

Zoning Hearing Board Monthly Meeting Minutes—March 3, 2022

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

1. Open Meeting with the Pledge of Allegiance
 - a. Led by Joanne Redding
2. Statement of Rules and Procedures
 - a. Given by Tom Panzer, Esquire
3. Approval of Last Month's Minutes—February 3, 2022
 - a. Motion to Approve Last Month's Minutes—February 3, 2022
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. George Seymour
 - iii. Vote to Approve Last's Month's Minutes—February 3, 2022
 1. 5/5 Ayes
4. 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: Variance for footprint, setbacks, building area and impervious surface coverage to build detached garage.
 - e. Exhibits
 - i. B6-photographs
 - f. Summary
 - i. Daniel Halpin was sworn in. Mr. Halpin stated that the size and scope of the detached garage was reduced. Garage to be placed at the same site as previous garage request. Mr. Halpin submitted a picture of the new sized garage. The size is reduced to 24 feet by 24 feet. Setback is needed due to the curve of the street. No other variance is needed. The 25 percent rule calculation was not done by the applicant. Tom Panzer and Board members attempted the calculations. Mr. Panzer and the Board recommended that Mr. Halpin request another continuance in order to construct and submit a new plan with the proper calculations.
 - g. Motion to Continue Hearing to April 7, 2022
 - i. Motion to Continue
 1. Harry Kramer
 - ii. Second Motion to Continue
 1. George Seymour
 - iii. Vote to Continue Hearing to April 7, 2022
 1. 5/5 Ayes
5. Continued Hearing for Hashaam Shahid
 - a. Appeal Number: 2021-4778
 - b. Location: 2074 New York Avenue

- c. Tax Parcel: 02-060-040
 - d. Request: Variance for lot width, lot area, front and side yard setbacks to construct a single-family 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 Property
 - f. Summary
 - i. Mr. Shahid wants to build a single home for his mother. He sold the property located at 2054. The parcel was always subdivided. He was never informed of the property being non-conforming. Originally purchased by Applicant in 2016 and was told the lots were two (2) separate parcels. Presently, the lot has no structure. Tom Panzer asked if the property was one (1) structure at any time. Property in question never had a structure. Applicant was told that the parcels were separate. He would like to move the house up to look aesthetically nicer and more in-line with the houses on the street. No further questions or comments from the Board. Floor opened up for comments from members of the audience. Mr. Jim Olewnick came forward in opposition to the request. He came on behalf of his daughter. He is worried about an increase of water issues. Presently, the water issue is finally under control. Mr. Olkewnick asked where the water drain will be placed. Tom Panzer and Ken Farrell stated the plans have to be submitted and permits need to be issued first. No further comments or questions from the Board or audience.
 - g. 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
 - h. Motion to Deny request for variance for lot width, lot area, front and side yard setback to construct single-family dwelling.
 - i. Motion to Deny
 - 1. Al Champion
 - ii. Second Motion to Deny
 - 1. George Seymour
 - iii. Vote to Deny request for variance or lot width, lot area, front and side yard setback to construct single-family dwelling.
 - 1. 5/5 Ayes
6. Extension Request for Faith Unity Inc.
- a. Appeal Number: 2015-441
 - b. Location: Richlieu Road

- c. Tax Parcel: 02-001-055-002
 - d. Request: Extension of prior approved variance to permit disturbance of woodlands
 - e. Attorney: Stanton C. Kelton III, Esquire
 - f. Summary
 - i. Applicant would like to build a Masque. An extension is needed on for variances previously granted by the Board. The Board has seen the packet and has seen the progress. Al Champion inquired as to the reasoning for an extension if permits were previously pulled. Ken Farrell stated construction has begun. Attorney withdrew application for the extension because construction has begun after the filing of the application for extension. Zoning Board confirmed.
7. Hearing for Jan Smarowski
- a. Appeal Number: 2022-0273
 - b. Location: 2888 Century Lane
 - c. Tax Parcel: 02-024-001
 - d. Request: variance for sheds, paving and chicken coops to be placed within the floodway and 100-year-old floodplain
 - 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
 - vi. B4-B6-Pulled from the Property File
 - 1. B4-2012 Zoning Board Application and Decision
 - 2. B5-2 Extensions
 - a. 2016 Application and Relief
 - b. 2017 Application and Relief
 - 3. B6-Plans
 - a. 2012 Features Plan
 - b. 2012 Proposed Improvement Plan
 - c. 2021 As Bill Plan
 - f. Summary
 - i. Applicant is seeking variances to build in the floodway. Joanne Redding
8. Hearing for Justino Vardgas
- a. Appeal Number: 2022-0319
 - b. Location: 1080 Totem Road a/d/a Neshaminy Street
 - c. Tax Parcel: 02-076-090-001
 - d. Request: Variance to build single-family dwelling without the required street frontage
 - e. Attorney: Shawn Ward, Esquire
 - f. Exhibits
 - i. A1-A12 exhibit packet
 - 1. Zoning Site Plan
 - 2. 9/20/21 Rejection Letter
 - 3. Bucks County Parcel Map

