

## Zoning Hearing Board January 6, 2022, Meeting

In attendance: Joanne Redding, Al Champion, Joanne Fields, George Seymour, Tom Panzer, and Ken Farrell.

Absent: Harry Kramer

1. Open Meeting with The Pledge of Allegiance
  - a. Led by Joanne Redding
2. Statement of Rules and Procedures
  - a. Issued by Tom Panzer
3. Approval of Last Month's Minutes—December 2, 2021
  - a. Motion to Approve
    - i. George Seymour
  - b. Second Motion to Approve
    - i. Al Champion
  - c. Vote to Approve last month's minutes
    - i. 3/4 Ayes
      1. Joanne Redding
      2. Al Champion
      3. George Seymour
    - ii. 1/4 Abstain
      1. Joanne Fields
4. Reorganization of the Board
  - a. Chairperson
    - i. Joanne Redding
      1. Motion to appoint Joanne Redding as Chairperson
        - a. George Seymour
      2. Second Motion to appoint Joanne Redding as Chairperson
        - a. Al Champion
      3. Vote to appoint Joanne Redding as Chairperson
        - a. 4/4 Ayes
    - b. Vice Chairperson
      - i. Al Champion
        1. Motion to appoint Al Champion as Vice Chairperson
          - a. Joanne Redding
        2. Second Motion to appoint Al Champion as Vice Chairperson
          - a. George Seymour
        3. Vote to appoint Al Champion as Vice Chairperson
          - a. 4/4 Ayes
    - c. Secretary
      - i. George Seymour
        1. Motion to appoint George Seymour as Secretary
          - a. Al Champion
        2. Second Motion to appoint George Seymour as Secretary
          - a. Joanne Redding

3. Vote to Appoint George Seymour as Secretary
        - a. 4/4 Ayes
  - d. Meeting Dates
    - i. 1/6/22, 2/3/22, 3/3/22, 4/7/22, 5/5/22, 6/2/22, 7/7/22, 8/4/22, 9/1/22, 10/6/22, 11/3/22, and 12/1/22
      1. Motion to Approve meeting dates
        - a. Al Champion
      2. Second Motion to Approve Meeting Dates
        - a. George Seymour
      3. Vote to Approve meeting dates
        - a. 4/4 Ayes
  - e. Solicitor
    - i. Tom Panzer
      1. Motion to appoint Tom Panzer as Solicitor
        - a. Al Champion
      2. Second Motion to appoint Tom Panzer as Solicitor
        - a. Joanne Redding
      3. Vote to appoint Tom Panzer as Solicitor
        - a. 4/4 Ayes
  - f. Court Reporter
    - i. Kim Bursner
      1. Motion to appoint Kim Bursner as Court Reporter
        - a. Al Champion
      2. Second Motion to Appoint Kim as Court Reporter
        - a. Joanne Redding
      3. Vote to appoint Kim as Court Reporter
        - a. 4/4 Ayes
  - g. Clerk and fees
    - i. Nicole Hartman
      1. Motion to appoint Nicole Hartman as Clerk and approval of fee
        - a. Joanne Redding
      2. Second to appoint Nicole Hartman as Clerk and approval of fee
        - a. Al Champion
      3. Vote to appoint Nicole Hartman as Clerk and approval of fee
        - a. 4/4 ayes
  - h. Official Publication
    - i. Bucks County Courier Times
      1. Motion to use The Bucks County Courier Times for official Publications
        - a. Al Champion
      2. Second Motion to use The Bucks County Courier Times for official Publications
        - a. George Seymour
      3. Vote to use The Bucks County Courier Times for official Publication
        - a. 4/4 Ayes

