

October Zoning Board Meeting Minutes

In Attendance: Joanne Redding, Al Champion, Mike Brill, George Seymour, Tom Panzer, and Ken Farrell

1. Pledge of Allegiance
 - a. Led by Joanne Redding
2. Statement of Rules and Procedures
 - a. Given by Tom Panzer
3. Approval of last month's minutes—September 9, 2021
 - a. Motion to Approve last month's minutes—September 9, 2021
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. Mike Brill
 - b. Vote to Approve last month's minutes—September 9, 2021
 - i. 4/5 Ayes
 - ii. George Seymour abstained from the vote
4. Continued hearing for Jack Lyons and Daniel Morrin
 - a. Appeal Number: 2021-3270
 - b. Location: 1700 Byberry Rd & 1682 Byberry Rd
 - c. Tax Parcel: 02-045-058 & 02-033-105
 - d. Request: Variance for impervious coverage, aggregate side yard, lot area and lot width for a lot line change
 - e. Attorney: Mike Meginniss—Begley, Carlin, & Mandio, LLP
 - f. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Services
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on the property
 - g. Summary
 - i. Mike Meginnis stated that the side yard variance is no longer needed. The structure was moved a foot. The property is located next to the lot line at Neshaminy Electric. The Applicants spent a significant amount of money on the property. A buffer lot was added for the industrial lot. It is consistent with the residential properties in area. The property is no longer used for farming. No improvements are needed, and the applicant will continue ownership of the industrial lot. Raymond Starzman was sworn in. The residential lot increased by a foot. Joshua Kelly was sworn in and verified square footage and impervious coverage and improvement to nonconformity to residential partial. The lot line change makes a more symmetrical design home which can be centered on the property. No questions. No one came forward for or against the 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
- 5. Hearing for Peter Craney
 - a. Appeal Number: 2021-3789
 - b. Location: 1127 Highland Avenue
 - c. Tax Parcel: 02-029-393
 - d. Request: Variance for garage to be less than 10 feet from property line
 - e. Exhibit
 - i. Application with attachments
 - ii. 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 property
 - f. Summary
 - i. Sworn in Billie Suarez (seller) and Donna Gross (buyer). Billie's father added the garage prior to his death in 2013. The garage is located six (6) feet from the property line. Ken Farrell was sworn in. The garage and a porch were constructed at the same time. A variance was granted for the porch; however, the garage was omitted. The permit was never closed out by the contractors. Here today to rectify the oversight. No questions. No one in the audience came forward in favor or against the request.
 - g. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - h. Motion to Approve variance request for garage to be less than 10 feet from the property line
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Mike Brill
 - iii. Vote to Approve variance request for a garage to be less than 10 feet from the property line
 - 1. 5/5 Ayes
- 6. Hearing for Manish Patel
 - a. Appeal Number: 2021-3787
 - b. Location: 2752 Knights Road

- c. Tax Parcel: 02-036-238
 - d. Request: Variance to allow sign to be less than 25 feet from property edge
 - 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 property
 - f. Summary
 - i. Applicant decided to move the location of the sign to the south edge. The sign no longer encroaches onto the neighbor's property. The sign is being moved back almost three (3) feet. No questions. Kirkan Patel came forward in favor of the variance request. He believes it is a good idea. No others came forward in favor for or against the request.
 - g. Motion to Close Testimony
 - i. Motion to Close
 - 1. Mike Brill
 - ii. Second Brill
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - h. Motion to Approve variance request to allow sign to be less than 25 feet from the property edge
 - i. Motion to Approve
 - 1. Mike Brill
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve request to allow the sign to be less than 25 feet from the property edge
 - 1. 5/5 Ayes
7. Hearing for Matthew J. Eckert
- a. Appeal Number: 2021-3803
 - b. Location: 905 Bristol Pike
 - c. Tax Parcel: 02-036-238
 - d. Request: Use variance to add additional apartments on the property
 - e. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Photo
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3-Proof of Posting on the property
 - f. Summary

150x126. She says he could have put two (2) houses there instead of 22 units. Mr. Wani states it is not desirable to sell. Many came forward with concerns. Anthony Velasquez's house was shown in the plan and has lived in his home for five (5) years. He is opposed due to flooding concerns and his property value will decrease since the facility does not fit in aesthetically. Mr. Wani does not live in the community so he does not understand the hardship this structure would bring. Diane Brennan-McGinnius came forward with pictures showing flooding and offered statistics regarding flooding and weather. Joanne Redding asked the audience how many were in attendance for this matter. Many raised their hand. She then asked of them how many were against the request. 17 audience members raised their hand to show they opposed the request. Other members of the audience stepped forward stating that applicant is only worried about making money, flooding issues, and heavy traffic in the area already. Another resident stated if the lot is a hardship for the applicant, then the lot is going to be a hardship for the next owner when he decides to sell. Another questioned the Board if they are going to grant variances every time someone wants a change. No other questions. No other audience members came forward.

