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April 7, 2025

SENT VIA CERTIFIED MAIL AND
FIRST-CLASS MAIL

Samuel & Lea Cravero
116 Danby Court
Southampton, PA 18966

SENT VIA CERTIFIED MAIL AND
FIRST-CLASS MAIL

J. Todd Savarese, Esquire
80 North Second Street Pike
Churchville, PA 18966

RE: Nockamixon Township Zoning Hearing Board Application – 9755 Easton Road

Dear Applicant:

Enclosed please find the written decision of the Nockamixon Township Zoning Hearing Board regarding the above-referenced application. Within thirty (30) days of the date of this letter, you or any aggrieved party have the right to appeal this decision to the Bucks County Court of Common Pleas. If no appeal is filed within the thirty (30) day period, the enclosed written decision will become final. If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

GRIM, BIEHN & THATCHER

By: 
William D. Oettinger

WDO/slh

Enclosure

cc: Maureen B. Carlton, Esquire (w/enc. – via email)
Teri Lewis, Manager, Nockamixon Township (w/enc. – via email)
Mark Fournier, Zoning Officer, Nockamixon Township (w/enc. – via email)
Luke Ranieri (w/enc. – via regular mail)
Keith Day (w/enc. – via regular mail)
Michael Walker (w/enc. – via regular mail)

**NOCKAMIXON TOWNSHIP ZONING HEARING BOARD
NOCKAMIXON TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA**

**DECISION OF THE BOARD
ZONING HEARING BOARD APPLICATION ZHB 25-02**

APPLICANT: Samuel Cravero & Lea Cravero

ATTORNEY FOR APPLICANT: J. Todd Savarese, Esquire

PARTIES PARTICIPATING: Luke Ranieri
2563 River Road
Kintnersville, PA 18930

Keith Day
2568 River Road
Upper Black Eddy, PA 18972

Michael Walker
9754 Easton Road
Kintnersville, PA 18930

**ATTORNEYS FOR PARTIES
PARTICIPATING:** None.

**BOARD MEMBERS TAKING
PART IN THE DECISION:** Lloyd Traven, Chair
John Courtney, Vice Chair
Brian Snyder, Secretary

**ALTERNATE BOARD
MEMBER PRESENT:** Steven Sears

**ZONING HEARING BOARD
SOLICITOR:** William D. Oetinger, Esquire
Grim, Biehn & Thatcher
104 S. Sixth Street, P.O. Box 215
Perkasie, PA 18944

PROPERTY LOCATION: 9755 Easton Road, Nockamixon Township

BUCKS COUNTY TAX MAP
PARCEL NUMBERS: 30-008-049

PROPERTY OWNER: Samuel Cravero & Lea Cravero

ZONING CLASSIFICATION: VC- Village Center

HEARING DATE AND
LOCATION: March 6, 2025 at 7:00 p.m.
Nockamixon Township Municipal Building
589 Lake Warren Road
Upper Black Eddy, PA 18972

COURT REPORTER: Wendy A. Crowley
3 Wagon Wheel Road
Quakertown, PA 18951

APPLICANT'S WITNESSES: Samuel Cravero
Matthew Piotrowski

INTERESTED PERSONS
TESTIFYING: Luke Ranieri
Keith Day
Michael Walker

PUBLIC NOTICE: The Intelligencer, February 10, 2025, and February 17, 2025.

ADDITIONAL PUBLIC NOTICE: Notice sent by First Class Mail, Postage Pre-paid to the Zoning Officer, and all property owners within 500 feet of the subject premises on February 13, 2025.

PROPERTY POSTED: Posted by James Kopchak, Nockamixon Township Zoning Officer, on February 26, 2025.

JURISDICTION: The Board has jurisdiction to hear the Application pursuant to the Pennsylvania Municipalities Planning Code Sections 909.1(a)(5)-(6), 53 P.S. §§10909.1(a)(5)-(6) and the

Nockamixon Township Zoning Ordinance (the "NTZO")
Sections 234-77.D --F.

NATURE OF THE
APPLICATION

1. Request for a variance from §234-54.A to allow an E4 – Eating Place Use within the 100-year floodplain;
2. Request for a variance from §234-36.B(2)(a)[3] to allow development within the 100-year floodplain;
3. Request for a special exception under §234-54.B to permit storage of materials and equipment and pervious parking within the floodplain.

