

## **Zoning Hearing Board Monthly Minutes**

**April 4, 2024**

In Attendance: Joanne Fields; Harry Kramer; Joanne Redding; Al Champion; Tony Cascerceri; 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-March 7,2024
  - a. Motion to Approve
    - i. Harry Kramer
  - b. Second Motion to Approve
    - i. Al Champion
  - c. Vote to Approve Last Month's Minutes-March 7, 2024
    - i. 5/5 Ayes
4. Continued Hearing for LL Pepper, LLC (Attn: Lawrence P. Ceresani)
  - a. Appeal Number: 2023-4084
  - b. Location: 4570 Bristol Road
  - c. Tax Parcel: 02-016-263-002
  - d. Request: Variance to allow storage containers on property closer than ten feet to any other structure, building setback.
  - e. Attorney: Andrew Stoll, Esquire
  - f. Exhibit
    - i. A1-Certificates of Service
    - ii. A2-Application with Attachments
    - iii. A3-Deed
    - iv. A4-Existing Features
    - v. A5-Permit Rejection
    - vi. A6-Aerial Photos
    - vii. B1-Letter to the Applicant
    - viii. B2-Proof of Publication in the Bucks County Courier Times
    - ix. B3-Proof of Posting on the Property
    - x. B4-Continuation Requests with Waivers
    - xi. T1-Five (5) Aerial Photos from Kenneth Farrall
  - g. Summary
    - i. Mr. Stoll gave a summary of the property. He stated storage containers are acceptable in a property zoned industrial. Containers are grouped in five (5) containers. There is eight (8) feet between the first row and the five (5) containers and the second row. The ordinance states ten (10) feet is needed between the rows. Some containers are old, and some are new. Owner, Lawrence Ceresani, wants more room, maintains his property, no complaints. Storage containers have no trash or debris, nothing flammable. These storage containers have been inspected by the fire department. No

one is working in the storage containers. They are being strictly used for storage. Mr. Ceresani adopted the summary of Mr. Stoll. Al Champion inquired whether the storage containers are taking up any of the parking spaces, how many spaces, and whether the containers were counted as square footage. Kenneth Farrall stated no one is staying in the storage containers and they are strictly accessory structures used for storage. Mr. Stoll stated there are no issues with parking. Al Champion stated his concerns about the loss of parking. The Fire Marshall issued an inspection certification for each storage container. Kenneth Farrall stated if the variance requests were to be approved then the Township would work with the Fire Marshall and get “addresses” assigned to each of the containers. He also stated unannounced inspection will be done by the Fire Marshall yearly. Joanne Redding stated over the years more containers have been added. She inquired if there was a plan to add more. Mr. Ceresani stated there is no plan to add more containers. The Board agreed to stipulate no more than seventeen containers on the property if they agreed to approve the request. Mr. Stoll stated due to the grade and slope, the containers are unable to be moved to the rear of the property. Kenneth Farrall inquired about slope issues in other areas of the property. Al Champion inquired about making two (2) sets of six (6) containers. Mr. Ceresani stated he is trying not to restrict traffic flow or upset the tenants. Discussions between Board Members took place. Mr. Ceresani stated he is willing to try and move the containers from the front yard to the side yard. Mr. Stoll requested a Continuance to June 6, 2024 on behalf of Mr. Ceresani and is waiving all requirements.

- h. Motion to Continue Hearing to June 6, 2024
  - i. Motion to Continue
    - 1. Harry Kramer
  - ii. Second Motion to Continue
    - 1. Al Champion
  - iii. Vote to Continue Hearing to June 6, 2024
    - 1. 5/5 Ayes
- 5. Continued Hearing for Perryville Hospitality, LLC
  - a. Appeal Number: 2023-4175
  - b. Location: Lincoln Highway
  - c. Tax Parcel: 02-001-035
  - d. Request: Variances from lot size, woodland disturbance, steep slope disturbance, loading and unloading space, sign size to construct a self-storage facility. A special exception from the building height
  - e. Attorney: Edward F. Murphy, Esquire
  - f. Summary
    - i. A continuance request was received. The applicant will need to readvertise.
  - g. Motion to Continue Hearing to June 6, 2024.
    - i. Motion to Continue