- 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 Deny request for a use variance, impervious surface coverage and rear yard setback to permit self-storage facility
 - i. Motion to Deny
 - 1. Al Champion
 - ii. Second Motion to Deny
 - 1. George Seymour
 - iii. Vote to Deny request for a use variance, impervious surface coverage and rear yard setback to permit self-storage facility.
 - 1. 5/5 Ayes
10. Hearing for Brilla, LLC c/o Anton Poteryahin
- a. Appeal Number: 2021-3749
 - b. Location: 4304 & 411 Bristol Road
 - c. Tax Parcel: 02-017-068-001 & 02-017-090-001
 - d. Request: Use variance, rear yard setback, lot area, yard area, parking and steep slope to construct auto repair shop
 - e. Attorney: Bryce H. McGuigan, Esquire—Begley, Carlin & Mandio, LLP
 - f. Exhibits:
 - i. A1-Applicantion 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 Property
- g. Summary
- i. The lots are separated by a paper street. Lot two (2) is unbuildable without setback relief. Need the variances for the setbacks and slope variance to build on the lots. Applicant is sworn in. Applicant purchased the properties in April 2021. Believes an auto shop is beneficial for the area. Proposing two (2) buildings on bigger lot. The first building would be to disassemble vehicles. This building will be a private business with one (1) or two (2) employees. The second building will be a general automotive repair shop open to the public. Engineers attempted drawing up a plan using one (1) building and extending the building forward, but the beys could not be accessed. If the building was enough elongated then the property would have enough beys, unfortunately no loading dock or turn about for tractor trailers. The smaller lot would have a garage built on it. The garage would be rented out to car collectors to store vehicles. Al Champion asked about security. Applicant stated the security would be improved over the next 30 days. He is in contact with fencing companies. Joanne Redding asked if all three (3) buildings would be rented out for three (3) different uses. Applicant stated yes. Joanne Redding expressed concern over the amount of businesses being run on one (1) property and foreseeing an issue if the applicant decides to sell the property in the future. Vincent Fioravanti was sworn in. Mr. Fioravanti stated he can make a fire lane in the area to avoid any issues. Al Champion asked if building 1A's size be reduced and if there are any site triangle issues. Ken Farrell stated he is not certain of any site triangle issues and may have to flip the parking of small building to other side. Joanne Redding feels the steep slope is concern and that it is too much on the property. Al Champion asked about the height of the structure. Applicant stated the structure would be 30-40 feet high. There would be a second floor to be used for office and storage space. Joanne Redding reiterates that Building 1A would have one or two (1-2) employees; building 1B would have two to three (2-3) employees and no employees for the small building. Joanne Redding once again states she is concerned. No further questions. Robert Dixon from the audience stepped forward with a question. He asked would old broken-down cars be dropped off to be used for scrap and stored on the property. Attorney McGuigan answered no storage of any kind would be outside of the garage. Ken Farrell requested if Board votes to grant the request, then a condition be added to state no semi-truck parking or semi-truck repair be added. Next three (3) neighbors stepped forward they both had concerns over the traffic. Ms. Linda Schmidt, daughter to property owner Elsie Porter, stated other concerns, on behalf of her mother, such as retaining wall, cleaning up the property—removing all the over-growth, and noise pollution it could cause due to all the mechanics' tools. She stated there are already ten (10) auto body shops and salvage yards in a one (1) mile radius. The two (2)

other neighbors stated the same regarding the noise they endure over the car wash business in the vicinity. Other concerns mentioned were tow trucks not able to clear the railroad bridge and causing hours of backed up traffic on Bristol Road. Also, the fact there are four (4) auto shops already between Old Lincoln Highway and Brownsville Road. The last concern expressed by all neighbors was the owner losing control over the property because he is renting the properties out to three (3) different tenants. Attorney McGuigan stated more noise reduction buffers could be added to the property. Joanne Redding still believes that is a lot of buildings on a small lot. Applicant requests a continuance.

