TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – FEBRUARY 3, 2026

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on February 3, 2026. Mr. Dougherty called the meeting to order at 7:33 p.m.

Those present:

Zoning Hearing Board:	James Dougherty, Chair Christian Schwartz, Vice Chair Mike McVan, Secretary James McCartney, 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
Absent:	Peter Solor, Zoning Hearing Board Member

APPEAL #Z-25-51 – MURPHY/DELUCA
Tax Parcel #20-046-095
71 MANOR LANE SOUTH, YARDLEY, PA 19067

Mr. Edward Murphy, attorney, was present with Mr. Joe DeLuca and Mr. Justin Geonnotti, who were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Zoning Plan was marked as Exhibit A-2. The Outline of Requested Relief prepared by Mr. Murphy was marked as Exhibit A-3. The Site Survey was marked as Exhibit A-4. The Aerial Photograph was marked as Exhibit A-5. The Overall Floodplain Exhibit was marked as Exhibit A-6. The Existing Floodplain Exhibit (topographic plot) was marked as Exhibit A-7. The Existing Floodplain Exhibit (graphic plot) was marked as Exhibit A-8. The Proposed Floodplain Exhibit (topographic) was marked as Exhibit A-9. Street View Photographs were marked as Exhibit A-10. A Boundary Location and Topographic Survey was marked as Exhibit A-11. Planning Commission Meeting Minutes recommending approval were marked as Exhibit A-12. HRG Review Letter dated January 8, 2026 was marked as Exhibit A-13. The Floodway Cross-section Graphic was marked as Exhibit A-14. Justin Geonnottii's CV was marked as Exhibit A-15. 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 the Applicant is requesting to build a new, single-family detached dwelling on the property that is approximately one quarter acre in size located on Manor Lane. He stated the Application requests a number of items of Zoning relief. He stated one of the original items of relief that had been sought was a Special Exception; however, based on information confirmed by a field survey, it was determined that since the structure is not within the limits of the floodplain, no Special Exception is required. He noted Exhibit A-12 includes the fact that the Planning Commission confirmed that no Special Exception would be required. Mr. Murphy stated all other items of Zoning relief are still in front of the Zoning Hearing Board, but the Special Exception has been withdrawn.

Mr. Murphy noted Exhibit A-15, which is Mr. Geonnotti's CV. Mr. Geonnotti stated he has been a licensed, civil engineer in the Commonwealth of Pennsylvania for 18 years. Mr. Geonnotti reviewed his educational background. He stated that he has appeared before multiple Boards and Commissions in various Municipalities throughout Pennsylvania including appearing, testifying, and has been qualified as an expert before the Lower Makefield Zoning Hearing Board. Mr. Geonnotti was accepted as an expert in civil engineering.

Mr. Murphy noted Exhibit A-5, which is the aerial exhibit dated January 12, 2026 prepared by Dynamic Engineering under Mr. Geonnotti's direction. Mr. Geonnotti stated it is a recent aerial photograph which shows in the center a yellow-outlined rectangular parcel which is 71 Manor Lane South. He stated it is approximately .25 acres, and is the subject of the Application. He stated the community surrounding it is shown as well. Mr. Murphy stated this subdivision was created in June, 1952. He stated it appears that most, if not all, of the homes depicted by the roofs on Exhibit A-5 are on lots that are similarly sized; and Mr. Geonnotti agreed.

Exhibit A-6 Overall Floodplain Exhibit Canal and River was noted. Mr. Geonnotti stated this is another aerial photograph taken to see the orientation and location of the property, shown in the center outlined in yellow, in reference to the Delaware Canal at the bottom of the page and the Delaware River at the top of the page. Mr. Geonnotti stated the floodplain is from the Canal and not driven from the River side. He stated it is the flood fringe coming off of the Canal.

Mr. Murphy noted a prior Application which involved a request to construct a home within the floodplain of the Delaware River, but this Application involves construction of a home in a portion of the floodplain of the Delaware Canal. He stated the shaded blue on Exhibit A-6 is the mapped floodplain of the Delaware Canal, and Mr. Geonnotti stated that is the FEMA graphical potting. Mr. Geonnotti added this does not take into account a field survey of topographic conditions, and it is just based off of publicly-available data. Mr. Murphy stated that is referred to as a FEMA Flood Study Panel, and that is referenced in the Application in the scope of relief.

Mr. Geonnotti stated FEMA does an evaluation of floodplains throughout the Country; and when they study a stream, canal, or a river they assign a flood elevation to that river based on the flooding elevation. He stated in this section the River and the Canal are studied streams in Zone AE which means that there is a defined elevation associated with it, and the plotting seen on the Plan in blue is the elevation of the 100-year flood which means there is a 1% annual chance of occurring of a rain event. Mr. Murphy stated none of what is shown in blue as it emanates from the Delaware Canal in an easterly direction toward the River is based on an on-site survey, and Mr. Geonnotti agreed.

Mr. Geonnotti stated it can be seen on Exhibit A-6 that the property is at the very edge of the floodplain. He stated it is not in the floodway – it is in the flood fringe at the very edge of the flood fringe as it gets to the end of the Canal flooding. Mr. Murphy stated it can be seen that around the subject property a portion of the site may be in the floodplain of the Delaware Canal, but it also looks like a portion may not be, and Mr. Geonnotti agreed.

