

Zoning Hearing Board Meeting Minutes

April 6, 2023

In Attendance: Joanne Fields, Harry Kramer, Joanne Redding, Al Champion, Tom Panzer, Esq., 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—March 2, 2023
 - a. Motion to Approve last month's Minutes—March 2, 2023
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. Joanne Fields
 - iii. Vote to Approve last month's Minutes—March 2, 2023
 1. 4/4 Ayes
4. Extension Request for JPH Realty, Inc. & J.W. McGrath Organization LLC
 - a. Appeal Number: 2018-629
 - b. Location: Galloway & Richlieu Roads
 - c. Tax Parcel: 02-046-001
 - d. Request: Extension of use variance and dimensional variances
 - e. Attorney: Michael J. Meginniss, Esquire/Bryce McGuigan
 - f. Summary
 - i. Relief was granted to property in 2018. Madhuran Farms purchased the property last year and requested an extension, which was granted. Mr. McGuigan stated the applicant is still working with PennDot. They are requesting one more extension. The only issues with the property are Land Development issues. No other issues regarding zoning. Al Champion stated that it was his belief that this is third owner, and he was uncomfortable with this plan now. Al Champion recommended a new plan due to flooding issues since the original relief was granted. It was stated the Bucks County Courier Times ran an article about changes to the plan within the zoning relief. Mr. McGuigan stated nothing about the property layout has changed. His clients are trying to fine tune things, so they do not have to come back in front of the Board again. If they cannot get it to work, they will not move forward with the plan. The Board mentioned various issues and changes that have occurred since the 2018 decision. Joanne Redding wants everyone to be notified. She believes the application should be readvertised and readdressed to the public due to the age of this issue. We now have no idea what will be constructed on the property. Mr. McGuigan stated his client plans to follow everything once granted. They are working with the Township, neighbors and PennDot. Harry Kramer

mentioned the policy change made last month stating moving forward applicants will be granted no more than two (2) continuances (60 days). Applicant is now a four (4) year continuance and goes against the new policy. Joanne Redding mentioned stipulating no more extensions after this one. Al Champion mentioned he still feels it is too long. Joanne Redding, Ken Farrall agreed, the circumstances would be different if the applicant put a shovel in the ground and the process would have started. Joanne Redding stated she is not comfortable with a one (1) year extension; however, a one (1) year was granted and understands PennDot has their own agenda. Mr. McGuigan stated nine (9) months would be appropriate. Harry Kramer suggested eight (8) months because that would bring everyone to the end of the year. Joanne Fields agreed going into 2024 is too long. Ken Farrall stated six (6) months is unrealistic. Negotiations continued.

- 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. 4/4 Ayes
 - h. Motion to Approve Extension Request for JPH Realty, Inc. & J.W. McGrath Organization LLC for Eight (8) Months
 - i. Motion To Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Joanne Fields
 - iii. Vote to Approve Extension Request for JPH Realty, Inc. & J.W. McGrath Organization LLC for Eight (8) months.
 - 1. 3/4 Ayes
 - a. Joanne Redding
 - b. Joanne Fields
 - c. Harry Kramer
 - 2. 1/4 Nays
 - a. Al Champion
5. Hearing for Jacob Rudnitsky
- a. Appeal Number: 2023-0917
 - b. Location: 4726 Somers Avenue
 - c. Tax Parcel: 02-016-105
 - d. Request: Variance for front yard setback for a porch
 - 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. Jacob Rudnitsky was sworn in. He is requesting a nine (9) foot front yard setback for a porch. The porch was built to plan. Permit did not have ark ups. The property was flagged during the Use and Occupancy process. Kenneth Farrall questioned the number of kitchens on the property. Applicant stated there is only one (1) kitchen. Board Members mentioned that real estate sites state the property is detailed as having two (2) kitchens and five (5) bedrooms. Applicant showed the Board pictures of the property having only one (1) kitchen. Kenneth Farrall explained if there is more than one (1) kitchen then a Use and Occupancy Certificate will not be granted. Joanne Fields questioned if all utilities are assigned to the one (1) address and the applicant stated yes. Joanne Redding questioned the size. The applicant stated the porch was five feet by five feet (5'x5') and steps descending. The new porch is ten feet by five feet (10' x 5'). The porch is a little closer to the street. Tom Panzer and the applicant reviewed the dimensions. The Board had no further questions for the applicant and no one from the audience came forward in favor or opposition to the application.
 - 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. 4/4 Ayes
 - h. Motion to Approve variance for front yard setback for a porch.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve variance for front yard setback for a porch.
 - 1. 4/4 Ayes
- 6. Hearing for Amanda and Charles MacGregor
 - a. Appeal Number: 2023-0961
 - b. Location: 2616 June Avenue
 - c. Tax Parcel: 02-032-122-001
 - d. Request: Variance for front yard setback to construct portico
 - e. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof pf Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on the Premise
 - f. Summary

