

Zoning Hearing Board Monthly Meeting

September 1, 2022

In attendance: Joanne Fields; Harry Kramer; Joanne Redding; George Seymour, Al Champion, Tom Panzer, Esquire; 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—August 4, 2022
 - a. Motion to Approve last month's Minutes
 - i. Harry Kramer
 - b. Second Motion to Approve last month's Minutes
 - i. Al Champion
 - c. Vote to Approve last month's Minutes
 - i. 5/5 Ayes
4. 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 a flood plain.
 - e. Attorney: Lee Eisley, Esquire
 - f. Summary
 - i. Requested a continuance to the December Hearing Date. The hearing was originally heard at the May, 2022 meeting.
 - g. Motion to Continue Hearing to December 1, 2022
 - i. Motion to Continue
 1. Harry Kramer
 - ii. Second Motion to Continue
 1. Al Champion
 - iii. Vote to Continue Hearing to December 1, 2022
 1. 5/5 Ayes
5. Continued 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 - i. Variance for woodland and steep slope disturbance request has been withdrawn. No further action is required by the Board.

6. Hearing for Parx Casino 3001 Street Road, for Keystone Turf Club and Racing Association, d/b/a Philadelphia Park and Casino. (Originally #9 on the agenda).
 - a. Appeal: 2022-2733
 - b. Location: 3001 Street Road
 - c. Tax Parcel: 02-033-002; 02-001-056; 02-033-001-001; 02-033-001; and 02-038-001
 - d. Request: Height Variance for a 15-story hotel
 - e. Attorney Michael J. Meginniss, Esquire
 - f. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. A3-Color rendering and site 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
 - g. Summary
 - i. Attorney Michael Meginniss came forward to propose a hotel and convention space. The hotel will stand 158 feet tall and will have 13 stories. 11 of the floors will consist of guest rooms. Parx Casino, with the assistance of the Township co-designed the hotel. The hotel will also house three (3) restaurants, a spa and fitness center and convention area. The building will sit on 452 acres. The building will be cohesive with the rest of the property and will have direct access to the casino. There will be a total of 300 guest rooms with ample parking. The lot will consist of 9000 plus parking spaces available verse the roughly 8000 spaces required. John Dixon, chief operating officer for over 30 years, was sworn in. Mr. Dixon stated that serious conversation regarding the addition of a hotel to the property was in the last three (3) to four (4) years. Two (2) casinos in Pennsylvania already have hotels. The benefits of having a hotel added to the casino will attract patrons. Major Complaints from patrons from Northern, New Jersey and Staten Island, New York was having no hotel and them needing to drive back home. The building will have a 50-foot glass enclosed walkway which will join the hotel to the casino. The area of the construction is ideal because the other side would hamper the valet parking area. Also, it would look like a seamless structure with a “wow” factor from the Street Road entrance. Mr. Dixon also stated that a standard guest room will be 425 square feet. There will be two (2) restaurants, one restaurant located in the lobby and the other on the top floor. The Convention Center will be used for weddings, and business meetings and have moveable walls. The Convention Center will be big enough to accommodate 17, 500 total guests. The east side outdoor area will be an event area, particularly for weddings and parties. A question from the Board was if this building would be an issue with the FAA. Mr. Dixon is a licensed pilot and stated the Northeast Airport allows buildings in the area to be 350 feet high and that to be certain the FAA will need to come out to the area and do a survey. Parking will not be an issue. The lot originally had 10,000 parking spaces when Parx was just a racetrack. After construction