Mr. Murphy noted the second sheet of Exhibit A-6 entitled Overall Floodplain Exhibit Canal. Mr. Geonnotti stated this is the same image but zoomed in so that is it more clear on the subject lot. It stated it can be seen that from the graphical plotting there is only a very small portion of the very fringe of the floodplain that impacts the lot.

Mr. Murphy noted Exhibit A-8 entitled Existing Floodplain Exhibit Graphic Plot. Mr. Geonnotti stated this is a zoomed-in aerial image showing the limits of the graphical floodplain as it impacts the lot. He stated they also have the benefit of the field survey so you can see the house, the limits, and everything around it. He stated this is just the graphical FEMA plot and not based on the topographic survey. Mr. Murphy stated it appears from the graphic depiction of the blue floodplain of the Delaware Canal that the front potion of the property in question would be within the flood area; and Mr. Geonnotti agreed. Mr. Murphy stated it also shows the roof of the existing home, and Mr. Geonnotti agreed.

Mr. Murphy noted Exhibit A-7-3 entitled Existing Floodplain Exhibit Topo Plot. Mr. Geonnotti stated he had earlier stated that FEMA does not have the benefit of having a field survey of the entirety of the Country, and they use publicly available topographic data for their plotting. He stated a topographic field survey involves a surveyor on the ground taking field shots tied to a FEMA datum, and that is required to establish where the floodplain is in reference to the house. He stated in this situation, the Canal and the River have a studied base flood elevation of 35 ½'. He stated they did a field survey, and it shows the plotting of where the 35 ½' contour elevation hits the property. He stated it is different from what was seen on previous slides from the FEMA plotted elevation. He stated the area shown in green on the Exhibit is the entirety of the floodplain as it impacts the lot. He stated a portion of the lot outside of the existing house is by elevation, within the 100-year flood-plain of the Canal.

Mr. Murphy stated the earlier graphic depictions of the floodplain of the Delaware Canal suggested that only the front portion of the lot was within the floodplain. He stated what was determined after the actual field survey was done was that more of the lot was in the floodplain, and Mr. Geonnotti agreed. Mr. Murphy stated on A-7-3 everything in green is within the floodplain of the Delaware Canal, and the area in white, which is largely in the center of the lot, is outside of the floodplain; and Mr. Geonnotti agreed. Mr. Murphy stated it appears that the entirety of the existing home is outside of the floodplain, and Mr. Geonnotti agreed. Mr. Geonnotti stated the house was built in 1957 without the benefit of any of the information that we now have, yet it was built outside of the floodplain.

Mr. Murphy noted the sheet identified as a Floodway Cross Section – Exhibit A-14. He stated it is not site specific, but was to identify the differences between the individual component parts of a floodplain that would include the stream channel, the floodway, and the floodplain. Mr. Geonnotti stated it is for informational purposes. He stated the floodplain is actually the entirety of the stream canal, which is known as the floodway, which is the area between the banks and a little bit outside of the banks which is necessary to convey the normal flow of flood water. He stated what they are talking about in this Application is the flood fringe. He stated there is an area outside of the banks of the stream canal and the area necessary to carry normal floodway which is where the flooding water may extend to during a 100-year storm. He stated the floodway is in the center portion with the stream canal, and outside of that is the flood fringe; and that is established by the base flood elevation. He stated in this situation, 33.5 is the base flood elevation (BFE). He stated the flood fringe extends to where the elevation hits on adjacent properties. He stated the subject property is not located near the floodway of the Canal or the River, and it is at the very edge of the flood fringe. Mr. Murphy stated the graphic depiction of the home on Exhibit A-14 is not intended to represent the Applicant' property, and Mr. Geonnotti stated it is just a Google image.

Mr. Murphy noted Exhibit A-9 identified as Proposed Floodplain Exhibit. Mr. Geonnotti stated they took the Zoning Plan which is the subject of the Application and overlaid the existing floodplain shown in green to see the limits of the existing floodplain based on the flood survey, and they overlaid the proposed improvement of the new house and accessory structures of the shed and pool in the back yard. He stated this was to show how this impacts the existing floodplain. Mr. Murphy stated this Plan presumes that the existing dwelling which is outside of the floodplain would be removed and replaced with a new home, and Mr. Geonnotti agreed. Mr. Murphy stated the outline of the new home is in gray.

Mr. Geonnotti stated the gray area is the proposed dwelling. He stated there is blue hatch on top of the gray hatch, and that is the area of the proposed house which is going to be within the limits of the existing floodplain. He stated that portion of the house will be conforming to all floodplain requirements of the Ordinance, and it will be raised a foot and a half above the base flood elevation, and it will meet all standards for construction. He stated that area of encroachment within the floodplain is 671 square feet, and it is an encroachment in the topographically-plotted floodplain. He stated it is not in the FEMA-plotted floodplain because there was no FEMA floodplain in the back yard; however, based on the elevation of the site, it is within the topographically-plotted 100-year floodplain. He stated the blue area is the only portion of the building that is going to be an encroachment into that area.

