

Zoning Board Monthly Minutes

February 2, 2023

In attendance: Joanne Fields, Joanne Redding, George Seymour, Al Champion, Tom Panzer, and Kenneth Farrall. Board Member Harry Kramer was absent from this month's hearing.

1. Open with the Pledge of Allegiance
 - a. Led by Joanne Redding
2. Statement of Rules and Procedures
 - a. Issued by Tom Panzer, Solicitor for the Board
3. Approval of Last Month's Minutes—January 5, 2023
 - a. Motion to Approve last month's Minutes with additional information to be added to Paragraph 7H and 7Hiii
 - i. Motion to Approve
 1. George Seymour
 - ii. Second Motion to Approve
 1. Al Champion
 - b. Vote to Approve last month's Minutes with additional information to be added to Paragraph 7H and 7Hiii
 - i. 4/4 Ayes
4. Continued Hearing for 1900 Street Road, for Premier Media, LLC
 - a. Appeal Number: 2022-0399
 - b. Location: 1900 Street Road
 - c. Tax Parcel: 02-043-018
 - d. Request: Appeal the decision of the Zoning Officer denying an electronic graphic sign on the property
 - e. Attorney: Julie Von Spreckelsen, Esquire., Eastern and Gray PC
 - f. Exhibits:
 - i. A1-A9 Applicant's Exhibit Packet
 1. A1-Deed
 2. A2-Lease Agreement between Mr. Basil Tsolakis and Premier Media, LLC dated July 31, 2021
 3. A3-Letter to Basil Tsolakis from Lauren A. Gallagher, Esquire dated May 25, 2016
 4. A4-Submittal email and receipt from Bensalem Township Building and Planning dated January 21, 2022
 5. A5-Monument Display Overlay Ordinance and Codified version of the Monument Display Overlay Ordinance
 6. A6-Bensalem Township Zoning Ordinance, Article XIV-Signs
 7. A7-Bensalem Township Zoning Ordinance, Article I-General Provisions, Section 232-6. Definitions
 8. A8-Sign Permit Application with Site Plan consisting of two (2) pages, Structure Print Traffic Study, Digital Manufacture's spec sheet, Light Study, Landscaping Plan, Structure Renderings and Proposed Building

Materials; Building Permit Application; and Contractor's License
Application submitted to the Township on January 21, 2022

9. A9-Administrative Officer's Application Denial dated April 12, 2022
consisting of five (5) pages
 - ii. A10-Application with Attachments
 - iii. A11-Certificates of Service
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3-Proof of Posting on the Premise.
- g. Summary
 - i. The property is Getzow Plaza, located adjacent to McDonald's. Stores located within the Plaza are Getzow Jewelers and Mattress Firm. Applicant requested to place a 10 foot by 30 foot monument display on the property. A permit Application was submitted in January, 2022. Applicant received a denial letter on April 12, 2022 stating a need for special exception and the size of the display is too large. Applicant is requesting the Zoning Board grant the appeal and withdrawal the denial. Lois Archiszewski for Adams Outdoor Advertising was sworn in. Ms. Archiszewski stated she became a consultant for Premier Media in May, 2018 as a site analysis. She explained the difference between on and off premise signage. A history of Premier Media was given. Ms. Archiszewski stated she reviewed the signage steps with regulatory ordinances and concluded that the property was in compliance with the Monument Display Ordinance. Once the conclusion was made the application was submitted with copies of the leases from the property owner. The proposed sign consists of two (2) off-site digital signs and two (2) on-site static signs for the business located on premises. The application was uploaded onto the township website in January, 2022. Township Engineer, Quintin Nearon signed the written denial letter in April, 2022 and the property was still under review by the various township departments. She found the delayed response time was unusual. One again, she reviewed the ordinances and expressed in her opinion the application met all the requirements. Tom Panzer argued the point of a definition of a digital billboard. Ms. Archiszewski argued that it did not based on her interpretation of the ordinances and filed a conditional use application. Al Champion asked if she was basing her opinion on the definition of a billboard or just her understanding of the definition of a billboard. Al Champion stated the difference he is seeing based on the application presented and the definition, which he recited, was the mounting. Al Champion also commented that he believes that this sign is a billboard that applicant made fancy to state it is a monument by picking different pieces of different ordinances to make the sign fit. Ms. Archiszewski stated that it is all up to interpretation. Joanne Redding, reminded Ms. Archiszewski, that it is up to the Board to interpret the ordinances and that this display is a billboard. Al Champion mentioned that in order to have a monument sign display that one must have a monument sign to attach to a monument and he also stated the Applicant did not have that. No further