there will still be 1,500 extra spaces for parking. The hotel will create 350 permanent full and part time jobs once completed and add more revenue to Bensalem. Kyle MacGeorge, engineer, who prepared the plan was sworn in. According to Mr. MacGeorge's plan, the primary entrance will be from Street Road, the center of the site is the Casino, and the Racetrack is in the rear. The walkway that will attach the hotel to the Casino also gives an extra fire escape between both buildings. A question arose regarding whether or not any other area of the property would be better for the hotel. Mr. MacGeorge stated that this is the best location because on the north side there is an existing loading area and would impose on the casino; the east side would have a service area that would be disturbed; the west side would impact woodlands and the wetlands; and further south would create parking issues. This would create another 100-foot-high building on the property. Storm water management would be handled during the land development phase. A handout of a color rendering and site plans was issued and marked as Exhibit A3. Al Champion asked whether it would be compliant with the previously agreed upon lighting. Mr. Dixon responded there will not be any extra signage just an accent back lighting. Al Champion asked about the bus parking and Mr. Dixon stated that the bus parking is further back, closer to the racetrack and will not be affected. Valet parking will also be available at the hotel. Questions raised regarding disembarking of patrons and if the hotel will be family friendly (guests under the age of 21). Right now, the disembarking area will have two (2) lanes; however, will re-evaluate the plan to address Board concerns and the hotel will be open to any age and a family friendly hotel. The Gaming Commission does not allow any person under the age of 21 walking through the casino floor. Al Champion asked about outdoor seating on the rooftop restaurant. Mr. Dixon stated the restaurant will be completely glassed enclosed to give a nice view with an outdoor feel. No outdoor seating for the restaurant. George Seymour asked about plans for signage on top of the hotel. Mr. Dixon stated yes there will be a seven (7) foot tall sign facing towards Philadelphia sign which will read "Parx." Joanne Redding stated that the plan does not look like a bad one. Al Champion asked about cell phone towers on the roof. The answer to this question was a no. George Seymour asked how much taller the hotel will be than the casino. The Board was told it will be approximately 60 feet higher than the casino building. Harry Kramer asked questions about how many rooms total and how many rooms per floor. There will be 307 rooms total and 32 rooms per floor. No further questions or comments from the Board. Audience members for or against the request were asked to come forward. Ed Tokmajian came forward with a concern of the height. There is no building in Bensalem that high. His concern is a rise in crime rate such as prostitution and trafficking. The tallest building is the Sheraton in Oxford Valley in Bucks County and in Lower Bucks the tallest building is the Grundy's Complex and only seven (7) stories. Mr. Tokmajian sees no benefit. He feels that it will be a strain on budgets, rise crime and create more traffic. He stated that the developer at the Armstrong

Property was denied a seven (7) story property. Victoria Krapsta stepped forward and stated she had no clue until seeing the listing in the Bucks County Courier Times. Her home backs up to the racetrack. She was aware of the lights when she bought her home. She hears all the races, can hear the can hear the traffic from the casino and has to deal with the smell from the stables. Her concern is the increase in noise and cannot understand why the casino just cannot partner with an existing hotel.

- h. Motion to Close Hearing
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Hearing
 - 1. 5/5 Ayes
 - i. Motion to Approve request for a height variance for a 15-story hotel
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve request for a height variance for a 15-story hotel
 - 1. 5/5 Ayes
7. Continued Hearing for 1900 Street Road for Premier Media, LLC
- a. Appeal Number: 2022-0399
 - b. Location: 1900 Street Road
 - c. Tax Parcel: 02-043-018
 - d. Request: Appeal the decision of the Zoning officer denying an electronic graphic sign on the property
 - e. Attorney: Julie Von Spreckelsen, Esquire.
 - f. Summary
 - i. Hearing was open on August 4, 2022 and Continued to October. This was originally granted at the August 4, 2022 hearing.
8. Continued Hearing for Hopkins Avenue and Clovernook Avenue for Cherry Premier Prop. LLC
- a. Appeal Number: 2022-2112
 - b. Location: Hopkins Avenue and Clovernook Avenue
 - c. Tax Parcel: 02-061-184 and 02-061-179
 - d. Request: Lot area and density
 - e. Attorney: Zachary Silvertsen, Esquire
 - f. Summary
 - i. Request for variance has been withdrawn. No further action required by the Board
9. Continued Hearing for 850 Highland Avenue and 863 Bristol Pike for 850 Highland LLC
- a. Appeal Number: 2022-2471
 - b. Location: 850 Highland Avenue and 863 Bristol Pike
 - c. Tax Parcel: 02-029-284; 02-029-278; and 02-029-279

