TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – OCTOBER 6, 2026

The regular meeting of the Zoning Hearing Board of Lower Makefield Township was held in the Municipal Building on October 6, 2026. Mr. Schwartz called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board:	Christian Schwartz, Chair
	James McCartney, Vice Chair
	Mike McVan, Secretary
	Larry Borda, Member
	Robert Heinz, Member
Others:	Dan McLoone, Planner
	Adam Flager, Zoning Hearing Board Solicitor

APPEAL #Z-26-21 SRA HOME PRODUCTS/ZUBAIR
Tax Parcel #20-024-055
641 FOX HOLLOW DRIVE, YARDLEY, PA 19067
(Continuance Requested to 10/20/26)

Mr. Schwartz stated they are working on impervious surface calculations and have requested a Continuance to October 20, 2026.

Mr. Borda moved, Mr. McCartney seconded, and it was unanimously carried to approve a Continuance to October 20, 2026.

APPEAL #Z-26-24 – STEVENS
Tax Parcel #20-020-254
1251 HOLLY COURT, YARDLEY, PA 19067
(Continued from 9/15/26)

Ms. Kelly Stevens and Mr. Matthew Piotrowski 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 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. Piotrowski stated he has been before the Board previously, and the Board agreed to accept him as an expert in architecture and Zoning.

Mr. Piotrowski stated the proposed project is to construct a two-story addition on the right side of the existing house. The first floor would be used for a garage and storage space and the second floor would be living space. He stated the intention is that the home would be multi-generational. He stated it is not an in-law suite in that they are not proposing a new kitchen or cooking facility rather it is a bedroom, a bath, and a small sitting area located on the second floor above the garage. Mr. Piotrowski stated it is currently a two-story home with a patio in the rear, driveway on the right, and some miscellaneous walk-ways in the R-2. He stated the front yard setback is 40' and the rear is 40'. He stated in R-2 it is 45', although in this particular neighborhood it was 40'' for the rear yard setback. Mr. Piotrowski stated the side yard is 15' with an impervious coverage of 24%. He stated the existing impervious coverage is 26.4%.

Mr. Piotrowski stated the requested Variances are a reduction of the rear yard setback to 15' versus the 40' and to increase the impervious coverage from the 26.4% to 27% which is an increase of 312 square feet. He stated the reason for the Variances is because the property has a unique circumstance in that it is a corner lot so it has two front yards which means that it has one side yard and one rear yard. He stated the location of the house is also odd in that it faces the corner and is almost at a 45 degree angle from either street where the neighboring properties, other than some other corner lots, are parallel to the street. He stated that condition creates a problem to put on an addition.

Mr. Piotrowski stated the Site Plan shows a hatched area which is the proposed addition, and they are proposing a 15' rear yard; but in reality, they are looking at it as if it was a side yard. He stated the house that it would affect the most to the right has an addition on that side of the house which is about 15' to 20' from the property line with a garage on the first floor so that the garages will face each other, and the proposal would not have an impact on that neighbor. Mr. Piotrowski stated there is also a fence and some shrubbery between the properties.

Mr. Piotrowski stated they looked at different places where they could put the addition; and if they proposed the addition on the left-hand side of the house, they would need a dimensional Variance as well as a larger Variance

for impervious coverage. He stated the proposed addition is going over an existing walkway that goes from the driveway to the patio in the rear, and it also incorporates part of the existing driveway. He stated the reason they did not slide the proposed addition forward was because they would be blocking the garage doors on the side of the house. He stated they are therefore putting it back as far as they are showing and cannot put an addition anywhere else on the house that would result in a Variance that would be less than what is being requested or the same. He stated the circumstances prevent them from doing something in strict conformance with the Zoning Ordinance, and the circumstances were not created by the owner.

Mr. Piotrowski stated the proposed change will not adversely affect the neighborhood, and it will be in character with the neighborhood. He stated he feels it will actually enhance the values. He stated the proposed addition is somewhat toward the rear so it is not very noticeable, and it will look like it was constructed when the house was constructed as opposed to looking like an addition. He stated he feels that the request is the minimal relief to the Ordinance in that no one walking/driving by would know that they needed a Variance. He stated while on the right-hand side on paper it is a rear yard, in reality it would be a side yard like the majority of the neighborhood. He stated while a request of 15' versus 40' may not seem to be minimal in nature, looking at it from a practical standpoint, it is minimal in nature as people will not know that they needed a Variance to construct the addition.

Mr. Schwartz asked Ms. Stevens if she had spoken to her neighbors about the project; and Ms. Stevens stated she spoke to most of them who opened their door to her when she went around the neighborhood, and most of them told her "good luck."

An aerial view of the area was shown.

Mr. Borda asked Ms. Stevens if she spoke to the neighbors to the right, and Ms. Stevens stated they did not answer their door when she knocked.

Mr. Piotrowski stated he believes that house needed an impervious coverage Variance to put on their addition although he understands that does not set a precedent.

Mr. Schwartz stated there is already a garage, and Ms. Stevens agreed adding that she has a three-car garage, and this will be adding a fourth garage. Mr. Piotrowski stated the garage is really dictated by the second floor as

the size of the addition is needed for a bedroom and bath on the second floor. He stated they were not comfortable putting this on the first floor and that is how the garage came about. Mr. Schwartz asked if the house has a basement, and Ms. Stevens agreed. Mr. Schwartz stated he sees the issue with how the house was placed. It was noted the house was built in 2002. Mr. Piotrowski stated the 15' that they are requesting is only at the very back right-hand corner, and the front right-hand corner is about 26' from the front corner of the proposed garage to the property line.

Mr. Borda asked about the hardship involved, and Mr. Piotrowski stated he had noted the unique circumstances including the position of the house, and the fact that it is a corner lot with two front yards. Mr. Borda stated he understands that they are proposing a dry well to deal with the impervious, and Mr. Piotrowski stated over what is existing there is proposed an increase of 312 square feet, and Ms. Stevens stated she would agree to putting in a dry well to accommodate that extra 312 square feet. Mr. Schwartz asked if she would be willing to make the dry well large enough to get it to 24%. Mr. Piotrowski stated there are no stormwater issues on the property now. Mr. Schwartz stated when a property has a set amount, it is intended to not have more than that amount going off the property and into the stormwater system which adds up as neighborhoods start to accumulate overages. He stated the Board tries to get it down to an acceptable level by the Zoning Codes for every case that comes before them. Mr. Schwartz stated if that is the condition, they would agree.

