

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – MAY 19, 2025

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on May 19, 2025. Mr. Dougherty called the meeting to order at 7:30 p.m.

Those present:

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

Others: Dan McLoone, Planner
 Maureen Burke-Carlton, Township Solicitor
 Adam Flager, Zoning Hearing Board Solicitor
 Suzanne Blundi, Supervisor Liaison

APPEAL #Z-25-9 – MILLER/FAULKNER
Tax Parcel #20-37-127
704 BRIARWOOD COURT, YARDLEY, PA 19067

Ms. Erika Miller, attorney from Obermayer, was present with Mr. Faye Faulkner, the owner of the property and Ms. Helen Concannon-Happ, architect, who were sworn in.

Mr. Flager marked the Exhibits as follows: The Existing Features and Proposed Addition Plan dated February 27, 2025 was marked as Exhibit A-1. The Existing First Floor Plan dated March 26, 2024 was marked as Exhibit A-2. The Proposed Plans dated January 28, 2025 were marked as Exhibit A-3. The Impervious Calculations Chart from the Existing Features and Proposed Addition Plan dated February 27, 2025 was marked as Exhibit A-4. The Property Deed Recorded on March 1, 2023 was marked as Exhibit A-5. The Recorded Subdivision Plans Recorded June 24, 1966 were marked as Exhibit A-6. The Application was marked as Exhibit A-7. The original one-sheet Site Plan submitted previously was marked as Exhibit A-8. The Addendum attached to the Application was marked as Exhibit A-9. 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.

Ms. Miller stated Ms. Faulkner purchased the property in 2023. It is within the R-2 Zoning District and is currently developed with a single-family, two-story dwelling, a deck, a shed, and a driveway. She stated they are proposing to expand the existing home with a 756 square foot expansion, removing a portion of the deck, and expanding off the back of the home. The purpose of the expansion is so that Ms. Faulkner's mother can live with her and have access on the first floor. There are currently no bedrooms on the first floor, and this expansion allows for a relatively small but useful and accessible first-floor bedroom.

Ms. Miller stated they are seeking two Variances. She stated the property is subject to an 18% impervious surface cover. It is an existing non-conforming regarding impervious cover with an 22.5% existing non-conformity. She stated the property was subdivided and built in 1966; and at the time it was built, it was already at the 22.5% non-conformity. She stated the Township's Zoning Ordinance only allows for 18% for buildings that are subdivided prior to 1987. Ms. Miller stated after that, you can have up to 28% impervious cover so it is a 10% difference. She stated they are seeking 26.9%. She stated on A-1 it can be seen that they are proposing a stormwater management plan on site. She stated she understands that the 1987 allowing a higher impervious coverage is because of the required stormwater management, and they are taking care of any of those issues on site; and Ms. Happ will explain what they are proposing. Ms. Miller stated they are seeking 26.9% which she feels is a de minimus amount especially since they are proposing stormwater on site.

Ms. Faulkner stated she is the owner of the property and purchased it on February 22, 2023, and has lived at the property since that time. She stated existing on the property is a single-family home, and there is a deck and a screened-in porch. Ms. Faulkner stated she understands that since the property was built in 1966, she is subject to the 18%. Ms. Miller asked Ms. Faulkner if she has done any exterior additions or expansion since she purchased the property, and Ms. Faulkner stated she has not. She stated she has not added to the existing non-forming status.

Ms. Miller asked Ms. Faulkner if she has spoken to her neighbors about the proposed expansion; and Ms. Faulkner stated from the neighbors they spoke to, they were in favor of the proposal and felt it would help with the property values in the neighborhood.

Ms. Miller asked Ms. Faulkner why she needs the expansion and the purpose of having the first-floor bedroom. Ms. Faulkner stated the first-floor bedroom is for her mother so she can continue to live with she and her husband in the home. Ms. Faulkner stated as her mother ages, she does not want to go to a facility, and this will keep her in the home on one floor. The existing bedrooms are all upstairs. The kitchen and family room are on the main floor, and this will allow her mother access into the building easier as well as the kitchen and bathroom.