4. Bucks Parcel Viewer Aerial 1
 5. Google Earth Aerial
 6. Bucks Parcel Viewer Aerial 2
 7. 12/20/2018 Deed
 8. 3/15/2013 Declaration of Easement
 9. Petition of Support
 10. Ten (10) photographs
 11. Certificates of Service
 12. Memorandum of Relief
- 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
 - v. B4-Application with Attachments
- g. Summary
- i. Shawn Ward, Esquire provided a memo that he will go through and have the applicant adopt the memo review as testimony. Justino Vardgas-Ortiz was sworn in. Two (2) parcels were purchased in December 2018. A single-family home was constructed on the front parcel. Applicant would like to construct a single-family home for his son on the rear parcel. The front lot is 1,080 square feet. The rear parcel is 1,070 square feet. Joanne Redding stated her concern that the construction would cause a flag lot. Mr. Ward stated he had a petition signed by the neighbors and just needs a small variance. Access would be from Totem Road would be preferred. Applicant adopted the summary as his testimony. Al Champion gave a history regarding properties purchased near 195. There is a concern that someone in the future will attempt to construct another building on the property. Joanne Redding stated the property is landlocked. Al Champion stated he has a similar issue with his own home and it is considered one (1) property. No further questions or comments from the Board. No one from the audience came forward in favor or opposition to the 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
- i. Motion to Deny variance request to build single-family dwelling without the required street frontage
- i. Motion to Deny
 1. Al Champion
 - ii. Second Motion to Deny
 1. George Seymour
 - iii. Vote to Deny variance request to build single-family dwelling without the required street frontage

1. 5/5 Ayes

9. Hearing for Kevin Holzshu

- a. Appeal Number: 2022-0361
- b. Location: 1063 Bolton Court
- c. Tax Parcel: 02-072-225
- d. Request: Variance for poop to be less than 10 ft from property line and rear and side yard setback for deck
- e. Attorney: Kenneth Federman, Esquire
- f. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Email string between Ken Farrell and Attorney Kenneth Federman
 - 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
- g. Summary
 - i. Mike Hanley representing on behalf of the applicant (attorney change after publication of the agenda). Applicant received paperwork and assumed the permit had been granted. Applicant installed a pool and constructed a deck. Neighbors called inquiring about the permit status. No permit was issued. Found out permit was denied. Survey was done and report showed the structure was constructed on open ground. The township agreed to grant the permit with conditions. The condition would be stated as such, "The Township can take back property at any time." No further questions or comments from the Board. No one in the audience for or against the variance 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
- i. Motion to Approve variance request for pool to be less than 10 ft from property line and rear and side yard setback for deck with signing of license at Applicant's expense.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance request for poop to be less than 10 ft from property line and rear and side yard setback for deck with signing of license at Applicant's expense
 - 1. 5/5 Ayes

10. Hearing for Justin Ginion

- a. Appeal Number: 2022-0507

- b. Location: 2604 Bowman Avenue
 - c. Tax Parcel: 02-062-314
 - d. Request: Variance for pole barn to exceed 25% of the principal structure
 - 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 property
 - f. Summary
 - i. Applicant was sworn in. He wishes to put a pole barn in his yard. Neighborhood has sheds bigger than what he is asking for (20x24). There is a shed there now but will be removed. The pole barn will only be one (1) story. Approximately 13 feet 10 inches high. Just wants it for storage and do some tinkering. Harry Kramer asked for information regarding the floor of the pole barn. Applicant stated that the floor will be made of stone. No further questions or comments from the Board. No one in the audience came forward for or against the request.
 - g. 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
 - h. Motion to Approve variance request for pole barn to exceed 25% of the principal structure.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve variance request for pole barn to exceed 25% of the principal structure
 - 1. 5/5 Ayes
11. Hearing for Triple Net Investments LXVII LLC, et al.
- a. Appeal Number: 2022-0510
 - b. Location: 4636 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 (2) and build an industrial building on one of the lots.
 - e. Attorney: Edward F. Murphy, Esquire
 - f. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Services

