

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JUNE 20, 2006

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 20, 2006. Chairman Kirk called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board: Barbara Kirk, Chairman
 Rudolph Mayrhofer, Vice Chairman
 David Malinowski, Secretary
 Paul Bamburak, Member
 Paul Kim, Alternate Member

Others: Robert Habgood, Code Enforcement Officer
 John Donaghy, Township Solicitor
 James Majewski, Township Engineer
 Allen Toadvine, Zoning Hearing Board Solicitor

Absent: Grace Godshalk, Supervisor Liaison

APPEAL 306-1372 – PETER ORLOFF AND JOY GRACE

Ms. Kirk stated the Board heard testimony on this matter on May 15, 2006 when the Applicant requested a continuance. Since that time the Board has received a letter from the Township Solicitor, Mr. Truelove, dated 6/15/06 requesting that the matter be continued in order to allow the Township additional time to speak with other County agencies regarding this Application.

There was no one present regarding this Application.

Ms. Kirk moved, Mr. Kim seconded and it was unanimously carried to continue the matter until August 1, 2006.

APPEAL #06-1374 – DIANE AND STEVEN BULLARD

Ms. Kirk stated this matter had originally been scheduled before the Board at its meeting of June 6, 2006; however, a quorum was not present and the matter had to be continued. Ms. Kirk stated Mr. Bullard has presented a letter to the Township and the Zoning Hearing Board requesting that this Appeal be continued until August 15, 2006 and agreeing to waive any time limits under the Municipalities Planning Code. The letter was marked as Exhibit B-1.

Ms. B. J. Rassler, 105 Ovington Road stated at the last meeting it was agreed that this matter would be heard on July 18, 2006. Ms. Kirk stated since that time the Applicant has requested that it be pushed back to August 15, 2006.

Ms. Kirk moved, Mr. Bamburak seconded and it was unanimously carried to grant the request for a continuance until 8/15/06.

APPEAL #06-1379 – TERENCE AND SHANNON POULTON

Ms. Kirk stated the Applicant's are represented by John Koopman, Esquire, who has faxed a letter to the Board dated 6/20/06 requesting that this Application be continued until August 1, 2006 to allow the Applicants and the opposing property owners to try to resolve some of the outstanding issues. The letter also indicates that the Applicants waive any time limitations as a result of this continuance. This letter was marked as Exhibit B-1.

There was no one present with regard to this Application.

Ms. Kirk moved, Mr. Bamburak seconded and it was unanimously carried to continue the matter to August 1, 2006.

APPEAL #06-1375 – MICHAEL AND COLLEEN ATTARA

Michael and Colleen Attara, 4 Ardsley Road, were present and were sworn in. The Application submitted was marked as Exhibit A-1. Included with the Application was a six-page document entitled "New study addition," and this was marked as Exhibit A-2. Also included with the Application were three 8 ½" by 11" black and white photographs of the rear of the property which were collectively marked as Exhibit A-3.

Mr. Attara stated they would like to construct an additional bedroom at their home and to do so need two Variances – one for impervious surface and a second for side setbacks. Their home is in the River Glen neighborhood, and the current R-2 Zoning makes their home non-conforming. He stated they will not increase the current impervious surface or the side setbacks.

Ms. Kirk stated based on the Plan submitted, the second page of the document has certain dimensions indicating that based on the lot size with the new addition of 144 square feet, they will be at 27% impervious surface. Mr. Attara stated they are currently at 27% impervious surface and the area where they will construct the addition currently has impervious surface as well. Where they plan to build the bedroom, it will be on the existing concrete patio. They are not widening it or making it longer. Mr. Attara stated

the existing patio itself is 8' to the side setback and will end up at 8 ½' as they will be inside the existing patio. They are requesting a side yard setback of 8 ½'. Mr. Attara stated this will be a one-story addition, and there are no plans to reconstruct the patio elsewhere on the property.

Mr. Donaghy stated the Township is not taking a position on this matter.

There was no public comment

Mr. Kim moved, Mr. Mayrhofer seconded and it was unanimously carried to approve the Application as requested with a side yard setback of 8 ½' and impervious surface of 27%.

