

December 2020 Zoning Board Meeting Minutes

In Attendance

Joann Redding
Harry Kramer
Mike Brille
Al Champion
Ken Farrell
Matt McHugh, Esquire
Tom Panzer, Esquire
Nicole Hartman

1. Pledge of Allegiance lead by Joanne Redding
2. Consideration Solicitor
 - a. Resignation Matthew McHugh as solicitor
 - i. Acceptance of Board 4/4 Ayes
 - b. Appointment of Tom Panzer as solicitor
 - i. Acceptance of Board 4/4 Ayes
3. Statement of Rules and Procedures delivered by Tom Panzer
 - a. Waived due to Covid
4. Approval of last month's minutes
 - a. Motion to Approve—Al Champion; Second—Joanne Redding
 - i. 3 Ayes
5. Continued Hearing: James McCafferty
 - a. Appeal Number: 2020-3566
 - b. Location: 1249 Lowell Avenue
 - c. Tax Parcel 02-026-013
 - d. Request: Variance to construct single family dwelling in floodplain
 - e. In attendance for Appellant
 - i. Mr. McGuinness, Esq
 - ii. Mr. James McCafferty (originally unrepresented)
 - iii. Mr. Young--Engineer
 - f. Exhibits
 - i. A1: Application with attachment
 - ii. A2: Certificate of Service of zoning board meeting notice
 - iii. A3: Collection of pictures of the property and from Google Earth
 - iv. A4: Amendment to Application—Letter of Representation
 - v. B1: Letter to the Applicant
 - vi. B2: Publication in the Bucks County Courier of the notice
 - vii. B3: Posting on the property of the notice
 - g. Summary
 - i. Mr. McGuinness stated that the property is in the flood plain not the flood way. The lot was never a vacant lot. Presently there is a trailer/mobile home and a shed on the property. Mr. McCafferty would like to demolish the modular home (trailer/mobile home) and remove the shed in order to construct a single- family dwelling. He would like the property to be an esthetically better view than what is presently on the property. Basement

variance is no longer needed. Mr. McGuiness consulted with Mr. McCafferty and explained how a basement is not possible for the property. Mr. McCafferty is the sole owner of the property and acquired said property in October 2020. Trailer is “falling apart” both on the interior and exterior. “A complete eyesore” according to Mr. McCafferty. It is non-conforming due to setbacks. A single-family home was constructed up the street which replaced an inhabitable bungalow. The new dwelling to be constructed is planned to be four (4) bedrooms, two and a half (2.5) bathrooms with a one (1) car garage. A total of approximately 2000 square feet. Once Constructed the dwelling will be sold. Mr. McCafferty hired Mr. Young to oversee the construction and assist with navigating through any/all issues that may arises with the BC Conservatory. Neighbors have no issues. The seller was between Pennsylvania and North Carolina. Mr. McCafferty is unsure if the seller lived there. Al Champion inquired about additional parking—Leaving present driveway or add additional parking somewhere on the property. Mr. McCafferty stated he is more than willing to comply with adding additional parking. Mr. Larry Young, a certified engineer, is employed with Tri-State Engineers. Submitted a plan and explained differences between a floodway and floodplain. He stated the floodplain is an overbank with almost zero (0) velocity; whereas, a floodway carries a high velocity. Zoned as AE and studies show the base flood elevation which includes increasing 200 square feet. Mr. Young proceeded to state that regarding water there is zero (0) to little effect than there is presently. Al bout Champion asked a crawlspace. Mr. Young stated no crawl space will be constructed. Al Champion asked if studies would be needed. Mr. Young responded no because in 2015-2016 flood insurance provisions and guidelines are now in place. Ken Farrell stated that there will need to continue obtaining building permits and alteration of land permits. Matthew McHugh stated the applicant wants to just improve the property not create property development. Joanne Redding asked if anyone was present for or against the application. No one came forward.

- h. Motion to Close
 - i. Motion by Al Champion
 - ii. Second to motion Harry Kramer
 - iii. 4 Ayes/0 Nays
 - i. Motion to Approve with additional parking
 - i. Motion by Al Champion
 - ii. Second to Motion Harry Kramer
 - iii. 3 Ayes/1 Nay
6. Extension Request for Dauphine Building and Development
- a. Appeal Number: 2013-340
 - b. Location 1282 Byberry Road
 - c. Tax Parcel: 02-033-108; 02-033-109; 02-033-109-1
 - d. Request: Extension of previously granted relief for proposed townhouses
 - e. Summary:
 - i. Request for continuance
 - ii. Motion for continuance
 - 1. Motion by Harry Kramer
 - 2. Second to motion Joanne Redding
 - 3. In favor 4/4