Mr. Murphy stated the proposed footprint of the dwelling that is depicted on Exhibit A-9 will not include a basement. Mr. Geonnotti stated there is a crawl-space on the existing structure which is a violation and a non-conformity that exists, but the new house will not have a basement or crawl space. He stated it will be constructed on slab with no basement which they understand to be a significant improvement in conformance with the Floodplain Ordinance.

Mr. Murphy stated but for the undertaking of the topographic survey that Mr. Geonnotti's firm did, the proposed addition together with the other depicted improvements in the rear yard would have been outside of the floodplain because that part of the lot was never identified as being in the floodplain by FEMA, and Mr. Geonnotti agreed.

Mr. Murphy asked about the red outline shown on the Exhibit, and Mr. Geonnotti stated that is the proposed limit of the 100-year floodplain. He stated the house will be constructed above the floodplain elevation. Mr. Geonnotti stated they tried to center the proposed house in the location of the existing house to limit the encroachment as much as possible.

Mr. Murphy noted Exhibit A-10, which is the Street View Exhibit. Mr. Geonnotti stated his was taken from Google Street View, and is a street view image of the existing dwelling. He stated the house is functionally obsolete for what they are looking to do for an improvement. He stated the family is a growing family, and they are present tonight. He stated they want to stay in the neighborhood.
Mr. Murphy stated the FEMA mapping indicates that the front yard depicted on the top and bottom images on A-10 would have been identified as being within the floodplain, and Mr. Geonnotti agreed.

Mr. Murphy noted Exhibit A-11 identified as a Boundary Location and Topographic Survey. Mr. Geonnotti stated this Exhibit was to document that there was a full boundary location and topographic survey conducted on the property which is how they established the floodplain elevation and the contours of the property itself. He stated it is a signed, sealed survey by Dynamic Survey dated 6/11/25.
Mr. Murphy stated consistent with the recommendation of the Township Planning Commission, the Applicant agreed that a signed and sealed survey performed by Mr. Geonnotti's office would become part of the Record in these proceedings to confirm that no Special Exception is required and to also further identify the true limits of the Delaware Canal floodplain; and Mr. Geonnotti agreed.

Mr. Murphy noted Exhibit A-2 – the Zoning Plan. Mr. Geonnotti stated this was submitted as part of the Application, and the features and improvements shown on the Plan are also representative of a lot of the Exhibits shown tonight.
He stated A-2 shows the construction of the proposed single-family dwelling, accessory improvements, and a full breakdown of all Zoning data and bulk requirements for the property. He added it shows the plotting of the 100-year floodplain in blue.

Mr. Murphy noted Exhibit A-13 which is the Township engineer's identified review letter #1 addressed to Mr. Majewski dated January 8, 2026.
Mr. Geonnotti stated Comment #1 asks them to include all Zoning requirements. He stated this is part of a 1946 Ordinance. He stated they met with Township staff and they were applying the R-2 standards to this. He stated they coordinated all of the requirements with the Zoning Officer, and what

is shown on the Zoning Plan is consistent and is also reflected in some of the Zoning relief requested tonight. Mr. Murphy stated Comment #1 is incorporated in the Zoning Plan - Exhibit A-2, and Mr. Geonnotti agreed it is satisfied.

Mr. Murphy stated Comment #2 requests a wetlands delineation; however, Mr. Geonnotti stated there are no wetlands or hydra soils on site, and they will provide documentation of that. He stated they know this based on a field evaluation, but they will confirm that as they move forward into Building Permits with professional documentation.

Mr. Murphy stated Comment #3 indicates they need a Building Permit before they can do anything, and they will comply.

Mr. Murphy stated Comment #4 talks about providing and locating utilities. Mr. Geonnotti stated they will be designed on the Building Permit Plan. He stated there are existing utilities on site which will be reused for the proposed dwelling. Mr. Murphy stated the client agrees that the location of the utilities have to be consistent with FEMA floodproofing regulations and will be a certain distance above the BFE, etc.

Mr. Murphy stated Comment #5 relates to a Grading Plan, and Mr. Geonnotti stated that will accompany the Building Permit Application. Mr. Murphy stated that would also include compliance with the Township's stormwater regulations, and Mr. Geonnotti agreed. Mr. Geonnotti added that there is no stormwater on the site now, and the proposed dwelling will comply with all stormwater management requirements of the Township.

Mr. Murphy stated Comments #6 and #7 relate to providing structural calculations for the home to the extent that the portion of the home that is within the floodplain would require that. Mr. Murphy stated he assumes that they will comply to using flood-resistant building materials, and Mr. Geonnotti agreed.

Mr. Murphy stated Comment #8 discusses the location and design of the utilities to be above the BFE, and Mr. Geonnotti stated they will comply.

Mr. Murphy asked if the Plans have already been revised to show the lowest floor elevation of the dwelling; and Mr. Geonnotti stated they have a design, and it will be at least a foot and a half above the base flood elevation, elevation 35 or greater. Mr. Murphy stated he believes that Exhibit A-2 already shows that, and Mr. Geonnotti stated it does. He added that although no grading is shown, it will be above the base flood elevation, and they already have the design.

Mr. Murphy noted Comment #10 with regard to identifying the direction of water flow and velocities within the limits of the floodplain. Mr. Geonnotti stated that is a will comply. He stated at this point of the flood fringe there is very little velocity, and it is not within the floodway. He stated they will comply with the comment.