Mr. Heinz asked the existing square footage of the house, and Mr. Piotrowski estimated it to be 3,000 square feet. Mr. Heinz asked how much additional square footage is being requested, and Mr. Piotrowski stated the footprint is 660 square feet of living space. Mr. Heinz stated the house will be over 4,000 square feet, and Mr. Piotrowski agreed. Mr. Heinz stated he does not understand why the proposed location in the back is the only place where it can be. He stated they are already starting out almost beyond the setback, and now they will extend it another 22' on diagonal so that they are at 15' instead of 40'; and Mr. Piotrowski agreed that is the request.

Mr. Schwartz stated the back where it states "existing paver patio" is all inside the building envelope, and he asked if they considered turning the addition and putting it back there using a different space in the bottom rather than a garage. Mr. Piotrowski stated they looked at that, and the problem with that is that the family room and kitchen are back there. He stated if they were to connect to the building there, they would landlock those rooms; and from a Building Code standpoint, you need a certain amount of natural light and air, and they would not be able to meet that.

Mr. McCartney asked to see a front elevation; however, Mr. Piotrowski stated while it is not 100% worked out, it would be in character with the house. He showed a rough plan of what it would look like, and this was marked as marked as Exhibit A-3.

Mr. McCartney asked if there will be egress into the addition outside of the main house. Mr. Piotrowski stated there will be a door that goes into a foyer where you can go into the house or straight up the steps to the additional living space. Mr. McCartney asked if there will be a sense of privacy in that additional living space, and Mr. Piotrowski agreed. Mr. McCartney asked if there will be a functional kitchen in that space; and Mr. Piotrowski stated there will not, and there will not even be a wet bar. He added that there will be a bedroom, a bathroom, and a walk-in closet. Mr. McCartney stated it will be a 600 square foot bedroom, bathroom, and walk-in closet; and Mr. Piotrowski agreed. Mr. Piotrowski stated there are no exterior stairs up to it. Mr. McCartney stated to the left of the garage door will be an entry door, and from there you can go straight up the steps or make a left into the house, and Mr. Piotrowski agreed. Mr. McCartney stated he does not want there to be the potential for an accessory dwelling unit; however, Mr. Piotrowski stated that is not their intention. Mr. McCartney stated the potential for that is still there; and Mr. Piotrowski agreed there is, but the intent is that they co-exist and not be separate.

Mr. Borda stated the existing driveway is already within the setback; however, Mr. Flager stated technically every driveway is within the setback.

Mr. McVan stated it looks like it is 15’ between all the other neighbors, but this is an odd-shaped lot; and he does not feel looks like it is out of place.

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

Mr. McVan moved and Mr. Schwartz seconded to approve the Appeal as proposed with the exception to have the impervious surface brought back to 24% subject to the approval of the Township engineer. Motion carried with Mr. Heinz and Mr. McCartney opposed.

APPEAL #Z-26-22 – LAGRASSA
Tax Parcel #20-046-197-043
851 MANOR LANE EAST, YARDLEY, PA 19067

Mr. Schwartz stated this matter was dropped, and Mr. Flager stated it was dropped as they no longer need a Variance.

Mr. Joseph Cammarasana was sworn in. He stated the Board was able to take a potentially contentious situation and make it very comfortable. He thanked the Board adding that they retained the property values, and the result that the Board came up with is "beautiful."

APPEAL #Z-24-32 – URION
Tax Parcel #20-028-032
212 MORRIS LANE, WASHINGTON CROSSING, PA 18977

Mr. Kenneth Urion was sworn in.

Mr. Flager stated this matter was originally before the Board in November, 2024; and the only current Board members who were present at that time were Mr. McVan and Mr. Schwartz. Mr. Flager stated this was approved 4-0 in November, and there was an Appeal to the Court of Common Please where there was oral argument over the summer. He stated the Judge remanded the Case for further proceedings due to a potential issue of not notifying two of the neighbors who were those who appealed the Decision. He stated it was remanded back to the Board for further proceedings so that those two people who live near the property can participate in the Hearing. He stated since we have a mostly new Board, he feels the Applicant should go over everything again and re-familiarize everyone with the project. He stated he understands some neighbors are present as they were last time, and they can comment as well as the two gentlemen who made the Appeal.

Mr. Urion stated they have had goats since 2014. He stated they have five Nigerian dwarf goats. He stated they originally had two, and one of them had to be put down due to health reasons. He stated they then got four additional so they have five now. He stated they have less than a half-acre of property, and they are looking for a Variance to keep them at least as long as they live. He stated they would probably never get another goat, and they just want to keep the ones they have. He stated he knows that there is an issue with the neighbor; however, most of the neighborhood is here to support him.

Mr. Schwartz asked about chickens, and Mr. Urion stated they have six chickens which is what they were allowed with the last approval. He stated they had four at that time, but they got two more.

Mr. Schwartz stated Mr. Urion had described the area where they keep the chickens and how the neighbors come to view it as a positive addition to the neighborhood. Mr. Urion stated two of their neighbors who moved in in 2024 said that when they saw the chickens and the goats, they knew that they would buy the house. He stated everyone walks down the street, and a lot of people stop and pet the goats. He stated they are adjacent to the canal, and people who walk down the canal path stop and ask questions about the goats. He stated everyone seems to like hearing them.

Mr. Schwartz stated at the last meeting Mr. Urion had described the fenced-in area. Mr. Urion stated while he does not have a drawing tonight, he submitted one last time; and Mr. Schwartz stated the Board has that, and it was shown this evening. Mr. Urion noted the location of the fenced-in area on the right side of the property when facing the house. He stated the fence is about 10' off of the property line. He stated there is a tree line that divides his property from the neighbors at a location he showed on the drawing. He stated off the rear of the property it is about 25' to 30'. There are no homes behind the property. He stated from the road it is about 45'. He added that it is an open fence, and you can see in from all four sides.

Mr. Schwartz asked if they have ever gotten out. Mr. Urion stated when the goats were little, they jumped over the fence; and they had to make the fence taller. Mr. Schwartz asked if there were ever any issues with foxes; and Mr. Urion stated they have and have lost some chickens. He stated the gate is not a piece of fence but is a "bunch of vertical bars," and they can get through. He stated they have also had hawks and raccoons get the chickens.

Mr. Borda asked what is the Board being asked to rule on, and Mr. Flager stated there are two parts. He stated you would otherwise need five acres of land; and even if you have that, there are limits on how much livestock you can have. He stated that is why the original decision put those limits in place. He stated it is also where the structure is and how close it is to the setbacks. He stated it is considered an accessory structure, and it was indicated it was about 30', and 50' is the requirement from the side and front setback. Mr. McLoone stated Mr. Kirk went out to the property prior to the first Hearing and measured it. Mr. Borda asked if these are existing structures, and Mr. Flager agreed. Mr. Urion stated they have been there for more than ten years.

