

Zoning Hearing Board Monthly Minutes

August 1, 2024

In Attendance: 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-June 6,2024
 - a. Motion to Approve with Modification to Item 6, paragraph G, Line 7
 - i. Al Champion
 - b. Second Motion to Approve
 - i. Harry Kramer
 - c. Vote to Approve Last Month's Minutes with Modification to Item 6, paragraph G, Line 7-August 1, 2024
 - i. 4/4 Ayes
4. 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. Attorney: Bryce McGuigan, Esquire—Begley, Carlin & Mandio
 - f. Summary
 - i. Evidence was presented at last hearing. The case was originally opened in February, continued to April, and continued again to June with relisting. Variance request for lot area was withdrawn. Applicant had the land surveyed as requested by the Board at the hearing in June. Mr. McGuigan argued that the fence present there is within the site triangle but not an obstruction to motorists. The fence can provide a sound barrier, making the yard useable and safe for playing children. Al Champion agrees that the property has two (2) front yards. Al Champion stated that moving the fence along the "side" yard would eliminate the side-line issue. The applicant was asked to consider moving the fence. Ken Farrall was sworn in to provide testimony. Mr. Farrall stated that a corner of the fence would still be within the site triangle. The township went out and measured. Mr. Farrall stated the township has no concerns where the fence is being presented. Joanne Redding stated the issue is a six (6) foot fence in the front yard and there are many people within the township that have applied for the same and were denied in the past. Applicant agreed to move the fence back to be in-line with the house. The Board had no further questions or comments. No one from the audience came forward in favor or opposition of the applicant's request.

- g. Motion to Close Hearing
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. Harry Kramer
 - iii. Vote to Close Hearing
 - 1. 4/4 Ayes
 - h. Motion to Deny variance request for lot area, off street parking and fence height and location for garage to be converted to a single-family residence.
 - i. Motion to Deny
 - 1. Al Champion
 - ii. Second Motion to Deny
 - 1. Harry Kramer
 - iii. Vote to Deny variance request for lot area, off street parking and fence height and location for garage to be converted to a single-family residence.
 - 1. 4/4 Ayes
5. Continued Hearing for Tom Hughes—Squire Home Builders
- a. Appeal Number: 2024-0493
 - b. Location: Kay Avenue & Cedar Avenue
 - c. Tax Parcel: 02-007-116-001
 - d. Request: Variances for lot area, front yard setback and driveway width.
 - e. Attorney: Michael Meginniss, Esquire—Begley, Carlin, & Mandio
 - f. Summary
 - i. Application was withdrawn without prejudice. No action is required.
6. Hearing for Denise Schuman
- a. Appeal Number: 2024-1562
 - b. Location: 2459 Croydon Court
 - c. Tax Parcel: 02-049-153
 - d. Request: Variance for impervious surface coverage for paver patio
 - 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 premise.
 - f. Summary
 - i. Applicant was sworn in. Ms. Schuman stated she received a violation for her patio. The contractor never mentioned permits to them. Property is at eighty percent (80%) impervious verse the sixty percent (60%) per the township ordinance. Al Champion asked if there was any water issues. Kenneth Farrall stated no water issues have been noted at this time. The township did not look for storm water management because the Applicant needs zoning variances. Ms. Schman stated pavers can be removed if necessary.

No further questions or comments from the Board. No one came forward in favor or opposition of the Applicant's request.

