

BENSALEM TOWNSHIP ZONING BOARD MEETING

AUGUST 1, 2019

7:00 P.M.

ATTENDANCE :

JOANN REDDING , CHAIRWOMAN
ALBERT CHAMPION, VICE CHAIRMAN
MATTHEW J. MCHUGH , SOLICITOR
KEN FARRELL , ZONING OFFICER
MICHAEL BRILL , MEMBER
GEORGE SEYMOUR, MEMBER
MICHAEL BOURNE , MEMBER

ITEM 1 : MEETING OPENED WITH PLEDGE OF ALLEGIANCE

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

ITEM 3 : APPROVAL OF LAST MONTH'S MINUTES WITH THE ADJUSTMENT.

ITEM 4 : CONTINUED HEARING FOR PENNJ PETROLEUM LLC APPEAL # 2019 – 0605

LOCATION : 2700 KNIGHT ROAD

TAX PARCEL : 02 – 036 – 214 AND 02 – 036 – 245

REQUEST : VARIANCE FROM IMPERVIOUS SURFACE RATIO , TOTAL NUMBER OF PARKING SPACES AND LOADING SPACE.

Matthew McHugh stated that he received correspondence that the Applicant met with the Township and is requesting a Continuance to October Meeting. Matthew stated that this should be the last Continuance granted.

MOTION : MADE TO APPROVE CONTINUANCE TO OCTOBER MEETING WITH THIS BEING THE LAST CONTINUANCE.

MOTION MADE BY : GEORGE SEYMOUR

SECONDED BY : ALBERT CHAMPION

VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

ITEM 5 : CONTINUED HEARING FOR JAMES FOX APPEAL # 2019 – 1478

LOCATION : 6137 EDGE AVENUE

TAX PARCEL : 02 – 052 – 118

REQUEST : VARIANCE FOR GARAGE TO EXCEED 25% OF MAXIMUM SIZE AND VARIANCE FOR FRONT AND SIDE YARD SETBACKS

JAMES FOX , APPLICANT WAS SWORN IN.

MATTHEW MCHUGH STATED THAT THIS APPEAL WAS ORIGINALLY HEARD IN JUNE, NOTICES ,ETC. WERE SERVED AND A CONTINUANCE WAS GRANTED.

JAMES FOX HANDED OUT NEW PLANS .

JOANN REDDING ASKED IF THE NEW PLANS WERE SUBMITTED TO THE TOWNSHIP ?

JAMES FOX STATED THAT DIDN'T KNOW THAT HAD TO DO THAT.

JAMES FOX STATED THAT DOESN'T BELIEVE HAVE TO HAVE THE FRONT AND SIDE YARDSET BACKS VARIANCES ONLY THE GARAGE SIZE WHICH HAS CUT IT IN SIZE TO ABOUT ½, 1,344 SQ. FT.

MATTHEW MCHUGH ASKED JAMES FOX, APPLICANT TO EXPLAIN THE REVISIONS TO THE BOARD AS IT LOOKS LIKE YOU MADE SIGNIFICANT CHANGES TO IT.

JAMES FOX STATED IT IS 16 x 45 DEEP , A NARROWER WIDTH

ALBERT CHAMPION ASKED IF THE NEIGHBOR KNEW ABOUT THE NEW PLAN?

JAMES FOX STATED THAT HE DIDN'T TELL NEIGHBOR , NEIGHBOR WAS AWARE OF THE MEETING.

ALBERT CHAMPION STATED THAT THE NEIGHBOR HAD ISSUE WITH THE HEIGHT AND HIS SIGHT LINE.

JAMES FOX STATED YES AND THE NEW PLAN IS 16ft. FURTHER FROM NEIGHBOR.

ALBERT CHAMPION STATED THAT IT LOOKS LIKE APPLICANT ADDRESSED THE ISSUE THAT THE BOARD HAD.

JAMES FOX STATED THAT ONCE THE CAMPER IS IN THE NEW GARAGE, NO SPACE TO WORK ON THINGS , SO MAY HAVE TO ADD A SHED .

MR. THOMAS JADICO , ENGINEER WAS SWORN IN.

KEN FARRELL STATED TO MATTHEW MCHUGH THAT IT LOOKS LIKE IT MAY HAVE TO HAVE A FRONT YARD SET BACK.

MATTHEW MCHUGH STATED THAT IF THE BOARD IS INCLINED TO GRANT RELIEF TO THE APPLICANT IT SHOULD INCLUDE THE FRONT YARD SETBACK.

