

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JUNE 16, 2026

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 16, 2026. Mr. Schwartz called the meeting to order.

Those present:

Zoning Hearing Board: Christian Schwartz, Chair
Mike McVan, Secretary
Larry Borda, Member
Robert Heinz, Member

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

Absent: James McCartney, Zoning Hearing Board Vice Chair

REORGANIZATION OF THE BOARD

Mr. Flager announced that the results of the Reorganization are that Christian Schwartz is the new Chair of the Board, James McCartney is Vice Chair, and Mike McVan is Secretary.

APPEAL #Z-26-17 – CRONIN/THORNE
Tax Parcel #20-003-034-002
1750 QUARRY ROAD, YARDLEY, PA 19067

Mr. Flager announced that the Appeal was Continued until July 7, 2026.

APPEAL #Z-26-15 – GALACK/VUNDYALA
Tax Parcel #20-005-063
1057 N. KIMBLES ROAD, YARDLEY, PA 19067

Mr. Flager stated that Exhibits were marked as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Construction Drawings were 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 the Applicants and their contractor, Mr. Galack, testified and there was some questioning by the Board.

Mr. Schwartz asked if the Township is participating in this matter; and Mr. Flager noted that Ms. Carlton has responded from the audience that the Township is participating but not opposing.

Mr. David Applegate was sworn in.

Mr. Applegate stated he lives across the street (1046 N. Kimbles) from the Applicants, and he is concerned about the overall erosion. He stated his home is where the stormwater drains between his property and down into the common ground behind his home. He stated there has already been one exception made to increase impervious surface, and this is a second request on a property that has a pool and significant outdoor space. He stated while a pit may be helpful, there may be other ways for the Applicants to remediate their impervious surface challenges without getting an exception. He stated his erosion concern is that the culvert that was originally put in is in danger of collapsing because the erosion has created an 8' to 10' deep channel behind his property and goes down into the creek bed below his property. He stated the erosion is starting to creep up into his property, and at some point he will have to put in some kind of mitigation in place because of the ongoing erosion.

Mr. Applegate stated they have recently been taxed because of the Township's desire to make investments in impervious surface and reduce erosion and flood-water; and the property across the street is now asking for a second exception which seems inconsistent.

Mr. Applegate stated there are other options in a home beside building an addition to increase the ability to get throughout a property, and there are Stairmasters and stairlifts that could be considered. He stated he is opposed to this request.

Mr. Schwartz asked Mr. Applegate if he participated in prior exceptions that were granted to them; and Mr. Applegate stated he was not aware of those, and these Applicants were not personally involved as they just purchased the property recently. Mr. Schwartz asked how long ago the prior exceptions were granted, and Mr. Applegate stated he did not know. Mr. Schwartz

stated they are currently over the impervious surface by 2 ½%, and they are adding 1 ½ %. He added that the Board is making them come back down a full 4% back to 24% which is less than they have now so it will be an improvement to the property. Mr. Applegate stated that would be beneficial although he does not know where a pit would go. Mr. Schwartz stated it will be on the side that faces the corner where they plan to build the addition.

Mr. Applegate asked why they would not reduce existing impervious before investing in a pit. He stated this property has a pool and other paved areas. Mr. Schwartz stated when someone comes before the Board, the Plans are reviewed; and if they can scale down the impervious before they grant approval, they work hard to do that. He stated he sees the pool and the deck area on this property, and their driveway is not overly sized for that neighborhood. He stated he feels that 50% of the homes in that neighborhood probably have a swimming pool. Mr. Applegate stated he does not know what a pit will do. Mr. Schwartz stated they have already talked about taking the rain leaders off of the new roof and one off of the existing roof and taking them into the pit instead of it running off into the road. Mr. Applegate stated he believes that form of mitigation is critical.

Mr. Applegate stated the photos he will provide will show the major erosion problem they have which is driven by the excessive amount of run-off.

