

Zoning Hearing Board

Monthly Meeting

June 1, 2023

In Attendance: Joanne Fields, Harry Kramer, Joanne Redding, Al Champion, Tom Panzer, Esquire and 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—April 6, 2023
 - a. Motion to Approve last month's Minutes--April 6, 2023
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. Joanne Fields
 - iii. Vote to Approve last month's Minutes---April 6, 2023
 1. 4/4 Ayes
4. Continued Hearing for TAC Bensalem, LLC c/o Frank Caccuro
 - a. Appeal Number: 2023-0979
 - b. Location: 2555 Street Road
 - c. Tax Parcel: 02-037-050 and 02-037-078-001
 - d. Request: Variance from the required number of parking spaces provided, wetland buffer setback, front yard setback and rear yard setback to construct a restaurant and self-storage facility
 - e. Attorney: Gregg I. Adelman, Esquire/ Julie Bernstein
 - f. Additional Exhibits
 - i. A14-Revised Zoning Plan dated April 17, 2023 prepared by Bohler
 - ii. A15-Trip Generation and Parking Demand Tables dated May 21, 2023
 - iii. B4-Waiver of timeline
 - iv. B5-Publication in the Bucks County Courier Times
 - v. T1-Fire Marshall Review
 - g. Summary
 - i. Ms. Bernstein, representative for the applicant, addressed housekeeping items and issues raised by the Board at the April hearing. Eric Britz, project manager, summarized the changes made to the original plan. Mr. Britz stated that the property is no longer being looked at as having one (1) rear yard on Tucker Road but as a Front yard and a rear yard was created. More buffers were created between the property and the wetlands. New relief will be needed for the revisions. Tom Panzer questioned the parking variance, number of parking spaces. Board was told a ten (10) stall parking variance is needed. A fifty (50) foot buffer is required for the wetlands. Applicant is creating a twenty (20) foot

buffer and would require a thirty (30) foot variance. Al Champion stated he did not believe the revision will pass the fire marshal's inspection with a five (5) foot property line due to not having three (3) sides for a twenty (20) foot turnabout. Mr. Britz stated he does not believe it will be an issue and would work with the fire marshal about adding hydrants. Mark Roth was sworn in. Mr. Roth reviewed and summarized exhibit A13. This would be a gated facility with access only using a swipe card. Joanne Redding asked how many units compared to Bristol Pike. The Board was told the Bristol Pike facility has approximately 880 units. This location would have approximately 866 units. The trip summary was reviewed. The Applicant's representatives continued to express their belief that the parking spaces are more than adequate for the storage facility. No further questions or comments from the Board and no one from the audience came forward in favor or opposition of the applicant's request.

- h. 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
 - i. Motion to deny variance request from the required number of parking spaces provided, wetland buffer setback, front yard setback and rear yard setback to construct a restaurant and self-storage facility.
 - i. Motion to Deny
 - 1. Al Champion
 - ii. Second Motion to Deny
 - 1. Harry Kramer
 - iii. Vote to deny variance request from the required number of parking spaces provided, wetland buffer setback, front yard setback and rear yard setback to construct a restaurant and self-storage facility.
 - 1. 4/4 Ayes
5. Hearing for Bensalem Township School District
- a. Appeal Number: 2023-1413
 - b. Location: 4319 Hulmeville Road
 - c. Tax Parcel: 02-033-094
 - d. Request: Variance for size proposed sign
 - e. Attorney: Peter Amuso, Esquire
 - f. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Photo of existing Bensalem High School Building Sign
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times

- vi. B3-Proof of posting on the premise
 - g. Summary
 - i. Mr. Amuso summarized replacing the signs on the front façade of Bensalem High School which have been a part of the building for fifty (50) years. The original sign will be replaced with a larger sign with the intent for the sign to be illuminated at night. Al Champion stated the present sign is small compared to the new proposed sign and the proposed sign is a big improvement. No questions or further comments from the Board. No audience members came forward in favor or opposition of the 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 size of proposed sign
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance request for size of proposed sign
 - 1. 4/4 Ayes
6. Continued Hearing for 2155 River Road, for Minh Thai
- a. Appeal Number: 2022-1274
 - b. Location: 2155 River Road
 - c. Tax Parcel: 02-064-126
 - d. Request: Variance for construction within the floodplain
 - e. Attorney: Lee Eisey, Esquire
 - f. Exhibits:
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service May 5, 2022
 - iii. A3-Certificates of Service June 1, 2023
 - iv. A4-Floodplain Management Narrative
 - v. A5-Endangered Species Act Report
 - vi. A6-Hydrologic and Hydraulic Modeling and Floodplain Management Analysis
 - vii. A7-March, 2023 FEMA Conditional letter of Map Revision
 - g. Summary
 - i. Mr. Eisey summarized the history of the Applicant's request and reviewed the plan. An extended fence and a raised driveway were added to the plan. Mr. Eisey explained the reason for the many continuation requests was due to the need for a map revision from FEMA. Donald Haas was sworn in and explained the changes to the plan. Mr. Haas explained the raised driveway for applicant's safety and FEMA approval was sought for an analysis regarding changes in