APPEAL #06-1376 – MR. LOPEZ/MRS. SORDO

Mr. Raul Lopez, Mrs. Sarah Sordo, and Mr. Al Lopez, contractor, were present and were sworn in.

The Application submitted was marked as Exhibit A-1. Included with the Application was a break down of the impervious surface calculations, and this was marked as Exhibit A-2. Also included was a Plan consisting of two 8 ½ by 11 sheets for the subject property as well as two 8 ½ by 14 sheets, and these were collectively marked as Exhibit A-3.

Mr. Al Lopez presented two more exhibits. He showed a picture of the rear of the property which shows where the proposed sunroom will be located. This was marked as Exhibit A-4. Exhibit A-5 was presented which is a computerized rendering of the project once completed.

Mr. Al Lopez stated the Applicants would like to construct a sunroom on the back of their property. He stated upon applying for the Permit, they realized that their house as it currently exists is non-conforming as they currently have an impervious surface issue. He stated they purchased the home from an Estate; and when they purchased it, it already exceeded the impervious surface ratio by slightly more than 2%. They would like to build a sunroom over the existing patio. He stated they will sink piers and have it on an elevated deck. They will not increase the impervious surface ratio over what is existing. Their goal is to legalize what they currently have and also be permitted to build the sunroom.

Ms. Kirk noted Exhibit A-3 and stated it appears the sunroom addition is going to be smaller than the existing patio, and Mr. Al Lopez agreed. Ms. Kirk asked if this takes into account the walkway of 30" that will be at the property once finished, and Mr. Al Lopez stated they will not be adding anything additional to the existing walkway and it will remain as presently depicted.

Mr. Al Lopez stated he prepared the impervious surface calculations submitted. Mr. Toadvine stated the calculations show an increase in the impervious surface after construction. Ms. Kirk stated the calculations show that the total impervious surface at the property now is 20%; and that with the new patio, it will be 20.7%. Mr. Lopez stated the impervious surface will stay the same since the patio will remain and the sunroom will be built on top of it. Mr. Lopez stated the existing and proposed impervious surface will be 20.7%. Mr. Lopez reviewed his calculations. Mr. Majewski stated he did review the calculations and it did not appear that there was an increase in the impervious surface; and the numbers he calculated matched the 20% listed as existing. Mr. Lopez stated the property is zoned for 18% impervious and they were already 2% over. He stated they are going to build onto the existing patio and will not increase or decrease the impervious surface. Mr. Lopez stated they would like to legalize what they currently have on the property.

Mr. Kim noted Exhibit A-5 and stated it appears that they have a lot of patio space after the sunroom will be built. He asked how much patio space will remain once the sunroom is built. Mr. Lopez stated the patio space will remain the same. He stated what will result after construction is actually more similar to what is shown on Exhibit A-3.

Mr. Donaghy stated the Township is taking no position on this matter.

There was no public comment.

Mr. Kim moved, Mr. Mayrhofer seconded and it was unanimously carried to approve the request as submitted.

APPEAL #06-1377 – Y-KNOT KNIT

Ms. Kirk stated this matter was continued from June 6, 2006. Ms. Denise Kahn was sworn in. The Application submitted was marked as Exhibit A-1. Included with the Application were two photographs depicting the subject property and the existing State Farm sign, and this was marked as Exhibit A-2. Also included was a rendering of the proposed sign, and this was marked as Exhibit A-3. Also included was a sheet showing how the existing and proposed sign would look at the property, and this was marked as Exhibit A-4.

Ms. Kahn stated she is not sure if she is applying to add to an existing sign or add to a new sign. She stated she is not sure why she was denied. Ms. Kirk stated only one sign is permitted per lot, and the size of the sign cannot exceed 12 square feet. Mr. Habgood stated if they consider the sign as combined being one sign, it is over the permitted square footage. If they consider it as two separate signs, they are over the permitted number of signs allowed per lot. Ms. Kahn stated she wants to be able to hang her sign from what is already existing. She feels it would be considered one sign, and she is adding to it.

