

Minutes of the  
ZONING HEARING BOARD  
Regular Meeting  
July 12, 2018

**ATTENDANCE:** Present: Joanne Redding, Chairperson  
Albert Champion, Vice Chairperson  
Barbara M. Kirk, Solicitor  
Ronald Gans, Township Engineer  
Michael Brill, Member  
Angeline Domanico, Secretary  
George Seymour, Member

- ITEM 1** Meeting opened at 7:00 P.M. with the Pledge of Allegiance
- ITEM 2** Introductions of Board Members and Statement of Rules and Procedures by Solicitor.
- ITEM 3** Approval of June, 2018 minutes
- ITEM 4** **Continued Hearing of Ajit and Nayana Patel**  
**Appeal #2018-617**  
**Location: 5212 Inlet Drive**  
**Tax Parcel: 02-084-129**  
**Request: Variance for impervious surface coverage for concrete work.**

**DISCUSSION** The following are exhibits:

- A-1 Application and accompanying documents
- A-2 Certification of Service
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Original proof of posting

Ajit Patel is sworn in. The Applicant is requesting variance for existing concrete work. The Certificate of Service is marked as Exhibit A-2. Applicant purchased the property in 2004. The concrete work in the back of the property existed at that time. Applicant installed the front yard and side yard concrete walkway in 2005-2006, without a permit. The side area is 10 feet by 24 feet. The front area is 20 feet by 34 feet. The property is a corner lot. Applicant has bad allergies and did not want a lot of grass. The side yard walkway is for the trashcans. The area is a highly condensed development of townhouses. Subject property is not attached to the adjacent lot, and the adjacent lot has grass on the side.

The audience is asked if anyone is for or against this application. No one is present.

Township Code Officer Christine Savage is sworn in. Officer Savage received complaints from neighbors regarding water run-off. Officer inspected the property and issued violation notice in November 2017.

The Board questions the percentage of concrete on the property. Chairperson points out the Applicant did not help himself by not producing photographs of the property, or a better site plan. Board is concerned about flooding issues on Flushing Road. Township Engineer advises he does not recall any complaints. Applicant is resistant to rescheduling and advises he can remove the concrete. The Board recommends Applicant take photos of the entire property to show concrete and grass areas, and prepare a better site plan. Applicant agrees.

Albert Champion moves to continue the hearing to August 2, 2018. Joanne Redding seconds, all in favor.

**MOTION** Albert Champion motions for the hearing for Ajit and Nayana Patel; Appeal No. 2018-617; Location: 5212 Inlet Drive; Tax Parcel: 02-084-129, be continued to August 2, 2018. Joanne Redding seconds, all in favor.

**VOTE**

Ayes:	Joanne Redding, Albert Champion, Michael Brill, Angeline Domanico, and George Seymour.
Nays:	None
Abstain:	None
Absent:	None

**MOTION CARRIED** 5-0

**ITEM 5** **Continued hearing for Paul and Jodi Bramble**  
**Appeal # 2018-616**  
**Location: 4040 Blanche Road**  
**Tax Parcel: 02-033-123**  
**Request: Appeal of Zoning Officer decision**

**DISCUSSION** The following are exhibits:

- A-1 Continuance request dated June 5, 2018
- A-2 Application and accompanying documents
- A-3 Certification of Service
- A-4 Bucks County Courier Times newspaper article
- A-5 14 photographs of property taken in 2014
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Original proof of posting
- T-1 Email from Township Solicitor advising no objection to continuance
- T-2 25 photos of the subject property taken March 6, 2018
- T-3 40 photos of subject property taken April 25, 2018

