

## **Zoning Hearing Board Monthly Minutes**

**April 3, 2025**

In Attendance: Harry Kramer; Joanne Fields; Al Champion; Tony Cascerceri; Tom Panzer, Esquire; and Kenneth Farrall

1. Open meeting with the Pledge of Allegiance
  - a. Led by Al Champion
2. Statement of Rules and Procedures
  - a. Issued by Tom Panzer, Esquire
3. Approval of Last Month's Minutes-January 8, 2025 and February 6, 2025
  - i. Motion to Approve Minutes from January 8, 2025 and February 6, 2025
    1. Motion to Approve
      - a. Harry Kramer
    2. Second Motion to Approve
      - a. Tony Cascerceri
    3. Vote to Approve Minutes from January 8, 2025 and February 6, 2025
      - a. 3/4 Ayes
        - i. Harry Kramer
        - ii. Tony Cascerceri
        - iii. Al Champion
      - b. 1/4 Abstained
        - i. Joanne Fields
4. Continued Hearing for Mark Trachtenberg
  - a. Appeal Number: 2024-3899
  - b. Location: 1977 Byberry Road
  - c. Tax Parcel: 02-045-002
  - d. Request: Variance for disturbance of woodlands with/without wetlands and disturbance of slopes.
  - e. Attorney: Micheal J. Meginniss, Esquire—Begley, Carlin, & Mandio, LLP
  - f. Summary
    - i. Requested Continuance until April 3, 2025. Applicant will readvertise. Applicant requested a copy of the Transcript from the hearing held on January 8, 2025
    - g. Motion to Continue Hearing to April 3, 2025
      - i. Motion to Continue
        1. Harry Kramer
      - ii. Second Motion to Continue
        1. Tony Cascerceri
      - iii. Vote to Continue Hearing to April 3, 2025
        1. 4/4
5. Hearing for Margaret S. Vigelis
  - a. Appeal Number: 2025-0163

- b. Location: 4518 Winding Brook Drive
  - c. Tax Parcel: 02-093-252-4518
  - d. Request: Variance for rear yard setback for a deck
  - e. Summary
    - i. Applicant withdrew their application. No further action is required.
6. Hearing for Jans Limited, LLC
- a. Appeal Number: 2025-0500
  - b. Location: Mitchell Avenue
  - c. Request: Variance for lot area and front yard setback to construct a single-family dwelling.
  - d. Attorney: Michael Meginniss, Esquire—Begley, Carlin & Mandio, LLP
  - e. Summary
    - i. Applicant withdrew their application. No further action is required.
7. Hearing for Iglesia De Dios Manatial De Vida
- a. Appeal Number: 2025-0501
  - b. Location: 1193 Gravel Pike
  - c. Request: Variance to permit a Church at the property and variance for 70 parking spaces instead of the required 168 spaces
  - d. Attorney: Michael Meginniss, Esquire—Begley, Carlin & Mandio, LLP
  - e. Exhibits
    - i. A1-Application with attachments
    - ii. A2-Certificates of Service
    - iii. A3-Tax Map
    - iv. A4-February 27, 2025 Parking and Traffic Evaluation Report by Bowman
    - v. B1-Letter to the Applicant
    - vi. B2-Proof of Publication in the Bucks County Courier Times
    - vii. B3-Proof of Posting on the property
  - f. Summary
    - i. Mr. Meginniss informed the Board that the Applicant is the equitable owner of the property. Mr. Meginniss gave a summary of the location of the property and a description of the area surrounding the property. The current location is in Southampton and the Applicant is looking to relocate to Bensalem. Engineer, Mr. Dumack, was sworn in. Mr. Dumack designed and summarized the plan for the Applicant. He stated that based on the analysis no one could construct anything on this property without the need for a flood plain variance. He does not believe this proposal will have any negative impact on the community. Traffic Engineer Consultant Mark Roth, was introduced to the Board and sworn in. He prepared parking and traffic evaluation. He explained in detail what a parking and traffic evaluation entails. He was provided with data from the Pastor/Applicant regarding the number of members (adults and children) and the number of vehicles that use the parking lot over a two (2) month period at each service. 40-45 cars utilized the parking lot occupied the space at any given time during ordinary services. Mr. Roth consulted the Institute of Traffic Engineering (ITE) for the