- iii. Hearing continued to January 7, 2021
- 7. Hearing for Edward Walton
 - a. Appeal number: 2020-3733
 - b. Location: 5872 Hulmeville Road
 - c. Tax Parcel: 02-052-005
 - d. Request: Dimensional variance to construct single family dwelling
 - e. In Attendance:
 - i. Brandon Callahan, Esquire
 - ii. Mr. Barnett—Engineer
 - iii. Ed Walton
 - f. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. B1-Letter to Applicant
 - iv. B2-Publication of notice in the Bucks County Courier Times
 - v. B3-Posting on property of notice
 - g. Summary
 - i. Appellant is seeking removal of present dwelling and to construct a new structure. Needs a side yard and front yard setback. The property is smaller than an acre. Mr. Barnett was sworn in as an expert engineer. The current structure is 46x18, 1150 square feet, 2 bedroom and 1 bathroom. Minimum variances needed were applied for. The current structure and sheds to be removed. Al Champion inquired why the structure was not designed to be set further back. Brandon Callahan stated that the side yard would get narrower. Mike Brille inquired usage. Brandon Callahan stated the applicant wants to use it for tenants. Applicant, Ed Walton, believes replacing the old construction and moving further back would be an improvement. He has owned the property since 1985. Questions arose regarding Faith Tabernacle Church. Mr. Walton stated the church was there when he purchased the property in 1985. The house pre-dates the church. The house has been there since the 1920s and was a summer home in the 1920s. Joanne Redding asked if anyone was present for or against the application. Thomas Jordan came forward. Mr. Jordan owns Bensalem Lawn Equipment. He has had windows taken out by snow mobiles, and flooding. He believes the new construction will be a major improvement
 - h. Motion to Close
 - i. Motion by Mike Brille
 - ii. Second by Al Champion
 - iii. Motion to Close approved 4/4 ayes
 - i. Motion to Approve
 - i. Motion by Mike Brille
 - ii. Second by Harry Kramer
 - iii. Motion to approve 4/4 ayes
- 8. Olga Gotsak
 - a. Appeal Number: 2020-3739
 - b. Location: 4223 Bristol Road
 - c. Tax Parcel: 02-017-137
 - d. Request: Variance for front yard setback to construct porch
 - e. Exhibits

- i. A1-Application
 - ii. A2-Certificate of Service
 - iii. B1-Letter to Applicant
 - iv. B2-Publication in the Bucks County Courier
 - v. B3-Posting on Property of Notice
 - f. Summary
 - i. Had a front porch constructed and failed final inspection because it was constructed too big. Variance needed for the 10 feet. Cannot sell without approval of variance. Construction was completed by Bristol Road Construction. No one present in audience for or against the application.
 - g. Motion to Close
 - i. Motion by Al Champion
 - ii. Second to Motion by Harry Kramer
 - iii. 4/4 Ayes
 - h. Motion to Approve
 - i. Motion by AL Champion
 - ii. Second to Motion by Harry Kramer
 - iii. 4/4 Ayes
- 9. Nicole Hartman and Hector Austin
 - a. Appeal Number: 2020-3741
 - b. Location: 5701 Maryann Court
 - c. Tax Parcel: 02-052-189
 - d. Request: Variance to have pool less than 10 feet from property
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to Applicant
 - iv. B2-Publication in Bucks County Courier
 - v. B3-Posting on property of notice
 - f. Summary
 - i. Contractor was hired three (3) years ago to install the permits were told to applicant were included in the price of installation. Mr. Austin went to township building to request a permit to build an attached shed. A few days later received notification of being in violation for having the pool with no permits on file. Pool is already up and family has been using the pool for the past three (3) years. Requesting the relief needed in order to be compliant. No one in audience for or against the pool.
 - g. Motion to Close
 - i. Motion by Harry Kramer
 - ii. Second to Motion by Al Champion
 - iii. 4/4 Ayes
 - h. Motion to Approve
 - i. Motion by Harry Kramer
 - ii. Second to Motion by Mike Brille
 - iii. 4/4 Ayes
- 10. Richard Schmitt
 - a. Appeal Number: 2020-3747
 - b. Location: 6416 Lewisville Avenue

