

## Zoning Hearing Board Monthly Minutes

January 10, 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-December 7, 2023
  - a. Motion to Approve
    - i. Al Champion
  - b. Second Motion to Approve
    - i. Harry Kramer
  - c. Vote to Approve Last Month's Minutes-December 7, 2023
    - i. 5/5 Ayes
4. Reorganization of the Board
  - a. Chairperson—Joanne Redding
    - i. Nominated by Al Champion
    - ii. Second Nomination by Joanne Fields
    - iii. Vote for Joanne Redding as Chairperson for the Zoning Board
      1. 5/5 Ayes
  - b. Vice Chairperson—Al Champion
    - i. Nominated by Joanne Fields
    - ii. Second Nomination by Harry Kramer
    - iii. Vote for Al Champion as Vice Chairperson for the Zoning Board
      1. 5/5 Ayes
  - c. Secretary—Harry Kramer
    - i. Nominated by Joanne Fields
    - ii. Second Nomination by Al Champion
    - iii. Vote for Harry Kramer as Secretary for the Zoning Board
      1. 5/5 Ayes
  - d. Meeting Dates
    - i. Motion to Accept
      1. Al Champion
    - ii. Second Motion to Accept
      1. Harry Kramer
    - iii. Vote to Accept Meeting Dates
      1. 5/5 Ayes
  - e. Solicitor—Tom Panzer
    - i. Nomination by Al Champion
    - ii. Second Nomination by Joanne Fields

- iii. Vote for Tom Panzer, Esquire as Solicitor
      - 1. 5/5 Ayes
  - f. Court Reporter—Kim Bursner
    - i. Nomination by Al Champion
    - ii. Second Nomination by Joanne Fields
    - iii. Vote for Kim Bursner for Court Reporter
      - 1. 5/5 Ayes
  - g. Clerk and Fee—Nicole Austin
    - i. Nomination by Al Champion
    - ii. Second Nomination by
    - iii. Vote for Nicole Austin for Clerk and Clerk Fee
      - 1. 5/5 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. Harry Kramer
    - ii. Second Motion for the Bucks County Courier Times as the official publication for the Zoning Board
      - 1. Al Champion
    - iii. Vote for the Bucks County Courier Times as the official publication for the Zoning Board
      - 1. 5/5 Ayes
- 5. Continued Hearing for MAR-MAR Builders, Inc.
  - a. Appeal Number: 2023-3704
  - b. Location: 1186 Byberry Road
  - c. Tax Parcel Number: 02-074-110
  - d. Request: Variance for disturbance of woodlands, variance to permit twin dwelling units, lot area, lot width, impervious coverage, front yard, side yard setbacks
  - e. Attorney: Edward F. Murphy, Esquire
  - f. Exhibits
    - i. A1-Application with Attachments
    - ii. A2-Certificates of Service
    - iii. A3-Zoning Plan
    - iv. A4-2014 Decision for 2776 Mechanicsville Road
    - v. B1-Letter to the Applicant
    - vi. B2-Proof of Publication in the Bucks County Courier Times (1-10-24)
    - vii. B3-Proof of Posting on the Premise
    - viii. B4-Waiver
    - ix. B5-Previous decision 2/2016-4/2016
    - x. Daguanno 1-Construction Photos
    - xi. Daguanno 2-Original Single Home Plans
  - g. Audience members requesting Party Status
    - i. Andrew McCartle
    - ii. Mr. Pizzo for the Township

- iii. Dawn Fitch
- iv. Judy Cost
- v. Darlene and Rick Daguanno
- vi. Denise Mood-Lowe
- vii. Thomas Reynolds

h. Summary

- i. The hearing began with members of the audience coming forward to request Party Status. Mr. Murphy, the attorney for the applicant, did not object to any of the requests. Mr. Murphy gave some history regarding property since being acquired ten (10) years ago. There have been many different development plans submitted over the years. Mr. Murphy also gave a background regarding the zoning and use of the property. He explained the reasons for the variance requests. Mr. Murphy stated if this idea is not accepted then the applicant will re-activate the previous application for a sober living facility. Mr. Havers, the engineer hired by the applicant, came forward and was sworn in. Mr. Havers reviewed the 2015 aerial zoning variance plan and a similar request and decision for the property located at 2776 Mechanicville Road. Al Champion suggested the option to request Council to re-zone the area. Joanne Redding stated she The Board took a brief recess to discuss the hearing off the record.

i. Motion to Close Testimony

- i. Motion to Close
  - 1. Al Champion
- ii. Second Motion to Close
  - 1. Joanne Fields
- iii. Vote to Close Testimony
  - 1. 5/5 Ayes

j. Motion to defer decision for the request for a variance for disturbance of woodlands, variance to permit twin dwelling units, lot area, lot width, impervious coverage, front yard, and side yard setback.