Mr. Murphy stated to some degree they have done an analysis to address Comment #11 to attempt to identify the cumulative effect, if any, of the 671 square feet of proposed new home within the Delaware Canal floodplain. Mr. Geonnotti stated when designing within a floodplain, you have to demonstrate what is known as a "no net rise impact." He stated you have to show that you do not increase the flood elevation on neighboring properties or any portion of the floodplain beyond a certain extent. He stated they looked at the total contributing drainage area to this point of the watershed. He stated that there are two watersheds; and taking the more conservative approach looking at the Bucks Creek Delaware River watershed, from a total standpoint of that watershed it is 15,444 acres of drainage area to that drainage area.

Mr. Geonnotti stated the Canal, the River, and all of the drainage areas, and the flood stage events are based on a contributing drainage area. He stated the River is more complex because it takes in a lot of upstream drainage area. He stated the total area to the drainage area of their site is over 15,000 acres of drainage. Mr. Murphy stated that goes well beyond the limits of the aerial in Exhibit A-6, and Mr. Geonnotti agreed. Mr. Geonnotti stated their property is .25 acres; and if you look at the acreage of that property and the de minimus 671 square feet, the impact of that in the drainage area is .0016% of the contributing drainage area. Mr. Geonnotti stated if they looked at the Delaware Canal, which is a sub-drainage area, that is almost an 1,150 acre drainage area; and the subject property at .25 acres of the drainage area, and the impact of the 671 square feet would be .016% of the total contributing drainage area.

Mr. Murphy stated Comment #12 requests that at the appropriate time, documentation certified by Mr. Geonnotti or an architect be provided that any construction would be adequately designed to withstand pressure, velocities, impact associated with the base flood; and Mr. Geonnotti stated that is a will comply.

Mr. Murphy stated Comment #13 requests that at the appropriate time an Erosion and Sedimentation Control Plan be provided with any Building Permit Application, and Mr. Geonnotti stated that is a will comply. Mr. Murphy stated there is also a request for a signed and sealed Elevation Certification, and Mr. Geonnotti stated that is a will comply at the Building Permit stage. Mr. Murphy stated there is also a request for any required Permits from DEP for any encroachment within the floodplain, and Mr. Geonnotti stated they will comply with that at Building Permit stage as necessary.

Mr. Murphy stated Mr. Geonnotti has already testified with regard to Comment #16 that the proposed new home will not contain a basement, and that all requirements for the finished floor elevation will be met; and Mr. Geonnotti agreed.

Mr. Murphy stated Comment #17 states that any requirements to place fill in the floodplain should be met, and Mr. Geonnotti stated they will comply. He added that there would be a further documentation of the volume of fill, if any, and if there is a net change to the floodplain; and how that has a negligible or zero impact on the surrounding neighbors and the overall floodplain.

Mr. Murphy stated Comment #18 is a cautionary comment that suggests that the Zoning Plan does not show any proposed on-site stormwater management, but that at the appropriate time when a Building Permit is submitted, the Applicant would agree that any such Building Permit would include a designed on-site stormwater management facility that would have to be reviewed and approved by the Township engineer; and Mr. Geonnotti agreed.

Mr. Murphy stated currently there is public water and sewer on the property, and that will not change with the new home; and Mr. Geonnotti agreed.

Mr. Murphy stated Comment #20 was already discussed with regard to the need to identify locations above the BFE for the installation of gas, electric, and any other utilities.

Mr. Murphy stated Comment #21 notes that to the extent that any items are located in the floodplain, they cannot be hazardous, flammable, or buoyant or would have to be appropriately anchored if they were; and Mr. Geonnotti stated that is a will comply.

Mr. Murphy stated Comment #22 refers to pipes and storage tanks, and anything in the floodplain would have to be securely anchored or elevated; and Mr. Geonnotti agreed and added that they will comply.

Mr. Murphy stated Comment #23 discusses that floors, walls, paints, electrical equipment, and fuel supply all have to be designed and installed in accordance with FEMA regulations; and Mr. Geonnotti stated that is a will comply. Mr. Murphy stated they will comply with the Township Building Code, and Mr. Geonnotti agreed. Mr. Murphy stated there are no issues with clear sight triangle with the driveway since the driveway location is not changing although it is being widened somewhat to accommodate the front-facing second car of the garage; and Mr. Geonnotti agreed adding that they will provide sight triangles on the proposed driveway to clarify.

Mr. Murphy stated there is a comment about making sure that the Zoning Plan complies with the testimony this evening or to the extent that trees are going to be added or removed, and Mr. Geonnotti stated they will comply.

Mr. Murphy stated with regard to stormwater management, they will obtain a Stormwater Permit prior to the construction after review and approval by the Township engineer; and Mr. Geonnotti agreed.

Mr. Murphy asked Mr. Geonnotti if there are any other comments in the Township engineer's review letter dated January 8, 2026 that have not been addressed or that he would like to address now, and Mr. Geonnotti stated he believes they went through them all.

Mr. Murphy moved their Exhibits.