ALBERT CHAMPION STATED BETTER TO GET IT THAN HAVE TO RETURN LATER TO ASK . THE BOARD IS HAPPY WITH THE CHANGE.

JAMES FOX STATED THAT NOTHING WILL MAKE THE NEIGHBOR HAPPY.

JOANN REDDING ASKED IF THE BOARD HAD ANY ADDITION QUESTIONS FOR THE APPLICANT.

JOANN REDDING ASKED IF ANY AUDIENCE MEMBER IS PRESENT FOR/AGAINST THIS APPLICATION. NOBODY CAME FORWARD.

MOTION : MADE TO APPROVE REQUEST FOR GARAGE VARIANCE AND FRONT YARD SET BACK 19 ft. FOR APPEAL # 2019 - 1478

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MARC BOURNE

VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

ITEM 6 : CONTINUED HEARING FOR DENNIS BOBAKOV APPEAL # 2019 – 702

LOCATION : 1202 GIBSON ROAD

TAX PARCEL : 02 – 046 -045

REQUEST : VARIANCE TO USE PROPERTY AS RESIDENCE AND SPECIAL EVENT FACILITY

MATTHEW MCHUGH STATED THAT THE APPEAL HAS BEEN WITHDRAWN BY THE APPLICANT . THEY MAY SUBMIT A NEW APPLICATION SOMETIME IN THE FUTURE.

ITEM 7 : CONTINUED HEARING FOR DISHA PATEL APPEAL # 2019 – 2082

LOCATION : 5100 LEEWARD AVENUE

TAX PARCEL : 02 – 074 -212

REQUEST : VARIANCE FOR ACCESSORY STRUCTURE TO BE LESS THAN 5ft. TO PROPERTY LINE

MATTHEW MCHUGH STATED THAT THIS WAS A CONTINUANCE FROM LAST MONTH'S MEETING.

LETTER TO APPLICANT

CERTIFICATE OF SERVICE

PROOF OF POSTING

PROOF OF PUBLICATION

APPLICATION AND ATTACHMENTS

MATTHEW MCHUGH STATED THAT EVERYTHING APPEARED TO BE IN ORDER.

DISHA PATEL WAS SWORN IN.

DISHA PATEL STATED THAT ONCE KNEW THEY NEEDED TO GET APPROVAL, THEY ASKED WHAT THEY HAD TO DO TO RECTIFY IT.

MICHAEL BRILL ASKED HOW FAR FROM THE PROPERTY

IS THE SHED ?

DISHA PATEL STATED IT WAS 3ft.

ALBERT CHAMPION ASKED IF THE YARD WAS FENCED?

DISHA PATEL STATED YES, IT'S FENCED.

ALBERT CHAMPION ASKED IF PROPERTY IS AT THE END OF THE STREET? IF ANY NEIGHBORS HAVE ANY ISSUE WITH THE SHED ? ASKED IF THE SHED HAD OPENING UNDERNEATH, NOT ON THE GROUND?

DISHA PATEL STATED THAT IT'S THE END OF THE STREET , THAT NO NEIGHBOR HAS ANY ISSUE AND THAT THE SHED IS NOT ON THE GROUND , IT HAS OPENING UNDERNEATH.

JOANN REDDING ASKED IF ANY AUDIENCE MEMBER WOULD LIKE TO SPEAK FOR/AGAINST THIS APPLICATION . NOBODY CAME FORWARD.

JOANN REDDING ASKED FOR A MOTION TO CLOSE TESTIMONY.

MOTION : MADE TO CLOSE TESTIMONY FOR APPEAL # 2019 – 2082

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

MOTION : MADE TO APPROVE VARIANCE FOR ACCESSORY STRUCTURE TO BE LESS THAN 5ft. TO PROPERTY LINE AS SHOWN ON THE APPEAL # 2019 - 2082

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MARC BOURNE

VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

Matthew McHugh stated to let the record show that was giving a copy of the decision to the Applicant.

ITEM 8 : EXTENSION REQUEST FOR JPH REALTY , INC. APPEAL # 2019 -629

LOCATION : GALLOWAY AND RICHLIEU ROADS

TAX PARCEL : 02 -046 -001

REQUEST : EXTENSION OF TIME FOR THE PREVIOUSLY GRANTED VARIANCES

Mr. Zachary Sivertsen, Eastburn & Gray , Attorney for Applicant

Mr. Sivertsen stated that this is Administrative Request.

The Applicant is the current equitable owner of the property.

