

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – AUGUST 6, 2024

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on August 6, 2024. Mr. Solor called the meeting to order at 7:40 p.m. noting that at this point there are only two Board members present. Mr. Flager stated if another Board member does not become available, there will be an Administrative Continuance to the next meeting. He stated two of the Agenda items were already requesting Continuances. Mr. Connors joined the meeting at 7:47 p.m. which resulted in a quorum.

Those present:

Zoning Hearing Board: Peter Solor, Chair
James Dougherty, Vice Chair
Matthew Connors, Member

Others: Dan McLoone, Planner
Adam Flager, Zoning Hearing Board Solicitor

Absent: Judi Reiss, Zoning Hearing Board Secretary
Mike McVan, Zoning Hearing Board Member
Daniel Grenier, Supervisor Liaison

APPEAL #Z-24-13 – MILLER/FARRELL
Tax Parcel #20-052-052
208 W. FERRY ROAD, YARDLEY, PA 19067

Mr. Dougherty moved, Mr. Connors seconded and it was unanimously carried to Continue the matter to October 1, 2024.

APPEAL #Z-24-3 – MRG STONY HILL
Tax Parcel #20-016-036-001
748 STONY HILL ROAD, YARDLEY, PA 1907

Mr. Connors moved, Mr. Dougherty seconded and it was unanimously carried to Continue the matter to September 3, 2024.

APPEAL #Z-24-15 – CREBS
Tax Parcel #20-038-065
2115 N. CRESCENT BLVD, YARDLEY, PA 19067

Mr. Flager stated five additional Site photos including an aerial were collectively marked as Exhibit A-4. A 37-page packet from the Reedman family including letters and articles was collectively marked as Reedman-1.

Ms. Bethany Crebs and Mr. Nicholas Crebs were sworn in.

Ms. Crebs stated they were unsuccessful in having a conversation with the Reedmans although they reached out to them. Ms. Crebs stated she is requesting a conservative amount of chickens. She stated 8% of American households have back yard chickens. She stated they have a fully enclosed back yard with a 6' fence, and she has provided some images for the Board. She stated the chickens would be enclosed in a coop that would be encased in a chicken run and they would be chaperoned outside to make sure that they would not be invasive to anyone's property. She stated there were chickens previously in the neighborhood; and although that property did not share a property line with the Reedmans, that property owner had four times the number of chickens that she is requesting and did not have enclosures. She stated she believes that this addresses the concerns that the Reedmans had although they were not able to have a dialogue with them.

Mr. Dougherty asked why they were unable to have a conversation with the Reedmans, and Ms. Crebs stated they received no response from the Reedmans. She added that prior to the last meeting, she had reached out to them; and there was no response. She stated she had taken their silence for indifference; however, they did not sound "on board" at the last meeting. Ms. Crebs stated she wanted to have a conversation with them about their concerns after the last meeting; however, they did not reply.

Mr. Crebs stated they want this to work for everyone, and they do not want a situation where any of their neighbors are inconvenienced by the chickens or cause any kind of property damage. He stated their goal with initiating a dialogue with the neighbors was to understand some of their concerns and talk about ways to allay those. He stated we will have a fully-enclosed chicken run, and will make sure that the chickens are not going into anyone else's property. He stated they would make sure to respect all of the property lines and that the chickens do not cause any damage to anyone else around them. He stated they were not successful in getting that dialogue going due to lack of response from the neighbors.

Mr. Connors asked the size of the lot, and Mr. Crebs stated it is between .9 to 1.2. Mr. Connors asked the number of chickens they are requesting. Ms. Crebs stated it would be a maximum of 5 with 3 being the minimum amount since they are flock birds, and there need to be a minimum of 3. Mr. Connors asked if they would just be hens, and Ms. Crebs agreed it would be hens for educational purposes for children including her own and those they are locally involved with. She added she would be teaching sustainability and responsibility.

Ms. Crebs stated the coop could be placed over 100' from the Reedman property line and still be within 50' of the other property line which would be a legal placement.

