

February 4, 2021 Zoning Board Meeting Minutes

1. Attendance
 - a. Joanne Redding—Present
 - b. Al Champion—Present
 - c. George Seymour—Present
 - d. Mike Brille—Present
 - e. Harry Kramer—Present
 - f. Tom Panzer, Esquire—Absent
 - g. Rich Sukara, Esquire—Substitute for Tom Panzer, Esquire
 - h. Ken Farrell—Present
 - i. Kim Birshner—Present
 - j. Nicole Hartman—Present
2. Opening of Meeting
 - a. Pledge of Allegiance
 - i. Lead by Joanne Redding
3. Statement of Rules of Procedures
 - a. Waived
4. Approval of January Zoning Board Meeting Minutes
 - a. Motion to Approve
 - i. Al Champion
 - b. Second Motion to Approve
 - i. Harry Kramer
 - c. Approval of Minutes
 - i. 5/5 Ayes
5. Continued Hearing for Elias Souza
 - a. Appeal Number: 2020-4066
 - 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 M. Shafkowitz (Shafkowitz Law Group, P.C.)
 - f. Summary:
 - i. David M. Shafkowitz, Esq. requested a continuance until the March 4, 2021 zoning board hearing date. Joanne Redding stated that this is the last continuance. Unless for uncontrollable circumstances, there will be no more continuances granted. Joanne Redding also stated that solicitor should reach out to make sure they do not want to push it further back because once it is listed a continuance will not be granted and motion will be thrown out.
 - g. Motion to Continue to March 4, 2021 with stipulation
 - i. Motion to Continue
 1. Al Champion
 - ii. Second Motion to Continue
 1. George Seymour
 - iii. Vote to Continue

1. 5/5 Ayes

6. Hearing for Jonathan Calpin

- a. Appeal Number: 2021-0031
- b. Location: 3703 Spruce Avenue
- c. Tax Parcel: 02-005-054
- d. Request: Variance for setback requirements for constructing a shed
- e. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication
 - v. B3-Proof of Posting

f. Attendees

- i. Jonathan Calpin—Applicant
- ii. Ms. Riccardi—Neighbor to applicant

g. Summary

- i. Jonathan Calpin stated on the record that service upon his neighbors was done by hand on January 28, 2021. Certificates of Service would be accepted per Joanne Redding. Jonathan Calpin stated that he would like to construct a storage shed on the southwest corner of his property. He has been working with the township engineers and was advised he would need a setback. The shed size would be 20x15. The height would be 16 feet high. The lot shape is unusual shape which his 1100 square foot home sits on. Joanne Redding inquired whether or not Mr. Calpin would have any issue with lowering the height. Mr. Calpin stated that it would be difficult because the downstairs portion would house landscaping equipment and the loft area would be used for house storage. 25% variance was not flagged. Al Champion asked Ken Farrell if there are any line issues. Ken Farrell stated no because the driveways are on the other side. Joanne Redding asked if there was anyone in the audience for or against this variance request. Ms. Riccardi came forward. Ms. Riccardi lives directly behind Mr. Calpin. She stated that the trees were already removed, and double gates were already placed and alleges the construction is supposed to be a garage and not a shed. She has concerns regarding flooding because she lives downhill. She also is concerned with the smelling of exhaust fumes since the structure will be approximately five (5) feet from her house. Al Champion asked about an ordinance for rain. Ken Farrell stated drainage could be added. No driveway was proposed. Per Mr. Calpin, the double gate was already permitted, and the cinderblocks are for the foundation. Improvements were made by grading the land and removed trees for run-offs. Joanne Redding again asked Mr. Calpin if he would consider reducing the height and moving slightly into the yard more. Mr. Calpin stated that he wanted to keep the construction “as is.” Al Champion asked if Mr. Calpin if he could drop the height by two (2) feet. Mr. Calpin does not feel that the issue is the height; it is a location issue. Al