5. Extension Request for JOH Realty, Inc & J.W. McGrath Organization, LLC
  - a. Appeal Number: 2018-629
  - b. Location: NW Corner of Galloway and Richlieu Roads
  - c. Tax Parcel Number: 02-046-001
  - d. Request: Extension of use variance and dimensional variances
  - e. Attorney: John A, Van Luvanee, Esquire
  - f. Summary
    - i. Applicant was granted an extension last year. Attorney is requesting a continuance. Attorney stated he did not receive notice of the hearing.
  - g. Continue Hearing to February 3, 2022
    - i. Motion to Continue
      1. Al Champion
    - ii. Second Motion to Continue
      1. Joanne Fields
    - iii. Vote to continue hearing to February 3, 2022
      1. 4/4 Ayes
6. Continued Hearing for Ron Oskiera
  - a. Appeal Number: 2021-3798
  - b. Location: 1090 Wildman Avenue
  - c. Tax Parcel Number: 02-031-107-002
  - d. Request: Variance to have a multi-dwelling in a R-2 zoning district
  - e. Attorney: Shawn Ward, Esquire
  - f. Summary
    - i. Attorney requested a continuance to February 3, 2022, due to COVID reasons.
  - g. Motion to Continue Hearing to February 3, 2022
    - i. Motion to Continue
      1. Al Champion
    - ii. Second Motion to Continue
      1. George Seymour
    - iii. Vote to Continue Hearing to February 3, 2022
      1. 4/4 Ayes
7. Continued Hearing for Joseph J. Console Esquire
  - a. Appeal #: 2021-4336
  - b. Location: 472 Olney Avenue
  - c. Tax Parcels: 02-068-020, 02-068-021, 02-068-019, and 02-068-007
  - d. Request: Variance to use property as construction company yard shop garage, variances for buffer yards.
  - e. Exhibits:
    - i. A1-Application
    - ii. A2-Certificates of Service
    - iii. A3-ten (10) pictures of the property
    - iv. B1-Letter to the Applicant
    - v. B2-Proof of Publication
    - vi. B3-Proof of Posting

vii. B4-Request for Continuation

f. Summary

i. C. Amodei Construction was established in 1986. There are four (4) separate parcels owned by the company. The property was purchased in 1991. In 2014 Mr. Amodei and his siblings took over the operations of the company. The title was transferred in 2019 or 2020. They found out there was no Use and Occupancy certification on file. However, there was a denial for said certificate. Applicant is seeking relief for requested variances to continue the operations prior to the title transfer. There was no determination on file from 1991. Mr. Onesto Amodei was sworn in and affirmed the summary given by Attorney Console. Mr. Amodei gave the following testimony. In 1991, the company was going through the legal process to remove a squatter. Neighbors were happy to the company, with the stipulations to construct a fence and noise barrier, in exchange for the squatter. Mr. Amodei alleges neighbors came to the initial meeting and a determination letter was issued; however, Mr. Amodei could not locate the letter. Ken Farrell affirmed said property was purchased in 1991. Mr. Farrell also stated an application for a Use and Occupancy Certification was denied in 1992 for flood plain issues and vehicles used for construction in a district which construction is not permissible. In the 1960s commercial building use was allowed. The two (2) rental properties are good. Those properties have a Use and Occupancy Certificate. No noise complaints can be found. The flood plain issue has not been addressed. The four (4) structures are located on four (4) separate parcels. The garage sits on a mason-graded slab and the trailer is raised three (3) feet from the ground. Flooding is not usually an issue. The last storm (the 100-year flood) did however flood the garage and basement of rental because the sump pumps failed. Al Champion asked whether flood plain studies were done prior to the recent map update. According to Ken Farrell, no studies were done. Joanne Redding stated more information was needed before rendering a decision. Mr. Amodei stated new siding has been applied. Ken Farrell told the Board that he will put together documents from the file into a packet for them. Applicant requested a continuation to the April Hearing date in order to have enough time to gather all information the Board would need in order to render a decision.

g. Motion to Continue Hearing to April 7, 2022, in order to provide all information and documents requested by the Board.

i. Motion to Continue

1. Al Champion

ii. Second Motion to Continue

1. George Seymour

iii. Vote to Continue Hearing to April 7, 2022, in order to provide all information and documents requested by the Board

