

Zoning Hearing Board Meeting Minutes, June 2, 2022

In Attendance: Joanne Redding, Al Champion, George Seymour, Harry Kramer, Joanne Fields, Ken Farrell, and Tom Panzer, Esquire

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—May 5, 2022
 - a. Motion to approve with correction to agenda item #6. Agenda item to state recusal of Joanne Redding and the vote from 5/5 to 4/4.
4. Continued hearing for 3805 Neshaminy Blvd for Caliber Capital, LLC
 - a. Appeal number: 2022-1269
 - b. Location: 3805 Neshaminy Blvd
 - c. Tax Parcel: 02-098-095
 - d. Request: variance for retaining wall height construction in a buffer yard, no loading zone and disturbance of steep slopes, to construct a carwash
 - e. Summary:
 - i. Letter received from Matthew McHugh, Esquire, attorney for the applicant, withdrawing request.
5. Continued Hearing for 2325 Street Road for Horizon Sign
 - a. Appeal Number: 2022-0423
 - b. Location: 2325 Street Road
 - c. Tax Parcel: 02-033-027
 - d. Request: variance for size of the proposed sign
 - e. Attorney: Craig R. Lewis (Robert Tucker, Esquire—Listed on agenda)
 - f. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Deed
 - iii. A3-Lease
 - iv. A4-Owner's Authorization
 - v. A5-Sign Plans
 - vi. A6-Certificates of Service
 - vii. B1-Letter to the Applicant
 - viii. B2-Proof of Publication in the Bucks County Courier Times
 - ix. B3-Proof of Posting on the premises
 - x. B4-Continuation request with signed waiver
 - g. Summary
 - i. Mr. Lewis stated Horizon Signs is working with Kohl's, the biggest retailer in the country. Kohl's is partnering with Sephora. Kohl's is looking to add a sign for Sephora. Kohl's sign already meets the maximum allowance. Needs variance to add Sephora's name to the outside façade. Mr. Lewis went though and explained the exhibits marked in the exhibit packet. Ms. Diane Quigley of Horizon Signs was sworn in. Ms. Quigley has been employed with Horizon Signs

for five (5) years and in the signage industry for over 25 years. Colloquy given. Ms. Quigley agreed with the summary given by Mr. Lewis. Ms. Quigley does not believe the sign will cause any issues. No questions or comments from the Board. No one in the audience came forward for or against request.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - i. Motion to Approve variance request for size of the proposed sign
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance request for size of the proposed sign
 - 1. 5/5 Ayes
6. Continued Hearing for 3175 Knights Road for Cecelia Blackston
- a. Appeal Number: 2022-0677
 - b. Location: 3175 Knights Road
 - c. Tax Parcel: 02-037-088
 - d. Request: Variance for size and type of fence in the front yard
 - e. Attorney: Bryce McGuigan, Esquire
 - f. Exhibits:
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-New design of fencing around the house
 - 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. Ms. Blackston has owned and resided in the single-family dwelling for 20 years. She began constructing a fence in her front yard when she received a violation notice. She needs a variance for a fence/gate that is greater than four (4) feet. She has stated the fence is added security for the home. The material for the fence was Willed to her by a deceased client. It is a wooden stockade fence located in the rear of the property and an iron fence with gate located in the front yard. She is planning on planting more trees as well. It was stated that the Buddhist Temple and Catering Company located across the street from her both have fences in the front. In the past year, Ms. Blackston's child's bike was stolen, and her dog disappeared. A fence will not impact the neighbors. Ms. Blackston was sworn in and adopted Mr. McGuigan's summary as her testimony. Joanne Redding raised some questions about height of the