It was approved relief was given for 2 years for a dimensional variance 62,000 sq.ft. mix building. Also approved for a use variance with a 1-year expiration date. The issue is locating good quality tenants.

Issue with a 2nd floor?

Mr. Sivertsen stated no intention of using the 2nd floor.

Joanne Redding stated so it's a façade ?

Matthew McHugh stated if the Board is so inclined , they can add clarifying language.

Albert Champion stated the concern was parking . The Board didn't want a 2nd floor to be tenants as it would add to the parking. Thank you for clarifying that.

Matthew McHugh explained to the Board that it's an Administrative vote, can approve it up to 1 year , as long as diligently pursuing project can grant it.

Matthew McHugh stated that it is not the same process as variance . The Chair doesn't have to ask Audience Members, but it is up to the Chair if wants to ask Audience.

MOTION : MADE TO GRANT EXTENSION FOR 1 YEAR FOR APPEAL # 2019 - 629

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MARC BOURNE

VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

ITEM 9 : HEARING FOR SEVENTH VENTURE , LLC. APPEAL # 2019 – 2241

LOCATION : 680 ROCKHILL ROAD

TAX PARCEL : 02 – 001 – 037 – 008

LOCATION : VARIANCE FOR WALL SIGN

Matthew McHugh stated that received correspondence from the Applicant's counsel for a Continuance to October 5th Meeting if the Board is so inclined to approve.

MOTION : MADE TO APPROVE CONTINUANCE TO OCTOBER 5th MEETING

MOTION MADE BY : MARC BOURNE

SECONDED BY : GEORGE SEYMOUR

VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

ITEM 10 : HEARING FOR PIRO KARAJANI APPEAL # 2019 -2368

LOCATION : 1155 BRISTOL PIKE

TAX PARCEL : 02 – 029 -417

REQUEST : VARIANCE TO PARK COMMERCIAL VEHICLES ON PROPERTY

MATTHEW MCHUGH STATED THAT THE APPLICANT DIDN'T SHOW UP. THE BOARD CAN CONTINUE OR DENY IT.

MATTHEW MCHUGH STATED THAT HIS OFFICE SENT NOTICE LIST THE APPLICANT WAS AWARE OF THE MEETING.

ROSE , AUDIENCE MEMBER STATED THAT DIDN'T GET A NOTICE SAW IT POSTED ON THE POLL. ROSE CAN GIVE THE INFORMATION TO KEN THAT ROSE HAS AND IF THEY APPLY AGAIN IT CAN BE ADDED TO APPLCATION PACKET.

KEN FARRELL STATED THAT APPLICANT IS PARKING AT LOCATION NOW .

GEORGE SEYMOUR ASKED IF A CEASE AND DESIST?

KEN FARRELL STATED IT IS A WEIRD LOT , GRANDFATHERED LOT, NON-CONFORMING LOT . ORIGINALLY DENIED APPLICATION FOR A GARAGE 3X SIZE OF THE HOUSE.

THEORETICALLY SHOULD HAVE BEEN A CEASE AND DESIST BUT BY TIME APPLICANT ASKED FOR A VARIANCE.

MATTHEW MCHUGH STATED THAT APPLICANT DIDN'T APPEAL APPLICANT ASKED FOR A VARIANCE.

MOTION : MADE TO DENY APPEAL HEARING FOR FAILURE TO APPEAR.

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MARC BOURNE

VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

ITEM 11 : HEARING FOR PRICESMART, INC. APPEAL # 2019 -2374

LOCATION : MARSHALL LANE AND WINKS LANE

TAX PARCEL : 02 – 075 -079

REQUEST : VARIANES TO CONSTRUCT OFFICE/ WAREHOUSE WITH PARKING

LETTER OF HEARING

PROOF OF POSTING

PROOF OF PUBLICATION
APPLICATION AND ACCOMPANYING DOCUMENT
CERTIFICATE OF SERVICE

MATTHEW MCHUGH STATED THAT REVIEW AND EVERYTHING APPEARS TO BE IN ORDER.

MR.FIORVANTI , ENGINEER , WAS SWORN IN.

MR. MEGINNIS , LAWYER REPRESENTING APPLICANT STATES THAT ASKED FOR A VARIANCE FOR PARKING BUT DON'T NEED IT. CURRENTLY LEASING SPACE MOVING TO THIS PROPERTY, AS OWNER. THE PROPERTY HAS BEEN VACANT SINCE 1969. APPLICANT IS SEEKING TO BUILD A 45,000 SQ. FT. COMBO OFFICE/WAREHOUSE SPACE.