- g. Motion to Close Testimony
 - i. Motion to Close Testimony
 - 1. Harry Kramer
 - ii. Second Motion to Close Testimony
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - h. Motion to Approve variance request for impervious surface coverage for paver patio.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve the variance request for impervious surface for paver patio.
 - 4/4 Aye
7. Hearing for Father Mike Speziale
- a. Appeal Number: 2024-1706
 - b. Location: 5400 Hulmeville Road
 - c. Tax Parcel: 02-046-036
 - d. Request: Special Exception for digital display sign
 - 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 premise.
 - f. Summary
 - i. James Convey who works for Treasure Sign and a representative for Saint Ephrem Catholic. Mr. Convey stated Saint Ephrem Catholic would like to erect a message center to replace the entrance and exit signs. Joanne Redding questioned the difference in size between the old signs and the proposed new one. Mr. Convey stated the new sign is smaller than the other two (2) signs combined size. Al Champion questioned the placement of the sign. Mr. Convey stated it would be placed per the ordinance code. Father Mike was sworn in and agreed to comply with all ordinances. The Board had no further questions or comments. No one from the audience came forward in favor or opposition of the Applicant's 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 the request for special exception for digital display sign.
 - i. Motion to Approve
 1. Al Champion
 - ii. Second Motion to Approve
 1. Harry Kramer
 - iii. Vote to Approve the request for special exception for digital display sign.
 1. 4/4 Ayes
8. Hearing for Jose Contreras
 - a. Appeal Number: 2024-1762
 - b. Location: 3518 Bristol Pike & 1028 Appleton Avenue
 - c. Tax Parcel: 02-075-007, 02-075-007-001 & 02-075-006.
 - d. Request: Variance for number of parking spaces; impervious coverage; parking location and to permit construction of a single-family home in a GC Zoning District, front yard setback.
 - e. Attorney: Chris Steward, Esquire
 - f. Exhibits
 - g. 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 premise.
 - h. Summary
 - i. Mr. Steward summarized the property for the Board and audience. Mr. Steward stated that the Applicant, Mr. Contreras would like to build a home for himself on the property. He wants to clean up the property and conform with the homes on Appleton Avenue. He also will properly mark the spaces for parking. Tom Panzer stated that the property is three (3) separate lots and questioned the number of uses presently on the property. Mr. Steward stated there are no uses on the lot on Appleton Avenue. It is the Appleton lot Applicant wishes to build a home on. The other two (2) lots on Bristol Pike are utilized by Volpe's Water Ice and Lili & Honey Clothing Company. In the 1980s there was a lot line change and then there were deed issues including one (1) deed for three (3) separate tax parcels. All three (3) lots are zoned for general commercial. It was stated there are trailers presently on the property and will be removed. Tom Panzer pointed out the "technical" difficulties regarding the calculations that were presented. An engineer was not present to explain calculations. Joanne Redding stated more information is needed and recommended Mr. Steward request a continuance. The Board opened the record to audience members for public comment. Mr. Ray Alfano came forward in opposition. He stated the property, since Applicant took over, is an eye sore with equipment all over. Next, James Greim came forward and opposed the request. Mr. Greim

stated Applicant has violated many township rules and regulations. He has apartments with people already living in them, water from the property is draining into his garage. The yard is used as a “turn-a-round” yard. The Applicant is an absentee landlord and has landscaping equipment on the street. Mr. Steward requested a continuance to October and waived the time frame.

- i. Motion to Continue Hearing to October
 - i. Motion to Continue
 1. Harry Kramer
 - ii. Second Motion to Continue
 1. Al Champion
 - iii. Vote to Continue Hearing to October
 1. 4/4 Ayes
9. Hearing for Alan Rivera and Megan Rodriguez Rivera
- a. Appeal Number: 2024-1851
 - b. Location: 4127 Spruce Avenue
 - c. Tax Parcel: 02-005-343
 - d. Request: Variance for fence in 25 ft clear site triangle and 6 ft fence in front yard
 - 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 Premise
 - f. Summary
 - i. Construction on fencing began prior to knowledge of a permit needed. Applicants saw other fences in the neighborhood being replaced. Did not think they needed a permit to replace an existing fence. Al Champion asked if there was a complaint or if someone drove by and called it in. Kenneth Farrall stated he was unsure; he only knew a violation was issued for construction without a permit. Joanne Redding stated there is an issue at hand regarding the site line and the fencing being six (6) feet high. Al Champion asked would there have been an issue if fence was replaced with another four (4) foot chained link fence. Ken Farrall stated that would have been fine. Tom Panzer summarized the violations and stated the violations were for replacing the fence with a stockade fence, the height being six (6) feet instead of four (4) feet, and the site triangle. Joanne Redding stated there was a problem of a stockade fence that is mostly six (6) feet. Joanne Redding then quoted the request from the Applicant in Agenda Item Number four (4). Harry Kramer stated that the Board does not approve six (6) foot fencing in the front yard. Mr. Rivera asked if they could erect a stockade fence on the side and a see-through fence in the front. Al Champion advised to discuss with the township on what would work. Applicants requested to continue hearing to September 11 and agreed to waiving time frame.

