

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JUNE 17, 2025

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 17, 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

Absent: Suzanne Blundi Supervisor Liaison

APPEAL #Z-25-27 – KAY/CHAPMAN
Tax Parcel #20-019-032
19 AUSTIN ROAD, YARDLEY, PA 19067

Mr. Gregory Kay, Kay Home Improvement, 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 Impervious Surface and Small Project Volume Control were collectively 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. Kay stated the property is currently non-compliant for impervious surface, and the proposal is for a new porch on the front of the house. He stated they have included a storm management volume control, and there will be a pit to nullify the impervious surface that they are taking up so the property will not be any worse than it was before they put the building on.

Mr. Solor asked the proposed impervious surface. Mr. McLoone stated 23.4% is proposed, and 22% is existing. Mr. McLoone stated they are proposing to bring it back to 22% which will cover the 220 square feet proposed or 37 cubic feet. Mr. Flager stated he believes 37 cubic feet is needed, and they are proposing 38 cubic feet. The permitted impervious surface is 18%. Mr. Solor stated frequently the Board asks for additional mitigation back to what is permitted. Mr. Kay stated he has calculations taking it back to 18%, and would agree to that. Mr. Dougherty stated that would be made a Condition of Approval and the Township engineer would make sure that the mitigation proposed takes it back to 18%.

Mr. Dougherty asked where the infiltration trench will be located; and Mr. Kay stated because they have to control water they are taking off in the front, it will probably go in the front yard. Mr. Kay stated it will be below grade, and will not be visible in the front yard. Mr. Dougherty asked if any of the rain leaders from the house will be run into it, and Mr. Kay agreed.

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

Mr. Solor moved, Ms. Reiss seconded and it was unanimously carried to approve the Appeal as presented subject to mitigating back to 18% impervious to the satisfaction of the Township.

APPEAL #Z-25-17 – EXACT SOLAR/ABT
Tax Parcel #20-047-114-007
311 MICHAEL ROAD, YARDLEY, PA 19067
(Continued from 5/19/25)

Mr. Christopher Abt was sworn in.

Mr. Flager stated Exhibits were marked at a previous meeting, and an additional Exhibit was received dated May 22, 2025 which includes renderings and an explanation and is signed by the neighbors; and this was marked as Exhibit A-4.

Mr. Dougherty reminded everyone that Ms. Carlton, the Township solicitor, is participating in this matter.

Mr. Abt stated the original plan was to install a ground-mount solar array that would extend in front of the property along with a fence that would block it from the street. He stated based on the discussion last month, the Plan was amended; and they will no longer have a fence that protrudes into the front yard, and they will install the solar array behind that. Mr. Abt stated as noted at the prior meeting, they will still need a Variance to allow them to build the solar array right after where the fence begins, the back yard portion, instead of having it set back 50%; and that is why they are before the Board this evening as they were not aware of that previously. Mr. Abt stated they are asking to be able to slide the array forward so that it starts right after the fence, and that would save them about 300 square feet of space in their yard that otherwise would be difficult to access because of where the array would be.

Ms. Carlton stated at the prior meeting, they had brought to the attention of the Applicant that the Ordinance states that any accessory must start at the median of the improvement which would be halfway between the front of the house and the rear of the house. She stated where it should be placed is in Figure 1 of the Exhibit that is before the Board, and the request is to seek a Variance from the Ordinance which would allow them to bring it forward. She stated the Township “likes the Ordinances,” and would prefer that it be halfway back; but they understand the Applicant’s position that they are losing valuable back yard space if they shift everything to the front.

Ms. Carlton stated she believes that the fence is in compliance. She asked the height of the fence in the front; and Mr. Abt stated he believes that it will be 5’, but he verified that it would not be higher than the Ordinances. Ms. Carlton stated the narrative submitted states that the fence will involve a 6’ high privacy fence along the southeast perimeter of the solar array which would connect the house and the existing fence along the southwest property line. She stated while she does not have the orientations available, as long as the fence is in compliance with the Ordinance, that would be acceptable. Mr. Solor stated that was discussed previously, and it had been indicated that if he pulled the fence back to be flush with the front of the house, he would then be in compliance and a Variance would not be required because it was not in the original Application.

Mr. Schwartz stated the Ordinance indicates that the fence can be up to 7’ high. Ms. Carlton stated she knows that the Ordinance states 7’ high, but she does not know if that is for the front yard, and Mr. Solor stated this is not considered the front yard because it is flush to the corner of the house. Mr. Abt stated it will be 6’.

Mr. Schwartz asked how high up from the ground is the solar array once it is set up, and Mr. Abt stated he believes that it is 12" off the ground.

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

Mr. Schwartz moved and Mr. Solor seconded to approve the Appeal as presented on June 17 from Figure 2 of Exhibit A-4. Ms. Carlton stated she was satisfied with the Motion made, and the Motion carried unanimously.

APPEAL #Z-25-13 – UMANSKY

Tax Parcel #20-032-001

136 OLD OXFORD VALLEY ROAD, LANGHORNE, PA 19047

(Continued from 4/15/25)

Mr. Dougherty stated the Township was contacted by the Applicant to request a Continuance.

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

Mr. Schwartz asked if there is anything else scheduled for August 5, and Mr. McLoone stated that there is nothing scheduled for that date at this time.

Mr. Schwartz moved, Ms. Reiss seconded and it was unanimously carried to grant a Continuance as requested by the Appellant to August 5, 2025.

OTHER BUSINESS

Ms. Carlton stated the Board of Supervisors are aware that there will be a vacancy created by Mr. Solor's move in August as well as the potential to have to fill another seat in the future, and having Alternates available. She stated they are looking for suitable Applicants.

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

Respectfully Submitted,

Christian Schwartz, Secretary