Mr. McVan stated someone turned them in; and Mr. Flager agreed adding that this often happens as the Township cannot know what is happening at every property, and they then had to apply for a Variance. Mr. Schwartz asked Mr. Urion if someone told him what happened that required him to get a Variance. Mr. Urion stated the neighbors who lived at one house complained.

Mr. Urion noted that the picture being shown is an old picture adding that the trampoline and other items shown in the picture are gone from the property.

Mr. Flager stated the previous approval did not permit roosters which he understands they had at some point, but they no longer have. Mr. McLoone stated the Decision Notice said no more than 5 goats, no more than 6 chickens, and the chickens must be hens not roosters.

Mr. Borda asked for clarification of the location of the structures in relation to the house, and Mr. Urion noted the location of the fenced-in area on the slide. He added that it goes back toward the Canal path.

Mr. McCartney asked the number of goats they currently have, and Mr. Urion stated they have five goats. He added that they started with two, they had to put one down, and they got four more for a total of five. Mr. Urion stated they have six chickens as well. Mr. McCartney asked if this was a temporary Variance until the life of the animals. Mr. McCartney stated Mr. Urion had indicated that he was not getting any more. Mr. Urion stated he does not think he would ever want to have five goats again, although two was great. He stated he would like the option if available. Mr. Flager stated Variances run with the land although they could potentially have a Condition that they could only replace them if they die with a maximum of two. Mr. McCartney asked about the chickens. Mr. Flager stated the amount of the livestock is based on the Code as to what you are allowed to have. Mr. McCartney stated he understands it could be a combination; and this parcel allows for zero, and the Applicant is asking for eleven. Mr. Flager stated the first part of the Variance is the dimensional side of how big the lot is, and the second part is the setbacks. He stated the Conditions on the amount were set because that is what the Code allows for.

Mr. Borda asked if Mr. Urion would be allowed to have any wildlife with the acreage he has, and Mr. Flager stated he would not as that is where the five acres comes in.

Mr. McLoone stated if it was five acres, one livestock unit equals 30 chickens. Mr. Flager stated the livestock units are per type of animal. Mr. McCartney asked how many goats that would be, and Mr. McLoone stated five sheep or goats are one livestock unit.

Mr. Borda asked if they are for harvest, and Mr. Urion stated they are not – they are pets. He stated the goats are called wethers, which are castrated males. He stated they are pets and are "outdoor dogs." Mr. Heinz asked if they tend the lawn; and Mr. Urion stated while they do eat quite a bit, it is not "the stuff" they want them to eat.

Mr. McCartney asked for the calculation based on five acres, what they could have on a half-acre; and it was noted they could have three chickens and two and a half goats. Mr. Urion stated their goats are dwarf goats, and they are about 50 pounds and about 22" to the top of their backs so they are smaller than regular goats.

Mr. Urion stated he has no further evidence or testimony unless there are additional questions.

Mr. Schwartz suggested public comment start with the neighbors who opposed Mr. Urion having chickens and goats.

Mr. Daniel Magno and Mr. Dan Karlberg, 215 Morris Lane, Washington Crossing were sworn in.

Mr. Schwartz asked if they were seeking Party Status which would allow them to ask questions of the Applicant and the Board or do they just wish to make comment. Mr. Schwartz stated Party Status would require them to live within a certain distance of the property. Mr. Magno stated they are 240' from the property, but part of the issue was whether this was a Use Variance or not. He added that if it was a Use Variance, they would have received Notice since that requires Notice to those who are 400' from the property. Mr. Flager stated that was part of the issue on Appeal whether it was a Use Variance. He stated our position was that it was a Dimensional Variance because you needed five acres, and they have less; and also the distance to the setback was a Dimensional Variance. Mr. Flager stated they could still have Party Status outside of that, but they would have to show that they are an aggrieved Party and how they are aggrieved more than just the common impact for the general neighborhood. Mr. Schwartz asked if they would have to provide information as to what they believe makes it a Use Variance issue; and

Mr. Flager stated they could or just state why they should still have Standing even if it is a Dimensional Variance. Mr. Flager asked that they discuss if they are requesting Party Status and what the basis of that request is.

Mr. Magno stated they feels it is a Use Variance because, as their attorney argued at the Hearing, when there is a certain dimension that is needed for a use to take place, there have been cases where that can be argued that is a Use Variance and not a Dimensional Variance. Mr. Magno stated they also feel that they are aggrieved because of issues with runoff from the property. He stated they are adjacent to the Canal, and it overtops its banks a lot; and when that happens, their property is downstream from the Applicant's property and all the water and anything that was in the goat yard comes to theirs before draining into the creek.

Mr. Karlberg stated they are surrounded completely by wetlands and are about one block from the Delaware River. He stated they live right next to Dyers Creek and the Canal. He stated there are a lot of predators who are not friendly to farm animals. He stated the neighborhood has a series of private roads which are not maintained. He stated there is no protection from runoff, and it goes right into the creeks. He stated there has not been very good support from the Township for their neighborhood, and he has been working on it for years to try to get someone out to help them figure out what they can do to get current some of these important issues.

Mr. Karlberg stated their house is the lowest so all of the rainwater comes down to their property. He stated they have photographs to show the inundation that they get which brings all the manure and everything from the animals. He stated there is nothing "up there – not even hay." He stated they do not think that the goats are being taken care of for their welfare nor for the real consideration of the residential population. Mr. Karlberg stated he and Mr. Magno have 6 cats and 2 dogs, and they moved into the area because it was a residence; and they moved from Northeast Philadelphia because they wanted animals. He stated now they have to deal with "fox and everything else." He stated they do not let their cats out anymore which is a disadvantage. He stated they have plants that they have to hide from the "folks behind them," and they have to get rid of all of the foxes that come in. He stated they have numerous videos and pictures.

Mr. Karlberg stated the first thing that started this was when Mr. Urion got two roosters, and the Township would do nothing. He stated they would not let them have any access to animal help because they considered them

of having a private community. Mr. Karlberg stated it is "no such thing," and they are not an HOA. He stated there are private roads, and private roads "do not need leashes." He stated when dogs are off leashes, it is the person who owns the dog who needs to take care of the dog. He stated there are chickens numerous times on the roads, and they need not to be off our roads. He stated they have several photographs of this.

