

Zoning Hearing Board Monthly Meeting Minutes

May 5th 2022

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

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—April 7, 2022
 - a. Motion to Approve last month's minutes
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. George Seymour
 - b. Vote to Approve last month's minutes
 - i. Vote to Approve
 1. 4/5
 - a. Al Champion
 - b. Harry Kramer
 - c. George Seymour
 - d. Joanne Fields
 2. Abstained
 - a. 1/5
 - i. Joanne Redding
 4. Continued Hearing for Susan and Daniel Halpin
 - a. Appeal Number: 2021-4490
 - b. Location: 757 Cliff Road
 - c. Tax Parcel Number: 02-078-068
 - d. Request: Variances for footprint, setbacks, building area and impervious surface coverage to construct a detached garage.
 - e. Summary
 - i. Applicants were called forward and were not present. Matter has been opened since November. Ken Farrell offered to help them plan according to recommendations made by the Board via email. Ken Farrell received no response. Tom Panzer recommended a decision to be rendered.
 - f. Motion to deny variance request for footprint, setbacks, building area and impervious surface coverage to construct a detached garage.
 - i. Motion to Deny
 1. Al Champion
 - ii. Second Motion to Deny

1. George Seymour
 - g. Vote to deny variance request for footprint, setbacks, building area and impervious surface coverage to construct a detached garage.
 - i. Vote to Deny
 1. 5/5 Ayes
5. Continued hearing for Ron Oskiera (Decision Only)
 - a. Appeal Number: 2021-3798
 - b. Location: 1090 Wildman Avenue
 - c. Tax Parcel: 02-031-107-002
 - d. Request: Variance to have a multi-dwelling in a R-2 zoning district
 - e. Attorney: Shawn Ward, Esquire
 - f. Summary
 - i. Mr. Ward could not be present. Mr. Oskiera was present. Case was presented prior to Ms. Joanne Fields' appointment to the Board. The case was presented again at the April meeting; however, Ms. Joanne Redding was absent. Both members reviewed all of the notes and evidence. Both members are comfortable rendering a decision.
 - g. Motion to Deny variance to have a multi-dwelling in a R-2 zoning district
 - i. Motion to Deny
 1. Al Champion
 - ii. Second Motion to Deny
 1. George Seymour
 - h. Vote to Deny variance to have a multi-dwelling in a R-2 zoning district
 - i. Vote to Deny
 1. 5/5 Ayes
6. Continued hearing for Byberry Woods, LLC
 - a. Appeal Number: 2022-0524
 - b. Location: 1282 Byberry Avenue
 - c. Tax Parcel: 02-033-108; 02-033-109; 02-033-109-001
 - d. Request: Variance for building height to be 35 feet instead of maximum height of 30 feet
 - e. Attorney: Michael Meginniss, Esquire
 - f. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. A3-Photo of Independence 1
 - iv. A4-Photo of Independence 2
 - 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
 - viii. B4-Previous Continuation Requests with Waivers
 - ix. B5-2015 Decision
 - x. B6-Extensions
 - g. Summary

