

TOWNSHP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – JUNE 4, 2024

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 4, 2024. Mr. Solor called the meeting to order at 7:25 p.m.

Those present:

Zoning Hearing Board: Peter Solor, Chair  
James Dougherty, Vice Chair  
Judi Reiss, Secretary  
Matthew Connors, Member  
Mike McVan, Member

Others: James Majewski, Community Development Director  
Maureen Burke-Carlton, Township Solicitor  
Adam Flager, Zoning Hearing Board Solicitor  
Daniel Grenier, Supervisor Liaison

APPEAL #Z-24-10 – HORAN  
Tax Parcel #20-046-159  
10 IVY LANE, YARDLEY, PA 19067  
(Continued from 5/21/24)

Mr. Majewski stated he spoke to the Applicant last week, and he had thought the meeting was Wednesday not Tuesday, and he is unable to attend this evening due to a family commitment.

Mr. Solor moved, Mr. Connors seconded and it was unanimously carried to Continue the matter to June 18, 2024.

APPEAL #Z-23-34 – WHALEN  
Tax Parcel #20-055-142  
423 RAMSEY ROAD, YARDLEY, PA 19067

Mr. Flager stated the Applicant indicated that they would like to be heard at the June 18, 2024 meeting.

Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried to Continue the matter to June 18, 2024.

## OTHER BUSINESS

Mr. Solor asked if there is an update as to notification to neighbors. Mr. Grenier stated this matter should come before the Board of Supervisors either June 19 or July 17. Mr. Dougherty asked if the Board of Supervisors will be seeking feedback with regard to notification from the Zoning Hearing Board, and Mr. Grenier stated the Board would appreciate feedback from the Zoning Hearing Board and staff. Mr. Grenier stated there may be different scenarios for residents versus developers seeking Appeals.

Mr. Connors stated he feels a 200' radius works well.

Mr. Dougherty stated he does not feel we need to bifurcate it between homeowners and developers; but it would make sense to bifurcate it between properties located in Flood Zone versus non-Flood Zone properties, and we may want to expand the mailing list further out for properties located in Flood Zone depending on what is legally permissible.

Ms. Reiss asked about Commercial very close to or in Residential. Mr. Solor stated he feels 200' covers a lot. He added he agrees with Mr. Dougherty that the properties that are in Flood Zones tend to trigger a lot more public interest. Ms. Reiss stated they also affect more homes than those that are not in Flood Zones.

Mr. Flager stated the prior practice was 300' for notification, and Mr. Majewski agreed. Mr. Majewski stated the Board of Supervisors discussed having two separate requirements – one for a Dimensional Variance such as a setback or impervious surface having a smaller radius; but if there was a Use Variance, that would trigger a Use Variance. Mr. Dougherty stated he felt that made sense adding that the Zoning Hearing Board rarely gets a Use Variances. Mr. Majewski stated a Use Variance does have the potential to have a greater impact.

Mr. Solor stated recently there have been Appeals where the neighbors who live across the street who would be most impacted were not notified.

Mr. Grenier stated the amount being set would be the minimum amount for notification required, and it would still be at the discretion of the Township to go over and above on any given Application if there is a good reason for it.

Mr. Connors stated from past experience it seems that those who are within around 200' are usually the ones who come to the meetings, and they provide a lot of good impact which the Board listens to. He stated he would be hesitant to go too far with notification as then there are people who are not being impacted at all coming to the meetings, and he would prefer hearing from those who immediately about the property or are seeing the property and give them more focus at our meetings.

Mr. Grenier stated a lot of other jurisdictions use 200' for public notice, but there are instances such as when there is a fundamental change in Use such as a big Commercial development that could impact people around the town where we might want to increase the area of notification. He stated a lot of residents feel that the one opportunity for them to have a say with regard to a Use Variance is before the Zoning Hearing Board, because once the Zoning Hearing Board approves the Use Variance it then goes through SALDO; and they want to have their initial say with the Zoning Hearing Board. He agreed that we do not get a lot of Use Variances, but in those cases, we may want to expand the area for notification. He would agree with 200' for other Appeals.

Mr. Dougherty stated he agrees 200' makes sense, and he also does not want to have an onerous advertising bill for residents who are making Zoning Board Appeals. Mr. Grenier stated that has been part of the Board of Supervisors' discussion as well.

Mr. Grenier stated he can share the Zoning Hearing Board's feedback as part of his Supervisor Report. Mr. Grenier stated we also provide notification for the Board of Supervisors' meetings, and Zoning Hearing Board members could make comment when this matter is discussed or provide a letter to the Board of Supervisors. Mr. Flager stated a Motion could be made, and he would confirm that in a letter to the Board of Supervisors stating what the Zoning Hearing Board's position is on a future Ordinance.

Mr. Solor moved and Mr. Dougherty seconded to recommend to the Board of Supervisors that the notification for Appeal is a 200' distance from the edge of the property and for a Use Variance that it is 400'.

Mr. Dougherty stated he feels it would be good for the Board of Supervisors to be provided a copy of tonight's Minutes for that vote, and Ms. Reiss agreed. Mr. Flager stated he will also confirm it in a letter to the Board of Supervisors as well. Mr. Grenier stated as the Liaison he gives a Supervisor Report as part of every meeting, and he will provide a summary as part of his Report at tomorrow night's meeting. He stated Ms. Carlton is also drafting the Ordinance and has taken notes this evening, and that can be provided along with the letter from Mr. Flager.

Motion carried unanimously.

There being no further business, Mr. Dougherty moved, Ms. Reiss seconded and it was unanimously carried to adjourn the meeting at 7:50 p.m.

Respectfully Submitted,

Judi Reiss, Secretary