EXHIBITS:

Board's Exhibits:

- | | |
|-----|--|
| B-1 | Zoning Hearing Board Application dated January 22, 2025 |
| B-2 | Legal Notice of Hearing |
| B-3 | Posting Notice of Hearing |
| B-4 | Affidavit of Posting Notice dated February 26, 2025 |
| B-5 | Proof of Publication |
| B-6 | Copies of letters to property owners within 500 feet of the subject property dated February 13, 2025 |
| B-7 | Township Engineer Review Letter dated June 17, 2024 |
| B-8 | Township Zoning Officer Review Letter dated August 16, 2024 |

Applicant's Exhibits

- | | |
|-----|---|
| A-1 | Deed (Parcel Nos. 30-008-049 and 11-013-028) |
| A-2 | Township Engineer Review Letter dated June 17, 2024 |
| A-3 | Township Zoning Officer Review Letter dated August 16, 2024 |

- A-4 FEMA Elevation Certificate
- A-5 Site plan dated March 3, 2025 as prepared by Dumack Engineering (including insets of A-5 which are designated as A-5(a), (b), and (c)).
- A-6 Photographs of Building Exterior (eight photographs)

FINDINGS OF FACT:

1. The foregoing factual information contained in this Decision is accurate and is incorporated by reference as part of these Findings of Fact.
2. Samuel and Lea Cravero ("Applicant") applied for relief from the Zoning Hearing Board with respect to a certain parcel of land located at 9755 Easton Road, Nockamixon Township, Bucks County, Pennsylvania, further identified as Bucks County Tax Map Parcel No. 30-008-049 ("Property").
3. The Applicant is the record owner of the Property pursuant to a deed recorded in the Bucks County Recorder of Deeds on December 7, 2022 as Instrument No. 2022071311.
4. The Property measures just over ten acres but has historically been used in conjunction with the adjoining parcel -- also owned by Applicant -- bearing Bucks County Tax Map Parcel No. 11-013-028, measuring 10.8 acres, more or less, and located in Durham Township.
5. The entire Property is located either in the FEMA designated floodway or the 100-year floodplain.
6. The Property is currently improved with a structure that housed the former American Grille.
7. The Applicant proposes to use the Property as an E4 – Eating Place Use. More colloquially, the Applicant intends to open a brewpub which will sell food, as well.
8. With exception of the front yard facing wall, the Applicant proposes to demolish the entire existing structure on the Property and rebuild it on piles so that the occupiable space of the structure is raised out of the floodplain.
9. If the Applicant reconstructed the building on the Property in compliance with the front yard setback requirements of the Zoning Ordinance, the structure would encroach further into the floodway.

10. The Applicant intends to reconstruct the building in the same footprint as the existing structure except that the existing outdoor deck space will be enclosed and a new rear deck will be added.
11. The Applicant will modify the entrance to the building so that it will not be on the Easton Road side of the building.
12. The renovation and/or reconstruction of the structure on the Property will exceed fifty percent of the market value as measured before the start of construction.
13. The Applicant will not place any fill in the floodway nor will any construction occur in the floodway.
14. The reconstruction of the building on piles will not adversely affect the floodplain and will, in fact, result in a net reduction of impact to the floodplain.
15. The proposed construction will comply with Chapter 103, Floodplain Management, with respect to all construction standards and elevation requirements.
16. There is no basement in the existing structure and no basement or enclosure is proposed beneath the occupiable floor area.
17. After completion of all improvements on the Property, there will be a net reduction in impervious coverage on the Property from 3.55% to 2.64%.
18. The Applicant noted that lights on the Property will be timed, but will also comply with the Nockamixon Township and Durham Township lighting ordinances.
19. The Applicant has not determined hours of operation, but noted that the current locations Applicant operates close at 9:00 P.M.
20. The relief requested by the Applicant represents the minimum variances necessary to afford relief.