Mr. Connors asked Ms. Crebs if she has raised chickens before, and Ms. Crebs stated she grew up with chickens at her parents' home.

Mr. Flager asked if it would be 50' from the property line and there is no longer a request for 35' from the property line, and Ms. Crebs agreed. Mr. Flager stated the only Variance is therefore related to the acreage, and Ms. Crebs agreed.

Ms. Judith Reedman was sworn in. She stated it is unacceptable under any circumstances to have a chicken coop next door. She stated her immune system is compromised. She stated she has studied the CDC. She stated she has lived here 60 years and was President of the Women's' Club and several different clubs.

The Court Reporter and Board members were having difficulty hearing and understanding Ms. Judith Reedman.

Ms. Christine Reedman was sworn in. She stated they clearly responded what some of their concerns were. She stated Ms. Crebs therefore made "another misrepresentation" regarding her feelings about them having chickens. She stated she does have a text message that shows that they did respond although she does not know if that text message came from Ms. Crebs or her husband. Ms. Reedman stated at the last meeting Ms. Crebs that they not only "approved but they were excited was a complete misrepresentation of how they felt so they are not comfortable speaking off Record, and they would prefer to have their conversations with the Board." She stated she clearly responded to them in a text message, and saying that they did not get back to Ms. Crebs is "another misrepresentation."

Mr. Solor asked that Ms. Reedman speak to her concerns with the proposal. Ms. Reedman stated they are opposed to having farm animals next door, and they have great concern about the neighbor having back yard farm animals. She stated this is a Residential neighborhood with minimum acreage, and it is not a farm. She stated having farm animals changes the character of the neighborhood. She stated her family also has many serious health concerns including her mother who is a Senior and has lived in this community peacefully for over sixty years and has been involved with many of the neighbors and has never had an issue dealing with any problems. Ms. Reedman stated she also has a young child with very serious health issues. She stated between her mother and her child it becomes a great concern having these chickens and farms animals in the home next door to them.

Ms. Reedman stated her mother was trying to talk about all of the research with the CDC in which the CDC says clearly that it is not recommended to have back yard animals around young children because their immune systems are not fully developed. She stated there are also issues with immunocompromized people and also Seniors so that involves her entire household. She stated the CDC also warns about many diseases that chickens carry which are carried in the feces, in the air, and spread in many ways including in the lawn and the environment where the chickens are. She reviewed the infections involved. Mr. Solor stated Ms. Reedman is reading from what she provided in the packet to the Board. Ms. Reedman stated the chickens are not recommended by the CDC because of the many diseases they carry. She stated for people with immunocompromised conditions, including the people in her household, it becomes a serious problem and serious health concern, “a very serious liability for us and our family that is life threatening which they take very seriously.” Ms. Reedman stated that the CDC also discusses that the chicken droppings attract insects, rodents, and other wildlife that carry even more diseases. She stated there is also the issue of “bio-security” which is keeping disease away from animals, other people, and property. She stated there is a great concern of it being spread from the wild animals, and there are different types of diseases, to the back yard chickens; and these “zoonotic diseases can be spread to the people by the air, things in the grass, etc.”

Ms. Reedman stated another hazard is the respiratory hazard from poultry dust; and anyone who grew up with chickens would know you would have to be well equipped wearing respiratory and so forth so that you do not develop lung diseases. She stated having families with farms in the area, she is very aware of all of the precautions that are needed to remain safe.

She stated poultry also carries all kinds of parasites which she listed; and all of that can infect the lawns. She stated there are also flies that are attracted and breed in the chicken feces, and flies often become a huge problem for people with back yard chickens. She stated flies spread hundreds of diseases.

Ms. Reedman stated there is also a problem with rats, and she has spoken to a couple of people who had to deal with neighbors or someone they knew getting back yard chickens; and they indicated that there was such a bad rat infestation for themselves and their neighbors “that is was unbearable,” and they felt sorry for her situation.

Ms. Reedman stated for all of these reasons, they are opposed to the farm animals next door. She reiterated several other points she had already noted; and the Board indicated that these points had already been made.