- i. A1-Application with attachments
 - ii. A2- Certificates of Service
 - iii. B1-Letter to the Applicants
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on the property
 - f. Summary
 - i. William Acker came forward and was sworn in. Mr. Acker stated he and his wife would like to construct a pool in the front yard. He calls it the side yard. It would be an inground pool, small in size, and for the kids. They live on the corner. Only option for placement is in this space. They plan on placing a six (6) foot fence around the perimeter of the pool area. No questions or comments 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. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - h. Motion to Approve variance request to construct a pool in the front yard
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance request to construct a pool in the front yard
 - 1. 5/5 Ayes
- 8. Hearing for 1977 Byberry Road for Mark Trachtenberg
 - a. Appeal Number: 2022-1272
 - b. Location: 1977 Byberry Road
 - c. Tax Parcel: 02-045-002
 - d. Request: Variance for woodland and steep slope disturbance.
 - e. Attorney: Michael J. Meginniss, Esquire
 - f. Summary
 - i. Conflict of interest with Solicitor, Tom Panzer, Esquire. Another attorney to be appointed to represent the Board in this case. Mr. Meginniss requested to continue to July.
 - g. 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 3617 Horizon Blvd. for Raising Cane's Restaurant, LLC
 - a. Appeal: 2022-1271
 - b. Location 3617 Horizon Blvd.
 - c. Tax Parcel: 02-001-018-028
 - d. Request: Variance for sign size and location on the proposed building
 - e. Attorney: Michael Meginniss, Esquire
 - f. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. A3-Aerial picture
 - 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. Mr. Meginniss stated that the request for the sign size was withdrawn and only needed relief for the sign location. Council approved the project on the old Bertucci's Restaurant. The property backs to Route 1 but no access to or from Route 1. They would like to place a wall sign on the wall facing Starbucks, a wall sign facing the Cracker Barrel and a wall sign that backs up to Route 1. The Bertucci's building has been demolished. The building had a wall sign on all exterior walls. Only asking to keep with previous layouts. Sarah Holmes of Raising Cane's was sworn in. She affirmed and adopted the summary stated by Mr. Meginniss as her testimony. Questions from the Board were raised. George Seymour was questioning the replacement of signs and the type of signs they were planning to use. Applicant stated the signs are not LED or Digital. Just "pictures". One picture is of a dog. The dog is a Mascot. The dog's name is Cane. There was some confusion over the signs. Applicant is requesting four (4) logo signs, one (1) on each side. Ken Farrell stated that the mascot is nothing more than tilework. No wording so it is not promoting anything. One is a painted picture which will be located between the drive-through windows. The second will be as you are walking up to the building from the parking lot. These pictures are slightly protruding from the structure. Joanne Redding stated she is concerned that it is too much going on. Negotiations regarding the "dog pictures" were made. 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. 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 sign size and location on the proposed building
 - i. Motion to Approve

1. Al Champion
 - ii. Second Motion to Approve
 1. George Seymour
 - iii. Vote to Approve variance request for sign size and location on the proposed building
 1. 4/5 Ayes
 - a. Al Champion
 - b. George Seymour
 - c. Harry Kramer
 - d. Joanne Fields
 2. 1/5 Nays
 - a. Joanne Redding
10. Hearing for 901 Tennis Ave. for Sperduto Investments
 - 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: Michael J. Meginniss, Esquire
 - f. Summary
 - i. Applicant is requesting a continuance to June Hearing Date
 - g. Motion to Continue Hearing to June 2, 2022
 - i. Motion to Continue
 1. Harry Kramer
 - ii. Second Motion to Continue
 1. George Seymour
 - iii. Vote to Continue Hearing to June 2, 2022
 1. 5/5 Ayes
11. Hearing for 2818 Bowman Ave. for Robert and Amy Ahleman
 - a. Appeal Number: 2022-0522
 - b. Location: 2818 Bowman Ave
 - c. Tax Parcel: 02-062-472
 - d. Request: Variance for the size of the accessory structure
 - 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. Robert Ahleman was sworn in. Mr. Ahleman stated there is a garage that already exists but cannot park in it. The home is 1100 square feet. Mr. Ahleman's parents recently passed away and he is inheriting the entire estate. One of the estate items is a vehicle. He needs a place to store the vehicle and other estate items. The size of the garage will be 24 feet by 24 feet (22 feet at

the peak with an eight to ten (8-10) foot pitch, square shape with a single door. No driveway. No questions or comments from the Board. No one from the audience came forward in favor or opposing the request.

- g. 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
 - h. Motion to Approve variance request for the size of an accessory structure
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance request for the size of an accessory structure
 - 1. 5/5 Ayes
12. Hearing for 3139 Prospect Ave., for John Thompson
- a. Appeal Number: 2022-0385
 - b. Location: 3139 Prospect Avenue
 - c. Tax Parcel: 02-004-253
 - d. Request: Variance for impervious coverage and building setback
 - e. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Application
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on the property
 - f. Summary
 - i. John Thompson was sworn in. He has two (2) caterpillar tunnels. The tunnels have a removable plastic cover. He is 11% over impervious. He planted 50 new trees. The tunnels are four (4) feet apart instead of ten (10) feet. He already has four (4) green houses, a pool house, and a big shed also on the .9-acre lot. The property is odd shaped with the garage and house. He grows his own food. These tunnels keep insects, weather, and animals from destroying the crops. No comments or questions from the Board. Audience members came forward in opposition to the request. First to come forward, Debbie Miller. She is speaking on behalf of her mother who lives directly behind the property in question. Mrs. Miller stated that it is an eye sore during the day. It is all lit up at night and the light shines into her mother's home. A sump pump is constantly running, and a hole was made in her mother's fence. Next, Sean Heron, tried to solve the water problem as a community. The water issues have cracked the foundation to his home and had to rebuild his house. Mr. Thompson's has a lot with industrial farming. Lastly, James Wall came forward. Mr. Wall stated he

