

Zoning Hearing Board April Monthly Minutes

In attendance: Al Champion, George Seymour, Harry Kramer, Joanne Fields, Tom Panzer, and Ken Farrell

1. Open Meeting with Pledge of Allegiance
 - a. Led by Al Champion
2. Statement of Rules and Procedures
 - a. Issued by Zoning Board Solicitor, Tom Panzer
 - b. Also stated was the agenda was slightly changing. #9 Continued Hearing for Triple Net Investments was being moved to the end of the night and the other cases were being moved up (#10-13 will be listed on this summary as #9-12 and #9 will now be #13)
3. Approval of last month's Minutes—March 3, 2022
 - a. Motion to approve last month's Minutes
 - i. Harry Kramer
 - b. Second Motion to approve last month's Minutes
 - i. Joanne Fields
 - c. Vote to Approve last month's Minutes—March 3, 2022
 - i. Ayes
 1. 4/4
4. Continued Hearing for Jeannine Schad
 - a. Appeal Number: 2022-0117
 - b. Location: 2812 Ogden Avenue
 - c. Tax Parcel: 02-062-252
 - d. Request: Revised variance application to construct an entrance way less than the required 25-foot front yard setback
 - e. Summary
 - i. Previously heard in February. The Board was concerned over multi-family use. Exhibit A3, a revised plan submitted by applicant, was submitted. Applicant is only asking for a variance for a four foot by eight-foot (4'x8') bump out. The breezeway on the previous submitted plan has been removed. No other variance requests are needed any further. A picture, marked as Exhibit 4, was submitted to show the location of bump out. The Board members had no further questions or concerns. No one from the audience came forward for or against the variance request.
 - f. Motion to Close Testimony
 - i. Motion to Close
 1. Harry Kramer
 - ii. Second Motion to Close
 1. George Seymour
 - iii. Vote to Close Testimony
 1. 4/4 Ayes
 - g. Motion to Approve variance request for revised variance application to construct an entrance way less than the require 25-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 for revised variance application to construct an entrance way less than the required 25-foot yard setback
 1. 4/4 Ayes
5. Continued hearing for Susan and Daniel Halpin
 - a. Appeal Number: 2021-4490
 - b. Location: 757 Cliff Road
 - c. Tax Parcel: 02-078-068
 - d. Request: Variances for footprint, setbacks, building area and impervious surface coverage to build detached garage
 - e. Summary
 - i. Applicants requested a one (1) month continuance
 - f. Motion to Continue Hearing to May 5, 2022
 - i. Motion to Continue
 1. Harry Kramer
 - ii. Second Motion to Continue
 1. George Seymour
 - iii. Vote to Continue Hearing to May 5, 2022
 1. 4/4 Ayes
6. Extension Request for JPH Realty, Inc. & J.W. McGrath Organization LLC
 - a. Appeal Number: 2018-629
 - b. Location: NW corner of Galloway and Richlieu Roads
 - c. Tax Parcel: 02-046-001
 - d. Request: Extension of use variance and dimensional variance
 - e. Attorney: John A. VanLuvanuee, Esquire (Attorney for former applicant/owner)
 - f. New Applicant/Property Owner: Maduram Farms LP
 - g. Attorney for New Applicant/Property Owner: Michael Meginniss, Esquire
 - h. Summary:
 - i. Manduram Farms, LP closed on the property. Mr. VanLuvanee was the previous counsel for the previous owner. The property is approximately 6200 square feet. Applicant would like to secure an extension. Applicant plans on staying within the zoning scope originally granted by the Board to the previous applicant. The intent of the applicant is to submit a plan to land and development in the next couple of months. Applicant states the second story would be a break room and understands the previous conditions. Al Champion raised concern over the no occupancy ruling on the second floor. Tom Panzer stated that the applicant would go through Ken Farrell who is aware of the conditions. Ken Farrell stated as long as the height requirement is met, and the second floor is not used for another tenant or conference room which would be used for meeting with clients. Exhibits previously submitted to the Board and placed on the record are the original application with attachments adopted by Mr. Patel, Prior decisions with conditions, and Mr. Patel's letter. Harry Kramer

read the conditions of no occupancy on the second floor. The Board Members had no further questions, comments, or concerns. No audience members came forward for or against the request.