Mr. Solor stated there were chickens permitted on this street previously, and he asked Mr. McLoone if there were any issues or complaints on Record with the Township. Mr. McLoone stated he was not aware of any.

Ms. Crebs stated when she had indicated previously that there was “enthusiasm,” it was from the people who had responded to her; and she did not mean to misrepresent the Reedmans next door. Ms. Crebs stated with regard to the health concerns, she would lean on precedent as there were chickens a few doors down that did not impact their health. She added she does not want to impact the health of her neighbors.

Mr. Crebs stated he has looked at Doylestown Township where the rule is that there can be no more than five chickens, and a Variance is not needed as long as the property is at least 45,000 square feet which is .9 acres. He stated there is therefore precedent not just in this neighborhood but also in other Townships in the area where up to five chickens on a lot of their size is not an issue.

Mr. Dougherty stated because the next-door neighbor is so adamantly against it, he would not be in favor of granting the Variance. He stated he understands that different Township have different rules and there was a chicken coop down the street. He stated he is trying to understand the needs of the neighbor next door, which is why he cannot vote in favor of the Variance.

Mr. Solor stated a lot of Appeals come before the Board regarding the ability to use the property; and in this case, it is not prohibiting the full use of the property so it would be difficult to vote in favor.

Mr. Connors stated he agrees with Mr. Dougherty. He stated he has had chickens, pheasants, and ducks; but the problem is that the neighbor has concerns about their health. He stated under normal circumstance he would be in favor; however, it is difficult for him to find a reason to agree to the dimensional Variance. Mr. Connors stated the Applicant could withdraw the Application and try again later.

Mr. Dougherty stated the Applicants did a nice job of presenting their case; and he believes the Board, under ordinary circumstances, would not have had an issue.

Mr. Dougherty moved, Mr. Solor seconded and it was unanimously carried to Deny the Appeal.

APPEAL #Z-24-17 – PALLOTTA
Tax Parcel #20-049-034
408 BIG OAK ROAD, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plans were marked as Exhibit A-2. Building Plans were marked as Exhibit A-3. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Michael Pallotta and Ms. Diane Pallotta were sworn in.

Mr. Pallotta stated he is asking for a Variance to construct a pole barn in the front corner of the property rather than the fourth back corner. He stated he is also looking for a height 25', although it will not be that high.

Ms. Pallotta stated the reason they are requesting the Variance to be closer to the home is because the back of their property sits on approximately 2 acres of land most of which is wooded except for a small portion up to the house. She stated in order to not have to disturb the trees all the way back in that quarter acre, they are asking for a Variance to bring it up so that they do not have to take all of that woods down. She stated where the pole barn

would go in the back corner it would back up to a cul-de-sac behind them; and they felt it would be less intrusive and they would have to take a driveway all the way back there.

Mr. Solor stated while he does not have an issue with agreeing to the front quarter, he is concerned about the height. Mr. Pallotta stated in the future he eventually would like to get a motor home, and he did not want to restrict himself as to the height. Mr. Solor stated he does not know how a motor home would fit in what is being shown for the building. He stated the garage door is only 10' high. Mr. Pallotta stated that was a rendering. He stated he could not get anyone to give him an actual drawing until he is under Contract with them, and he did not want to go under Contract with anyone until he got these steps taken care of.

Mr. Solor asked what the height of the door would be. Mr. Pallotta stated he believes it would be 10'. Mr. Connors stated motor homes are 12' plus. Mr. Pallotta stated this is just a rendering and not an actual Contract. Mr. Pallotta asked if they make 12' doors, and Mr. Solor stated they make 12', 14', and 16'. Mr. Pallotta stated he would make it a 12' door.

Mr. Solor asked if they have talked to the neighbors on that side of the cul-de-sac; and Ms. Pallotta stated they just moved in in February, and do not know anyone.

Mr. Connors asked the slope of the roof, and Mr. Pallotta stated it will probably be a "4 12." Mr. Connors asked the width of the building. Mr. Dougherty stated on the Site Plan it shows a 40' by 50' footprint. Mr. Pallotta stated it will be 40' side and 50' deep.