- i. Motion to Defer
  - 1. Al Champion
- ii. Second Motion to Defer
  - 1. Joanne Fields
- iii. Vote to Defer the request for a variance for disturbance of woodlands, variance to permit twin dwelling units, lot area, lot width, impervious coverage, front yard, and side yard setback.
  - 1. 5/5 Ayes

6. Continued hearing for Albert B. Moore

- a. Appeal Number 2023-3783
- b. Location: 1060 Tennis Ave
- c. Tax Parcel: 02-029-033
- d. Request: Variance for side yard setback to build laundry room addition
- 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. Mr. Moore was sworn in. Mr. Moore stated he wants to add a laundry room. Plans show what has already been constructed. No questions or comments from the Board. Nicole Savage came forward. Ms. Savage stated she is concerned about how close the unit is to the property line, water drainage issues and damage to her home. Kenneth Farrall stated zoning must be granted, a permit then is issued, inspectors and Township Engineers come out to check on the construction. Mr. Moore requested a Continuance to the March hearing date.

g. Motion to Continue Hearing to March 7, 2024

- i. Motion to Continue
  - 1. Al Champion
- ii. Second Motion to Continue
  - 1. Harry Kramer
- iii. Vote to Continue Hearing to March 7, 2024
  - 1. 5/5 Ayes

7. Continued hearing for Jan Smiarowski

- a. Appeal Number: 2023-3903
- b. Location: 2888 Century Lane
- c. Tax Parcel: 02-034-001
- d. Request: Variance to construct chicken coops and additional paving within a floodplain. A variance to construct chicken coops within a wetland buffer.
- e. Exhibits:
  - i. A1-Application with Attachments
  - ii. A2-Certificates of Service (Township)
  - iii. A3 and A4- Pictures of Additional Pavement
  - 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. B4-Waiver
  - viii. B5 Correspondence from Emily Houdeshell
  - ix. B6-Previous Decisions
- f. Attorney: Shawn E. Ward, Esquire
- g. Audience Members Requesting Party-Status: Ronald Cantor
- h. Summary
  - i. Mr. Smiarowski was sworn in. Last year Mr. Smiarowski requested a barn. Now, Mr. Smiarowski would like to place a small storage shed and increase the size of the asphalt driveway. The shed would be twelve (12) feet by sixteen (16) feet. There will be no chicken coop. He no longer has any chickens. Mr. Cantor stated he has had chickens come onto his property and storm water issues and is opposed to the variance request.

- i. 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
- j. Motion to Approve a variance for the increased size of asphalt driveway.
  - i. Motion to Approve
    - 1. Al Champion
  - ii. Second Motion to Approve
    - 1. Harry Kramer
  - iii. Vote to Approve a variance for the increased size of asphalt driveway.
    - 1. 5/5 Ayes
- k. Motion to Deny the construction of shed.
  - i. Motion to Deny
    - 1. Al Champion
  - ii. Second Motion to Deny
    - 1. Harry Kramer
  - iii. Vote to Deny construction of shed.
    - 1. 5/5 Ayes
- 8. 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 (10) feet to any other structure, building setback.
  - e. Attorney: Andrew Stoll, Esquire
  - f. Summary
    - i. Applicant requested a Continuance to the March 7, 2024
  - g. Motion to Continue Hearing until March 7, 2024
    - i. Motion to Continue
      - 1. Harry Kramer
    - ii. Second Motion to Continue
      - 1. Al Champion
    - iii. Vote to Continue Hearing until March 7, 2024
      - 1. 5/5 Ayes
- 9. Continued Hearing for Jeffrey Alligood
  - a. Appeal Number: 2023-4210
  - b. Location: 107 Graystone Drive
  - c. Tax Parcel: 02-006-001-042
  - d. Request: Variance for rear yard setback to construct 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. Ms. Maria Petrogiannis was sworn in. She wants a deck and needs a variance of sixteen (16) feet. The Homeowner's Association has already approved the deck for the home. No questions or comments 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. 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 a rear yard setback to construct a deck.

- 1. Harry Kramer
- ii. Second Motion to Approve
  - 1. Al Champion
- iii. Vote to Approve variance request for a rear yard setback to construct a deck.
  - 1. 5/5 Ayes

10. Continued Hearing for Kevin Wilson

- a. Appeal Number: 2024234
- b. Location: 3943 Gloucester Court
- c. Tax Parcel: 02-076-200
- d. Request: variance for deck to exceed maximum building 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

f. Summary

- i. Mr. Kevin Wilson was sworn in. Mr. Wilson stated he had a deck constructed and the deck built is over by four (4) percent. No questions or comments from the Board. No one came forward in favor or opposition of the 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 deck to exceed maximum building coverage.
  - i. Motion to Approve
    - 1. Harry Kramer
  - ii. Second Motion to Approve
    - 1. Al Champion
  - iii. Vote to Approve variance request for deck to exceed maximum building coverage.
    - 1. 5/5 Ayes