- i. Motion to Close Testimony
 - i. Motion to Close
 1. Harry Kramer
 - ii. Second Motion to Close
 1. George Seymour
 - iii. Vote to Close Testimony
 1. 4/4 Ayes
 - j. Motion to Approve the extension request for one (1) year
 - i. Motion to approve one (1) year extension
 1. Harry Kramer
 - ii. Second Motion to approve one (1) year extension
 1. George Seymour
 - iii. Vote to Approve the one (1) year extension
 1. 4/4 Ayes
7. Continued 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. Tom Panzer started off stating that an email was received from a neighbor who was in strict opposition to the Applicant's request. This Hearing is a continuation of the hearing held in November 2021. Mr. Ward stated no new evidence will be presented. Mr. Oskiera adopted the summary given by Mr. Ward as his own testimony. Exhibit A18, a Written Summary of Relief which was adopted as testimony. A hardship argument was submitted; however, the argument was not marked as an exhibit. The Summary for Relief was restated for Joanne Fields who was not a member of the Board at the initial/last hearing in November. An amendment to the hearing application was withdrawn. The land and development file did not support the amendment request. The kitchen and bathroom from original plan were being eliminated. The front structure will be left (see Hardship Argument). A fence to be erected was still a part of the argument. There is still a need for a use variance for a multi-dwelling. The applicant was not aware of the property being in violation until he submitted a use and occupancy application. Hardship was created by the previous owner. Al Champion asked when the two (2) tenants moved in. Applicant stated the two (2) tenants were there when he purchased the property and moved prior to closing. He cleaned up and painted the property and moved two (2) families in. Mr. Dibias represented the seller who previously moved to Florida. Mr. Oskiera hired an attorney to attend closing and nothing more. The sale was a private sale done without a realtor. Mr. Oskiera stated there is a duplex on the

opposite side of the street further down. Joanne Fields asked if the utilities are separate. Mr. Oskiera stated it was and that he pays the water bill. Mr. Ward stated all the utilities are separate and on different meters. The son, Charles Seeberger, of the previous owner did all the plumbing. No one from the audience came forward for or against the requests. Tom Panzer asked Joanne Fields if she was comfortable with issuing a decision after hearing the testimony. Joanne Fields stated she is unsure and does not feel the need to read the transcript. Tom Panzer stated Joanne Redding was not present tonight and should be present at the next meeting. Tom Panzer then asked if there is any objection to a five (5) Board Member vote. Mr. Ward stated there is no objection.

- f. Motion to Close Testimony
 - i. Motion to Close
 - 1. George Seymour
 - ii. Second Motion to Close
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
- g. Motion to defer decision within 45 days from April 7, 2022
 - i. Motion to Defer
 - 1. George Seymour
 - ii. Second Motion to Defer
 - 1. Harry Kramer
 - iii. Vote to Defer decision within 45 days from April 7, 2022
 - 1. 4/4 Ayes
- 8. Continued Hearing for Joseph J. Console, Esquire
 - a. Appeal Number: 2021-4336
 - b. Location: 472 Olney Avenue
 - c. Tax Parcel: 02-068-020, 02-068-021, 02-068-019 & 02-068-007
 - d. Request: Variance to use property as construction company yard shop garage, variances for buffer yards and improvements in a flood plain
 - e. Attorney: Joseph J. Console, Esquire
 - f. Additional Exhibits
 - i. A10 and A12-pictures of the 1991 and 1999 flood insurance maps
 - ii. A12-Number of petitions/photographs/aerial photos
 - iii. B4-packet of previous exhibits (Board Exhibits 1-9)
 - g. Summary
 - i. Continuation from the January 6, 2022, hearing. Applicants are American Properties and Olney Properties. The property has been used as a construction storage site since the 1990s. Applicants were granted an occupancy certificate. Applicants were not granted a use certificate. Information was gathered by Ken Farrell, Mr. Console's office, and the applicant. Ken Farrell went through the exhibit packet which consisted of the following exhibits: 1. Current Notice of Violation; 2. The original denial letter from June 1992; 3. The rental license