Mr. Borda asked how water from the subject property effects erosion on Mr. Applegate's property which is across the street. Mr. Applegate showed on the Plan the location of the storm culvert and where it discharges, which then goes to what has become a creek bed. Photos were presented showing the situation. Mr. Applegate stated the Township came out last summer and put concrete underneath the culvert to keep it from collapsing, and that concrete repair is already wearing. He stated the erosion of the creek is starting to creek up as the bed collapses into his yard and creating erosion on his property. Mr. Applegate showed the location of the drains in the street which go to the culvert. Mr. Borda stated if the Applicants put in the trench they have discussed, it should make the performance of the Applicant's property a little better in terms of what is running off of their property.

Mr. Schwartz suggested Mr. Applegate have a discussion with the Township Manager or the Public Works Department about his concerns with the erosion of the stormwater run-off collection area. Mr. Applegate stated they have raised their concerns with that Department for four years, and they did address it last summer; however, that is already showing weaknesses.

Mr. Flager discussed what is involved with requesting Party Status, and Mr. Applegate requested Party Status at this time.

Mr. Flager marked as Exhibit Applegate-1 information provided by Mr. Applegate. Mr. Flager stated this includes a letter signed by Mr. Applegate as well as photos. Mr. Applegate stated there is a photo of the culvert, a photo standing on top of the culvert, and a photo of the creek bed going up into their property.

Mr. Borda asked if it is known that what was provided by the Applicants is current and accurate given that there was a prior exception. Mr. McLoone stated there was not a prior exception. He stated the approved Plan showed the max percentage which was allowable so this would be the first Variance.

Mr. Galack stated a neighbor adjacent to their home had requested a Variance not at this address.

Mr. Borda asked if it is known if there is room for what is being proposed in terms of the setbacks, etc.; and Mr. Galack stated they are 25' from the property line.

Mr. David Tentilucci, 1064 S. Kimbles Road, was sworn in. He stated his home is directly south of the Applicant's property. He stated he is opposed to the request to increase the impervious surface coverage from 26% to 28%. He stated he understands that Township Ordinance 200-19A limits impervious surface to 24% for this property, and the property is already at 26%. He stated he understands that no Variance was previously granted for that excess overage, and this request therefore seeks to increase an already non-compliant condition. He stated the purpose of the Township's impervious surface limit is to control stormwater run-off and protect neighboring properties from drainage impacts. He stated he believes that these regulations are particularly important in this case. He stated he has already experienced flooding issues in his basement, most recently in May, 2018 and in July, 2021. He stated he has also had to increase the size of his sump pumps to keep up with the heavy storms. He stated while he cannot state with certainty that all of those issues were caused by run-off from the subject property, the timing is concerning and raises questions as to what increases in the impervious surface could lead to for him in the future. He stated he has been in the house since 2000, and the first ten years he lived there his sump pump never ran; but in the last five to ten years his sump pump runs during the slightest rain almost continuously and for days after storms.

Mr. Tentilucci stated the maps that are being shown are from 1994 when the development was built, and so much has happened to the development with other buildings, pools, and modifications to grading that the water table is totally different now; and he does not feel they can use these old maps as reliable sources of information to what is happening underground.

Mr. Tentilucci stated he also feels that it is important to consider whether the Applicant has demonstrated the hardship required for a Variance since Variances are intended to address unique physical conditions of a property not simply to accommodate a desired expansion.

Mr. Tentilucci stated he is concerned about the precedent that approval of this request will create; and granting additional relief to a property that already exceeds the Ordinance could undermine the purpose and fairness of the Zoning regulations. He stated he does not know what the pit will look like and whether it will be seen. He asked if there is room for a 26' pit on that side of the house.

Mr. Schwartz stated the majority of people who come to the Zoning Hearing Board looking to exceed the impervious surface have properties that are already exceeding; and when the Board grants the request, they make them come back below where they are. He stated when they deny a request, it still exceeds the amount allowable. He stated when they grant a request, they require what is needed to mitigate the stormwater; and it makes the conditions better for the neighborhood. Mr. Schwartz stated they will dig a trench the size necessary and fill it with stone and fabric and then put topsoil on it so that it will not be seen; however, it will hold a lot of water underground as opposed to it being carried away. He stated after a heavy storm, while it may be full, it will slowly drain usually within 24 hours depending on the soil. Mr. Schwartz stated clay soil will take longer to drain. Mr. Tentilucci stated they are all clay soil at their property.