5 VARIANCES , 1 IS TO DO WITH PREEXISTING NON-CONFORMITY DON'T BELIEVE IT'S A VARIANCE BUT CAN DISCUSS IT.3 SUBSTANTIAL VARIANCE – 1 IS FRONT YARD SETBACK VARIANCE TO PERMIT A 50 ft. SETBACK IN LINE WITH EVERY OTHER BUILDING IN THAT LOCATION. 2- BUILDING COVERAGE VARIANCE 3- IMPERVIOUS SURFACE COVERAGE 60% ALLOWED ASKING 80.1%

MATTHEW MCHUGH STATED THAT USUALLY DON'T ASK AUDIENCE IF WANT TO SPEAK FOR/AGAINST APPLICATION , BUT WITH THIS APPLICATION , A BUILDING OWNER ACROSS THE STREET FROM THIS PARCEL IS IN THE AUDIENCE AND IS REPRESENTED BY AN ATTORNEY, RACHAEL FREEDMAN.

MATTHEW MCHUGH ASKED APPLICANT'S ATTORNEY IF THEY HAD ANY ISSUE WITH THE BUILDING OWNER'S ATTORNEY BEING PART OF THIS APPLICATION HEARING. MR. MEGINNIS WAS OK WITH IT .

MR. MEGINNIS PRESENTED MR. FIORVANTI , ENGINEER, AND ASKED THAT MR. FIORVANTI BE ABLE TO STATE HIS QUALIFICATIIONS.

MATTHEW MCHUGH STATED THAT THE BOARD KNOWS MR. FIORVANTI AND IS AWARE OF HIS QUALIFICATIONS BUT THAT CAN GIVE THE INFORMATION IF WOULD LIKE TO.

MR. MEGINNIS STATED THAT MR. FIORVANTI IS THE PRESIDENT/OWNER OF ENGINEERING COMPANY. AND HAS A BACHELOR'S DEGREE IN CIVIL ENGINEERING, LISCENSED IN 4 STATES AND A SURVEYOR IN PENNSYLVANIA AND IS A QUALIFIED CIVIL ENGINNEER.

MR. MCHUGH ASK THE BUILDING OWNER 'S(ACROSS FROM HEARING APPEAL PARCEL) LAYWER , IF SHE HAS ANY QUESTIONS ABOUT MR. FIORVANTI'S CREDENTIALS. RACHAEL FREEDMAN HAD NO QUESTIONS.

MR. FIORVANTI STATED THAT WAS HIRED TO LOOK AT PROPERTY AND COME UP WITH A PROPOSED PLAN. THE 95 INDUSTRIAL PARK WAS BUILT IN 1969. COPY OF THE RECORDED PLAN IS BEING MARKED AS EXHIBIT A – 3. THE SUBDIVISON PLAN IS 50 YEARS OLD AND THERE WAS NO MINIMUM SIZE. THE LOTS ON BOTH SIDES LESS THAN 3 ACRES. LOT 27 IS THE LOT THAT IS REPRESENTED WITH OPPOSITION .

JOANN REDDING ASKED IS ANY OF THE LOTS COMBINED AND ALSO STATED THAT DIDN'T HAVE COPIES OF THAT PLAN.

MR. FIORVANTI STATED YES SOME OF THE THEM BUT MOST AREN'T COMBINED. AND CAN GET COPIES OF A-4 THE BLOW UP OF THE PLAN TO THE BOARD. IT WAS FROM THE BUCKS COUNTY PLANNING COMMISSION WEB PAGE.

MR. FIORVANTI STATED THAT 50 FT. SETBACKS WAS COMMON YEARS AGO. NONE OF THE PROPERTIES WOULD COMPLY WITH CURRENT ZONING . THE LOT AREAS SMALLER AND THE SET BACK IS CLOSER. WANT THE FINISHED LOT TO LOOK LIKE THEY WERE 50 YEARS AGO WITH THE SET BACK.

MR. MEGINNIS STATED THAT WOULDN'T NEED A SET BACK VARIANCE IF WAS BUILDING THIS 50 YEARS AGO.