Mr. Schwartz asked what year the FEMA Study was taken that showed the elevations, and Mr. Geonnotti stated it was 2015. Mr. Schwartz asked how often they are re-done, and Mr. Geonnotti stated it varies. Mr. Schwartz asked the year of the 100-year flood. Mr. Geonnotti stated the study was done in 2015, and that is the baseline for all FEMA evaluations right now. He stated the 100-year flood event is what is designed for in the FEMA evaluation. Mr. Schwartz stated they obviously had a flood that set those evaluations. Mr. Geonnotti stated they did not, rather they established different rain events; and there is a 1-year storm, a 2-year storm, 5-year storm, 10-year storm, 25-year storm, 50-year storm, and a 100-year storm.

He stated the 100-year storm is what gets evaluated by FEMA. He stated it is based on rainfall data which is for a certain region, and then gets incorporated into a FEMA evaluation of whatever body of water it is.

Mr. Schwartz asked if they have a preliminary idea as to how much impervious surface they will be covering on this property, and Mr. Murphy referred to Exhibit A-2, the Zoning Plan. Mr. Geonnotti stated the building coverage requirement for this District is 29% impervious. He stated it was constructed under a 1946 Zoning Ordinance which did not have setback requirements for the rear yard, minimum lot area, or impervious. He stated acknowledging this, and based on the new District which it is in which is the RRP District, they are to follow the R-2 Zoning Ordinance according to the Township's Zoning Officer. Mr. Geonnotti stated that sets a requirement of 29% impervious for Subdivisions constructed prior to 1987, which this is. He added that after 1987, they are allowed to go to 39% in this District because Stormwater Management Regulations started after 1987.

Mr. Schwartz asked what they have in the proposal, and Mr. Geonnotti stated the existing lot is 28.2%, and proposed is going to 37.9% with full stormwater management to be provided for all impervious on site. He stated there is no stormwater management at this time. Mr. Geonnotti stated they will provide stormwater management that meets Ordinance criteria for the 37.9% impervious following full regulations for getting that design compliance.

Mr. McCartney stated he understands they purchased the house in 2021, and Mr. DeLuca agreed. Mr. McCartney stated in 2023 there was a major event in that area, and he asked if there was any damage to the house during that event; and Mr. DeLuca stated there was no damage. He added that there was a little water in the crawl space, but there was no physical damage to the crawl space or the house. Mr. McCartney asked about water in the street, and Mr. DeLuca stated there was no water on Manor Lane.

Mr. McCartney stated Mr. Geonnotti indicated that the property was functionally obsolete, and Mr. Geonnotti stated the house is. Mr. Geonnotti the house was constructed in 1957, and there have been some slight renovations made to it. He stated the footprint of the existing house is long, but not very deep; and as a young, growing family they would like to have four bedrooms with two and half or three and half baths and a two-car garage. He stated there would be no basement. He stated all of the mechanicals would have to be housed in the home itself. He stated renovations that would need to be done would be so substantial to make the house work as a house would in 2026 that it no longer meets that. Mr. McCartney asked if this is a front to back split level, and Mr. Geonnotti agreed. Mr. McCartney stated he feels those were functionally obsolete from day one. Mr. Murphy stated they have the Building Plans available which could be introduced as an Exhibit which confirm Mr. McCartney's presumption about how the house was built which they feel confirms the functional obsolescence of the house.

Mr. McCartney asked what the impervious would be without the pool, the shed, and the patio, and Mr. Geonnotti agreed to work on that calculation.

Mr. Heinz stated it was indicated that the utilities are going to be above-ground, and he asked if the heating is gas or oil. Mr. DeLuca stated the electric lines are fed overhead from the rear of the property. Currently there is a propane tank on the property that services gas cooking. He stated if propane was desired, it would not be a buried tank, and it would be set above the base flood elevation. Mr. Heinz stated it would be exterior to the house, but above the base flood elevation, and Mr. DeLuca stated it would be exterior to the house at the same finished floor elevation which is 1 ½' above the floodplain elevation. Mr. Heinz asked if will be attached to the house to make sure it does not float away when the 100-year or 1,000-year flood comes along. Mr. DeLuca stated it would be anchored to a concrete pad, and it can be attached to the house. Mr. Heinz asked if that was included in the calculations for impervious, and Mr. DeLuca stated they could take away a portion of the patio and use it for the pad for the propane tank. Mr. DeLuca stated it is not very big, and right now the house is fed mostly for electric and the propane is used only for cooking. He stated he would need to see what they desire, and they would comply with the impervious surface permitted.

Mr. Heinz asked if the base flood elevation they are using is the 100-year flood-plain and not the 1000-year floodplain, and Mr. Geonnotti agreed. Mr. Heinz asked where the 1000-year floodplain would be; and Mr. Geonnotti stated it is not regulated, and at the very most they do the 500-year which is .2% annual chance. Mr. Geonnotti stated FEMA only regulates the 100-year as does the Township's Ordinance.

Mr. Heinz stated it was indicated that it was based on rainfall data, and he asked if that rainfall data has increased over the last several years. He stated he feels it seems to rain harder every summer. Mr. Geonnotti stated the FEMA mapping is based on the rainfall data in 2015 when the analysis was done. He stated the Township is held to FEMA's rainfall data as that is the regulatory body. He stated they are setting it 1 ½' above the base flood elevation. He stated it was indicated that during the big rain events two years ago, there was no water in the street. He stated there is a factor of safety applied to some of their numbers, but they designed based on 2015 at this time to 1 ½' above base flood based on the particular cross section which varies along the stream. He stated everything is studied, and everything is tied back to FEMA.