Mr. Karlberg stated they have a citation on another neighbor who is present this evening on their dog, and they have another citation on their ducks. He stated numerous times the ducks would be on his property, and he would ask them to "please be kind to him and take them off." He stated they had come onto his property several times to chase the fox away from getting those ducks.

Mr. Karlberg stated they have no issues with animals, but it is what is appropriate in a given neighborhood. He stated they have one-third acre, half-acre, and a little more than that in their neighborhood; and they are lined up right next to each other. He stated they have pictures of the setbacks which are not accurate according to the drawing. He stated one neighbor is right up against another. He stated the Canal is right in the back of the animals. He stated the fence is not being maintained. He asked who insures that the goats get vaccinations. He stated a raccoon came onto his property which was not well and it annoyed his dogs. He asked what would it mean to them as a community if that raccoon had rabies and had bit one of the goats. Mr. Karlberg stated they "should open up Peterson Farm to a triple H and have Mr. Urion apply to have animals in a farm," but not in a community that is Residential where he wants to have his pets and not have to exclude himself from living in a residential area. Mr. Karlberg stated there is no respect in his neighborhood from the people behind him (pointed to those in the audience). He stated he and Mr. Magno have been harassed and intimidated. He stated he has had eight citations from Mr. Urion because they took his goats away from him the first time, but evidently he decided not to do it and got more; and he put another violation on Mr. Urion. Mr. Karlberg asked why did the Township no penalize him for not doing what he was originally supposed to do. He stated they are encouraging Mr. Urion to continue his behavior.

Mr. Karlberg stated he has been in contact with the Planning Commission and "other people and has a reputation." Mr. Karlberg stated the new Chicken Ordinance is not in good standing with a lot of people, and he asked how it got through that you could have six goats in less than a half-acre. He stated

he has not seen hay, and the goats are eating grass which they should not eat. He asked what is their food and who is taking care of them. He stated they are not pets, and they are either livestock or they are farm animals. He asked why you would have a goat as a pet.

Mr. Magno noted the location of their home on the aerial. He stated they are 240' from Mr. Urion's property. Mr. Flager stated there is one house in between their property and the Urion property. Mr. Karlberg stated everything goes down. He noted the location of the creek. Mr. Magno stated the water goes in two directions – toward the River and also toward Dyer's Creek. He also showed a low spot where their well is; and after a rain, water stays in that area which is different from everyone else. Mr. Karlberg stated they have Exhibits which show where Mr. Urion's well is in relationship to where the goats are which is problematic.

Mr. Schwartz stated Mr. Magno and Mr. Karlberg will be granted Party Status which will allow them to present evidence.

Mr. Schwartz asked Mr. McLoone if there is a County or State map showing all the wetlands in that area. Mr. Magno stated there is a flood hazard map in the information that they are submitting. Mr. McLoone showed the Bucks County Parcel and Floodplain Viewer noting that the green area is the wetlands.

Mr. Flager marked for identification the information submitted with 12 tabs by Mr. Karlberg as Exhibit MK-1 through 12. MK-13 an exhibit showing the property was also marked.

Mr. McLoone showed another Bucks County Parcel and Floodplain Viewer with the area in dark purple being the area in the 100 year-floodplain, which is the regulated floodplain; and the light purple is the 500-year floodplain. He stated Mr. Urion's property appears to be outside of both floodplains. Mr. McLoone stated a very small portion of the rear of the property of Mr. Magno and Mr. Karlberg is in the 500-year floodplain. Mr. Karlberg stated they have been in touch with all of the owners going back to 1948; and their house was flooded during the 1955 storm, Agnes in 1972, and the 2008 storm. He stated the person next to them was also inundated with water.

Mr. Magno stated when it rains a lot, the Canal comes over the bank toward their property. Mr. Karlberg stated during Hurricane Ida the embankment next to the Canal broke, and water inundated them.

Mr. Magno stated he is a Pennsylvania-licensed architect. He stated their house is one-third of an acre parcel. He stated the neighborhood is a unique, 1920 Subdivision originally called Island View Bungalows. He stated the whole neighborhood is approximately twelve acres containing twenty-one homes. He stated they all have private wells for drinking water on lots ranging from .08 to .6 acres. He stated the current Zoning is RPR. He stated all of the lots in the neighborhood are less than the three-acre minimum lot size for this Zoning District. He stated there is no Homeowners Association, and the roads are mostly unpaved and not dedicated to the Township.

Mr. Karlberg stated the Estate that owned the roads is no longer in existence so technically those roads are now orphan parcels. He stated according to what he has read orphan parcels go to the adjacent owner of the property so the roads that "people think they can take away from them" they should by right have providence over. He stated they should have their rights just like they have their rights.

Mr. Schwartz advised Mr. Karlberg that he is going into some legal area that is not about Zoning. Mr. Schwartz asked that they stay with the Exhibits that they have presented.

Mr. Magno stated they are opposed to the livestock in this residential lot for six reasons. He stated the first is drinking water quality/well contamination. The second is run-off from the animal waste during flood events. Third is predators which the livestock attracts to the area. Fourth is increased risk of rodents and fire hazards in a residential area. Fifth is chickens being left to roam freely on the roads. Six is the welfare of the animals themselves.

Mr. Karlberg stated they have no fire hydrants in their community.

Mr. Magno stated the lot area of 212 Morris is less than one-tenth of the amount required for livestock in a residential area. He stated he believes that there is good reason why the Zoning Code does not permit livestock on small lots in residential areas served by wells for drinking water just as there is a reason why septic tanks are required to be isolated from wells. He stated the livestock units contained in the Zoning Code represent the amount of land to safely manage the animals and waste generated. He stated the well at 212 Morris is not shown on the Applicant's Site Plan. He stated it is behind the chicken run in the area that is fenced in for the goats.

Mr. Magno stated the first Exhibit presented (MK-1) is the Site Plan shown earlier with the well shown in red. Mr. Schwartz asked if that well serves just Mr. Urion's well or all of the properties in the area, and Mr. Magno stated he believes it serves Mr. Urion's property. Mr. Magno stated Exhibit 2 and 3 are photos showing the well with the goats next to it.

Mr. Magno stated the Bucks County Department of Health requires an isolation distance of 200' from wells to barnyards and best practices for chicken coop placement is at least 100' from wells. He stated Exhibit 4 is from the Bucks County Department of Health showing the 200' isolation distance. He stated they also found an article from the Penn State Extension, Exhibit 5, saying that even with casings, wells provide a short-cut for surface contaminants to enter the aquifer and in addition they note that the groundwater flows underground in a downward direction potentially allowing upslope aquifer contamination to spread to downslope drinking water sources.