Solicitor marks the Certification of Service as Exhibit A-3, and advises that the Township has to prove the validity of the violation. Township attorney, Karen Lee Demerlis, is present. Applicant attorney Catherine Porter is present. Township Zoning Officer, Christine Savage, is sworn in. Officer Savage has 19 years of experience with the Township. On March 6, 2018 Officer Savage received a complaint that people were living at the property, as well as animals (pigs), multiple vehicles and gas tanks on the property. Officer Savage confirms the Tax Parcel Number of the subject property. Franklin Commons, an apartment complex, is to the right of the property and another industrial property is to the left. There is a residential development behind the subject property. Officer Savage went to inspect the property, with Ken Robbins, but was denied access. The business on the property is a street sweeping/salvage company. Officer Savage could see a mobile home and office trailer, trucks, fence, scrap metal and several cars. Ms. Porter objects to the trailer being called a home. Officer Savage confirms that photos taken are accurate depictions. The mobile home has a welcome sign, flowers, a porch set, lighting, and extension cords around windows. Office trailer had no welcome sign. There are also photos of sewage with standing water, and a dog pen with a dog run from rear of trailer. Officer describes foul smell like raw sewage. No proof pigs being kept, but straw was on the ground. There are approximately 10-12 other trailers on the property. Officer went back out on March 9, 2018 and access was granted. Violation notices were posted on the front door of mobile home and office door - unfit for human occupation. Applicant's attorney objects to the relevance of taking a closer look at the vehicle photos. Applicant also stipulates to the posting of the Notice of Violation. On April 25, 2018, Township again inspected the property with the Township's attorney, Applicant and Applicant's attorney, and a fire inspector. The purpose was to inspect and review the violations. Access to interior was granted. Officer describes photos taken on April 25, 2018. Photos show trash/debris, 2 gas tanks with no protective barrier (no permits), extension cords, RV, clothing drop box, trailers/other vehicles with registration and tags, business trucks, backhoe and heavy equipment, mobile home with dog run. There were interior photos showing curtains, dog kennel, kitchen area w/sink and stove, dining area, refrigerator with food, sleeping area with sofa and CPAP machine, dresser with clothes, clothes in closet, and nightstand. Applicant's attorney objects - wants clarification of "nightstand". Solicitor says photo speaks for itself. Officer states the prior sewage area was graded and filled. There was no more smell. Under the mobile home was a sewer pump, waste box with lid, and the water was hooked up. The Township confirmed the L-I Zoning, which does not permit residential. Township verified the violation issued is a standard violation for zoning and gave a time frame within which to fix. Immediate attention required for safety issues - sewage and electrical. No fines were issued. There was no further inspection of the property. Applicant never reached out to Officer Savage to discuss the violations, and only tried to contact the Mayor. The Solicitor accepts and admits the photos. The photos taken March 6, 2018 are marked as Exhibit T-2. The photos taken April 25, 2018 are marked as Exhibit T-3.

Applicant's attorney cross-examines Officer Savage. Officer Savage was not aware it was a 24/7 street sweeping business. The Township previously looked at the property about 8-10 years ago, with same vehicles and trailers, and there was no violation. Mobile home is newer; it was not there 8-10 years ago. Officer Savage could not determine how many families living there as residential living only appeared in one trailer. On first visit out to the property there was

no proof of animals, just straw. Did not see or hear any animals. Officer Savage not aware if Use & Occupancy up to date. No record of structures or permit for structures. There was a sign on property saying illegal to enter structure or occupy property. Basis for accessory structures violation was the various trailers did not have permits. Basis for residential use violation was no permit or application for home. Applicant attorney claims condiments and juices in refrigerator, which are appropriate for an office space. Applicant attorney asks if Officer Savage recalls April 25<sup>th</sup> conversation with fire official. Officer Savage advises not there for that. Township attorney objects to Applicant attorney getting argumentative. Solicitor advises to move on and make legal argument. Courier Times newspaper article marked as Exhibit A-4. Photos of property taken in 2014 marked as Exhibit A-5. Appearance of the property in the photos is better than current appearance. Applicant's attorney submits a document as evidence but it is not signed or dated and therefore it is not accepted.

Redirect of Officer Savage by Township attorney. Based on Officer's years of experience inspecting hundreds of homes, it was her impression this was a mobile home. In the May 2018 CCP hearing, before Judge Mellon, an agreement was made that Applicant needed more time.

