

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JANUARY 12, 2026

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 12, 2026. Mr. Gill called the meeting to order at 7:32 p.m.

Those present:

Planning Commission: Tony Bush, Chair
Tejinder Gill, Vice Chair
Adrian Costello, Secretary
Virginia Torbert, Member

Others: Dan McLoone, Planner
Maureen Burke-Carlton, Township Solicitor
Kyle Turner, Township Engineer
John B. Lewis, Supervisor Liaison

APPROVAL OF MINUTES FROM THE 11/13/25 Meeting

Mr. Costello moved, Ms. Torbert seconded and it was unanimously carried to approve the Minutes from the November 13, 2025 meeting.

REORGANIZATION

Mr. Costello moved, Ms. Torbert seconded and it was unanimously carried to elect Tony Bush as Chair of the Planning Commission for 2026.

Ms. Torbert moved, Mr. Bush seconded and it was unanimously carried to elect Adrian Costello as Secretary of the Planning Commission for 2026.

Ms. Torbert moved, Mr. Bush seconded and it was unanimously carried to elect Tejinder Gill as Vice Chair of the Planning Commission for 2026.

The meeting was turned over to Mr. Bush.

2025 PLANNING COMMISSION ANNUAL REPORT

The Annual Report had been distributed to all Planning Commission members. Mr. McLoone stated in accordance with the PA Municipalities Planning Code, we are required by law to create a 2025 Planning Report which provides a summary of the members, the number of times the Commission met, and discusses Township staff. He stated it notes that during 2025, the Planning Commission reviewed one Special Exception, one Lot Line change, two major Subdivisions, and one Sketch Plan. It also talks in detail about items for which recommendations were made including Sewage Facilities Planning Modules, SALDO Amendments, and reviewing Act 537 Plans. He stated it discusses in detail the Subdivisions that were discussed. Mr. McLoone stated the date for the Torbert Farm needs to be updated as we recently received another extension until February 28, 2026.

Mr. McLoone stated Page 2 breaks down what happened at each meeting, and there is a hyper-link for the dates if anyone wants to read the Minutes.

Mr. McLoone stated the Development Project Status Sheet is available on the Township Website under Reports for the Planning Commission which provides updates on projects taking place in the Township. He stated it is updated one to two times a month.

The Planning Commission had no questions or comments about the Report, and it will be posted tomorrow to the Township Website.

APPEAL #Z-25-51 – 71 MANOR LANE SOUTH, YARDLEY, PA 19067

Tax Parcel #20-046-095 – R-RP Residential-Resource Protection

Planning Commission Advisory Recommendation on a Special Exception Request for reconstruction of a non-conforming structure which would lead to a greater than 50% increase in volume or area from the existing non-conforming structure (200-86.B.(3)(b)) in accordance with the standards set forth in Section 200-98 of the Lower Makefield Township Zoning Ordinance

Mr. Edward Murphy, attorney, was present with Mr. Joe DeLuca, and Mr. Justin Geonnotti, engineer, to discuss the property on Manor Lane which is occupied by Mr. DeLuca's daughter and son-in-law. Mr. Murphy stated the discussion relates to an element of a larger Zoning Hearing Board Application to be heard later this month. He stated the Ordinance requires that the Planning Commission is to review and comment on Special Exception elements of a

larger Zoning Hearing Board Application. Mr. Murphy stated based on updated information, he is no longer certain that a Special Exception is needed although they do still need Variances.

An aerial photograph was shown which highlights the property that is the subject of the Application. Mr. Geonnotti showed the location of the property at 71 Manor Lane which is a quarter acre lot located on the north side of Manor Lane. He showed where the lot sits in relation to the 100 year floodplain coming off of the Canal.

Mr. Murphy stated there are two floodplains – one involving properties that are impacted by the Delaware River and one is the floodplain that is established by virtue of the presence of the Canal. He stated the subject property is impacted not by the River floodplain, but rather by the Canal floodplain. Mr. Geonnotti showed the location of the Canal on a Plan versus the location of the River which is off of the page where the north arrow is shown. He showed a blue line which is the 100-year floodplain coming off of the Canal, and the yellow rectangle that is 71 Manor Lane, which has the fringe of the 100-year floodplain just hitting the front portion of the lot. He stated the lot is at the extreme end of the 100-year floodplain. Mr. Murphy stated the blue limits are based on the most-current FEMA mapping of the Delaware River Canal floodplain, and Mr. Geonnotti agreed that it is the graphical plotting of the 100-year floodplain.