Mr. Tentilucci requested Party Status.

Mr. Mike Wojke, 1038 N. Kimbles Road, was sworn in.

Mr. Wojke stated everything that has been stated are his concerns as well. He stated he has a letter that discusses the impervious in the Township, the new tax, etc. He stated he is favor of taking it back to 24. He asked if there are more than just a couple drains filling the culvert since it seems that when a storm comes in "it is all over the place." He asked how far the pit will go, and he asked if there will still be run-off. He stated he has been in his house

since 2006, and the effect has steadily increased within the last ten years. He stated he will need a secondary sump pump. He stated he is looking for reassurance that the mitigation to be put in place to get back to 24% will have enough of an effect to not affect any of the other houses around it.

Mr. Schwartz stated if every house in the Township was at the level they are required to be and nobody needed mitigation, water still runs off of a property although your property is supposed to withhold as much water as possible during a rain event. He stated if there is a severe storm or continuous storms nothing can be done to hold all of that back. He stated they are trying to withhold as much water on the property as they can by law.

Mr. Wojke requested Party Status.

Mr. Borda stated the pit will be fed with leaders from the addition and it was noted it will also be fed with one from the existing house.

Mr. Flager marked the letter provided by Mr. Wojke as Wojke-1.

Ms. Maureen Carlton, Township solicitor, stated she is present on behalf of the Township. She stated they failed to hear what the hardship is for an addition with a 3,700 square foot home. She stated if the Board is inclined to grant the Variance, the Township asks that they put on a Condition that there be no exterior access to the addition so that it could not be turned into a rental. She stated it should be completely integrated into the home.

Mr. Galack stated there is proposed a single-entry door off of the rear going toward the back yard. Ms. Carlton stated their fear is that they do not want a portion of the property to become a rental property. Ms. Vundyala stated the door is from the back yard into the bathroom. Mr. Schwartz stated the Township does not want the addition to be sectioned off and used as a rental where someone could come and go through that back door. Ms. Vundyala stated the door is going into the back yard. Mr. Schwartz stated they could rent that out with a different lock and someone could use the bathroom and bedroom. Ms. Vundyala stated that is not the purpose. Mr. Schwartz stated while they know that is not what they intend to do, this would prevent it from ever changing in the future. Mr. McLoone stated the Variance runs with the land; and if they were to sell the property, the next homeowner could do that.

Mr. Galack asked if there are any properties in that neighborhood that are currently doing that, and Mr. McLoone stated they are not allowed to adding that the entire Township is zoned for single-family dwellings and private room rentals are not allowed in the Township.

Mr. Borda asked why they need that back door, and Ms. Vundyala stated it is to go to the pool in the back yard. Mr. Borda stated there are other back doors on the house. Ms. Vundyala stated they wanted the bathroom to be able to be used from the pool. Mr. Borda asked if there is another bathroom on the first floor; and Ms. Vundyala stated there is a powder room but no full bath, and that powder room is toward the front of the house.

Mr. Schwartz stated he feels the door is necessary for use for the pool, and he does not feel it makes a difference if there was a door there or not if they tried to illegally rent out a room.

Ms. Carlton stated she did not know the Township was participating in this, and she did not study the Plans. She asked if a door already exists to the back yard from the house, and Mr. Galack stated there is a French door in the rear in the middle of the house. The Floor Plans were shown. It was noted the pool is on the other side of the dining room so it involves a “decent” walk to get to the pool. Mr. Schwartz stated they could either go in and out of the proposed bathroom door to the pool or walk through the house to get to the bathroom from the pool. It was noted the existing powder room does not include a shower. The French doors are off of the kitchen and there are sliders on the back of the dining room as well.