- ii. Second Motion to Close
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - h. Motion to Approve variance for front yard setback and separation for accessory structure to construct pool as presented on submitted plan.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion
 - 1. Harry Kramer
 - iii. Vote to Approve variance for front yard setback and separation for accessory structure to construct pool as presented on submitted plan.
 - 1. 4/4 Ayes
- 8. Hearing for Dan Finan
 - a. Appeal Number: 2023-0997
 - b. Location: 1175 Tennis Avenue
 - c. Tax Parcel: 02-025-017
 - d. Request: Variance for rear yard setback to construct an addition.
 - 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, Dan Finan and Architect, Rob Wagner were sworn in. The applicant is requesting to build an addition that would connect to the garage of the existing house. The garage with a deck was built in 2012 and was detached. Now, the applicant is proposing attaching the garage to the main house. Need a 25 rear-yard setback and requesting to encroach the rear-yard setback by four (4) feet. The addition would be a single-story "mud room" type space that would connect the deck and the main house. There was no issue with setbacks when the garage was detached. Now that the garage will be attached to the house there is a setback issue. Al Champion questioned if there is any water and impervious issue. Kenneth Farrall stated that there is no water or impervious issues. Tom Panzer and the architect discussed housekeeping issues regarding the plan off the record. The structure is not in the flood plain. The Board had no further questions. 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. Al Champion

- iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - h. Motion to Approve variance for rear yard setback to construct an addition.
 - i. Motion Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance for rear yard setback to construct an addition.
 - 1. 4/4 Ayes
- 9. Hearing for Harvest Ministries Food Pantry, c/o Tom Jordan
 - a. Appeal Number: 2023-1040
 - b. Location: 2284 Bristol Pike
 - c. Tax Parcel: 02-061-091, 02-061-092, 02-061-093, and 02-061-077
 - d. Request: Variance for rear yard to construct a canopy structure
 - e. Attorney: Michael J. Meginniss, Esquire and Bryce McGuigan, Esquire
 - f. Exhibits
 - i. A1-Appliation with Attachments
 - ii. A2-Certifiactes 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 gave a summary of the history of Harvest Ministries. Applicant has been using a pop-up tent over the last two and a half (2.5) years to provide food. The applicant would like to replace the pop-up tent with a permanent canopy structure in the exact same place the pop-up tent sits on the property. The pop-up tent takes up approximately six (6) parking spaces. Tom and Joann Jordan were sworn in. The Jordans own the property behind the pop-up tent and are the administration for the fully accredited food pantry for needy families in Bucks and Philadelphia County. They stated the tent has worked well since Covid hit. They would like something more sturdy, aesthetically appealing, and permanent. The canopy would be the same size and placed in the same exact location as the pop-up tent. Unable to move the location due to the fact it will block the driveway. The food pantry runs only by appointment to alleviate traffic and parking issues. Service by appointment was implemented within the last two (2) weeks. Anyone without an appointment would be turned away. Mr. Jordan explained that the tent is presently being held down by 55-gallon blue drums filled with water. The structure would be held down permanently and have a metal roof strong enough to withstand heavy snow and wind. They are willing to add more aesthetically pleasing barriers. Deliveries are done by Mr. Jordan and his pick-up truck and Philabundance uses a box truck. No one would be in the parking lot when deliveries are made. Candance Carter, pastor of Harvest Ministries, was sworn in. Pastor Carter stated the canopy would protect volunteers and visitors. Kenneth Farrall stated the site plan and fire marshal

review are similar to the Penn Ryn application and the township would work with the applicant. However, the applicant needed to go through zoning first. No further questions from the Board. No one 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. 4/4 Ayes
- i. Motion to Approve variance for rear yard to construct a canopy structure
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance for rear yard to construct a canopy structure
 - 1. 4/4 Ayes

