

## Zoning Hearing Board Monthly Minutes

July 6, 2023

In Attendance: Joanne Redding, Al Champion, Harry Kramer, Joanne Fields, Tom Panzer, Esquire, Kenneth Farrall

1. Open meeting with the Pledge of Allegiance
  - a. Led by Joanne Redding
2. Statement of Rules and Procedures
  - a. Issued by Tom Panzer
3. Approval of Last Month's Minutes-June 1, 2023
  - a. Motion to Approve
    - i. Joanne Fields
  - b. Second Motion to Approve
    - i. Harry Kramer
  - c. Vote to Approve Last Month's Minutes-June 1, 2023
    - i. 4/4 Ayes
4. Hearing for Ahmed Abudaih
  - a. Appeal Number: 2023-1884
  - b. Location: 2151 Betsy Ross Drive
  - c. Tax Parcel Number: 02-031-264
  - d. Request: Variance for front yard setback to construct shed.
  - e. Exhibits
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service
    - iii. B1-Letter to the Applicant
    - iv. B2-Proof of Publication in the Bucks County Courier Times
    - v. B3-Proof of Posting on the Premise
  - f. Summary
    - i. Kenneth Farrall started off hearing to let audience members know that the Township is aware of the fence issue and the Township is working with the applicant regarding the fence towards a resolution. Applicant did not show. Tom Panzer asked Joanne Redding if the Board wanted to defer and recall the hearing. Joanne Redding stated she believes a denial of request is appropriate. Tom Panzer stated it is more appropriate to dismiss due to evidence not presented. Tom Panzer also stated Applicant will have to reapply.
  - g. Motion to Dismiss variance request for front yard setback to construct shed.
    - i. Motion to Dismiss
      1. Harry Kramer
    - ii. Second Motion to Dismiss
      1. Al Champion
    - iii. Vote to Dismiss variance request for front yard setback to construct shed.
      1. 4/4 Ayes
5. Hearing for Amit and Krupa Tailor
  - a. Appeal Number 2023-2229

- b. Location: 122 Derby Lane
  - c. Tax Parcel: 02-022-007-020
  - d. Request: Variance for rear yard setback to construct deck
  - e. Exhibits:
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service
    - iii. B1-Letter to the Applicant
    - iv. B2-Proof of Publication in the Bucks County Courier Times
    - v. B3-Proof of Posting on the Premise
  - f. Summary
    - i. Applicants, Amit and Krupa Tailor were sworn in. Mr. Tailor stated a deck was build and it went over the allowed footage. He needs a variance for approximately 13 feet. His home backs up to the stables at Parx Casino. Mr. Tailor addressed the question of the placement of the deck and patio. Mrs. Tailor asked the Board if they would like to see pictures of the back of their home. The members of the Board stated that it would not be necessary since they are familiar with the properties in that neighborhood. No further questions or comments from Board members. No one from the audience came forward in favor or opposition of the applicant's request.
  - g. Motion to Close Testimony
    - i. Motion to Close
      - 1. Harry Kramer
    - ii. Second Motion to Close
      - 1. Al Champion
    - iii. Vote to Close Testimony
      - 1. 4/4 Ayes
  - h. Motion to Approve the variance request for rear yard setback to construct deck.
    - i. Motion to Approve
      - 1. Harry Kramer
    - ii. Second Motion to Approve
      - 1. Al Champion
    - iii. Vote to Approve the Variance request for rear yard setback to construct deck.
      - 1. 4/4 Ayes
6. Hearing for Kenneth Prause
- a. Appeal Number: 2023-2232
  - b. Location: 2368 Bowman Avenue
  - c. Tax Parcel: 02-061-008
  - d. Request: Variance for impervious surface coverage to exceed 45% for installation of pool
  - e. Exhibits:
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service
    - iii. B1-Letter to the Applicant
    - iv. B2-Proof of Publication in the Bucks County Courier Times

