

# BENSALEM TOWNSHIP ZONING BOARD MEETING

November 7<sup>th</sup>, 2019

7:00 p.m.

Attendance:

Present:

Joann Redding, Chairwoman

Albert Champion, Vice Chairman

Matthew McHugh, Solicitor

Ken Farrell, Zoning Officer

Michael Brill, Member

George Seymour, Member

Absent:

Marc Bourne, Member

## **ITEM 1: MEETING OPENED WITH THE PLEDGE OF ALLEGIANCE.**

## **ITEM 2: INTRODUCTION OF BOARD MEMBERS AND STATEMENT OF RULES AND PROCEDURES BY MATTHEW MCHUGH.**

Matthew McHugh stated that the Zoning Board is Appointed but otherwise independent .He also explained the Planning Code for the Zoning Board has a requirement that a Majority of the Board , meaning the 5 voting members, must vote to approve a variance request. This means that 3 members out of 5 members must approve. This doesn't change if a member is absent or must recuse themselves, it is still a majority of 3 members who must approve. If any Applicant would like to ask for a Continuance based on this requirement, they may ask the Board.

## **ITEM 3: APPROVAL OF LAST MONTH'S MINUTES – OCTOBER 3<sup>rd</sup>, 2019 .**

**MOTION: To Approve Minutes October 3<sup>rd</sup>, 2019**

**MOTION MADE BY: George Seymour**

**SECONDED BY: Albert Champion**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4 - 0**

**ITEM 4: CONTINUED HEARING FOR PRICESMART, INC. APPEAL # 2019 – 2374**

**LOCATION: MARSHALL LANE AND WINKS LANE**

**TAX PARCEL: 02 - 075 – 079**

**REQUEST: VARIANCES TO CONSTRUCT OFFICE/WAREHOUSE WITH PARKING.**

Matthew McHugh stated that this is a Continued Hearing and that there was some testimony given in a previous meeting.

Mr. Mike McGinnis is Attorney for the Applicant. Also present is Mr. Lipski, Attorney for the Objector for this hearing.

The 1<sup>ST</sup> Hearing was heard by the 5 Board Members. At that time, the Applicant's Attorney asked for and was granted for a Continuance until September Meeting. Another Continuance was asked for and Approved at the September Meeting until the October Meeting. Another Continuance was asked for and Approved at the October Meeting until the November Meeting.

Mr. McGinnis is comfortable in proceeding currently although 1 Board Member is absent.

Matthew McHugh said it is possible to get a copy of the revised plan and a copy of the previous transcript prepared and that the 5<sup>th</sup> Board Member could read it.

Mr. McGinnis There is a Revised Plan because the Original application had 6 variances and they don't need 6 of them with the Revised Plan.

Variations pertain to the setbacks. 1 is the front yard setback Marshall Lane 1. Is the front yard setback Winks Lane 1 is the side yard setback.

Mr. Vince Fiorvanti is the Applicant's Engineer and has been sworn in.

George Seymour asked Why the Board didn't receive a copy of the revised plans?

Mr. McGinnis stated it was submitted to Mr. McHugh in September by email.

Joann Redding stated that they would like to have paper copies of Revised Plans and that maybe a Continuance so that they can be provided to the Board.

Albert Champion stated that it looks like you eliminated the Impervious Surface Variance and reduced the building coverage.

Mr. McGinnis said Yes it was 80.1 % and now it 64.9%. The requirement is 65% so it is underneath it.

Mr. McGinnis stated that there was 3 proposed front entrances and now there is only 1. The owner is occupying the entire site. The building is now 30,000 sq. ft.

Also originally asked for 50ft. setback, as are most of the properties in the vicinity but with reducing the building size now asking for less of a setback.

Albert Champion asked if it will be warehouse based only?

Mr. McGinnis stated Yes warehouse only with 6 employees and 10 office employees.

Mr. Fiorvanti stated that they need 23 required parking space, the revised plan has 25 parking spaces across the front and 10 across the back which is 35 parking spaces/

In 1969, the 50ft. setback was government standard at that time although the Board told them that the zoning had changed and to comply with the zoning as much as possible, so the plan was revised.

They will comply with the Storm Water Management too.

Mr. Fiorvanti stated using Exhibit marked A-7 that shows tributary to the Neshaminy Creek to site. Mr. Fiorvanti stated that to comply when then they go through Land Development, they will have to make it less significant and they can do that.

