

## **Zoning Hearing Board Monthly Minutes**

**January 8, 2025**

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

1. Open meeting with the Pledge of Allegiance
  - a. Led by Joanne Redding
2. Statement of Rules and Procedures
  - a. Issued by Tom Panzer, Esquire
3. Approval of Last Month's Minutes-December 5, 2024
  - a. Motion to Approve
    - i. Harry Kramer
  - b. Second Motion to Approve
    - i. Al Champion
  - c. Vote to Approve Last Month's Minutes-December 5, 2024
    - i. 4/4 Ayes
4. Reorganization of the Board
  - a. Chairperson—Joanne Redding
    - i. Nominated by Harry Kramer
    - ii. Second Nomination by Al Champion
    - iii. Vote for Joanne Redding as Chairperson for the Zoning Board
      1. 4/4 Ayes
  - b. Vice Chairperson—Al Champion
    - i. Nominated by Harry Kramer
    - ii. Second Nomination by Tony Cascereri
    - iii. Vote for Al Champion as Vice Chairperson for the Zoning Board
      1. 4/4 Ayes
  - c. Secretary—Harry Kramer
    - i. Nominated by Al Champion
    - ii. Second Nomination by Tony Cascereri
    - iii. Vote for Harry Kramer as Secretary for the Zoning Board
      1. 4/4 Ayes
  - d. Meeting Dates (July 3, 2025 meeting date changed to July 9, 2025)
    - i. Motion to Accept—Joanne Redding
    - ii. Second Motion to Accept—Tony Cascereri
    - iii. Vote to Accept Meeting Dates
      1. 4/4 Ayes
  - e. Solicitor—Tom Panzer
    - i. Nomination by Al Champion
    - ii. Second Nomination by Harry Kramer
    - iii. Vote for Tom Panzer, Esquire as Solicitor
      1. 4/4 Ayes

- f. Court Reporter—Cindy Oliverio
    - i. Nomination by Al Champion
    - ii. Second Nomination by Tony Cascereri
    - iii. Vote for Cindy Oliverio for Court Reporter
      - 1. 4/4 Ayes
  - g. Clerk and Fee—Nicole Austin
    - i. Nomination by Al Champion
    - ii. Second Nomination by Tony Cascereri
    - iii. Vote for Nicole Austin for Clerk and Clerk Fee
      - 1. 4/4 Ayes
  - h. Official Publication—Bucks County Courier Times
    - i. Motion for the Bucks County Courier Times as the official publication for the Zoning Board
      - 1. Al Champion
    - ii. Second Motion for the Bucks County Courier Times as the official publication for the Zoning Board
      - 1. Harry Kramer
    - iii. Vote for the Bucks County Courier Times as the official publication for the Zoning Board
      - 1. 4/4 Ayes
5. Continued Hearing for Mikhael Lobanov
- a. Appeal Number: 2024-3889
  - b. Location: 875 Bristol Pike
  - c. Tax Parcel: 02-029-281
  - d. Request: Variance to have apartment in the GC district
  - 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, Mikhael Lobanov, was sworn in. He is requesting his property zoning be changed from General Commercial to Mixed use (Residential and General Commercial). Mr. Lobanov stated the second floor is vacant and there is not enough parking spaces for two (2) businesses. The sign business which occupied the space moved due to growth. Mr. Lobanov also stated that many other businesses in the area are also experiencing the same difficulty. Mr. Lobanov expressed his plan for the second floor. His plan, if approved, would convert the office space into a three (3) bedroom apartment. No reconstruction of walls would be needed because the walls are already present. Kenneth Farrall stated the second floor of the property was not inspected for residential use. The Use and Occupation Certificate was issued for commercial use in 2016. The first floor is occupied by a

