

Zoning Hearing Board

Monthly Meeting

October 5, 2023

In attendance: Kenneth Farrall, Tom Panzer, Esquire, Al Champion, Joanne Redding, Harry Kramer, Joanne Fields and Steve Aldrich.

1. Open meeting with the Pledge of Allegiance
  - a. Led by Joanne Redding
2. Statement of Rules and Procedures
  - a. Issued by Tom Panzer, Esquire
3. Approval of last's month's Minutes—September 6, 2023
  - a. Motion to Approve last month's Minutes.
    - i. Harry Kramer
  - b. Second Motion to Approve last month's Minutes.
    - i. Joanne Field
  - c. Vote to Approve last month's Minutes.
    - i. 4/4 Ayes
4. Continued 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. Attorney: Michael P. Maloy-Obermayer, Rebman, Maxwell, and Hippel, LLP
  - f. Exhibits
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service
    - iii. A3-Set of surrounding area photos
    - iv. A4-Site (permit) plan
    - v. A5-Aerial photos
    - vi. A6-Color rendering site plan
    - vii. A7-Features Plan
    - viii. A8-Tax Map
    - ix. A9-Permit Plan
    - x. A10-Plan- office draft (three-story office building)
    - xi. B1-Letter to the Applicant
    - xii. B2-Proof of Publication in the Bucks County Courier Times
    - xiii. B3-Proof of Posting on the property
    - xiv. B4-Continuation notice
    - xv. B5-October 5, 2023 Proof of Publication in the Bucks County Courier Times

xvi. B6-October 5, 2023 Proof of Posting on the Property

g. Summary

- i. Tom Panzer started the hearing stating a summary of continuance requests since applicant's original hearing date in August. Mr. Maloy began to summarize the background of the company/applicant and the property. Mr. Maloy introduced the witnesses and summarized the witnesses' background. Mr. Maloy broke down the variance requests and reasons for the need for the variances. The property has been vacant for years and the owner believes this is the best possibility for the property. Elizabeth Koutchouk, owner and operator of Black Tower Group/AZZ Logistics, was sworn in. The Black Tower Group was established in 2018 and works with major cell phone providers and installs towers and antennas. It was stated that approximately 10-15 trailers will be parked on site. She also gave a description of the variety of trailers and equipment stored on the site. Non-hazardous material will also be stored on site. Only machinery will be stored outside. The business will employ five (5) to 15 employees who will be on site as well. Joanne Redding inquired about the amount of machinery which will be stored outside. Ms. Koutchouk stated they plan on using all the space. Joanne Redding again asked for better clarification. Ms. Koutchouk stated 30 spaces will be occupied at any moment. Joanne Redding then inquired how many spaces will be allotted for trucks. Ms. Koutchouk stated approximately 20 spaces will be designated for trailers and machinery. Joanne Fields inquired about traffic, as well as Joanne Redding and Al Champion also looking for clarification regarding traffic. Mr. Maloy stated most trucks will be deployed and not on the premises. Ms. Koutchouk stated 30 trucks can be deployed daily. There will be a constant flow of vehicles. Harry Kramer inquired about how many days consist in their work week. Ms. Koutchouk stated the employees work a five-day (5-day) work week. Tom Panzer stated trucks stay at the job sites and the number of trucks stored on the property vary daily. John Genovesi, professional engineer for 30 years, was sworn in. Mr. Genovesi explained the pictures and neighboring facilities. Mr. Genovesi also explained the functions of each of the neighboring facilities. Mr. Genovesi summarized the surrounding area and property features. Mr. Genovesi reviewed the permit plan and showed how the steep slopes effect the development of the lot. Mr. Genovesi believes the variance requests are justified and does not believe it will cause damage to the present characteristics of the area. Al Champion and Joanne Redding expressed concerns over "next use." Al Champion stated the Board denied similar requests from other applicants. Steve Aldrich asked if the business uses stinger boon trucks or cranes. Ms. Koutchouk stated Stinger boon trucks are used. Patrick Lafferty, commercial real estate agent and representative for the previous owner, was sworn in. He spoke about the marketability for the property and development issues. 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 Hearing