Ms. Carlton stated people do things that are not permitted, and it appears that it would be easy for the next owners to rent out that bathroom and bedroom which is what they are trying to avoid in the future. Mr. Flager stated there could be a Condition that it could not be rented out. Mr. Schwartz stated he has been in hundreds of homes in the Township half of them with pools, and many of them have the condition already where they have a pool with its own bathroom access with a door to the outside to keep children who are wet from slipping on floors in the home to get to the bathroom. He stated he does not see that it would be made a rental since there is no kitchen, although the Board could make it a Condition that they cannot do it even though it is already in the Township Code. Ms. Carlton stated they feel it would be appropriate to make it a Condition in this instance.

Mr. Jeffrey Dobbs, 1061 N. Kimbles Road, was sworn in.

Mr. Dobbs stated he and his wife are the neighbors next door. He stated they believe that where they are going to put the room will encroach on their setback. He stated the only diagram they received looks like it was “done by a toddler with a crayon,” and it did not add up to 336 additional feet or indicate the relative size in relation to the setback.

Mr. Dobbs stated under Pennsylvania Law, a Variance may only be granted where the Applicant demonstrates unnecessary hardship arising from unique physical conditions of the property not merely financial inconvenience or desire for greater development. He asked if the Applicant has demonstrated strict compliance with the current 26.5 limit which results in an unnecessary hardship or that the property’s physical characteristics are so unique so as to prevent reasonable use of their existing Zoning requirements.

Mr. Dobbs stated currently where the Applicant’s stormwater goes is the exact same place where his stormwater goes which is down to lot line which they share and it creates a “small swamp.” He stated the “swamp” smells so bad that their neighbors who owned the house previously told him that there was something wrong with his back yard; however it was not his yard, rather it was their yard. He stated he heard the reason that the water stayed there was that the drain was never put in as it should have been. Mr. Dobbs stated he feels the pit is a great idea although he does not know how that will fit onto the lot line with the setback and the addition as it seems that it is very tight.

Mr. Dobbs stated since the pool was installed and all of the impervious spaces, his basement and the property at 1057 have flooded twice during heavy rains; and they are likely to flood again. He stated he would like to know how the pit will impact that.

Mr. Dobbs stated they are concerned that the proposed expansion of the impervious surface may encroach upon or reduce the effective setbacks required under the Township’s Zoning Ordinance. He stated setback requirements exist to insure adequate separation between structures and property lines, provide light, air, and privacy to neighboring landowners, and to protect the safety and livability of the surrounding community. He stated any addition of impervious surface whether in the form of hardscaping, driveways, patios, or structures which brings development closer to his property line than permitted would compound the harm already described.

Mr. Dobbs asked that the Board carefully examine the Applicant's Site Plan to confirm that all of the proposed improvements comply fully with the applicable front, side, and rear yard setbacks. He stated if any element of the proposal including drainage features, walls, or paved surfaces falls within the required setback, those elements should be identified and the Variance denied or conditioned accordingly.

Mr. Dobbs stated they would also like a Licensed engineer's report and survey given the technical nature of the issues raised including stormwater management, drainage impact, etc. He stated he has a series of items that this report should specifically address. Mr. Dobbs stated they would prefer that the Board deny the Variance but would be willing to learn more. Mr. Dobbs stated they feel the Applicant should be required to submit an As-Built Survey after the foundation is in to insure that the additions are not encroaching on the setback requirements and confirm that all proposed improvements fully comply with applicable front, side, and rear yard setback requirements, and deny or condition any relief that would bring development closer to adjacent property lines than permitted. He stated adjacent property owners should be given the opportunity to be heard and present at any Hearing on this matter. He stated he does not know how the 10% increase in the impervious surface in that yard was deemed de minimus, and there was no Variance ever told to the neighbors. He stated he feels it is great that they are taking it back to 24%.

Mr. Dobbs stated he is concerned about the door that is to come out of the addition which is supposed to start at the front of their house and only move back 14'. He stated if that is the case, they have to move their fence forward so that now it becomes part of the front yard in order to have a door that goes out into the fenced area of the pool. He stated he would like to hear more about that.

