

Zoning Hearing Board Monthly Minutes

February 1, 2024

In Attendance: Joanne Fields; Harry Kramer; Joanne Redding; Al Champion; Tony Cascereri; 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, Esquire
3. Approval of Last Month's Minutes-January 10,2024
 - a. Motion to Approve
 - i. Harry Kramer
 - b. Second Motion to Approve
 - i. Joanne Fields
 - c. Vote to Approve Last Month's Minutes-January 10, 2024
 - i. 5/5 Ayes
4. Continued Hearing for MAR-MAR Builders, Inc.
 - a. Appeal Number: 2023-3704
 - b. Location: 1186 Byberry Road
 - c. Tax Parcel Number: 02-074-110
 - d. Request: Variance for disturbance of woodlands, variance to permit twin dwelling units, lot area, lot width, impervious coverage, front yard, side yard setbacks
 - e. Attorney: Edward F. Murphy, Esquire
 - f. Summary
 - i. The Board had an Executive Session at 6:30 P.M. prior to the start of the hearing. Mr. Murphy, the attorney for the applicant, was not present.
 - g. Motion to Close Testimony
 - i. Motion to Close
 1. Al Champion
 - ii. Second Motion to Close
 1. Joanne Fields
 - iii. Vote to Close Testimony
 1. 5/5 Ayes
 - h. Motion to Deny Variance for disturbance of woodlands, variance to permit twin dwelling units, lot area, lot width, impervious coverage, front yard, side yard setbacks.
 - i. Motion to Deny
 1. Al Champion
 - ii. Second Motion to Deny
 1. Joanne Fields
 - i. Vote to Deny Variance for disturbance of woodlands, variance to permit twin dwelling units, lot area, lot width, impervious coverage, front yard, side yard setbacks.
 1. 3/5 Ayes

- a. Joanne Redding
 - b. Al Champion
 - c. Joanne Fields
 - 2. 2/5 Nays
 - a. Harry Kramer
 - b. Tony Cascereri
- 5. Continued hearing for Perryville Hospitality, LLC
 - a. Appeal Number 2023-4175
 - b. Location: Lincoln Highway
 - c. Tax Parcel: 02-001-035
 - d. Request: Variances from the lot size, woodland disturbance, steep slop disturbance, loading and unloading space, sign size to construct a self-storage facility. A special exception from the building height
 - e. Attorney: Edward F. Murphy
 - f. Summary
 - i. Applicant requested a continuance to the March 7, 2024. Waivers signed.
 - g. Motion to Continue Hearing to March 7, 2024
 - i. Motion to Continue
 - 1. Harry Kramer
 - ii. Second Motion to Continue
 - 1. Al Champion
 - iii. Vote to Continue Hearing to March 7, 2024
 - 1. 5/5 Ayes
- 6. Continued hearing for Outdoor Partnership, LLC
 - a. Appeal Number: 2023-4238
 - b. Location: 445 Mill Road
 - c. Tax Parcel: 02-023-027
 - d. Request: Variances from Section 232-353 and 232-354 to permit a digital outdoor advertising sign and a variance from section 232-714(c)(2)(d)(i) and 232-714(c)(2)(d)(1)(ii) to permit one on premise freestanding advertising sign
 - e. Attorney: Michael S. DiCroce, Esquire
 - 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. DiCroce gave an overview of the Applicants' request. The applicants are interested in moving signs away from facing the residential area and removing the signs off the roof. The sign will be placed on a 42-foot pole. The sign will be digital and visible solely from Interstate 95. The building located on the property will be block the pole. It will not have any negative impact and is expected to increase business. David Curry and Michael Rosenello were sworn in. Mr.