Ms. Kirk asked if she has discussed this with the property owner to see if there is a way to have it modified into one piece so that there is only one sign without the small sign attached. Ms. Kahn stated she does feel there is a way, but she does not feel that Mr. Sill would like to make a new sign. She has discussed this matter with Mr. Sill, and what is proposed is the best he would do for her.

Ms. Kirk asked the dimensions of the combined sign if the additional sign were added. Mr. Habgood stated the existing sign is already at 12 square feet and the additional piece is 162 square inches so it is slightly over a square foot.

Ms. Kirk noted there is currently an identifying sign on the property, and Ms. Kahn stated currently there is a banner hanging off the porch. If this sign were permitted, Ms. Kahn stated she would remove the banner.

Mr. Toadvine asked the owner of the property, and Ms. Kahn stated it is Bob Sill, Jr. Mr. Toadvine asked if he is satisfied with the Application, and Ms. Kahn stated he is.

Mr. Donaghy stated the Township would like to have Party Status for the purpose of asking the Zoning Hearing Board to clarify that if they grant the Variance, that the Applicant understands that it would be subject to submitting the proposed sign to HARB for review. Ms. Kirk stated the Applicant would still have to comply with all other Township requirements including HARB. Ms. Kahn stated she would agree to this Condition.

Mr. Jim Keba, 1767 Yardley-Langhorne Road stated his property is two houses down from the subject property. He stated he has no objection to the sign but has a question as to the Edgewood Village vision and asked what precedent this will set and what will happen when this area develops and how it might affect other signage. Ms. Kirk stated the Zoning Hearing Board does not know how this might affect the development of the area as that matter is within the realm of the Board of Supervisors. She stated because of the location of this property, Ms. Kahn will still have to go through a review by HARB which was established by the Township to insure the historical integrity of certain properties. If that review board does not believe that the proposed sign meets with their vision of maintaining the historical integrity, Ms. Kahn would most likely have to go before the Board of Supervisors on that Application. Mr. Keba stated a lot of comments were made about the visibility of that intersection and what will happen when this "vision" takes place. He asked if this sign will effect that corner in any way.

Mr. Toadvine stated there is no precedent being set by the Board granting this Application.

Mr. Mayrhofer moved, Mr. Bamburak seconded and it was unanimously carried to approve the Application as submitted for an additional 162 square inches of signage conditioned on removal of the existing banner from the property and that the Applicant timely file the Application with HARB on this matter.

APPEAL #06-1378 – JOHN NADIG

Mr. John Nadig and Mr. Steven Cohen, architect, were sworn in. The Application submitted was marked as Exhibit A-1. Submitted with the Application was a Plan for the subject property dated 11/05, and this was marked as Exhibit A-2.

Mr. Nadig stated he is asking a Variance to the 15' height restriction to permit a height of 17' for his proposed detached carriage shed. Ms. Kirk asked what he proposes to store in the structure, and Mr. Nadig stated it will be a garage. Mr. Nadig stated he lives on Mirror Lake Road where there is a stone farmhouse and barn. He stated in order to keep the angles of the roofs in keeping architecturally, it is important to keep the pitches consistent.

Ms. Kirk asked if there is an existing garage, and Mr. Nadig stated there is a barn on the if the carriage shed will be two floors and Mr. Nadig stated there may be floorboards at the top for storage, but there will be no stairs. It will not be heated, but they will have electricity for lighting.

Mr. Kim asked how they came up with the 17' and asked if there is a historic reason for this. Mr. Cohen stated it is the angles of the roof on the barn and the porch on the house. He stated keeping the angles consistent gives it an exceptional proportionality with the other structures so the carriage house will look like it blends in and belongs there.

Ms. Kirk asked the height of the existing farmhouse, and Mr. Nadig stated it is 35'. Mr. Nadig stated they will have cedar shakes on the roof of the carriage house; and for a cedar roof to breathe properly, you need a certain pitch.

Mr. Mayrhofer asked the height of the existing barn, and Mr. Nadig stated it is 35'.

Ms. Kirk noted the location of the property and asked if it would be subject to HARB review, and Mr. Nadig stated it is not.