Champion stated runoff is a building and planning issue. Ken Farrell recommended rotating the shed 90 degrees; placing the doors along the road. Mr. Calpin stated that he does not feel that turning the shed would not be aesthetically appealing. George Seymour asked Mr. Calpin, would he be willing to turn the structure 90 degrees, placing the doors along the road. Mr. Calpin flat out said no to turning the structure.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. George Seymour
 - ii. Second Motion to Close
 - 1. Harry Kramer
 - iii. Vote to Close
 - 1. 5/5 ayes
 - i. Motion to Deny the request variance for setback requirements for constructing a shed
 - i. Motion to Deny
 - 1. George Seymour
 - ii. Second to Motion to Deny
 - 1. Michael Brille
 - iii. Vote to deny
 - 1. 5/5 ayes
7. Hearing for Rhino Car Wash 3, LLC
- a. Appeal Number: 2021-0224
 - b. Location: 3511 Bristol Pike
 - c. Tax Parcel: 02-075-012
 - d. Request: Special Exception to Construct an electronic sign
 - e. Attorney for Applicant: Michael J. Meginniss (Begley Carlin & Mandio, LLP)
 - f. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication
 - v. B3-Proof of Posting
 - g. Summary
 - i. The property was acquired in August, 2020. The business is Father/Son owned and operated. Business name prior to acquisition was Champion Car Wash. Applicant is requesting to replace the present sign with a new LED sign and nothing else. Applicant operates three (3) other locations (Bensalem, Bristol Borough, and Fairless Hills). Applicant agrees to all ordinances. Joanne Redding asked the Board if anyone had any questions. No one spoke up. Joanne Redding asked if there was anyone in the audience for/against the request. No one came forward.
 - h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer

- ii. Second to Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 ayes
 - i. Motion to Approve Request for Special Exception
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve Request for Special Exception
 - 1. 5/5 ayes
- 8. Hearing for Chick-fil-A
 - a. Appeal Number: 2021-0263
 - b. Location: 3621 Horizon Blvd
 - c. Tax Parcel: 02-001-018-026
 - d. Setback, coverage and buffer variances to modify the existing Drive-thru
 - e. Attorney for the Applicant
 - i. Michael J. Meginniss (Begley Carlin & Mandio, LLP)
 - f. Applicant/Owner/Project Manager
 - i. Tom Wilt
 - g. Engineer
 - i. Christopher Wriggle
 - h. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication
 - v. B3-Proof of Posting
 - i. Summary
 - i. Business is set on a 101acre subdivided lot. Applicant wishes to alter the drive-thru by creating a second drive aisle which would bring the property up-to-date and show conformity with other Chick-fil-A properties. It would allow alleviate vehicle pile up issues. Setbacks are requested for the canopy and additional kitchen (rear yard setback) that would need to be constructed. Not proposing additional seating. Mulch area will be eliminated to move the parking spaces from the area being used for the drive-thru expansion. No parking will be eliminated. Question regarding issues with buffers due to rear setback arose. There are pre-existing nonconforming areas. The additional drive-thru lane would relieve overflow. In turn, improving traffic issues, improvement for the customers and township. Mr. Wriggle was accepted as an expert. Mr. Wriggle reemphasized to the Board the pros to adding the multi-line drive through area. He stated that employees will wear safety vests and will utilize pedestrian crossways. The canopy will have heat and a fan and would be a protection against the elements. This additional drive aisle would be consistent with other

modernized Chick-fil-As. The dumpster will be relocated, and present landscaping would be removed to add back parking spaces. Question regarding additional seating being added rearose. Mr. Wriggle restated that no additional seating will be needed. No other questions for Mr. Wriggle were raised. It was stated that the setback variances are a necessity because the site needs to be updated to the modernized standards and the canopy would improve accuracy and efficiency. The kitchen expansion would give more separation from the front and back house staff. Expanding the kitchen could possibly reduce the amount of seating slightly. The point of the canopy is to keep the experience face to face instead of talking to a speaker. The outside drive aisle will not pick food up at the window but at a canopy. This would reduce the bottlenecking and adds additional flexibility. Alternative is to leave the status quo. Al Champion asked about other locations using this concept. It was stated that more and more locations will be adapting to this concept. This concept was conceived because of Covid. Regarding the app it is the Applicant's hope to continue to have the app. Pick up for mobile orders, at this time, are still planned to be up front. The Board mentioned that pedestrians walk through the lot since the parking is in the back. Applicant stated that he is working with Building and Planning on that. Ken Farrell suggested having the employees park in the back could be a good solution. Mr. Meginness, Esquire stated that moving the mobile order parking being moved to the west side, employee parking moved to the rear, and eat in customers parking in the front and east side would be a possible solution. Al Champion suggested merging the drive aisles into one (1) lane for exiting the lot. Applicant stated he had no problem with doing that. Al Champion raised the question regarding the reflectors being permanent or temporary. It was stated, in response, that he was not sure the reasoning behinds the reflectors and whether it would change. Harry Kramer asked about loading and unloading. Applicant stated that deliveries would remain the same. Deliveries usually happen after hours/overnight. There is a key drop for drivers to use. Joanne Redding asked if anyone else on the Board had any other questions. No one on the Board had any other questions. Joanne Redding asked if there was anyone in the audience for or against the request. No one was in the audience for or against the request.

