

Zoning Board Meeting Minutes from April 1, 2021

1. In Attendance
 - a. Tom Panzer
 - b. Joanne Redding
 - c. Al Champion
 - d. George Seymour
 - e. Mike Brill
 - f. Harry Kramer
 - g. Ken Farrell
2. Open Meeting with the Pledge of Allegiance
 - a. Lead by Joanne Redding
3. Statement of Rules and Procedures
 - a. Waived due to Covid
4. Approval of last month's minutes
 - a. Motion to approve last month's minutes
 - i. Al Champion
 - b. Second motion to approve last month's minutes
 - i. Harry Kramer
 - c. Vote to approve last month's minutes
 - i. 5/5 aye
5. Continued Hearing for B & A Property LLC
 - a. Appeal Number: 2020-4124
 - b. Location: 4220 Bristol Road
 - c. Tax Parcel: 02-017-114-001
 - d. Request: Variance to use property for truck parking
 - e. Attorney:
 - i. Michael Carr (EastBurn and Gray PC)-for the applicant
 - ii. Greg Leneak—For the township
 - 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 property
 - vi. T1 through T20- packet submitted from the Township
 - g. Summary
 - i. Township Attorney, Greg Leneak, opened with stating the Notice of Violation was submitted and marked as T11 in the packet and on behalf of the township he requests the Board deny the applicant's request for the variance to use the property located at 4220 Bristol Road for truck parking. Attorney for the Applicant, Michael Carr, stated that the realtor showed his client the property and that the property is zoned for commercial use. His client paid \$850,000 to

purchase the property. The township called Quintin Nearon, engineering inspector with T & N Associates since 1990, as their first witness. He issued a zoning certification application in 2018. His understanding of the use of the property is that the applicant was building a mechanic shop/garage on the lot to do maintenance on trucks. The property is zoned for a mechanic shop and lot for maintenance. The property is not zoned to store trucks. His understanding was that the applicant was planning on having both the mechanic shop/garage with lot. Ken Farrell, Director of Building and Planning was called as the second witness for the township. Mr. Farrell stated that he was aware of the zoning certification issued previously, as well as, being familiar with the property both presently and prior to accepting the role as the Director of Building and Planning. The lot was being used prior for a flea market. Cars would park on the outskirts of the parking lot and the tables of the flea market were set up in the middle. The cars parked in the lot were residential vehicles. The flea market was only open on the weekends. The lot was used for light commercial use due to the meat market during the week and prior to the flea market. The purpose of the zoning certificates was because the certification was previously done over a telephone call. The information would become "lost in translation." Now, questions are submitted in writing and answered in writing. Use and Occupancy Application are usually submitted within 30 days prior to closing stating the inspections completed, certifications done on the property, the use of the property and the zoning of the property. A Commercial Use and Occupancy was issued to owner of the property. (See Township exhibit T7). The buyer listed on said certificate is Heed Auto Group and the application was for truck parking. Ken Farrell stated that he spoke with the owner of Heed Auto Group and explained that the property was not zoned for parking trucks. The property is zoned for parking of vans, box trucks to store overnight and personal vehicles stored during the day when vans/box trucks are in use. The Use and Occupancy was for the sale of the property only. No subsequent Use and Occupancy Certificates were issued for use of the property. Application submitted for office use in response to a violation. This was not a written violation. At this time, Building and Planning became aware of B & A ownership. The violation was verbally issued after the observation of contractors moving dirt to the stream. No permits for this work were submitted to the township nor Conservation. This is when a written notice was issued. Attorney Leneak reviewed each township exhibit with Ken Farrell. Ken Farrell stated the property is being used as a truck yard/terminal. He explained that a truck terminal is when a truck pulls into lot, loads/unloads and leaves. A truck yard is when a driver arrives to the lot in their own personal vehicle, parks their personal vehicle, gets into a semitruck, leaves and returns and the semitruck is then parked and remains for multiple days. Ken then states a variance would have been needed by an application. If the application for such was received, the application would have raised a red flag, a call to the owner would have been made and explained to the owner that the property was not zoned for

commercial use prior to closing. Attorney, Michael Carr, stated on cross there is ambiguity within the codes and within the office, "One says yes it is allowed and the other saying no it is not allowed." It was stated during the hearing that Heed Auto Group went through the process but did not go through with the sale. The owners of B & A, Rustam Mursaluv and Mustafa Mursaluv were present. The brothers stated the use for the small building is to work/dispatch out of. They found the property through their personal real estate agent. They stated they do not know how Heed Auto Group is involved. They plan to have a mechanic shop build because they want everything at one location. They do understand many permits are needed. Now they know what is needed and everything is on hold until the hearing is resolved. Right now, only the truck yard exists. They had no representation other than real estate agent at the time of sale. They relied heavily on the zoning certification. Finally, they went to district court and lost. They appealed to the Court of Common Pleas where they were referred to the zoning board. Tom Panzer, for lack of time, recommended to continue hearing to next month. Parties are all in agreement to continue this hearing until May 6, 2021 at 7 pm.