10. Hearing for TAC Bensalem, LLC c/o Frank Caccuro

- a. Appeal Number: 2020-0979
- b. Location: 2555 Street Road
- c. Tax Parcel: 02-037-050 and 02-037-078-001
- d. Request: Variance from the required number of parking spaces provided and wetland buffer setback to construct a restaurant/self-storage facility.
- e. Attorney: Gregg I. Adelman, Esquire
- f. Exhibits
 - i. A1-Certificate of Proof of Services dated April 3, 2023
 - ii. A2-Zoning Application dated March 16, 2023 with addendum
 - iii. A3-Eric Britz, P.E. Resume/C.V.
 - iv. A4-Zoning Plan dated March 3, 2023 prepared by Bohler
 - v. A5-Township Zoning Certification dated March 16, 2023
 - vi. A6-Revised Zoning Plan dated April 4, 2023 prepared by Bohler
 - vii. A7-Conceptual Renderings of Self-Storage Facility
 - viii. A8-Mark Roth, P.E. Resume/C.V.
 - ix. A9-McMahon Parking Evaluation Letter dated April 5, 2023
 - x. B1-Letter to the Applicant
 - xi. B2-Proof of Publication in the Bucks County Courier Times
 - xii. B3-Proof of Post on the Premise
- g. Summary
 - i. The property was formally known as Nifty Fifties and Mini Golf. The restaurant will be on the same lot as the former Nifty Fifties. The property has seventy (70) parking spaces. The new construction will offer 94 parking spaces. Instead of the mini golf there will now be a self-storage place instead. 11 of the 94 spaces will be dedicated to the storage facility. The Restaurant will have use of those spaces

after 8 pm when the facility closes. Mr. Adelman reviewed the exhibits A1-A9 in the exhibit packet. It was stated storm water management would be underground. Engineer, Eric Britz, was sworn in and reviewed the site plan, zoning certification and revised site plan. A variance is needed for ten (10) parking spaces from 39 parking spaces. Twenty percent (20%) of wetland disturbance is allowed. The former site disturbed approximately 45%. Kenneth Farrall discussed parking in the front to alleviate some more of the disturbance. The dumpster area is also going to be used as a loading space. Discussions regarding parking and loading continued. The multi-use loading area would be handled at the land development stage. The Applicant is willing to stipulate to conditions if approved. District Kitchen Restaurants has shown interest in the property. The storage facility would be a four-story (4-story) building. No outdoor storage. Al Champion questioned the square footage, and the engineer was unable to answer that. Al Champion questioned the position of the front versus rear yard and how parking will be handled with a Uhaul. The attorney stated another witness could answer that question and would be willing to come back with revisions if needed. Frank Caccuro, partner in TAC, Bensalem, designed the property for box trucks only, no tractor trailers. The average size of a storage unit is ten by ten (10 x10). It was mentioned how much the property has cost the applicant. Joanne Redding stated the cost of acquisition is not a zoning board problem. Joanne Redding also stated there is a reason the property has been vacant for so long. Mark Roth, traffic engineer, was sworn in. Mr. Roth stated he has looked at parking ratios and compared them to other restaurants in the area. Mr. Roth believes, after reviewing the evaluation/traffic study, 11 spaces for the storage facility is more than adequate. Al Champion asked if a trip analysis of the storage facility was conducted. Mr. Roth stated one was not completed at this time. A request was made for a thirty (30) day continuation to the next zoning hearing date of May 4, 2023.

- h. Motion to Continue Hearing to May 4, 2023
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing to May 4, 2023
 - 1. 4/4 Ayes

11. Correspondence

- a. Decision on B/A Appeal was successfully defended.
- b. 1515 Gibson Road
 - i. A Rule 27 Conference was requested by Michael J. Meginniss, Esquire.
- c. River Road—FEMA Approval. The hearing has been readvertised and the hearing scheduled for June. A request to push hearing up to the May hearing date was denied due to the fact the public was already notified of the June hearing date.

12. Adjournment

- a. Motion to Adjourn

- i. Harry Kramer
- b. Second Motion to Adjourn
 - i. Al Champion
- c. Vote to Adjourn
 - i. 4/4 Ayes