It is 1 of the last vacant lots in the vicinity.

It will have lots of extra Green Spaces versus other lots.

Albert Champion asked Ken Farrall is there any plans regarding that vicinity with flooding, etc.

Ken Farrall stated not at this point.

Albert Champion is concerned about the flooding, nice to have a Visual.

Joann Redding stated that the Revised Plan is a much better Plan.

George Seymour and Albert Champion both agreed.

The Plan is keeping the water that is there, but it will not exacerbate the condition.

Matthew McHugh agreed that they won't exacerbate it.

Albert Champion asked about future parking?

Mr. Fiorvanti stated that they considered it that is why created 25 parking spaces in the front and there is space for additional parking which will be of little change to the Impervious Surface because of the current parking lot.

Albert Champion stated that is nice to see that there is option for the future if Applicant was to outgrow the building.

Joann Redding asked if the Board had any other questions.

Matthew McHugh asked Mr. Lipski representing as Objector's Attorney if he had any objections to the Revised Plan.

Mr. Lipski asked the actual size of the building?

Mr. Fiorvanti stated it was 30,000 sq. ft.

Mr. Lipski asked if it was feasible to make it smaller than that?

Mr. Fiorvanti stated it was unfeasible.

Mr. Lipski asked if it was currently vacant land?

Mr. Fiorvanti stated Yes, it is currently vacant.

Mr. Lipski asked if it is a blighted neighborhood?

Mr. Fiorvanti stated No, it is not blighted.

Mr. Lipski asked additional questions to Mr. Fiorvanti about the Revised Plan.

Matthew McHugh stated that Mr. McGinnis could ask Redirect questions to Mr. Fiorvanti.

Mr. McGinnis asked Mr. Fiorvanti why was the plan designed with a rear yard setback?

Mr. Fiorvanti stated that it was designed with a rear setback because need space for tractor trailer and loading docks in the back of the building.

Mr. McGinnis asked Mr. Fiorvanti if there would be any issue if Applicant was to seek variances for less than the size seeking?

Mr. Fiorvanti stated Yes, if it is smaller it wouldn't work for the Applicant with the type of business, if talking about financial issues the business wouldn't succeed.

Albert Champion asked if it is possible to put loading dock in the front of the building.

Mr. Fiorvanti stated that for aesthetic purposes, No, it wouldn't be possible.

Albert Champion stated that some places have it, but it looks horrible.

Albert Champion stated that it was a good job, took suggestions from the Board and revised the plan.

Matthew McHugh asked Mr. McGinnis if had any additional evidence? Also asked Mr. Lipski is had any additional questions within the scope of what was discussed.

Joann Redding asked for a Motion to Close Testimony for this Application.

Albert Champion asked before that, do we need to wait to see a copy of the exact Redesigned Plan?

Matthew McHugh stated you can have a Motion to Close Testimony and that once the Hearing Application is Closed, the Board has 15 days to render a decision.

Joann Redding asked if can add Condition that it only be a 1 use building? A single operator is acceptable with Mix Office but only a single tenant.

Mr. McGinnis stated that will provide full paper copies of the Revised Plan along with A-9 with reserved parking, additional exhibits in December.

Joann Redding stated that basically a Continuance to the next meeting December 5<sup>th</sup>, 2019 would be ok to submit a Revised Copy of the Plans to the Objector and to the Board for the Board to render a Decision.

Mr. Lipski has no objection to a Continuance to the next meeting December 5<sup>TH</sup>, 2019.

**MOTION: To Grant a Continuance for Appeal # 2019 – 2374 Pricemart, Inc. to December 5<sup>TH</sup>, 2019**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

**ITEM 5: EXTENSION REQUEST FOR DAUPHINE BUILDERS APPEAL # 2013 – 340**

**LOCATION: 1282 BYBERRY ROAD**

**TAX PARCEL: 02 – 075 -079**

**REQUEST: EXTENSION OF TIME FOR THE PREVIOUSLY GRANTED VARIANCES.**

Matthew McHugh stated that Joann Redding is recusing from this Extension Request and that Albert Champion is taking over as Chair.

This is an Extension Request of previous granted variances. Letter from Applicant's Attorney Mr. McGinnis marked as Exhibit A-1.

Mr. Callahan is representing the Applicant in place of Mr. McGinnis.

Matthew McHugh stated that Mr. Callahan that has ability to ask for a Continuance as 1 Board Member has recused and 1 Board Member is Absent.