Ms. Happ stated she is a Licensed architect in Pennsylvania and New Jersey. She stated while she has testified before other Zoning Hearing Boards in Bucks County, she has not been before the Lower Makefield Zoning Hearing Board. She has been admitted previously as an expert. Ms. Miller offered Ms. Happ as an expert in architecture and design, and that was acceptable to the Board.

Ms. Happ stated she was retained to design the Plans being shown tonight, and she is familiar with the Lower Makefield Zoning Ordinance, and is familiar with the property and the neighborhood.

Exhibit A-1 was shown which is the Existing Features Plan as well as the Proposed Plan, which is slightly different from what was submitted with the Application and includes on-site stormwater management. Ms. Happ showed on the Existing Features Plan the main part of the house, existing deck, and existing screened porch with the associated steps which they are proposing to remove. She noted the Proposed Plan showing the existing house, the addition which contains the bedroom and bathroom, and the re-worked laundry room on the first floor. It also shows the new screened porch and steps from the existing family room area down to a small patio that accommodates a grill. Ms. Miller stated with the Proposed Plan they are only adding 4.4 % impervious coverage, and Ms. Happ stated they are increasing the impervious surface by 4.6% which is a total of 756 square feet net new area.

Ms. Happ stated they are proposing to manage all of the impervious surface area greater than the allowable 18% not just what they are adding. The stormwater proposal was on the Revised Plan. Ms. Happ stated the total lot area is 17,175 square feet, and the proposed total impervious for the new addition and the existing is 4,618. She stated using 18%, they would be allowed to have 3,092 square feet. She stated if they managed all of the impervious area greater than the allowable 18%, they manage 1,525 square

feet. She stated they take all of the water from the back of the existing and proposed addition and direct it through the gutters and downspouts into an underground dry well. She stated 263 cubic feet is needed to hold all of water required. She stated the pit will be full of stone, and the allowable void area is 40% of that area. She stated the dry well will therefore be 658 cubic feet, and the pit will be 4' deep, 8' wide, and 20 ½' long. She stated it is shown on the Plan as well as how the gutters are directed into that pit.

Ms. Miller asked Ms. Happ if this would be able to be expanded without the requested Variances, and Ms. Happ stated there could be no expansion at all without a Variance since it is already non-conforming. Ms. Miller asked if the room being built is the minimum amount that would allow for a room that would allow for mobility within it, and Ms. Happ agreed it is. Ms. Miller asked Ms. Happ if she feels that because of the Code requirements and the size and shape of the property there is a hardship that allows for a Variance, and Ms. Happ stated she does. Ms. Miller asked Ms. Happ if the approval of the Variances alters the essential character of the neighborhood, and Ms. Happ stated she does not believe it would. Ms. Miller asked Ms. Happ if in all other respects besides the requested Variances, does the Plan comply with the Zoning Ordinance in the Township, and Ms. Happ agreed. Ms. Miller asked Ms. Happ if her opinions have been given in the capacity of an expert in the field of architecture, and Ms. Happ agreed.

Mr. Solor asked if there is an adequate tributary area to reflect what they are trying to mitigate. Ms. Happ stated the back roof watershed is 1,579, and the impervious area they are managing is 1,525.

An aerial of the neighborhood was shown. Ms. Miller stated in the back there are trees that provide a lot of coverage to the rear of the lot in season. adding the photo being shown was probably taken in fall or winter.

There was no one wishing to make public comment at this time.

Ms. Reiss moved, Mr. Schwartz seconded and it was unanimously carried to approve the Appeal for the Variances with approval of the Township engineer for existing of 22.5%, raising it to 26.9% where 18% is the maximum, and they will ameliorate it back to the Code of 18%.