issued on June 5, 2007 and is up to date; 4. The tax map; 5. Ownership history; 6. Current FEMA map. The property is right in the middle of the 100-year flood plain; 7. Bensalem Township GIS data elevation 10. The Flood plain is elevation 11; 8. Historicalareas.com printout; 9. Picture showing improvements mad during 1967-1973; 10. Flood Plain Map. Ken Farrell stated in 1991 the property was not in the 100-year flood plain, it was first on FEMA's 500-year flood plain. The revision was made in 1999 when a study conducted changed the flood plain area from 500-year to 100-year. The property legally has a non-conforming pre-existing hardship. Onesto Amodei was sworn in. The petition submitted included all the properties that directly border his property. The map shows his property and the properties represented in the Petition. Pictures of above ground diesel fuel tanks and waste oil tanks are located on the property. Pictures of the garage were also submitted. It was stated, during the flood which the area experienced last summer, retained three inches (3") of water. The transfer of the property from the parents to the children triggered this issue. The applicant just wishes to continue running the business as it has been previously. Mr. Amodei stated the property uses Ash Avenue for deliveries and trash removal. The Board had no further questions, comments, or concerns. No one from the audience came forward for or against the application.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - i. Motion to Approve variance request to use property as construction company yard shop garage, variances for buffer yards and improvements in a flood plain.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance request to use property as construction company yard shop garage, variance for buffer yards and improvements in a flood plain
 - 1. 4/4 Ayes
9. Continued Hearing for Keystone Outdoor Advertising Co. Inc.
- a. Appeal Number: 2022-0521
 - b. Location: 2301 Lincoln Highway
 - c. Tax Parcel: 02-010-001-001
 - d. Request: Variance for landscaping setbacks and, digital billboard face replacement for an electronic graphic display sign. A special exception to permit an electronic graphic display sign
 - e. Attorney: Michael J. Meginniss, Esquire
 - f. Exhibits

- i. A1- Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Letter with Supplemental Information
 - 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 Letter with Waiver
 - viii. B5-Previous Decision
- g. Summary
- i. This hearing was originally scheduled for March 2022 and applicant requested a continuance to today’s hearing date. John Richardson is the engineer hired by the applicant. There is presently a billboard already placed on the property. Applicant would like to change the billboard from the static billboard to a digital one. Applicant has been maintaining the billboard for approximately 20 years. Joe Felici, the vice president of daily operations and leasing for over 20 years for Keystone Outdoor Advertising stated on the record that the billboard will be the same height and dimensions of the present billboard. Digital Billboards allow the “Ma/Pa” stores a chance to advertise whereas the static boards only allowed two (2) “Big” companies opportunities to advertise. The Clearwater Company has a billboard which is digital on one side and static on the other side. Al Champion asked if the change would interfere with the Route 1 North Construction. Mr. Meginnis stated that it would not interfere, even a little bit. There are no more tracto trailers being stored on the property any longer. The Township placed barriers up to prevent the storage. Michael Tantala adopted Mr. Meginniss’ summary as his own testimony. No further questions, comments, or concerns from the Board. No one from the audience came forward for or against the request.
- h. Motion to Close Testimony
- i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
- i. Motion to Approve variance request for landscaping setbacks and, digital billboard face replacement for an electric graphic display sign. A special exception to permit an electronic graphic display sign
- i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. George Seymour

- iii. Vote to Approve variance request for landscaping setbacks and digital billboard face replacement for an electric graphic display sign. A special exception to permit an electronic graphic display sign
 - 1. 3/4 Ayes
 - a. Harry Kramer
 - b. George Seymour
 - c. Joanne Fields
 - 2. 1/4 Nays
 - a. Al Champion

10. Continued Hearing for Byberry Woods LLC

- a. Appeal Number: 2022-0524
- b. Location: 1282 Byberry Road
- c. Tax Parcel: 02-033-208; 02-033-109; 02-033-109-001
- d. Request: Variance for building height to be 35 feet instead of maximum height of 30 feet
- e. Attorney: Michael Meginniss, Esquire
- f. Summary
 - i. A request for a Continuance to the hearing scheduled on May 5, 2022 was made.
- g. Motion to Continue hearing to May 5, 2022
 - i. Motion to Continue
 - 1. Harry Kramer
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue hearing to May 5, 2022
 - 1. 4/4 Ayes

11. Hearing for Nabeel and Anum Siddiqui

- a. Appeal Number: 2022-0604
- b. Location: 134 Derby Lane
- c. Tax Parcel: 02-033-007-026
- d. Request: Variance for rear yard setback to construct a deck
- e. Exhibit:
 - 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
- f. Summary
 - i. Applicant moved into the home in May 2020. They are the second owner. The property has a big back yard, and the applicants have a 14-month-old son. The contractor they hired applied for a permit and the permit was denied. The total area is 28 feet, and the length of the deck is 12 feet. Setback variance is only needed for the rear of the property. The Board had no questions, comments or concerns. No one from the audience came forward for or against the request.

