

**REGULAR MEETING PLANNING COMMISSION**  
**2400 BYBERRY ROAD, BENSALEM, PA 19020**

June 20, 2018

Members Present: Harry Kramer, Marc Bourne, Pete Krieger, Anne Lubinski, Tom Risich, Joe Domzalski and Ron Gans, Township Engineer.

Members Absent: Ed Tockmajian, Sr.

The meeting came to order at 7:03 pm with approximately 22 people present in the audience.

1. Harry Kramer opened the meeting with the Pledge of Allegiance.
2. Harry Kramer made a motion to approve the May 16, 2017 minutes, Pete Krieger seconded. Tom Risich abstained. Minutes were approved 5-0.

**3. Preliminary and Final Subdivision and Land Development for the Bensalem Masjid**

Location: 3743, 3805, 3825 Hulmeville Rd  
Tax Parcel: 02-040-029, 02-040-030, 02-040-031  
Expires: 08/31/2018  
Proposed: House of Worship

Harry Kramer reported that on 06/20/18 they received a phone call request from The Bensalem Masjid for a continuance to the July 18, 2018 meeting. Marc Bourne made a motion to approve the request for a continuance. Joe Domzalski seconded. Continuance was approved and motion past 6-0.

**4. Preliminary and Final Subdivision for Bensalem Village Condominium Association**

Location: 1068 Byberry Road  
Tax Parcel: 02-094-560  
Expires: 07/29/2018  
Proposed: Single Family Detached Dwelling

Wes Plaisted of Tri-State Engineers introduced himself. The subject parcel is located on the southwest corner of Byberry Road in Bensalem Boulevard the plan indicates an area of 6.8 Acres and includes of 5.97 Acres of woodlands and is located in an R3 townhouse District the lot is irregular in shape and has two frontages on Byberry Road in one Frontage on Bensalem Boulevard.

The owner proposes a creation of four Lots three of the lots are proposed for future single-family dwellings and these three lots will have Frontage on Byberry Road the fourth lot will be dedicated to Bensalem Township for open space and is completely wooded.

The site is located in an R3 Township District. Section 232-180 (a) also allows any use permitted in an R-2 Residential District provided that such R-2 use shall conform to the area, frontage, width, yard, height in building area.

He is requesting the following waivers:

1. To allow the drawing to be at scale of 1 inch equals 50 ft. [Section 201- 41 A]. Designed at 50 ft. to have room on one sheets for room for notes and signature. Asking a waiver of scale.
2. To allow a preliminary & final subdivision plan to be submitted simultaneously [Section 201 - 43 C 5 and 6]. The applicant prepared a plan for both preliminary and final approval provided all the conditions which were required to get approval for final plan had been completed. If there were any technical corrections on the plan they would be made to affect that. Since the proposed plan is intended solely for the creation of four lots, the three building lots and the large lot dedicated for the Township, the owner is not a building contractor and has no intention to construct anything or improvements or buildings on there. The sole purpose to sell the three lots in the future for construction of houses will meet the R3-Zoning requirements. They are asking a waiver that the improvements not be shown on the plan because essentially they do not know what they would be. They do not know where they would put the houses, the driveway, the connection for water and sewer would come in. On the plan, in the notes, any future development of the new owner would be responsible for submitting plans for review through the land development process or the building permit process.
3. To defer all required improvements and design to a future owner or developer [Section 201 article VII- required public improvements]. Public improvements will be done as stated. The current owner has no intention of developing these lots. The section 201-147 allows for the granting of waiver through peculiar conditions permitting the development in question. That would be storm water or impervious surface. Asking for a waiver that on the recorded plan to state that anyone that buys this to develop would have to go through the land development process or the building permit process.

In the Township engineer's signature area, the words "Land Development" should be replaced with "Subdivision". This will be a "Will Comply".

The approval of the council signature area should be changed to remove the words "this plan was approved by the President and Secretary of Council" and should be changed to read, "This plan was approved by the Council of a Township Bensalem". This will be a "Will Comply".

The words, "President of Council and Secretary of Council" should be removed and the third signature line be added. This will be a "Will Comply".

The plan indicates that a benchmark is established on a sanitary sewer rim. We recommend that the Benchmark be established either an invert elevation in the storm sewer system, or on the existing monument at the rear corner of TMP 02-074-015. This will be a "Will Comply".

Harry Kramer stated Fire Marshall approved.

Harry Kramer opens up Questions/Comments to be asked by the Board:

### **Mark Cohen - 637 Yale Court**

Resident 18 years. Feels the property is an eyesore, hoping to sell the three lots. The funds received will enhance the property values of the 280 existing units.

### **Ken Fry - 1104 Byberry Road**

Resident since 1971. He owns the property adjacent to where they are requesting to build. Upon purchase, the property was supposed to have a street paved there so they built a garage knowing it would not create a noise issue. He is very concerned with the ten foot distance between buildings now because he rebuilds cars in his garage, sometimes in the evenings. The other concern is that they thought it was supposed to remain a green space. He is hoping and suggesting that it could be divided into two sub lots that he would be willing to pay market value for if that was an option.