Mr. Donaghy stated the Township has no position on this matter.

There was no public comment.

Mr. Kim moved, Mr. Mayrhofer seconded and it was unanimously carried to allow the carriage shed height to be 17'.

APPEAL #06-1380 – DANIEL R. NIGRA

Mr. Daniel R. Nigra and Mr. Mark Havers, engineer, were sworn in. The Application submitted was marked as Exhibit A-1. Also submitted with the Application was a Plan of the property prepared by PCS dated 4/27/06 which was marked as Exhibit A-2.

Mr. Havers stated they are requesting permission to build a single-family residence on Linden Avenue on an existing 14,972 square foot lot. They are requesting relief from four sections of the Zoning Ordinance. Variances #2, #3, and #4 are a function of this being an existing lot. He stated there is a requirement of 16,500 square feet for a lot, and this existing lot is 14,972 square feet. There is also a required minimum lot wide of 110', and the existing lot is 100' wide. Linden Avenue is also a non-Township road, and they are asking permission to build on a private road. He stated the first Variance deals with impervious surface ratio. He stated the lot was created in 1955; and the Zoning Ordinance provides for two different impervious surface ratios – one for lots created before December, 1987, and one after. For lots created prior to 1987, they are permitted 25% impervious surface ratio; and for lots after, the developer is allowed 30%, and the homeowner is allowed 33%. Mr. Havers stated they are requesting permission to apply the newer regulations and permit 33% impervious surface ratio for this lot.

Mr. Havers stated they propose to construct a two-story 2,380 square foot home. It will have a brick patio, driveway, and a small shed in the back with walkways and steps from the second floor down on the side of the house. This would all be contained within the setbacks. The total impervious surface would be 30% based on those plans. They understand that there are some drainage concerns in the area, and they will comply with all stormwater management Ordinance requirements. They have done soil tests for infiltration; and while they do not yet have the results, the soils consultant indicated the tests were favorable.

Mr. Kim asked if they have an alternate plan if they are required to comply with the 24% impervious surface requirement. Mr. Havers stated they would have to look at other options. He stated possibly they could decrease the sidewalks, but they have not considered this yet. They are asking that they be permitted to comply with the current standards. Mr. Mayrhofer stated the current standards are based on the fact that there are now drainage areas which water goes into. Mr. Majewski stated he understands this is one of the justifications for the Ordinance being written this way, and they permit larger amount of impervious surface because stormwater management is now required in all developments. Mr. Havers stated they intend to provide on-site stormwater management to control any increase in runoff.

Mr. Mayrhofer asked Mr. Nigra if he intends to live in the house, and Mr. Nigra stated he does.

Ms. Kirk asked if they have testimony to indicate that they cannot use the property in conformance with the impervious surface calculations. There was no response.

Mr. Toadvine stated they indicated that the square footage of the proposed residence was 2,376 square feet, and Mr. Havers agreed. Mr. Toadvine asked if this is first and second floor; and Mr. Havers stated this would be for one floor. Mr. Nigra stated the living area is approximately 3,300 square feet. It will be a four bedroom, two and a half bath residence and will fit the neighborhood. Mr. Toadvine asked if there is an existing home on either side of the proposed lot, and Mr. Nigra stated there is. Mr. Toadvine asked how many square feet of living area are contained in those homes. Mr. Nigra stated the home to the right of his lot is of similar size to that which is proposed. The house to the left is an older ranch home and is slightly smaller than what he proposes. Mr. Toadvine noted the Ranniello property located across the street from this proposed lot, noting this was an Appeal previously before the Zoning Hearing Board. Mr. Havers stated those homes are substantially bigger than what they are proposing. Ms. Kirk stated she feels the Ranniello homes are on substantially larger lots. Mr. Havers presented pictures of the properties across the street and the lot to the right of the proposed home. These three photographs were marked as Exhibit A-3. Pictures one and two are of the homes across the street and the third picture is the lot to the immediate right.

Ms. Kirk asked who owns Linden Avenue. Mr. Nigra stated he is not sure, but is aware it is a private road and feels it may be owned by a Homeowners Association.

