

Zoning Hearing Board

Monthly Meeting

September 6, 2023

In attendance: Kenneth Farrall, Tom Panzer, Esquire, Al Champion, Joanne Redding, Harry Kramer, Joanne Fields.

1. Open meeting with the Pledge of Allegiance—Led by Joanne Redding
 - a. Special Announcement regarding Steve Aldrich has been appointed as the new substitute Board Member. His first meeting will be at the October 5, 2023 meeting.
2. Statement of Rules and Procedures—Issued by Tom Panzer, Esquire
3. Approval of last's month's Minutes—August 3, 2023
 - a. Motion to Approve last month's Minutes.
 - i. Harry Kramer
 - b. Second Motion to Approve last month's Minutes.
 - i. Joanne Field
 - c. Vote to Approve last month's Minutes.
 - i. 4/4 Ayes
4. Continued Hearing for AZZ Logistics LLC
 - a. Appeal Number: 2023-2270
 - b. Location: Somerton Road
 - c. Tax Parcel: 02-003-006-008
 - d. Request: use variance to permit truck parking and variance for steep slopes to build a garage and office building for contractor storage yard.
 - e. Summary
 - i. Applicant requested a Continuance to October 5, 2023. This Appeal was originally opened in July and was continued twice. The applicant thought the meeting was for September 7, 2023; however, the meeting date was paid for and advertised for September 6, 2023. The applicant apologized for the confusion.
 - f. Motion to Continue Hearing to October 5, 2023
 - i. Motion to Continue
 1. Harry Kramer
 - ii. Second Motion to Continue
 1. Al Champion
 - iii. Vote to Continue Hearing to October 5, 2023
 1. 4/4 Ayes
5. Hearing for Naeem Ullah
 - a. Appeal Number: 2023-3059
 - b. Location: 45 Beechwood Blvd
 - c. Tax Parcel: 02-003-002-018

- d. Request: Variance for accessory structure to be less than 10ft from house
 - e. Exhibits
 - i. A1-Application
 - 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. Mr. Ullah was sworn in. He is a doctor who resides in Bensalem and would like to cover his outside kitchen with a pavilion. He will be adding to the existing patio. The pavilion will not be attached to the dwelling. He only has seven (7) feet from the home instead of the ten (10) feet required. No questions or comments from the Board. No one from the audience came forward in favor or opposition to the request.
 - 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 request for an accessory structure to be less than 10 feet from the house.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve variance request for an accessory structure to be less than 10 feet from the house.
 - 1. 4/4 Ayes
6. Hearing for Eric Goodyear
- a. Appeal Number: 2023-3093
 - b. Location: 2329 Kay Ave
 - c. Tax Parcel: 02-006-030
 - d. Request: Variance to grade and gravel land in flood plain
 - e. Summary
 - i. Mr. Goodyear was not present at the time his case was first called. The Board agreed to call the next case and recall him. Mr. Goodyear was recalled and was present. Mr. Goodyear stated he dropped 13 copies of a document (not the application) to Mrs. Savage in the Township Building. Mr. Goodyear also stated he never received a letter to send to the neighbors via an email. The Board was unable to hear the matter due to no proof of service giving notice to the neighbors. Mr. Goodyear requested a Continuance.
 - f. Motion to Continue Hearing to October 5, 2023

- i. Motion to Continue
 - 1. Harry Kramer
 - ii. Second Motion to Continue
 - 1. Joanne Fields
 - iii. Vote to Continue Hearing to October 5, 2023
 - 1. 4/4 Ayes
- 7. Hearing for Bristol Investments, LLC
 - a. Appeal Number: 2023-3095
 - b. Location: 3995 Bristol Pike
 - c. Tax Parcel: 02-076-114
 - d. Request: Variance to construct 8 ft fence and install within the 75 ft front yard setback
 - e. Attorney: Bryce H. McGuigan, Esquire—Begley, Carlin, Mandio
 - f. Exhibits
 - i. A1-Application
 - 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
 - g. Summary
 - i. Mr. McGuigan described the property and stated no change has been made to the property. The Applicant only wants to replace the already existing fence. The applicant would like to replace the fence with a taller one. The ordinance does not allow an eight (8) foot fence with barbed wire facing the train tracks. The Applicant does not plan on changing the gate. The fencing is for protection and added security. The fence will be a chain-linked style fence. Edward Davidyuk was sworn in and adopted Mr. McGuigan’s summary as his own testimony. Joanne Redding stated that the property was a disgrace and looks much better. Al Champion inquired about site plan issues. Mr. Davidyuk stated prior to a fence, commuters would use the property to make U-turns. Discussion continued regarding other options. Mr. Farrall stated unauthorized changes to the property will be subject to violations. Some of the issues regarding the right-of-way are due to property maintenance. Mr. McGuigan reminded the Board that the Applicant is only looking to replace the already existing fence. No further questions 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. Harry Kramer
 - ii. Second Motion to Close
 - 1. Joanne Fields
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - i. Motion to Approve variance request to construct an eight (8) foot fence and install within 75-foot front yard setback.

- i. Motion to Approve
 - 1. Harry Kramer
- ii. Second Motion to Approve
 - 1. Joanne Fields
- iii. Vote to Approve variance request to construct an eight (8) foot fence and install within 75-foot front yard setback.
 - 1. Vote to Approve
 - a. 3/4 Ayes
 - i. Joanne Redding
 - ii. Harry Kramer
 - iii. Joanne Fields
 - b. 1/4 Nays
 - i. Al Champion

8. Correspondence

- a. Pending Appeals
 - i. B & A—appeal has been taken to Pennsylvania’s Commonwealth Court. B&A’s counsel has already submitted their brief. Brief to be provided by Tom Panzer, Esquire by next week.
 - ii. The Mount Corporation—appeal has been taken to Pennsylvania’s Commonwealth Court. Brief to be provided by Tom Panzer, Esquire on or before September 21, 2023
 - iii. Premier—filed an appeal with Bucks County Court of Common Pleas. The matter is being resolved via a stipulation.
 - iv. Nifty-Fifty’s Property—appeal filed with Bucks County Court of Common Pleas. Parties are in the process of resolving the matter.
 - v. Chaudry—filed an appeal with Bucks County Court of Common Pleas. This matter may be withdrawn.
 - vi. Luber 74 LLC—Each individual Board Member and Ken Farrall received letters from audience member, Mr. Ziv, regarding his disagreement with the Board’s decision. Tom Panzer, Esquire will respond to Mr. Ziv’s letters on behalf of Ken Farrall and Board members.

9. Adjournment

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