### **Joseph Funk - 1113 Elberta Avenue**

This property is directly behind my house. I would like to supply some history. In 1963 this was referred to as "The Ellerslie Track", on record, in the Bucks County Planning Commission that I sat on. When Bensalem Village came in and requested proof this piece of property was piece of what was proposed as open space where this development Bensalem Village is now. This ground was and now is considered wetlands. Bensalem Township & Doylestown do not have the original plans. Back in the day, when they came in for the development, part of the R3 was you had to provide open space. This is all in the zoning codes back in those days. What I'm concerned about in developing and subdividing these properties, as this last gentlemen talked about, is a 10 foot buffer between his property and the house next door. What you cannot allow to happen is for the Planning Commission or Supervisors, to approve a plan which creates a hardship, which then, they have to go to the Zoning Hearing Board in order to develop these pieces of properties, I caution you, you have to keep in mind, that there has to be appropriate building space that has to conform to the building lot sizes, both front yards, side yards, and rear yards. Before you approve this, please look back in the history to find out what I'm saying is correct, to see if this property was considered wetlands.

### **Joseph Slemmer - 1149 Wayland Avenue**

January 29<sup>th</sup> 1959 I opened a real-estate business for 58 years. I attended a lot of Township meetings. I remember, that on the plan, that no one can find, that the developer for Bensalem Village said "You give me the density on this side of the Boulevard & I'll give you this open space". This is the second time this statement has been made. These are "Wetlands". Why can't someone find the plans where it was to be open in perpetuity? Now as the Engineer said this will be dedicated as open space and there will be no more development. We heard that the first time, no more development. Someone has to do their homework and find the plans and look at the original approval.

### **Howard Soloman - 416 Rutgers Court**

President of the Association. We've have had numerous meetings with the Township over the years to try to attempt do something with this property. It's is part of Bensalem Village's common element. In meetings with the Township, we never understood why it was to be listed or kept as "open space". The density issue was explained to us by the builder, that it was required to meet a certain amount of space to meet the density requirements of the community. What we found is, that that total piece of land doesn't need to meet the density requirements, this is what we've been told by the Township. The property has been used for dumping that's costly. They would like to see the properties utilized for single homes.

### **Jeff Malik - 559 Trinity Court**

As far as the wetlands go, we have had this surveyed and engineers out there making sure these lots were able to be developed and not selling swamp land to developers. We understand that the wetlands need to remain that way to meet the condominiums requirements. As far as the neighbors are concerned, we will sell the lots to anybody. If you want to make an offer on the property next to you, we are fine with that, we will offer you the first right to refusal on that. If that's what it takes, we don't care who buys it. We just want to add the value of our properties to our budget. We are an aging community, some of our homes are 40 years old. We could use the income from our own land to enhance the value. We could beautify that corner and our community

### **Harry Kramer announced public portion closed.**

Harry Kramer clarified for the record that the lot area sizes are as follows:

Lot 1 - 12,042.6 square ft.

Lot 2 - 12,042.6 square ft.

Lot 3 - 12,000 0 square ft.

Lot 4 - 251,861.3 square ft.

Harry Kramer entertained a Motion from the board. Marc Bourne made a motion to approve, Pete Krieger seconded. Joe Domzalski abstained. Motion passed 5-0.

Ron Gans, Township Engineer announced to Chairman, Harry Kramer and to Bensalem residents that there will be another hearing.

### **5. Component 4A – for Bensalem Veterans Residences**

Location: 3063 & 3095 Mechanicsville Road

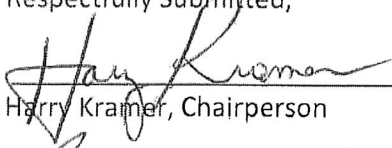
Tax Parcel: 02-037-063 & 02-037-063-001

Marc Bourne made a motion to approve, Tom Risich seconded. Harry Kramer signed the letter. Motion passed 6-0.

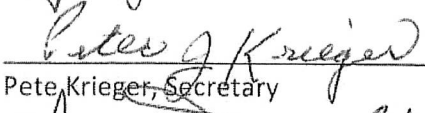
### **6. Adjournment**

Tom Risich made a motion to adjourn. Pete Krieger seconded. Motion approved 6-0. Meeting adjourned at 7:35 p.m.

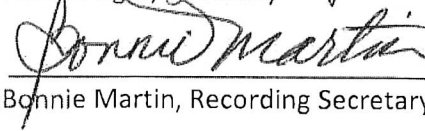
Respectfully Submitted,

  
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Harry Kramer, Chairperson

8/15/18  
Date

  
\_\_\_\_\_  
Pete Krieger, Secretary

8/15/18  
Date

  
\_\_\_\_\_  
Bonnie Martin, Recording Secretary

8/15/18  
Date