

Zoning Hearing Board Monthly Minutes

November 7, 2024

In Attendance: Harry Kramer; Joanne Fields; 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-October 3, 2024
 - a. Motion to Approve
 - i. Harry Kramer
 - b. Second Motion to Approve
 - i. Joanne Fields
 - c. Vote to Approve Last Month's Minutes—October 3, 2024
 - i. 5/ 5 Ayes
4. Continued Hearing for Fred Skalka
 - a. Appeal Number: 2024-3018
 - b. Location: 5723 Kendall Court
 - c. Tax Parcel: 02-049-036
 - d. Request: Variance for shed to be 3 feet from side yard
 - e. Summary
 - i. Mr. Art Sagoski came forward requesting a Continuance on behalf of the Applicant. Applicant is requesting the Continuance to December 5, 2024 because he had recently undergone triple bypass surgery.
 - f. Motion to Continue Hearing to December 5, 2024
 - i. Motion to Continue
 1. Harry Kramer
 - ii. Second Motion to Continue
 1. Al Champion
 - iii. Vote to Continue Hearing to December 5, 2024
 1. 5/5 Ayes
5. Hearing for Christopher Voyk Sr.
 - a. Appeal Number: 2024-3295
 - b. Location: 2730 High Avenue
 - c. Tax Parcel: 02-032-239
 - d. Request: Variance for shed to be less than 5 feet from property line, building and impervious coverage.
 - 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

vi. T1 thru T4-Photographs

f. Summary

- i. Mr. Voyk explained the layout of the property. He is looking for variances for a shed already constructed. It was constructed too close to his neighbor's fence. Joanne Redding inquired about other buildings on the property besides the shed. Al Champion asked Ken Farrall if the township has been out to the property. Kenneth Farrall was sworn in. He stated the Township has been out and a violation was issued. Mr. Farrall stated there is a lot going on at the property. Mr. Farrall explained the violations, the variances that are needed. Mr. Farrall also stated the property is a non-conformity causing a hardship not created by the Applicant, Mr. Voyk. The Township is working with Mr. Voyk regarding cleaning up the property. There are no drainage issues. Mr. Voyk has been compliant with the Township thus far with everything the Township requested. Joanne Redding discussed the photographs (Exhibits T1-T4) submitted by the Township with Mr. Voyk. Kenneth Farrall stated Mr. Voyk has already removed many items from the property and is working towards compliance. No further questions or comments from the Board. 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 Testimony
 1. Tony Cascerceri
 - iii. Vote to Close Testimony
 1. 5/5 Ayes
- h. Motion to Approve variance to allow two (2) structures on the property within six (6) feet of each other and to permit a shed to have a setback distance of less than five (5) feet from any property line. Accessory Structure not to exceed 27 percent
- i. Motion to Approve
 1. Al Champion
 - ii. Second Motion to Approve
 1. Harry Kramer
 - iii. Vote to Approve variance to allow two (2) structures on the property within six (6) feet of each other and to permit a shed to have a setback distance of less than five (5) feet from any property line. Accessory Structure not to exceed 27 percent
 1. 5/5 Ayes