Mr. Toadvine asked if the proposed developer/owner would be required to commit to sharing in the costs of improvements to the road, and Mr. Majewski stated this was one of the Conditions of the Ranniello Appeal. Ms. Kirk asked if there is a Homeowners Association, and Mr. Majewski stated he believes it is privately owned either by the homeowners who front on it or by the original person who subdivided the property. Mr. Toadvine stated it is an un-Dedicated street, and Mr. Majewski agreed.

Mr. Kim stated the Applicant is requesting a great percentage of Variance to the impervious space, and asked what is the precedent for these lots. Ms. Kirk stated she feels it is on a case-by-case basis. Mr. Toadvine stated the difference between the pre- and post-1987 impervious is because for post-1987 developments, the requirements for stormwater management are more stringent. He stated the Applicant has indicated that he will comply with these more stringent stormwater management requirements.

Mr. Majewski stated last year the Township passed a Stormwater Management Ordinance that not only applies to Subdivisions and Land Developments, but also to individual houses. Since this is a new residence and meets the requirements, they are required to provide for stormwater management just as if this were a Subdivision of property.

Mr. Mayrhofer asked if they have detail as to how they will provide the stormwater management. Mr. Havers stated testing was just done yesterday, and once they have the results, they will design a system to control the stormwater. Ms. Kirk asked if they would agree to a Condition that they will comply with all current stormwater management regulations and policies, and Mr. Havers stated they will.

Mr. Majewski stated their understanding is that the testing that was done on site for this property was positive for on-site management of the stormwater. He reviewed possible techniques for controlling the stormwater.

Mr. Toadvine asked if the Applicant would agree to a Condition to comply with all stormwater management requirements of the Township engineer, and Mr. Nigra agreed. This would be satisfactory to Mr. Majewski.

Mr. Toadvine asked for a short recess so that they could review the Ranniello Appeal so that Conditions imposed would be consistent with that Application. A short recess was taken.

The meeting was reconvened at 8:40 p.m.

Ms. Kirk stated during the break, the Township submitted several additional Conditions to be imposed to a grant of the Application and asked the Applicant if they had an opportunity to review those Conditions. Mr. Havers stated they have. Ms. Kirk stated the Conditions would be a requirement that they comply with all Township stormwater management and water detention system, subject to the sole discretion of the Township's engineer. They would also agree to granting sufficient right-of-way to the Township subject to Township specification and standards as well as a third Condition that the owner of the property be subject to sharing proportionately to the cost of additional improvements to Linden Avenue as may be required by the Township. Mr. Havers stated these Conditions were acceptable.

Mr. Kim stated he is still concerned with the impervious surface. He stated currently they are asking for 30% to 33% rather than 24%. He asked if there is a compromise in the matter such as permitting 27% or 28%. Mr. Nigra asked if this would involve adjusting the sidewalk or a shed. Mr. Kim stated this would be at the discretion of the Applicant; and they are not asking for specific elements of adjustment, but that it would be a total of 25% or 28%. Mr. Nigra stated if this would change the structure of the house, he will not buy the lot. Mr. Kim stated he feels they should have a "Plan B" if they did not expect to get 30%. Mr. Nigra stated he is trying to build his dream home in the best location. He stated he also wants to make the house compatible to the neighborhood.

Ms. Kirk stated based on the calculations provided on the Plan, it appears that if they went to 28% from 24%, which would equal 600 square feet, it would have some effect on the width or length of the driveway, brick patio, walkways, etc. and asked if he would be willing to compromise in these areas. Mr. Nigra stated he could adjust some of the smaller issues. He stated if he had to have a smaller patio or walkway or use some other materials, he would consider this.

Mr. Toadvine asked if the Board approved 28% and then gave 3% on top of this as the homeowner, would Mr. Nigra agree to this, and Mr. Nigra stated he would depending on what he would have to limit. Mr. Toadvine stated what is limited would be up to the homeowner.

Mr. Donaghy stated the Township would like Party Status on this matter. He stated the Township's primary concern is with regard to the stormwater drainage issues and he feels if the Conditions mentioned were adopted as part of any Variance, the Township would not further object to the approval.