- d. Request: Use Variance to permit truck parking on the subject property
- e. Attorney: Michael Meginniss, Esquire
- f. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. A3-3 photos of aerial views of property and 1 photo depiction of property in 2018
 - 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. T-1 Bensalem Zoning Ordinance Sec. 232-379 through 232-381 G-C General Commercial District
 - viii. T-2 Bensalem Zoning Ordinance Sec. 232-541 through 232-546 G-I General Industrial District
 - ix. T-3 Property Complaint 2022-0252 re 863 Bristol Pike (with attachments)
 - x. T-4 Notice of Violation issued June 6, 2022, re 865 Bristol Pike (with attachments)
 - xi. T-5 Photo of bucket trucks parked in 863 Bristol Pike parking lot
 - xii. T-6 Specification Sheets for 2022 and 2007 Freightliner Bucket Truck – Boom Truck, Business Class M2 106 and Gross Vehicle Weight truck classifications
- g. Summary
 - i. The township is being represented by Nathaniel Costa and Derek Keightly. An appeal violation was issued to the owners of the property by Ken Farrell. Mr. Costa stated that Ken Farrell met with the applicant in April, 2022 regarding storage and was made aware of commercial parking and sited zoning violation. It is the Township's position that the violation be uphold and deny the violations the applicant is requesting. Ken Farrell was sworn in as a witness. Ken Farrell's role with the township is as a zoning office and director of Building and Planning. Mr. Farrell stated he is familiar with the two (2) lots in the general commercial district. Mr. Farrell defined a trucking yard as a place which houses heavy equipment and semi-trucks. Electrical contractors would park truck there with their business off and indoor warehouse is what was stated to him. Mr. Farrell stated that when he thought about electrical contractors' vehicles, he thought of vans and pick-up trucks not Class seven (7), eight (8), or nine (9) type trucks. If these trucks were stated, then he would have stated that these class trucks are not allowed at that meeting. No Use and Occupancy certifications or zoning permits were issued. Complaints were reported and Mr. Farrell initiated contact with the supervisor and made him aware that a Use and Occupancy would need to be filed. Another meeting took place on-site in May, 2022 and no indication of any semi-trucks. Mr. Grace, a resident whose home backs up to the property, provided photographs to Mr. Farrell when filing the complaint. The complaint with photographs were marked as Exhibit T3. A Notice of Violation was issued on June 6, 2022. A copy of the violation notice was marked as Exhibit T4. On August 10, 2022, Mr. Farrell took photographs of the over-sized vehicles still parked on the property and as of August 30, 2022, there was

still ten (10) Class Seven (7) or Class Eight (8) "heavy-duty" trucks still parked on the property. The photographs were marked as exhibit T5. Mr. Farrell also submitted pictures of similar vehicles with descriptions and classifications and these photographs were marked as Exhibit T6. Mr. Meginniss submitted photos marked as Exhibits A3 which show aerial views of the property as well as a depiction of the property in 2018. It was argued by Mr. Meginniss that the property was not a trucking yard. He stated he is aware of the truck parking issue within the township and the township fighting in court to remedy the trailer parking issue. Mr. Meginniss asked Mr. Farrell what his understanding of electrical contractors is. Mr. Farrell stated that electricians are dispatched out, no dealings with PECO. He specifically stated to them no outdoor storage and transformers are being stored outdoors. Mr. Meginniss asked if a Use and Occupancy. Mr. Farrell stated that on its face yes. Trucks can be parked on site but not heavy-duty truck parking. Ken Farrell did agree the business office is on the property. The truck parking is not a primary use. The truck yard is an being used as an accessory use and not permitted. Township rested. David Countess from Riggs Disler was sworn in. Mr. Countess has been with Riggs Disler for 12 years. The property is being leased for storage, for a mechanic to maintain the vehicles and for safety meetings. Mr. Countess explained the crews report, attend a safety meeting, they game plan, load up their trucks, head out and then return around 3:30-4:00 P.M. The transformers on-site are being serviced and are not hazardous. The company is utilizing the entire property. Greg Ott, owner of the lot was sworn in. 2018 picture was taken when the previous tenant occupied the property. Mr. Ott was aware of the truck issue and inquired about it in order to find a tenant that fit the ordinance per a conversation with Mr. Farrell. Transformers were allowed as long as the area was tarped off. Thought having Riggs Disler lease the property would be a good fit for everyone involved. Better use for the property other than the previous occupants. Mr. Meginniss stated the applicant's position is that it should be permitted because it is not a principal use. Audience members came forward. First, Maggie Murphy came forward. She stated that she experiences the noises from the trucks from 6:30-8:00 A.M. and then 3:30-5:00 P.M. Ten (10) to 15 trucks bigger than garbage trucks make enormous amount of noise. It is a high traffic area. It is not fair to Andulusia. Lawrence Grace came forward next. He requested Party status. Mr. Grace was granted Party Status with no objections. Mr. Grace issued a packet with various documents to the parties and the Board. The packet of various documents was labeled Grace 1. Mr. Grace reviewed the packet and began to give a history of the property since 2003. Joanne Redding stated that there is nothing that can be done about the past. They can only control over the issue that was brought in front of them. Third to come forward was Donna Grace. She read the complaint filed by her husband, Lawrence Grace which included information concrete and a fence on the property. Mr. Panzer asked Mrs. Grace if Riggs Disler placed the concrete and fence on the property. Mrs. Lawrence stated that it was placed on the property in 2010 but