- v. B3-Proof of Posting on the Premise
  - f. Summary
    - i. Applicant, Kenneth Prause was sworn in. Mr. Prause stated a pool permit was approved. The concrete was poured and extended past the original requested and approved placement. The inspector during final inspection flagged the issue. Bryce Good, engineer for Finnelli Consulting Engineers, was involved since the beginning of the project. Mr. Good was sworn in and stated that there was a misunderstanding over the impervious coverage ordinance. Joanne Redding questioned storm water issues. Kenneth Farrall stated he is not aware. Mr. Good stated prior to the pool installation, a shed was removed and a pipe/drain is located where the shed was and this system is not represented on the original plan. The Board members had no further questions or comments for the applicant. No one from the audience came forward in favor or opposition of the request.
  - g. Motion to Close Testimony
    - i. Motion to Close
      - 1. Al Champion
    - ii. Second Motion to Close
      - 1. Harry Kramer
    - iii. Vote to Close Testimony
      - 1. 4/4 Ayes
  - h. Motion to Approve a variance for impervious surface coverage to exceed 45% for installation of pool.
    - i. Motion to Approve
      - 1. Al Champion
    - ii. Second Motion to Approve
      - 1. Harry Kramer
    - iii. Vote to Approve a variance for impervious surface coverage to exceed 45% for installation of pool.
      - 1. 4/4 Ayes
- 7. Hearing for AZZ Logistics LLC
  - a. Appeal Number: 2023-2270
  - b. Location: Somerton Road
  - c. Tax Parcel: 02-003-006-008
  - d. Request: Use variance to permit truck parking and variance for steep slopes to build a garage and office building for contractor storage yard.
  - e. Exhibits
    - i. A1-Application with Attachments
    - ii. A2-Certificate of Services
    - iii. B1-Letter to the Applicant
    - iv. B2-Proof of Publication in the Bucks County Courier Times
    - v. B3-Proof of Posting on the Premise

- f. Summary
  - i. Applicant requested a Continuance to the August Meeting via email to Zoning Board Solicitor, Tom Panzer, Esquire
- g. Motion to Continue Hearing until August 3, 2023
  - i. Motion to Continue
    - 1. Al Champion
  - ii. Second Motion to Continue
    - 1. Harry Kramer
  - iii. Vote to Continue Hearing until August 3, 2023
    - 1. 4/4 Ayes
- 8. Hearing for MKSM Enterprise, Inc
  - a. Appeal Number: 2023-2321
  - b. Location: 1181 Bristol Pike
  - c. Tax Parcel: 02-029-419
  - d. Request: Variance for parking, buffer yard, and rear yard setback from residential district to pave an existing parking lot.
  - e. Attorney: Michael J. Meginniss, Esquire/Bryce McGuigan, Esquire-Begley, Carlin, and Mandio, LLP
  - f. Exhibits
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service
    - iii. B1-Letter to the Applicant
    - iv. B2-Proof of Publication in the Bucks County Courier Times
    - v. B3-Proof of Posting on the premise
  - g. Summary
    - i. Mr. McGuigan described the property. He stated the only change will be to the parking area. The lot will be paved vs the gravel that is presently there and the parking spots will be clearly delineated instead of cars parking anywhere. The lot will also be ADA compatible with a ramp leading to the rear entrance. The formal parking will consist of 11 clearly marked spaces as well as the previously mentioned ADA handicap accessible space(s). A storm water management system will also be installed. This will be aesthetically pleasing, safer and a sensible improvement for this real estate office. Walter Marchowsky, owner and applicant was sworn in and adopted Mr. McGuigan's summary as his testimony. Al Champion questioned the number of employees will be present at the office at any time. Mr. Marchowsky stated he has six (6) full-time agents and eight to ten (8-10) individuals at any given time. Al Champion questioned the placement of a trash enclosure. It was stated trash is proposed using cans as they have done prior. Al Champion stated he is looking at the future and what a future owner of the property would do regarding trash and he would like to see a trash enclosure added to the plan. Larry Bryne, engineer of project, was sworn in. Mr. Bryne stated an enclosure could be added to the center of the proposed improvement. Mr. McGuigan stated an enclosure could also be placed in the rear of the property and this issue can be fine tuned during the

land and development stage. Joanne Redding suggested applicant continued the hearing until the issue of the trash enclosure placement is figured out and clearly marked on the plan. No further questions or comments from the members of the Board. No one from the audience came forward in favor or opposition of the applicant's request. Applicant requested a continuance to the August 3, 2023 hearing.