APPEAL #Z-25-15 – ABDUVORISOV
Tax Parcel #20-049-315
481 PRINCE WILLIAM COURT, YARDLEY, PA 19067

Mr. Dougherty stated the Township solicitor is present on behalf of the Township, and will be a Party to this matter.

Mr. Aziz Abduvorisov was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. 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. Abduvorisov stated he got chickens in February, 2023. He stated since then he has not had any issues other than last year when two pit bulls came in and “ripped up” several of the chickens. He stated a few weeks later he got a notice. He stated he grew up in Brooklyn, and did “not know anything about this and did not think much of it until recently when he was called into Court.”

Mr. McLoone stated Township’s Code Enforcement cited the house, and it went to the Court of Common Pleas. Mr. Abduvorisov stated he met someone from the Township who showed him the Website “on where to go and how to get it done.”

Mr. Abduvorisov stated he moved into the Township in 2021, and he has three sons and two nieces; and they noticed that they are allergic to certain antibiotics and certain foods. He stated they started to recognize which foods they are allowed to eat and which ones they are not allowed to eat. He stated one thing they noticed is that they cannot eat store-bought eggs. He stated he tried the ones that are “range free, hormone free” but it does not work;” and after a few days they get red dots around their mouths. He stated if they continue to eat them it goes throughout their whole body. He stated he goes to an auction in New Jersey and he bought eggs from them as well, but they still use “some type of antibiotics in their chickens,” and they are not allowed to eat them.

Mr. Abduvorisov stated the chickens he has have no antibiotics and no medication at all. He stated when he gets home around 6:00, he lets them out for one to three hours. He stated all the food that his family eats is made from scratch, and his wife and his sister-in-law make everything from scratch. He stated they have a lot of scraps left over so they utilize them

and give them to the chicken so they “eat basically all natural.” He stated when the kids eat those eggs, there are no reactions at all. He stated when they went overseas in 2022 his son was eating eggs from his uncle’s chickens, he did not have any reaction since their chickens are all natural. He stated his uncle gave him the information on how to raise chickens.

Ms. Reiss asked the size of the property, and Mr. Abduvorisov stated it is .95 of an acre. Mr. Dougherty stated the allowable is 5 acres.

Mr. Solor stated the map shows an area restricted from development, and he asked Mr. McLoone what is that restriction. Mr. McLoone stated they were not able to find any Easements on the Recorded Plan. Ms. Reiss stated it is therefore not owned by the Township, and Mr. McLoone agreed.

Mr. McVan noted the triangle portion on the map, and Mr. McLoone stated that is the Applicant’s property.

Mr. Dougherty asked Mr. Abduvorisov if he knew why a portion of his property was restricted, and Mr. Abduvorisov stated he does not know. Mr. McLoone stated he checked with Mr. Majewski and they could not find anything.

Mr. Dougherty asked why the chicken coop was placed so close to the property line, and Mr. Abduvorisov stated it is easier to see. He stated they first had it in the area where it states on the map “area restricted;” but when it rains there are a lot of puddles there so they brought the coop over to the side. He stated “TMP 20-49-55 is where Buddy lives.”

Mr. Abduvorisov stated at one time he had 6 roosters, and he told Buddy that he was going to get rid of them because they had just started crowing, but Buddy said he did not mind and they could keep the chickens and the roosters. Mr. Abduvorisov stated he only has 1 rooster now, and he does crow in the morning. He stated he has talked to his neighbors, “Mike, John, Robin, and Gary, and Mike, Robin, and Gary said ‘they don’t know,’” but Buddy and John said they do not mind at all.