1. Harry Kramer
  - ii. Second Motion to Continue
    1. Al Champion
  - iii. Vote to Continue Hearing to June 6, 2024
    1. 5/5 Ayes
6. Continued Hearing for Umar Farooq
  - a. Appeal Number: 2023-4509
  - b. Location: 2309 Brown Avenue
  - c. Tax Parcel: 02-036-283
  - d. Request: Variance for lot area, off street parking and fence height and location for garage to be converted to single family residence
  - e. Summary
    - i. Attorney, Bryce McGuigan, entered his appearance. He is awaiting a surveying report and requested a Continuance to June 6, 2024 and agreed to readvertising the hearing.
  - f. Motion to Continue Hearing to June 6, 2024
    - i. Motion to Continue
      1. Harry Kramer
    - ii. Second Motion to Continue
      1. Al Champion
    - iii. Vote to Continue Hearing to June 6, 2024
      1. 5/5 Ayes
7. Continued Hearing for Richard S. Hannye
  - a. Appeal Number: 2023-4516
  - b. Location: 2123 River Road
  - c. Tax Parcel: 02-064-123
  - d. Request: Variance for impervious coverage and concrete work in 100-year floodplain.
  - e. Summary
    - i. Property flooded. The applicant requested a Continuance and agreed to readvertise.
  - f. Motion to Continue Hearing to May 2, 2024
    - i. Motion to Continue
      1. Harry Kramer
    - ii. Second Motion to Continue
      1. Al Champion
    - iii. Vote to Continue Hearing to May 2, 2024
      1. 5/5 Ayes
8. Continued Hearing for Kamlesh C., Reshma K., and Rimpal Patel
  - a. Appeal Number: 2024-0339
  - b. Location: 5107 Inlet Drive
  - c. Tax Parcel: 02-074-162
  - d. Request: Variance for impervious coverage and retaining wall setbacks
  - e. Summary



build a home on this property according to 2008 minutes and decision. Plans intended to purchase the 25-foot lot from PECO, and it never happened. Mr. Meginnis stated there was a typographical error in the decision based upon the minutes. This is not self-inflicted; it was a failure to obtain the PECO lot. The house would be consistent in look and size of other homes in the area. Al Champion stated the self-inflictions, such as the deed restrictions on the third property; the lot was undersized due to the unacquiring PECO lot; and the square footage was mismeasured by approximately three thousand square feet. Mr. Meginnis stated none of that was done intentionally. He argued that permitting construction of a single-family dwelling should be granted. Thomas Hughes was sworn in. Mr. Hughes stated he could not get approval for the twenty-five square feet from PECO and reiterated Mr. Meginnis' Summary. Audience members came forward in favor of the request. Daryl Brewton spoke about the improvements made to the property and the requests, if granted, would benefit the community. Kenneth White stated he has had a good working relationship with the applicant. He also stated the request, if granted, would be a great asset to the church and an improvement to the community.

- h. 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. 5/5 Ayes
  - i. Motion to Deny the variance request for lot area, front yard setback and driveway width.
    - i. Motion to Deny
      - 1. Al Champion
    - ii. Second Motion to Deny
      - 1. Harry Kramer
    - iii. Vote to Deny the variance request for lot area, front yard setback and driveway width.
      - 1. 5/5 Ayes
11. Continued Hearing for Tom Hughes—Squire Home Builders, LLC
- a. Appeal Number: 2024-0493
  - b. Location: Kay and Cedar Avenues
  - c. Tax Parcel: 02-007-116-001
  - d. Request: Variance for lot area, front yard setback and driveway width
  - e. Attorney: Michael Meginnis, Esquire
  - f. Summary
    - i. Mr. Meginnis requested a Continuance to June 6, 2024. Hearing will be readvertised. Mr. Dylan McBride requested Party Status.
  - g. Motion to Continue Hearing to June 6, 2024

