

Minutes of the
ZONING HEARING BOARD
Regular Meeting
March 1, 2018

ATTENDANCE: Present: Albert Champion, Vice Chairperson
Barbara M. Kirk, Solicitor
George Seymour, Member
Ronald Gans, Township Engineer
Michael Brill, Member

Absent: Angeline Domanico, Secretary
Joanne Redding, Chairperson

ITEM 1 Meeting opened at 7:00 P.M. with the Pledge of Allegiance

ITEM 2 Introductions of Board Members and Statement of Rules and Procedures by the Solicitor.

ITEM 3 Approval of February 1, 2018 Minutes

ITEM 4 Other Business – Mittal & Sons appeal hearing that was continued to March 8, 2018 at 7:00 p.m. has been continued to April 19, 2018 due to unavailability of Council chambers.

ITEM 5 **Hearing for Lisa McCade**
Appeal #2018-607
Location: 1191 Highland Ave
Tax Parcel: 02-029-443
Request: Variance for side yard setback to construct pool.

DISCUSSION The following are exhibits of the application;

- A-1 Application & accompanying documents
- A-2 Certificate of Service
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Original Proof of posting
- B-4 Amended Proof of posting

Mr. Brill motions to move matter to Item Number 5, Mr. Champion seconds, and all favor. Lisa McCade is sworn. Applicant states she had her pool for 10 years. She upgraded the pool 3 years ago, but did not change the size of the pool. Applicant states she then got a violation notice. The pool is three feet from property line/fence. It is an above-ground pool. It's 18 feet round, 4 feet deep. It has a locked staircase. It is 2.7 feet from the beams of the pool and 3 feet is from the wall of the pool.

The audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Brill motions to close testimony, Mr. Seymour seconds, and all are in favor. Mr. Brill motions for the hearing for Lisa McCade; Appeal #2018-607; Location: 1191 Highland Ave; Tax Parcel: 02-029-443 be approved for a variance of 2.7 feet, Mr. Seymour seconds, and all favor.

VOTE

Ayes:	Mr. Champion, Mr. Seymour, Mr. Brill
Nays:	None
Abstain:	None
Absent:	None

MOTION CARRIED **3-0**

ITEM 6 **Continued hearing for Michael R. Nugent**
Appeal #2017-566
Location: 3247 Clive Ave
Tax Parcel: 02-066-065
Request: Variance to use lot for commercial parking.

DISCUSSION The following are exhibits of the application;

- A-1 Application & accompanying documents
- A-2 Letter from attorney requesting first continuance
- A-3 Letter from attorney requesting second continuance
- A-4 Certificate of Service
- A-5 Map of Property
- A-6 Colored Photos
- A-7 Praecipe for Lis Pendens
- A-8 December 7, 2017 Order entered against Lee Goodman
- A-9 December 7, 2017 Order entered against James Shelly
- A-10 Docket: 2017-03854 naming Lee Goodman as Defendant

- A-11 Docket: 2017-03852 naming James Shelly as Defendant
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Proof of posting

Christopher Stewart is present and is the attorney for the applicant. Mr. Stewart explains applicant is President of ABC Construction. He operates out of Dunksferry Road. Appeal numbers 566, 567, 569 are zoned R-2 and Appeal number 568 is zoned industrial. On May 22, 2017, Michael Nugent filed Complaints against Lee Goodman and James Shelly. On December 7, 2017, an emergency hearing was held on Plaintiff's Petition to Vacate. Both parties agreed if the Defendants vacated by January 20 2018, they would satisfy the money judgments for both cases, but Defendants did not vacate the premises. Mr. Stewart requests a continuance for 6 months to settle the lis pendens for these matters.

MOTION Mr. Brill motions for the hearing for Michael R. Nugent; Appeal #2017-567; Location: 3247 Clive Ave; Tax Parcel #02-066-065 be continued to September 6, 2018, Mr. Champion seconds, and all are in favor.

ITEM 7 **Continued hearing for Michael R. Nugent**
Appeal #2017-567
Location: Clive Ave
Tax Parcel: 02-075-047
Request: Variance to use lot for commercial parking.