Mr. Dobbs stated he will send his letter to the Board so they have it for their records. Mr. Flager stated they have a copy of that letter that the neighbor provided this evening, and it was marked as Dobbs-1 – the letter dated June 14 which was partially read by Mr. Dobbs this evening.

Mr. Schwartz stated with regard to the setbacks, the side yard setback allowed by Township Code is 15'; and the back corner of the Applicant's house is currently 26' from the property line, and their addition does not extend back beyond that point. He stated there is no side yard setback issue and no Variance

sought for it. Mr. Dobbs stated when the builder indicated that it was going to come 14' off of the house, with a 15' setback, it will be difficult to cover the 26'. Mr. Schwartz stated the Sketch Plan does not come near that. He stated he feels the encroachment to setback is more on the front yard than the back or the side. Mr. Flager stated if they were encroaching beyond the permitted setback, they would need an additional Variance for that; and since that is not part of this, they would not be entitled to encroach into the setback.

Mr. Dobbs asked if it would be appropriate to get a survey to confirm the measurements before any digging starts. Mr. Schwartz asked the process through the Code Department with Plans and measurements. Mr. McLoone stated for an addition the Township takes the contractor's word based off of what is submitted at the time of the Building Permit, and it is verified at the inspection. Mr. Borda asked if a scaled drawing is required to be submitted as part of the Permitting process, and Mr. McLoone stated it is.

Mr. Dobbs asked if that includes the pit as well, and Mr. McLoone stated it does. Mr. Dobbs asked when the pit goes in in relation to the foundation. Mr. McLoone stated if the Variance is granted the Condition of the Variance would be that the infiltration trench will be put in, and they will also need to show that on the Plan before the Plan is approved. Mr. Dobbs stated the pit will have to encroach on the 15' setback. Mr. McLoone stated it is underground so it will not be seen. Mr. Dobbs asked the size of the pit. Mr. McLoone stated they need to mitigate 168.5 cubic feet of required control volume; and while the dimension may not be this specific amount, an example would be 3' by 6' wide by 23' long.

Mr. Dobbs stated he understands the pit would go in first and then they dig the foundation, and Mr. Schwartz stated it goes in any time before the inspections. Mr. McLoone stated typically it is done concurrently, but before the inspection is done. Mr. Schwartz stated usually when the machine is there to dig the foundation, that is the time they dig the trench.

Mr. Dobbs asked if the 163 cubic feet of water that they are supposed to mitigate looks at their back yard only or is it the implication of it coming into his yard and the issues he will have. Mr. McLoone stated it is based specifically on the addition which is 336 square feet. Mr. Schwartz stated it is with any downspout from the existing roof being incorporated into it since the property is already over the impervious surface. Mr. Dobbs asked if they take into account that the "swamp" is already there. He added that the "swamp" is a result of the 26 ½% that they were allowed to have.

Mr. Schwartz stated as he noted earlier, he lives in a neighborhood with clay soil; and he has 600 square feet to go to reach his impervious surface limit, but he still needed to put in French drains and dry wells in to help mitigate it. He stated he understands the smell, but now that he has the dry wells that has all been taken out.

Mr. Borda stated he understands that whatever was done until now did not require an Appeal and it fell within the requirements of the time, and this is the first time that they have had to come in to seek relief. He stated while he understands that there are a lot of neighborhood issues, the Board has to focus just on this one property; and they are not going to be able to solve all of the neighborhood issues. He stated all they can do is mitigate the impact of this and lessen the water running off this site as part of this approval process.

Mr. Flager asked when the pool was Permitted was any stormwater required at that time, and Mr. McLoone stated the Plan seemed relatively new, and he believes that stormwater would have had to have been put in whether it was trees or a BMP; however, he only looked at the impervious on the Plan, and he did not look at the stormwater.