stockade and iron fence and the Arborvitae in between the fences being six (6) feet. Ms. Blackston stated that both fences and the trees between the fences are all six (6) feet tall. Joanne Redding also asked if Ms. Blackston is willing to remove the stockade fence from the front of the house and move the stockade fence to the sides of the house and only have the wrought iron fence along the front of the property. Ms. Blackston stated that she is willing to agree to Joanne Redding's request and move the stockade fence closer to the house. Mr. McGuigan explained and showed a quick drawing of the Board's request to assist Ms. Blackston's understanding (wrought iron fence only along the front up to the house and remove the stockade fence). The new design was submitted and placed on the record as Exhibit A3. No further questions, concerns, or comments from the Board. No one from the audience came forward in favor or opposition to the request.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - i. Motion to Approve variance request for size and type of fence in the front yard
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance for size and type of fence in the front yard
 - 1. 5/5 Ayes
7. Continued Hearing for 901 Tennis Ave., For Sperduto Investment
- a. Appeal Number: 2022-1270
 - b. Location: 901 Tennis Ave
 - c. Tax Parcel: 02-029-301
 - d. Request: use variance to permit an indoor baseball facility
 - e. Attorney: Bryce McGuigan, Esquire (Michael Meginniss, Esquire listed on Agenda)
 - 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 Property
 - vi. B4-May 5, 2022, Continuation Request
 - vii. B5-Collection of Documents
 - 1. December 17, 2018 decision
 - 2. February, 2022 decision denying relief
 - 3. Documents from Building and Planning

g. Summary

- i. Mr. McGuigan began by stating that the applicant appeared before the Council. The Council raised some issues and applicant made those changes. Applicant made changes to the application addressing the hour of operations and the traffic concerns (stacking and staggering lanes). Joanne Redding asked if any traffic studies were done. Mr. McGuigan stated no formal traffic study has been conducted. Mr. Roth was introduced and hired to testify regarding traffic. The property has two (2) identical structures. Applicant will be occupying one (1) of the structures with ten (10) batting cages. Applicant will be vacating present building which is 30,000 square feet for the Tennis Ave property of 10,000 square feet. Mr. Mark Roth was sworn in. Mr. Roth is a traffic engineer. Mr. Roth testified that ITE data is available. The data is computed by number of trips per batting cage—ten (10) cages = 22 trips per hour. An average of 24 cars at peak time over an hour. Mr. McGuigan asked if staggering will help. Mr. Roth stated that staggering will help. Trips will be less and carpooling needs to be considered. A school team would need to reserve the entire facility. Applicant is willing to work with the township engineers and township traffic engineers. The warehouse structure could potentially have 40 trips. Joanne Redding asked if the 55 parking spaces are for both structures and Mr. McGuigan responded in the affirmative. The peak times for the facility will be the opposite of the other warehouse on the property. Adults will go after work and will consist of a smaller group. Applicant removed the request for outdoor use. Harry Kramer asked about the number of employees daily. Joseph Gillespi was sworn in. Mr. Gillespi stated number of employees will vary due to different times of the year. There will be a minimum of four (4) employees. Mr. Gillespi adopted the summary given by Mr. McGuigan as testimony. Mr. Ken Farrell was sworn in and asked questions regarding the 2-2-1 meeting with Council, Mr. Meginniss, Esquire, Mr. Gillespi, and Mr. Sperduto. Council was not opposed to the request; however, they understand that just because zoning approves does not mean they permission. Joanne Redding stated they never had a 2-2-1 meeting brought up at a zoning meeting before and is not happy it is being done now. Al Champion asked about exploring the idea of moving the entrance to alleviate the traffic flow. Mr. McGuigan stated if the variance requests are granted then the applicant would coordinate with Building and Planning. Mr. Sperduto was sworn in and stated that he has others renting in the building. Again, the other meeting was mentioned, and Joanne Redding stated the Zoning Hearing Board bases their decision on the presentation presented to them and not what was presented to another Board at another meeting behind closed doors. No further questions or comments from the Board. Lawrence Grace, from the audience, came forward with concerns. He stated he was at the last meeting and the plans look exactly the same. The original decision promised low traffic impact. EMS cannot get down the street when jammed up. No where to pull over. His driveway is used as a turn around. He is concerned over the potential of added traffic. Applicant stated he plans

on moving the driveway. No one from the audience came forward in favor or opposition to the request. George Seymour stated he would be more comfortable deferring his decision. Tom Panzer, Esquire, stated that testimony can close but the clock will start ticking on 45 days to issue a decision or the Board can keep the record open and continue the matter. Mr. McGuigan stated that he will provide a memorandum to the Board prior to next meeting.