ITEM 8 **Continued hearing for Michael R. Nugent**
Appeal #2017-568
Location: 3259 Clive Ave
Tax Parcel: 02-075-049
Request: Variance to allow natural state to be less than 45%.

ITEM 9 **Continued hearing for Michael R. Nugent**
Appeal #2017-569
Location: 3242 Moore Ave
Tax Parcel: 02-075-056
Request: Variance to use lot for commercial parking.

***ITEMS 7, 8, and 9 were heard collectively.**

DISCUSSION The following are exhibits of applications 7, 8, and 9;

- A-1 Application & accompanying documents
- A-2 Letter from attorney requesting first continuance
- A-3 Letter from attorney requesting second continuance
- A-4 Certificate of Service
- A-5 Map of Property
- A-6 Colored Photos
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Proof of posting

Christopher Stewart is present and is the attorney for the applications. Michael R. Nugent is present and sworn in. He is the President of ABC Construction. Parcels 02-066-065, 02-075-047, 02-075-056, and 02-075-049 surround ABC Construction. Applicant is proposing a clean stone, geotech style for parking. The house on Moore Ave is going to be knocked down to park trucks on the property and get them off the street. Appeal 2017-569 is proposed employee parking. Appeal 2017-567 is proposed as parking for equipment and for storage. The ordinance permits 45% of the natural state and 55% can be impervious surface. Mr. Gans confirms the ordinance requires 45% natural or green space. Robert Yetman, the Engineer is sworn in. He explains there are grassy buffers for the surrounding area in the plans for Appeal 2017-568.

5 MINUTE RECESS

Township Engineer confirms Appeals 2017-566, 567, and 569 R-2 Residential and Appeal 2017-568 is LI. Mr. Stewart states his client is willing to comply with the recommended 20 foot buffers and explains the proposed plan is not going to affect the characteristics of the property. They are requesting one variance per parcel. Mr. Nugent states everything is true and correct that were submitted by his attorney.

Mr. Champion suggests greenery on the frontage on Dunksferry Road. The road is made up of Industrial use. Applicant states across the street on Moore Ave is a light construction use and there are many businesses on Dunksferry Rd. It is suggested to set a condition that he cannot build on the property. Mr. Champion says he does not recommend that because it's a grey area for future owners. Mr. Brill asks if Appeal 2017-569 has a residential property next to it. It does. He suggests extending fence on that side. Application shows the parking for construction vehicles will be in the back lot and just would like to get the cars off the street and have parking for his employees.

The audience is asked if anyone is for or against this application. Mary Peters is sworn in. She resides at 3241 Moore Ave, across the street from ABC Construction. She shows pictures of trucks on the street outside of her house. She is opposed due to vehicles outfront of houses, fumes, and loud vehicles.

Bud Smith is sworn in. He resides at 3241 Moore Ave. He asks for an explanation of “light industrial” and states Mr. Nugent has heavy equipment, dump trucks, and other big construction vehicles. He has issues of the noise, but does not have issues with the owner.

John Brodecki is sworn in. He resides at 3220 Moore Ave. His property right next to Appeal 2017-569. He suggests a buffer, extending the fence, and trees that will soak up water.

Shawn Smith is sworn. He resides at 318 Wallace Ave. He uses Clive Ave for his business and does not oppose this application.

Jill Johnson is sworn. She resides at 3245 Clive Ave. She lives with Lee Goodman. She has issues with Appeal 2017-566.

Michael Nugent states he has been there since 2003. He works 24 hours a day. He only moved trucks on the street while paving other lots. He wants to improve this area and tear the house down and get the cars off the street. The front lot (2017-569) will only be for employee parking. He will try to limit the noise and is willing to help neighbors. Mr. Nugent is willing to see visual ideas of landscape and water issues after hearing from neighbors. Two neighbors would like to meet with Mr. Nugent to go over issues. The Board suggests enclosing the area possibly with landscape to eliminate visual of equipment.

MOTION Mr. Brill motions for the hearing for Michael R. Nugent; Appeal #2017-567, 2017-568, 2017-569; Location: Clive Ave, 3259 Clive Ave, and 3242 Moore Ave; Tax Parcel: 02-075-047, 02-075-049, and 02-075-056 be continued to May 3, 2018, Mr. Seymour seconds, and all favor.