- h. Closing
 - i. Motion to Continue Hearing to May 6, 2021
 - 1. Harry Kramer
 - ii. Second Motion to Continue Hearing to May 6, 2021
 - 1. Mike Brill
 - iii. Vote to Continue Hearing to May 6, 2021
 - 1. 5/5 ayes
 - i. Hearing to be continued to May 6, 2021 at 7:00. NO FURTHER WRITTEN NOTICES WILL BE SENT OUT
- 6. Continued Hearing for Michael and Patricia Lesher
 - a. Appeal Number: 2021-0472
 - b. Location: 1060 Elmwood Avenue
 - c. Tax Parcel: 02-029-132
 - d. Request: Variance to add an additional rental unit in the rear structure
 - e. Exhibits
 - i. A1--application
 - ii. A2—certificates of service
 - iii. A3—Collection of photos
 - iv. B1—Letter to the applicant
 - v. B2—Proof of Publication in the Bucks County Courier Times
 - vi. B3—Proof of Posting on applicant's property
 - f. Summary
 - i. A fire destroyed property. Property originally built as a single-family dwelling for 73 years. Mr. Lesher has owned this property for six (6) years. This lot shares a parcel with 1064 Elmwood Avenue. After the fire, the inside of the property was demoed. During demolition, owner had the idea to make this dwelling into a duplex. No change to the parking spaces or the number of

people living there. Would like to create two one-bedroom apartments. He needs this to go through for his friend with Parkinson Disease. 1064 is already split into two (2) apartments and wants to do the same for this property. Needs to add an additional kitchen and bathroom. Other properties on the street are duplexes. Ken Farrell stated all Use and Occupancy certifications are current. Joanne Redding stated the property is unique as is and has unusual characteristics. She does not see a necessity to conform. There were a few members in the audience that spoke up against the request. Bernadette Carter lives next door and feels her privacy will be encroached upon if adding another apartment and that it would bring property values down. Theresa Sanutti lives around the corner. Sees younger families bringing the value to neighborhood up. One-bedroom apartments have more turn-overs. Mr. Leshner again emphasized the number of people will not change. The apartments would be occupied by either one (1) person or a couple. No one else came forward

- g. Motion to Close Testimony
 - i. Motion to close testimony
 - 1. George Seymour
 - ii. Second motion to close testimony
 - 1. Harry Kramer
 - iii. Vote to close testimony
 - 1. 5/5 ayes
 - h. Motion to deny request for a variance to add an additional rental unit in the rear structure
 - i. Motion to Deny
 - 1. George Seymour
 - ii. Second motion to Deny
 - 1. Harry Kramer
 - iii. Vote to deny request for a variance to add an additional rental unit in the rear structure
 - 1. 5/5 ayes
7. Continued Hearing for Rhema Life Church c/o Francisque Meristal
- a. Appeal Number: 2021-0308
 - b. Location: 3190 Tremont Avenue
 - c. Tax Parcel: 02-008-019
 - d. Request: A use and parking variance to permit are religious use in the L-1 zoning district
 - e. Attorney: Ameer S. Farrell, Esquire (Kaplin Stewart, P.C.)
 - f. Exhibits
 - i. A1—Application
 - ii. A2—Certificates of Service
 - iii. A3—Collection of Pictures
 - iv. B1—Letter to the applicant
 - v. B2—Proof of Publication in the Bucks County Courier Times
 - vi. B3—Proof of Posting on property
 - vii. B4—Continuance Request with Waivers

viii. P1--Petition submitted to the Board due to Covid regulations.