1. 4/4 Ayes

8. Hearing for Daniel Kain

a. Appeal Number: 2021-4777

- b. Location: 4575 Belmont Avenue
  - c. Tax Parcel: 02-018-131 and 02-018-132-001
  - d. Request: Variance for solid 6-foot fence in front yard
  - e. Exhibits
    - i. A1-Application
    - 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 Daniel Kain was sworn in. He is requesting a variance for a six (6) foot stockade fence from the front of his house and the side yard. The fence runs approximately 15-20 feet past the front of his house. His house sits up on a hill. There is a retaining wall. The fence has already been erected. He found out he needed the variance after he was found in violation. He then had surveys and inspections done. Issue is the height of the fence and it not being open. Ken Farrell stated there is no site issue and no driveway. No one is across from him. Audience member, Lisa Zampirri, came forward in favor of the fence. She stated it is safer for the children to have the fence. No further questions from the Board and no other audience members came forward.
  - 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. 4/4 Ayes
  - h. Motion to Approve request variance for solid 6-foot fence in front yard.
    - i. Motion to Approve
      - 1. Al Champion
    - ii. Second Motion to Approve
      - 1. George Seymour
    - iii. Vote to Approve request variance for 6-foot fence in front yard
      - 1. 4/4 Ayes
9. 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 setback to construct single family dwelling.
  - e. Summary
    - i. Joanne Redding called the hearing to the floor and no one stepped forward. Tom Panzer stated communication via email was sent to the applicant and received no response. Tom Panzer recommended the Board grant a courtesy

and continue the hearing to the following month. Al Champion was opposed to the idea of a continuance due to timeline issues and being burned before from a similar situation. Tom Panzer advised again to grant this one-time courtesy. Tom Panzer further advised, a written communication would be sent to the applicant via email questioning the reasoning for being a no show, asking whether applicant wishes to pursue the matter, and making applicant aware of the courtesy hearing continuation. Joanne Redding stated this can be granted one time only. If they do not show up to the next hearing, then applicant will have to reapply.

- f. Motion to Continue Hearing to February 3, 2022.
    - i. Motion to Continue
      - 1. George Seymour
    - ii. Second Motion to Continue
      - 1. Joanne Fields
    - iii. Vote to Continue Hearing to February 3, 2022
      - 1. 3/4 Ayes
        - a. Joanne Fields
        - b. Joanne Redding
        - c. George Seymour
      - 2. 1/4 Ayes
        - a. Al Champion
10. Hearing for Nicole Cortez
- a. Appeal Number: 2021-4780
  - b. 4327 Brownsville Road
  - c. Tax Parcel: 02-060-024
  - d. Request: Variance for 6-foot fence extending beyond front of building
  - 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 wishes to install fence and connect the fence to her neighbor's fence and across the front. There is 26 feet from the proposed fence to the street and six (6) feet from the corner (front) of the house. No questions or concerns from Board nor the audience.
  - g. Motion to Close Testimony
    - i. Motion to Close
      - 1. George Seymour
    - ii. Second Motion to Close
      - 1. Joanne Fields
    - iii. Vote to Close Testimony
      - 1. 4/4 Ayes

- h. Motion to Approve variance for a six-foot fence extending beyond front of building
          - i. Motion to Approve
            - 1. George Seymour
          - ii. Second Motion to Approve
            - 1. Al Champion
          - iii. Vote to Approve variance for a six-foot fence extending beyond front of building
            - 1. 4/4 Ayes
11. Hearing for Pavel Grigorenko
  - a. Appeal Number: 2021-4855
  - b. Location: 4365 Pine Street
  - c. Tax Parcel: 02-017-057
  - d. Request: Variance to allow perpendicular parking in front yard
  - e. Summary:
    - i. Tom Panzer requested the certificates of service from the applicant. Applicant did not send out letters, therefore did not have the certificates of service needed to proceed with the hearing. Tom Panzer advised the hearing be continued.
  - f. Motion to Continue Hearing to February 3, 2022
    - i. Motion to Continue
      - 1. Al Champion
    - ii. Second Motion to Continue
      - 1. Joanne Fields
    - iii. Vote to Continue Hearing to February 3, 2022
      - 1. 4/4 Ayes
12. Hearing for Sluggersville Baseball, LLC c/o Robert W. Pritchard, JD, CPA
  - a. Appeal Number: 2021-4923
  - b. Location: 901 Tennis Avenue
  - c. Tax Parcel: 02-029-301
  - d. Request: Use variance to permit an indoor baseball practice facility in an R-2 district.
  - e. Attorney: Michael Meginniss, Esquire
  - f. Exhibits:
    - i. A1-Application with attachments
    - ii. A2-Certificates of Service
    - iii. A3-Plan of property
    - 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
    - vii. B4-Previous Board determination and Land and Development's final approval
  - g. Summary
    - i. Mr. Brendan Callahan from Begley, Carlin and Mandio appeared as counsel for the applicants. Mr. Callahan requested to swear in both applicants, Mike Sperduto and Joe Gillespie. Mike Sperduto was granted a Use and Occupancy in December of 2018 to allow a warehouse and common storage area. Mr. Sperduto completed the subdivision for Land and Development. During the