Mr. Michael Ranniello, 1231 Linden Avenue, was present and stated he was asked to read into the record a letter from Mark J. and Anitta L. Dowdell, 1223 Yardley-Morrisville Road which is on the corner. Mr. Ranniello read as follows:

“Dear Zoning Board members, due to a scheduled vacation my wife and I cannot attend the Zoning Board Hearing scheduled for June 20 as 7:30 p.m. Therefore we are preparing this letter to address some of our concerns related to the above Appeal. Edward Mum of 1220 Linden Avenue and/or Mike Ranniello, 1231 Linden Avenue, have agreed to act as our proxy during this Hearing to read this letter to the Board and other attendees of the Hearing. Although our property touches the corner of said lot, the following represents our concerns: We would like to insure that the development will not create any excess water drainage onto our property, and would like to insure that the setback requirements from our property are enforced. Please consider us a Party at these proceedings which would permit us to file an Appeal if we were dissatisfied with the Decision of the Board. Thank you for your consideration and in addition we look forward to getting to know and welcoming our new neighbors to the neighborhood”

Mr. Ranniello stated when they built their homes they had to go through a similar situation with regard to the water run off; and while it was a little expensive, it was worth the expense. He stated they had to install four 1,000 gallon tanks on each area of the property so that all the water run off from the home entered these tanks along with a retention bed in front of the entire property. Ms. Kirk stated Mr. Nigra has agreed to the Condition that he would comply with the stormwater management practices and procedures subject to the Township engineer's approval. Mr. Ranniello asked what this will be. Ms. Kirk stated the Township engineer will review and interpret the Ordinance and decide whether or not Mr. Nigra's Plan complies with that Ordinance to ensure appropriate stormwater management. Mr. Ranniello stated this would be satisfactory.

Mr. Uday Kunte, 1226 Linden Avenue, stated he lives on the right side of the property. Mr. Kunte stated they moved into the property approximately two years ago; and when they moved into the house, they did not have any water problems. The area is a low-lying area; and in the winter, because of the lack of drainage, the street turns into a sheet of ice. The water run off is very important. He stated the Ranniellos did an excellent job in providing the stormwater system, but there is still some puddling happening that did not happen in the past. He stated this is because it is low-lying land, and any new development will pool the water in the same area. He wants to insure that Mr. Nigra has a good stormwater drainage Plan that will not affect the surrounding properties.

Ms. Kirk moved, Mr. Kim seconded and it was unanimously carried to grant the following Variances:

Variance to Section 200-64 to permit construction of a dwelling along a non-public road; Variance to Section 200-22 to permit a minimum lot width of 100' rather than the required 110'; Variance from Section 200-21 to permit a minimum lot area of 14,972 square feet as opposed to the required 16,500 square feet; and to grant a Variance from Section 200-23 to permit an increase of impervious surface up to 28% for a developer or to 31% by the homeowners subject to the following conditions:

- 1) That the Applicant will provide a stormwater management and stormwater detention system in accordance with the recommendations and requirements of the Township engineer and in accordance with the Township Stormwater Management Ordinances subject to the review and approval by the Township engineer;
- 2) That the Applicant and all subsequent owners of the subject property be required to maintain the stormwater management and detention system areas at the subject property;
- 3) That the Applicant grant the Township a sufficient right-of-way width to improve Linden Avenue to the Township's specifications and standards;
- 4) That the Applicant and any subsequent property owner shall be responsible and pay the proportionate share of additional improvements to the private roadway known as Linden Avenue to bring that roadway into compliance with Township standards in a manner acceptable to the Township and subject to the approval of the Township.

APPEAL #06-1381 – CHRISTOPHER AND CYNTHIA MONTGOMERY

Mr. Christopher Montgomery, Ms. Cynthia Montgomery, and Mr. Jay Lynch, professional planner, were sworn in. The Application submitted was marked as Exhibit A-1. Included with the Application was a two-page Plot Plan for the property, and this was marked as Exhibit A-2.