Mr. Geonnotti stated his office also did a full field survey, and an Exhibit was shown which was based on the field survey. He stated when a field survey is done, the floodplain associated with the Canal has an elevation assigned to it; and in this case it is elevation 33 ½, and that elevation gets plotted on the property. He stated the floodplain actually wraps around the house, and the house itself is about 2' above the floodplain as it sits today. He stated based on the elevations around it, the green area on the Exhibit is what is technically located within the 100-year floodplain of the Canal.

Mr. Murphy stated the house is not non-conforming because the house is not in the floodplain, although at least the front and the rear of the property are in the floodplain. Mr. Murphy stated the Ordinance Section that they cited in the Application and from which three potential Variances spring, include the Special Exception that deals with the re-construction of an existing non-conforming structure; however, the structure itself, the house, is not non-conforming. He stated he is asking if there is a need for a Special Exception if they are not proposing to re-construct a structure that is conforming. He stated their intention is to remove the structure and build

an entirely conforming structure outside of the floodplain. He stated part of the reason that they need a Variance is because there is about a 480 square foot section in the back of the proposed new house; and while they will comply with the Floodplain regulations, technically it would be in the green area of the lot that is a mapped floodplain.

Mr. Geonnotti showed on a slide the green line which is the 100-year floodplain, the gray-shaded area is the proposed house, and the blue-shading is the area of encroachment of the new structure within the floodplain. Mr. Geonnotti stated that structure will be elevated and comply with the Floodplain Ordinance.

Mr. Geonnotti stated there is no stormwater management on the property as it was built in the 1940's. He stated the new structure will provide stormwater management and will be compliant with all Floodplain Ordinance regulations, although the Ordinance does still require Variances for construction in any part of the floodplain. Mr. Murphy stated they acknowledge that they need Zoning relief to do that even though they comply with all of the Floodplain regulations.

Mr. Murphy stated the question tonight is whether they need a Special Exception since the Ordinance Sections relate to expanding non-conforming structures which this is not. He also noted that the new house, if approved, will not have a basement; and everything will be elevated so there is no impact at all on the floodplain, where the existing house does have a crawl space.

Ms. Carlton stated based on what has been presented, she does not feel a Special Exception is required since it is not a non-conforming structure. She stated as noted by Mr. Murphy all other Variances that would be applicable to the construction of the new house would have to be adhered to, and that would be a Zoning Hearing Board and not a Planning Commission matter.

Ms. Torbert asked why it is considered conforming. Mr. Geonnotti showed the location of the house. He stated the Ordinance pertains exclusively to the structure itself, and the existing structure is not located in the floodplain so it is not non-conforming. Mr. Murphy stated when they prepared and submitted the Application, they thought that some corner or portion of the house was in the floodplain; however, based on the additional survey work that Mr. Geonnotti's office did, the house is not in the floodplain.

Mr. Turner stated the existing house has a basement; however, Mr. Murphy stated it is a crawl space. Mr. Turner stated it would not then be considered living space.

Ms. Carlton stated while the house is not in the floodplain, the property itself is in the floodplain; but the Special Exception only applies to the structure and not the property.

Ms. Torbert stated she did not realize that floodplains were that exactly measured, and she asked how it is that the floodplain goes exactly around the house. Mr. Geonnotti stated the Delaware Canal has a mapped flood elevation associated with the flooding. He stated his office went through the calculations based on the FEMA mapping, and 33.5 elevation is what is the known base flood elevation for that area. He stated when you do the field survey, wherever the 33.5 contour line elevation hits the property line, it becomes the floodplain associated with that lot. He stated it is “snipped” around the property because that is all they surveyed. He stated on this particular lot, that is the elevation of the floodplain on the lot. He stated this is a very standard practice for mapping floodplain elevations on all properties.

Mr. Murphy stated they were not relying on what is historically not reliable information from other agencies that are done on a much larger scale, and this was based on an actual field survey that Dynamic undertook. Mr. Murphy stated they are happy to get the Special Exception if it is needed, but they are not certain given what they now know, that they need it.