10-15 minute recess called at this time to make copies of the exhibits submitted by Applicant's attorney.

Ms. Redding gave approval to proceed.

Paul Bramble is sworn in. Owned and operated the business for 18 years. The business handles retail store maintenance and upkeep, bulk trash removal, and scrap metal. They have a 30 yard open dumpster. Night shift is 9:00 p.m. – 6:00 a.m. Trailer is set up for employees to eat lunch, and hang out or rest between jobs. There are 30 employees. The business operates 24/7. Applicant has a residence at 3845 Berkley Road, Nottingham. He is separated from wife, and he is staying in an apartment. At this time attorney for Applicant refers to photos. Township attorney objects and the photos are given to the Township attorney to look at. There are no copies for the Board. Township attorney objects to the photos being admitted. Solicitor will not enter the photos as Applicants' attorney cannot testify to them. Mr. Bramble says he does not live there. He takes naps there sometimes and needs his CPAP machine when he naps. He says the sofa is too short and narrow to use as a bed. Also used for employees to hang out there between jobs. Ms. Redding advises that if it is being used as a residential trailer it needs a permit. Applicant needs time to move the trailer. He has moved a lot of equipment. Ms. Redding says she drives by there all the time and it's a mess. Township attorney says Judge Mellon's Order was 2 months ago and it should have all been moved by now. Mr. Champion says the storage trailer and mobile home are still there. Mr. Brill points out that there are no updated photos showing things moved. Mr. Bramble is adamant that no one has ever lived there. The office trailer and gas tanks there 20 years and they were secured by fire marshal. There was never any raw sewage, it was the water pump. Typically, the salvage is moved weekly or every other week. Mr. Champion asks if there is water and electricity on the property. He points out there is no shop on site to do work inside. Mr. Bramble confirms water, as well as electricity to pole in front and then runs to the mobile home. The property is fenced in on three sides, and trees along the back. Applicant is willing to move trailer/mobile home. Other trailers are used

for storage. There is no cross examination of Mr. Bramble by the Township attorney. Mr. Champion asks about the retaining wall but Township attorney says the retaining wall is not at issue.

The audience is asked if anyone is for or against this Application. Dominic Esposito is sworn in. He owns a horse farm. He is retired from the Township – he used to plow snow. He makes statements denigrating the person who he believes made the complaint. He supports the Application. Jennifer Amato is sworn in. She is a neighbor of the Applicant who lives nearby and also makes statements to denigrate the individual believed to have made the complaint. She supports the Application. Wayne Romsdahl II is sworn in. He is not a Bensalem resident. He is a friend of the Applicant and resides in Philadelphia. He would like a trailer like that at his job. He supports the application. Robert Maloney is sworn in. He resides behind the subject property and he received notice of the hearing. He says the business does run 24/7. He says the trucks have been moved to the other side and there is no noise or exhaust smell. He supports the Application.

**MOTION** Ms. Redding motions to close testimony. Mr. Champion seconds, and all are in favor. Ms. Redding motions for the hearing for Paul and Jodi Bramble; Appeal # 2018-616; Location: 4040 Blanche Road; Tax Parcel: 02-033-123, be denied. Mr. Champion seconds, and all are in favor.

**VOTE**

Ayes:	Joanne Redding, Albert Champion, Michael Brill, Angeline Domanico, and George Seymour.
Nays:	None
Abstain:	None
Absent:	None

**MOTION CARRIED** 5-0

**ITEM 6** **Continued Hearing for BSV Housing LP**  
**Appeal # 2018-621**  
**Location: 3063 and 3095 Mechanicsville Rd.**  
**Tax Parcel: 02-037-063 and 02-037-063-001**  
**Request: Variance for height, rear yard setback and buffer to construct a residential complex for seniors preference.**

**DISCUSSION** Solicitor states she received a request for a continuance, by letter dated July 3, 2018, from Applicant's attorney, for a period of sixty (60) days so that Applicant can determine whether amendments to the Application are necessary. The letter is marked as Exhibit A-1.