- h. Motion to Close Testimony and defer decision to the next meeting
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- 8. Hearing for 1455 Wells Drive/1388 Bridgewater Rd Mount Corporation
 - a. Appeal Number: 2022-1643
 - b. Location: 1455 Wells Drive/1388 Bridgewater Road
 - c. Tax Parcel: 02070007-001
 - d. Request: Variance for Woodland disturbance
 - e. Attorney: Bryce McGuigan, Esquire (Michael J. Meginniss, Esquire listed on Agenda)
 - 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 Property
 - g. Summary
 - i. The last variance was granted. At the beginning of Covid, landscapers came in and started cleaning up the property. Upon the cleaning, land and development, discovered a variance was needed for the property changing the woodland area. Willing to work with the township and building engineer. They have no issue with adding trees on the property. Jake Kaplan was sworn in. He stated the plan did change to adhere to the Board conditions and adopted the summary with changes as his own. Mr. Kaplan stated a tree study was done after clearing, details of species and possible replacement. Al Champion stated concern with runoff and flooding. Joanne Redding questioned if there is room on the property to add trees. Ken Farrell stated there is some but not much. The applicant can pay a fee or plant trees elsewhere. Mr. Kaplan had the same question and is willing to replace all trees and would work with building and planning about spacing needed between each tree. Mr. McGuigan requested a continuance in order to obtain a landscaping plan. Requested continuance date—July 7, 2022.
 - h. Motion to Continue Hearing to July 7, 2022
 - i. Motion to Continue
 - 1. Al Champion

- ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing to July 7, 2022
 - 1. 5/5 Ayes
- 9. Hearing for 4268 Willow Ave Jacob Rudnitsky and Daulton Fox
 - a. Appeal Number: 2022-0170
 - b. Location: 4268 Willow Ave
 - c. Tax Parcel: 02016105
 - d. Request: Variance for lot area, lot frontage lot width, maximum density of dwelling units per acre and steep slope disturbance
 - e. Attorney: Bryce McGuigan, Esquire (Michael Meginnis, Esquire listed on agenda)
 - f. Exhibits:
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. A3-Tax Map
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3-Proof of Posting on the Property
 - g. Summary
 - i. Applicant purchased the property a year ago. The dwelling was in disrepair and in the process of being rebuilt. Jacob Rudnitsky was sworn in. After demolition of present dwelling, a grassy lot was found (subdivision). A tax map was submitted as Exhibit A3. Mr. McGuigan reviewed the tax map and variance request with the applicant. Applicant met with the neighbors and has had no complaints. Joanne Redding stated she was not inclined to grant land. No further questions or comments from the Board. No one in the audience came forward in favor or opposition of the request.
 - h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Motion to Deny variance request for lot area
 - 1. Motion to Deny
 - a. Al Champion
 - 2. Second Motion to Deny
 - a. George Seymour
 - iv. Amended Motion to deny all variances (variance for lot area, lot frontage lot width, maximum density of dwelling units per acre and steep slope disturbance)
 - 1. Amended Motion to Deny
 - a. Al Champion
 - 2. Second Amended Motion to Deny
 - a. George Seymour

3. Vote to Amend Motion to Deny all Variances (variance for lot area, lot frontage lot width, maximum density of dwelling units per acre and steep slope disturbance)