11. Continued Hearing for Harold Richard Garten

- a. Appeal Number: 2023-4239
- b. Location: 869 Bristol Pike
- c. Tax Parcel: 02-029-280
- d. Request: Variance to use the finished space over garage as a studio apartment
- e. Exhibits
  - i. A1-Application with Attachments
  - ii. A2-Certificates of Services
  - 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. Mr. Garten was sworn in. Mr. Garten has space above his garage that he would like to turn into a studio apartment. Kenneth Farrall gave a history of the property. Mr. Garten has made updates to the entire property. He stated the area above the garage was an apartment when he purchased the property. Kenneth Farrall stated no approval for apartment above the garage was authorized. However, the extra space above the garage was authorized to be a place for extra storage. Permits were pulled. The area was supposed to be used as an office with laundry area and refrigerator. No questions or comments from the Board. No one from the audience came forward in favor or opposition.
- 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 to use the finished space over garage as a studio apartment.
  - i. Motion to Approve
    - 1. Harry Kramer
  - ii. Second Motion to Approve
    - 1. Al Champion
  - iii. Vote to Approve variance to use the finished space over garage as a studio apartment.

1. 5/5 Ayes

12. 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. Summary
  - i. Applicant requested a Continuance to the February 1, 2024 meeting.
- f. Motion to Continue hearing to February 1, 2024
  - i. Motion to Continue
    - 1. Harry Kramer
  - ii. Second Motion to Continue
    - 1. Al Champion
  - iii. Vote to Continue Hearing to February 1, 2024
    - 1. 5/5 Ayes

13. Continued Hearing for Frank Bankard

- a. Appeal Number: 2023-3863
- b. Location: 6365 Fernwood Avenue
- c. Tax Parcel: 02-056-062
- d. Request: variance to construct modular home in floodplain and variance for setbacks from top of stream bank
- e. Exhibits
  - i. A1-Application with attachments
  - ii. A2-Certificates of Service
  - iii. A3- (exhibit number skipped)
  - iv. A4-Zoning Board Hearing Variance Request
  - v. A5-December 26, 2023 Letter to FEMA for a map amendment.
  - vi. A6-Revised plan-December 12/29/2023
  - vii. B1-Original Letter to the Applicant
  - viii. B2-Original Proof of Publication in the Bucks County Courier Times
  - ix. B3-Original Proof of Posting on the Premise
  - x. B4-November, 2023 report from traffic engineers.
  - xi. B5-Disturbing Woodlands Reports
  - xii. B6- Request for hearing date change, waiver, and other correspondences with Applicant
  - xiii. B7-Email with Certificates of Service
  - xiv. B8-Second Publication in the Bucks County Courier Times
  - xv. B9-Second Posting on the Premise
  - xvi. B10-Letter/Email from Emily Houdeshell/FEMA
  - xvii. May 1-poster of fourteen (14) photos
  - xviii. Gillespi 1-six (6) pictures taken between September, 2021 and January, 2024
  - xix. DeChant 1-Photo Board dated September, 2021
- f. Audience Members requesting Party-Status:



- i. Walter May
- ii. Vanessa and Steve Gillespi
- iii. Lenora DeChant

g. Summary

- i. Mr. James Dunkleberger, engineer for the applicant, was sworn in. Mr. Dunkleberger reviewed the letter from the traffic engineer (Exhibit B4). He also reviewed the changes made between the November and December plans. The house will be flood proof because the house will be set above the 500-year flood level. Mr. Bankard was sworn in and gave the history of the property since purchasing. Joanne Redding continued to state the property is in a flood plain and requested he read the FEMA letter. Mr. Bankard read the FEMA letter aloud. Mr. Bankard argued that he should be able to build on his land. He also alleged the neighbors do not want anyone on that property and if they wanted it preserved then they should have purchased the property. Mr. May came forward and was sworn in. Mr. May gave a history of flooding from Neshaminy Creek. Mr. May did admit that he not the other neighbors want to see or hear the construction. Steve and Vanessa Gillespi were sworn in. They stated they have had issues from past flooding and the possible negative effects any construction can cause. Ms. Lenore Dechant was sworn in and explained the photos she submitted to the Board. She also explained the importance of woodlands. No further questions or comments from the Board. A vote was taken among the audience members. Eighteen (18) members of the audience were opposed, and no one was in favor of the applicant's request. Mr. Bankard did answer questions from the audience members and rebutted their concerns.

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. 5/5 Ayes
- i. Motion to Deny variance to construct modular home in floodplain and variance for setback from top of stream bank.
    - i. Motion to Deny
      - 1. Al Champion
    - ii. Second Motion to Deny
      - 1. Harry Kramer
    - iii. Vote to Deny variance to construct modular home in flood plain and variance for setback from top of stream bank.
      - 1. 5/5 Ayes

14. Correspondence

- a. None

15. Adjournment

- a. Motion to Adjourn

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