**MOTION** Ms. Redding motions for the hearing for BSV Housing LP; Appeal No. 2018-621; Location: 3063 and 3095 Mechanicsville Rd.; Tax Parcel Nos. 02-037-063 and 02-037-063-001, be continued to August 2, 2018, Mr. Champion seconds, and all in favor.

**VOTE**           Ayes:           Joanne Redding, Albert Champion, Michael Brill, Angeline Domanico, and George Seymour.  
                  Nays:           None  
                  Abstain:       None  
                  Absent:       None

**MOTION CARRIED**                               **5-0**

**ITEM 7**                               **Hearing for Raja Ranchhod LLC d/b/a Animal Clinic of Croydon**  
  **Appeal No. 2018-622**  
  **Location: 3179 Hulmeville Road**  
  **Tax Parcel: 02-033-088**  
  **Request: Variance to use property as a small animal veterinary clinic**

**DISCUSSION**                   The following are exhibits:

- A-1   Application & accompanying documents
- A-2   Correction to Application – use variance only
- A-3   Certificate of Service
- A-4   Agreement of Sale
- B-1   ZHB letter of hearing to Applicant/applicant’s attorney
- B-2   Proof of publication
- B-3   Original proof of posting

Applicant’s attorney, Michael Meginnis, Esquire, is present. Board Chairman recuses herself for conflict of interest - agent for pending sale. Solicitor discusses four member panel and Applicant’s attorney advises he is ready to proceed and agrees if Board is split on decision then Application will be denied. Attorney advises a small correction to the Application is needed. The only relief requested is a use variance – Section 232-432. No dimensional variances are required. There will be no alterations to building. The correction to the Application is marked as Exhibit A-2. The Certification of Service is marked as Exhibit A-3. The Agreement of Sale if marked as Exhibit A-4. Attorney offers stipulation of conditions: no residential use and no kennel or overnight boarding on site. Attorney advises that Dipenkumar Shah is here to testify for the Applicant. Mr. Shah is an officer of the Applicant. The property is in the B-P district and was previously being used as a dental office. The lot is 19,600 square feet. The Solicitor discusses the property owner’s, Mittal & Sons, pending Court of Common Pleas appeal regarding a prior application for the subject property. The CCP appeal regarding the violation notice for professional/residential use requests approval for different variances than the present Application. Attorney advises that Page 9, Paragraph 2 of the Agreement of Sale confirms that the pending CCP appeal will be withdrawn upon approval of this Application.

Mr. Shah is sworn in. Due to time constraints, Attorney summarizes Mr. Shah’s testimony. Mr. Shah is a Bensalem resident and a licensed veterinarian for the last 13 years. For the last 5 years he has been leasing a site in Croydon where he practices. He affirms he will be operating a veterinary clinic for small animals only such as dogs and cats. He will comply with

all laws and regulations. No exotic animals. There will be no kennel and no overnight boarding, outpatient only. He has executed the Agreement of Sale. He is willing to have conditions as subject to approval. He testifies that he will not modify the property, and the proposed use will not negatively impact the community. The Solicitor questions hours of operations and number of employees. Attorney advises the clinic will operate Monday – Friday 8:00 a.m. to 7:00 p.m., and Saturday 9:00 a.m. to 12:00 p.m. There will be 1 veterinarian and 2-3 assistants. Solicitor asks about off-street parking. Attorney advises property needs 11 spots and has 15 spots. George Seymour advises needs 1 handicap and Mr. Shah confirms he will have 1 handicap. Mr. Seymour questions what the garage will be used for and Mr. Shah confirms for storage only. Solicitor questions how medication is secured and Mr. Shah confirms all medications are locked in a cabinet. Mr. Seymour questions emergency protocol and Mr. Shah advises that all emergencies are referred to an animal hospital.

The audience is asked if anyone is for or against this Application. James Sowa is sworn in. Mr. Sowa supports the Application.