questions or comments from the Board. No one in the audience came forward in favor or opposition of the applicant's request. Exhibits were received, marked and moved into evidence.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Seconds Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - i. Motion to Deny the request for an electronic graphic sign on the property and confirm the decision of the Zoning Officer.
 - i. Motion to Deny and Confirm
 - 1. Al Champion
 - ii. Second Motion to Deny and Confirm
 - 1. George Seymour
 - iii. Vote to Deny the request for an electronic graphic sign on the property and confirm the decision of the Zoning Officer
 - 1. 4/4 Ayes
5. Hearing for Chris Geberth
- a. Appeal Number: 2023-0150
 - b. Location: 4585 Grandview Avenue
 - c. Tax Parcel: 02-018-174
 - d. Request: Variance for detached garage to be greater than 25% of the principal dwelling.
 - 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 the Premise
 - f. Summary
 - i. Applicant, Christopher Geberth, sworn in. Mr. Geberth stated that he and his father applied for a permit to build a three (3) to four (4) car detached garage. Permit was denied. Applicant needs a variance for size. The original garage plan was forty (40) feet by sixty (60) feet. Mr. Geberth decreased the size of the garage to 25 feet by forty (40) feet. The lot size is big and has a small house. The house is only 1170 square feet and the proposed garage size will be 1000 square feet. Joanne Redding asked Mr. Geberth how they plan to get to the garage. Mr. Geberth stated he planned on driving across the grass as he does presently to get to his shed. Joanne Redding inquired about utilities being installed within the garage. Mr. Geberth responded that he does not plan on having water in the garage but will add electricity at some point later down the road. Joanne Fields inquired whether the garage will be used for business purposes. Mr. Geberth responded no to that inquiry. Mr. Geberth stated that

he only plans on storing his motorcycle, a jacked-up truck and his father's Thunderbird in the over-sized garage. Joanne Redding stated more information is needed. Mr. Geberth added that the shed will be demolished. It was stated the proposed garage is 153% of the size of the primary structure. George Seymour asked if the garage is a pole barn. Mr. Geberth answered yes. After taking advice from the Board, Mr. Geberth requested a continuance to March 2, 2023 in order to get updated blueprints.

- g. Motion to Continue Hearing to March 2, 2023
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue Hearing to March 2, 2023
 - 1. 4/4 Ayes
- 6. Hearing for Paul Linda—Agent for Chase
 - a. Appeal Number: 2023-0221
 - b. Location: 1729 Street Road
 - c. Tax Parcel: 02-043-305
 - d. Request: Variance for wall sign to be placed on the building not facing a public street.
 - e. Attorney: Bryce H. McGuigan, Esquire, Begley, Carlin & Mandio, LLP
 - 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 Premise
 - g. Summary
 - i. Mr. McGuigan stated a single variance is needed for Chase Bank Signage. The sign is a wall mounted exterior sign and is 12.7 square feet. The sign will be above the side door which faces the Philadelphia Pretzel Factory. Mr. McGuigan listed all the stores in the surrounding area that were granted similar relief. Dan Johnson, representative for PA signs, was sworn in. Mr. Johnson has worked in the field for 35 years. The lettering on the sign is 14 inches and will not be flashing. The sign is not considered a monument. Mr. Johnson adopted Mr. McGuigan's summary as testimony. No questions or comments from the Board. No one from the audience came forward in favor or opposition of the request.
 - h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Joanne Fields
 - ii. Second Motion to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes

- i. Motion to Approve variance request for a wall sign to be placed on the building not facing a public street
 - i. Motion to Approve
 - 1. Joanne Fields
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance request for a wall sign to be placed on the building not facing a public street
 - 1. 4/4 Ayes
- 7. Hearing for Delaware Valley Residential Care
 - a. Appeal Number: 2023-0229
 - b. Location: 875 Mill Road
 - c. Tax Parcel: 02-023-042
 - d. Request: Special exception for medical/health center. A variance woodland disturbance and cemetery plots within the setback
 - e. Attorney: Michael J. Meginniss, Esquire—Begley, Carlin & Mandio, LLC
 - f. Summary
 - i. Applicant is requesting a continuance to March 2, 2023
 - g. Motion to Continue Hearing to March 2, 2023
 - i. Motion to Continue
 - 1. George Seymour
 - ii. Second Motion to Continue
 - 1. Al Champion
 - iii. Vote to Continue Hearing to March 2, 2023
 - 1. 4/4 Ayes
- 8. Correspondences
 - a. 3 appeals
 - i. Mt. Corporation
 - 1. Brief submitted. Opponent wants to make a practical argument
 - ii. B & A Truck
 - 1. Rule 27 conference. Brief due March 23, 2023. Tom Panzer to complete Brief as decided by the Board
 - iii. 815 Highland Ave
 - 1. Brief due in April to Judge Gilman. Tom Panzer to complete Brief. Limitations regarding Class U Trucks.
- 9. Adjournment
 - a. Motion to Adjourn
 - i. Al Champion
 - b. Second Motion to Adjourn
 - i. George Seymour
 - c. Vote to Adjourn
 - i. 4/4 Ayes