Rosenello has run a window and roof replacement business since the early 1990s. Mr. Curry, owner of a billboard company since 1985, adopted Mr. DiCroce's summary as testimony. Mr. Curry explained the aerial photograph of the property and the reasons behind the choice of the sign placement. Mr. Curry continued to describe the pole and the sign. 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. 5/5 Ayes
 - i. Motion to Approve variance from section 232-353 and 232-354 to permit a digital outdoor advertising sign and a variance from section 232-714(c)(2)(d)(i) and 232-714(c)(2)(d)(1)(ii) to permit one on premise freestanding advertising sign.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Joanne Fields
 - iii. Vote to Approve variance from section 232-353 and 232-354 to permit a digital outdoor advertising sign and a variance from section 232-714(c)(2)(d)(i) and 232-714(c)(2)(d)(1)(ii) to permit one on premise freestanding advertising sign.
 - 1. 5/5 Ayes
7. Hearing for Anthony Byrne
- a. Appeal Number: 2023-4342
 - b. Location: 6435 Lewisville Avenue
 - c. Tax Parcel: 02-056-150
 - d. Request: Variance to construct pole barn in floodplain and to be 130% of the footprint of the principal dwelling.
 - e. Attorney: Andrew Stoll, Esquire
 - f. Exhibits
 - i. A1-Certificates of Service
 - ii. A2-Application with Attachments
 - iii. A3-Deed to property
 - iv. A4-CV of John Richardson
 - v. A5-Aerial Plan entitled "Overall Site Plan" dated November 2, 2023
 - vi. A6-Plan entitled "Overall Site Plan" dated November 2, 2023
 - vii. A7-Plan entitled "Partial Existing Features Plan" dated November 2, 2023
 - viii. A8-Zoning Plan dated November 2, 2023
 - ix. A9-Plan entitled "Preliminary Grading Plan" dated November 2, 2023
 - x. A10-Hardship Plan dated November 2, 2023
 - xi. A11-Floodplain Encroachment Plan dated January 26, 2024

- xii. A12-Photographs of area of proposed barn after recent rainstorm
- xiii. A13-Neighbor Support Letters
- xiv. B1-Letter to the Applicant
- xv. B2-Proof of Publication in the Bucks County Courier Times
- xvi. B3-Proof of Posting on the Premise
- xvii. B4-Waiver request
- xviii. B5-January 30, 2024 letter from Mr. Stoll with Amendment to Application
- xix. B6-Email regarding floodplain from Emily Houdeshell dated September 8, 2023

g. Summary

- i. Mr. Stoll described the property and area. The pole barn will be used to store quads, kayaks, trailers, ride along lawn mower, chainsaws and other tools that are presently stored on the property grounds. Storing these items in the pole barn will clean up the property. The pole barn will only be used for storage. There will be no water or sewer system needed, and no business will run out of it. The pole barn will not be able to be considered livable space. Mr. Byrne has the support from his neighbors. Mr. Byrne plans to make improvements to the property regarding storm water. The pole barn will not be in an area that floods. The location encroaches the floodplain slightly but not the flood way. Mr. Stoll reviewed the variances requested and explained the need for the variances. No flood insurance will be needed because there will be nothing of value stored in the pole barn. Mr. Byrne will still need to go through the Land and Development stage. No woodlands will be disturbed. Mr. Byrne will also continue to maintain the property. Anthony Byrne and John Richardson were both sworn in. Mr. Byrne stated he has too many items that he uses to maintain the property to store in the present shed. He stated the neighbors use parts of his property as a nature trail. He also stated he has flood insurance on the property. Joanne Redding stated that the Township can lose the ability to get flood insurance and understands the hardship situation presented. She also stated, the applicant can eliminate the need for the Zoning Board by involving FEMA. Mr. Stoll stated that the matter is too small to bring to FEMA. Mr. Richardson adopted Mr. Stoll's summary as testimony. Tom Panzer asked the Board whether they would like to hear from Ken Farrall, the Flood Plain Administrator. The Board agreed to hear from Mr. Farrall. Ken Farrall was sworn in and explained the email from Ms. Houdeshell. Ken Farrall stated if the applicant wants, they can request a map amendment from FEMA. The Board asked if the structure can be moved out of the flood plain. Mr. Byrne stated the house is elevated much higher than the rest of the property. Ken Farrall explained other cases like this one that came before the Board which approved. Mr. Byrne explained the photographs (Exhibit 12). No one from the audience came forward in favor or opposition of the applicant's request. The Board took a recess to hold an Executive Session to discuss the matter off the record. The Board came back from the Executive Session and Joanne Redding stated that the Board was ready to place their decision on the record unless the Applicant wishes to gather additional

information. Mr. Stoll, on behalf of Mr. Byrne, requested a Continuance to the June 6, 2024 Hearing date and granted the waiver requested.