Mr. Tentilucci stated he was around when the pool was put in, and he showed on the Plan where they ran a French drain. He also showed the area which turns into a “swamp” which Mr. Dobbs was referring to. Mr. Tentilucci stated instead of the drain running further out to the sidewalk or into the storm drain, it ends at the fence line and it is standing water.

Mr. Borda asked where does the leader dump currently that will be re-directed into the pit, and Mr. Schwartz stated he assumes that all the existing rain leaders just dump off the house. Mr. Borda noted the two risers on the corner of the house on the left hand side coming off the gutters, and he asked why they could not get the two existing leaders to dump into the pit as well. Mr. Galack stated they could do the two off of the new roof and two off of the existing roof as well. Mr. Borda stated if they do that, that will lessen a little bit the amount of water coming off the existing roof.

It was asked if the infiltration ditch could be located where the “swamp” is, and Mr. Schwartz stated they could move it to that side of the yard and maybe find the French drain and “tack that into it.”

Mr. Galack asked if there is anything on record about concerns brought before the Board about a “swamp” prior to this evening. Mr. Schwartz stated they do not have any record of any Variance request for this property. Mr. Galack asked if any concerns about the “swamp” and the smells have been brought to the Township, and Mr. McLoone stated he is not aware of any. Mr. Dobbs stated the previous owners would not have called the Township because it was the result of their failure to keep the French drain going. He stated he heard a rumor that the homeowner had said it was too expensive and he was “shutting it down.” Mr. Dobbs stated he did not call because he cannot smell it as it is a prevailing westerly wind and it blows it back into their own yard.

Mr. Galack stated they would be happy to take this opportunity to not only help the homeowner but the surrounding neighbors to mitigate the water and improve the situation.

Mr. Schwartz suggested that trench be off the end of the building where the addition goes, there be two new rain leaders going into it, two existing rain leaders going into it, and find the end of the French drain and get that into it as well. He stated possibly that will alleviate the “swamp” issue. Mr. Galack agreed they would do that. Mr. Schwartz stated once they are there, they may see something further that they can do to help the neighbors, and Mr. Galack agreed.

Mr. Heinz stated he assumes that given the amount of public opinion they are getting that the Applicants did not discuss this with their neighbors, and Mr. Vundyala stated they did not.

Mr. Heinz asked Mr. McLoone if there is a “fence movement” included in the Permit, and Mr. McLoone stated there is not. Mr. Heinz asked if they are going to need to re-locate a fence; and Mr. Vundyala stated while it is not on the Plan, their intention is to move the fence forward. Mr. Schwartz stated they need to make sure to check with the Township before they move it that it does not create a new Variance issue. Mr. Heinz stated he would recommend including it with their Plans as part of this so that they can see that it does not need a Variance. Mr. Schwartz stated they cannot add a Variance for a fence without re-advertising. He stated they will have to do this through the Permit process; and if it comes out that they have to get a Variance for the fence location, they would have to do it again. Mr. Galack stated they will revise it accordingly.

Mr. Heinz stated there was a comment made by one of the neighbors of a stairlift inside the building. Mr. Heinz stated they have a “nice,” finished basement, and the stairlift could go down into the basement or it could go up into the second floor. He asked if that was ever considered instead of having this addition put on.

Mr. Borda moved and Mr. Schwartz seconded to approve the Appeal to increase the impervious surface from the existing 26.5% to 28% with a reduction to 24% by mitigation via a pit whose capacity will be at least 160.5 cubic feet with one dimension being suggested at 3’ by 6’ by 23’. The approval is conditioned on there not be any impingements on the setback and on two leaders from rain water conducting leaders from the addition and two existing leaders being fed into the new pit and that the existing French drain will get incorporated into the new pit. The Variance is also contingent on not being able to use the additional room for rental purposes. It is to be mitigated back to 24% just from the new stormwater irrespective of anything that they have previously. All is subject to the approval of the Township engineer. Motion carried with Mr. Heinz opposed.