Ms. Carlton stated using the Bucks County Floodplain Viewer it looks like one very small corner of the existing house would be in the floodplain. A slide was shown of what is normally relied on for the mapping of a floodplain on a property when a field survey is not done. He stated that normal mapping has no benefit of a field survey and there is no known data associated with it, so it is usually plus or minus about 6”. He stated when they do the field survey that is what becomes what is relied on. He stated the elevation of the house is 35 and a half, and the flood elevation is 33 and a half. He stated the field survey is a signed/sealed survey based on real field data and is standard practice. He stated once you do a field survey you do not rely on the graphical plotting. He stated you do a field survey to verify. Ms. Carlton stated the field survey would trump the Bucks County Floodplain Viewer, and Mr. Geonnotti agreed.

Ms. Carlton stated if the Planning Commission's recommendation is that a Special Exception is not required it should be included in the Minutes that the signed/sealed survey from Dynamic would be a part of the Application especially to the Bucks County Planning Commission so that they have something to rely on. Mr. Murphy agreed to this.

Mr. Costello stated this Special Exception is for the structure only; and Ms. Carlton stated it is just the structure and not the property. Mr. Costello stated we have a good survey that factually states the entire structure is out of the floodplain, and Ms. Carlton agreed.

Mr. Costello moved, Mr. Gill seconded and it was unanimously carried that the Planning Commission feels that there is no Special Exception required in this case because the entire structure, based on the Site Survey that was done, is outside of the floodplain. The property is not in the floodplain, therefore a Special Exception is not required; however we will ask that Dynamic Engineering provide their signed and sealed Survey as evidence of the fact that the property is not within the floodplain.

Ms. Torbert asked if a Special Exception is the only thing that the Planning Commission comments on that goes to the Zoning Hearing Board, and Ms. Carlton agreed according to the Ordinance. She stated she believes the Planning Commission does comment on Conditional Uses, and Mr. McLoone stated there have been Conditional Uses before the Planning Commission in the past.

Mr. Robert Heinz stated he is a Zoning Hearing Board Alternate member. He stated he has an alternate explanation from what the engineer provided. He stated the home itself is built up so that it is out of the floodplain, and he understands that they are demolishing that home; and anything that they demolish would have to be at that same elevation or it would be in the floodplain. Ms. Carlton stated the new house is going to be oriented a different way. She stated she understands that a portion of the new home will be in the floodplain, but they are going to build it in such a way that it will comply with the Township's Floodplain Ordinance and DEP and FEMA Ordinances.

Mr. Turner stated they also confirmed that they would put the finished floor elevation above the base flood elevation. Ms. Carlton stated there would also be no basement or crawl space in the newly-constructed improvement. She stated they will still go before the Zoning Hearing Board because there are a number of Variances that are required.

Mr. Heinz asked since they will not need a Special Exception for building in the floodplain, if that will be brought to the Zoning Hearing Board. Mr. Turner stated the construction within the floodplain is a Variance that they do need. Ms. Carlton stated it is just the Special Exception that is not required since that is for building over 50% of the current value of the home; and that will not be before the Zoning Hearing Board. She stated there are least 7 or 8 Variances that are going to be required, many of them having to do with the floodplain and the construction therein.

RENEWABLE ENERGY ORDINANCE DISCUSSION

Mr. McLoone stated the Ordinance has changed since it was last before the Board. He stated the proposed Ordinance creates comprehensive regulations for renewable energy systems including solar, both accessory and principal, geo-thermal, wind energy systems, and outdoor furnaces. He stated this proposes to amend the Township's Zoning Ordinance to protect public health, safety, environmental resources, and neighborhood character. He stated it also talks about solar energy systems which are tightly controlled by size, location, and use type. He stated it also mentions geo-thermal systems which are regulated to protect groundwater and public safety and closed and open-loop systems. He stated it also talks about precautions with regard to wind energy systems and outdoor furnaces which require Special Exception approval.

Mr. McLoone stated this was reviewed by the Fire Marshall/Fire Services Director, Tim Chamberlain, and the BCO, Michael Kirk, in addition to the Township Manager, himself, the Township engineer, and Mr. Majewski.

Mr. McLoone stated since the Planning Commission last saw this, there is more focus now on de-commissioning the solar panels so that they are taken off and everything is done safely with no conduit or electrical concerns. He stated a lot of what was in the beginning of the Ordinance that was reviewed was taken out, and it now focuses more on allowing renewable systems to be placed either by right, by Conditional Use, or by Special Exception.