process he met Mr. Joe Gillespie. After speaking with Mr. Gillespie, he thought that Mr. Gillespie's idea of a youth and police office baseball training facility would be a good fit for the property. Parking will be employee based. 24 parking spaces were approved in 2018. New spaces to be added. Parking is available around the perimeter of the building. Ken Farrell explained the parking/emergency area of the plan provided by the applicant as well as a summarized background of the property. Mr. Callahan stated, Mr. Gillespie can attest/explain the hours of operation and Mr. Sperduto can testify regarding other tenants. The back unit is a storage garage for an installation company. The training facility to the right will have a boys' and a girls' restroom. The left of the building will be staying the same. No outdoor activities. Everything will be held indoors. Mr. Gillespie is a police officer in Philadelphia and a baseball coach for Archbishop Ryan High School. Teams will come in and train, workout instruction, and offer camps and clinics. Ten O'clock would be the latest facility would stay open in the winter and would close earlier in the summer. Mr. Sperduto stated the fencing and landscaping is 90 percent complete. Joanne Redding stated that she loves the idea but not sure this location is the best fit for the area. No further questions or comments from the Board. Members of the Audience were asked if anyone was for or against the request. Lawrence Grace was sworn in. Mr. Grace lives across the street from the property. He stated he is confused because there have been ten (10) possible tenants and about the hours of operation. He looked online at the business model. He stated that according to Facebook the training facilities present location hosts merchandise events, birthday parties, and general events. Traffic is a major concern especially during rush hour. If the facility closes at ten (10) then they do not clear out by 10:30 P.M. because he gets up at five (5) A.M. Joanne Redding told Mr. Grace that the facility he is seeing online is much bigger than the facility at the location in question. George Seymour asked Mr. Grace if his concern is the congestion, noise, and safety. Joanne Redding stated that the training facility can cause traffic issues in an area that is already experiencing heavy traffic congestion. Originally granted variance for a warehouse because it is very low impact on traffic. Again, Joanne Redding stated she thinks it is a good idea, just not the best location. Kenneth O'Connell came forward in favor of the request. He has worked with the Bensalem Ramblers for 16 years. He stated he thinks this a great thing for the community because there is nothing like this for kids around. The Board stated the idea of the facility is not the issue. The Board agreed the idea of the facility in Bensalem is a good idea. The issue the Board members had was this not being location. No one else in the audience 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. 4/4 Ayes
    - i. Motion to Approve use variance to permit an indoor baseball practice facility in an R-2 district
      - i. Motion to Approve
        - 1. Al Champion
      - ii. Second Motion to Approve
        - 1. George Seymour
      - iii. Vote to Approve use variance to permit an indoor baseball practice facility in an R-2 district
        - 1. 1/4 Ayes
          - a. Al Champion
        - 2. 3/4 Nays
          - a. Joanne Fields
          - b. Joanne Redding
          - c. George Seymour
13. Hearing for Brilla, LLC c/o Anton Poteryahin
- a. Appeal Number: 2021-4947
  - b. Location: 4304 and 411 Bristol Road
  - c. Tax Parcel: 02-017-068-001 & 02-017-090-001
  - d. Request: Use variance, rear yard setbacks, lot area, yard area, parking and steep slope to construct auto repair shop and warehousing.
  - e. Attorney: Bryce H. McGuigan, Esquire
  - f. Exhibits
    - i. A1-Application
    - ii. A2-Certificates of Service
    - iii. A3-Applicant's Petition
    - 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-Prior Decision
  - g. Summary
    - i. Mr. McGuigan stated that they are back again, after hearing the concerns from the audience and Board members, decided to go back and address all the concerns. Mr. McGuigan stated the small building will be a private garage for the applicant only. The larger building was originally two (2) buildings with two (2) floors and two (2) tenants; the second attempt was one (1) building with two (2) tenants. Now will just be Mr. Poteryahin. Mr. Poteryahin owns Sprinter Supplier which is an auto supplier with a total of three (3) employees including the owner. The hours of operation are Monday through Friday nine (9) to five (5). The mechanical parts will be shipped by either the United States Postal Service (USPS), FedEx, and United Parcel Service (UPS). No 18-wheelers and no comings and goings. Joanne Redding stated the petition does not hold any water. Mr. McGuigan stated the 19 parking spaces is not an issue and can

