

## **Upper Makefield Board of Supervisors May 17, 2023 Meeting Minutes**

The May 17, 2023 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 7:33 p.m. In attendance were the following members of the Board of Supervisors: Chair Tom Cino, Vice Chair Ed Ford, Treasurer Tim Thomas, Member Yvette Taylor and Member Ben Weldon. Also in attendance were Township Manager David R. Nyman, Assistant Township Manager Judy Caporiccio, Township Solicitor Will Oetinger, Esq., Township Engineer Larry Young, P.E., Chief Mark Schmidt and Planning & Zoning Director Denise Burmester.

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mr. Cino led in the recitation of the Pledge of Allegiance which was followed by a moment of silence.

### **ANNOUNCEMENTS**

Mr. Cino made the following announcements:

- Township offices will be closed for Memorial Day on Monday, May 29.
- Beginning May 22, Brownsburg Road East will be closed for approximately 2 weeks for repair work to the County bridge over Jericho Creek. Detours will be posted.

### **SPECIAL ITEMS**

#### **Community Rating System (CRS) Certification Plaque Presentation**

Jamie Carpenter, FEMA Region 3 Floodplain Specialist, presented a plaque to the Township in recognition of the Township's achievement in receiving Class 8 certification in the National Flood Insurance Program's Community Rating System (CRS). Emily Houdeshell, FEMA representative, acknowledged staff efforts required to meet the CRS certification achievement.

#### **Municipal Separate Sewer System (MS4) Presentation**

Wes Plaisted of Tri-State Engineers provided a presentation of the Township's Municipal Separate Sewer System (MS4) Program, including suggestions for residents to preventing stormwater runoff pollution. Mr. Thomas reminded residents not to dispose of grass clippings in storm drains or waterways.

### **PUBLIC COMMENT**

Mike Spiro, 1151 Pineville Road, stated that he has requested but not received case notes and documents from the Township Solicitor's office regarding the property neighboring his property at 725 Eagle Road. He was advised by Mr. Oetinger to submit a Right to Know request. Mr. Spiro then inquired about the amount of money the Township has spent on that case, relayed details of a recent incident involving a bull that was not properly fenced on the neighbor's property, broke loose and was aggressive.

### **APPROVAL OF MINUTES AND BILLS PAYABLE**

A motion was made by Mr. Thomas and seconded by Ms. Taylor to approve the May 2, 2023 meeting minutes. Motion carried by unanimous vote.

A motion was made by Dr. Ford and seconded by Mr. Thomas to approve the May 17, 2023 Bills Payable List in the amount of \$189,096.54. Motion carried by unanimous vote.

### **PLANNING & ZONING ISSUES**

#### **Fenwick Zoning Hearing Board Application, 106 Buckmanville Road**

Daniel Lyons, Esq., represented the applicant and provided an overview of the application requesting a variance and special exception for demolition of an existing dwelling and construction of a new single family detached dwelling, detached garage, cabana, pool, patio, walls, driveway bridge/culvert and removal of 95 trees greater than 10 inches. Engineer Sean McGranahan of VanCleaf Engineers provided further clarification.

There was significant discussion and the Board members noted concerns regarding the number of trees requested for removal, the amount of storm water runoff, the steep slope condition of the property and especially the amount of impervious surface which included multiple garages, a cabana, a pool and significant pull arounds.

Jacqueline Scanlan, 74 Buckmanville Road, shared concerns about the effect on the natural wildlife (eagles) currently existing in the forested area to be cleared and noted the extreme slopes on the property.

Vincent Scanlan, 74 Buckmanville Road, indicated there is already significant erosion on the property, which this project would exacerbate, and he disagreed with the need for an extended driveway. He stated that other neighbors are also opposed to the project.

A motion was made by Dr. Ford and seconded by Mr. Thomas to oppose the application and send the Township's consultants to the Zoning Hearing Board to testify on behalf of the Board. Motion carried by a unanimous vote.

