

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – MARCH 18, 2008

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on March 18, 2008. Chairman Malinowski called the meeting to order at 7:35 p.m.

Those present:

Zoning Hearing Board:       David Malinowski, Chairman  
                                      Gregory J. Smith, Secretary  
                                      Jerry Gruen, Member  
                                      Anthony Zamparelli, Member

Others:                         Robert Habgood, Code Enforcement Officer  
                                      John Donaghy, Township Solicitor (left meeting in  
  progress)  
                                      James Majewski, Township Engineer  
                                      Allen Toadvine, Zoning Hearing Board Solicitor  
                                      Matt Maloney, Supervisor Liaison

Absent:                         Paul Bamburak, Zoning Hearing Board Vice Chair

APPEAL #06-1410 – NORMAN P. /PATRICIA K. O'ROURKE

Mr. Toadvine stated he received a letter from the Applicant's attorney, Edward Murphy, dated 3/14/08 requesting that the matter be continued and waiving the time limits pursuant to the Municipalities Planning Code. Mr. Murphy has requested that the matter be continued to 5/6/08. The letter was marked as Exhibit B-5.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to continue the matter to 5/6/08.

APPEAL #08-1465 – T-MOBILE NORTHEAST LLC

Mr. Toadvine stated he received a letter from the Applicant's attorney, Eric Goldberg dated 3/11/08. This was marked as Exhibit B-1. Mr. Toadvine stated the Applicant has requested that the matter be continued and is waiving the time limits pursuant to the Municipalities Planning Code. Mr. Toadvine stated they have requested that the matter be continued to 4/15/08. Mr. Toadvine stated Mr. Goldberg has indicated that he had discussed the matter with the Township Solicitor who had no objection to the continuance, and Mr. Donaghy agreed.

Mr. Toadvine stated the matter will not be re-advertised. He stated there is no guarantee that there will not be another request for a continuance, and he recommended that those interested contact the Township prior to the meeting of April 15 to see if there is any change in the Agenda.

Mr. Toadvine noted there are only four members present this evening, and there is a five-member Board. He stated those proceeding this evening would need three out of four favorable votes to obtain the relief requested. He stated Mr. Pompili and Mr. and Mrs. Evans may request a continuance to another meeting or proceed at this time.

#### APPEAL #08-1462 – LUIGI POMPILI

Mr. Luigi Pompili and Mr. Joseph Jones were present and were sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a one-sheet plot plan for Lot #94 – Stony Hill Homes, time-stamped by Lower Makefield 1/17/08, and this was marked as Exhibit A-2.

Mr. Pompili stated he is seeking a Variance from the impervious surface in order to construct an addition. Mr. Pompili stated he is proposing construction of two rooms on the first floor and two rooms above so that they can move in his parents. He stated his parents are getting older and are also helping raise his child.

Mr. Toadvine stated it appears the new addition has a footprint of 27' by 29', and Mr. Pompili agreed. Mr. Jones stated they are proposing to construct two bedrooms, one bath, and a family room. There will be no additional cooking facilities. Mr. Toadvine asked the existing impervious surface, and Mr. Jones stated they are over by 2.5%. He stated if they were to scale the addition down to meet the Township requirements, they could only have a 12' by 12' addition. Mr. Majewski stated he has reviewed the calculations and feels the existing impervious surface is 17.9%. He stated based on the dimensions shown on the Plan the proposed construction of 783 square feet will result in 22.9% impervious surface.

Mr. Toadvine asked if there is any other impervious surface proposed other than the addition, and Mr. Jones stated no additional impervious surface s proposed.

Mr. Pompili agreed to the calculations noted by Mr. Majewski.

Mr. Smith asked the permitted amount of impervious surface for this lot, and Mr. Habgood stated 18% is allowed. He stated if the lot were under 15,000 square feet, they would be permitted 24%. The property is 15,786 square feet so it is just over the 15,000 square foot amount.

Mr. Zamparelli asked about water problems, and Mr. Pompili stated they have a water problem in the back far corner where there is a 2' square area where water gathers.

Mr. Gruen asked about the possibility of removing the patio and building a wooden deck which would not be counted as impervious surface so that they would not need as much of a Variance. He stated the Zoning Hearing Board looks to grant the minimum Variance possible. He also asked the reason for their hardship, and Mr. Pompili stated they want to build an addition that is large enough to move in his parents and possibly provide room for a second child. He stated his parents currently live in Northeast Philadelphia and have to travel every day to his home to watch their child. He stated their neighborhood is changing, his father has had a heart condition, and he is concerned for their safety.

Mr. Smith asked if the driveway goes to a two-car garage, and Mr. Pompili stated it does. It was noted this is a corner property.

Mr. Toadvine asked where the water drains on the property, and Mr. Pompili stated it goes toward Bluestone. Mr. Toadvine asked the location of the existing patio, and Mr. Pompili stated it comes off the back of the family room.