- c. Tax Parcel: 02-056-136-002
 - d. Request: Variance for shed to exceed 25% of the principal structure
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificate of Service
 - iii. B1-Letter to Application
 - iv. B2-Publication in the Bucks County Courier Times
 - v. B3-Posting on property of notice
 - f. Summary
 - i. 1800 square foot home and wants to build a 900 square foot shed to be used for storage and a place to fix all his lawn mowers. There is a paper street to the rear that is completely closed off. According to Ken Farrell technically there is a front yard issue. Tom Panzer stated that there is no need for a front yard variance based on the paper road no longer being used as an access way. Al Champion expressed concern over the walls of the structure being 13 feet high and the structure being used as another living area later down the road. Joanne Redding agreed that the height of the structure is the issue. Tom Panzer inquired if the applicant is willing to consider anything smaller. Mr. Schmitt inquired what size shed will the Board grant. He is having someone construct the shed. He is just trying to obtain all the permits he will need. Board recommended Mr. Schmitt reconfigure structure size and request a continuance because as it stands now the application would be denied. Mr. Schmitt took Board's recommendation and requested a continuance.
 - g. Motion for Continuance
 - i. Motion by Harry Kramer
 - ii. Second to Motion by Al Champion
 - iii. 4/4 Ayes
 - h. Hearing continued to January 7, 2021
11. James Metts
- a. Appeal Number: 2020-3749
 - b. Location: 3136 State Road
 - c. Tax Parcel: 02-068-016
 - d. Request: Variance to Construct garage
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificate of Service (2 out of 5)
 - iii. B1-Letter to Applicant
 - iv. B2-Publication in Bucks County Courier Times
 - v. B3- Posting on Property of Notice
 - f. Summary
 - i. Mr. Metts sent notices out only to the two (2) adjacent property owners and not all five (5) neighbors listed on the attachments sent with the letter to the applicant. Tom Panzler stated to Mr. Metts that the packet needs to be sent to all five (5) properties on the list because notice needs to be given.
 - g. Motion to Continue
 - i. Motion to Continue by Harry Karamer
 - ii. Second to Motion by Al Champion
 - iii. 4/4 Ayes

- h. Hearing Continued to January 7, 2021
- 12. Samantha Evans and Andrew Molochnick
 - a. Appeal Number: 2020-3851
 - b. Location: 1644 Brentwood Road
 - c. Tax Parcel: 02-071-201
 - d. Request: Variance for pool to be six (6) feet from property line
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificate of Service
 - iii. B1-Letter to Applicant
 - iv. B2-Publication of notice in the Buck County Courier Times
 - v. B3-Posting of Notice on property
 - f. In Attendance
 - i. Samantha Evans
 - ii. Stephen Fahs—Contract with Country Club Pools
 - g. Summary
 - i. Request to move pool for safety concerns. Wants to be able to see the children from the kitchen. The pool edge is six (6) feet from one property line and eight (8) feet from another property line. Harry Kramer inquired if there is any way to move closer to the patio. Al Champion stated that the pool must be ten (10) feet from the house. Joanne Redding asked if there is anyone for or against the application and if anyone on the Board had any other questions
 - h. Motion to Close
 - i. Motion to close by Al Champion
 - ii. Second to Motion by Harry Kramer
 - iii. 4/4 Ayes
 - i. Motion to Approve
 - i. Motion to Approve by Al Champion
 - ii. Second to Motion by Harry Kramer
 - iii. 4/4 Ayes
- 13. Mark A Brady
 - a. Appeal Number: 2020-3880
 - b. Location: 4542 Winding Brook Drive
 - c. Tax Parcel: 02-093-246
 - d. Request: Variance for pool to be three (3) feet from rear of property line
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to Application
 - iv. B2-Publication on Notice in the Bucks County Courier Times
 - v. B3-Posting of Notice on Property
 - f. Summary
 - i. Applicant is an avid traveler who has been “grounded” due to Covid. He would like to install an inground pool since he is unable to travel due to the virus. He shares two (2) property lines with the township. He owns the only single home on his street; the other properties are duplexes. No one was present in the audience for or against the application.
 - g. Motion to Close

- i. Motion to Close by Mike Brille
 - ii. Second to Motion by Harry Kramer
 - iii. 4/4 Ayes
 - h. Motion to Approve
 - i. Motion to Approve by Mike Brille
 - ii. Second to Motion by Harry Kramer
 - iii. 4/4 Ayes
- 14. Steven Blaszczyk
 - a. Appeal Number: 2020-3930
 - b. Location: 3506 East End Avenue
 - c. Tax Parcel: 02-004-129
 - d. Request: Variance to allow shed to be located in front yard right-of-way
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificate of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Publication of Notice in the Bucks County Courier Times
 - v. B3- Posting of Notice on Property
 - f. Summary
 - i. Four (4) years ago, Mr. Blaszczyk was guided through the permit process. HE received a notice he was in violation. He inquired about the violation. Took care of the violation. Went to place the home up for sale and found out the permit was still open and he was still considered in violations. He has a shed that was constructed taking up one (1) parking space located on gravel. Wants to clear up the open permit and place property for sale. No one in audience for or against.
 - g. Motion to Close
 - i. Motion to Close by Harry Kramer
 - ii. Second to Motion by Al Champion
 - iii. 4/4 Ayes
 - h. Motion to Approve
 - i. Motion to Approve by Harry Kramer
 - ii. Second to motion by Al Champion
- 15. K McSquared LP
 - a. Appeal Number: 2020-2178-2
 - b. Location: 1156 Buttonwood Avenue
 - c. Tax Parcel: 02-025-020
 - 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-Publication of Notice in the Bucks County Courier Times
 - v. B3-Posting of Notice on the property
 - f. In Attendance
 - i. Pat McLaughlin
 - ii. Kimberly McLaughlin
 - g. Summary