- j. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close
 - 1. 5/5 ayes
- k. Motion to Approve request for setback, coverage and buffer variances to modify the existing Drive-thru
 - i. Motion to Approve
 - 1. Al Champion

- ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve
 - 1. 5/5 ayes
- 9. Continued hearing for Sri Gyatri Corporation (Arpan (Andy) Patel)
 - a. Appeal Number: 2020-4159
 - b. Location: 4000 Bristol Pike
 - c. Tax Parcel: 02-076-070 and 02-076-074-001
 - d. Request: Variances to construct three (3) story hotel with 75 rooms
 - e. Attorney: Alan W. Todvine (Begley, Carlin & Mandio, LLP)
 - f. Exhibits
 - i. A1-Application
 - ii. A2- Certificate of Service
 - iii. A3-Exterior Entrance View
 - iv. A4-Landscape plan
 - v. B1-Letter to the Applicant
 - vi. B2-Proof of Publication
 - vii. B3-Proof of Posting
 - g. Summary
 - i. Spring of 2020 Mr. Patel met with Township staff regarding the project. The property acquired has a present hotel already located on the one lot and the other lot is vacant. The present hotel is Skysuits Inn and the adjacent vacant lot are listed as non-conforming. Where hotel sits presently is not zoned for a hotel, but the vacant lot is. Considered straddling the parcels but it would be too complicated. Needs a change in zoning and a usage variance granted. Petitioning to change zoning, simultaneous with Planning and Development. Applying for the variance. Joanne Redding stated it was an unusual way to go about it. Applicant's Counsel continued. Existing hotel which houses 20 rooms was granted before. The existing hotel will be demolished. Witness One, Arpan Patel, is the owner and operator for the last five (5) owns both parcels. Family owned the existing hotel. He worked there from a young age. He signed into a franchise with a IHG (Holiday Inn/Holiday Inn Express). IHG owns a hotel strictly geared towards traveling business professionals called Avid. Avid is a hotel that allows only one (1) night stays for business professionals. All Avid hotels offer a gyn, small pool and continental breakfast. The hotel would need approximately 30-45 employees over three (3) shifts. Avid approached Mr. Patel and he signed a Franchise Agreement for one and a half years (1 ½). Avid Hotels are green energy efficient (solar). Not involved in the application filed in 2000. In 2008, was going to build a Motel 6 but it fell through when the market collapsed. Witness Two, Heath Dumiac, a professional engineer and surveyor. Sheet three (3) shows the existing feature plan with the hotel on the far north extreme twenty (20) feet from right-away of Neshaminy Street. Existing vacant lot has scrub trees and man-made slopes. It was a former gas station. The tanks were removed and the ground remediated. Zoning area is for residential homes,

commercial business and light industrial. Special exception is needed to allow hotel use. Ten (10) variances and the special exception are needed. The parcels are irregular in shape with five (5) front yards. They came down from 15-16 variances to ten (10). Joanne Redding stated that ten (10) variances are still a lot of variances. Al Champion mentioned the woodlands need to be figured out. Does not want to issue a variance if a variance is not needed. The Board, as a collective, stated many concerns. Such concerns are: Parking, doubling acres would cause a lot of traffic off Totem Road, too many variances being requested, exceedingly small lot, etc. It was stated that the possible hotel would be missing out on the wedding guests with a wedding venue located across the street. Mike Brille questioned the daily occupancy and vacancy rate. It was stated that the daily vacancy rate was 25% and Occupancy is 75% with Covid. 35-45 employees with 12 employees per eight (8) hour period. Everything needs to be vetted by Building and Planning and with PennDot. Witness Three, Margaret "Peg." Peg is a landscape architect. She is recognized by the Board as an expert. She stated that the woodlands were created by natural hedge-grow and natural growth and would be removed; however shade and flowering trees would be added along the Bristol Pike side. The parcel is 65 feet from Bristol Pike. The Board was concerned with the added traffic having a hotel in a residential area would bring along the other streets surrounding the parcels. The Board raised the idea of flipping the entrance of the hotel. Question regarding the need for a variance for the woodlands being needed. The answer to said question was no. Joanne Redding asked if the Board had anymore questions for the applicant. No more questions were raised. Joanne Redding asked if anyone in the audience, for or against, would like to come forward. No one came forward.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second to Motion to Close
 - 1. George Seymour
 - iii. Vote to Close
 - 1. 5/5 ayes
- i. Motion to Deny Request for variances to construct a three-story Hotel with 75 rooms
 - i. Motion to Deny Request
 - 1. Al Champion
 - ii. Second to Deny Request
 - 1. George Seymour
 - iii. Vote to Deny Request
 - 1. 4/5 ayes
 - a. Joanne Redding
 - b. Al Champion
 - c. George Seymour
 - d. Harry Kramer