Mr. Schwartz asked if there are two coops, and Mr. Abduvorisov agreed. He stated in the first coop there are 11 chickens including the rooster, and in the second coop there are 17 “young birds.” Mr. Abduvorisov stated the chickens are 1 ½ to 2 years old, and he will be getting rid of the them. He stated he does not know which of the chicks are roosters or hens; and once they get of egg-laying age or have the markers of being a rooster, he

will get rid of the them and keep the chicks. Mr. Abduvorisov stated he is friends with a butcher in Philadelphia, and he will take them to him and he will get them back as a food source. Mr. Schwartz asked the expected life-span for the egg-laying chickens, and Mr. Abduvorisov stated his uncle says it is usually two years. Mr. Schwartz stated Mr. Abduvorisov is therefore planning for the replacements, and Mr. Abduvorisov agreed.

Mr. Schwartz asked how many eggs they get a day, and Mr. Abduvorisov stated he gets 6 to 8 a day.

Ms. Carlton stated the Supervisors asked her to appear because this is a Variance which is not de minimus. She stated the request is to have a large number of chickens, young birds, and a rooster on .94 acres where 5 acres is required under the Ordinance. She stated just as important the side yard setback are violated for both the first and the second coop. She stated the second coop is only 5' from the side yard, and the Ordinance states that any such accessory structure for livestock shall be 50' from any property line so this is not a de minimus request for Variance.

Mr. Schwartz asked if there is a number of chickens that are allowed on 5 acres, and Ms. Carlton stated it does not state that in this section of the Ordinance.

Ms. Reiss asked if the area is restricted from development, how can they find out who owns it. She also asked if it would be possible for the chickens to be there since it is a large area. Mr. Dougherty stated it is owned by the Applicant. Ms. Carlton stated she believes that it is owned by the Applicant because the restricted area is incorporated into the .94 acres. She stated she assumes it is on the Deed; and if a full Title Search was done, there should be something Recorded as to why it is restricted. Mr. McVan asked if it could be something to do with the St. John's Lutheran Church which this property backs up to. Ms. Carlton stated while it could be, it would be unusual for a neighbor to have a restriction on a property owned by another. Ms. Carlton stated the Deed was not attached to the Application so she did not see what the restriction was.

Mr. McLoone stated with regard to the permitted number of chickens, the Ordinance states 30 birds or poultry is 1 livestock unit, and he is 29 so he did not need a Variance for it. Mr. Schwartz stated that is for 5 acres

Ms. Carlton stated this matter has been before the Board a number of times, and the Supervisors are hesitant to allow something like this for this large number of poultry/livestock on such a small acreage within the Township.

Mr. Derek Cohen was sworn in and stated he lives at 482 Prince William Court which is next door to the Applicant. He stated the Subdivision is called The Sanctuary that was an all wooded area, and he understands at one point it may have been an arboretum. He stated you are prohibited from “doing anything back there.” He stated part of the issue they have had is that in order to accommodate this, there has been a tremendous removal of trees from the back yard, not professionally, and they have just been taking down the trees.

Mr. Cohen stated last fall there was a “chicken massacre,” and he understands that at that time the LMT Police and the Animal Control Officer informed the Applicant that he could not have chickens; but rather than getting rid of the chickens, he built a different coop and moved trees, and put up another coop in the middle of the back yard. Mr. Cohen stated they hear the chickens every day, and it is a nuisance. He stated in the Applicant’s Certified Application and under Oath he said that he spoke to his neighbors, including Mr. Cohen’s wife, about whether they agreed to it; and Mr. Cohen stated Mr. Abduvorisov did not speak to his wife.

Mr. Cohen stated since last December he has been in touch with Township officials about this, first with the Animal Control Officer on December 14 because of the noise and because they did not want to have another incident with another “chicken massacre.” Mr. Cohen stated he was referred to Mr. Kirk, the Code Enforcement Officer, and he asked for photographic evidence which Mr. Cohen provided to him. Mr. Cohen stated he also expressed his concern that they were removing trees and putting things up in the back yard where they should not be. Mr. Cohen stated he spoke to Mr. Kirk on January 2 and was informed that a formal Notice of Violation had been provided, and that they had 30 days to remove the structure or seek a Variance. Mr. Cohen stated on January 23, he had another e-mail exchange with Mr. Kirk when he continued to express concern about the noise from the rooster, and Mr. Kirk advised that there had been no response from the Applicant at that time. Mr. Cohen stated Mr. Kirk informed him on January 31 that he had filed a Court Citation against the owners, and on May 10 he was advised by Mr. Kirk that there was a Court date of May 26. Mr. Cohen stated that prior to the Court date and before receiving any Variance, the Applicant moved a more permanent structure closer to the property line. Mr. Cohen stated on April 23, he sent Mr. Kirk

