

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JULY 8, 2024

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on July 8, 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

Other: Dan McLoone, Planner
 Maureen Burke-Carlton, Township Solicitor
 John B. Lewis, Supervisor Liaison

Absent: Tejinder Gill, Planning Commission Vice Chair

APPROVAL OF MINUTES

Mr. DeLorenzo moved, Mr. Costello seconded and it was unanimously carried to approve the Minutes of June 10, 2024 as written.

ACCESSORY STRUCTURE ORDINANCE DISCUSSION AND APPROVAL

Mr. McLoone stated following feedback from the prior meeting, Ms. Carlton's office prepared the Draft Ordinance. He noted Page 2 which states that no accessory buildings or structures shall be permitted in front yards. Accessory buildings or structures shall only be permitted in the side and/or rear yards behind the backmost or furthest building line of the residential dwelling. Accessory buildings or structures less than 200' may be located no closer than 5' from any side or rear property line. Accessory buildings or structures greater than 200' may be located on permitted side and/or rear yards but not less than 10' from any property line. No accessory building or structure shall exceed 15' in height.

Mr. DeLorenzo stated he felt that it was just going to be required to be behind the front of the house. Mr. McLoone stated the language proposed was in response to public comment made at the prior meeting.

Ms. Carlton provided examples Mr. Majewski had given her showing different properties including a property on an angle on the lot. Ms. Carlton stated what is proposed is that the structure would be at the back building line and not the front. Mr. DeLorenzo stated a lot of people have their sheds in their driveways across from their garage which would be behind the front of the house. Ms. Carlton stated while that was a recommendation earlier, it was changed to “behind the backmost or furthest building line of the residential dwelling.” Mr. DeLorenzo stated his idea was that it would be behind the front line of the house; and if the front line of the house was at two different spots based on the angle of the house, it would be the furthest part of the front line of the house but not the backmost line of the house. Ms. Carlton stated the Ordinance is written that it is to the backmost line of the house and the 5’/ 10’ setback would apply.

Mr. Costello stated there was discussion previously that it would be off the front of the house although there were discussions about how it would be measured off the front since some streets are not straight and some houses are not parallel with the road. He stated it was agreed that a shed could not be any closer to the road than the front part of the house. Mr. Costello stated he feels that there are a number of sheds already in the Township which are not behind the back of the house including his own for which he obtained a Permit. He stated his shed is across from his garage behind the front of his house, adding that it is about 75’ from the street and also cannot be seen given the landscaping. Mr. Coyle stated his shed is behind is garage, but the garage is not the rear building line of the home. Mr. Costello stated if we are going to change the Ordinance and start policing it, we should discuss these issues now.

Mr. McLoone stated he agrees that there are currently a lot of non-conforming sheds, but going forward this Ordinance will make it more concrete. Mr. DeLorenzo stated the language being proposed will not be bringing a lot of existing sheds into compliance. He stated he feels the wording should be “the backmost of the closest building line.”

Mr. Bush stated his home is pie-shaped with the front yard a semi-circle and the back two lines a triangle. He stated while he does not have a shed, if he were to put in a shed with the front line at the front of the house, it would look like

his shed was in his neighbor's front yard. He stated if the language were to be changed as Mr. DeLorenzo is suggesting, it would create a different issue for a different sub-set of homeowners.

Mr. Costello stated the Township needs to consider how much they want to go through the process of Variance requests. He asked if existing structures will be grandfathered in, and Mr. McLoone stated those would be non-conforming.

Mr. Coyle stated they could consider individual situations since at some locations the sheds would not be able to be seen from the street, and a Variance could be approved if it did not conform to the new requirements. Mr. McLoone stated 90% of the issues with the existing Ordinance are with regard to the setback, and not the current requirement that the structure be in the rear fourth of the property from the abutting street. He stated those with very deep lots do request Variances to place them in a different location than the rear fourth since it would involve walking very far back to get to the structure.

Mr. DeLorenzo stated he feels when someone sees what is proposed to be required, they will just put up a non-compliant shed, which is why he feels the language should be changed to permit it to be at the backmost of the closest building line of the residential dwelling.

Mr. Costello stated in the information provided there was language discussing moving the Ordinance toward what the public wants; however, he does not feel that is the right way to go from a planning standpoint. He stated while he is not opposed to some changes to the Township Ordinance, there are other towns where it is clear that they let people do what they want. He stated we have different Residential Districts with different standards, and he feels what is being proposed is simplifying this too much. He stated he feels different properties should be looked at differently.

Mr. Coyle stated he feels the Ordinance as written is creating a problem, and it is indicating that for all properties, the shed has to be in the back quarter of the yard at least 10' away; and what is proposed accommodates different sized lots and provides for more flexibility.

Mr. Costello stated with regard to the setback, he is not sure that a 5' setback is appropriate for all neighborhoods and property sizes. Mr. McLoone stated the need for change for the larger lots has more to do with the shed being in the back fourth of the lot. Mr. Costello stated he is more concerned with

the setback. Mr. Coyle stated 10' is currently required, and they are proposing it be 5'. He stated this is private land, and the property owner should have the right to use as much of their land as possible without encroaching on the rights of other landowners. He stated we also wanted people to have enough space to maintain all of their property. Mr. McLoone stated the requirement would be for a 5' minimum, but a homeowner could have a larger setback if they wanted. He stated when submitting for a shed a site plan or survey is required, and the Township would make sure that it has at least a 5' setback.