Ms. Torbert asked if there are other Townships in Bucks County that have similar Ordinances, and Mr. McLoone stated Lower Makefield is a little behind in implementing something like this since a lot of Townships in

Bucks County have had this for a while. He stated the Bucks County Planning Commission has a model Ordinance which Curtin & Heefner and Township staff included in the Ordinance. Ms. Torbert asked if it common to deal with solar, wind, and geo-thermal; and Mr. McLoone agreed. Mr. McLoone stated they want to be able to provide residents and businesses with the opportunity to place these since technically a lot of these are not specifically written in the Ordinance.

Ms. Torbert asked if the comments from Fire and Rescue have been incorporated, and Mr. McLoone stated he did not want to incorporate them until the Planning Commission had reviewed them. He stated he did provide the review letter from the Fire Marshall, and they can implement any of the changes that he has mentioned.

Ms. Torbert stated she has a problem with windmills as she can envision problems with neighbors whether they are in the ground or on the roof. She stated she feels the Township will be very busy if people decide they want to install them. She stated she also feels with regard to the solar part, “regular handymen” cannot do that.

She asked if there is some kind of Certification as there is a fire danger associated with them.

Mr. Turner stated there are several requirements for approvals from Building Codes. He stated they wanted to put guardrails on this so that the Township has definitions for wind energy compliance and can police that so that there are not issues between residents. Mr. McLoone stated the wind energy systems are only permitted by Conditional Use; and there are strict limits on the number per parcel, the height (100' max), setbacks, noise, aesthetics, safety controls, utility coordination, and mandatory removal if abandoned or unsafe.

Mr. McLoone stated language was added by Township staff to indicate that all renewal energy systems regulated by this Ordinance including, but not limited to, solar, geo-thermal, and wind energy shall be designed, installed, constructed, operated, maintained, and de-commissioned in full compliance. He stated it talks about all the applicable Fire Codes and Building Codes. He stated this will be verified by Ms. Carlton and her staff that it is in accordance with the law.

Ms. Torbert asked if a resident requests a 100' windmill on their property will their neighbors be notified and have a say in this. Mr. McLoone stated since it is a Conditional Use, there would be a notification process involved. He added that due to how most of the Township is Zoned for Residential properties, it would probably be difficult to meet a lot of the setbacks noted in the Ordinance. He stated he assumed windmills would be placed on farms or larger parcels.

Ms. Carlton stated when this was first drafted the Bucks County Model Ordinance was used as the basis, but it has been modified substantially since then for a number of reasons. She stated while they do not have to include wind energy, it is more prudent to do so because that is a viable source of alternative energy. She stated Lower Makefield will most likely not have a lot of windmills because of the strict requirements associated with the installation of a windmill.

Ms. Torbert stated she was not referring to industrial wind farms, and she was just considering residents in developments putting one on their roof or elsewhere. Ms. Carlton stated she was focusing on Residential as well. She stated they have to be a certain size to have any effect on your energy system, and they are not inexpensive; and while she does not feel it was wrong to include it in the Ordinance, she does not believe that it will be a source of much discussion in the future although she feels solar and geo-thermal will. She added that the Zoning Hearing Board has heard a few Applications for solar arrays/solar installations which was another reason to move this ahead.

Ms. Torbert asked if solar will require a Special Exception or Conditional Use; and Ms. Carlton stated while it will not, it does have to comply with certain requirements. Mr. McLoone stated small accessory systems less than 15 kilo-watts are permitted by right in all Districts, and larger systems are allowed only by Conditional Use in limited Zoning Districts.

Mr. Costello stated there are solar panels in use today in the Township, and he asked how the process will change versus how it has been handled. Mr. McLoone stated currently when they get Solar Permits, if they are not on the roof, they are treated as accessory structures; and they need to meet the requirements of the Accessory Structure Ordinance which says that if it is larger than 200 square feet it needs to be 10' from the property line, and if it is less than 200 square feet, it needs to be 5' from the property line. He stated it cannot exceed 15'. He stated looking at the house, if you cut it in half, it needs to be in the back part of it which would be in the side or rear yard. Mr. McLoone stated if this Ordinance is passed, there would be more specific guidelines so that they would not have to treat it like an accessory structure; and provided it meets the Ordinance, it could be put in by right.

Mr. Costello asked if it is only considered an accessory structure if it is not on top of the house, and Mr. McLoone agreed. Mr. McLoone stated they currently just do a Building review for Solar Permits for solar put on top of homes. He stated the Permits are reviewed very vigorously by the third-party inspector.

