

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – MAY 13, 2024

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on May 13, 2024. Mr. Bush called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Tony Bush, Chair
Colin Coyle, Secretary
Adrian Costello, Member
John DeLorenzo, Member

Others: James Majewski, Community Development Director
Dan McLoone, Planner
Maureen Carlton, Township Solicitor

Absent: Tejinder Gill, Planning Commission Vice Chair
John B. Lewis, Supervisor Liaison

APPROVAL OF MINUTES

Mr. DeLorenzo moved and Mr. Coyle seconded to approve the Minutes of April 8, 2024 as written. Motion carried with Mr. Costello abstained.

COMMERCIAL SIGN ORDINANCE DISCUSSION

Mr. Majewski stated the Board of Supervisors has asked that we start looking into the Sign Ordinance and updating it with more-modern requirements. He stated this includes the size and type of sign, location, illumination, and how effective is our Ordinance in trying to achieve what our goals are for the Comprehensive Plan. He stated the Planning Commission was provided a copy of the current Ordinance and the Princeton Sign Ordinance, which was suggested to be reviewed.

Mr. Majewski stated over the last twenty years there have been a number of Variances granted with regard to signs including Polo Run Apartments, a number of churches, businesses in the Historic District, a School, the Matrix project, a few banks, and HOAs; and all of these Variances were granted by the

Zoning Hearing Board some with Conditions. He stated those Variances granted included the number of signs, size of signs, and signs related to corner lots. A few Variances were granted with regard to location of signs in areas otherwise not permitted given that there was a hardship. Mr. Majewski stated Variances were also granted in the Office/Research Zoning District along Township Line and Stony Hill Roads. He stated directly-illuminated signs are not permitted, and there were several Variances granted to allow for directly-illuminated signs within that Zoning District including the Makefield Crossing South Office Complex.

Mr. Majewski stated there are several regulations in the Commercial District with regard to signs. He stated parallel on-premises advertising signs are permitted for individual businesses and some samples were shown of some existing signs of this type. He stated existing signs in the Township were either permitted by right, permitted by a Variance, or in some cases permitted by Court Orders and Stipulations where there was litigation over the development, and signs were part of the resolution of that litigation.

Mr. Majewski stated free-standing signs are another method of signage that is popular, and these include directory signs with the names of tenants; and those are permitted subject to regulations for size, etc.

Mr. Majewski stated in Residential areas the signs are more limited, and that is typically not an issue since we do not really have much in the way of Commercial in the Residential Districts. He stated we do have Institutional Uses such as schools and religious facilities, and currently those have to go for a Variance every time they want a sign even though it probably should be permitted by right subject to certain Conditions.

Mr. Majewski stated there are also signs to identify the occupants of a shopping center, and those exist in the Township; and he does not believe that anyone has a major objection to those. He stated those are either permitted by right, by Variance, or by a Court Stipulation as a Settlement to litigation.

Mr. Majewski stated there are also off-premises signs advertising a Land Development or Subdivision. He stated these are throughout the Township, and those are typically non-illuminated or indirectly illuminated with lights shining on them; and they are not the signs that are directly illuminated which are the ones with the light coming from inside of the signs.

Mr. DeLorenzo asked how is the signage for the Shady Brook Light Show permitted. Mr. Majewski stated that is not part of our Sign Ordinance. He stated he is not sure how that is permitted, and it has been going on for over twenty years. He stated they are looking into re-writing the standards for the way Shady Brook runs their operation since many things done there are not allowed according to the Ordinances; however, it has been in effect for twenty years or more.

Mr. Costello stated he feels that there should be something written that indicates what we allow there. Mr. Coyle stated he believes their advertising signs would count as off-premises signs according to the Ordinance. He stated they list the names of the sponsors, and he feels they should be under this Ordinance. Mr. Majewski stated he feels that needs to be considered separately. Mr. Coyle stated he feels that a 16' tall logo of a business would be considered an off-premises sign promoting a business.