- i. Motion to Close
      - 1. Al Champion
    - ii. Second Motion to Close
      - 1. Harry Kramer
    - iii. Vote to Close Hearing
      - 1. 5/5 Ayes
  - i. Motion to Deny request use variance to permit truck parking and variance for steep slopes to build a garage and office building for contractor storage yard.
    - i. Motion to Deny
      - 1. Al Champion
    - ii. Second Motion to Deny
      - 1. Harry Kramer
    - iii. Vote To Deny request use variance to permit truck parking and variance for steep slopes to build a garage and office building for contractor storage yard.
      - 1. 4/5 Ayes
        - a. Joanne Fields
        - b. Harry Kramer
        - c. Joanne Redding
        - d. Al Champion
      - 2. 1/5 Abstention
        - a. Steve Aldrich
- 5. Continued hearing for Eric Goodyear
  - a. Appeal Number: 2023-3093
  - b. Location: 2329 Kay Avenue
  - c. Tax Parcel: 02-006-030
  - d. Request: Variance to grade and gravel land in flood plain
  - e. Exhibits
    - i. A1-Application
    - 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
    - vi. T1-Property Map
    - vii. T2- Flood Zone Map
    - viii. T3-Photo of the Woods
    - ix. T4-Photo of the Brick House torn down
    - x. T5-Demolished house on Mr. Tilica's lot
  - f. Summary
    - i. Mr. Goodyear was sworn in. Mr. Goodyear described the property. He stated he cleaned up the property and added grass. He also added gravel and is keeping the gravel. It is only big enough to hold one or two (1 or 2) cars. He filled in some ditches and grass seed. The township added a fence since it was open space. Mr. Goodyear removed the debris and leveled the dirt that was there. The work was already completed and then he received the violation. Al

Champion asked if the gravel is pervious or impervious. Ken Farrall stated the gravel is pervious because the grass is still growing. No more gravel is being added and the grass is being kept for drainage purposes. Mr. Goodyear agreed to keep the grass and not adding anymore gravel because he also does not want any flooding. No further questions or comments from the Board. Audience member, Ian Tilica came forward and was sworn in. Mr. Tilica purchased his property in 2000. He stated the previous owner junked up the yard and buried the debris. He alleges Mr. Goodyear is doing the same. He alleges Mr. Goodyear raised the setbacks when he leveled the area and dumping the debris in the Neshaminy Creek. Mr. Tilica gave a history of the surrounding area and the owners.

- 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. 5/5 Ayes
  - h. Motion to Approve variance to grade and gravel land in flood plain with the following conditions: cannot not exceed 30 feet by 50 feet, no additional grading or graveling, no commercial vehicles, rear of the lot cannot be touched.
    - i. Motion to Approve
      - 1. Harry Kramer
    - ii. Second Motion to Approve
      - 1. Al Champion
    - iii. Vote to Approve variance request for an accessory structure to be less than 10 feet from the house.
      - 1. 5/5 Ayes
6. Hearing for Hemal Shah
- a. Appeal Number: 2023-3227
  - b. Location: 5210 Leeward Road
  - c. Tax Parcel: 02-084-184
  - d. Request: Variance for concrete patio to exceed impervious coverage
  - 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 Property
  - f. Summary
    - i. Property owners, Hemal Shah and Milin Patel were sworn in. They have a concrete patio in their backyard. Applicants stated they were not aware of the process regarding adding a concrete patio to their backyard. A complaint was made, and a violation was issued. The variance is for 17 percent. No comments

or questions from the Board. 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. 5/5 Ayes
  - h. Motion to Approve variance request for concrete patio to exceed impervious coverage
    - i. Motion to Approve
      - 1. Al Champion
    - ii. Second Motion to Approve
      - 1. Harry Kramer
    - iii. Vote to Approve variance request for concrete patio to exceed impervious coverage
      - 1. 5/5 Ayes
7. Hearing for Bucks Meadow 2005, LLC
- a. Appeal Number: 2023-3519
  - b. Location: 3131 Knights Road
  - c. Tax Parcel: None listed on Agenda
  - d. Request: Variance from building separation and impervious coverage.
  - e. Attorney: Bryce H. McGuigan, Esquire—Begley, Carlin, Mandio
  - f. Exhibits
    - i. A1-Application
    - 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
    - vi. B4-Memo
  - g. Summary
    - i. Mr. McGuigan stated the applicant is withdrawing the impervious coverage variance request. Mr. McGuigan gave a summary of Bucks Meadow Apartment Complex. The applicant moved the laundry room and is expanding the leasing office. The variance needed is for 14 feet. Maria Laboy was sworn in and adopted Mr. McGuigan’s summary as her testimony. She added there is no need for new signage and the old leasing office was converted into a model apartment. No 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. 5/5 Ayes
  - i. Motion to Approve variance request for a building separation.
    - i. Motion to Approve
      - 1. Harry Kramer
    - ii. Second Motion to Approve
      - 1. Al Champion
    - iii. Vote to Approve variance request for a building separation.
      - 1. Vote to Approve
        - a. 5/5 Ayes
- 8. Correspondence
  - a. non
- 9. Adjournment
  - a. Motion to Adjourn
    - i. Harry Kramer
  - b. Second Motion to Adjourn
    - i. Al Champion
  - c. Vote to Adjourn
    - i. 5/5 Ayes