- iii. A3- Aerial Map of the property in its existing condition
 - iv. A4-Colored Prints
 - v. B1-Letter to the Applicant
 - vi. B2-Proof of Posting on the Property
 - vii. B3-Proof of Publication in the Bucks County Courier Times
- g. Summary
- i. JG Petrucci (subsidiary of Triple Net) is the legal owner of the property which is 335 square feet. He entered into an agreement of sale for 18 $\frac{3}{4}$ acres or the front building with Weber Display and Packaging. Weber Display and Packaging is presently located on Richmond Street in the Port Richmond section of Philadelphia. Weber Display and Packaging is a growing company and has been around for three (3) generations. Weber intends to purchase the front lot and build a manufacturing plant on the property. The building in the back will be leased back from Mr. Petrucci by Suez Water Technologies and Solutions. Suez Water Technologies and Solution has maintained the property for the last 13-14 years and chose to relocate their employees. Weber Packaging and Display will own the front lot. Weber Packaging and Display will be running two (2) plants for a time. Requesting only what the ordinance will allow. The issue triggering the variance request is the fact that the property was subdivided and only owns a portion. Jim Doherty is the president and CEO of Weber Packaging and Display. The company was founded in 1893 and has been family owned. The factory was built in 1925. They have 175 employees and three (3) unions and expect a 5%-15% growth increase. Customers include Dietz and Watson and Tastycake. Justin Geonnotti was sworn in. He is the engineer on the project. There are approximately 890 parking spaces and only 70 spaces used. Mr. Geonnotti explains each picture of Exhibit A3 in detail. Some non-conformities presently in the property as it is. If lot was not subdivided the building would be allowed; however due to the subdivisions, the variances are required. Lot A is the lot owned by Weber Display and Packaging. Principle building area is 45.7% lot area to the 25% permitted. Impervious Coverage is 80.9% vs 60% permitted. The inverse of impervious is 65% and 35% of green space. Due to subdivision, a flag lot was created. 95% buffer yard required between industrial and residential land. Parking and trucking concerns were addressed. Al Champion expressed concern for the amount of trucking. Weber Packaging and Display owns and operates their trucks. They are in control of the environment. Al Champion inquired about outside equipment. The only outdoor equipment is a silo for starch. All other silos will be located indoors, and each machine will be equipped with their own fan. No odors will be released into the air. Al Champion stated he has issues with the fact of two (2) separate parcels and two (2) separate owners with additions added. Attorney Murphy stated a request to Petrucci was Weber Packaging and Display will have the right of first refusal. Design Plans continued to be explained. Al Champion had questions regarding the construction of a retaining wall. The engineer stated that in order to make the ground level, a retaining wall needed to be added. Greg Igorson, one of the

owners of Triple Net was sworn in and stated that a spin-off of GE rents an office in the back of the property. Joanne Redding concerned with more truck traffic in the event of a change. Al Champion stated other people going through the property may be a problem with a future owner. Ken Farrell suggested setting restrictions. Al Champion suggested changing the subdivision line making the buffer a part of Weber Packaging and Display's property. Engineer stated the change would cause creation of another set of variances. George Seymour stated that he would think that Weber Packaging and Display would want that piece of land for themselves. Joanne Redding stated she is concerned as well over the subdivision. She stated that she loves the building and buffer design; however, she has concerns over the access for the building in the back. No further questions or comments from the Board. Audience members came forward. The first to come forward was Keith Joseph. He is a homeowner in the development next to the property in question. He stated that he would rather see a family owned and operated company than a global company purchasing the property. Brian Nizio is also in favor of the project. He is the president of the homeowner's association of the development next door. Zoning Board requested applicant change the flag lot to the opposite side. Attorney requested a continuance in order to work out a design with the applicant and engineer that incorporates the Board's request.