Mr. Seymour motions to close testimony. Mr. Champion seconds, and all in favor. Solicitor reminds Attorney that if the relief requested is granted then the CCP appeal needs to be withdrawn, per the Agreement of Sale. Mr. Seymour motions for the hearing for Raja Ranchhod LLC d/b/a Animal Clinic of Croydon; Appeal No. 2018-622; Location: 3179 Hulmeville Road; Tax Parcel: 02-033-088, be approved, subject to conditions – no kennel or overnight boarding of animals and no residential use. Mr. Champion seconds, and all in favor.

<b>VOTE</b>	Ayes:	Albert Champion, Michael Brill, Angeline Domanico, and George Seymour.
	Nays:	None
	Abstain:	None
	Absent:	None

**MOTION CARRIED 4-0**

**ITEM 8**                    **Hearing for Aisha Parker, BRR Architecture**  
**Appeal No. 2018-623**  
**Location: 3461 Horizon Blvd. (Walmart)**  
**Tax Parcel No. 02-001-018-015**  
**Request: Variance for signs to exceed maximum allowed area.**

**DISCUSSION**            Solicitor states she received a request for a continuance, by letter dated July 12, 2018 from Applicant BRR Architecture, Inc., until the August hearing date, so that Applicant has additional time to make sure all required neighboring properties are served notice of the appeal application and hearing. The letter is marked as Exhibit A-1.

**MOTION**                Ms. Redding motions for the hearing for BSV Housing LP; Appeal No. 2018-621; Location: 3063 and 3095 Mechanicsville Rd.; Tax Parcel Nos. 02-037-063 and 02-037-063-001, be continued to August 2, 2018, Mr. Champion seconds, and all in favor.

**VOTE**           Ayes:           Joanne Redding, Albert Champion, Michael Brill, Angeline Domanico, and George Seymour.  
                  Nays:           None  
                  Abstain:       None  
                  Absent:       None

**MOTION CARRIED**                               **5-0**

**ITEM 9**                               **Hearing for Virgil Cerasi**  
  **Appeal No. 2018-624**  
  **Location: 6004 Snapdragon Ct.**  
  **Tax Parcel: 02-097-139**  
  **Request: Variance to construct fence in right-of-way**

**DISCUSSION**                   The following are exhibits:

- A-1   Application and accompanying documents
- A-2   Certification of Service
- B-1   ZHB letter of hearing to Applicant/applicant's attorney
- B-2   Proof of publication
- B-3   Original proof of posting

Virgil Cerasi is sworn in. The Applicant is requesting to construct a fence in the right-of-way on the side yard along Mark Circle. The property is a corner lot. The Certificate of Service was marked as Exhibit A-2. Mr. Brill asks Applicant about the picture that was part of the Application. Mr. Cerasi advises the picture is of his neighbors fence. Mr. Cerasi was going to begin installation of the fence when he received notice of the violation after requesting a permit. The proposed fence will be 54 inches tall, and will stay in line with the neighbors existing fence to keep consistency. The fence would extend from the side yard to the middle of the house and then to the back of the yard. Mr. Cerasi confirms that the proposed installation is consistent with other fences in the neighborhood, and verifies it will comply with fence regulations. Mr. Cerasi states no other neighbors got a notice of violation. The Board questions how far the fence will encroach into the right-of-way and Mr. Cerasi advises approximately 18 inches. The Board points out that the violation letter from the Township indicates the corner should be staked. Mr. Cerasi has no problem with getting the corner staked. Solicitor confirms that Mr. Cerasi is aware that if the right-of-way is needed to be accessed for roadway then the fence needs to be removed at Mr. Cerasi's cost.

The audience is asked if anyone is for or against this Application. No one is present.

**MOTION**   Mr. Champion moves to close testimony. Mr. Seymour seconds, and all are in favor. Mr. Champion motions for the hearing for Virgil Cerasi, Appeal No. 2018-624; Location: 6004 Snapdragon Ct.; Tax Parcel: 02-097-139, be approved, subject to condition –