- i. Motion to Continue
    - 1. Harry Kramer
  - ii. Second Motion to Continue
    - 1. Al Champion
  - iii. Vote to Continue Hearing to June 6, 2024
    - 1. 5/5 Ayes
- 12. Continued Hearing for Tom Hughes—Squire Home Builders, LLC
  - a. Appeal Number: 2024-0492
  - b. Location: 2514 Linconia Avenue
  - c. Tax Parcel: 02-007-044-002
  - d. Request: Variance for lot area, front yard setback and driveway width.
  - e. Attorney: Michael Meginniss, Esquire
  - f. Exhibits
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service
    - iii. A3-GIS map
    - iv. A4-2008 Minutes
    - v. A5-April 3, 2008 decision
    - vi. A6-Preliminary Final Subdivision Plan of January 9, 2008
    - vii. B1-Letter to the Applicant
    - viii. B2-Proof of Publication in the Bucks County Courier Times
    - ix. B3-Proof of Posting on the Property
    - x. B4-Waiver of Timelines
  - g. Summary
    - i. Mr. Meginniss summarized the property. Same Request as in Agenda Item/Minutes Item Number Ten (10). Mr. Meginniss reviewed the decision from 2008. Tom Hughes was sworn in and adopted the summary as testimony. Setbacks were not addressed. Al Champion discussed the application, and the last decision is more palpable. The Board had no questions. Audience member, Daryl Brewton, once again stepped forward in favor of the request.
  - h. 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. 5/5 Ayes
  - i. Motion to Approve variance request for lot area, front yard setback and driveway width, as presented.
    - i. Motion to Approve
      - 1. Al Champion
    - ii. Second Motion to Approve
      - 1. Harry Kramer

- iii. Vote to Approve variance request for lot area, front yard setback and driveway width, as presented.

- 1. 5/5 Ayes

13. Hearing for Javier Alvarado

- a. Appeal Number: 2024-0833
- b. Location: 6059 Hulmeville Road
- c. Tax Parcel: 02-52-012
- d. Request: Variance to allow multiple dwelling on a property in an R-1 zoning 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. Javier and Anabel Alvarado were sworn in. His parents purchased the property. A small home was constructed on the property prior to the purchase of the property. Applicants are seeking permission to rent the home in the front and the small home in the back. The previous owner, now deceased, lived in the main home and another person lived in the small home in the back. The small house has a full kitchen. No rental permit or Use and Occupancy Certificate on record. The property was flagged when the applicants applied for a rental permit. The garage was converted without notice to the township. They were friends with the neighbor. The neighbor wanted to sell the property and offered the property to the applicants. The property was purchased as a private sale and only the seller was represented during the process. The applicants just want to do everything properly. They are willing to get a second electric meter from PECO.
- 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. 5/5 Ayes
- h. Motion to Approve variance request to allow multiple dwelling on a property in an R-1 zoning district. All appropriate paperwork and license must be obtained.
  - i. Motion to Approve
    - 1. Al Champion
  - ii. Second Motion to Approve
    - 1. Joanne Fields
  - iii. Vote to Approve variance request to allow multiple dwelling on a property in an R-1 zoning district. All appropriate paperwork and license must be obtained.

1. 4/5 Ayes (Al Champion, Joanne Fields, Harry Kramer, and Tony Cascerceri)
2. 1/5 Nays (Joanne Redding)