ITEM 10 **Continued hearing for Calatlantic Group, Inc.**
Appeal #2017-561
Location: Somerton Valley Homes
Tax Parcel: All real estate affected by impervious surface coverage
Request: Variance for impervious surface coverage.

DISCUSSION Solicitor states she received email from 2/28 from Edward Murphy requesting continuance to April 5th, 2018 to continue to address concerns raised by the Township. Mr. Murphy Waiver of all time constraints is marked as Exhibit A-6.

MOTION Mr. Brill motions for the hearing for Calatlantic Group, Inc.; Appeal #2017-561; Location: Somerton Valley Homes; Tax Parcel: All real estate affected by impervious surface coverage, be continued to April 5, 2018, Mr. Seymour seconds, and all favor.

ITEM 11 **Continued hearing for Mar Mar Builders, Inc.**
Appeal #2018-602

Location: 1186 Byberry Rd
Tax Parcel: 02-074-110
Request: Variances to construct an 8 lot subdivision.

DISCUSSION Solicitor states she received an email from Applicant's attorney, Edward Murphy requesting a continuance. Letter is marked as Exhibit A-3. Mr. Murphy also submits a time constraint Waiver and is marked as Exhibit A-4.

MOTION Mr. Seymour motions for the hearing Mar Mar Builders, Inc.; Appeal #2018-602; Location: 1186 Byberry Rd; Tax Parcel: 02-074-110 be continued to April 5, 2018, Mr. Brill seconds, and all are in favor.

ITEM 12 **Continued hearing for Outfront Media LLC**
Appeal #2018-603
Location: 2511 Lincoln Highway
Tax Parcel: 02-011-001-003
Request: Variance for Digital Sign.

DISCUSSION The following are exhibits of applications 7, 8, and 9;

- A-1 Aerial Map of Property
- A-2 Southbound and Northbound view of sign
- A-3 Side of Sign looking West
- A-4 Two photos of proposed modified sign
- A-5 7 page summary of digital sign benefits
- A-6 Protocol A and B of applicant emergency services
- A-7 Bio of Michael Tantala
- A-8 Plan of Tantala Associates
- A-9 Landscaping Plan
- A-10 Single panel module picture
- A-11 Light footprint aerial
- A-12 Continuance Request
- A-13 Certificate of Service
- A-14 Application & accompanying documents
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Proof of posting

Michael McGuinness is applicant's attorney. Mr. McGuinness references first section and states there is an amendment. They would like request for variance for 232-353(a) to be

added. He states there is a billboard at this location now. Outfront Media LLC is proposing to modernize the existing billboard. This location is a highway commercial district. The sign has a 14 by 40 feet upper sign and a 8 by 20 feet lower. Applicant is seeking to remove lower sign and upper sign would then be 14 by 48 feet. It will be a one-face digital, LED, multi message billboard. Applicant is proposing to eliminate the existing two sign faces and reduce the square footage of 9%. It is 60 feet in height. Applicant will incorporate the Bensalem message in the multi-message and will promote small businesses and emergency use. The sign has been there since the mid 1960's and modernizing the sign will benefit the sign. The total square footage will be reduced. The new plan will reduce the square footage and the proposed digital sign percentage is 66%.

Barbara Bridge is present, the Director of Real Estate from Outfront Media. This is an outdoor advertising company and is headquartered in Trevoise, PA. Ms. Bridge confirms dimensions and location of the billboard and goes through exhibits. Michael Tantala is present and is the Engineer for the application. Mr. Tantala references Exhibit A-8. He states the existing structure has four faces, two on each side. The proposed plan is a single structure, north face digital, south non-digital. Barbara explains they like to promote emergency and safety issues, amber alerts, etc. This would be the first digital sign in Bensalem. This will not conflict with other nearby signs. The rotation is every 8 seconds. Costs are shared by several companies and there are no amination. This will conform to all Penndot and Bensalem regulations. There are no flashing, limitations to brightness, proposed improved technology, and controlled technology with this sign. Photo cell attached to the billboard changes throughout the day so it conforms with the outside surroundings and regulations. The sign has directional lighting. Mr. Tantala references Exhibit A-7 site plan. The sign is north face digital, southface conventional. It will have a single support with the same setback and same height. Mr. Tantala references Exhibit A-8, Landscape plan. It is a center mount and has planting plan of trees and shrubs. He then references Exhibit A-10, single LED panel and explains strips of LEDs and how they work. He references Exhibit A-11, Aerial of the sign location which is along Route 1. There are 3 tenths of a candle of ambient light on this sign. Outfront Media is leasing the property, not the owner. The Township Engineer asks why not have two digital faces on each side. Barbara states you don't want to have two digital that close to each other. She also explains this is a standard size. 672 square feet is the ordinance for the new signs, which this application meets.

The audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Seymour motions to close testimony, Mr. Brill seconds, and all are in favor. Mr. Seymour motions for the hearing for Outfront Media LLC; Appeal #2018-603; Location: 2511 Lincoln Highway; Tax Parcel: 02-011-001-003 as amended, Mr. Brill seconds, and all are in favor.

VOTE

Ayes:	Mr. Champion, Mr. Seymour, Mr. Brill
Nays:	None
Abstain:	None
Absent:	None

MOTION CARRIED

3-0

ITEM 13

Hearing for Patrick Franks

Appeal #2018-604

Location: 2145 Green Ave

Tax Parcel: 02-039-179

Request: Variance for impervious surface coverage and maximum size for accessory structure.

DISCUSSION Solicitor states Shawn Ward, attorney for application sent letter on March 1, 2018 requesting a continuance due to this requiring lot line change. He also waives time constraints for this application. This letter is marked as Exhibit A-1.

MOTION Mr. Brill motions for the hearing for Patrick Franks; Appeal #2018-604; Location: 2145 Green Ave; Tax Parcel: 02-039-179 be continued to April 5, 2018, Mr. Seymour seconds, and all favor.

ITEM 14

Hearing for Carl Schneider

Appeal #2018-605

Location: 962-968 Bristol Pk

Tax Parcel: 02-029-113 & 02-029-112

Request: Variances to create lot line change.

DISCUSSION Shawn Ward, attorney for application, is present and requests a continuance to April 5th, 2018 due to tonight's hearing agenda being longer. Solicitor suggests May because April will also be lengthy. Mr. Ward waives any time constraints and will submit a waiver.

MOTION Mr. Seymour motions for the hearing for Carl Schneider; Appeal #2018-605; Location: 962-968 Bristol Pk; Tax Parcel #02-029-113 & 02-029-112 be continued to May 2018 Meeting, Mr. Champion seconds, and all are in favor.

ITEM 15

Hearing for Richard Truchi Construction

Appeal #2018-606

Location: 2340 Ogden Ave

Tax Parcel: 02-031-204

Request: Variance for front yard setback to construct garage.

DISCUSSION The following are exhibits of the application;

A-1 Application & accompanying documents

- A-2 Certificate of Service
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Original Proof of posting
- B-4 Amended Proof of posting

Applicant's contractor, Richard Turchi is present. He states the owners are seeking to build a garage. They have 7 children, 3 of which are now driving, so they want to make sure there is parking for the additional cars. The house is on Corner of Ogden Ave and Clovernook. Clovernook is a dead-end street. After plans had been done, it was encroaching on the setbacks, so a zoning application was necessary. Cornwells School is behind house. The owners maintain the property very well. 7 feet setback is being proposed. The second floor for garage is just for storage and cannot be used for living space. The height is about 28 feet. They will remove the front and back wall of existing garage and add a breezeway attaching the the house and new garage.

The audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Brill motions to close testimony, Mr. Seymour seconds, and all are in favor. Mr. Brill motions for the hearing for Richard Turchi Construction; Appeal #2018-606; Location: 2340 Ogden Ave; Tax Parcel: 02-031-204 be approved, Mr. Seymour seconds, and all favor.

VOTE

Ayes:	Mr. Champion, Mr. Seymour, Mr. Brill
Nays:	None
Abstain:	None
Absent:	None

MOTION CARRIED 3-0

ITEM 16 CORRESPONDENCE - None.

ITEM 17 ADJOURNMENT

Meeting adjourned at 10:00 P.M.
 Court Reporter: Kim Bursner
 Respectfully submitted by Danielle Campbell