

Zoning Hearing Board Meeting Minutes

November 3, 2022

In Attendance: Joanne Fields, Harry Kramer, Joanne Redding, George Seymour, Al Champion, 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—October 6, 2022
 - a. Motion to Approve last month's Minutes
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. Al Champion
 - iii. Vote to Approve last month's Minutes
 1. 5/5 Ayes
4. Continued Hearing 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. 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
 - vi. McCoy 1-Packet
 - f. Summary
 - i. Mr. Reyes was not present when his hearing was first called to appear in front of the Board. Mr. Reyes appeared before the Board on September, 2022, and did not have the correct documents for Notice to his neighbors. He also needed an interpreter. The original hearing was continued to November 3, 2022. Per Ken Farrall, there was a violation. The previous owner of the property built a deck. Joanne Redding suggests continuing the hearing to January. Mr. Reyes appeared late. Both Mr. Reyes and his interpreter, Evelin Guiracocha, were sworn in. Mr. Reyes needs a permit for a deck which was built prior to his purchasing the property. Joanne Redding asked if a Use and Occupancy Certificate was given for the deck at settlement. Ken Farrall stated there was on

issued; however, no physical final inspection was done. Ms. Guiracocha stated Mr. Reyes attached the roof to the pre-existing deck and did not know he needed a permit therefore he did not apply for one. According to Ken Farrall the deck needs a variance. A question regarding whether the covering over the deck was just a roof or made into a physical room. It was stated that the covering was just a roof. Joanne Redding asked if the structure has been inspected. Ken Farrall stated that the structure has not been inspected because a use setback is needed. Applicant could not answer how long or knew what the deck dimensions were. Applicant had nothing more to present. Joanne Redding stated to the Applicant that he should have had an attorney with him to present his case. Harry Kramer asked if the Applicant had a Realtor at the time of purchase. It was answered in the affirmative and was told everything was good and all permits were issued. Tom Panzer went through and reviewed the application packet with the attachments. Applicant, through his interpreter that the home was purchased two (2) years ago. No further questions or comments from the Board. The floor was open to public comment. Denise McCoy requested Party Status. Party Status was granted. Ms. McCoy lived in her home for twenty (20) years. She stated the deck was there when she moved. The present owner has not changed any of the dimensions. The deck was repaired. Ms. McCoy provided a packet to the Board and the packet was entered into the record as McCoy 1. Ms. McCoy requested that the variance be denied based on the packet she reviewed. It was also stated that the roof of the deck is presently there. The roof is unattached from the house, has six (6) posts and is 21 feet high. Tom Panzer had to remind Ms. McCoy that the Board is only hear to approve or deny the variance being requested and nothing more. Ms. McCoy continued and stated she disagrees with the measurements and the deck is not the issue. Only the roof is the problem due to the roof being too close to her property. She is frustrated nothing has been done for the last two (2) years. The building is continuing daily and a business is being run out of the home as well. Ken Farrall stated the measurements are correct because Building and Planning was out to the home and remeasured. Fran Vogt also came forward. Mr. Vogt told the Board that the deck was falling apart and has been there for about thirty (30) years. He is worried about a heavy storm blowing the thing away. Al Champion asked if applicant would be willing to remove the roof and keep the existing deck. The Interpreter asked the applicant and the answer was "yes."

- 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

because his parents would not be able to fit everything and would not have room to work. However, he is willing to decrease the size of the structure to thirty feet by forty feet (30' x 40"). Joanne Redding questioned the height of the peak and was told the peak height is approximately 15 feet. No other utilities other than electricity will be used within the garage. No further questions or comments from the Board. The floor was open to public comment. No one from the audience came forward in favor or opposition of Applicant's 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 Approve variance request for proposed single family dwelling on nonconforming lot, building area, impervious coverage, front yard setbacks, accessory structure size with stipulations
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve variance request for proposed single family dwelling on nonconforming lot, building area, impervious coverage, front yard setbacks, accessory structure size with stipulations
 - 1. 5/5 Ayes
6. Continued Hearing for 456 Tennis Avenue Adnan Shahid
- a. Appeal Number: 2022-3189
 - b. Location: 456 Tennis Avenue
 - c. Request: Variance for accessory structure size and location
 - d. Attorney: Michael J. Meginniss, Esquire
 - e. Summary
 - f. Applicant request was withdrawn. No action is required by the Board
7. Hearing for 488 Mill Road Edward K. Lydon Realty c/o EKL Machine Co.
- a. Appeal Number: 2022-3523
 - b. Location: 488 Mill Road
 - c. Tax Parcel: 02-023-025
 - d. Request: Variance for impervious coverage, loading zone, front yard setback and fire lanes
 - e. Michael J. Meginniss, Esquire
 - 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 Premise.
 - g. Summary
 - i. Mr. Meginniss reviewed the property blueprints. The business is local to Bensalem and was established in 1979. The company owns all three (3) properties that are located on Mill Road. Internal transport will happen between the three (3) properties only. Joanne Redding asked why a loading dock was not considered. It was stated the owner did not want a loading dock. Mr. Meginniss stated the applicant is withdrawing the loading dock variance. Dan Livzi, an employee with the company for 14 years, was sworn in. Joanne Redding asked Mr. Livzi if the company is willing to add a loading space and Mr. Livzi stated, "yes." He stated the company would join all the buildings together but are unable to because of the driveway to the swim club. No further questions or comments from the Board. The floor was open for public comment. No one from the audience came forward in favor or opposition to 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 request for impervious coverage, loading zone, front yard setback and fire lanes
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance request for impervious coverage, loading zone, front yard setback and fire lanes
 - 1. 5/5 Ayes
8. Hearing for 1650 Rywal Lane for Harry and Anna Marie Downey
- a. Appeal: 2022-1103
 - b. Location: 1650 Rywal Lane
 - c. Tax Parcel: 02-030-084
 - d. Request: Variance for a pool setback and accessory structure setback
 - 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