photos of the new structure, and was advised that on or about March 26 the Applicant had applied for a Variance and that the Court Hearing would be postponed pending the Decision of the Zoning Hearing Board.

Mr. Cohen stated he received a copy of the Application and was surprised to hear Mr. Abduvorisov say that he had spoken to he and his wife and that they had no problem since they do have a problem and have been repeatedly in touch with the Township. Mr. Cohen stated this weekend the chickens were let out in the back yard. He stated this is not a place to have 30 chickens. He stated it is a nuisance to be his neighbor, and there are health concerns that go along with this. He stated having the chickens roam freely also attracts predators. He stated if there is a health issue, that is not a Zoning issue, and it does not create any basis under the law for a Variance. He stated there are two major violations by having the poultry when there is less than 5 acres and also having them in a development. He stated there is nothing unique about this property that would qualify for a Variance, and the only thing that is unique is that he would like to have it for convenience; and that is not a basis for a Variance under the law. Mr. Cohen asked the Board to reject the Application.

Mr. Rich Bowen was sworn in. Mr. Bowen asked if the aerial being shown was current, and Mr. McLoone stated it is the 2025 Aerial Imagery from the Bucks County Planning Commission. Mr. Bowen stated he represents St. John's Lutheran Church. He stated they were not informed until they got the letter expressing the Variance. He stated they had the property surveyed. He noted on the aerial a triangular area which belongs to the Church. He stated it is landlocked which could be why there is a restriction on it. He stated there is no way to get to it from any of the streets. He stated the Church has not built on it, but they have intentions in the future of perhaps making a "sanctuarial type walk through that like a nature walk."

Mr. Bowen stated they are concerned about the chickens. He stated he can hear the rooster every Sunday at Church, and it is very close to their property line. He stated there are children from a sister congregation that uses the facilities, "and they are running around." Mr. Bower stated they are concerned about the waste and where it is going. He stated they have already approached the landowners about putting bushes and other waste on the Church's property, and they have pictures. He stated there is a requirement for 5 acres, not less than 1.

Mr. Bowen stated while he understands the Applicant's concern about the eggs, there must someone in the area who has eggs that his children can eat.

Mr. Bowen stated they are not in favor of this Variance, and they ask the Board to not agree to it.

Ms. Reiss stated if it were two to three chickens, she might have been more amenable. She stated she has had chickens and ducks, and they make noise, make a mess, and they attract predators. Ms. Reiss stated she is familiar with the area which was a sanctuary and at one point it was an arboretum. She stated roosters also make noise. She stated there is an Ordinance, and it is the Township's responsible to stick with the Ordinances and let people know that when something is against the Ordinance, they have to make that change.

Mr. Abduvorisov stated he did talk to the neighbors, and he did greet Mr. Cohen's wife several times. He stated with "Mike, Buddy, and John, he specifically told them that if they bothered them, he would remove them." He stated "Robin has never expressed anything about the chickens."

Ms. Reiss stated there are Ordinances for a reason and it is a noise issue and an issue with predators in this area as it is more developed. She stated she sympathizes with Mr. Abduvorisov's problem, and she knows people in the Township with large properties that do have eggs and they do not use antibiotics.

Mr. Dougherty stated this is far below the requirement of 5 acres. He stated there are also neighbors indicating that they do not like it, and he cannot vote in favor of this.