### **Certificates of Appropriateness**

#### **Butterfield, 815 Washington Crossing Road (roof)**

Ms. Burmester provided an overview of the request for a new metal roof with snow shields noting that the request was reviewed and recommended for approval by the HARB. Following discussion, a motion was made by Dr. Ford and seconded by Ms. Taylor to approve the Butterfield Certificate of Appropriateness for 815 Washington Crossing Road. Motion carried by a unanimous vote.

#### **Chalofsky, 66 Woodside Lane (barn and garage)**

Ms. Burmester provided an overview of the request for rehabilitation of a barn converting it from agricultural use to residential use, and renovation of a stone garage into an accessory apartment with an addition for expansion. She noted that the request was reviewed and recommended for approval by the HARB. Resident Andrew Chalofsky and Architect Justin Halsy provided additional details.

It was noted that Planning Commission did not support an originally proposed second apartment and expressed concerns regarding the existing septic system.

Dr. Ford expressed concerns regarding the proposed solar panels to be located on the front of the barn. Mr. Thomas also opposed the location of the proposed solar panels.

During discussion, it was noted that the construction issues would be addressed at the time of the submission of a permit and that the only action before the Board was the Certificate of Appropriateness. A motion was made by Ms. Taylor and seconded by Mr. Thomas to approve the Chalofsky Certificate of Appropriateness. Motion carried by a unanimous vote.

### **SOLICITOR'S REPORT**

#### **Ordinance No. 331 – No Parking Ordinance – Portions of Eagle Road**

Ms. Eberle provided an overview of the ordinance prohibiting parking on portions of Eagle Road. Mr. Cino opened the public hearing. There were no comments from the Board of Supervisors and no comments from the public. Mr. Cino closed the public hearing. A motion was then made by Mr. Thomas and seconded by Ms. Taylor to adopt Ordinance No. 331 prohibiting parking on portions of Eagle Road. Motion carried by unanimous vote.

### **JMZO Riding Academy Ordinance**

Ms. Eberle provided an overview of the Jointure Riding Academy Ordinance requiring an increased minimum lot size, additional parking spaces, the presence of the owner or full-time employee on the property, setbacks for manure storage and remediation of insect and vector infestation. Following discussion, a motion was made by Mr. Thomas and seconded by Mr. Weldon to request the Jointure to advertise the JMZO Riding Academy Ordinance. Motion carried by unanimous vote.

### **MANAGER'S REPORT**

#### **Resolution No. 2023-05-17 – In Support of Amending the Sterling Act**

Mr. Nyman provided an overview of Resolution No. 2023-05-17 supporting amendment of the Sterling Act to require up to 1% of Earned Income by Non-Residents to the City of Philadelphia be remitted to the municipality in which the taxpayer resides. Discussion followed and a motion was made by Dr. Ford and seconded by Mr. Thomas to approve Resolution No. 2023-05-17. Motion carried by unanimous vote.

### **ENGINEER'S REPORT**

Mr. Young updated the Board on the status of this year's paving projects.

### **BOARD AND COMMISSION REPORTS**

Mr. Cino announced that the following minutes were included in Board packets:

- Environmental Advisory Council – April 11, 2023
- Historical Advisory Commission – February 23, 2023
- Park & Recreation Board – April 10, 2023
- Planning Commission – March 22, 2023

### **DEPARTMENT REPORTS**

Mr. Cino announced that the following department reports were provided:

- Planning & Zoning Department
- Finance Department
- Fire Departments
- Emergency Services
- Fire Marshal
- Police Department
- Public Works Department

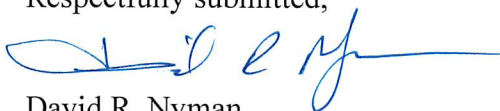
### **PUBLIC COMMENT**

There was no public comment.

### **ADJOURNMENT**

A motion was made by Ms. Taylor and seconded by Dr. Ford to adjourn at 9:05 p.m. Motion carried by unanimous vote.

Respectfully submitted,



David R. Nyman  
Township Manager  
Approved: June 6, 2023