Mr. Magno stated in a community of relatively small lots this is a serious concern, and it is not clear how the goat and chicken manure is being handled, stockpiled, or disposed of; and the lack of isolation from the Applicant's well poses an unacceptable risk to the drinking water in the Applicant's well, neighboring wells, and his well.

Mr. Schwartz noted Page 4 which Mr. Magno had provided, and asked where it was from as there is nothing on the document that says what it is. Mr. Magno stated he believes it is Bucks County Regulations for Construction of all wells.

Mr. McVan asked about the sewers in the neighborhood, and Mr. Magno stated it is all septic.

Mr. Borda asked if they have their drinking water tested on a regular basis; and Mr. Magno stated it is not, and he has not had it tested. Mr. Borda asked how far away his well is from the Applicant's well, and Mr. Magno stated it is about 250' to 260'. Mr. Magno stated part of the issue is that once contaminants get into the groundwater, they can travel.

Mr. Karlberg stated the document they provided was from Bucks County Department of Health Rules and Regulations Governing All Wells and Their Construction Specifications.

Mr. Schwartz asked Mr. Magno how long he and Mr. Karlberg have lived in the house, and Mr. Magno stated they have lived there for ten years. Mr. Schwartz asked if they ever considered the well water being contaminated before or is this new. He added that they have known about the chickens for some time. Mr. Karlberg stated they live right next to a gas pipeline that Sunoco was testing. Mr. Schwartz stated they are at least a half mile away from it. Mr. Karlberg stated they are on the other side of the creek from where they do all of the refining. Mr. Magno stated there is a right-of-way that goes parallel to Dyer's Creek not very far from his property, and he noted the location on the aerial.

Mr. Borda stated they have indicated that they are concerned about the quality of the water and have known about the goats and chickens for ten years. Mr. Karlberg stated they did not know exactly. He stated they moved there in 2016, and he was diagnosed with cancer in 2019 so a lot of their energy went into that. He stated the real change was when the roosters came, and that is when there were more foxes which was around 2022. Mr. Borda stated that was four years ago; and if they were concerned about the water, he does not understand why they have not had their well tested. Mr. Karlberg stated there are more animals now, and that is their concern. Mr. Borda asked why they did not have their water tested given that concern. Mr. Karlberg stated they had an addition put on which was expensive. Mr. Borda asked if they looked into how much it would cost to have the well tested for water quality, and Mr. Karlberg stated they had it replaced, but they did have it tested. Mr. Borda asked if they had their well replaced, and Mr. Magno stated they had the well pump replaced. Mr. Schwartz asked if they know how deep their well is; however, they did not know. Mr. Karlberg stated the person who did the work said it was appropriately deep enough and he feels it might be 100' or more.

Mr. Magno stated they also did not realize until they made the complaint that the well at 212 was in the goat enclosure. Mr. Schwartz asked if they believe that the well being in the goat pen allows goat excrement to get into the well water faster, and Mr. Magno stated he does feel that is a potential since that is what the Penn State Extension article says. Mr. Karlberg stated because they do not have roads are up to standard all of the rainwater comes down to their property because they are at the lowest level. He stated this is when they started their investigation, and they had to take photographs to prove things, and that takes time.

Mr. Schwartz stated rainwater seeps into the ground until it is completely saturated unless there is a downpour and the ground cannot absorb it as fast. Mr. Karlberg stated they can show a picture to show what it looks like.

Mr. Magno stated Exhibit 6 is a photograph of the chicken coop that was built after the first map was done, and there is also a roof overhang along side the garage. He stated they got the photograph from Mike Kirk who stated he did not believe it was a Zoning violation; however, Mr. Magno stated he feels it is a hazardous condition to have a chicken coop built right up next to the garage. He stated they were also wondering where the hay was stored, and it seems to have this many animals on such a small lot is a dangerous situation. Mr. Schwartz stated since the Building Inspector indicated it was not a violation, that is not an issue; and they should move on to the next Exhibit.

Mr. Magno stated Exhibit 7 is the Flood Map which has already been seen.

Mr. Magno stated Exhibit 8 is a picture of his side yard taken in July, 2023 when the Canal overtopped its bank. Mr. Magno stated Exhibit 9 is the same time showing the water sitting in front of his house.

Mr. Magno stated Exhibit 10 is a picture showing the chickens on Morris Lane.

Mr. Magno stated Exhibit 11 is a partial Court transcript from the Rule 27 Conference. He stated this was to explain what their attorney had said which is highlighted, and Mr. Magno read the highlighted portion as well as when the Judge remanded the matter to the Zoning Hearing Board.

Mr. Magno stated Exhibit 12 is a letter summarizing their opposition.

Mr. Schwartz asked with regard to the photos of water surrounding their property if that has been ongoing with rainstorms since they have lived there. Mr. Magno stated it has happened twice when it was a really heavy storm when the water came over the banks of the Canal. Mr. Karlberg stated when they had the addition added on, they had some dirt built into the area, but not enough to prevent water build up during rain that is substantial. He stated it does not have to be a hurricane. Mr. Schwartz asked if they ever considered any additional drainage on their own property such as a French drain.

Mr. Magno stated when they did the addition, they had a green roof put on and they also had additional trench drains put around the addition and yard drains to help with some of these issues. He stated even during long, steady

rains while it is not in front of their front door like the one picture provided, the side yard does retain a couple inches of water afterwards because there is a low spot. Mr. Schwartz asked if that is an area where drainage was put in; and Mr. Magno stated it is not, and they had the drainage put in closer to the house.

Mr. Schwartz asked when the picture was taken of the chickens running loose; and Mr. Karlberg stated that was a couple weeks ago, but he has taken them several times through the years. Mr. Karlberg stated Mr. Urion has already admitted that it happens occasionally.

Mr. Urion stated in his back yard between the house and the Canal, he is a low spot, and his yard puddles. He stated mainly at the back side of his house over to his next-door neighbor, Brendan Mason, there is a low spot so he can guarantee that there is no run-off going from his property to Mr. Magno and Mr. Karlberg's yard. He stated he believes they stated that the goats only eat grass; however, he spends $50 every two weeks buying five bales of hay that they eat. He stated they also get grain once a day. He stated the chickens get chicken feed. He stated they made a comment about foxes, and he believes that there were foxes in the neighborhood long before he had goats.