g. Summary

i. Attorney Farrell states that the school, presently sharing the property with the "church," is not impacted. The church would like to lease out the vacant structure for a place of worship on Sundays and for weeknight Bible studies. Pastor Meristal has been in this role for ten (10) years, married for 15 years and has two (2) children. The church is currently virtual due to the pandemic. Currently the church does not have a physical place of worship because the lease of the prior building expired. They are a multicultural church which hosts multiple fundraising events such as a school supply drive, annual breakfast for the police department, a turkey drive at Thanksgiving time and a toy drive for Christmas. All he wants is a place to worship with his congregation. The lot is shared with a school. The school is closed during the hours the church will be held. Michael Barmash is the real estate broker for the property and sees the potential for tremendous growth on Street Road. He represents the owners. The portion of the building has been vacant for seven to eight (7-8) years. The property has lower ceilings, no loading area-unable to be used for industrial use. If the owner was to demolish and rebuild to make useful for industrial impact then it would cause more traffic and noise. They are requesting a variance for parking due to being unsure of use for parking calculation. There are 190 spaces available and 125 individuals would be present. Ken Farrell is unable to comment on parking due to no information regarding size of congregation. Attorney Farrell anticipates approximately 15 employees. 125-150 people includes the pastor, the congregation and volunteers. The applicant was not aware of the zoning for the property at the time of signing the lease. The last building was 6,000 square feet and it was very tight. Hours of operation would be Wednesday Bible Study 7:00 pm to 9:00 pm (presently Bible Study is being held virtually via Zoom); two (2) hours on Sunday for Church Services (11:00 am to 1:00 pm) and one (1) hour for Fellowship (1:00 pm-2:00pm). The lease is only for three-four (3-4) years. Applicant wants to bring positivity to the community. Al Champion does not believe the area is the most ideal location and that there are empty churches that could be better suited. Mike Brill stated the traffic saturation for the area has already hit its limit and agrees that the location is not feasible for a church. Attorney Farrell states it is unique to the area and no matter what goes into the building, the issue regarding traffic will still be the same. The Church will pose less traffic issues than any other business going into that building. The petition was admitted as exhibit P1. Sandra Rogers came forward against the request by the church. Ms. Rogers also stepped forward to speak on behalf of the 200 individuals that signed the petition. Due to Covid restrictions, the 200 individuals were unable to attend and chose to sign petition in lieu of attending. Attorney Farrell objected to the petition because the petition was submitted to the Board prior to the March Hearing date and there was an informational meeting was held after the petition circulated. No way to tell if any of those petitioners still felt the same. Ms. Rogers feels that

this will “open a can of worms.” Trevoise residents never received anything which is a breach of trust. Harry Beccari came forward against the request. His main concern is traffic. Why did they not renew the old lease? The building presently there should never have been built. Susanna Geisler Foster, also is against the request. She stated sitting at the light is a hassle. She does not believe anything Church related is only on Saturdays and Sundays. Concerned for the children attending the school. Rethzana Faben (DeMarias) is here in favor of the request. She is a four (4) year officer with the Philadelphia Police Department. She was a firefighter prior to that. She was offered the opportunity to work as a police officer in New York and Delaware but she chose Philadelphia. She has been an active member of the church for the past six to seven (6-7) years. She understands the concerns expressed by many and would like to offer relief and willing to work. Traffic will always be a concern regarding this building

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Mike Brill
 - ii. Second Motion to Close
 - 1. Al Champion
 - iii. Vote to close testimony
 - 1. 5/5 ayes
 - i. Motion to deny request for a use and parking variance to permit a religious use in the L-I Zoning District.
 - i. Motion to deny
 - 1. Mike Brill
 - ii. Second Motion to deny
 - 1. George Seymour
 - iii. Vote to deny request for a use and parking variance to permit a religious use in the L-I Zoning District
 - 1. 5/5 Ayes
8. Continued Hearing for Kawaljit Singh/BRS Real Estate, LLC
- a. Appeal Number: 2021-0521
 - b. Location: 3585 Bristol Road
 - c. Tax Parcel: 02-019-002
 - d. Request: Variance to construct convenience store, fuel dispenser facility and three (3) bay auto repair
 - e. Attorney
 - i. Shawn Ward and Associates
 - f. Representative
 - i. John A. Teets (John Teets Architect)
 - g. Summary
 - i. Due to time restraints parties agreed to Continue hearing to May 6, 2021
 - h. Motion to Continue Hearing
 - i. Motion to Continue