- g. Motion to Continue Hearing to September 11,2024
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. Tony Cascerceri
 - iii. Vote to Continue Hearing to September 11, 2024
 - 1. 4/4 Ayes
- 10. Hearing for Muhammad Khalid
 - a. Appeal Number: 2024-1990
 - b. Location: 3312 Reading Avenue
 - c. Tax Parcel: 02-004-266-001
 - d. Request: Variance for fence height to exceed 4 ft in front yard and non-opaque
 - e. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Police Report
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3-Proof of Posting on the premise.
 - vii. T1-Photo
 - viii. T2-Photo
 - f. Summary
 - i. Applicant was sworn in and moved to Bensalem from Northeast Philly about a year and a half ago. Found out about the need for a permit after the fence was already done. The fence is a PVC fence and the company that was hired to install the fence is not returning their telephone calls. They wanted to fence in the driveway because his brother's car was stolen. There is open wrought iron fence that is four (4) foot fence but it is on top of two (2) feet retaining wall. He had a retaining wall to make the property nicer looking. There are no site issues. Joanne Redding stated that the Board does not grant or approve six (6) foot high fencing because if it is approved for one then it needs to be approved for everyone. The Applicant was told the wrought iron fence is fine, but the PVC fence needs to be rethought. Joanne Redding stated the Board does not want anyone to do then undo anything. The Board had no further questions or comments. The Board opened the floor to the audience for public comment. Harry Beccari stated the fence enhances the property but agrees with the Board about the PVC fencing. The Applicant agrees to work with the township regarding storm water management and changing fencing and will not erect a solid fencing or six (6) foot fencing in front yard.
 - 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 for the driveway, front yard retaining wall with wrought iron fence. Conditions on the approval in regard to other fencing is as follows: six (6) foot PVC fencing needs to be replaced with four (4) feet fencing in the front yard that is compliant with the ordinances. Applicant must work with the Township regarding storm water drainage.
 - i. Motion to Approve
 1. Al Champion
 - ii. Second Motion to Approve
 1. Harry Kramer
 - iii. Motion to Approve variance request for the driveway, front yard retaining wall with wrought iron fence. Conditions on the approval regarding other fencing is as follows: six (6) foot PVC fencing needs to be replaced with four (4) feet fencing in the front yard that is compliant with the ordinances. Applicant must work with the Township regarding storm water drainage.
 1. 4/4 Ayes.

11. Hearing for Shyam Builders, LLC

- a. Appeal Number: 2024-2114
- b. Location: Wine Avenue & McKinley Avenue
- c. Tax Parcel: 02-039-107
- d. Request: Variance for lot area to be less than 7500 sq ft and variance for front yard setback to be less than 25 ft to construct a single-family dwelling
- e. Attorney: Bryce H. McGuigan, Esquire—Begley, Carlin & Mandio
- f. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Current Bucks County Parcel Viewer
 - iv. A4-Pennsylvania Imagery Navigator
 1. 1993-1995
 2. 2008
 3. 2020
 - v. A5-1967 Aerial view of property
 - vi. B1-Letter to the Applicant
 - vii. B2-Proof of Publication in the Bucks County Courier Times
 - viii. B3-Proof of Posting on the premise.
 - ix. B4-Previous decision—August, 2021
- g. Summary
 - i. New owner is looking for similar variances for constructing a single-family dwelling. Mr. McGuigan summarized the property and surrounding homes in the neighboring area. The property has never been developed or used. PJ Patel adopted the summary of Mr. McGuigan as his sworn testimony. Mr. Patel is a licensed real estate agent in Pennsylvania. The property in