Mr. Urion stated he never got rid of any goats because of a complaint from Mr. Magno and Mr. Karlberg so there was no replacing of a goat that they were told to get rid of so their comment was inaccurate. Mr. Karlberg stated Mr. Kirk visited either Mr. Urion or his wife and the Wilsons, and they both agreed to get rid of animals; however, Mr. Urion stated they did not. Mr. Urion stated the Wilsons agreed to get rid of their ducks, and they did; and he agreed to get rid of the roosters but never agreed to get rid of the goats. Mr. Magno stated there was a violation from 2023, and it was not until 2024 that they were told that they needed a Variance. Mr. Karlberg stated Mr. Urion was sent a violation, and he has a copy of it, which he believes said that they did originally get rid of what was requested although he cannot be sure, and he can only say what they were told by Mr. Kirk at that point.

Mr. Flager stated we are aware that there was a violation and Mr. Urion ended up needing a Variance, which is why he came two years ago and why we are here again.

Mr. Urion stated Exhibit 6 is the picture that Michael Kirk took, and he spoke to his wife. Mr. Urion stated she explained to him that there was an existing side roof on the garage, and they enclosed it to make a new goat house because the one they were in, which is in the picture from Google Earth, was

his children's playhouse before they had the goats, and they used it for the goats until it became dilapidated. He stated they then put up the structure on the side of the garage underneath, and Mr. Kirk stated it was not a violation.

Mr. Schwartz stated he still questions how it is being considered a Use Variance just because Mr. Karlberg believes goats or hens are not pets. He added he has known people who had pigs and raccoons as pets. He stated in his neighborhood there are deer, raccoons, skunks, wild turkeys, and foxes. He stated they are in every neighborhood and it cannot be stopped. He stated he does not believe that because Mr. Urion has chickens or goats it brought foxes into that neighborhood especially since they live along the Canal. He added that there are coyotes going up and down the Canal, and there have also been black bears occasionally spotted in the Township.

Mr. Karlberg asked why they would put their pets at risk for those things before they got the goats if they knew that "these being wetland areas are a threat." Mr. Flager asked Mr. Urion if a fox has ever gotten any of their goats; and Mr. Urion stated they have not, although he stated they have gotten chickens.

Mr. Borda asked Mr. Flager if having the goats and chickens on anything less than five acres is a violation of the law, and Mr. Flager stated you need five acres to have those types of animals. Mr. Flager stated while you can treat them pets, under the Code they are livestock.

Mr. Magno stated he does not see where the hardship is because it is a self-imposed hardship. Mr. Schwartz stated the size of the lot is a hardship for keeping them as their pets.

Mr. McVan asked if there is a rule for how many dogs you can have on a property, and Mr. McLoone stated that is not mentioned in the Zoning Ordinance.

Mr. Borda stated while he would not want this in his neighborhood, this is a rural setting with gravel roads, and people probably anticipate some of this happening. He added that he is not happy about rewarding someone who has done this without asking for the appropriate permission. He stated if everyone was in favor of it, it would not be as much of an issue; however, if someone two doors away has an issue with it, he is concerned. He added he feels it "reads a little hollow" that there are concerns about water, where it runs, and what it contaminates by someone who has not bothered to test

their water; but that may not be their burden to show that they are being negatively impacted. He stated they live in the vicinity of the property, and the property is in violation which is a concern.

Mr. David Hogan, 208 Riverside Avenue, Washington Crossing, was sworn in. Mr. McLoone stated he received Notice. Mr. Hogan showed the location of his home on the aerial. Mr. Hogan stated he knows where all the wells and septic systems are on every property in the neighborhood. Mr. Hogan stated the septics and wells are all on top of each other. He stated he has never smelled the goats and they keep them clean. He stated they are enjoyable, and he also liked the roosters. He stated since Mr. Magno and Mr. Karlberg moved in it has "been a bunch of chaos, and they just want to complain about everybody." He stated he has lived in his house for 58 years. He stated the Urions are great neighbors, and the goats and chickens are enjoyable. He stated Mr. Urion's well is double-walled so there cannot be contamination of the well from what he understands from the Board of Health. Mr. Hogan stated the development was laid out in 1923, and he assumed that everybody in the neighborhood owns the roads, and the roads have always been that way. He stated when he had a plow on his truck, he plowed the roads for everybody. Mr. Hogan was asked if he was requesting Party Status, and he stated he was not.

Mr. Jeff Janaski, 1712 Morris Lane, was sworn in. He stated his home is the closest one to Mr. Urion, and their driveways abut each other. He stated they bought their house because of the chickens and the goats. He stated he has a shallow well at 58', and he gets it tested yearly. He stated it costs $450 - $700 to test, and the only thing he has in his well is iron. He stated his main concern is the pipeline if it would migrate his way. He stated with regard to the goats, their fence is 75' to 100' from his property line, and they never smell the goats. He stated they take their fruits/vegetable rinds and give them to the goats. He stated the goats are part of the family. He stated he does not know how you can contain a chicken, but they have never had any issues with the chickens or the goats.

Mr. Janaski stated with regard to water run-off, the roads are stone roads and have potholes. He stated they maintain their roads and stone them. He stated Mr. Urion bought a snowplow for his truck, and he plows the roads.

Mr. Janaski stated every two weeks a truckload of hay comes for the goats, and they also get treats. He stated there is no reason they should not be able to keep the goats adding that they have had them for fourteen years, and now in

the past few years it has become a problem. He stated he moved in two years ago and moved from Levittown where he had six chickens which Falls Township was fine with. He stated he brought the chicken coop to the new house, but with everything that the Urions are going through, he wanted to wait and see what happens. He stated he did call the Township to find out how much the Variance was. He stated he also knows that the Township will be taking a vote with regard to chickens in Lower Makefield. He stated he would like to have chickens.

Mr. Janaski stated there is a small vacant lot which has a 52' well on it, and the water is crystal clear.

Mr. Janaski stated the goats are well fed and people in the neighborhood drop off food for them. He stated all the children in the neighborhood love them. He stated there has never been an issue before this started. He stated the neighborhood is "tight and they like their private/stone roads." He stated all of the water runs to the River, and he gets no water from Mr. Urion's property and Mr. Urion gets no water from his property. He stated all of the water from his own property runs to Morris and goes to the River. He stated there are several neighbors who buy stone and maintain the roads. He stated this is another reason why he bought there because it is a private little community. He stated whenever there is rain coming, the Canal opens the locks, and the Canal goes dry. He stated with regard to the pipeline that was brought up, that is not the Sunoco pipeline – it is a natural gas pipeline that goes through.