does not like looking at them. He lives across the street. He thinks it is an eye sore. Ken Farrell stated the township is trying to come up with a solution for water management. The property just needs a permit for zoning not construction. Per, Quintin, the size is within the ratio to the property. The Applicant admitted to running electric cords to bring electricity to the tunnels (11x50). The lights are 66 watts. There is no heat or air conditioning. He stated he will take down the lights. Joanne Redding stated she would not want to live next to this because there is a lot on the property.

- g. Motion to Close Testimony
 - i. Motion to Close
 - 1. George Seymour
 - ii. Second Motion to Close
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - h. Motion to Deny variance request for impervious coverage and building setback
 - i. Motion to Deny
 - 1. George Seymour
 - ii. Second Motion to Deny
 - 1. Harry Kramer
 - iii. Vote to Deny variance request for impervious coverage and building setback
 - 1. 5/5 Ayes
13. Hearing for 2155 River Rd., for Minh Thai
- a. Appeal: 2022-1274
 - b. Location: 2155 River Road
 - c. Tax Parcel: 02-064-126
 - d. Request: Variance for construction within a floodplain
 - e. Attorney: Lee Eisey, Esquire
 - f. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-11/5/21 Stop Work Order from the Township
 - 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. Lee Eisey is the attorney and architect. A permit was issue for a fence and another permit was issued for land disturbance. Both fence and land disturbance have been found to be in the floodplain. The property was purchased in 2020. Three (3) loads of topsoil has been added. The current plan was a revised on March 25. Applicant wishes to bring everything into compliance. The property has been labeled as an AE hazard flood zone per FEMA. Applicant is still awaiting a documents/report. Joanne Redding asked how this effects the neighbors. George Seymour suggested having an engineer

involved. Joanne Redding expressed concern for the neighbors and neighborhood because the applicant is making changes without authorization from the proper channels. Joanne Redding also expressed that she wishes to hear from the Army Corps and FEMA, and she does not feel comfortable rendering any decision without hearing any ruling FEMA and Army Corp. Applicant received a permit to do renovations only. It was stated that the Township need to sign off prior to submitting to FEMA. FEMA either issues an approval or a denial. George Seymour is more concerned about the floodplain. Tom Panzer stated the Board wants an engineer involved. Ken Farrell stated there is no issue with waiting since the application is taking steps to rectify. A waiver is needed. Applicant, Minh Thai, was sworn in and testified that summary was accurate and adopted it as testimony. A Continuance to September hearing date was requested.

- h. Motion to Continue Hearing to September 9, 2022
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue Hearing to September 9, 2022
 - 1. 5/5 Ayes
14. 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 and type of fence in the front yard
 - e. Summary
 - i. Applicant requesting to continue hearing to June 2, 2022
 - f. Motion to Continue Hearing to June 2, 2022
 - i. Motion to Continue
 - 1. Harry Kramer
 - ii. Second Motion to Continue
 - 1. Al Champion
 - iii. Vote to Continue Hearing to June 2, 2022
 - 1. 5/5 Ayes
15. Hearing for 3175 Knights Rd., 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. Summary
 - i. Applicant did not have her Certificates of Service. Unable to issue proper notice. Board unable to hear the case. A Continuance is needed.
 - f. Motion to Continue hearing to June 2, 2022
 - i. Motion to Continue

1. Al Champion
 - ii. Second Motion to Continue
 1. George Seymour
 - iii. Vote to Continue Hearing to June 2, 2022
 1. 5/5 Ayes
16. 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. Attorney: Matthew McHugh, Esquire and Augusta O'Neill, Esquire
 - f. Summary
 - i. Bensalem Township requested a continuance to June 2, 2022 in order to be present.
 - g. Motion to Continue Hearing to June 2, 2022
 - i. Motion to Continue
 1. Al Champion
 - ii. Second Motion to Continue
 1. George Seymour
 - iii. Vote to Continue Hearing to June 2, 2022
 1. 5/5 Ayes
17. Correspondence—No
18. Adjournment
 - a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. George Seymour
 - c. Vote to Adjourn
 - i. 5/5 Ayes