- a. 5/5 Ayes

10. Hearing for 1206 Crespo Ln., for Iftikhar and Aisha Chaudhry

- a. Appeal Number: 2022-0473
- b. Location: 1206 Crespo Ln
- c. Tax Parcel: 02072478
- d. Request: Variance for side yard & rear yard setback and impervious coverage
- e. Attorney: Bryce McGuigan, 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 Property
- g. Summary
 - i. Permits for addition by contractor and applicant. Footprint not followed. The addition crosses the property line. Other property owner is Applicant's uncle. Uncle is willing to give applicant the land needed for the addition. Mike Monaghan Jr. was the contractor hired to construct the addition. He has been working for his father for the last year. His father had a survey done and marked the property line. He went off of the property markers which were wrongly placed. They were notified by Quentin from Building and Planning. Everything else was good. Does not look out of place from the rest of the community. His father thought he was alright making addition bigger. His father went off the original foundation—was not done intentionally. When finishing the roof is when they were notified of the violation. Nothing came up when the inspections for foundation and the inspections for framing were complete. Ken Farrell stated the stake out inspection did not happen. Believes permits were applied after the building started. George Seymour and Harry Kramer agreed documents that are needed are missing. No further comments or questions from the Board. Floor opened up to audience members. Laura Crespo came forward in opposition. Mrs. Crespo stated there has been on-going issues with applicant and their family. Everything they have done has been with approval from the township. No issues with additions made to the homes but homeowners need to stay within guidelines. They have spent over a year at looking at an unfinished structure and a dumpster in the driveway. Request for continuation was made
- h. Motion to Continue Hearing to July 7, 2022
 - i. Motion to Continue
 1. Al Champion
 - ii. Second Motion to Continue
 1. George Seymour

iii. Vote to Continue Hearing July 7, 2022

1. 5/5 Ayes

11. Hearing for 3250 Oakford Ave., Cook Drilling Co.

- a. Appeal: 2022-1370
- b. Location: 3250 Oakford Ave
- c. Tax Parcel: 02004307
- d. Request: Variance for impervious coverage, 10' separation between structures, side yard setback, and parking setbacks
- e. Attorney: Robert Debias, Esquire
- f. Exhibits:
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Map (submitted by attorney and submitted as part of exhibit A1)
 - iv. A4-Picture
 - v. B1-Letter to the Applicant
 - vi. B2-Proof of Publication in the Bucks County Courier Times
 - vii. B3-Proof of Posting on the property
- g. Summary
 - i. An Entry of Appearance of Attorney Robert DiBias was submitted to the Board. The property was originally purchased by the Cook Drilling Company in May of 1955 and the company has been operating from this property. The property is irregularly shaped (also described as "wonky"). Mr. Dibias went through and reviewed the attachments submitted with the application. No longer needing the variance for impervious. Improvements no longer will impact the impervious surface. Heath Dumack was sworn in and adopted the summary. They plan on removing stone and adding grass and will comply with paving request made by Quentin. Al Champion asked why do addition on the south side of the building and not the north side where variances were not needed. Mr. Dumack stated it is simpler to add it on the south side because they would need to add stairs, egress, etc. to the addition that was previously added to the northern side. Al Champion then questioned about the maintenance of the property. Mr. Dumack stated that the owner of the facility is proud of his property and is on top of the maintenance. Al Champion questioned about moving the shed. Mr. Dumack stated the shed is an accessory. No other questions or 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. George Seymour
 - iii. Vote to Close Testimony
 1. 5/5 Ayes

- i. Motion to Approve variance request for impervious coverage, 10' separation between structures, side yard setback, and parking setback.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance request for impervious coverage, 10' separation between structures, side yard setback, and parking setback
 - 1. 3/5 Ayes
 - a. Joanne Redding
 - b. Harry Kramer
 - c. Joanne Fields
 - 2. 2/5 Nays
 - a. George Seymour
 - b. Al Champion
 - 3. Relief granted by majority vote.
12. Correspondence
- a. None
13. Adjournment
- a. Motion to adjourn
 - i. Al Champion
 - b. Second Motion to Adjourn
 - i. George Seymour
 - c. Vote to adjourn
 - i. 5/5 Ayes
14. An executive session was held by the Board and Counsel to discuss litigation matters