floodplain. Harry Kramer stated that he found the endangered species report interesting. No further questions or comments from the Board. No one from the audience 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 construction within the floodplain with the conditions that all paved areas that are noted on the plan "to be removed," shall have the paving and stone based removed and restored to original grade; all area within 3 feet of the property line shall be restored to original grade; all disturbed areas shall be topsoil, seeded and mulched; A revised updated permit from the Bucks County Conservation District shall be obtained; The applicant shall provide the Township with a Final As-Built survey of improvements; The Applicant shall close out the FEMA Approval and submit the required As-Built and paperwork to FEMA; All permit applications shall be applied for from Bensalem Township; and All fees (Township, Review, Inspection, Etc.) shall be paid for by the Applicant.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Joanne Fields
 - iii. Vote to Approve variance request for construction within the floodplain with the conditions that all paved areas that are noted on the plan "to be removed," shall have the paving and stone based removed and restored to original grade; all area within 3 feet of the property line shall be restored to original grade; all disturbed areas shall be topsoil, seeded and mulched; A revised updated permit from the Bucks County Conservation District shall be obtained; The applicant shall provide the Township with a Final As-Built survey of improvements; The Applicant shall close out the FEMA Approval and submit the required As-Built and paperwork to FEMA; All permit applications shall be applied for from Bensalem Township; and All fees (Township, Review, Inspection, Etc.) shall be paid for by the Applicant.
 - 1. 4/4 Ayes
7. Hearing for McDonald's Corporation
- a. Appeal Number: 2023-1820
 - b. Location: 1240 Bristol Pike
 - c. Tax Parcel: 02-030-009-002
 - d. Request: Variance for number of parking spaces, impervious surface coverage and variance not to provide loading/unloading space
 - e. Attorney: Matthew McHugh, Esquire/Leonard B. Altieri, III, Esquire
 - f. Exhibits

- i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3- Revised plan
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3-Proof of Posting on the Premise
 - vii. T1-Memo from Kenneth Farrall
 - viii. T2-2007 Zoning Hearing Board Decision
 - g. Summary
 - i. Mr. McHugh summarized the plan for a second drive-through, adding a crosswalk, and removing eight (8) parking spaces. Mr. McHugh stated 16 spaces are used at the highest volume time. The extra drive-through will alleviate a traffic back-up on Bristol Pike and less inside dining. Kirsten Calabro, engineer from Boehler Engineering and Timothy Nelson, owner and operator were sworn in. The Board expressed concerns about trash removal and safety to dumpster. It was stated the dumpster enclosure is smaller; however, the dumpster is the same size and a crosswalk to the dumpster would be added. It was agreed that internal training will be needed and will be addressed at land development. No further questions or comments from the Board. No one from the audience came forward in favor or opposition of the request.
 - h. Motion to Closed 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
 - i. Motion to Approve variance request for number of parking spaces, impervious surface coverage and variance not to provide loading/unloading space.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve variance request for number of parking spaces, impervious surface coverage and variance not to provide loading/unloading space.
 - 1. 4/4 Ayes
8. Hearing for Cellco Partnership d/b/a Verizon Wireless
- a. Appeal Number: 2023-1825
 - b. Location: Byberry and Hulmeville Road
 - c. Tax Parcel: 02-033-032-001
 - d. Request: Variance for height of cell tower extension
 - e. Attorney: Nicholas Cuce, Esquire/Christopher Schubert, Esquire
 - f. Exhibits
 - i. A1-Application with Attachments

- ii. A2-Certificates of Service
- iii. A3-Deed to subject property
- iv. A4-Lease agreement with Crown, tower owner
- v. A5-Aerial View of Tower
- vi. A6-Street View of Tower
- vii. A7-Site Plans of proposed Verizon Wireless antenna installation
- viii. A8-Structural Report for proposed Verizon Wireless antenna installation
- ix. A9-Photo-simulations of proposed Verizon Wireless antenna installation
- x. A10-CV of Bryan Grebis, RF engineer
- xi. A11-Radio license issued by FCC to Cellco Partnership, d/b/a Verizon Wireless
- xii. A12-RF Design Report by dBM Engineering
- xiii. A13-Propagation Plan showing coverage at proposed antenna height of 100 feet
- xiv. A14-Electromagnetic Emissions Report by dBM Engineering
- xv. A15-Non-Interference Report by dBM Engineering
- xvi. A16-FAA Report by dBM Engineering
- xvii. A17-Pennsylvania Bureau of Aviation Report by dBM Engineering
- xviii. A18-A20-Reserved
- xix. B1-Letter to the Applicant
- xx. B2-Proof of Publication in the Bucks County Courier Times
- xxi. B3- Proof of Posting on the Premise

g. Summary

- i. The applicant is looking to raise the tower by 12 feet and lightning rod extension. Attorney Schubert briefly reviewed the exhibits and summarized the application. No issues with the FAA. Bryan Grebis was sworn in. Al Champion questioned the setbacks from the road due to fear that the tower could potentially fall into the road and what will be done to the base of the tower. Mr. Grebis discussed in detail the tower base to the satisfaction of the Board. No further questions or comments from the Board. No one from the audience came forward in favor or opposition of the 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 height of cell tower extension

- i. Motion to Approve
 - 1. Al Champion
- ii. Second Motion to Approve
 - 1. Harry Kramer
- iii. Vote to Approve variance request for height of cell tower extension
 - 1. 4/4 Ayes

9. Correspondance

- a. Gibson Road
 - i. Board discussed options regarding Applicant's Appeal
10. Adjournment
- a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. Al Champion
 - c. Vote to Adjourn
 - i. 4/4 Ayes