Ms. Carlton stated with regard to the 5' versus 10' it is not the size of the lot, it is the size of the building that is being put onto the property.

Mr. Costello stated as someone gets closer to the property line, the Zoning Hearing Board should make sure that the neighbors do not have an issue with what is being proposed; and that they get a letter from their neighbors indicating that they do not have an issue with what is proposed. Ms. Carlton stated it would be difficult to include that in an Ordinance. Mr. McLoone stated going forward he feels that codifying what is proposed will help avoid mistakes that were made in the past.

Mr. Costello stated we have a Master Plan that delineates the differences between different neighborhoods in the Township, but the current Ordinance is "cookie-cutter" across all property types. He asked if we should be applying a simple fix across all property types or should we consider what we want in different types of neighborhoods.

Mr. Bush stated we have properties of all different shapes in the Township, and we are trying to address as many of the scenarios as possible.

Mr. Coyle stated he would be comfortable leaving the requirement at the back line by statute, and a Variance could be requested if a homeowner wanted to do something different. Mr. Coyle stated the neighbors would have an opportunity to make comment when a Variance is requested of the Zoning Hearing Board. Mr. Coyle stated his concern is with the 10' versus 5' setback from the property lines. He stated there are properties in the Township where 10' would take away a lot of the yard and 5' would make sense. He stated he has concerns minimizing by Statute how much of someone's private property we can use which is why he would prefer 5', but he recognizes that for larger lots there are sections in the Code where we do have differences based upon the Residential Zone.

Mr. Lewis stated he would be satisfied with a 5' setback adding he felt that 3' was too close. He stated he agrees that there are some houses in the Township where if an accessory structure were put in the side yard, it would look like it was in the front yard of the neighbor. He asked if there is a way to include language that would prohibit installation in cases where the structure would appear to be in the neighbor's front yard.

Mr. Costello stated when the Residential Districts were put in the Township Plan, there was thought put into it which is why he is discussing how to do this by District. Mr. Coyle stated he agrees that there are different Zones for different reasons, but he questions if we need to worry about sheds in the different Zones. Mr. Costello stated he is bringing this up because these are the kind of issues that get emotional between neighbors.

Mr. Lewis stated he assumes that Mr. McLoone and Mr. Majewski already discuss locations with Applicants as to how a structure could impact their neighbor. Mr. Bush stated he feels that there are some residents who would still not take their neighbor's feelings into consideration.

Mr. DeLorenzo stated residents have the right to legally use their property. He stated he feels the requirement should be that it can be at the location to the rear of the front of the house line which would be convenient.

Mr. Coyle asked if the Permit Application process requires you to post your property. Mr. Lewis stated notice is posted on the front door; however, people driving by would not see that. Mr. Coyle asked if it would make sense to address this issue in the Permit Application process to have the Applicant stake out and mark where the structure is proposed to be located.

Mr. Lewis stated that would be Administrative Policy and is non-Legislative so there would be a lot of flexibility around that. Mr. Bush stated if the resident chose not to follow it, there is no enforcement mechanism. Ms. Carlton asked if the intent of that would be just for the neighbors to see since Mr. McLoone would already be seeing a survey or a plan with the location shown. Mr. Costello stated if we wanted to accomplish the goal of prompting a conversation and being a good neighbor, this could be part of the Application process.

Mr. DeLorenzo stated he feels this could be handled by having the Township discuss with the Applicant when they apply for the Permit what their neighbors think about their proposal. Ms. Carlton stated there are always some neighbors who would not be happy with anything their neighbor is doing.

Mr. Costello stated he was just trying to be sensitive to the fact that we are changing what neighbors will be seeing visually with these changes. Mr. Coyle stated it could be added to the Permit Application that the Applicant consider staking out where the structure will be out of consideration for their neighbors. Mr. McLoone stated this could be added to the Remarks Section.

Mr. Costello asked if the recommendation is to go with the current language or go with behind the front of the house. Mr. Coyle stated he feels the language as written generally works in most cases in the Township, and a resident could request a Variance if they feel their property is different.

Mr. DeLorenzo stated he would not vote in favor of that as he feels that it is a practical perspective that someone should be able to have a shed across from their house and not somewhere where they have to go through their yard. He stated his concern is that if the Ordinance is approved as proposed, people will decide not to get a Permit and just install the structure. He stated since we want them to get Permits and do it properly, he feels that they should have the right to put it in a place on their property that is more practical.

Mr. Lewis asked if it could be at a median point of the building structure. Mr. Coyle stated we could draw the line at the midpoint, and Mr. DeLorenzo stated he feels that would work. Mr. Lewis stated the term “median” would need to be defined. Mr. Costello stated he feels that would give a little more flexibility.

Mr. Coyle moved, Mr. Costello seconded and it was unanimously carried to recommend that the Board of Supervisors publish and adopt the proposed changes to the Ordinance governing the Permitting of Accessory Structures with the recommendation that we replace the language that such structures be built behind the back line of the property with appropriate language to define a median point of the structure, the house, and that the accessory structures be permitted to be built no further forward than the midline of the property and all other parts of the recommended Ordinance as written stand.

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There being no further business, Mr. Costello moved, Mr. Coyle seconded and it was unanimously carried to adjourn the meeting at 8:25 p.m.

Respectfully Submitted,

Colin Coyle, Secretary