accommodate other warehouses. Buffering has been added and shrunk the building size. There will be no coming and going and will not be open to the public. Applicant has agreed with the attorney summary and stated he just wants to be a part of the community. Need the same variances regardless of business. Vince Fiorvanti agreed to requests. Amend auto repair shop to auto vehicle storage, e-commerce, shelving, and shipping only. This building will be less space than where he already is. He wants to be in this building because he will own it. Audience members came forward. Barbara Stakes stated she was concerned with traffic and noise. Right now, not totally against it now that she better understands it. Elsie Poinor came forward and asked what would happen if a year from now they move, and an auto repair shop moves in. Joann Redding stated that would not happen and if it did then contact Ken Farrell. Taylor Roggio stated that trucks would be loading and unloading and the only spot to do so would be on Pine Street. Trucks block one (1) lane of Pine Street. Joanne Redding stated the Board can remedy that. Anthony Zampirri stated he is all for improving the community, but he is concerned with the water run-off and the dangerous intersections. Tom Panzer stated the concerns are for a different process. This is the first step. Pavel Radchenko facilitated petition against the auto repair shop. He refused to apply his signature on the applicant's petition. He is concerned about the number of trucks, auto repairing, rise in crime, truck deliveries, and trucks getting stuck under the railroad bridge. Joanne Redding stated something is going there; it could be a restaurant. George Seymour stated this development has very low impact on traffic. Lisa Zampirri stated she spoke with the applicant and does not see any bridge issue with UPS, FedEx or USPS trucks because they are under nine (9) feet. In her opinion, the applicant has a right to build a strip club, but he decided to build a warehouse. Barbara Stakes wanted to add that more warnings regarding the bridge. Joanne Redding and George Seymour stated that is a Penndot issue and asked Ken Farrell to reach out to request clear and bigger signage regarding tractor trailer height. George Seymour asked if the property will be used strictly for warehouse and distribution and about the parking situation. Ken Farrell stated the parking is being met and Building and Planning will work with the applicant regarding parking. Tom Panzer stated a formal amendment to be submitted for the record. Joanne Redding questioned the wording. Tom Panzer stated the amendment will need to have precise conditions stating no repairs and is consisted with plan designed by Mr. Fiorvani, conditions on use, delivery truck size, hours of operation being Monday through Friday from nine (9) to five (5), fencing, no door on Pine Street side. Applicant agreed to all the conditions. Requesting personal storage garage, warehouse and storage only.

- 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. 4/4 Ayes
  - i. Motion to Approve variance request for use, rear yard setbacks, lot area, yard area, parking and steep slope to construct auto repair shop and warehousing with conditions.
    - i. Motion to Approve
      - 1. Al Champion
    - ii. Second Motion to Approve
      - 1. George Seymour
    - iii. Vote to Approve variance request for use, rear yard setbacks, lot area, yard area parking and steep slope to construct auto repair shop and warehousing with conditions.
      - 1. 4/4 Ayes
- 14. Correspondence
  - a. None
- 15. Adjournment
  - a. Motion to Adjourn
    - i. Joanne Fields
  - b. Second Motion to Adjourn
    - i. Al Champion
  - c. Vote to Adjourn
    - i. 4/4 Ayes.