Mr. Heinz stated it was indicated that there would be no net rise, but there is a slight net rise that is going through. Mr. Geonnotti stated there is a slight encroachment into the floodplain; but that area of encroachment is so de minimus given the overall scale and volume of floodwater that contributes to that floodplain, that there will be no measurable net rise on the area.

Mr. Heinz stated he sees that all of the building materials are flood resistant, and he asked how that works for the shed; and Mr. DeLuca stated the shed would be pressure-treated materials. Mr. Geonnotti stated it is not inhabitable space, but it will still be designed to Township standards.

Mr. McVan stated he felt the Township still considered the pool as impervious. Mr. Geonnotti stated the Zoning Ordinance is two-fold, and the water surface is counted toward impervious for stormwater management purposes, but it is not counted for Zoning yet. He stated the Stormwater Ordinance has changed, but the Zoning Ordinance has not. He stated for stormwater regulations you count the impervious from the pool, which they will; but for Zoning you do not.

Mr. McVan asked about the concrete decking around the pool, and Mr. Geonnotti stated it is at grade.

Mr. Dougherty asked the total square footage of the proposed house leaving out the garage, and Mr. DeLuca stated the living area of the home is planned to be approximately 3,000 square feet. He stated that would be a 4-bedroom, 2 ½ or 3 ½ bath home with a 2-car garage. The 3,000 square feet does not include the garage. Mr. Dougherty stated he understands that front to back split levels have "lousy functional utility;" however, he does not know that they need to build a 3,000 square foot house and go back 25' off the rear property line. He stated he would like to see a more modest house and have it pushed over a little closer to the right so that they are to save some square footage. He stated he does not feel the property is sterilized as noted in one of the Exhibits. He stated the property is not functionally-obsolete although it does have functional inadequacies. He stated he does not feel that they need to be 25' off the rear property line, and they could push the house further over to the right, and they would be able to stay a little bit out of the floodplain.

Mr. Dougherty stated he assumes they are using a seepage bed, and he asked where that would be. Mr. Geonnotti stated they are intentionally leaving the area to the right of the house open for stormwater management purposes. Mr. Dougherty asked if would be possible to put the seepage bed close to the right property line and stretch it longer from front to back as opposed to wider and still pipe downspouts to it. Mr. Geonnotti stated that would be possible. He added it is going to be a rather large system given the amount of impervious that they have to manage. He stated the Zoning Ordinance that they were under had no rear yard setback requirement. He stated if you apply the 1947 Zoning setbacks to this property, it actually goes in front of the front yard, and the Zoning Ordinance that created the lot is obsolete and was never functional for what it was. He stated they are applying the R-2 District; and based on the discussions with the Zoning Officer, the 45', these are quarter acre lots, and they are doing their best to conform, and that is the only criteria they are deficient on when it comes to a bulk requirement of the lot.

Mr. Dougherty stated generally with setback issues, he has less of a problem when there is not negative public comment; and if there are rear neighbors who are concerned about it, that is a problem for him since there are Ordinances for a reason, and the neighbors rely on the Board to adhere to them when it effects the enjoyment of their own property.

With regard to Mr. McCartney's question about the amount of impervious surface with the pool, the shed, and the patio, Mr. Geonnotti stated if they were to eliminate the patios around the pool, the shed, and the back walk-way, it would be around 31% to 32% impervious. He stated the shed is more necessary given that there is no basement. He stated with regard to the pool, they are managing full stormwater, and it is below the base flood elevation. He stated the patio is an extension of the living space. Mr. McCartney stated the pool is the biggest portion of that, and Mr. Geonnotti agreed adding that is treated differently from Zoning to stormwater.

Mr. Murphy stated if the house is going to be built in accordance with FEMA regulations, there will be area of the 3,000 square feet that will be devoted to the electric and other utilities that have to be above grade; and they were not excluded from the 3,000 calculation that Mr. DeLuca provided, and they only excluded the 2-car garage. He stated therefore the 3,000 is not necessarily a net usable area because they will have utility rooms, etc.; and without a base-ment they will have other areas that will need to be devoted to those types of uses that you would not normally have.

Mr. Dougherty asked if there is a reason why they are designing a concrete patio and not a deck that would not be considered impervious. It was noted that it is a covered patio. Mr. Dougherty asked if they would consider an open deck that would not be considered impervious, and Mr. Murphy stated they would consider that.

Mr. McVan asked if they are keeping the two large trees in the front, and it was noted that they have been removed already as they were diseased.

Mr. Dougherty noted concern with Item #2 in the Township engineer's review letter with regard to a request for a wetlands delineation and indicating that additional relief may be required if wetlands are found to be present on the site.

Mr. Geonnotti stated there are no wetlands on the site and no hydric soils. He stated they can provide a formal sign-off, and he is 100% certain that there are no wetlands on the property.

Ms. Carlton stated with regard to a hardship, the house was constructed in 1957, and the Testimony was that it is functionally obsolete. She stated the Chair had indicated that it may not be functionally obsolete although it may have functional inadequacies. She stated she understands that this house is similar in nature, size, and location to most of the neighborhood; and she asked if the whole neighborhood is functionally obsolete.