report. Mr. Roth stated that holiday services would increase traffic flow and parking to approximately 70 vehicles because of visiting families of the congregation members. Mr. Meginnis asked questions of Mr. Roth pertaining to his evaluation and how he produced his conclusion that the property as more than adequate parking spaces. Al Champion asked what the differences between the current size and proposed size. Mr. Roth stated the current church is renting the space and his calculations took Mr. Champion's concerns into consideration. The Pastor Leonidas Herrera was sworn in and stated he has been the pastor of the church since 2007. He reviewed the tax map and agreed with Mr. Meginniss' summary. He stated the congregation consists of 130-140 members. The size of the current space is slightly smaller by approximately 500 square feet. He stated there is a bible study on Wednesday evenings; however, there will be no daycare offered or additional buildings on this property. He is completely aware of the flood plain and the need to come back in front of the Board to make any changes to the property. He expects to lose families due to the move because they do not want to travel. Pastor Herrera reiterated there are approximately 45 cars during regular services. During Christmas, Passover, Thanksgiving Breakfast events, there potentially be more cars. There are approximately ten (10) events in addition to the Regular Sunday Services per year. It should not have any impact on the community. The Church is affiliated with Calvery Chapel. Al Champion expressed concern for potential growth due to the surrounding churches sending the overflow to Pastor Herrera. Pastor Herrera was asked if his church was affiliated with in any way with Church of God-Shalom and stated he was not. Tony Cascerceri inquired about the times of the services. Service times are Sundays at 11:00 A.M., Wednesdays at 7:00 P.M. and Fridays at 7:00 P.M. Pastor Herrera is agreeable to the following conditions if the Board were to grant the request: a capacity of 190 members within the sanctuary. Al Champion asked Mr. Dumack had any knowledge of flooding into the building. Al Champion and Mr. Dumack discussed other parking options for overflow. No further questions or comments from the Board. The floor was opened for public comment. William Coyle came forward in favor of the request. He stated there has never been any issues with street parking. Stephen McCann, a member or the Knights of Columbus, was the next to state he is also in favor of the request. He stated he does not recall any major flooding at the Knights of Columbus (previous occupants of the property) except during the 100-year flood. Thomas Foltz came forward in favor of the request. He stated he has had the most contact with Pastor Herrera. He realized the building would end up abandoned. He feels like the Church would be the best fit compared to the others who showed interest in the property. He believes the Church would be good to the neighbors. Mr. Meginniss made his closing testimony. Tom Panzer offered up conditions to Mr. Meginniss. The Pastor was agreeable to all conditions suggested by Tom Panzer. The

Board excused themselves briefly for an executive session to discuss decision and the possible conditions suggested. The Board came back from the brief recess to render their decision.

- g. Motion to Close Testimony
    - i. Motion to Close
      - 1. Harry Kramer
    - ii. Second Motion to Close
      - 1. Tony Cascerceri
    - iii. Vote to Close Testimony
      - 1. 4/4 Ayes
  - h. Motion to Approve variance request to permit a Church at the property and variance for 70 parking spaces instead of required 168 spaces with the following conditions: No increase in impervious surface, no additional buildings or structures on the premise, no other usage other than the Church usage, and max capacity of 190 members.
    - i. Motion to Approve
      - 1. Harry Kramer
    - ii. Second Motion to Approve
      - 1. Tony Cascerceri
    - iii. Vote to Approve variance request to permit a Church at the property and variance for 70 parking spaces instead of required 168 spaces with the following conditions: no increase in impervious surface, no additional builds or structures on the premise, no other usage other than the Church usage, and max capacity of 190 members.
      - 1. 4/4 Ayes
8. Correspondence
- a. none
9. Adjournment
- a. Motion to Adjourn
    - i. Harry Kramer
  - b. Second Motion to Adjourn
    - i. Tony Cascerceri
  - c. Vote to Adjourn
    - i. 4/4 Ayes