were violations issued on the property and were never followed up on. Mr. Panzer explained those issues have no bearing on the issue tonight. The issue tonight before the Board is regarding the parking violation not impervious surface area(s). Al Champion stated the 2010 violation was closed by the previous administration. Last to come forward was David Martinez. He stated it is a heavy traffic area, there are smoke from the trucks, some of the trucks have trailers attached to them, he assumes repairs are done on the property, there is trash covering the drains, and hydraulic leaks. No further questions or comments from Board or audience members.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. George Seymour
 - ii. Second Motion to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - i. The Board agreed to defer a decision until next meeting on October 6, 2022.
10. Hearing for 633 Dunksferry Road, unit A, for EDA Contractors
- a. Appeal Number: 2021-2371
 - b. Location: 633 Dunksferry Road, Unit A
 - c. Tax Parcel: 02-075-081
 - d. Request: Extension of time for 1 year for the previously granted variances
 - e. Attorney: Michael Meginniss, Esquire
 - f. Summary
 - i. Previous decision was issued in August, 2021. The applicant has not abandoned the project. Applicant is still interested.
 - g. Motion to Approve extension of time for 1 year for the previously granted variances
 - i. Motion to Approve
 - 1. George Seymour
 - ii. Second to Approve
 - 1. Al Champion
 - iii. Vote to Approve extension of time for 1 year for the previously granted variances.
 - 1. 5/5 Ayes
11. Hearing for 102 Casey Lane for Shubham Patel
- a. Appeal Number: 2022-2419
 - b. Location: 102 Casey Lane
 - c. Tax Parcel: 02-055-442
 - d. Request: Rear yard setback variance for a proposed deck and sunroom
 - 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 Premise
 - f. Summary
 - i. Looking to build a deck with sunroom. Using an existing pad. Needs 25 feet and only has 16 feet. Al Champion asked about concerns about concrete. Ken Farrell said no it is better.
 - 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 request for a rear yard setback variance for a proposed deck and sunroom
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve request for a rear yard setback variance for a proposed deck and sunroom
 - 1. 5/5 Ayes
12. Hearing for 1152 Wildwood Ave for Rene Reyes
- a. Appeal Number: 2021-5060
 - b. Location: 1152 Wildwood Avenue
 - c. Tax Parcel: 02-055-442
 - d. Request: Rear yard setback variance for an existing deck and a proposed roof structure over the existing deck
 - e. Exhibits
 - i. A1- Application with attachments
 - ii. B1-Letter to the Applicant
 - iii. B2-Proof of Publication in the Bucks County Courier Times
 - iv. B3-Proof of Posting on the premise
 - f. Summary
 - i. Applicant did not have the proper documents need to proceed and needs an interpreter. His stepdaughter Marcela Garcia acted as interpreter. Request for a continuance was requested. Francis Vogt, a neighbor, came forward and requested the continuance be granted and scheduled for November.
 - g. Motion to Continue Hearing to November 3, 2022
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue Hearing
 - 1. George Seymour
 - iii. Vote to continue hearing to November 3, 2022
 - 1. 5/5 Ayes

13. Hearing for 3329 West End Ave for Michael Alexander

- a. Appeal: 2021-0139
- b. Location: 3329 West End Avenue
- c. Tax Parcel: 02-004-134
- d. Request: Variance for parking spaces arranged front and back without independent access to the street or way and 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 Premise
- f. Summary
 - i. Applicant, Michael Alexander, was sworn in. Currently he has a driveway. The driveway is 43 feet with two (2) off street parking spaces. The property is a twin located on two (2) different lots which burned down years ago. There are two (2) small single homes built there now. Asking to nose to back parking area. Mr. Panzer stated it is permitted to have stacked parking. Mr. Farrell stated the lots are non-conforming. Impervious variance request was withdrawn.
- g. Motion to Close Testimony
 - i. Motion to Close
 1. George Seymour
 - ii. Second Motion to Close
 1. Al Champion
 - iii. Vote to Close Testimony
 1. 5/5 Ayes
- h. Motion to Approve variance request for parking spaces arranged front and back without independent access to the street or way.
 - i. Motion to Approve
 1. George Seymour
 - ii. Second Motion to Approve
 1. Al Champion
 - iii. Vote to Approve variance request for parking spaces arranged front and back without independent access to the street or way.
 1. 5/5 Ayes

14. Correspondence

- a. Administrative business items discussed off the record

15. Adjournment

- a. Motion to Adjourn
 - i. Harry Kramer
- b. Second Motion to Adjourn
 - i. George Seymour
- c. Vote to Adjourn

i. 5/5 Ayes