

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

October 16, 2019

Members Present: Harry Kramer, Ed Devenney, Tom Risich, Joe Domzalski and Ron Gans, Township Engineer.

Members Absent: Pete Krieger, Ed Tokmajian, Sr., Michael Gabrieli

The meeting came to order at 7:10 pm with 13 people present in the audience.

1. Harry Kramer opened the meeting with the Pledge of Allegiance.
2. Harry Kramer suggests a Motion to Approve the September 18, 2019 minutes. Ed Devenney approved the minutes and Tom Risich seconded. Minutes were approved 4-0.

3. Statement from the Township Solicitor, Joseph Pizzo re: Preliminary Land Development for Mar Mar Builders Application

Location: 1186 Byberry Rd

Tax Parcel: 02-074-110

Request: Sober Living Environment

Township Solicitor, Joseph Pizzo stated that a Hearing in July 2019 commenced by an application by Mar Mar Builders to build a proposed 200 bed Sober Living Facility on property located 1186 Byberry Rd. During the course of the hearing, the applicant produced witnesses and submitted evidence. The board received a number of public comments in this matter of the size and scope, at that location, on that piece of ground. At the conclusion of the proceedings, the matter was tabled forward to this meeting. The Applicant agreed to provide to the Township, its legal research and written legal position as to why a 200 bed facility was permitted on that property under that property's current zoning. The Township, at that hearing, expressed some reservation that while Sober Living Facilities are permitted in that zoning class are a 1, a facility of that size and scope, is not in keeping of what the zoning ordinance provides. The applicant's Attorney gave permission to announce to the Township and Public that the Township granted an additional amount of time, to in which to act on the pending application. That application goes to Dec 31st, 2019. Mar Mar Builders is withdrawing and abandoning the plan for the Sober Living Facility on the premise, in 2008, the Township approved this location an 8 lot, single family home subdivision. Subsequent to that approval, it was determined that the application needed zoning variances that were not anticipated. The RA1 District calls for 20,000 sq. ft. lots, with 80 sq. ft. frontages. Two lots on the plan had frontages of 79 ½ sq. ft. instead of 80 sq. ft. and the other lot had 76 ¾ sq. ft. instead of 80 sq. ft. Zoning variances were denied and the plan did not move forward. Mar Mar Builders is willing to go back to the plan that the Township approved, 8 houses on 20,000 sq. ft. lots. This may be the best plan for the Township & neighborhood. The property is zoned Residential and the builders reserve the right to build houses on it this 3 1/2 acres. This property is also zoned for Sober Living Facilities, whether 8 to 10 or 200 residents. The Township, after hearing concerns from the residents at the July meeting, thinks that going back to the previously approved maybe worthwhile and subject to discussion. At this point and time this Builder is willing to walk away from the 200 bed Sober Living Facility. The ordinance allows 7 or 8 Sober Living Buildings. The ground is zoned for particular use and the possibility exists for it to go either way.

4. Preliminary and Final Subdivision for Costa Homes, Inc.

Location: 4946 Neshaminy Blvd

Tax Parcel: 02-019-197

Request: Single Family Detached Dwelling

Expires: 12/2/2019

Michael J. Meginniss, Esq. of Begley, Carlin and Mandino, LLP, Tim Oakes of Tri-State Engineers & Surveyors and Al Costa of Costa Homes presents. The subject parcel lies in an R-A-1 Residential District and is located on the north side of Neshaminy Boulevard abutting Bensalem Township School District property on the east side and the rear. The parcel includes a 2,261.1 sq. ft. one story residence, a 492.5 sq. ft. garage, a 144.8 sq. ft. shed and 3676.5 sq. ft. of miscellaneous impervious surfaces. The plan proposed dividing the 1.8269 acres parcel into four lots. Lot two is proposed to include the existing dwelling, garage and a revised driveway. The pervious breakdown indicates the garage will be removed. Lot No. 1 has 18,160.8 sq. ft., Lot No. 2 has 21,634.3 sq. ft., Lot No. 3 has 20,006 sq. ft., & Lot No. 4 has 16,117.6 sq. ft. All four Lots will have direct access to Neshaminy Boulevard and will be served by a public water and sewer. There are no proposed

land development plans associated with the subdivision, with the exception, of a revised driveway on lot two. Lot 1, 3 and 4 are proposed for single-family dwelling construction. There are no storm water management issues associated with this plan. The Bensalem Township Traffic Safety Unit does not foresee any traffic issues at this time.

Harry Kramer opens board comment:

Harry Kramer suggests adding sidewalks, curbing and street trees or donating to the street tree fund.

Ron Gans advises an expert is required to walk the property to identify and confirm if wetlands exist.

Harry Kramer opens public comment:

Nathaniel Wallach

4922 Neshaminy Boulevard

Glad you found the sidewalks. Someone lost their life on that road. There are holes on the property, kids walk there and will get hurt. It's not feasible to hold off on erosion, the property is wet. The property is wet in the far corner even in the summer. Please don't build the Taj Mahal. Be a good neighbor. Please conform to the size of the lot.

Andrew Niczewski

4939 Neshaminy Boulevard

I'm concerned about the sidewalks, people walking all times of day and night. I'm also concerned and I want to make sure there will be tree replacements after the sidewalks are installed. At the Zoning Board, we had agreed to a four car off street parking with a one car turnaround. What about the underground transformer? This house has been here since the 50/60's...should have torn it down.

Paul Barnes

4948 Hillside Avenue

When we go to the Zoning Board, there are rules. For example, if it's an R-A-1, it's 20,000 sq. ft., not 16,000 sq. ft. not 18,000 sq. ft., its 20,000 sq. ft. follow the rules. What are the rules for it if they defer? This is the way communities got destroyed. If they just follow the rules, there wouldn't be any variances. It's unethical. There shouldn't be any mistakes on the plans either. If the builder would have demolished the building, there wouldn't be any variances, everything would conform. This is now his fault and he should not be permitted to move forward. The builder thought there were no sidewalks, that just shows how vested they are in this project. They haven't mowed the lawn all summer and we've had to look at a dump every day. Maybe there could be a compromise... two houses instead of three. Please enforce the rules, we shouldn't have to show up here to make sure it happens.

Harry Kramer suggests making a motion. Ed Devenney makes a Motion to proceed with the project with additions of will comply of waiver 13 to add sidewalks, to add Lot 2 to every waiver and will comply with wetlands certification as stated by Ron Gans, Township Engineer: Joe Domzalski seconds. Motion carries 4-0.

4. Adjournment

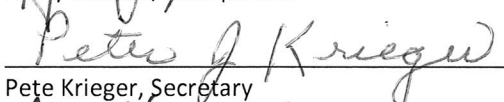
Harry Kramer requests a Motion from the board. Ed Devenney made a Motion to Adjourn. Joe Domzalski seconded. Motion approved 4-0. Meeting adjourned at 8:12 p.m.

Respectfully Submitted,



Harry Kramer, Chairperson

11-20-19
Date



Pete Krieger, Secretary

11-20-19
Date



Bonnie Martin, Recording Secretary

11.20.19
Date