed is a better option than the non-conformity that exists on the lot now.

Mr. Schwartz noted Page 9 of the documents shows the existing and the proposed elevations, and he sees a drastic reduction in the blockages of the waterway with what is being proposed. He stated was an electrical contractor and did a lot of work in homes after floods along the River including at 190 River Road where utilities in the floodplain had to be addressed every time there was a flood. He stated that has been addressed at this property with this proposal. Mr. Schwartz stated from a construction standpoint, he sees that they have covered situations that need to be remedied at other properties after floods; and he has no issue with the proposal.

Mr. McVan stated he feels that there is a big difference between a floodway and a floodplain. He stated floodplain is very slow-moving water, and floodway is large trees, debris; and you can have as many flood doors as you want, and you are just building a dam in the middle of the River. He stated because of that, he is not in favor.

Mr. Heinz stated he appreciates all of the discussion that has gone on and the work that the Applicant has invested in this. He stated some of the things that are still a cause for non-conformity could have been addressed with a different plan. He stated not every “building needs to be built.” He stated he is in line with floodway versus floodplain as well, and is leaning against the Application.

Mr. Dougherty asked Mr. McVan how he feels about the fact that there is an existing house that is in the floodway. Mr. McVan stated he feels both are in bad spots although it would be a bigger, nicer, higher tax bracket “dam.” Mr. McVan stated where the house is located is the first line of defense coming off all of the trees and all of the island. Mr. Dougherty stated the person who owned the house two parcels down had called his office to have an appraisal done as she was thinking about selling it. He stated he met with her, and at that time the house was sinking and in bad shape similar to the house being discussed now. He stated he had advised her that the highest and best use for the property would be as a tear down and to sell it for land. He stated even though he knew it was in the floodway, he assumed that it would qualify for Variances based on what was there. Mr. Dougherty stated when he sees that house now, what they built was a marked improvement compared to what was there since what was there was going to get swept away by the River; and what is there now will never get swept away by the River because of today’s engineering.

Mr. Flager stated if there is an Approval, along with any other Conditions that may be imposed, under 200-59-B(1)e – Subsection 1 and 2 – any Approval needs to have language that the granting of the Variance may result in increased premium rates for flood insurance and such Variances may increase the risks to life and property.

Mr. Schwartz moved and Mr. Solor seconded to approve the Appeal as presented with a Declaration of Covenants and Restrictions referencing Engineer review letter #2 Item #11 which safeguards incorporating structure to prevent leaks, spills, and dangerous materials, and substances during a base flood as well as the granting of the Variance will result in an increase of premium rates for flood insurance and increase of risk to life and property to occupants. Motion carried with Mr. Heinz and Mr. McVan opposed.

OTHER BUSINESS

It was noted that there will be one Appeal to be heard on February 3, and five Appeals on February 12.

Mr. Dougherty asked the Board members to review the information Mr. Flager sent out yesterday regarding Special Exception standards for uses and dimensions.

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There being no further business, Mr. Schwartz moved, Mr. Heinz seconded and it was unanimously carried to adjourn the meeting at 9:50 p.m.

Respectfully Submitted,

Mike McVan, Secretary