APPEAL #Z-26-16 – SIMCOX/SHCHERBAKOVA
Tax Parcel #20-055-134
942 ROELOFS COURT, YARDLEY, PA 19067

Mr. Nathan Simcox and Ms. Kira Shcherbakova 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. Flager stated he understands that the Township will be participating or opposing this Appeal.

Mr. Simcox stated they have been contracted to put a pool project in the back yard. He stated Ms. Shcherbakova recently moved into the property, and upon doing the survey and calculations it was learned that she moved into a non-conforming impervious situation. He stated the non-conforming is relative to 33%, and the allowable is 28%. Mr. McLoone stated the amount allowed is 18%. Mr. Simcox stated on the Plans it indicates on the Table that for R-2 the maximum impervious coverage is 28%. Mr. McLoone stated that is for properties that were built after 1987.

Mr. Simcox stated the pool decking involved in the project would increase it by 3% on top of the 33%. He stated they were looking to mitigate the storm-water management. He stated they have done many projects in Lower Make-field, and they would implement infiltration to mitigate; and they have never had a negative comment in retrospect. He stated they are looking to put in infiltration that “horseshoes” the back side of the project, and any run-off that would come off of the project or the back yard would get them back to what is allowable.

Mr. Schwartz stated they also have a second Variance request on the fence. Mr. Simcox stated a Fence Variance is requested for the already-existing fence that was not installed by this homeowner, and they can look at a way to mitigate that if it is necessary.

Mr. Schwartz stated on the drawing there are three different mentions of the fence. He stated on the right side of the house it says “existing fence to remain for pool,” and he believes he saw 3’. He stated on the back it says “3’ high chain link fence,” and on the side it said “6’ high PVC/chain link fence.” Mr. Schwartz asked what is there and what will they have when they are done. Mr. Simcox stated regardless of what fence exists there, it will have to be a Pool Code fence; and if they need to change that as a result of the existing fence, they will make it 48” plus, gates opening out, self-closing hinges, and 54” latching to secure it.

Mr. Schwartz stated the 3’ high fence across the back has to be taken out, and that goes into the Sewer Easement encroachment. He asked how close is the existing fence to the sanitary sewer manhole cover as it drawn like it runs along the edge of it. Mr. Simcox stated Cavanaugh did the measurements, but he recalls that it was in an approximately 5’ relativity of where he saw beyond the fence the suppression of where that stormwater may be. He stated they can get an exact measurement. Mr. Schwartz stated from experience he knows that a sewer manhole is a lot bigger than just the lid that you see at the street, and it is an underground vault. He stated if that were to fail and need to be replaced, the homeowner would need to remove and reinstall the fence; but in an emergency, he does not feel they would wait for that. He stated he feels this will be an issue for the Township.

Mr. Simcox stated they can always move it in. He asked what is the offset of the Easement; and Mr. Schwartz stated the property would have to be surveyed, and they would stake out where the Easement is. Mr. McLoone stated it is 30’ wide so it is probably 15’ onto the Applicant’s property.

Mr. Simcox stated they could run the fence inside there and connect the two sides of the fence bringing in a 48" aluminum across the back. Mr. Schwartz stated if they were to remove the corner of fence and change its outline to the edges of the Easement, they would not need the Variance anymore.

Mr. Flager asked Mr. McLoone how much of the fence is in the Easement as it seems that the fence is just off the property line in the Easement.

Mr. McLoone stated if it were to stay there, they would need approval from Aqua since it is Aqua's Easement. Mr. Schwartz stated it would be better if they were to move the fence out of the Easement. Mr. Simcox stated they would do that provided it does not make the project impossible.

Mr. Schwartz stated 32 ½% is listed as existing which is almost double what is allowable. He stated they are now going to go higher than that and try to bring it back to 18%. He stated he hopes that the calculations on the trench were based on 18% and not 28%. Mr. Simcox stated looking at the depth and how broad the infiltration trench needs to be to get to that scope that would be something that would be designed and they would make sure that the number is appropriate, and the Township engineer would indicate that is what is needed to get that volume.