Mr. Gruen again asked about the possibility of removing the patio and replacing it with a deck, and Mr. Pompili agreed to do so. The patio is approximately 500 square feet. Mr. Jones showed the location of the existing patio on the Plans. Mr. Toadvine stated the patio is an area on the Plan off to the side of the new addition and to the rear of the main dwelling. Mr. Gruen asked if their calculations included the patio. Mr. Majewski reviewed the calculations and stated based on the aerial photo, he had included the 500 square feet in his calculations. He stated if they would remove the patio, it would make the impervious surface proposed approximately 20%. Mr. Toadvine asked if Mr. Pompili would agree to remove the 500 square feet of impervious surface, and Mr. Pompili agreed.

Mr. Maloney stated while the Township is not participating in this matter, he feels what has been proposed is an appropriate compromise.

Ms. Lisa Pellegrini, 294 Cinnabar Lane, stated she is concerned that the back yards on the street all have standing water at some point in the year and other people have installed drains to alleviate these problems. She stated she is concerned with any construction that does not include such a plan. She stated her home is in front of the storm drain. She stated she is also concerned that several of the neighbors who live closer to the subject property have indicated that he is planning extensive hardscaping with e.p. Henry blocks, and Mr. Pompili stated this is not correct.

Mr. Smith stated they will be required to obtain a Building Permit.

Mr. Toadvine asked Mr. Majewski if the construction will affect water run off onto Ms. Pellegrini's property, and Mr. Majewski stated it will not since she is upstream of this property. Mr. Majewski stated as part of the Permit process, he feels they should have the roof leaders turned so they head down toward Bluestone so the water will go toward the road rather than toward the adjoining properties. Ms. Pellegrini stated her neighbor at 296 Cinnabar was granted a Variance, and the stormwater was supposed to go out to the street; but it is not going that way. Mr. Toadvine stated according to the elevations on the Plan, the subject property is well below the elevation of Ms. Pellegrini's property. Mr. Pompili agreed as a Condition of the grant of the Variance that the roof leaders for the new addition would be turned so that the water is heading toward Bluestone Drive.

Ms. Barbara Spencer, 302 Cinnabar Lane, stated there is a water problem in the area, and there is a low area between her property and the Applicant's property. She stated she has standing water in the yard. She stated Mr. Pompili does have a large house already and there are already four bedrooms.

Mr. Smith asked if there are additional rain control measures that could be taken, and Mr. Majewski stated he will go out and look at the property so that when they submit the Permit for the addition they can make sure the appropriate controls are put in place to alleviate any problems.

The Public Hearing portion of the meeting was closed.

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to grant the Variance to permit 20% impervious surface with roof leaders turned toward Bluestone Drive and additional rainwater controls are installed to the satisfaction of the Township engineer so as to have an effective impervious surface of 18%.

#### APPEAL #08-1464 – JANE & JEFF EVANS

Jane and Jeff Evans were present with Matt Montgomery, all of whom were sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a one page As-Built Plan of Lot #11 dated 1/14/85, time stamped by the Township 2/12/08, and this was marked as Exhibit A-2.

Mr. Evans stated they would like to install a potting shed in the rear of the house. He stated they are trying to create a theme in the back yard and would like the shed to be a reproduction of an outbuilding that would be found in Williamsburg. In order to do this, they need to have a high pitched roof which is typical of that period, and they propose that it will be up 18'. He stated it will be an aesthetically-attractive building to go with the rest of the yard that they have been creating for the twenty-five years they have lived

in Lower Makefield. The request to exceed the permitted height for an accessory building is the only Variance they are requesting.

Mr. Toadvine noted the photo of the proposed structure, and Mr. Evans stated this is the building that they are trying to reproduce as much as possible. Mr. Evans stated their home is a Georgian Colonial, and the structure they are proposing is in keeping with the Williamsburg approach to building. He stated they will also install a gazebo on the other side of the property which is a duplicate of a similar building in Williamsburg. The proposed shed is 12' by 15'.

There was no one present in the audience at this time, and the testimony was closed.

Mr. Malinowski moved, Mt. Smith seconded and it was unanimously carried to grant the Variance as requested.

#### OTHER BUSINESS

##### Appeal #07-1454 – Raul Dazon

Mr. Habgood stated this Appeal was granted in January, and the Board granted an increase of 1% impervious surface. He noted the packet of information provided to the Board this evening. He stated the homeowners forgot that they wanted to add a 2' by 28' addition. He asked that they send in a site plan showing the location, and this was included in the packet provided to the Board. 18% impervious is permitted, and the Variance granted an increase of 1% over the existing which was 18.3%. If the Board agrees to allow them to have the 2' by 28' addition, it will add an additional 56 square feet.

There was discussion whether the Board could act on this or would the Applicants have to re-apply. Mr. Habgood was asked to contact the Applicants and advise that they will have to come back to the Zoning Hearing Board or remove some other impervious surface.

##### Cancel April 1, 2008 Meeting

Mr. Smith moved, Mr. Gruen seconded and it was unanimously carried to cancel the April 1, 2008 meeting due to lack of Agenda items.

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

Respectfully Submitted,

Gregory J. Smith, Secretary