Mr. Solor moved and Mr. Schwartz seconded to deny the Appeal.

Mr. Dougherty stated there are others who have been denied for this.

Motion to deny carried unanimously.

Mr. Abduvorisov stated he does have a lot of trees and Mr. Cohen had talked about chopping down the trees. Mr. Abduvorisov stated in a few weeks the ground will dry up. Mr. Dougherty stated the Zoning Hearing Board does not have governance over what he can cut, and he should discuss this with Code Enforcement. Mr. McLoone stated Mr. Kirk can answer any questions Mr. Abduvorisov has about the trees.

Mr. Abduvorisov asked how long he has to remove the chicken. Ms. Carlton stated she feels the Applicant should be told how long he has to bring the property into compliance. Mr. Flager stated there will be a Findings of Fact issued within 45 days from tonight, and there is a 30-day Appeal period if Mr. Abduvorisov chooses to Appeal. He stated once the Appeal period ends, then everything would have to be gone. Mr. Dougherty stated if he has any questions Mr. Abduvorisov should contact Code Enforcement or Mr. McLoone.

Ms. Carlton stated it is very confusing that the gentleman from the Church stated that the area of restriction shown on the property is Church property but it is being shown as part of the Applicant's property. She stated she feels it would behoove both Parties to find out whose property it is by doing a search.

APPEAL #Z-25-16 – CAPOZZOLA
Tax Parcel #20-022-093
1010 HARVARD DRIVE, YARDLEY, PA 19067

Mr. Dominick Capozolla was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Shed Rendering/ Specs was marked as Exhibit A-3. The Impervious Surface Breakdown and Stormwater Small Project Volume Control was collectively marked as Exhibit A-4. 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. Capozzola stated he is looking to install a 12 by 24 shed in the back of his yard, and it will be opposite a shed that his back neighbor has. He stated it will lead to a de minimus increase in impervious surface of under 2%. He stated he is prepared to mitigate that; and under the spreadsheet that the Township has on its Website, he will need to put in 6 evergreen trees. He stated he understands that there are requirements that it will not change the neighborhood, and he is prepared to defer to that; but he can read it into the Record if the Board wants him to do that.

Ms. Reiss stated while she loves the idea of trees, they are not a permanent solution to the water. She stated trees do not live forever, and the next person may not like them and cut them down so you cannot use the trees as mitigation for the water. Mr. Capozzola stated he would substitute an infiltration ditch if that is what the Board would like him to do. Mr. Flager stated he could do both.

Mr. McLoone a small one of 2 by 4 by 15 would suffice.

Mr. Dougherty asked if they are mitigating back to 26.6% or back to 18%. Mr. McLoone stated since it is a small shed, he feels mitigating it back to 26.6% would be fine. He stated it would be much more expensive and a much bigger infiltration trench to bring it back to 18%. He stated this would be a Board decision.

It was noted that a rendering of the shed was provided, and it is not a shipping container.

There was no one from the public wishing to speak on this matter.

Mr. Dougherty stated he would be in favor of mitigating back to the existing 26.6%. Mr. Solor stated we have typically used 1% in the past as the mark for difference. He stated he understands that mitigating back to 18% would be a lot of effort, but he asked about doing the trees and the infiltration trench as a solution. Ms. Reiss agreed.

Mr. Capozzola asked how much trees would cost, and it was noted that would depend on the type and size. Mr. Capozzola stated he would be in favor of what Mr. Solor has suggested planting six trees and installing the infiltration bed to mitigate back to an effective of 26.6%.

Mr. Solor moved, Ms. Reiss seconded and it was unanimously carried to approve the Appeal mitigating the impervious surface from 28.3% to 26.6% sing an infiltration system to the satisfaction of the Township engineer and in addition plant 6 trees per the on-line guidance.