Mr. Geonnotti stated while people live differently, all of the houses are constructed the same, and he would say that they are all functionally obsolete in some sense. He stated some people are already trying to renovate, and there have been some attempts to try to alleviate those inadequacies. Ms. Carlton stated these are inadequacies but not complete obsolescence. Mr. Geonnotti stated they feel differently. Ms. Carlton stated it is the Township's understanding that this is still a very desirable neighborhood with houses selling relatively quickly, and it is a lovely neighborhood; and she does not feel that most of the neighbors would say that their houses are functionally obsolete or functionally inadequate.

Ms. Carlton stated Mr. Geonnotti had stated that the encroachment was de minimus for this particular property. Mr. Geonnotti stated on the Buck Creek/Delaware River watershed, they are .0016% of the entire contributing drainage area. He stated rounding that percentage off is zero. Ms. Carlton stated cumulatively speaking if all houses were to do what the Applicant is proposing, they would be at a point where there could be some impact. Mr. Geonnotti stated there are only a certain amount of houses that only have a portion of their property in the floodplain at a very small percentage. He stated they have a 671 square foot of encroachment, and he feels that there are very few houses that could be so de minimus in that area.

Mr. Kyle Turner, Township engineer, was sworn in.

Ms. Carlton noted Mr. Turner's letter of January 8, and asked if the answers provided by Mr. Geonnotti to his letter were acceptable. Mr. Turner stated they were, and he does not have any concerns with anything Mr. Geonnotti presented. He stated the only thing would be what Ms. Carlton had noted with regard to the impact to the whole watershed when you look at it cumulatively if this were something that would be passed by everybody in the watershed, there would be some form of an impact.

Ms. Carlton asked specifically about Item #6 that all of the materials, structures, including the shed will be anchored to prevent floatation, collapse, or lateral movement. Mr. Turner stated there would be concern with the pool during flooding events if it were to pop out of the ground, and they would need to design the pool to be able to mitigate those issues. Mr. Geonnotti stated that could be done. He stated looking at aerials, you can see a few existing pools within the floodplain in the neighborhood.

Ms. Carlton stated the Township has a robust Flood Ordinance because of problems that have existed in the Township previously and very recently. She stated the Ordinance states: "The Zoning Hearing Board shall consider at a minimum the following: That there is good and sufficient cause and that the failure to grant a Variance would result in exceptional hardship to the Applicant." Ms. Carlton stated she does not know that has been met, and she believes that the house is serving its purpose, it was purchased as a house for this young couple, and they have been living there since 2021. She stated she understands their reason to want to stay in the neighborhood and improve the property; however, this may not be a property that they should choose to improve because of its location. Ms. Carlton stated Mr. Geonnotti had indicated that a floodplain is more generous to build in than a floodway, and a floodway does have dangers; and this is in the floodplain/flood fringe and not the floodway.

Mr. Ryan Adden was sworn in. He stated he lives at 70 Manor Lane South, and he is in favor of the Applicant, and he has no issues.

Mr. Murphy stated they are willing to be flexible in terms of trying to address some of the concerns that some of the Board members have expressed about the pool or reducing the size of the patio or better fit the home within the existing non-floodplain area and still leave room for stormwater management if that is a concern. Mr. Dougherty stated short of having a revised Building Plans/Zoning Plan, he does not know how they would come to a vote based on that. He stated they could adjourn and have the Applicant come back with revised plans.

Mr. Geonnotti stated the way the Ordinance is written, any construction in a floodplain area requires these Variances; and changing the building foot-print and making those modifications is not necessarily going to change the relief necessary tonight. Mr. Murphy stated he believes the point was with regard to the extent of the relief and not necessarily the fact that some relief is going to be required in any event.

Mr. Dougherty stated he does not see the hardship, and he is also concerned about setting a precedent in this particular neighborhood where a number of the houses are in the floodplain. Mr. Murphy stated he is looking to see if there is an opportunity to modify this to get an approval. He stated if that requires the matter to be Continued for the Board to consider an alternate plan, he feels they would be willing to do that.

Mr. McCartney noted Exhibit A-9 which shows where the new building footprint will be encroaching into the right-of-way for flood, and he asked if there is any flexibility to move it out of the area and over to the right so that the entire building footprint is no longer in that area. He stated this would shrink the building footprint. He added that there are no 3,000 square foot houses in that neighborhood. He stated he understands making it functional and comfortable for someone, but they also have to be within reason. Mr. DeLuca stated he agrees with being in reason; but as was noted earlier, because there will not be a basement, there are a lot of spaces in the house that will need to house mechanical systems. He stated if they move the house to the right of the lot, they are back to the same footprint where the house is currently; and what they were trying to do now was not repeat something that was done in 1957. He stated they would be willing to talk about certain suggestions that were discussed although relief will still be necessary.

Mr. McCartney asked why type of heating and cooling systems they were going to install, and Mr. DeLuca stated currently they plan to have a heat pump. Mr. DeLuca stated the condensers would be outside elevated above the base flood elevation. Mr. McCartney asked if they considered split systems to avoid interior space being taken up by the air handler; and Mr. DeLuca asked if he was referring to a ductless system, and Mr. McCartney agreed. Mr. DeLuca stated that is a possibility. He stated they need to consider energy efficiency; and some of the house could be done that way, but he does not want to commit to that tonight. He added that even the split systems have little units outside, and Mr. McCartney agreed.