- h. Motion to Continue Hearing to August 3, 2023
  - i. Motion to Continue
    - 1. Al Champion
  - ii. Second Motion to Continue
    - 1. Harry Kramer
  - iii. Vote to Continue Hearing to August 3, 2023
    - 1. 4/4 Ayes
- 9. Hearing for Winchester Partners of Blair County, LLC
  - a. Appeal Number: 2023-2285
  - b. Location: 599 Winks Lane and 530 Haunted Lane
  - c. Tax Parcel: 02-079-099 and 02-080-032
  - d. Request: Variance for woodland disturbance, lot width, impervious coverage, setbacks, and fence location and height.
  - e. Attorney: Matthew J. McHugh, Esquire
  - f. Exhibits:
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service
    - iii. B1-Letter to the Application
    - iv. B2-Proof of Publication in the Bucks County Courier Times
    - v. B3-Proof of Posting on the Premise
  - g. Summary
    - i. Mr. McHugh stated the applicant purchased the property in November, 2021, with the intention to expand the facility. The applicant was before the Board last July and are in the land and development stage. Some additional details added. Some lot area is lost. The changes to the lot developed during the land and development stage. Two (2) storm water basins and a rain garden were added. Mr. McHugh reviewed the fence presently on the property and the intention for additional fencing needed to keep the property uniformed. Tom Panzer requested clarification on the existing non-conformities. Mr. McHugh gave Mr. Panzer the clarification requested. Al Champion reminded Mr. McHugh of the concerns of the neighbors regarding truck noise. Mr. McHugh stated the applicant is committed to working on those concerns. The area of concern is being looked at for an overflow area. No further questions or comments from the members of the Board. Lou Tarlini came forward from the audience. Mr. Tarlini purchased the property across from the applicant on Haunting Lane. His concern is the water overflow and stated he is fine with the fencing of the property; however, he recommends a privacy fence on the sides where there are homes. He is glad to see storm water management happening.

Mr. McHugh stated property will be cleaned out and landscaping will be done sooner than later and applicant will continue to work with the township during the land and development stage to get the storm water issue taken care of. Ken Farrall will look into whether or not the pipe on Haunted Lane is clear of debris. No further audience members came forward in favor or opposition of the applicant's request.

- h. Motion to Close Testimony
    - i. Motion to Close
      - 1. Harry Kramer
    - ii. Second Motion to Close
      - 1. Al Champion
    - iii. Vote to Close Testimony
      - 1. 4/4 Ayes
  - i. Motion to Approve variance request for woodland disturbance, lot width, impervious coverage, setbacks and fence location and height.
    - i. Motion to Approve
      - 1. Harry Kramer
    - ii. Second Motion to Approve
      - 1. Al Champion
    - iii. Vote to Approve variance request for woodland disturbance, lot width, impervious coverage, setbacks and fence location and height.
      - 1. 4/4 Ayes
10. Correspondence
- a. TAC Bensalem, LLC filed a premature appeal of Board's decision last month.
  - b. B & A Appeal
    - i. Board's decision was upheld in the Court of Common Pleas. B & A filed an appeal with the Commonwealth Court. The Township will be filing a brief. Board Members decided to also file a brief.
  - c. Highland Avenue decided not to file an appeal and will move to a different facility. They requested 90 days to vacate the property.
  - d. Mount Corporation filed an appeal with the Commonwealth Court
11. Adjournment
- a. Motion to Adjourn
    - i. Harry Kramer
  - b. Second Motion to Adjourn
    - i. Al Champion
  - c. Vote to Adjourn
    - i. 4/4 Ayes