1. Harry Kramer
 - ii. Second Motion to Continue Hearing
 1. Al Champion
 - iii. Vote to Continue Hearing
 1. 5/5 Ayes
9. Extension request for Faith Unity Inc.
 - a. Appeal Number: 2015-441
 - b. Location: 3850 Richlieu Road
 - c. Tax Parcel: 02-001-055-002
 - d. Request: Extension of time for previous granted variances
 - e. Summary
 - i. Would like another two (2) year extension. 2019 they finished with land development and escrows. Need to find a contractor for phase one (1) and phase two (2). Phase two (2) is the building permit stage. Harry Kramer stated that a stone road was added. Attorney Tom Panzer stated that according to the guidelines extensions can only be granted on a year to year basis.
 - f. Motion to extend for one (1) year
 - i. Motion to extend
 1. Al Champion\
 - ii. Second Motion to Extend
 1. Harry Kramer
 - iii. Vote to Extend
 1. 5/5 ayes
10. Hearing for Prince Varghese
 - a. Appeal Number: 2021-0882
 - b. Location: 113 Derby Lane
 - c. Tax Parcel: 02-033-007-035
 - d. Request: variance for rear yard setback to construct a deck.
 - e. Exhibits
 - i. A1—Application
 - ii. A2—Certificates of Service
 - iii. B1—Letter to Applicant
 - iv. B2—Proof of Publication in the Bucks County Courier Times
 - v. B3—Proof of posting on the property
 - f. Summary
 - i. Applicant wishes to build an elevated deck on to the property. Alleges no one was against the request because the neighbors are curious.
 - g. Motion to Close Testimony
 - i. Motion to Close
 1. Harry Kramer
 - ii. Second Motion to Close
 1. Mike Brill
 - iii. Vote to close testimony
 1. 5/5 Ayes

- h. Motion to Approve variance for rear yard setback to construct a deck
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance for rear yard setback to construct a deck
 - 1. 5/5 ayes

11. Hearing for Elias Souza

- a. Appeal Number: 2021-0884
- b. Location: 1144 Dana Avenue
- c. Tax Parcel: 02-029-207
- d. Request: Variance for garage and greenhouse to exceed 25% of the area of the principal dwelling
- e. Attorney: David Shafkowitz
- 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. B 3—Proof of posting on property
- g. Summary
 - i. Single family home with a 1900 square foot detached garage. Mr. Souza would like to attach a “greenhouse” to the garage. An engineer testified to the water run-off and pervious areas. Mr. Souza stated the “greenhouse” is to be used to grown herbs and plants all year long. It is something he and his five (5) year old son enjoy together. The “greenhouse” has a shingled roof, windows all around and LED lights. The structure is not a typical greenhouse structure. The structure is 16 x 22, has a concrete floor and attached to the garage wall. All plants will be in pots and the sunlight would be available through the windows. It is more like a sunroom. No water needs to be run in the structure. Ken Farrell expressed...NO EXTENSION CORDS!! It would cause a fire hazard. The present detached garage is two (2) stories. The walls are eight (8) foot, A-frame roof and windows. It is not completed. Fran Barthmaier stepped forward against the construction. He claims he never sees anyone at anytime anywhere on the property. He has concern over the current flooding and debris floating over. He has no clue if there are gardens. Ken Farrell stated that storm water management is not needed; however, alteration of land permit could be necessary. Ken Farrell recommended a trench be dug and Mr. Souza agreed to work with the Township to alleviate any concerns Mr. Barthmaier has.
- 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 request for variance for garage and greenhouse to exceed 25% of the area of the principal dwelling with stipulation for storm water management
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to approve request for variance for garage and greenhouse to exceed 25% of the area of the principal dwelling with stipulation for storm water management.
 - 1. 5/5 Ayes
- 12. Hearing for R & I Sinai Group, Inc.
 - a. Appeal Number: 2021-0921
 - b. Location: 3143 Lincoln Highway
 - c. Tax Parcel: 02-001—63
 - d. Request: Variance to use property as a motor vehicle trucking yard or terminal
 - e. Summary
 - i. Applicant was told an attorney would be needed to represent R & I Sinai Group because it is a corporation. Applicant is requesting to postpone hearing to June, 2021.
 - f. Motion to Continue Hearing to June, 2021
 - i. Motion to Continue
 - 1. Harry Kramer
 - ii. Second Motion to Continue
 - 1. Mike Brill
 - iii. Vote to continue Hearing to June, 2021
 - 1. 5/5 ayes
- 13. Hearing for James J. Kelly III
 - a. Appeal Number: 2021-0948
 - b. Location: 3132 Prospect Avenue
 - c. Tax Parcel: 02-004-239-001 and 02-004-239
 - d. Request: Variance for lot to be less than 12,000 square feet
 - 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 Property
 - f. Summary
 - i. About 30 years ago the property was subdivided and unable to sell in 2008. Seeking an exception so that the second lot is sellable. The subdivision was done in 1985.
 - 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 request for variance for lot to be less than 12,000 square feet.
Condition for minor lot line adjustment for subdivision
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve request for variance for lot to be less than 12,000 square feet.
Condition for minor lot line adjustment for subdivision
 - 1. 5/5 Ayes

14. Correspondence

- a. No correspondences

15. Adjournment

- a. Motion to Adjourn
 - i. Harry Kramer
- b. Second Motion to Adjourn
 - i. Joanne Redding
- c. Vote to Adjourn
 - i. 5/5 Ayes
 - ii.