CONCLUSIONS OF LAW

1. The existing structure on the Property is nonconforming with respect to its front yard setback. The Applicant's right to retain that nonconformity will continue due to its retention of the existing front yard wall. *See, e.g., In re Yocum*, 141 A.2d 601 (Pa. 1959).
2. By performing all renovations and reconstruction within the footprint of the existing structure, the Applicant has not expanded any dimensional nonconformity on the Property.
3. Because the renovation and/or reconstruction of the structure on the Property will exceed fifty percent of the market value of the property as measured before the start of construction, the proposed renovation or reconstruction constitute a Substantial Improvement, as defined in §103-37.
4. Any Substantial Improvement shall only be undertaken in full compliance with the provisions of the Floodplain Ordinance; Applicant's proposed construction meets those provisions.
5. The Zoning Hearing Board may grant a variance where it finds:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
 - b. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - c. That such unnecessary hardship has not been created by the appellant;
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - e. That the variance if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

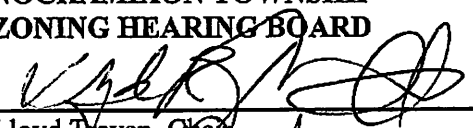
NTZO §234-81.

6. The Property is unique with respect to its complete encumbrance with FEMA regulated flood zones which present an insurmountable impediment to development without relief from the Zoning Hearing Board.
7. The unique conditions of the Property necessitating relief are naturally occurring and were not created by the Applicant.
8. The proposed use of the Property is compliant with the VC- Village Center Zoning District and will, therefore, not alter the essential character of the neighborhood or district in which the Property is located.
9. The variances requested are the minimum variances and least modifications necessary to afford relief.
10. The Zoning Ordinance permits outdoor storage of materials and pervious parking areas in the floodplain by special exception. NTZO §234-54.B(4)-(5).
11. Where the Zoning Ordinance has provided for stated special exceptions to be granted or denied by the Zoning Hearing Board, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement to protect the public health, safety, and welfare. NTZO §234-82.
12. Provided the Applicant complies with the terms for outdoor storage of equipment and for construction of pervious parking as set forth in the Zoning Ordinance, there is no adverse impact to the public health, safety, or welfare.

DECISION:

1. By a decision of 3-0, the Board voted to approve the Applicant's requested variances from: NTZO §234-54.A to allow an E4 – Eating Place Use within the 100-year floodplain and NTZO §234-36.B(2)(a)[3] to allow development within the 100-year floodplain. This relief is conditioned upon the Applicant demonstrating compliance with the stricter of the Durham Township or Nockamixon Township Lighting Ordinances on the Property.
2. By a decision of 3-0, the Board voted to approve the Applicant's requested special exception under NTZO §234-54.B(4)-(5) to permit storage of materials and equipment and pervious parking within the floodplain. This relief is conditioned upon the Applicant storing materials that are not buoyant, flammable or explosive, and are not subject to major damage by flooding. Material and equipment shall be firmly anchored to prevent flotation or movement. Storage of materials and equipment listed in Section 5.04 of the Nockamixon Township Floodplain Ordinance shall be prohibited.
3. The Applicant shall comply with all federal, state, and local laws, ordinances, and regulations unless expressly modified in writing.
4. The grant of relief by this Board is based upon the facts presented at the zoning hearing by the Applicant as outlined in the Findings of Fact or other parts of this Decision and as otherwise set forth in the testimony.
3. To the extent any relief requested in the Application for a variance has not been withdrawn by the Applicants or specifically addressed above, each such request for relief is denied.

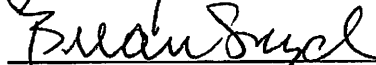
**NOCKAMIXON TOWNSHIP
ZONING HEARING BOARD**



Lloyd Traven, Chair



John Courtney, Vice-Chair

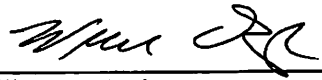


Brian Snyder, Secretary

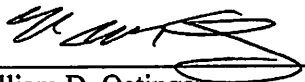
Date of Decision: April 7, 2025

This Decision was prepared and filed by Zoning Hearing Board Solicitor, William D. Oetinger in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

GRIM, BIEHN & THATCHER

By: 
William D. Oetinger

This Decision was mailed to the Applicant, Participating Parties and the Township by First Class Mail and Certified Mail Return Receipt Requested, postage pre-paid by the undersigned on the date set forth below.

By: 
William D. Oetinger

Date: April 7, , 2025