14. Hearing for Ken Cimino

- a. Appeal Number: 2024-0836
- b. Location: 2302 Bristol Pike
- c. Tax Parcel: 02-061-090
- d. Request: Variance for impervious surface coverage for deck, variance to allow multiple dwellings in an R-2 zoning district.
- e. Exhibit
  - 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. Cimino was sworn in. Mr. Cimino provided a list of addresses and receipts for certified mailings. He stated, on the record, that he sent the package which he received from Mr. Tom Panzer, Esquire, to the list of addresses. Mr. Cimino proceeded with stating the reasoning for the variance request. Mr. Cimino stated he added more stone to the area than he was supposed to. He decided to pull the extra stone back. He stated he built the deck to the church and the cottage on the property has no Use and Occupancy Certificate on file for a rental property. No one lives downstairs and his uncle lived upstairs for seven (7) or eight (8) years. The cottage was built in the 1940s and has a separate meter. No Use and Occupancy Certificate was on file in 2004 when the property was purchased. Mr. Cimino stated the house on the corner is his house. Ken Farrall stated he thinks the cottage was a sign shop at one time. The impervious variance is being withdrawn. The Board had no questions or comments. No one from the audience came forward in favor or opposition of 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. 5/5 Ayes
- h. Motion to Approve variance to allow multiple dwellings in an R-2 zoning district. One (1) single family dwelling plus two (2) apartments.
  - i. Motion to Approve
    1. Al Champion
  - ii. Second Motion to Approve
    1. Harry Kramer

- iii. Vote to Approve variance to allow multiple dwellings in an R-2 zoning district. One (1) single family dwelling plus two (2) apartments.

- 1. 5/5 Ayes.

15. Hearing for Bristol Road Commons Associates LLC

- a. Appeal Number: 2024-0857
- b. Location: 700 Bristol Pike
- c. Tax Parcel: 02-023-001
- d. Request: Use variance for fitness center, variance for front yard setback, parking setbacks and number of parking spaces for proposed construction.
- e. Attorney: Michael Meginniss, Esquire
- 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 Property
- g. Summary
  - i. Mr. Meginniss gave a summary of the property which is currently vacant. It was determined that the building is not a fitness center. The building is aesthetically pleasing. It obstructs the view of the storage units. The building is in the front with parking in the back. The building can be seen from Bristol Pike. The intention is to be congruent to last usage. It is a physiotherapy office is 10,000 square feet minimum and geared to healthcare. A small parking variance is needed because they have 108 spaces. Charles Calvanese was sworn in and gave background information about the business and the property. Mr. Calvanese adopted the summary as testimony. Al Champion inquired whether there was a second floor. Mr. Calvanese answered that there is not a second floor. It is for looks only. Al Champion asked if Mr. Calvanese is willing to stipulate that the building is not to have a second floor. Mr. Calvanese agreed. Harry Kramer inquired if the path behind the building is usable for parking. Mr. Meginniss stated no due to a creek that runs behind the building. Mr. Calvanese stated the walking path is for exercise. Tom Panzer stated he wants to hear about the use. Nicholas Petroski, physical therapist for athletes, was sworn in. He stated the facility is strictly healthcare based. There is no membership or pharmacy on site. Al Champion inquired about information regarding the current location. Mr. Petroski stated there is no parking requirement and it is only 3,000 square feet. The use of the property is more medical. Kenneth Farrall and Tom Panzer advised to stipulate no second floor and to remain a medical rehabilitation center only. 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. Harry Kramer
    - ii. Second Motion to Close
      - 1. Al Champion
    - iii. Vote to Close Testimony
      - 1. 5/5 Ayes
  - i. Motion to Approve Use variance request for fitness center, variance for front yard setback, parking setbacks and number of parking spaces for proposed construction.
    - i. Motion to Approve
      - 1. Harry Kramer
    - ii. Second Motion to Approve
      - 1. Al Champion
    - iii. Vote to Approve Use variance request for fitness center, variance for front yard setback, parking setbacks and number of parking spaces for proposed construction.
      - 1. 5/5 Ayes
16. Hearing for Carrabba's Italian Grill LLC, a Florida limited liability company
- a. Appeal Number: 2024-0863
  - b. Location: 3210 Tillman Drive
  - c. Tax Parcel: 02-035-001-006
  - d. Request: Variance for lot width for Carrabba's Restaurant.
  - e. Attorney: Lauri G. Golden, Director, Senior Real Estate Council
  - f. Summary
    - i. Robert Kinney, Survey Department Project Manager, was sworn in. The 1997 subdivision was never recorded. The width is deficient according to zoning ordinance. There has been miscommunication across the parties. The company he works for was hired by a third party. Tom Panzer gave a brief history of communication regarding notifications and presentations which need to be represented. Kenneth Farrall suggested a conference call to get all parties on the same page. No one from Carrabba's showed up. Discussion between the Board members about continuing or dismissing the matter.
  - g. Motion to Continue Hearing to June 6, 2024
    - i. Motion to Continue
      - 1. Harry Kramer
    - ii. Second Motion to Continue
      - 1. Al Champion
    - iii. Vote to Continue Hearing to June 6, 2024
      - 1. 5/5 Ayes
17. Continued Hearing for Anthony Byrne
- a. Appeal Number: 2023-4342
  - b. Location: 6435 Lewisville Avenue
  - c. Tax Parcel: 02-056-150