Mr. Callahan stated that would like to move forward.

Matthew McHugh stated that is not a Standard Variance, relief was previously sought and granted. It is only whether the Applicant has proceeded in good faith and due diligence and if find that Applicant has, the Board can grant up to 1-year extension.

George Seymour stated that this report was only received this Tuesday, why was it not received earlier, it is 537 pages?

Mr. Callahan stated that the 1<sup>st</sup> 15-18 pages is charts and figures relative to Extension Request. It summarizes in those pages. They do recognize that it was sent out Tuesday. The Geologist Environmentalist Expert is present to explain too. The 500 page Report shows that the Applicant is being diligent. They hired a company to take the ground water samples and discovered ground water contaminants. Exhibit A-2 is the Clean Up Plan.

Geotechnical Assoc. took water samples 9/7<sup>th</sup> and 10/16<sup>th</sup> and they sent them to the PA. Department of Environmental Protection ( DEP ) and the tests came back last Friday so much not time to prepare.

A-3 Environmental Expert Richard Lake's abbreviated version of the update dated 11/6<sup>th</sup> is being handed out to Board Members. Mr. Callahan stated the Applicant is actively pursuing the cleanup.

Richard Lake, Geologist Environmentalist GTA, Geo Technical Associates has been sworn in.

Richard Lake stated that 2 additional wells were tested for analysis. They amended the plan to submit report to the DEP so that the DEP could approve the cleanup of the site. The DEP had 90 days to get back to them approving the clean up or they could also suggest changes.

The test analysis showed chlorinated volatile contaminants, wells put in to figure out where it was going. The cause is most likely from a vacant Commercial Building, Andalusia Concrete Company, that is located on the property or from something else close by. The soil was tested, and it show no contaminants.

Mr. Callahan stated that prior to the Applicant purchasing the property, the Applicant had no idea about the contamination. At this point, everything is moving forward as expected.

The Applicant, Sandra A. DiNardo was sworn in.

Mr. Callahan asked Sandra DiNardo if when the Variance Request was originally submitted, did you have any idea of the condition of the site?

Sandra DiNardo stated No, she didn't know the condition of the site. We have been working diligently with DEP to see that it is up to standard.

George Seymour asked Richard Lake if any further testing requirement?

Richard Lake stated Yes 2 additional ground water tests once the building is demolished.

Albert Champion asked Richard Lake what was the reason for the 1<sup>ST</sup> testing, why did Applicant hire you?

Sandra DiNardo stated that Phase 1 was ok. They wanted to see that the land would be ok for families etc. that would be buying houses on the property. They were hired to continue with Phase 2. It was not a condition of purchasing the property.

Mr. Callahan stated he believed that if the Board needed an actual Timeline, that GTA could provide it.

George Seymour asked if needed can you provide the documentation of the testing?

Mr. Callahan stated Yes, the 500 page Report includes that.

DEP asked for 2 extra wells and samples and they are prepared to submit them to the DEP, that is also included in the Report.

Albert Champion stated that is concerned that it has been almost 8 years and possible changes with townhouse requirements, etc.

Matthew McHugh stated that the Applicant can ask for less than 1 year but not more than 1 year at a time. They can ask for a 1 year extension.

Mr. Callahan stated that understood that the October 2018 Report was not received by the Board until a few day ago. Mr. Callahan welcomes the Board to take the time to review it.

Sandra DiNardo stated that they've incurred substantial costs associated with major clean up already, they want to start to build, it would make the vicinity look better than empty property. They're keeping it up to date in the meantime.

Albert Champion asked Ken Farrall is any calls regarding the property?

Ken Farrall stated No, nothing.

Matthew McHugh stated it's the Board's issue to decide if the Applicant has been reasonably diligent, not if something is contaminated at the property. If you deny, it could stop the cleanup process altogether.

Richard Lake stated that there's a waiting period between testing on a quarterly basis, it is not each day.

Albert Champion asked If 2013 if it had not been tested, would it have been discovered?

Richard Lake stated Yes, most probably when building was demolished, vapors would have shown up.

Sandra DiNardo stated that they understand the children are going to be playing on that property and want it to be safe.

Albert Champion Do you think it could be a Super Fund Site with multifaceted clean up?

Richard Lake stated No, it would not.

Matthew McHugh stated that you could give them a 3 days extension, but they'd be back asking for a new extension. This is an Administrative Request that is solely up to the Board

Albert Champion asked if any Member of the Audience had any questions.