Ms. Carlton stated she feels we need to consider this further as they could be considered temporary signs because many of them are associated with the Light Show during the holidays. She stated they also need to be consider the number of years that these signs have been there as they may be grandfathered in. She added that she believes the sign on the corner is permanent, but is non-illuminated most of the year.

Mr. Majewski stated someone had brought up the CVS in the Prickett Preserve project, and they do comply with the Sign Ordinance; however, within their lobby, they have their emblem setback on a wall interior to the site and it can be seen from outside because of the large windows. He stated the lobby is illuminated more than it should be, and we should look to see if there is a way to regulate that. Mr. Majewski stated also with regard to signs, there has been discussion about things in the windows, and he has noticed almost every business in the Township has multiple things in the windows including illuminated "open" signs some of which are flashing, which is not permitted.

Mr. McLoone stated the Princeton Ordinance has clear wording related to flashing and illuminated signs. He stated they also regulate how many signs there can be in a window.

Mr. Bush asked if there are other provisions in the Princeton Ordinance which were felt to be useful to consider. Mr. McLoone noted under General Sign Requirements he liked how they discussed the maintenance and codified how they need to keep up maintenance of the signs. He also noted the reference

to obstruction to doors, windows, fire escapes, and fire lanes so that signs do not prevent ingress or egress. He also noted restrictions against obstruction of architectural features and signs not to constitute traffic hazards. Mr. McLoone also noted Sub-Section H about lighting and signs. He stated he also likes how they called out signs not requiring a Permit, and that could be considered a Sub-Section in our Sign Ordinance.

Ms. Carlton stated she feels that some of the provisions of the Princeton Ordinance that may be attractive to our Township could be a little difficult to enforce. She noted the first page indicates that signs are to be properly located and “aesthetically-pleasing,” which she feels is subjective, although this is why some people called out Princeton Borough as a model because people do feel their signs are aesthetically-pleasing. She stated she also likes what Mr. McLoone brought up about certain signs being exempt from requiring a Permit.

Ms. Carlton stated Princeton also permits a maximum of three colors on their signs. Mr. Majewski stated with branding for businesses, he does not know how easy that would be. Ms. Carlton stated she knows that some of the big box stores have very distinctive colors that exceed three colors, and there are Townships, Cities, and Boroughs who will not allow them to exceed three colors.

Mr. DeLorenzo stated the Princeton Ordinance also does not allow statements, words, or pictures that are offensive to the community, and Ms. Carlton stated she noted that one as well.

Ms. Carlton stated the Princeton Ordinance also differences from our Sign Ordinance with regard to replacement of non-conforming signs, and the Township’s Ordinance going through the process for a new Permit if a sign has been on a property that is abandoned for two years and the owner wants to get a new sign. Mr. Majewski stated we could consider if we want to extend that time in certain circumstances. He added that there was a situation previously with regard to Variances which were only good for six months; however, it was found that six months was insufficient time to get financing, etc. or if there was litigation, and that was changed to being good for two years once a Variance is approved.

Mr. Bush asked about vehicular signs in our existing Ordinance, and he asked if that contemplates advertising “skins” on cars. Ms. Carlton noted Section 200-83 E.8. Mr. Coyle stated his concern was that the language talked about the sign being no longer incidental to the vehicle’s primary purpose. He asked if there could be signage, political statements, or advertisement on a work vehicle that is not advertising the service of the worker. Mr. Majewski there could be a vehicle that is no longer being used as a vehicle, but is put out front of a business for advertising; and he feels that is what the language is contemplating. He stated we should consider if we want to take that out or if we want further restrictions on that and clarify the definition. Mr. Costello stated he feels the definition should be clarified.

Ms. Carlton stated she believes that there is a Section that indicates that you cannot use objects for signs such as a tires, trucks, etc.; and that would fall into the category Mr. Majewski just discussed.