APPEAL #Z-25-17 – EXACT SOLAR/ABT
Tax Parcel #20-047-114-007
311 MICHAEL ROAD, YARDLEY, PA 19067

Mr. Christopher Abt was sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The letter in support which outlines the requested relief signed by a number of the neighbors was 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. Flager stated the Township is participating in opposition.

Mr. Abt stated he is requesting a Variance in order to install a ground mount solar array approximately 8' beyond the front of their house. He stated in order to mitigate that they will install a privacy fence so that it cannot be visible from the street; and in order to address any water run-off issues, they are going to install a 4' stone bed. He stated they have addressed the concerns of the neighbors who have visibility of their property, and they have gone to the neighbors and shown them the design; and everyone is in favor of their approach, and they have provided their signatures to the Board.

Mr. Solor stated they have indicated on the Application that they are installing a 6' high privacy fence that extends in front of the house which also requires a Variance. He stated at this point, the fence would not be approved as it is not part of the Variance request. Mr. Abt stated he thought that the solar company had addressed that so they will have to take that up separately. Mr. Dougherty stated this would need to be re-advertised, and this matter could be Continued which would save Mr. Abt the Application Fee.

Mr. Dougherty stated a Variance is needed for the 6' fence because it is extending into the front yard. Mr. McLoone asked Mr. Abt if he would be willing to push the fence back a little bit since the maximum height for a side yard is 7', and he would not need a Variance if he would push the fence back. He stated only a 3' fence is allowed in the front yard. Mr. Dougherty asked if there is room to push it back; and Mr. Abt stated there is, and he was just trying to maximize the amount of area in the back for the children and dog to play. Mr. Dougherty stated there was a prior Applicant that came before the Board four times trying to get a 6' high privacy fence in the front of the property, and it was not granted. Mr. Abt stated he is flexible with pushing it back. Mr. Flager stated by requesting a Continuance, Mr. Abt can take the time to work with their engineer, etc. to see if it can be moved or made less intrusive into the front yard. Mr. Flager stated if the decision is to still have a front yard fence it will need to be advertised. Mr. Abt stated at this point, he feels they will push it back 8'.

Mr. Schwartz asked if the solar panels on the roof; and Mr. Abt stated they were, but they were not getting the generation that they expected. He stated he also spoke to his Realtor who indicated that it would be more difficult to sell the house with the solar panels due to the aesthetics of it which is why they would like to put them on the ground and keep them off to the side and more hidden. Mr. Schwartz asked if having them on the ground would not change the aesthetics for resale; and Mr. Abt stated it would not since they would be behind the fence and not visible from the front of the house, and the generation would be significantly more because of the orientation.

After discussion it was agreed it could be Continued to June 17, but Mr. Abt would have to advise the Township by this Thursday to have it re-advertised.

Ms. Carlton asked that Mr. Abt or his solar company look at the Ordinance since the way she is reading it, it would not just be pushing it back 8' as she feels they are 8' beyond the front of the house. She stated the Ordinance states that accessory buildings or structures are only permitted in the side and/or rear yards behind the median line of the residential dwelling.

Mr. Solor stated he may still need a Variance, but he might alleviate the need for the fence Variance if it was pushed back.

Mr. McLoone asked if they should still advertise for the fence "just in case," and Ms. Carlton stated she feels it is always better to advertise for too much than for too little. Mr. Flager stated either way the Applicant will confer with the solar company or his engineer to determine where it can be put and still have it work, and then let Mr. McLoone know so they know how to advertise. Mr. Solor stated it is either going to be a solar array or a solar array and fence.

Mr. Schwartz moved, Ms. Solor seconded and it was unanimously carried to grant a Continuance to June 17.