Mr. Karlberg stated with regard to odors and sounds, "humans do not have to smell nor do humans need necessarily to hear." He stated he walked the Canal yesterday, and he heard "one of them – it is natural for them to make sounds and to smell," but it is predators who have a keener sense of sight and smell. He stated Mr. Janaski already created a fence and he has a chicken coop, and they know that he is getting ready to do the same thing that Mr. Urion is doing. He asked if one neighbor keeps doing what another neighbor does, what will that do to the "general impact." Mr. Karlberg stated with regard to the run-off, he asked the Board to come see their roads, and see what they have been doing to them. He stated the run-off does not go down and it goes all over onto the road and down, and the Board needs to see what their structures are like. He stated they cannot believe what Mr. Janaski says is true unless they see it with their eyes, and then they may be able to make some kind of judgment.

Mr. Karlberg stated they have a Police Report on Mr. Janaski because he blocked Morris Lane from them, and they could not go down the road. Mr. Schwartz stated that has no bearing on the Variance. Mr. Karlberg stated it has bearing on his character.

Mr. Brendan Mason, 217 Morris Lane, was sworn in. He stated his property is adjacent to the Urion's. He stated he can confirm that there is a low point at a location he showed on the aerial. He stated everything on his own property runs back toward his house and is self-contained. He stated the water from where the goats are runs to a low point and cannot come up over top of the low point. He stated the reason they purchased their home was because the roads were not paved, and he liked the rural setting. He stated he knew that he would be responsible for the road maintenance. He stated he also knew that since they live in the woods, there would be foxes and coyotes. He stated the goats are well maintained, and his son waits for him to take him to see the goats. He stated they also take food to the goats. He stated they also see hay being dropped off, and it can be seen in the yard. Mr. Mason stated he has been in the house for three years, and the rural setting was the selling point. He stated it was also made clear when he bought the house that they were not in the flood zone, and flood waters are not a problem.

Mr. Mason stated he shares a property line with Mr. Urion, and he has no problem with the goats being there; and it was a selling point for him. He stated taking them away would be a detriment to the neighborhood as a whole. He stated there are enough people who benefit from it which should be considered.

Mr. Borda asked if the Board would be setting a precedent for the remainder of the neighborhood by granting the Variance in this instance, and Mr. Flager stated they would not. Mr. Flager stated Real Estate is considered unique and there can be two pieces of property that are seemingly identical and they are treated differently. He stated Case Law as it relates to Land Use Zoning is different in that sense, and each person who comes up has to prove every element to get relief. He stated this relates to not just the situation being discussed tonight but any situation.

Mr. Mark Constable, 213 Parkside Avenue, was sworn in. He showed the location of his home on the aerial. Mr. Constable stated he checked out the neighborhood before moving in, and they knew what they were getting

into when they moved here in 2014. He stated they knew the goats and chickens were there prior to moving in. He stated they also knew that there were wild animals. He stated they did not have a problem with any of it. He stated the goats are very small, and most people in the neighborhood do not have a problem with them. He stated at one point he was friends with Mr. Magno and Mr. Karlberg and wrote a letter for them when they came before the Zoning Hearing Board for their Variance. He stated he is good friends with most of the people in the neighborhood and never had a problem with anyone. He stated you would not even know the goats were there unless you were right at Mr. Urion's property.

Mr. Borda stated the rule is there for a reason which he assumes was that in order for someone to have livestock there should be a buffer of five acres. He stated he is not happy that this was done without getting a Variance. He stated he feels that a lot of the things the two neighbors who are against this raised ring hallow because they should have known what they were moving into, and they did not bother to get their water tested if they were genuinely concerned about well water and contamination; but he feels that they do have the ability to raise their issues.

Mr. Heinz stated the neighborhood in question is still subject to the Township rules and responsibilities of their Zoning District, and Mr. Flager agreed. Mr. Flager stated if a Variance is granted, one of the Conditions is that the Variance would not alter the essential character of the neighborhood or District in which the property is located or substantially or permanently impair the appropriate use or development of adjacent properties nor be detrimental to the public welfare. He stated that is an element that should be considered by the Board.

Mr. Schwartz stated with regard to the character of the neighborhood they could consider the gravel roads which fall in the character realm. He also stated that the Zoning Hearing Board is in place to grant Variances to the rules so that they are not all set in stone. Mr. Schwartz stated it does not mean that everyone in the neighborhood is going to be able to have chickens because one neighbor was permitted to have them since every property is treated differently. He noted Appeals heard in the past for chickens some of which were granted and some of which were denied. Mr. Schwartz stated he feels a responsible chicken owner is a key factor.

Mr. Heinz stated it was brought up earlier that the Board of Supervisors is considering changing the restriction for chickens and the like on properties, but the Zoning Hearing Board is not subject to that yet so that should not enter into the Board's discussion. Mr. McLoone stated the Planning Commission recommended it for approval about four to five months ago, but the Board of Supervisors has not voted on it yet.

Mr. Borda stated he recognizes that the neighborhood for the most part likes to have the animals, and he is concerned that Mr. Urion would have to stop doing what he has been doing especially since he has built things to accommodate this. He stated if Mr. Urion had asked for permission to do this before he did it, he would not feel comfortable approving it if someone had a problem with it and there was a rule that it could not be done on a property less than five acres.

Mr. McCartney asked Mr. Flager if bringing livestock onto a half-acre Residential lot when local Ordinance prohibits or restricts farm animals is considered a self-created situation which legally disqualifies an Applicant from receiving a hardship Variance. Mr. Flager stated this is not a question for public discussion, and he stated that the Board could break for Executive Session.

A recess was taken at this time.

When the meeting reconvened, Mr. Flager stated the Board met in Executive Session to discuss legal and procedural issues.

Mr. McCartney asked Mr. Urion what is the hardship regarding the livestock at the property. Mr. Urion stated the size of the lot is a hardship. He stated other than that he cannot say he has one other than the fact of trying to keep his wife happy as she wanted goats.

Mr. Heinz asked what the chickens are being used for, and Mr. Urion stated they are for eggs only. Mr. Heinz stated he understands that the goats are not being used for milk or anything else, and Mr. Urion stated they are not.

Mr. McVan stated the goats and chickens are their pets, and Mr. Urion agreed.