Ms. Carlton stated this Ordinance not only codifies the solar panels that can go in, it also helps when they are no longer in use or if they become dilapidated. Mr. Costello stated he just wanted to make sure that we were not adding a roadblock for those wishing to put something on the roof. Mr. McLoone stated there is a tying of financial security for decommissioning; and it states that at the issuance of the Permit for the construction, the owner shall provide financial security in a form and amount acceptable to Lower Makefield Township based on an engineer's opinion of probable cost which would come from the Township engineer's office.

Mr. Gill stated he feels most of the points brought up in the review letter from the Fire Commissioner seemed important to include. He stated he did have questions on #2, #4, #6, and #8. He noted Item #2 and asked if it is 36' or 36" minimum clearance around the solar panels on a roof, and Mr. Turner stated he believes it is 36".

Mr. Gill asked with regard to #4, do we want the solar panels to be inspected annually. Mr. Turner stated he does not feel that he is specifically referencing the panels themselves, and it would be more that they are required to have an external disconnect to make sure that everything is safely labeled and clearly states "solar panels in use," and things of that nature. Mr. Turner stated it is important to maintain everything so that if there is a fire it is clearly seen. Mr. Turner stated he assumes the Fire Marshall would do the inspection to confirm that everything is correct. Mr. Costello asked if that would be at a cost to the residents or would that be something the Fire Marshall just does. Mr. McLoone stated there is currently a Fire Safety Registration for all businesses which costs about \$125 annually, and he assumes he would do something similar with this. Mr. Costello stated if we are trying to encourage renewal energy in homes, we should consider putting in an annual cost which might be a roadblock to some residents.

Mr. Lewis stated there are many people in the Township who have generators, and they are attached to gas which is also a risk; but they have the capability of speaking to Generac, etc. and they have a run cycle with a process around that. He asked if these renewal energy options have monitoring with it, would we monitor our inspection process and/or cost associated with that.

Mr. Costello stated he has solar panels, and he is told instantly if something is wrong.

Mr. Bush stated a number of residences have Generacs which are inspected when they are installed, but they are never inspected again. He stated while he is not stating this should be included in this Ordinance, if we are discussing inspections of solar panels hooking up to electrical systems, if there is an annual inspection for that, there should be an inspection at some interval for the Generacs as well which are gas generators which are equally as dangerous. Mr. Costello stated there are fundamental differences in that the generator goes on and off depending on whether it is being used or not versus solar which is always generating energy if there is light. Mr. Lewis stated the question is what is the risk to health and safety; and the inspection regime may be lighter given the potential risk which would be a decision to be considered later.

Mr. Gill stated they would need to consider whether it was the best use of time to have the Fire Marshall do all these inspections annually, and it may be that the homeowners would need to file paperwork annually. Ms. Carlton stated some Townships that have a number of wells require well inspections, but the Township does not conduct them, rather they require the homeowners to provide Well Certifications annually or every two years, etc. She stated that could be required in these incidences and would be less time-consuming as to man hours of Township employees.

Mr. Costello stated there are local companies that do solar installations; and he asked if it would be worthwhile and appropriate to contact them and ask them what is the industry standard for monitoring, and if an inspection would be appropriate given what is provided with a system. Mr. Bush stated he would agree to that being done.

Mr. Bush stated with regard to the windmills, he does not feel that there will be a lot of demand for big wind systems in the Township because of the space and because there is not a lot of wind here. He stated there is newer technology coming out all of the time that does not involve a blade and is much smaller, and those wind energy systems might be in Lower Makefield. He stated he assumes this Ordinance would cover that new technology as well. Ms. Carlton stated because technology is always evolving, we will probably have to come back and amend the Ordinance.

Mr. Bush stated in order to move this forward, there should be the incorporation of the Fire Marshall's comments and further follow-up with local companies as noted by Mr. Costello.

Mr. Gill stated the Fire Marshall has asked questions in his letter - #6 and #8. Mr. Bush stated #6 states that the fence should be 8' high which the Fire Marshall believes is against other Ordinances. Ms. Torbert asked which of the three sources of energy involve fences, and Mr. McLoone stated geo-thermal would not because it is below grade. Mr. McLoone stated sometimes the Accessory Structure solar panels include Fence Permits. Mr. McLoone stated it would involve a massive fence for a wind farm, so he does not feel that would be required; and he feels it would just be for the solar ones.