6. Hearing for Juan George Cabrera

- a. Appeal Number: 2024-3320
- b. Location: 1424 Brown Ave
- c. Tax Parcel: 02-032-241
- d. Request: Variance for accessory structure to be less than 10 feet from building and to exceed allowable size.
- 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. Representative spoke on behalf of Applicant. The garage was constructed without a permit. The dimensions of the garage are twenty (20) feet by 22 feet and is 440 square feet. Al Champion inquired about the allowance and impervious coverage. Kenneth Farrall stated the allowance is under 25 feet and only needs an eight (8) foot variance, because the garage is set back and is compliant with the impervious coverage. Filed for permits after receiving a violation. Joanne Redding inquired about the height of the garage and if utilities are needed. The Representative, Patrick Pires, stated the height is 12 feet to the peak and there are no utilities needed because it is just being used for storage. Joanne Falls inquired if the storage is business related. Mr. Pires stated no. Mr. Pires and Ms. Falls spoke about the history of the home/property. No further questions or comments from the Board. No one from the audience came forward in favor or opposition of the variance request.
 - g. 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
 - h. Motion to Approve variance request for an accessory structure to be less than 10 feet from building and to exceed allowable size.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Tony Cascerceri
 - iii. Vote to Approve variance request for an accessory structure to be less than 10 feet from building and to exceed allowable size.
 - 1. 5/5 Ayes
- 7. Hearing for Vipulkumar P. Patel
 - a. Appeal Number: 2024-3425
 - b. Location: 1439 Alexander Way
 - c. Tax Parcel: 02-092-380
 - d. Request: Variances for rear yard setback to construct roof over existing deck.
 - 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 and a translator stepped forward and were sworn in. Translator stated wants the roof over the deck for enjoyment and for prayer. Deck is 13 feet to the rear lot line and the deck already existed. The Applicant needs seven (7) feet. Al Champion inquired whether the deck will be open or with sides. Applicant stated it will be open. There are no impervious issues. No questions or comments from the Board. 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. Harry Kramer
 - ii. Second to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- h. Motion to Approve variance for a rear yard setback to construct roof over existing deck.
 - i. Motion To Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance for a rear yard setback to construct roof over existing deck
 - 1. 5/5 Ayes

8. Hearing for David Minichiello

- a. Appeal Number: 2024-3486
- b. Location: 6644 Timra Circle
- c. Tax Parcel: 02-091-380
- d. Request: Variance for shed to be more than 25 % larger than the main dwelling
- 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, David Minichiello was sworn in. The prefabricated shed has already been constructed and is located on the side of the house. Kenneth Farrall was sworn in and gave some background information. Mr. Farrall stated there is a total of three (3) sheds on the property. The new shed is in need of a 29 percent variance and it is the size of two (2) of the older sheds. Applicant stated he is willing to remove the one shed. Mr. Minichiello stated he has owned the

property since 1990 and has been taking care of ground he thought was his. Kenneth Farrall explained the agreement regarding the fence and the property. Two (2) sheds were erected with permits and in compliance with ordinances. Kenneth Farrall also discussed businesses being run out of the home. The Applicant stated he will be retiring and the shed is for storing his lawn tractor, garden equipment, and paint tarps. The shed was purchased used and the roof needs to be fixed. It was stated there are no employees and the accounts have been sold off. The shed has electric hookup that came with the shed, but the electricity is not hooked up on the property. The Board discussed the business being run out of the home. Robert Schreiber and Kerry Daly came forward. They stated that they had just found out about the business closing. They discussed business equipment being left out on the lawn and trailers. They have issues with the third (3rd) shed when business is closing is ridiculous. The lawn tractor has been left outside for the last five (5) years. The only time the property gets cleaned up is when a violation is issued. Ms. Daly stated it is a townhouse community, and the property value decreased. Joanne Redding questioned the previous violations. Kenneth Farrall stated violations were issued in May and October. Mr. Minichiello defended himself and stated he would communicate better with the neighbors better.

- g. Motion to Close Testimony
 - i. Motion to Close Testimony
 - 1. Al Champion
 - ii. Second Motion to Close Testimony
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- h. Motion to Deny variance request for shed to be more than 25% larger than the main dwelling
 - i. Motion to Deny
 - 1. Al Champion
 - ii. Second Motion to Deny
 - 1. Tony Cascerceri
 - iii. Vote to Deny variance request for shed to be more than 25% larger than the main dwelling
 - 1. 5/5 Ayes