No Audience Member asked to speak.

Matthew McHugh stated that this is not a Formal Hearing and the Board doesn't have to have a Motion to Close Testimony.

**MOTION: To Grant a 1 year extension for Appeal # 2013 -340 to Dauphine Builders for previously granted Variances.**

**MOTION MADE BY: George Seymour**

**SECONDED BY: Michael Brill**

**VOTE: AYES: Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: Joann Redding**

**MOTION CARRIED: 3 - 0**

**ITEM 6: HEARING FOR BRANDON MUFFETT APPEAL # 2019 – 3539**

**LOCATION: 704 BACHE LANE**

**TAX PARCEL: 02 -098 - 076**

**REQUEST: VARIANCE FOR SHED TO BE CLOSER THAN 5 FT. FROM PROPERTY LINE.**

Matthew McHugh stated that paperwork for Application appears to be in order.

Brandon Muffett the Applicant was sworn in.

Brandon Muffett stated that it's an Open Permit, went to get U&O and couldn't because of shed being too close to the property line.

Ken Farrall stated that the Open Permit was from previous owner, Quentin went out and a temporary U&O was issued for the Settlement. The Applicant was told by Building and Planning, that they had to request a Hearing before Zoning Board to ask for a variance to get it corrected so that a U&O could be issued.

Joann Redding asked if any Audience Member would like to speak for/against this Application?

No Audience Member asked to speak.

Joann Redding asked for a Motion to Close Testimony

**MOTION: Motion made to Close Testimony for Brandon Muffett Appeal # 2019 - 3539**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

Joann Redding asked for a Motion to Approve Appeal # 2019 -3539

**MOTION: Motion to Approve Variance for shed to be closer than 5 ft. from the property line  
Appeal #2019 3539**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

Matthew McHugh stated for the record that is giving a copy of the decision to Applicant.

Ken Farrall stated that the Applicant has to submit the decision to the Building and Planning Office.

**ITEM 7: HEARING FOR HAGEN PROPERTIES LLC APPEAL # 2019 – 3846**

**LOCATION: 3300 STATE ROAD**

**TAX PARCEL: 02 -079 – 007 -002**

**REQUEST: VARIANCE TO INSTALL A 6 FT. FENCE IN THE SETBACK**

B-1 Letter to Applicant

B-2 Proof of Posting

B-3 Proof of Publication

A-1 Application and Accompanying Documents

A-2 Certificate of Service

Matthew McHugh stated that the paperwork appears to be in order.



This property is a Construction Company Warehouse. Existing 6 ft. fence around most of the property. Applicant wants to complete it. Applicant is going to tear down the current fencing and put up new fencing.

The Zoning Code only allows for a 4 ft. fence.

The Applicant stated that they have had tires stolen and the building broken into and this is why they want a higher fence. 1 Neighbor is the State Park. There is an existing 6 ft. fence on side that has a house for sale. The property is a vacant store front Don't see anybody having issue with it.

Albert Champion stated that the building was ragged but see they've been working on it.

Joann Redding asked if any Audience Member would like to speak for/against this Application?

No Audience Member spoke up.

Joann Redding ask for a Motion to Close Testimony

**MOTION: Motion Made to Close Testimony for Hagen Properties LLC Appeal # 2019 - 3846**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION Carried: 4-0**

Joann Redding asked for a Motion to Approve Application

**MOTION: Motion Made to Approve Variance Request to Install a 6 FT. fence in the setback Appeal # 2019 - 3846**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

Matthew McHugh stated for the Record that is giving a copy of the Decision to the Applicant.

**ITEM 8: HEARING FOR STEVEN F. FOX APPEAL # 2019 – 3851**

**LOCATION: 2709 BERWYN ROAD**

**TAX PARCEL: 02 – 013 -212**

**REQUEST: VARIANCE FOR ACCESSORY STRUCTURES TO REMAIN ON PROPERTY CLOSER THAN 5 FT. TO PROPERTY LINE.**

B-1 Letter to Applicant

B-2 Proof of Posting

B-3 Proof of Publication

A-1 Application and Accompanying Documents

A-2 Certificate of Service

Matthew McHugh stated that paperwork appears to be in order.

Steven F. Fox, Applicant was sworn in.

Joann Redding asked What is it that you want to do?