2. 1/2 nays

a. Mike Brille

10. 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: Michael Carr (Eastburn and Gray P.C.)

f. Summary

i. Michael Carr, Esquire, requested a continuance until the March 4, 2021 zoning board hearing date. Joanne Redding stated that this is the last continuance. Unless for uncontrollable circumstances, there will be no more continuances granted. Joanne Redding also stated that solicitor should reach out to make sure they do not want to push it further back because once it is listed a continuance will not be granted and motion will be thrown out.

g. Motion to Continue to March 4, 2021 with stipulation

i. Motion to Continue

1. Mike Brille

ii. Second Motion to Continue

1. Harry Kramer

iii. Vote to Continue

1. 5/5 ayes

11. Continued hearing for LIDL US operations, LLC

a. Appeal Number: 2020-4184

b. Location: 4007-37 Hulmeville Road

c. Tax Parcel: 02-041-021; 02-041-022 and 02-041-022-001

d. Request: Variance to use property for a Grocery Store, variances for buffer area, impervious coverage and sign area.

e. Attorney: Matthew J. McHugh (Klehr Harrison Harvey Branburg LLP)

f. Summary

i. Michael J. McHugh, Esquire, requested a continuance until the March 4, 2021 zoning board hearing date. Joanne Redding stated that this is the last continuance. Unless for uncontrollable circumstances, there will be no more continuances granted. Joanne Redding also stated that solicitor should reach out to make sure they do not want to push it further back because once it is listed a continuance will not be granted and motion will be thrown out.

g. Motion to Continue to March 4, 2021 with stipulation

i. Motion to Continue

1. Harry Kramer

ii. Second Motion to Continue

1. George Seymour

iii. Vote to Continue

1. 5/5 ayes

12. Hearing for Federation Housing, Inc.

- a. Appeal Number: 2021-0232
- b. Location: 4701 Somerton Road
- c. Tax Parcel: 02-003-006-003
- d. Request: Variances to construct Senior Rental Housing units
- e. Attorney: Edward F. Murphy (Wisler Pearlstine, LLP)
- f. Exhibits:
 - i. A1- Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication
 - v. B3-Proof of Posting
- g. Summary
 - i. Summary of application stated by Edward F. Murphy, Esquire, the applicant wishes to expand onto the structure originally constructed in 2013. The present structure house sixty (60) one-bedroom units for senior citizens ages 62 and over and have an independent fixed income. At present time, the average age of the population of those living at the facility is approximately 75 years old and very few residents of the facility drive. There is a waitlist to move into the facility of 120 individuals. Applicant wishes to replicate another sixty (60) one-bedroom unit building on the other side of the property. Same exact size and same age and income requirements. Max capacity is 65% multifamily and 35% single family. Federation pays taxes and is a non-profit organization. Director, Shoshanna Bannett and Engineer, George Hartman, accept the summary set forth by Edward F. Murphy, Esquire. Ms. Bannett stated the organization is celebrating fifty (50) years as a non-profit organization. The facility provides case management, van transportation, activities and discounted meal plans. The develop housing and manage the housing. Due to the amount of individual on the waitlist, the waitlist is temporarily closed. Rent structure is low due to benefactors and grants. An individual with a \$37,000/year income would pay approximately \$800/month for rent. The are mission driven. The original structure was labeled as Phase One (1). The anticipated the necessity for a second building but it was not originally approved with the approval of the first building. Forty (40) out of 63 parking spaces are utilized presently. Additional parking spaces will be adding for the second building. 120 units with 100 parking spaces. Willing to review with Building and Development. Outdoors there are patios and Gazebos. Question regarding cap out was raised. Answer to said question was yes. Joanne Redding asked any Board Member has any additional questions. Board Members did not raise any other questions. Joanne Redding asked if there was anyone in the audience for or against request. No one in the audience came forward.
- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Mike Brille

- ii. Second Motion to Close
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 5/5 ayes
 - i. Motion to Approve the request for variance to construct Senior Rental housing units
 - i. Motion to Approve
 - 1. Mike Brill
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve Request
 - 1. 5/5 ayes

13. Correspondence

- a. No correspondence

14. Adjournment

- a. Motion to Adjourn
 - i. Mike Brille
- b. Second Motion to Adjourn
 - i. George Seymour
- c. Vote to Adjourn
 - i. 5/5 ayes