Mr. Bush stated there are cars with wraps that are used for advertising. Mr. Majewski stated it states “it is no longer incidental to the vehicle’s primary purpose;” and he believes that would be the truck he mentioned that would be out front of a business being used as an advertisement, but he agrees it needs to be clarified. He stated our Sign Ordinance is outdated and confusing and does need to be updated and clarified. Mr. Majewski asked the Commission members to look at signs in and around the Township so that this can be discussed further.

Mr. Coyle stated with regard to a family car that is wrapped to advertise an individual’s own business, that wrap would be incidental to the primary purpose which is to use the car to drive the family around; and he feels that would be allowed according to the current Ordinance. He stated he agrees that has to be addressed.

Mr. Coyle noted C-4 – Posting of Signs, adding it seems that would be banning the posting of “Lost Dog” signs; and he is not sure that we would want to prohibit that by Law in the Township. Mr. Majewski stated we typically prohibit those signs, although we do not tear them down immediately. He stated after a few weeks, they do take them down. Mr. Majewski stated there are also many non-Permitted temporary signs that are put up in the Township, and he often takes them out.

Mr. Coyle noted C-6 with regard to political signs, and he feels the Ordinance would benefit from a Definition Section in the front. He stated there are numerous places where political signs are referenced throughout the Code with slightly different wording, and he feels it would be efficient to define exactly what a political sign is one time as opposed to numerous locations in the Code. Mr. Majewski stated there are Freedom of Speech issues, but he agrees that the solicitor should look at how to properly define it and what can we reasonably regulate. He stated he was told by previous solicitors that our current Ordinance is not necessarily enforceable, but he believes that was only certain aspects of the Ordinance. He stated he feels this should be clarified.

Mr. Coyle noted F-1 with regard to the “festooned lighting.” Mr. Coyle stated he feels we should just reference it as artificially-illuminated.

Mr. Coyle noted F-4 with regard to projecting signs which are prohibited in all Zoning Districts except for the Historical/Commercial District. He stated he is concerned that may imply that projecting signs are automatically permitted, and he is concerned that we are overriding the Historical Commission’s authority.

Mr. Majewski stated all signage in the Historic/Commercial District needs to go through the Historical Architectural Review Board, and there are guidelines for that. Mr. Coyle asked if they could include language that any sign in the H/C District must be approved by the Historical Architectural Review Board. Mr. Majewski stated we should also consider if we want to prohibit projecting signs, and what is the definition of a projecting sign. He noted the sign at the Edgewood Café that projects out.

Mr. Bush stated he was thinking of something that was not physically projecting out but visually projecting out. Mr. Coyle stated a projecting sign is defined earlier in the text, and it is a sign that extends more than 8” from the surface of the building.

Mr. Majewski asked if we should discuss if there is a reason that we would want to prohibit projecting signs since sometimes they “look nice” even in a Commercial area. He stated he does not know what the reason was prohibiting these. Mr. Costello stated he feels it may have related to having sign consistency.

Ms. Carlton stated that there are some strip centers/small villages where they have projecting signs; and if it is a walking area, you want to see those projecting signs to know what is ahead.

Mr. Costello stated we want to make sure what is done makes everything clear.

Mr. McLoone stated in F-4, they could eliminate the H/C language since there is a Section about signs in the H/C District which indicates everything that you have to do related to signs. Mr. Costello suggested that F-4 be stricken, and the Ordinance state that the use of projecting signs must be consistent with the other businesses/residences within the area of development. He stated if a new shopping center were to be built or an existing shopping center were to be re-developed, they could apply for projecting signs as part of the Zoning process.

Mr. Costello noted 200-84 A 11.B with regard to permanent development entrance signs, and he stated it indicates that the text should be limited to the name of the development and lettered in a style compatible with the Residential nature of the community. He stated by limiting it solely to the name of the development itself, we are limiting some potentially important information for drivers going by or prospective homeowners. He stated in other States, those signs will indicate that it is an HOA community, apartment community, etc.; and currently our Ordinance does not permit signage that describes the nature of the community itself, and he feels that should be revised. Mr. Majewski stated he would agree adding that he believes that may have been one of the Variances that was granted in the past.