Mr. Dougherty stated he does not feel that they would need more than 100 square feet for mechanicals. Mr. DeLuca stated he disagrees, and he added they are also going to need storage since they do not have a basement. Mr. Dougherty stated he was just referring to mechanicals, and Mr. DeLuca stated with regard to mechanicals it would depend on if he were to have a system on the first floor and a system on the second floor as depending on the design, he may need to have two systems. He stated he is not in favor of putting them in a closet where they cannot be serviced efficiently. He stated until it is designed he cannot commit to a specific number of square feet.

Mr. Dougherty stated he feels a compromise would be to eliminate the covered patio and put in a deck. He stated he does not have an issue with the shed. He suggested that they also reduce some of the pool surround and stretch the house parallel to the street as opposed to going deeper into the lot.

Mr. Schwartz stated he would be in favor of utilizing more of the space on the right side of the house that is not in the floodplain and less in the back.

Mr. McVan stated he understands that the current house does not have a basement, and Mr. Dougherty stated it has a crawlspace. Mr. McVan asked if all of the mechanicals are in the crawlspace, and Mr. DeLuca stated they are not.

Mr. DeLuca stated with regard to energy efficiency the electric bill for this house is about $550 a month for heating and cooling. He stated it is in the attic. He stated there is a small washer and dryer in the crawlspace area that was carved out to accommodate them.

Mr. Heinz stated it was already indicated that the neighborhood has no 3,000 square foot homes which is a concern. Mr. DeLuca stated he cannot attest to what other people have done since there have been additions and other things including people converting garages. He stated he cannot attest to what the living areas are on every property in the neighborhood. Mr. Heinz stated doing a quick overview of the satellite views of what is existing, he cannot see any property that would have a 3,000 square home. He stated going from a 3-bed-room to a 4-bedroom house and adding 1,900 square feet seems excessive.

A short recess was taken at this time.

When the meeting was re-convened, Mr. McCartney stated there are about 229 homes in the Penn Manor Valley Subdivision. He stated about 10 of them are on River and they are all greater than 3,000 square feet but they have acreage. Mr. McCartney stated 1% of the 220 homes remaining are over 3,000 square feet and 2% are over 2,000 square feet. He stated the majority of the homes in the neighborhood are probably 1,500 square feet to 2,000 square feet.

Mr. Murphy stated they have discussed this with the family, and they would like the opportunity to request a Continuance and have the family re-consider programmatically how the house could work with the full understanding of the comments that the Board members have made. He stated they will try to be more responsive to some of those concerns when they come back.

Mr. Dougherty asked if they could prepare a Zoning Plan to show an area where stormwater management would be. Mr. Dougherty asked that they also respond to the Township engineer's review letter. Mr. Murphy stated it would be the same as what was stated tonight, and Mr. Dougherty asked that it be in writing; and Mr. Murphy agreed.

Mr. McLoone stated he assumes that they will not be changing the scope of work so it would not have to be re-advertised; and Mr. Murphy stated if anything, the scope of relief might be unchanged or less.

Mr. Schwartz moved, Mr. Dougherty seconded and it was unanimously carried to continue the matter to March 3, 2026.

OTHER BUSINESS

Mr. Dougherty stated after the last meeting there was a robust discussion and disagreement over some things. He stated he views the Zoning Hearing Board as an independent body. He stated he does not feel the Board's job is to rubber stamp what the Board of Supervisors is opposing, as the Board is an independent body; and that is why the Board has its own solicitor and the Township has their own solicitor. He stated he does not expect everyone to have the same philosophy and he asked if anyone has questions for him about his philosophy.

Mr. Heinz stated the Ordinances are published, and the Board can review what the Ordinances are; and it is up to the Zoning Hearing Board to interpret the Ordinances. Mr. Dougherty stated the Zoning Hearing Board is primarily to interpret hardship, and the Ordinances are written pretty straight forward. He stated the recent disagreement arose from hardship where he felt the level of hardship merited voting the way he voted, and he though the solution was better than what existed. He stated there is a lot that goes into the Zoning Hearing Board's decisions, but you start with hardship first and work backwards to see if there is a reasonable compromise, if it will adversely affect the community, and balance everything. Mr. Dougherty stated there are times when they may get it wrong sometimes.

Mr. Dougherty stated with this Application tonight, he does not see a legitimate hardship, and he does not feel that house is functionally obsolete although he feels it has functional obsolescence. He stated it was therefore an easy decision to ask them to go back and see if they can get something that is reasonable. He stated in the packet that they provided there was a four-page document where they discussed the Variances they were seeking and why they felt they deserved them; and one of the sentences they used was that without them, the property was sterilized. Mr. Dougherty stated that could not be further from the truth; but that was the exact reason that he voted for Heacock since without the Zoning Hearing Board granting hardship relief for that property, it would have been sterilized through no fault of its own since that was a lot that was subdivided three Ordinances ago.

There being no further business, Mr. Schwartz moved, Mr. McCartney seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

Mike McVan, Secretary