Steven F. Fox stated that he bought the house, applied for U&O and found out that there was a temporary U& O on the property issued for settlement but that must get a permanent U&O. There is a shed that has been on the property for about 20 years. To get U&O the Applicant must get a variance for the shed as it's closer than 5 ft. to the property line. Applicant doesn't want to have to take the shed down. Stated that he moved back 13 years ago to take care of parents and recently bought the property, it was transferred.

Ken Farrall stated that if Building and Planning don't know it's completed, they don't go out to inspect it, which is what happen in this case.

Joann Redding asked if any Audience Member would like to speak for/against this Application.

No Audience Member asked to speak.

Joann Redding asked for a Motion to Close Testimony.

**MOTION: Made to Close Testimony for Hearing for Steven F. Fox Appeal # 2019 -3851**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

Joann Redding asked for a Motion to Approve Appeal # 2019 -3851

**MOTION: Motion Made to Approve for Steven F. Fox for variance to allow accessory structures to remain on the property closer than 5 FT. to property line Appeal 2019 - 3851**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: Albert Champion**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

Matthew McHugh stated that is giving a copy of the Decision to the Applicant.

Ken Farrall stated that Applicant has to give a copy of the Decision to Building and Planning to get U&O.

**ITEM 9: HEARING FOR DIPASQUALE ORGANIZATION LLC APPEAL # 2019 – 3852**

**LOCATION: 0 LAURENCE COURT**

**TAX PARCEL: 02 - 093 -288 – 001**

**REQUEST: USE VARIANCE TO ALLOW A SINGLE-FAMILY DWELLING IN AN R – 3 DISTRICT.**

Matthew McHugh stated that Joann Redding is recusing from this Application and that Albert Champion is going to be the Chair.

Matthew McHugh stated that the paperwork appears to be in order.

Mr. DiPasquale Sr. and Mr. DiPasquale Jr., Applicants have been sworn in.

Mr. DiPasquale stated that they want to build a single-family dwelling on the property but that the property is zoned R -3, which the Ordinance says is for a duplex and not a single-family dwelling, so they need a Variance.

Mr. DiPasquale stated that there is a proposal and a contract buyer for a single-family dwelling on the property but again they need to have variance to allow a single-family dwelling. If not it most likely is going to stay an empty lot, don't see anybody else wanting to buy it, not enough room to put a duplex.

Mr. DiPasquale stated that it's a 1700 sq. ft. 1 Story Rancher, a stone front, with a walk-up basement. The buyer is a current resident and wants to downsize. This fits what they want.

Michael Brill asked if this is Coventry Green?

Mr. DiPasquale stated that Yes, it's Coventry Green.

Ken Farrall stated that it's a weird district, it was set up as 1 use permitted, very specific, Zoning District it is unique.

Mr. DiPasquale stated that they're willing to get a Deed Restriction to keep it a Single-Family Dwelling.

Matthew McHugh stated that usually don't do Deed Restrictions, but it shows that the Applicant is sincere, show the level of commitment.

Albert Champion stated that it looks like a pretty good plan and George Seymour agreed.

Albert Champion asked if any Member of the Audience would like to speak for/against this Application.

Robert Leibel was sworn in. Robert Leibel is a 22 year resident of Laurence Court. The duplexes have a lot of Rentals. Robert Leibel has a trust issue; say it's going to be a Single Family living in it and not a Rental, but another property is a Rental property and they have nothing but trouble with it. Wants to see it stay as unbuilt lot.

Matthew McHugh stated that the Board can't control owner occupancy although Applicant is saying it is going to be.

The current owner is not who is building. Next week the landowner will be the DiPasquales, who is building the single-family dwelling and then a 3<sup>RD</sup> party is going to buy the house and move into it. The duplex in front of the property is not connected in any way.

Robert Leibel asked if the people who are going to buy , the people in the duplex in front of it? That is what we have heard.

Mr. DiPasquale stated No, they have nothing to do with the property and they aren't the buyers of the house.

Matthew McHugh suggested that maybe take a short break so that Mr. DiPasquale and Robert Leibel can discuss.

Albert Champion stated that there is going to be a short break.

Matthew McHugh stated that the Board is back to Record for Item #9 Hearing for Appeal # 2019 – 3852.

Robert Leibel stated that he and Mr. DiPasquale spoke and that is encouraged by what Mr. DiPasquale is going to do with the property. Mr. DiPasquale and the dwelling that is going to be built is going to be a great addition to the community.

Robert Leibel stated that for 22 years he has taken care of that property with trees and snow removal and is happy that a house is going to be built by Mr. DiPasquale at that location.