- i. Built a deck and stairs are built off to the left side of the home. Approved throughout all phase but failed final inspection. Seeking Relief. No one in audience for or against the application
 - h. Motion to Close
 - i. Motion to Close by Al Champion
 - ii. Second to motion by Mike Brille
 - iii. 4/4 Ayes
 - i. Motion to Approve
 - i. Motion to Approve by Al Champion
 - ii. Second to Motion by Mike Brille
 - iii. 4/4 Ayes
16. Michelle Miller
- a. Appeal Number: 2020-3942
 - b. Location: 1 Declaration Drive
 - c. Tax Parcel: 02-046-028-001 and 02-090-180-001
 - d. Request: Variance to use property as a veterinarian facility/clinic; animal rescue, grooming and dog park; accessory storage; non-profit thrift store; café and community center and four (4) residential units.
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to Applicant
 - iv. B2-Publication of Notice in the Bucks County Courier Times
 - v. B3-Posting of Notice on Property
 - f. In Attendance
 - i. Shawn Ward—Attorney for Applicant
 - ii. Michelle Miller—Applicant
 - g. Summary
 - i. Property is presently being run as an animal rescue. The property was formerly known as Cherokee Day Camp. The Café will only serve coffee for the dog walkers and individuals visiting the vet and/or groomer. Summary presented by Mr. Ward was adopted by applicant, Ms. Miller. She believes something is needed in the community. She currently runs a clinic in Newtown and another in Bensalem. Operates a vet clinic and rescue presently. Primarily the property operates as a cat rescue. The dog park would be open to the public for a minimal fee. Walkers would be issued a card. Maintenance and upkeep would be paid for through the sales of coffee from the café. Property was extremely dilapidated when property was purchased. Currently, the rescue works with Penn students in the veterinary program. The residential units would be to house externs/interns and the caretaker. Having a caretaker has helped to keep the “partying” down. No one in the audience is opposed. Mike Brill asked how many acres will be utilized excluding the wooded area. Ms. Miller stated one (1) to two (2) acres. No new construction. She will be rehabbing the structures presently on the property. Mr. Ward stated that Ms. Miller is willing to withdraw the wooded area. Joanne Redding questioned about no additional buildings being constructed. Ms. Miller stated no other buildings will be constructed and that some buildings will be demolished. One pool has been completely buried and the other pool does function. Ms. Miller stated the

township actually patched the driveway and cleaned up a lot. Ken Farrell inquired whether or not there was any thought of turning the coffee café into a Dunkin Donuts or Starbucks because if so then that means different permits such as parking and the requirement would be different. Ms. Miller stated she has no intention of turning the coffee café into a Starbucks or Dunkin Donuts. The café is just a way to offset cost of the maintenance and upkeep of the dog park. Joanne Redding stated her concern was that down the road the café being converted into a Dunkin Donuts or Starbucks if Ms. Miller was to sell the property. Does not want this to turn into something commercial. Tom Panzer stated that there is no guarantee that a subsequent non-profit comes in and sublets to a commercial business. No land development review. Ms. Miller does not reinvent the wheel. She just wants to utilize what is already there and usable. She is only fixing present structures. Al Champion wondering if more planning will happen because right now this in the concept stage and may need more permits and zoning. Joanne Redding stated she would like to see more concrete plans to review in order to decide. Tom Panzer reinstated that the Board wants more concrete plans. Al Champion stated that Ms. Miller need to figure out where/how she wants to display her plans. Tom Panzer questioned applicant if they are willing to continue the hearing for one month and come back with a written narrative for each use such as the café.

- h. Motion to Continue
 - i. Motion to Continue by Al Champion
 - ii. Second to Motion by Mike Brille
 - iii. 4/4 Ayes
- i. Anyone for or Against application in audience
 - i. 6/6 in favor of application
- j. Motion to Close
 - i. 4/4 ayes

17. Correspondences—NO

18. Adjournment

- a. Motion to adjourn by Harry Kramer
- b. Second to Motion by Mike Brille
- c. 4/4 Ayes
- d.