- h. Motion to Continue Hearing to April 7, 2022
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue Hearing to April 7, 2022
 - 1. 5/5 Ayes
- 12. Hearing for BCME Property Management LLC c/o Edward Rodgers
 - a. Appeal Number:2022-0513
 - b. Location: 4851 Street Road
 - c. Tax Parcel: 02-004-184-001
 - d. Request: Steep slope, parking and landscaping variances to convert single-family dwelling into office with parking.
 - e. Attorney: Debra A. Shulski, esquire/ Alyson Fritzges, esquire
 - f. Exhibits
 - i. A1-A12-Packet issued to the Zoning Board and Solicitor
 - 1. Includes Application with Attachments and Certificates of Service
 - 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
 - v. B4-History of Zoning Board decisions
 - 1. 2014 Decision
 - 2. 2020 Application and Decision
 - g. Summary

- i. Property is zoned for commercial use; however, a single-family home is located on the property. The property has been purchased by Edward Rodgers a real estate investor. Presently, there is no storm water management. The plans Mr. Rodgers' has is to add a brand-new storm water management system. Improvement plans have been submitted. The conditions of the property, upon purchase, was completely dilapidated. The windows were broken, landscaping was not maintained. Applicant went in and removed all the overgrowth and leveled the ground. Applicant would like to restore the structure that is there presently and add a second story which will add to the square footage. He runs an independent real estate brokerage company. The company is paperless and has the ability to work remotely. The main location needed is based on the present location has seven to eight (7-8) employees including himself. Properties to the right and left are owned by the same person, and he is excited to see someone coming in and taking care of the property. Exhibit A9 is a letter from the property owner stating his support of this project. The engineer was sworn in and accepted by the Board as an expert. His Curriculum Vitae is included in the Exhibit package. The building is 75 feet wide presently and should be 100 feet wide. The structure will be widened and repurposed. There are 11 total parking spaces with one (1) of the spaces in the front for handicap parking. The property is unique because it has two (2) front yards. There is an inlet located in the rear of the property which will be used as a direct connect from the storm water management system. There are several steep slopes on the property. In order to access the property from Street Road, some of the slopes need to be disturbed. The attorney and the engineer continued the explanation of the plans included in the applicant's exhibit packet. Al Champion inquired if any consideration to knocking down the existing structure, building a new structure that would reconfigure the parking issues. The Engineer stated that it was considered, and variances would still be needed. Al Champion inquired about signage. It was stated that signage would be complied with, according to the ordinances, pertaining to sight triangles. George Seymour asked if they were familiar with the previous decision made on the property. Attorney Fritzges stated they are. No further questions or comments from the Board. Audience members stepped forward. First to come forward is Melissa Gowell Bellucci stated she is very excited for the project; however, worried about flooding and accidents on Street Road. She also stated again that she is very excited because the property has been vacant for so long. Francesco Bellucci was next to come forward to explain the flooding situation in the area. He stated that the Township was replacing pipes to improve storm water management, but all work ceased. Looking for when it will restart. He stated that pipe project needs to be completed before this project starts so that they all do not lose their home to flooding issues. Ken Farrell stated the storm water management in the area; however, not sure when the next phase is set to begin. It was mentioned that the neighbors are in full support of this project.

George Seymour requested clarification that only one (1) business will be located on this property. Applicant stated yes.

- h. 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
 - i. Motion to Approve variance request for steep slope, parking and landscaping variances to convert a single-family dwelling into office with parking
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance request for steep slope, parking and landscaping variances to convert a single-family dwelling into office with parking
 - 1. 5/5 Ayes
13. 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 display sign.
 - e. Attorney: Michael J. Meginniss, Esquire
 - f. Summary:
 - i. Request to continue hearing until next month
 - g. Motion to Continue Hearing until the April Hearing Date
 - i. Motion to Continue
 - 1. George Seymour
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing until the April Hearing Date
 - 1. 5/5 Ayes
14. Hearing for Byberry Woods, LLC
- a. Appeal Number: 2022-0524
 - b. Location: 1282 Byberry Road
 - c. Tax Parcel: 02-033-108; 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 J. Meginniss, Esquire
 - f. Summary
 - i. Applicant requesting a continuance to next hearing date

- g. Motion to Continue Hearing to the April Hearing Date
 - i. Motion to Continue
 - 1. George Seymour
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing to the April Hearing Date
 - 1. 5/5 Ayes
- 15. Correspondence
 - a. No Correspondence
- 16. Adjournment
 - a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. Al Champion
 - c. Vote to Adjourn
 - i. 5/5 Ayes