TOWNSHIP OF LOWER MAKEFIELD

ZONING HEARING BOARD

MINUTES – NOVEMBER 6, 2023

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield

was held in the Municipal Building on November 6, 2023. Mr. Solor called the meeting

to order at 7:33 p.m.

Those present:

Zoning Hearing Board: Peter Solor, Chair

 James Dougherty, Vice Chair

 Judi Reiss, Secretary

 Matthew Connors, Member

 Mike McVan, Member

Others: Dan McLoone, Planner

 Barbara Kirk, Township Solicitor

 Adam Flager, Zoning Hearing Board Solicitor

 James McCartney, Supervisor Liaison

APPEAL #Z-23-2035 – JOSEPH MENARD

Tax Parcel #20-025-152

917 PUTNAM DRIVE, YARDLEY, PA 19067

Mr. Solor stated they have requested a Continuance to the first meeting in December.

Mr. Connors moved, Ms. Reiss seconded and it unanimously carried to Continue the

matter to December 5, 2023.

APPEAL #Z-23-2033 – STEVEN MELLETT

Tx Parcel #20-017-104

1487 MERRICK ROAD, YARDLEY, PA 19067

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit

A-1. The Site Plan was marked as Exhibit A-2. A fence brochure was marked as

Exhibit A-3. The photos of the existing fence were 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. Steven Mellett and Ms. Kristine Mellett were sworn in.

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Mr. Mellett stated they are seeking approval to run a fence through the part of

the Easement. He stated if they had to go around the Easement it would cause

a hardship in property value due to an awkward look, and they would be giving

up 300 to 400 square feet of property to their neighbor.

Ms. Mellett stated what they are proposing is what they feel is a lot more

aesthetically pleasing in terms of the way the property will look on a “go-

forward basis.” She stated what they would have to do if they would not get

approval for this would be more of a “multi-directional design” which they did

not feel would be the best for what they were looking for for the property and

what they were looking to do. Mr. Mellett stated it would not be best for their

neighbor’s property as well.

Mr. Mellett stated if any access were needed to the storm drain in the future,

they would take responsibility in moving the fence if it needed to be done.

Ms. Mellett stated they included with their Application some other homes

within their area that had “similar things” within their property.

Mr. Mellett stated the actual drain itself is typically centered on the property

line, but this one is not; and he was able to locate the iron pin and measure

out from the end of the house to the property line, and the fence would be

skirting the line on the right side of the actual drain itself as seen on the Plan.

He stated therefore it would not be over the center of the drain.

Mr. Mellett stated there was an existing fence which is rotted and falling

apart, and they feel the new fence will increase property value for their

property and the neighbor’s.

Mr. Solor asked about the diameter of the pipe. Mr. McLoone stated he spoke

to Mr. Majewski who indicated it is 18”. Mr. Solor stated there is no way that

they can put the fence on top of the fence or they will hit it. Mr. McLoone

stated they cannot put it on the top of pipe or over the storm drain, and it

sounds like they are not doing that. Mr. Mellett stated it would not be over

the center where the drain is. He stated the fence would be on the side.

Mr. Solor stated a restriction will be put on any approval that they cannot be

on the pipe for some distance away, and the Applicant will have to work with

that as they do not want the pipe to be damaged; and Mr. Mellett agreed.

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Ms. Reiss asked if they back up to farmland, and the Applicants agreed.

Mr. Mellett stated there is a fence there now that runs between the properties

and the farm. He stated the drain is fenced in now.

Mr. Flager asked if the new fence will be in the same location as the fence

that they are replacing, and Mr. Mellett agreed. He stated they have photos

of the fence posts are currently which are from twenty years ago.

Mr. Mellett stated if they need to take the fence down at any point, it is easy

to remove.

Mr. Solor asked Mr. McLoone the minimum distance from center line of

the pipe, and McLoone stated it is 2’.

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

Ms. Reiss moved, Mr. Connors seconded and it was unanimously carried to

approve the Appeal with the Condition that the fence needs to be 2 feet

from the center line. It will need to be inspected by the Township; and if

there is ever maintenance, the Applicant will be responsible for removing

said fence.

There being no further business, Mr. Dougherty moved, Ms. Reiss seconded

and it was unanimously carried to adjourn the meeting at 7:45 p.m.

 Respectfully Submitted,

 Judi Reiss, Secretary