wholesale distribution business. The parking lot consists of five (5) parking spaces in the front, four (4) parking spaces on the side, and four (4) parking spaces in the back. A violation was issued for the second floor being used as residential. Mr. Lobanov stated he purchased the property in 2014 and admitted the second floor has a kitchen. He notified a total of 41 properties. Kenneth Farral suggested, if request is approved, place a condition on the property. The recommendation given was that the property be limited to only one (1) residential apartment on the second floor and residential parking be designated to the back lot. Another recommendation is no tractor trailer parking. Mr. Panzer advised Mr. Lobanov about having attorney representation. Mr. Lobanov waived his right to counsel. No further discussions, questions, or comments from the Board. No one from 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. Harry Kramer
    - iii. Vote to Close Testimony
      - 1. 4/4 Ayes
  - h. Motion to Approve variance request to have an apartment I a GC district with the following conditions: one (1) residential apartment on the second floor; one (1) commercial use on the first floor; Parking be approved by township with Applicant submitting a parking plan; and no tracker trailer parking on property.
    - i. Motion to Approve
      - 1. Al Champion
    - ii. Second Motion to Approve
      - 1. Harry Kramer
    - iii. Vote to Approve variance request to have an apartment I a GC district with the following conditions: one (1) residential apartment on the second floor; one (1) commercial use on the first floor; Parking be approved by township with Applicant submitting a parking plan; and no tracker trailer parking on property.
      - 1. 4/4 Ayes
6. 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: Michael Meginniss, Esquire—Begley, Carlin, and Mandio, LLP
  - f. Exhibits
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service

- iii. A3-Compilation of a series of documents from 2009
- iv. A4-Collective Packet of Property Plans
- 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

g. Summary

- i. Mr. Meginniss described the property and gave history of the land beginning in June, 2009. The applicant acquired the property in July, 2018. The original application was withdrawn prior to the zoning hearing date. Many meetings took place between the applicant and families and produced a plan for single-family dwellings. Mr. Meginnis stated all areas are within the ordinance regarding lot sizes, impervious coverage, etc. Vince Fiorvanti was accepted as an expert witness by the Board. Mr. Fiorvanti was sworn in and explained the different plans submitted and identified as Exhibit A4. It was explained that the reason for the need of a steep slope variance is needed because of the woodland disturbance (removal). Also, it was stated the flood plain is not located on any FEMA flood plain maps. Mr. Fiorvanti discussed in detail the need to remove the trees and the storm water management process. The applicant is willing to work with the township and conservatory. Al Champion questioned the regular permit plan and requested clarification. Al Champion questioned the FEMA flood plain and read the definition of a flood plain. Mr. Fiorvanti stated he will need to recalculate to make sure flooding does not happen again. An analysis was originally completed in 2021 and would be reanalyzed. Kenneth Farrall stated a study will be needed to show the line of the 100-year flood. Al Champion questioned the wetlands and definition. It was answered that another study will be done, and the present plan was based on what was submitted in 2009. The floor was opened to public comment. First to come forward was David DeBonavanturn, a 32-year resident. He stated the plan is 16 years old and there was wetlands then. The wetlands are still there 16 years later. He was curious about the location of the sewer station. Mr. DeBonavanturn explained the present storm water management in place. He had many questions regarding breakdown, vibrations, and odor. He stated the creek does rage, overflow and flood the area and the erosion in the area is getting worse. The second to come forward was David Ciambella. He stated he is concerned. He stated there is 45 feet from his home to the tributary and a home cannot fit there. There has been talks about moving the tributary which the environmental agency said cannot be done. Mr. Meginnis stated that due to all the concerns voiced at the hearing they would like to request a sixty (60) day continuance.

h. Motion to Continue Hearing to March 6, 2025 waiving all timeframes

- i. Motion to Continue
  - 1. Al Champion
- ii. Second Motion to Continue

1. Harry Kramer
    - iii. Vote to Continue Hearing to March 6, 2025 waiving all timeframes
      1. 4/4 Ayes
7. Correspondence
  - a. none
8. Adjournment
  - a. Motion to Adjourn
    - i. Harry Kramer
  - b. Second Motion to Adjourn
    - i. Al Champion
  - c. Vote to Adjourn
    - i. 4/4 Ayes