Mr. Turner stated the comment was with regard to primary solar systems, and it requires an 8' high fence with a self-locking gate.

Mr. Costello asked the requirement for a sub-station; and Mr. McLoone stated while he is not sure, the height for fences in general is 7' for the side and rear, and 3' for the front yard. Mr. McLoone stated he feels that if there are to be fences around solar systems, it should be in line with the existing Ordinance. Ms. Carlton stated she believes there are instances in the Ordinance where 8' is allowed, and she will look into this further; although that would not be permitted in the front yard.

Mr. McLoone stated he does not feel that there will be a big demand for geo-thermal especially at the Residential level. He stated the Ordinance states that closed-loop systems are permitted by right, and open-loop systems are prohibited. Ms. Carlton stated they made this decision based on the Bucks County Model Ordinance.

Mr. Bush noted Item #8 in the Fire Marshall's letter with regard to outdoor furnaces, and Mr. Bush asked how many people have those in the Township. Mr. McLoone stated there are not many although there are some with pergolas and decks. Mr. McLoone stated they could discuss whether they want to eliminate the prohibitive language, although he does not feel they should be permitted in the front yard.

This matter will come back before the Planning Commission at some point in the future.

BACKYARD CHICKEN ORDINANCE DISCUSSION AND APPROVAL

Mr. McLoone stated this matter was brought to the Township's attention by residents and the EAC which co-authored the Ordinance. Mr. McLoone stated the proposed Ordinance allows Township residents to keep backyard chickens for non-Commercial, personal use while protecting public health, safety, and neighborhood quality of life through clear, operational standards. He stated a Permit would be required. Lots that are a half acre to 2 acres may keep up to 5 hens, and 2 to 5 acres up to 10 hens. He stated roosters are prohibited on lots under 5 acres.

Mr. McLoone stated the Ordinance discusses location and facility standards with coops to be 25' from the property lines and 50' from neighboring structures.

Mr. McLoone stated the Ordinance also talks about nuisance noise and sanitation controls. He stated with regard to enforcement, the Ordinance indicates that the Township enforces the Ordinance through inspections and complaints; and three verified nuisance complaints in twelve months can revoke the Permit. Violations may result in fines up to \$50 per offence per day with Appeal rights provided.

Mr. McLoone stated the Township does get some Variance requests for chickens at the Zoning Hearing Board.

Ms. Torbert asked if those who have chickens now are grandfathered, and Mr. McLoone stated they are either grandfathered or they received Variances. He stated the Zoning Hearing Board appreciates public comment from neighbors. He stated at this point, if you want chickens you cannot have them on your property if you have less than 5 acres without a Variance.

Mr. Bush asked how much of a demand there is from people with less than 5 acres, and Mr. McLoone stated they get 5 to 6 Variance requests per year.

Mr. Costello stated he assumes the distance from another structure is probably the most important one. He stated he feels that anyone who has a half-acre lot getting a chicken coop 25' from a property line on a smaller lot is going to be onerous; and he asked if they could instead have them follow the same rules as a shed which is 10' from the property line, but they would have to consider how close it is being placed to the neighbor's house.

Mr. McLoone stated he does feel that there are going to be Setback Variance requests with the 25' requirement for half-acre lots. Mr. Costello stated he would be in favor of the 50' requirement from a neighbor's structure.

Mr. Gill asked if it should only be permitted for lots that are 1 acre or above. Mr. Costello stated he knows where some are located in the Township, and he has never heard of an issue in terms of noise or odor provided there are no roosters. Mr. McLoone stated whether there will be roosters is one of the most common questions at the Zoning Hearing. Mr. Costello stated he assumes the Ordinance is proposing allowing roosters on lots of 5 acres or more because that would be more of an agricultural spot in the Township. Mr. Costello asked why we would even want to encourage anyone in the Township to have a rooster since it would only be needed for a breeding operation as they are not needed for eggs. He stated hens are relatively quiet but roosters create nuisance issues.

Mr. Bush stated he believes changes were made to setbacks for sheds, and Mr. McLoone stated a shed or accessory structure greater than 200 square feet is required to be 10' and less than 200 square feet is required to be 5'. Mr. McLoone stated this has decreased the number of Variances for sheds. Mr. Bush stated while he feels that there should be more flexibility than what is currently proposed for a chicken coop, he feels 5' is too close, and Mr. McLoone agreed. Mr. Costello asked if the chicken coop looks like a shed from the back side, why would it matter if it is 5' or 10' provided it is 50' from the house although they do have to consider how far it is from the neighbor's home. Ms. Torbert stated there is still an outdoor section for the chickens and it is not just a closed structure like a shed. Mr. Costello stated he does not see the difference between that and a dog in the yard that barks.