Mr. Coyle noted Section 200-84.B.2 which references political signs but uses different language to define the political signs, and he asked that this be cleaned up.

Mr. Coyle stated he has selective enforcement concerns around the Historical District signage which is E-6 under 200-85. He stated he knows that there are a number of businesses in the Historical District which are not in compliance with the regulations about no signs in windows. Mr. Majewski stated although the Giant and McCaffrey Shopping Centers are subject to Historical Architectural Review Board, neither one of them are located in the Historical/Commercial District; and they are subject to those regulations only because of the approval, the Development Agreement, and the litigation. Mr. Coyle stated he is referencing businesses along Yardley-Langhorne Road which he believes are in the Historical District, and some of those are not compliant.

Mr. Majewski stated they are aware of that, and some businesses have banners over their windows. Mr. Coyle stated he feels we should be a business-positive community; and if that signage is important to that business, potentially adjustments should be discussed. Mr. Majewski stated he agrees that the Ordinance is not being followed and that some of the signs went up during COVID although one just went up recently, and we need to have them come into compliance.

Mr. Bush asked why the sign requirements apply to the Giant and McCaffrey's shopping centers since they are not in the Historic District. Mr. Majewski stated they are required to have any building changes or signs on the building go through the Historical Architectural Review Board for a Certificate of Appropriateness. Mr. Majewski stated Variances have been granted to allow what we have in the Township or we have gone to Court and come up with Settlements. He stated if we are allowing things by Variances and litigation, we should change the Ordinance to allow what we would otherwise permit. Mr. Bush stated he feels that this makes sense. He stated Sub-Section 6 would be impossible for a supermarket to follow since they often put signs in the windows. Mr. Coyle stated that would apply to almost every business.

Mr. Costello stated if we want to come up with a new Ordinance, we should have an overall design of what we want and how to address what is existing will come from that. Mr. Majewski stated at this point we are just getting general ideas, seeing what we have, seeing what others have that we feel would be appropriate, and then deciding what we really want to have in our Ordinance.

Mr. DeLorenzo asked why "grocery stores in a non-Historic District go to the Historic Board." Mr. Majewski stated in the 1980's "we were opposing everything that came into the Town, and anyone who wanted to do anything in Town had to go to Court to fight." He stated we would usually lose, but we would extract some minor concessions; and in that case, they agreed to go through HARB. Mr. DeLorenzo asked why it did not have to go through the Zoning Board as opposed to the Historic Board which has nothing to do with grocery stores. Mr. Majewski stated they wanted the look and feel of those two shopping centers to look somewhat historic. Mr. Costello stated he believes that there is a group of people in the Township who are very interested in the historical part of our Township.

Mr. Coyle stated in the Princeton Ordinance T10B-293B includes their expanded definition of potential confusion with traffic signs and signals and they indicate that you cannot use words like “stop, warning, etc.,” and ours just says that you cannot mimic traffic signals. He stated he feels that would be a good part of their Ordinance to include in ours.

Mr. Majewski stated he and Mr. McLoone will come up with ideas as to how to streamline this and give the Planning Commission options so that this can be discussed further.

PUBLIC COMMENT

Mr. Alex Davidoff, Bridle Estates Drive, stated he spoke at the last meeting, and he asked the Planning Commission about the Wright Farm. He asked if the Planning Commission has been able to review the Plans and if there is an update on when the Planning Commission meeting to discuss this will be held. Mr. Bush stated it has not yet been presented to the Planning Commission.