- h. Motion to Continue Hearing to June 6, 2024
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing to June 6, 2024
 - 1. 5/5 Ayes
- 8. Hearing for Umar Farooq
 - a. Appeal Number: 2023-4509
 - b. Location: 2309 Brown Avenue
 - c. Tax Parcel: 02-036-283
 - d. Request: Variance for lot area, off street parking and fence height and location for garage to be converted to a single-family residence
 - e. Attorney: Bryce McGuigan, Esquire—Begley, Carlin, and Mandio
 - 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 stated he was retained by the applicant earlier in the day and requested a Continuance since he is not completely familiar with the case and the applicant was unable to appear. He requested the hearing be held on April 4, 2024 to amend the application submitted prior by the applicant prior to him being retained. Joanne Redding stated the neighbors be renotified. Mr. McGuigan agreed to renotifying the neighbors.
 - h. Motion to Continue Hearing to April 4, 2024
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing to April 4, 2024
 - 1. 5/5 Ayes
- 9. Hearing for Richards S. Hannye
 - a. Appeal Number: 2023-4516
 - b. Location: 2123 River Road
 - c. Tax Parcel: 02-064-123
 - d. Request: Variance for impervious coverage and concrete work in a 100-year floodplain
 - e. Summary
 - i. Mr. Hannye came forward and was sworn in. He was unable to present certificates of service proving he notified neighbors of the Hearing. However, he

stated verbally, under oath, that he did send the notices to all the neighbors but one (1) because they go to their home in Georgia state for the winter. He stated he was not sure under what summons he was here for; the one he appealed or the one that he received in the mail with the change in the “charges.” The work has already been completed. Ken Farrall stated he gathered the deed and original, hand-drawn, plans of the property. Once again, Mr. Hannye stated he wants clarification on what he is appealing because he was notified under two (2) different issues. Ken Farrall stated the issue appealed by Mr. Hannye was the issue advertised. Mr. Hannye was unable to proceed and requested a Continuance to the April 4, 2024 hearing date. Mr. Hannye agreed to renotify all neighbors.

- f. Motion to Continue Hearing to April 4, 2024
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing to April 4, 2024
 - 1. 5/5 Ayes
10. Hearing for Vasyl and Vitaliya Fenynets
- a. Appeal Number: 2024-0075
 - b. Location: 3105 Prospect Avenue
 - c. Tax Parcel: 02-004-249 (02-044-269—On Agenda)
 - d. Request: Variance for side yard and aggregate side yard setback, variance for impervious surface coverage and variance for shed/covered porch setbacks less than 5 feet.
 - e. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates 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. Joanne Redding began the hearing by stating the tax parcel number on the agenda was different than the one on the application. Joanne Redding questioned which number is the correct one. It was stated on the record that the tax parcel number (02-044-269) on the agenda was incorrect. The correct tax parcel number is 02-044-249. Applicants, Mr., and Mrs. Fenynets were sworn in. Applicants stated they would like to expand their home by widening the second floor to make two (2) full-size bedrooms. Ken Farrall explained the amount of footage needed. Ken Farrall also stated the footage amount needed for the shed which was added to the property without a permit. The applicants are also willing to remove a portion of the driveway if necessary. No questions or comments from the Board. Audience member, Sean Heron, came forward and was sworn in. He is in favor of the applicants’ request. He stated they are

doing an amazing job fixing up the property and hard work deserves being rewarded. No other audience members came forward.

- 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 for side yard and aggregate side yard setback, variance for impervious surface coverage and variance for shed/covered porch setbacks less than 5 feet.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve variance for side yard and aggregate side yard setback, variance for impervious surface coverage and variance for shed/covered porch setbacks less than 5 feet.
 - 1. 5/5 Ayes
11. Hearing for Purvi LLC
- a. Appeal Number: 2024-0163
 - b. Location: 2277 Old Lincoln Highway
 - c. Tax Parcel: 02-010-001-001
 - d. Request: Setbacks, lot size, parking and Use variance to permit reconstruction of a Hilton Hotel and Quick Service Restaurant to replace the existing hotel on the property
 - e. Summary
 - i. Applicant requested a Continuance to March 7, 2024.
 - f. Motion to Continue hearing to March 7, 2024
 - i. Motion to Continue
 - 1. Harry Kramer
 - ii. Second Motion to Continue
 - 1. Al Champion
 - iii. Vote to Continue hearing to March 7, 2024
 - 1. 5/5 Ayes
12. Correspondence
- a. none
13. Adjournment
- a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. Al Champion
 - c. Vote to Adjourn
 - i. 5/5 Ayes