Mr. Montgomery stated they are requesting an increase in impervious surface of 2.7% in order to construct a new patio at the rear of the home. Ms. Kirk asked if there is an existing patio, and Mr. Montgomery stated there is an existing walkway off the back of the house, but no patio. Ms. Kirk noted Exhibit A-2 which shows a highlighted blue area and asked if this depicts the entire proposed patio, and Mr. Montgomery stated it does. Mr. Montgomery stated the patio will be 526.5 square feet. Ms. Kirk asked how the patio will tie into the rear slate walk, and Mr. Montgomery stated it will be tied in with the same material. The existing walk goes to a barbecue and is approximately 80 square feet.

Ms. Kirk asked why they are proposing such a large patio. Mr. Montgomery stated they laid out the tables and chairs they have to see how they would fit and have a walkway around them. He stated the first patio is 12' by 12'. The property slopes downward. They did try to make it as small as possible and still function with the tables.

Ms. Kirk asked if some of the plants they worked around are existing, and Mr. Montgomery stated all the landscaping shown on the second plan exists except for the ones on the immediate patio. The larger gardens around the back and side of the house are existing.

Mr. Kim expressed concern with the size of the patio proposed. Mr. Montgomery stated a landscape designer did do the design. Mr. Montgomery stated the upper patio is 12' by 12'; and if there are two benches, it would be a walkway to get to the where the picnic table would be with chairs around it. Mr. Mayrhofer stated he did the calculations and feels the existing impervious surface is 18.3% and it appears they are only asking for 2.4% impervious surface increase.

Mr. Montgomery stated one of the biggest pieces of the lot that does not work in their favor is the gravel driveway, which is actually an easement; and he cannot take that away as they are giving access to their neighbor.

Mr. Lynch stated he has been a resident of Lower Makefield for over forty years and a professional planner for forty-five years. He stated he is very familiar with this property and had asked Mr. and Mrs. Montgomery how they treated the driveway since the driveway coming in is a shared driveway. He stated the far end of the driveway is 256'. If you look at the edge of the wide driveway that goes to the garage, beyond that is the access to the neighbor's parking and that access is 256 square feet which is not space that is of any use to Mr. and Mrs. Montgomery and is simply a piece of property that provides access to the neighbor's garage and driveway. If that area is reduced from

Mr. Montgomery's lot area, which would mean reducing the lot area and reducing the impervious coverage that applies to the 256 square feet, it lowers the existing coverage to 3,750 square feet which is 17.3%. If you add the patio to that, it would increase the impervious coverage to 19.8%. This would still be over that which is permitted. He

stated if you subtract out the entire shared driveway and look at it as a right-of-way or a private road that is not part of the lot, this would reduce the lot area to 21,035 square feet which would permit at 18% impervious surface, or 3,787 square feet. The existing coverage would then be 14.9% and with the patio it would be 17.4%. He stated this would be the best case scenario. Mr. Lynch stated another scenario is to subtract out the 256 square feet described in the first example and half of the gravel driveway since it is a shared access, so the net low area would be 21,342 square feet and the permitted impervious at 18% would be 3,842 square feet. The existing coverage adjusting out for the coverage in the shared driveway is 3,442 square feet which is 16.1% and adding the patio at the size proposed would bring it to 18.6%. Mr. Lynch stated this is different from a normal Application because of the shared driveway.

Ms. Kirk asked if the shared driveway is recorded as an Easement of Record, and Mr. Lynch stated it is. He stated they could provide this as a Condition of Approval if necessary.

Mr. Majewski stated he does concur with the calculations as submitted on the Plan, and agreed the gravel driveway is a shared driveway.

Mr. Toadvine noted the Tax Map attached to the Plan where it shows the other lot. Mr. Montgomery noted he owns three parcels, and his neighbor owns 92 and 95 and has a large lot. He noted he has the smaller lots, and the neighbor benefited from not having this on her property. He noted she also has another entrance off the street to her home. He added that parcel 92 is where his neighbor's garage and parking area are located, and he gave her access to that. The other driveway goes up to her house.