Mr. Majewski stated he has been told by the Applicant that they are looking at the review letters which have been submitted by our consultants and other recommending bodies, and they are looking into possibly revising the Plans. He stated the Applicant wants to have a scoping meeting with PennDOT to review what they are proposing as part of their entrance onto Route 332; but as of right now, no meeting has been set up with PennDOT. He stated he will find out from the developer the status of that and provide an update.

Mr. Majewski stated this might be on next month’s Planning Commission Agenda if the Applicant wants to present it to the Planning Commission for their input before they make changes to their Plan. Mr. Majewski stated he will let the Planning Commission, Mr. Davidoff, and other interested parties know what the status is in the next few weeks.

Mr. Davidoff stated he understands that if the meeting is not held on June 10, that the Applicant will have to request an Extension; and Mr. Majewski agreed.

ACCESSORY STRUCTURE ORDINANCE DISCUSSION

Mr. McLoone stated he has received comments about this from residents at the Building Permit stage, and he feels that the Ordinance could be updated.

He stated the current Ordinance for Residential accessory buildings incidental to the uses permitted requires that they be located only in the fourth of the lot farthest removed from the abutting streets; and in no case shall they be located less than 10' from any side or rear lot lines. The heights of the accessory buildings shall not exceed 15'. Mr. McLoone stated neither he nor Mr. Majewski have a problem with the height restriction, but they are recommending to decrease the setback to about 3' and remove the language about the fourth of the lot and just make it the rear of the home.

Mr. Costello asked why they want to reduce the setback. Mr. McLoone stated a 10' setback from the property line for a shed is a large amount. He stated a lot of residents have conveyed this. He stated there are also some very long lots; and if you have a very deep lot and you have to put your shed all the way in the back, that can be a hardship. Mr. Majewski stated this comes up frequently at the Zoning Hearing Board, and on the larger lots, it is not as difficult to have it 10' off the rear and side property line; however, if you have a more narrow lot, 10' off the side puts it almost in the middle of your back yard. He stated the Zoning Hearing Board routinely grants Variances to allow for the accessory structures/sheds to be closer to the side and rear property lines. Mr. McLoone stated if you have a very deep lot, you have to walk all the way to the back fourth of the lot to get something from your shed.

Mr. Majewski stated some of the older homes do not have a garage; and if the homeowner wants to put in a garage, they have to either attach it to the house or they have to put it all the way in the back of their yard and add 30' to 50' of driveway to get to it to be in the fourth of the lot furthest from the road. He stated originally that was only for corner lots, but later it was included that it has to be all the way in the back for any lot.

Mr. Majewski stated he has seen hundreds of non-conforming sheds throughout the Township where they put sheds at the end of the driveway, in the back yard, or in the corner of the property so that they can maximize the space in their yard. He stated the Zoning Hearing Board members have commented on the number of Variances they have heard for this; and if it is felt a lesser setback is appropriate, the regulations should be re-written rather than doing it by Variance.

Mr. McLoone showed a spreadsheet of what other nearby Townships require. He stated Falls is no less than 4', Bristol is 5', Middletown is 3', Morrisville is 6' for larger buildings and 3' for sheds, and Northampton is 7'.

Mr. Costello stated he feels 3' is too small since if you have any work to do on the shed, you would need to be on your neighbor's property. Mr. Coyle stated he feels 5' or 6' would be reasonable.

Mr. Bush asked if the Variance requests are mostly for sheds or are they also for garages, and Mr. McLoone stated it is mostly sheds that they are getting pushback from residents. Mr. Majewski stated he is in favor of the one Township which had different numbers for different sized accessory buildings. He stated a shed being 3' off the property line is not an issue, and you can get around it to perform maintenance; however, for a larger structure such as a garage or other large accessory building, he would like to see 10' for a larger accessory building. Mr. McLoone stated the Morrisville Ordinance does have a requirement for larger detached accessory buildings at 6' from the rear and side property line but that a shed can be 3' from those property lines. Mr. Bush stated he agrees we should separate out sheds from garages. He noted if someone has a deep lot, they should not have to have the garage all the way in the back.