- d. Request: Variance to construct pole barn in floodplain and to be 130% of the footprint of the principal dwelling.
- e. Attorney: Andrew Stoll, Esquire
- f. Additional Exhibits
  - i. A14-Certificates of Service of readvertised hearing
  - ii. A15-Amended Application
  - iii. A16-November 2, 2023 Overall Site Plan
- g. Summary
  - i. A summary of last hearing and present plans with FEMA to move forward. FEMA did not want anything to do with this matter regarding a map amendment. Mr. Stoll summarized the amended application with FEMA direction. Mr. Stoll summarized the good-faith effort made by Mr. Byrne throughout this process. John Richardson was sworn in. He summarized the zoom meeting with FEMA he had. Joanne Redding suggested moving the pole barn behind the house to avoid the floodplain. Joanne Redding stated the Board does not like granting variances in the floodplain. The neighbors have stated they are in favor of the request. Kenneth Farrall participated in the call. He affirmed the testimony regarding the call with FEMA. Talks between Al Champion and Kenneth Farrall about filler and taking some from one area to the pole barn. Al Champion also suggested the other areas of placement. Mr. Richardson stated that behind the house is not feasible with how Mr. Byrne uses his property. There was a discussion about placement of pole barn in the different areas. Tom Panzer gave advice about this hearing verse another case decision and effect it may have on an appeal. Mr. Richardson stated FEMA is very rigid about building in the flood way. Joanne Redding stated she has a problem with this request. Tom Panzer asked what permit is needed for the filler. Again, dialogue regarding this case and the ruling issued in a similar case resumed. Anthony Bryne was sworn in. He stated he does not feel the neighbor's issue should dictate the decision for him. The small barn is in the floodplain. Only the house is considered outside the floodplain.
- h. Motion to Close Testimony
  - i. Motion to Close
    - 1. Harry Kramer
  - ii. Second Motion to Close
    - 1. Joanne Fields
  - iii. Vote to Close Testimony
    - 1. 5/5 Ayes
- i. Motion to Deny variance request to construct a pole barn in floodplain and to be 130% of the footprint of the principal dwell.
  - i. Motion to Deny
    - 1. Harry Kramer
  - ii. Second Motion to Deny
    - 1. Joanne Field

- iii. Vote to Deny variance request to construct a pole barn in floodplain and to be 130% of the footprint of the principal dwelling.

- 1. 5/5 Ayes

18. Correspondence

- a. Two (2) cases are headed for Oral Argument at the Commonwealth Court.
  - i. B & A is set for Tuesday, April 9, 2024
  - ii. The Mount Corporation has been continued
  - iii. Mar-Mar: Mr. Murphy ordered Transcripts.
- b. Board agreed to move the September Meeting Date to the Second Wednesday of the month—September 11, 2024

19. Adjournment

- a. Motion to Adjourn
  - i. Harry Kramer
- b. Second Motion to Adjourn
  - i. Joanne Fields
- c. Vote to Adjourn
  - i. 5/5 Ayes