Mr. Kyle Wilson, 1726 Morris, was sworn in and showed the location of his home on the aerial. Mr. Wilson stated he feels that after over a decade of the goats being here, they have more than established what the law is right or wrong for doing it in the first place, it can be done, and it can be done in a way that does not affect any of the neighbors around. He asked where you would get five acres in Lower Makefield or anywhere. He stated he feels it can be done, and they have demonstrated it more than fairly up until whatever the reason of complaining now. He stated if it was not for that, we would not be here tonight.

Mr. Borda stated in the past compromises have been sought. He stated when they did the math exercise and tried to extrapolate the rule about limitation on livestock as to what is allowed on five acres, taking that down to a half-acre it would limit them to five chickens and two goats; and he asked Mr. Magno and Mr. Karlberg if the Board were to cap Mr. Urion's usage to that number, would they be amenable to that. Mr. Karlberg stated it does not seem to be important to Mr. Urion to have five goats. He stated they would definitely be amenable to the chickens.

Mr. Karlberg asked if there could be a condition that they be isolated from the well. He stated they have a filtering system for their drinking water; and their concern was when the other goats came, which was not that long ago, their own pets do not drink from the filtered water, but from the other water. He stated it is true that they have not had testing, but they have had time constraints. He stated they love animals, but this is a hard decision for them.

Mr. Karlberg stated they know that Real Estate can suffer from having things like this in the neighborhood. He stated everyone keeps saying that it is of a certain character, but at the same time a lot of homes are being bought and changed to try to change the neighborhood. He stated if the Board would come and see, they would see that there is a lot of "poverty almost and then there is a lot of more toward middle class."

Mr. Borda stated Mr. Urion could have had two rottweilers out there, and there would not be any problem legally with that. Mr. Borda stated this is an effort to compromise and try to keep as many people happy as possible being cognizant of the fact that the Applicant when he did what he did fourteen years was probably not "on a mission" to violate the law. He asked if Mr. Magno and Mr. Karlberg would consider this compromise. Mr. Karlberg asked if they agree to it, does it mean that they are subverting the law.

Mr. Karlberg asked if the Board does not feel it is fair for goats to be on five acres, and Mr. Borda stated that is not the debate that they are here for. He stated that is what the law is, but the Board has the ability to work within that law and grant a Variance. He stated they are trying to get to a point where they can stop the litigation and the "bad blood," and have everyone move on with their lives; and he asked if they are amenable to this or not. Mr. Karlberg stated he feels they could accept five chickens and two goats. Mr. Magno stated they need to stay on the property. Mr. Borda stated that would be something for someone other than the Board to deal with.

Mr. Borda asked what they are asking for with regard to the well water. Mr. Magno stated they would want them to be at least 100' away from the well. He stated if you look at best practices for chicken coops and goats, they say 100' to 200' from a well. Mr. Borda asked Mr. Urion if he has the ability to move it 100' from the well, and Mr. Urion stated it would be on the opposite side of the house in less of an area and would not be doable. Mr. Urion stated he could enclose the wellhead a little bit. Mr. Borda stated he is interested in everyone "in the room getting a fair shake."

Mr. Karlberg stated they do not have an issue provided it remains those animals at those numbers. He stated they have had issues with additions without Permits or "questioning." Mr. Borda stated the Board is only dealing with what is before them now. Mr. Heinz stated what is being proposed would be only for this property with a limit of five and two, and no other property in the area would be allowed to have anything because they are under five acres until the time the Board of Supervisors votes for something "that may or may not be available." Mr. Schwartz stated someone could apply for a Variance.

Mr. Karlberg asked what Mr. Urion would do with the other three goats. Mr. Schwartz stated Mr. Karlberg keeps putting on more caveats. Mr. Flager stated if there was a limit below what their current count is, it would not have to be done tomorrow. He stated they would have more than a month for the Findings of Fact to be prepared and the Appeal period to run so it could be as long as 75 days in order for them to rehome them. Mr. Karlberg asked if they are going to agree to it, could the policy be changed to make it 30 days total; and Mr. Flager stated the timing he has described is a requirement under the Municipalities Planning Code and the local Ordinance.

Mr. Magno asked how much could they isolate the goats from the well; and Mr. Urion stated he might be able to do an 8' diameter, although he does not feel it will make a difference. Mr. Urion stated they had their well tested, and it is fine. Mr. Urion stated he could put a fence 8' around the wellhead, but they are talking about water that is going underground. He added it would not hit the chicken run if it were 8' around.

Mr. Urion stated the compromise is that he would have to get rid of three of the five goats, and Mr. Borda agreed. Mr. Urion stated he would rather the Board just "judge on it." Mr. Schwartz asked if it is "all or nothing." Mr. Flager asked how long goats live, and Mr. Urion stated the one they got originally in 2014, and he is probably close to his lifetime.

Mr. Borda stated the Board is trying to do something that will not make everyone unhappy as well as being cognizant of what Mr. Urion's mindset was fourteen years ago since some of the Board felt that this was a violation of the law and should not be rewarded by being approved. He stated they do not feel Mr. Urion is the kind of person that came in and planned to do something in violation and then ask for permission. He stated they are also considering that Mr. Magno and Mr. Karlberg live close by; and regardless of whether or not their concerns are warranted, they are their concerns and they have standing to raise the issues. Mr. Borda stated it is up to Mr. Urion if he does not want to pursue the compromise.

Mr. Urion stated he would prefer to let the animals live their lives given how long they have had them and then "not re-up the ante." Mr. Borda stated he feels that legally there is a problem with the Board's ability to do that.

Mr. Karlberg stated Mr. Urion mentioned the oldest goat, but he has four that are younger; and he would imagine that their life expectancy would be longer. Mr. McCartney stated they could live another nine years.

Mr. McCartney asked if anyone petitioned the Board of Supervisors to get the matter of livestock on smaller parcels on the Agenda for a Board of Supervisors. Mr. McLoone stated the current proposed Ordinance was for a half-acre for one unit of livestock, which could be thirty chickens. Mr. McCartney stated he feels they should petition the Board of Supervisors to put this on the Agenda.

Mr. Borda stated it appears that his suggested compromise is not feasible for Mr. Urion, and Mr. Urion agreed.

Mr. McVan moved and Mr. Schwartz seconded to approve the Appeal as written with five goats and six chickens as well as the Dimensional Variances requested. Motion did not carry as Mr. McVan and Mr. Schwartz were in favor and Mr. Borda, Mr. Heinz, and Mr. McCartney were opposed.

Mr. Urion stated he will Appeal.

There being no further business, Mr. McVan moved, Mr. Heinz seconded and it was unanimously carried to adjourn the meeting at 10:18 p.m.

Respectfully Submitted,

Mike McVan, Secretary