Mr. Bush stated he feels if you have less than a half-acre, he does not see how this fits with the use of the neighborhood. Mr. Gill stated he feels they could increase it to one acre. Mr. Costello stated that would eliminate a lot of houses, and there will then be a lot of requests for Variances. He stated most of the people who have them or want them in the Township live on less than one acre lots. Mr. Bush asked what size were the lots which applied for Variances, and Ms. Carlton stated most of them were within the half acre and were in developments. She stated some were approved and some were not, and it was a function of whether neighbors came to the meeting and the comments they made.

Ms. Carlton stated the Ordinance before the Planning Commission is proposing a half-acre minimum which is the median size of most properties in Lower Makefield. She stated most older lots in the Township are between a quarter

acre and a third of an acre. Mr. Costello stated there are also rules that indicate that you can have more dense housing if open space is given which will result in smaller lots.

Ms. Torbert stated if someone has a third of an acre, they can go before the Zoning Hearing Board. Mr. Bush stated he was comfortable with a half-acre.

Mr. Gill stated he feels the fine of \$50 seems low. Mr. McLoone stated the Permit Fee is \$50, and there is a \$50 fine for each violation. He stated he agrees that the Violation Fee could be raised. Ms. Carlton stated it is an administrative burden to issue violations and to follow-up. Mr. Costello stated someone may say that they are not going to go through the Permit process, and if they are caught they will just pay the \$50 Violation Fee. He stated this is supposed to be an incentive for people to go through the process. Ms. Carlton stated it is less than going before the Zoning Hearing Board. Mr. McLoone stated the cost to go before the Zoning Hearing Board is \$850. Mr. Bush stated in order to encourage compliance, he feels the penalty should be more than going before the Zoning Hearing Board so he feels the Violation Fee should be \$1,000. Ms. Carlton asked if the Ordinance contemplates a warning system; and if it does not, they could build that in. Ms. Carlton stated currently the Ordinance states “upon conviction a fine not to exceed...”

Mr. Bush asked who would the conviction be from, and Ms. Carlton stated she feels it would have to go before the MDJ which is time-consuming. She stated usually you can collect your fees on top of the fine.

Mr. Gill asked who from the Township would inspect these, and Mr. McLoone stated any violations or nuisances would be inspected by Mike Kirk. He stated he assumes they would just need a Zoning Permit; but depending on the size of the chicken coop, they might need a Building Permit. He stated the inspection if Permitted would be by Mike Kirk or the Township’s inspection company.

Mr. Bush stated he assumes there will be a warning issued first, and he asked if that will be written into the Ordinance. Ms. Carlton stated it could be codified that there is at least one warning without penalty. Mr. McLoone stated it does state “Any violation of the provisions of this Chapter may result in a written warning. If violations are not corrected within a reasonable timeframe (example given ten business days) fines may be imposed.” Mr. McLoone stated he understands from working with Mr. Kirk that is typically how it works. He stated someone will make a complaint; and Mr. Kirk will issue a Zoning violation in

writing, and they have a certain number of days to either get rid of it or apply for a Variance. Mr. McLoone stated if they do not comply or request a Variance, then fines would be imposed upon conviction.

Mr. Costello stated he assumes that there may be some chicken coops already that the Township does not know about, and he asked how those would be dealt with. Mr. Lewis asked if there is a grace period for them to come in compliance with the law. Mr. Lewis stated there could be a Fee for such non-compliance which could be part of the Ordinance. He stated he feels those people should pay more because they were in violation of the system. Mr. McLoone stated the way they currently do Permits is that if you do the the work without a Permit, the Fees are doubled; and then you have to apply for the Permit.

Mr. Costello moved, Mr. Gill seconded and it was unanimously carried to recommend approval of the Ordinance tying the coop into the Ancillary Structure Ordinance but it must be 50' or 75' away from the nearest structure other than your own house for setback, eliminate roosters unless there is an Agriculture Ordinance, and increase the Penalty Fine from \$50 to \$1,000 after the first warning.

There being no further business, Mr. Costello moved, Ms. Torbert seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Adrian Costello, Secretary