Mr. Schwartz stated they are proposing a large deck going all around the pool. He stated there is a large area to the right of the hot tub where there could be patio furniture. He stated at the bottom there is a 4' wide walkway, and at the left side it goes up again. He asked why it is so much wider on the left side. Mr. Simcox stated the left side is the entry part of the pool which is typical for people to want to have for functionality. He stated at the far side there is a bump out where there is the spa; and they will also be putting in a slide, and there needs to be room to walk around the slide. Mr. Schwartz stated he was looking for areas where they might be able to trim out some of the impervious surface around the pool.

Mr. Schwartz stated there is a very large driveway in front of the house and they are on a cul-de-sac so there is not traffic where people have to worry about backing out onto on-coming traffic. Mr. Simcox stated he assumes that is probably the non-conformity that the previous owners did that is creating this situation. Mr. Schwartz asked if they have considered removing any of that driveway. Ms. Shcherbakova stated they like it a lot because they have two "high-energy" girls 3 and 7 and they ride their bikes there. Mr. Schwartz stated there is a lot of impervious surface on this property.

Mr. Simcox asked if they could bring it back to 15% and make it a net positive so that they would severely lessen the impact. Mr. Schwartz asked how they could get all of the stormwater run-off from the circular driveway in the front into the trench in the back unless they put another one in the front. Mr. Simcox stated they could do that or they could catch the roof front and run all down-spouts from the roofs back to the infiltration in the back. Mr. Schwartz stated maybe the rain spouts on the back of the house go to the trench in the back of the house recognizing that they may need a few drains at the ground level in the deck around the pool. Mr. Simcox stated he feels they could pitch the pool. He described another project they did in the Township where the entire decking was trenched out 2 ½' / 3' wide 2 ½' depth, and it was laced with permeable fabric so it could drain through and fill it with stone, and top it off with river rock so all decking run-off ran directly into that.

Mr. Schwartz asked if there is a place in the front of the property where they could put more trench and put the roof drains from the front of the property into, and Mr. Simcox stated they could have the engineer design that for the roof square footage.

Mr. Heinz asked if the shed in the back yard will remain, and Ms. Shcherbakova stated they wanted to put a bathroom in there so people would not have to come into the house. Mr. Simcox stated they would keep the existing shed and run a water line and drain there. Mr. Heinz asked if the shed is included in the impervious surface calculation, and Mr. McLoone stated it is.

Mr. Borda stated they are showing the removal of a large tree in the back, and he asked if that was factored into the calculations. Mr. Schwartz stated they do not calculate trees into any new impervious surface; and while they do not discourage tree planting, they do not allow it to factor into the calculations for remediation.

Ms. Carlton stated she was sent to oppose the Application because of the fence encroaching into the Easement area; however, she heard that the fence will be removed and will not be in the Easement area. She stated if that is a Condition, they have no opposition.

There was no one wishing to make public comment.

Mr. Heinz stated the hot tub does not appear to be integral to the pool itself; and Mr. Simcox stated it is not stand alone, and it will be flush coping and they will cycle together.

Mr. Heinz asked if the Township has any Ordinance with regard to slides in pools, and Mr. McLoone stated they do not that he is aware of.

Mr. Schwartz moved, Mr. McVan seconded and it was unanimously carried to approve the Appeal where impervious surface is currently 32 ½%, increasing to 38 ½%, to be reduced to 15% utilizing the infiltration trench shown on the drawings behind the pool incorporating downspouts on the back of the house to the infiltration trench as well as adding an infiltration trench in the front of the house for downspouts with the sizes calculated and approved by the Township engineer. The Variance request for the fence at the Sewer Easement is removed because the Applicant has agreed to not encroach on the Sewer Easement with the new fence.

OTHER BUSINESS

Mr. McLoone reviewed Appeals to be heard at the next meeting scheduled for July 7, 2026. Mr. Flager stated while the car wash is currently scheduled for July 21, 2026, he believes that will be Continued to a time when everyone will be available.

There being no further business, Mr. McVan moved, Mr. Borda seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Mike McVan, Secretary