- 9. Hearing for Christopher Zarobinski
 - a. Appeal Number: 2024-3487
 - b. Location: 5210 Bay Road
 - c. Tax Parcel: 02-084-144
 - d. Request: Variance for impervious surface coverage for patio and rear yard setback for deck
 - 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
 - vi. T1-Photograph
 - vii. T2-Photograph
- f. Summary
- i. Mr. Zarobinski stated he has already installed a temporary floating patio. The inspector deemed the patio and permanent structure. Mr. Zarobinski stated the structure can be removed and would take with him if he were to move. Tom Panzer read the ordinance out loud and agreed with the inspector that the patio is a structure. Mr. Panzer and Kenneth Farrall discussed the property. Al Champion requested setback clarification regarding a rook versus a structure. The relief Applicant is seeking is for greater than sixty (60) percent covered impervious. The floating patio was constructed two (2) feet from the lot line. It was built on a weed blocker and built on top of dirt. The Board discussed pervious versus impervious. Mr. Zarobinski stated the water flows through the weed blocker. Al Champion inquired about rainwater issues. Kenneth Farrall stated he has no knowledge of any issue. Mr. Zarobinski stated he is willing to install storm water management if needed. No further questions or comments from the Board. No one from the audience came forward in favor or opposition of the Applicant's request. Variance was updated from the one listed on the agenda and above to: Request-Variance for rear yard setback two (2) feet from fence and nine (9) foot distance from main structure with condition for floating deck to be no more than four (4) inches above grade.
- g. Motion to Close Testimony
- i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- h. Motion to Approve Variance for rear yard setback two (2) feet from fence and nine (9) foot distance from main structure with condition for floating deck to be no more than four (4) inches above grade.
- i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Joanne Fields
 - iii. Vote to Approve Variance for rear yard setback two (2) feet from fence and nine (9) foot distance from main structure with condition for floating deck to be no more than four (4) inches above grade.
 - 1. 5/5 Ayes

10. Hearing for Charles and Geri Butler
- a. Appeal Number: 2024-3567

- b. Location: 6525 Lexington Court
- c. Tax Parcel: 02-091-350
- d. Request: Variance for impervious coverage, shed side yard setback, shed setback to pool, rear and side yard setback for pool and deck setback, setback and separation for hot tub and setback and separation for pergola
- e. Exhibits
 - i. A1-Application with Attachments
 - ii. A2-Certificates of Service
 - iii. A3-Map drawn by Bill Eaves
 - 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-Google Earth image
- f. Summary
 - i. The Board Discussed everything in the yard with Kenneth Farrall. The only thing in the yard that has permits is the pool. The property was flagged because the applicants placed the property for sale. Joanne Redding asked about impervious issues. Kenneth Farrall stated that the property is over seven (7) percent impervious. The Township stated the hot tub needs to be moved. The pool was granted a variance, but the contractor placed the pool in the wrong place. The sale of the property flagged the open permit for the pool. The Township went out to the property and noticed everything in the yard that was installed without permits. Tony Cascerceri mentioned eliminating the shed. It was stated the shed is part of the Agreement of Sale and the Buyers want the hot tub. Joanne Redding stated the hot tub and wiring for the hot tub should be removed. Al Champion has concerns with the Agreement. Kenneth Farrall stated the Township will allow the sheds and fences in the open spaces because it is less ground for the Township to maintain. However, liability is on the property owner and must vacate the open area within thirty (30) days if the Township needs the ground. No further comments or questions from the Board. 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. Tony Cascerceri
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- h. Motion to Approve Variance for impervious coverage, shed side yard setback, shed setback to pool, rear and side yard setback for pool and deck setback, setback and separation for hot tub and setback and separation for pergola with outlined requests as designed in Exhibit A3
 - i. Motion to Approve

1. Al Champion
- ii. Second Motion to Approve
 1. Tony Cascerceri
- iii. Vote to Approve Variance for impervious coverage, shed side yard setback, shed setback to pool, rear and side yard setback for pool and deck setback, setback and separation for hot tub and setback and separation for pergola with outlined requests as designed in Exhibit A3
 1. 5/5 Ayes.

11. Correspondence

- i. None

12. Adjournment

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