Mr. Majewski stated we could consider it if should be based on size or volume.

Mr. Costello stated a garage would have a foundation and a shed would not and would just be a structure on a pad whether it is gravel or concrete. Mr. Majewski stated a garage would have a footing not a foundation. He added that for the garages, the Zoning Hearing Board still wants to have a garage 10' off the property line but they would grant the relief from the fourth of the lot because it makes sense to put it at the end of the driveway. He stated he likes to have a dual standard for small and larger structures.

Mr. Coyle stated with regard to a garage, if you are adding a garage to a dwelling that does not have a garage, as long as it abuts the driveway, that would be permitted regardless of the quadrant. He stated his concern is with the 15' height requirement in case he wanted to build something higher than that for his children. Mr. Majewski stated we do not regulate play structures although we have had residents ask why we are not enforcing our standards on play structures.

Ms. Carlton stated she has seen some Ordinance that indicate that regardless of whether they are garages or sheds, they cannot be any more forward than the back end of the house. She stated some even indicate that they should not be able to be seen from the street. Mr. Coyle stated Northampton does require that it be behind the back building line which he feels is "more

graceful” than defining the back half or the back quarter. Mr. Coyle stated that while he did not realize it, he has a non-compliant shed. Mr. McLoone stated many people do. Mr. Coyle stated his garage sticks out from the side of his house, and there is space behind it; and between the garage and the back line of the home is where his shed is. He stated you cannot see his shed from the street. He stated he feels that location should be permitted since it seems acceptable.

Mr. Majewski stated Mr. McLoone can put into writing what has been discussed this evening, and provide that to the Planning Commission at the next meeting to see if it captures what was discussed.

Mr. DeLorenzo asked about garages connected to the house; and Mr. Majewski stated if it is attached to the house, it is considered to be part of the house. Mr. DeLorenzo stated he has seen structures made to look exactly like the house with the same siding and roof. Mr. Majewski stated there have been residents who wanted to have a detached garage, but they could not meet the fourth of the lot standard; but if it is attached by a breezeway, that is considered to be part of the principal structure according to the Ordinance. He stated provided you can meet the setback requirement, which is greater for the principal building than the accessory building, that would be permitted. He stated we could consider that to make it part of the Ordinance so that it would be less of a burden on the Zoning Hearing Board to hear these repetitive Variances.

There was further discussion about allowing the 3’ setback for sheds which some Planning Commission members felt was too tight, and Mr. Majewski stated 5’ may work better. Mr. Costello stated he wants to make sure that any work that needs to be done to or around the structure can be done all on the owner’s property and not having to encroach onto their neighbor’s property.

Mr. Costello asked the setback for a fence, and Mr. McLoone stated it has to be fully on your property. Mr. Majewski stated you can go right up to the edge, but most fence companies make it 6” to 1’ off so they would not have to move the fence if they were off a little bit in their measurement.

Mr. DeLorenzo stated he feels a 3’ setback for a shed would be fine. Mr. Coyle stated he feels 5’ would make sense for larger properties; but for a smaller property, every foot inside your property line is a premium, and he feels that a 3’ setback would provide enough space to maintain the structure and the property while allowing you to enjoy as much of your yard as possible.

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He stated if two neighbors were to put sheds in, that would be 6' in between which would be a decent amount of clearance. He stated he would therefore be in favor of 3' depending on the Residential Zone with 3' in some zones that have a minimal lot size.

Mr. DeLorenzo asked if we should consider allowing someone to put in a garage where the back of the garage would be parallel with the back of the house. Mr. McLoone stated that could be a sight issue for the neighbors. Mr. Majewski stated he will look into that.

There being no further business, Mr. DeLorenzo moved, Mr. Costello seconded and it was unanimously carried to adjourn the meeting at 8:47 p.m.

Respectfully Submitted,

Colin Coyle, Secretary