Ms. Kirk asked if there is one Deed of Consolidation noting there are three different tax parcel numbers being shown. Mr. Montgomery stated when he took the numbers out of the Township tax book, the Deed does show ownership of the three but he is not sure if they are shown under one. Ms. Kirk asked if there is an issue with the Township as to the fact that there are three separate parcels under single ownership, and Mr. Donaghy stated there is not. Mr. Donaghy stated it is possible that they have merged, but the Township does not feel there is a problem merely by having three separate tax parcels.

Mr. Kim asked if they still need the slate patio in the front, and Mr. Montgomery stated this is from the front door to the kitchen. He stated it is not large enough for a table.

Ms. Kirk asked Mr. Lynch if his calculations were done using the dimensions for Parcel #93 only or did they include the calculations for all three parcels. Mr. Lynch stated they were for all three parcels.

Mr. Donaghy stated the Township is not taking a position on this matter.

There was no public comment.

Mr. Kim moved, Mr. Bamburak seconded and it was unanimously carried to approve the Variance to permit 20.7%.

APPEAL 306-1382 – FLORIAN AND MINCHI VON TRENTINI

Mr. Scott Fegley, attorney, was present with Mr. Florian Von Trentini, Ms. Minchi Von Trentini, and Mr. Thomas Wells, who were sworn in.

Mr. Fegley stated this Application is an impervious surface issue. He stated Mr. and Mrs. Von Trentini purchased the property in 1992; and when they purchased it, it already had a sunroom addition. He noted a shaded area on the diagram submitted. He stated this shows the existing one-story sunroom. Ms. Kirk noted the document they have shows a survey and plan for the lot prepared by All-County, Inc.; and the thatched area says “existing deck” and underneath this says, “proposed addition replacement.” Mr. Fegley provided a new diagram this evening.

The Application submitted was marked as Exhibit A-1. The Plan presented this evening by Mr. Fegley was marked as Exhibit A-2 which is a Site Plan for 363 Robin Hood Drive.

Ms. Kirk stated included with the Application was an impervious surface breakdown calculation, and this was marked as Exhibit A-3.

Mr. Toadvine stated he assumes the existing and proposed impervious surface coverage will remain the same at 19.7%. Mr. Fegley stated while they will remain the same, he feels it is 21%. He stated there was a mistake originally and 20.9% is the existing and proposed impervious surface.

Mr. Majewski stated he reviewed the calculations and feels the existing impervious surface is 21%.

Mr. Fegley stated the sunroom was existing when the Von Trentini’s purchased the home and has fallen into a state of disrepair. They would like to replace it with a new sunroom. The footprint will not change and the impervious surface will remain the same. He stated when they went to apply for the Building Permit, they found that the existing addition was un-permitted going back to the previous owner. They are not making any increases to the sunroom and only replacing that which currently exists. It will have the same footprint.

Mr. Donaghy stated the Township has no position on this matter.

There was no public comment.

Mr. Kim moved, Mr. Malinowski seconded and it was unanimously carried to approve impervious surface of 21%.

OTHER BUSINESS

Appeal #05-1342 – Steven and Bonnie Myers- Approve Request for Extension

Ms. Kirk stated there is a request for an Extension from Steven Myers for the property at 1449 Robinson Place. They had come before the Board for the purpose of elevating the home above the 100 year floodplain. The Decision was rendered in the fall of 2005, but they were not able to complete the Building Permit Application prior to the Variance expiring. They are requesting an additional six-month Extension.

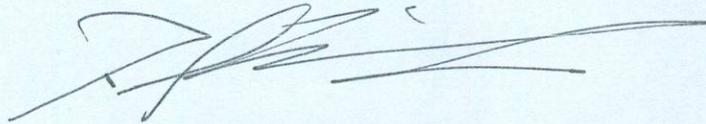
Mr. Malinowski moved, Mr. Mayrhofer seconded and it was unanimously carried to grant a six-month Extension.

Approve Canceling July 6, 2006 Meeting

Ms. Kirk stated it does not appear that they have anything that needs to be scheduled for July 6, 2006. Mr. Mayrhofer moved, Mr. Bamburak seconded and it was unanimously carried to cancel the Hearing of July 6, 2006.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'David Malinowski', written over a horizontal line.

David Malinowski, Secretary