question is under contract. Al Champion spoke about the deed since 1953 being one (1) property with three (3) separate parcels and the question about whether the property was subdivided or not. Al Champion stated if the property was subdivided then the owner caused the hardship. The Board had no further questions or comments. The floor was opened for public comment. Ramiro Ayla came forward in opposition of the request. Mr. Ayla thinks the Applicant is trying to build one (1) big house and (1) smaller house on the property. Christopher Estel came forward in opposition of the request. Mr. Estel stated the property has been subdivided three (3) times with the smallest house on the one subdivided being smaller than the proposed house by Applicant.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close Testimony
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - i. Motion to Deny variance request for lot area to be less than 7500 square feet and variance for front yard setback to be less than 25 feet to construct a single-family dwelling.
 - i. Motion to Deny
 - 1. Al Champion
 - ii. Second Motion to Deny
 - 1. Harry Kramer
 - iii. Vote to Deny variance request for let area to be less than 7500 square feet and variance for front yard setback to be less than 25 feet to construct a single-family dwelling.
 - 1. 4/4 Ayes
12. Hearing for James Chung and Nancy Striniste
- a. Appeal Number: 2024-2314
 - b. Location: 875 Farley Avenue
 - c. Tax Parcel: 022-077-089
 - d. Request: Variance for rear yard setback to construct screened porch
 - 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. The Applicants are new to Bensalem. They moved here in April from Virginia. The Applicants are looking to screen in the porch. There are no questions or comments from the Board. No one from the audience came forward in favor

or opposition of the Applicant's request when the floor was opened for public comment.

- 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 for rear yard setback to construct screened porch.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve variance request for rear yard setback to construct screened porch.
 - 1. 4/4 Ayes
13. Hearing for Jennifer and Willard Ramph
- a. Appeal Number: 2024-2344
 - b. Location: 4832 Bensalem Blvd
 - c. Tax Parcel: 02-074-054
 - d. Request: Variance for an accessory building area to be greater than the principal structure
 - e. Attorney: Chelsey Jackman-Begley, Carlin, & Mandio
 - f. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Area map and Google Photographs
 - 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. Ms. Jackman gave a summary about the property. She expressed the importance of a pole barn is to solely house a classic cart. The pole barn will not be able to be seen from the road. Willard Ramph was sworn in and adopted Ms. Jackman's summary as testimony. Mr. Ramph stated there will not be a second floor, will not have plumbing, and will not be used to conduct business out of. Mr. Ramph stated he is willing to address all concerns from the neighbors and agreed to add landscaping. No questions or comments from the Board. No one from the audience came forward in favor or opposition of the Applicant's 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. 4/4 Ayes
 - i. Motion to Approve variance request for an accessory building area to be greater than the principal structure with the condition to add landscaping.
 - i. Motion to Approve with Condition
 1. Harry Kramer
 - ii. Second Motion to Approve with Condition
 1. Al Champion
 - iii. Vote to Approve variance request for an accessory building area to be greater than the principal structure with the condition to add landscaping.
 1. 4/4 Ayes
14. Hearing for First Choice Renovation & Development LLC
 - a. Appeal Number: 2024-2346
 - b. Location: 4582 Belmont Ave
 - c. Tax Parcel: 02-018-048
 - d. Request: Variance for front yard setback, woodlands disturbance, steep slope disturbance to construct a single-family dwelling.
 - e. Attorney: Michael J. Meginniss, Esquire—Begley, Carlin, & Mandio
 - f. Summary
 - i. A request to Continue Hearing to September 11, 2024 was submitted to Tom Panzer, Esquire.
 - g. Motion to Continue Hearing to September 11, 2024
 - i. Motion to Continue
 1. Harry Kramer
 - ii. Second Motion to Continue
 1. Al Champion
 - iii. Vote to Continue Hearing to September 11, 2024
 1. 4/4 Ayes
15. Correspondence
 - i. None
16. Adjournment
 - a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. Al Champion
 - c. Vote to Adjourn
 - i. 4/4 Ayes