It was a good dialog and good luck to the builder.

Albert Champion asked for a Motion to Close Testimony,

**MOTION: Motion Made to Close Testimony for Appeal # 2019 - 3852**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: George Seymour**

**VOTE: AYES: Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: Joann Redding**

**MOTION CARRIED: 3 – 0**

Albert Champion asked for a Motion to Approve for Appeal # 2019 – 3852

**MOTION: Motion Made to Approve Hearing for DiPasquale Organization LLC Hearing # 2019 – 3852 for a Variance to allow a Single Family Dwelling in a R -3 District.**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: George Seymour**

**VOTE: AYES: Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: Joann Redding**

**MOTION CARRIED: 3 – 0**

Matthew McHugh stated for the Record that a copy of the Decision is being given to Applicant.

**ITEM 10: HEARING FOR ANTHONY DANH APPEAL # 2019 – 3855**

**LOCATION: 6072 WASHINGTON LANE**

**TAX PARCEL: 02 – 052 -028**

**REQUEST: VARIANCE TO CONSTRUCT PAVILLION TO BE LARGER THAN THE PRINCIPAL STRUCTURE.**

Joann Redding is back on the Board.

Matthew McHugh stated that has not heard from Applicant.

2 choices – Continuance or Deny.

B - 1 Letter to Applicant

B - 2 Proof of Posting

B - 3 Proof of Publication

A -1 Application

Matthew McHugh stated that the Applicant is not present and didn't provide a Certificate of Service, you can deny on that.

Joann Redding asked for a Motion to Deny

**MOTION: Motion Made to Deny Appeal # 2019 -3855 Hearing for Anthony Danh for Variance to construct Pavilion to be larger than the Principal Structure for being a No Show and not providing a Certificate of Service.**

**MOTION MADE BY: George Seymour**

**SECONDED BY: Michael Brill**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

**ITEM 11: HEARING FOR JAMES MILL APPEAL # 2019 -3856**

**LOCATION: 1185 HIGHLAND AVENUE**

**TAX PARCEL: 02 – 029 – 442**

**REQUEST: VARIANCE TO CONSTRUCT DETACHED GARAGE LARGER THAN PRINCIPAL STRUCTURE AND A VARIANCE FOR IMPERVIOUS SURFACE COVERAGE.**

B-1 Letter to Applicant

B-2 Proof of Posting

B-3 Proof of Publication

A-1 Application and Accompanying Documents

A – 2 Certificate of Service

Matthew McHugh stated that has reviewed it and everything appears to be in order.

James Mills, Applicant was sworn in.

James Mills stated that it was approved for a 20 x 20 but wants to build a 24 x 24 garage and driveway.

Joann Redding asked how tall is the garage?

James Mills stated it is 18 ft. to the peak. It will be used for mainly storage. The downstairs 8 ft. height with 8 ft. door.

George Seymour stated that has concern about the height.

James Mills stated that other garages in the vicinity higher than that.

Any street parking?

James Mills stated that usually in the driveways but sometimes in the daytime street parking.

Albert Champion stated that with the size that if a rental , wouldn't be able to use it.

Ken Farrall stated that he also agrees the 2<sup>ND</sup> floor is not habitable due to size.

Joann Redding asked if any Audience Member would like to speak for/against this Application?

Nobody in the Audience spoke.

Joann asked for a Motion to Close Testimony

**MOTION: Made to Close Testimony for Appeal # 2019 - 3856**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

Joann Redding asked for a Motion to Approve.

**MOTION: Motion Made to Approve Hearing for James Mills Appeal # 2019 – 3856 for a Variance to construct a detached garage larger than principal structure and a variance for impervious surface coverage.**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

Matthew McHugh stated for the Record that was giving the Applicant a copy of the Decision.

**ITEM 12: CORRESPONDCE**

**ITEM 13: ADJOURNMENT**

**MOTION: Motion Made to Adjourn Meeting**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: George Seymour**

**VOTE: AYES: Joann Redding, Albert Champion, George Seymour, Michael Brill**

**NAYS: None**

**ABSENT: Marc Bourne**

**ABSTAIN: None**

**MOTION CARRIED: 4- 0**

MEETING IS ADJOURNED

**MINUTES SUBMITTED BY: DONNA SPONHEIMER – SMITH**

**NOVEMBER 20, 2019**

**The Minutes are not verbatim but a synopsis of the meeting.**