- g. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close Testimony
 - 1. Joanne Fields
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - h. Motion to Approve the variance request for rear yard setback to construct a deck
 - i. 4/4 Ayes
12. Hearing for Fabian and Steven Gardner
- a. Appeal Number: 2022-0810
 - b. Location: 3440 Temple Avenue
 - c. Tax Parcel: 02-004-091
 - d. Request: Variance for rear yard setback to construct a deck
 - e. Exhibits
 - i. A1 through A6-Packet
 - ii. B1-Letter to the Applicant
 - iii. B2-Proof of Publication in the Bucks County Courier Times
 - iv. B3-Proof of Posting on the property
 - f. Summary
 - i. The applicants stated that they have been residing at the property for approximately two and a half (2.5) years. The property is a nonconforming lot. They would like to build a deck that they would utilize only in the spring and summer months. They want to be able to sit on the deck and relax after work. Ken Farrell asked about the distance from the stairs to the property line. Fabrinana stated it was approximately five feet. Discussions continued regarding pictures supplied by the applicant regarding the feet needed for the setback. The deck would not be invading neighbors' privacy. The Board had no further questions, comments, or concerns. No one from the audience 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. George Seymour
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - h. Motion to Approve variance request 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 request for rear yard setback to construct a deck
 - 1. 4/4 Ayes

13. Continued Hearing for Triple Net Investments LXVII LLC, et al

- a. Appeal Number: 2022-0510
- b. Location: 4336 Somerton Road
- c. Tax Parcel: 02-003-002
- d. Request: Building coverage, impervious coverage, green area, lot width and setback variances to subdivide lot into two and build an industrial building on one of the lots.
- e. Attorney: Edward F. Murphy, Esquire
- f. Exhibits:
 - i. A5-Amended Petition
 - ii. A6-Revised Zoning Plan (3/18/2022)
- g. Summary
 - i. This is a continued hearing from March. As per the Board at last hearing, an evaluation of “flipping” Suez lot was done and a revised plan was submitted. The revision reduced the amount of impervious surface on the Weber lot. No change to the front yard setback and 10 feet for the rear yard. A written proposal was submitted to the Board. Mr. Murphy summarized the new proposal. Mr. Gionotti, the engineer hired for the project, adopted the summary as his testimony. The Board stated they are happy with the improvements. No further questions, comments, or concerns from the Board. No one from the audience came forward for or against the request.
- h. Revisions made by Applicant and agreed upon with the Board for proposed Lot A
 - i. To permit building area to cover 44.8% of the net lot area, whereas building areas exceeding 25% of the net area are not otherwise permitted. (changed from 45.7% to 44.8%)
 - ii. To permit 78% impervious coverage, whereas impervious coverage exceeding 65% is not otherwise permitted. (Changed from 80.9% to 78%)
 - iii. To permit 22% of the net lot area to remain undeveloped, whereas 35% of the net lot area is otherwise required to “remain in a natural green state.” (changed from 19.1% to 22%)
 - iv. To permit the office area of the manufacturing/distribution facility to be set back 72’ from Somerton Road whereas 150’ front yard setbacks are otherwise required. (No change to this request was made)
 - v. To permit the manufacturing/distribution facility to be set back 40’ from a side lot line, whereas 50’ side yard setbacks are otherwise required. (This is a new variance request)
- i. Revisions made by Applicant and agreed upon with the Board for proposed Lot B
 - i. To permit Lot B to maintain a width of 76.1’ at the building setback line from Somerton Road, whereas a lot width of 250’ at the building setback line is otherwise required.(Changed from 94.4% to 76.1%)
 - ii. To permit a relocated tank shed to be set back 21.3’ from Lot A and Principal Building B to be set back 27’ from Lot A, whereas 50’ side yard setbacks are otherwise required. (No change was made on this request)
 - iii. To allow Lot B to maintain 376 parking spaces to serve as laboratory/professional office use with 101,000 square feet of floor area,

whereas 505 parking spaces would otherwise be required. (No change was made on this request)

- j. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - k. Motion to Approve the requests for building coverage, impervious coverage, green area, lot width and setback variance to subdivide lot into two and build an industrial building on one of the lots.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve the requests for building coverage, impervious coverage, green area, lot width and setback variance to subdivide lot into two and build an industrial building on one of the lots
 - 1. 4/4 Ayes
14. Correspondence
- a. None
15. Adjournment
- a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. George Seymour
 - c. Vote to Adjourn
 - i. 4/4 Ayes