- h. Motion to Continue Hearing to November 4, 2021
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue Hearing to November 4, 2021
 - 1. 5/5 Ayes
- 11. Hearing for Marco Investments, LLC
 - a. Appeal Number: 2021-3750
 - b. Location: 2801 Bristol Pike
 - c. Tax Parcel: 02-062-629-002
 - d. Request: Use variance to construct a retail store and motor vehicle facility
 - e. Attorney: Edward F. Murphy
 - f. 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 property
 - g. Summary
 - i. Attorney Murphy gives a summary of the applicant's plans for the property. The property is oddly shaped. The property backs up to the I95 off ramp. Mike and Mark Rannigello purchased the property in 2007. The proposal for the first building is retail stores. Plenty of parking is available. The second building is being proposed as an auto shop however this part of the property has limited parking. The area has two different zoning. Applicant's side of the street needs a use variance to do what he wants to do. Mark Rannigello was sworn in. He adopted the summary given by Attorney Murphy. Mr. Rannigello added some information to the summary. He stated building two (2) is a stand-alone building and bathrooms were added for the Go-Cart business that was previously in that building. Retail stores have never occupied the buildings. Mike is his brother and co-owner of the property. Al Champion had questions regarding the number of garage doors and the overflow of parking for cars waiting in que. According to Mr. Rannigello there will only be two (2) garage doors and one row of parking. There is a private road that no is maintaining

right now. The Board expresses concern over the traffic in the area. No further questions. The Board asked if any one was in the audience for or against the request. John Daly came forward. Mr. Daly stated he has lived in Bensalem for many years and there is no parking and is concerned with theft and vandalism. He stated there is no room for fire trucks and there is no handicap parking. Attorney Murphy became argumentative with Mr. Daly. Joanne Redding states that the plans do not show where anyone is going to park. Ken Farrell requested the same condition be placed on this applicant as in the previous applicant that no semi-truck parking or maintenance is allowed on the property. A continuance is suggested. Applicant agrees to go back and revise the plans.

- h. Motion to Continue Hearing to December 2, 2021
 - i. Motion to Continue
 - 1. Harry Kramer
 - ii. Second Motion to Continue
 - 1. Al Champion
 - iii. Vote to Continue Hearing to December 2, 2021
 - 1. 5/5 Ayes
- 12. Hearing for Gibson Holdings, LLC c/o Green Tree Group Contracting, LLC c/o Bill Laphen
 - a. Appeal Number: 2021-3788
 - b. Location: 1515 Gibson Road
 - c. Tax Parcel: 02-054-005
 - d. Request: Variances to subdivide lot into 8 single family dwellings
 - e. Attorney: Kellie McGowan and Dan Lyons—Obermayer Rebmann Maxwell & Hippel LLP
 - f. Summary
 - i. Applicant requested a continuance
 - g. Motion to Continue Hearing to November 4, 2021
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing to November 4, 2021
 - 1. 5/5 Ayes
- 13. Hearing for Raising Cane's Restaurants, LLC
 - a. Appeal Number: 2021-3796
 - b. Location: 3617 Horizon Blvd
 - c. Request: Variances for rear yard, side yard setbacks, lot width and impervious surface coverage to construct new fast-food restaurant
 - d. Attorney: Michael J. Megginnis, Esquire—Begley, Carlin and Mandio, LLP
 - e. Exhibits
 - i. A1-Application with Attachments
 - ii. A2—Certificates of Service
 - iii. B1—Letter to the Applicant
 - iv. B2—Proof of Publishing in the Bucks County Courier Times
 - v. B3—Proof of Posting on the property

- f. Summary
 - i. The property is the location of the now vacant Bertucci's Restaurant. Raising Cane's has 500 locations throughout the United States. The restaurant started in the south. Adam Caracci is the project manager. The restaurant was founded in 1996. The menu consists of Chicken Finger Meals, Crinkle Fries and Cole Slaw. Each meal is made to order and does not sit under heat lamps. They hire employees from the local communities the restaurant is located. They have not laid anyone off and hired approximately 5000 people. Deliveries will be made between 2:00 and 4:00 A.M. Overflow traffic will go all around the building. No further questions. No one came forward for or against 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. 5/5 Ayes
 - h. Motion to Approve variance requests for rear yard and side yard setbacks, lot width and impervious surface coverage to construct a new fast-food restaurant.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance requests for rear yard and side yard setbacks, lot width and impervious surface coverage to construct a new fast-food restaurant
 - 1. 5/5 Ayes
14. Hearing for Ron Oskiera
- a. Appeal Number: 2021-3798
 - b. Location: 1090 Wildman Avenue
 - c. Request: Variance to have a multi-dwelling in a R-2 zoning district
 - d. Attorney: Shawn Ward, Esquire
 - e. Summary
 - i. Applicant requested a continuance to the next hearing date
 - f. Motion to Continue Hearing to November 4, 2021
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
15. Correspondence
- a. No Correspondences
16. Adjournment
- a. Motion to Adjourn Hearing

- i. Motion to Adjourn
 - 1. Al Champion
- ii. Second Motion to Adjourn
 - 1. George Seymour
- iii. Vote to Adjourn Meeting
 - 1. 5/5 Ayes