MR. MEGINNIS STATED THAT LOOKED INTO THE FLEXIBILITY OF ADDITIONAL PARKING. HAVE TO HAVE 32 SPOTS HAVE 35 SPOTS BUT THE QUESTION WAS ASKED SO ENGINEER DID SHOW THE FLEXIBILITY . NO EXTRA PAVING. LOT CREATION IS 35,000 – 45,000 SQ. FT. 37% BUILDING COVERAGE. IT'S TYPICAL IN SIZE , CONFIRMING TO OTHER BUILDINGS IN THE INDUSTRIAL PARK. IMPERVIOUS SURFACE 65% LOOKING TO INCREASE TO 80.9 % RELATED TO BUILDING COVERAGE AND LOT SIZE. LOT SIZE IS ½ WHAT ZONING DISTRICT IS.

STORM WATER MANAGEMENT – CAN HANDLE WATER RUN OFF WITH STORM WATER MANAGEMENT SYSTEM. WILL GET TO TRIBUTARY. EXHIBITS A-6 AND A-7 STORM WATER MANAGEMENT GOOGLE MAP.

MR. MCGINNIS STATED BECAUSE OF AGE OF DEVELOPMENT WATER FLOWS WITHOUT ANY STORM WATER MANAGEMENT HASN'T LOOKED INTO IT BUT BECAUSE ITS 2019 WITH THE CURRENT ZONING WILL WORK WITH THE TOWNSHIP PROFESSIONALS WITH THE STORM WATER MANAGEMENT ISSUES .

MR. MEGINNIS ASKED MR. FIORVANTI ABOUT THE VARIANCES BEING REQUESTED.MR. FIORVANTI STATED THAT CAN'T DEVELOP LOT WITHOUT GETTING VARIANCES ASKING FOR .

MR. MEGINNIS ASKED MR. FIORVANTI DO YOU THINK THAT THIS BUILDING WOULD FIT IN THE CURRENT DEVELOPMENT? MR. FIORVANTI STATED THAT IT WOULD BLEND COMPLETELY WITH THE DEVELOPMENT AND LOOK LIKE THE ORIGINAL BUILDINGS.

ALBERT CHAMPION HAS CONCERN ABOUT IMPERVIOUS SURFACE. ALSO DOESN'T THINK THAT NEED A 45,000 SQ.FT. BUILDING.

MR. MEGINNIS STATED THAT MR. PATEL CAN TESTIFY THAT IT'S 3 DISTINCT UNITS 15,000 FT. RENTABLE WAREHOUSE SPACE WITH OFFICE SPACE. IT'LL BE FULLY OCCUPIED TOO.

JOANN REDDING STATED THAT COULD GO FOR 2 UNITS AND NOT NEED A VARIANCE.

JOANN ALSO SUGGESTED THAT YOU MAY WANT TO ASK FOR A COTINUANCE TO DISCUSS A SMALLER BUILDING.

RACHAEL FREEDMAN ASKED MR. MEGINNINS WHAT IS HARDSHIP IF HAVE TO FOLLOW ZONING?

MR. MEGINNIS STATED THAT HIS CLIENT FEELS IT WOULD BE AN ECONOMIC HARDSHIP. CAN'T PUT A WAREHOUSE IN A SMALL SPACE IN THIS VICINITY IT WOULDN'T WORK.

MR. MEGINNIS ASKED THE BOARD TO ALLOW A 5 MINUTE RECESS TO DISCUSS ISSUE WITH CLIENT. JOANN REDDING GRANTED A RECESSES.

MR. MEGINNIS STATED THAT IS ASKING FOR A CONTINUANCE AT THIS TIME TO SEE IF GET CLOSE WITH IMPERVIOUS SURFACE ISSUE , THINK THAT THEY CAN DO THAT .

MOTION : MADE TO ALLOW A CONTINUANCE TO SEPTEMBER 5TH, 2019 FOR APPEAL # 2019 - 2374

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE
NAYS : NONE
ABSENT : NONE
ABSTAIN : NONE
MOTION CARRIED : 5-0

ITEM 12 : CORRESPONDENCE

ITEM 13 : ADJOURNMENT

MOTION : MADE TO ADJOURN MEETING
MOTION MADE BY : ALBERT CHAMPION
SECONDED BY : MARC BOURNE
VOTE :

AYES : JOANNE REDDING , ALBERT CHAMPION, GEORGE SEYMOUR, MICHAEL BRILL , MARC BOURNE
NAYS : NONE
ABSENT : NONE
ABSTAIN : NONE
MOTION CARRIED : 5-0

MINUTES SUBMITTED BY : DONNA SPONHEIMER – SMITH
THE MINUTES ARE NOT VERBATIM, THEY'RE A SYNOPSIS OF THE MEETING.