Ms. Pallotta stated her husband is a woodworker; and the purpose of the pole barn, besides the RV, would be during retirement he could do woodworking during the day, and he has a lot of equipment for woodworking. She stated this is just a hobby and it would not be to sell. Mr. Pallotta stated it is also to house his classic car. Ms. Pallotta stated she knows that the property is Zoned "Professional" because it was at one time a dental office; but they are not looking to start a business or have any kind of retail sales.

Mr. Dougherty stated he looked at the aerial photo and topographical maps to understand why they were not putting this back; and when he saw the aerial photo he felt it made sense that they would not want to put it to the back quarter of the lot. He stated there is a higher density of homes on the right side where they want to put the pole barn, and there is not

that same condition on the left side of the lot. He stated he would also like to understand why it needs to be 25' high. Mr. Dougherty stated there are going to need clarity as to what makes sense with regard to the roof height. Mr. Solor and Mr. Connors stated given the pitch noted it could be 20'. Mr. Connors stated he is concerned about the height which is driven by the size. He stated 40' by 50' is a large barn. He stated if Mr. Pallotta were to get more clarity as to what he actually needs and do some space planning, he could see what he could do to shrink the building down. He stated the height could also be reduced. He stated he does not have an issue with bringing it outside of the rear part of the property as that would keep up more trees and provide more of a buffer. He suggested Mr. Pallotta consider this more and get more clarity and come back before the Board.

Ms. Pallotta stated on the one side of the home, there is a koi pond and a shed; and they would be losing those which were attractive to them when they bought the home if they were to put the pole barn on that side. Mr. Pallotta stated there is also a fence and some pine trees. Ms. Pallotta stated on the right side of the house where they are looking to put the pole barn, when you come down the driveway, there is already a huge, established blacktop area which was the dental parking lot.

Ms. Pallotta stated they did speak to the neighbor directly next door, but their property stops before the pole barn would stop; and then there are two acres of Church woods. Mr. Pallotta showed his property on the aerial including the existing circular driveway, and he noted the proposed location of the pole barn. He stated his intent was to take it off the driveway and go back. Mr. Dougherty stated that does not appear to be too intrusive.

Mr. Flager asked if the neighbors they spoke to are the ones to the right looking at the house from the street, and Ms. Pallotta agreed. Mr. Pallotta also noted on the aerial the St. John's Church property which is wooded.

Ms. Elizabeth Schenck was sworn in. She asked if the area they are discussing is where the trees were already removed. She stated she owns the second house on the right. Ms. Pallotta stated it will not be necessary to take any more trees down; and Ms. Schenck stated if that is the case, she does not have a problem with what is proposed.

Mr. Dougherty stated he does not have an issue with the size of the building since it is a huge lot and it is not really up against anyone's house. Mr. Connors stated the size of the building would be directly proportional to the height.

Mr. Pallotta stated with regard to the height shown, he was “shooting for high and then take what is given.” He stated he is going for a 12’ side wall and a 4:12 pitch. He stated whatever the height is at that point. Mr. Solor stated that would be just under 20’. Mr. Connors stated he would be in favor of a Variance at a set height. Mr. Solor stated the location makes sense and the height at 20’ would be better than 15’. He stated lowering the height reduces the visual impact.

Mr. Dougherty moved, Mr. Connors seconded and it was unanimously carried to approve the Appeal wherein the location of the shed will be very close to what is demonstrated on the Exhibit presented today and it is acceptable that it is not on the back quarter of the Lot. Furthermore granting the Variance where 15’ is the allowable height, the pole barn is not to exceed 20’ in height. All of this is subject to the approval of the Township engineer at the time the pole barn is built and installed.

OTHER BUSINESS

It was noted the next meeting of the Board will be September 3, 2024.

There being no further business, Mr. Dougherty moved, Mr. Connors seconded and it was unanimously carried to adjourn the meeting at 8:35 p.m.

Respectfully Submitted,

Peter Solor, Chair