APPEAL #Z-25-19 – KARPINSKI
Tax Parcel #20-039-271
387 RAMSEY ROAD, YARDLEY, PA 19067

Mr. Ben Karpinski was sworn in. He stated he is requesting approval for a small, pre-built shed that exceed the 18% impervious surface limit. He stated he needs the Variance to better address stormwater management and improve

the environmental health of his property. He stated the shed is essential for storing tools and equipment needed to expand their garden, plant new trees, and incorporate native plants including 6 to 10 arborvitae trees behind the shed for privacy and additional green coverage. He stated they are also creating a rain garden that includes native species which he listed. He stated these efforts are aimed at improving water absorption, reducing run-off, preventing erosion, and enhancing the overall health of the land. He stated by increasing vegetation and tree coverage, he is directly working to mitigate stormwater impacts which the impervious surface limits are meant to address. He stated the tools stored in the shed will allow him to maintain the improvements long-term insuring their effectiveness. He stated his plans will benefit both his property and the surrounding community.

Mr. Solor stated with regard to the rain garden, he does not see a calculation for the offset volume. Mr. Karpinski stated the calculation that he provided was for the trees alone; and he did not incorporate the rain garden, and that was something extra that he added. Mr. Solor stated the rain garden is a fixed feature. He stated trees can die or disappear. Mr. Karpinski stated he is also willing to do an infiltration trench. Mr. Solor stated the rain garden is that. Mr. McLoone stated a rain garden would be more than fine for the small shed.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Impervious Surface was marked as Exhibit A-3. A letter in support was marked as Exhibit A-4. 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. McLoone stated they can work with Mr. Karpinski on the rain garden.

Mr. Schwartz asked for the distance of the shed from the property line, and Mr. Karpinski stated he did not put that on. Mr. McLoone stated it would need to be 5' from the property line.

There was no one from the public wishing to speak on this matter.

Mr. McLoone stated the shed is not a shipping container.

Mr. Solor moved, Mr. Schwartz seconded, and it was unanimously carried to approve the Appeal utilizing the rain garden to offset the increased impervious area to the satisfaction of the Township engineer with the increase from 26% to 26.9% offset back to 26%.

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Tax Parcel #20-058-158
1349 REVERE ROAD, YARDLEY, PA 19067

Mr. Jonathan Scheer and Mr. Wyatt Miller (in place of Ryan Lederman) were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The Renderings were marked as Exhibit A-3. The Impervious Surface Breakdown and Small Project Volume Control were collectively marked as Exhibit A-4. 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. Flager stated he lives across the street from the Scheers, and he has no opposition to this project.

Mr. Miller stated they are proposing a 540 square foot covered patio which is increasing the existing concrete patio by 108 square feet. They are increasing what is there by 6' wide and 18' long. He stated the infiltration trench designed to mitigate stormwater run-off is 3' by 15' by 3' deep, and they are willing to modify that if needed.

Mr. Dougherty asked what they are mitigating back to. He stated they are going from 26.6% to 28.1%, and Mr. Miller stated they are going back to 26.6%. Mr. McLoone stated 45 cubic feet is required, and they are doing 135 cubic feet. Mr. Solor stated the effective will be 23.6%.

Mr. Scheer stated he is always trying to make their property more beautiful, and he takes great pride in living in Lower Makefield Township.

There was no one from the public wishing to speak on this matter.

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to approve the Appeal increasing the impervious surface from 26.6% to 28.1% mitigating it back to 23.6% utilizing infiltration subject to the satisfaction of the Township engineer.

OTHER BUSINESS

Mr. McLoone reviewed upcoming Appeals. There will be two meetings in June and a meeting will need to be held on July 1.

It was noted that Mr. Solor will be moving out of the Township. Mr. Solor stated the Board of Supervisors should be looking for new members as there is also the potential that Ms. Reiss may be leaving the Zoning Hearing Board. Mr. Dougherty stated it would be helpful if the Board of Supervisors could find an engineer to serve on the Zoning Hearing Board.

There being no further business, Ms. Reiss moved, Mr. Solor seconded and it was unanimously carried to adjourn the meeting at 9:05 p.m.

Respectfully Submitted,

Christian Schwartz, Secretary