

## **March 4, 2021 Zoning Board Meeting Minutes**

1. In Attendance
  - a. Joanne Redding
  - b. Al Champion
  - c. George Seymour
  - d. Harry Kramer
  - e. Mike Brill
  - f. Tom Panzer
  - g. Ken Farrell
  - h. Nicole Hartman
  - i. Kim Bursner
2. Open of Meeting
  - a. Pledge of Allegiance
    - i. Lead by Joanne Redding
3. Statement of Rules and Procedures
  - a. Waived
4. Approval of February 4, 2021 Meeting Minutes
  - a. Motion to Approve meeting minutes
    - i. Harry Kramer
  - b. Second Motion to Approve meeting minutes
    - i. Al Champion
  - c. Vote to Approve meeting minutes
    - i. 5/5 Ayes
5. Continued Hearing for B & A Property LLC
  - a. Appeal Number: 2020-4124
  - b. Location: 4220 Bristol Road
  - c. Tax Parcel: 02-17-114-001
  - d. Request: Variance to use property for truck parking
  - e. Attorney: Michael Carr (East Burn & Gray, PC)
  - f. Summary
    - i. Continuance of meeting was requested by the Township to be moved to April in order to bring new attorney up to date on the file.
  - g. Motion to Continue Hearing to April, 1, 2021
    - i. Motion to Continue
      1. Harry Kramer
    - ii. Second motion to Continue
      1. Al Champion
    - iii. Vote to Continue Hearing to April 1, 2021
      1. 5/5 Ayes
6. Hearing for Kim Rossbauer
  - a. Appeal Number: 2021-0554
  - b. Location: 15 Par Avenue
  - c. Tax Parcel: Variance for rear yard setback to construct a single family dwelling
  - d. In attendance

- i. Kim McLaughlin (Rossbauer)
      - ii. Pat McLaughlin
    - e. Exhibits
      - i. A1-Application
      - ii. A2-Certificate of service
        - 1. Personal hand-delivery
          - a. Accepted by Board
      - iii. B1-Letter to the Applicant
      - iv. B2-Proof of Publication in the Bucks County Courier Times
      - v. B3-Proof of Posting
    - f. Summary
      - i. Single family dwelling on Lot 5, back right corner, falls under the envelope at 4.34 feet. A six (6) foot fence already exists. A master suit needs to be constructed for special needs daughter. A question arose whether or not there are any location concerns with Brown Avenue. Joanne Redding stated that she does not foresee any issue regarding Brown Avenue. No one present in audience for or against the request.
    - g. Motion to Close Testimony
      - i. Motion to close
        - 1. George Seymour
      - ii. Second motion to close
        - 1. Al Champion
      - iii. Vote to Close Testimony
        - 1. 5/5 ayes
    - h. Motion to Approve the Variance requests for a rear yard setback to construct a single family dwelling
      - i. Motion to Approve variance
        - 1. George Seymour
      - ii. Second Motion to Approve
        - 1. Al Champion
      - iii. Vote to Approve the Variance request for a rear yard setback to construct a single family dwelling
        - 1. 5/5 ayes
7. Continued Hearing for Michael and Bernadette Gibbons
  - a. Appeal Number: 2020-4206
  - b. Location: 1117 Beverly Avenue
  - c. Tax Parcel: 02-062-4206
  - d. Request: Variance for the second (2<sup>nd</sup>) floor addition to accessory structure
  - e. In Attendance
    - i. Bill Benner, Esquire—Attorney for George Wohlgemuth (joined party status)
    - ii. Mr. George Wohlgemuth
    - iii. Mr. Michael Gibbons
    - iv. Kimberly Nugent
    - v. Michael Nugent

- vi. Amy Ahleman
- f. Exhibits
  - i. Submitted previously into evidence
    - 1. A1-Application
    - 2. A2-Certificates of Service
    - 3. B1-Letter to the Applicant
    - 4. B2-Proof of Publication in the Bucks County Courier
    - 5. B3-Proof of Posting
  - ii. New Evidence submitted
    - 1. A3-Survey evidence
    - 2. P1-5-Party status packet of pictures
- g. Summary
  - i. Preliminary matters, previous testimony and previous exhibits have been entered onto the record. Chairperson was not present at previous hearing. Mr. Gibbons has no further testimony. Attorney Bill Benner has questions for Mr. Gibbons. Mr. Benner stated that the opposition is nothing personal. Mr. Benner asked Mr. Gibbons if the building was closest to Beverly Avenue. Mr. Gibbons stated "yes." Mr. Benner then inquired if the addition was to the garage. Answer to that question was also yes. Mr. Gibbons was then asked what his plans were with the addition. Mr. Gibbons responded that he is planning on retiring and would like the addition to be a work and storage space for his hunting and fishing equipment. Mr. Wohlgemuth stepped forward to present his case. Mr. Wohlgemuth is in opposition to the addition to the present garage. Mr. Wohlgemuth is a manager at a manufacturing company and resides at 2821 Bowman Avenue. His residence is located at the corner of Bowman Avenue and Beverly Avenue. He and his wife, Kimberly, have reside in their home since 1980. He claims that the garage on the Gibbons property is very close to his pool. He agrees with the survey. The survey reinstated exactly what he was stating at the January meeting. They have been neighbors for a little over 20 years and have always had a cordial relationship. He is not happy to protest the application. Pictures of work done to his own property and of the Gibbon's existing garage were submitted and added to the record. Garage has been in the same place for 20 years without complaint. One of the photos submitted shows the landscaping done to the backyard and pool installed in 2007. The original landscaping became overgrown and Mr. Wohlgemuth had the overgrowth removed and the landscaping redone. The cost of the landscaping was \$37,000.00. He objects because the increase in the height of the garage will obstruct any afternoon sunlight killing the landscaping, His privacy will be decreased because anyone would be able to see directly into his yard and home from the second story of the garage. Al Champion raised questions regarding the removal and replacement of trees and plants. Response to questions were that the trees that were cut down were approximately 15-16 feet in height. The newly replanted Arborvitaes maxes out at 12 feet and will fill out. The Arborvitaes are of the Emerald Green Species.

The 2007 landscaping was overgrown and unkempt. Joanne Redding asked the Board if anyone had any other questions. No one on the Board had no other questions for the parties. Joanne Redding asked if there was anyone in the audience for or against the application. First to approach and be sworn in was Kimberly Nugent of 2826 Findley Avenue. Kimberly Nugent of 2826 Findley Avenue. Her home is directly behind George Wohlgemuth's home. She stated that the trees in Mr. Wohlgemuth's yard were overgrown and she would have to clean up the residue before she was able to use her pool. She stated that the entire neighborhood built upwards with their additions and the Gibbons should be allowed to do the same. Mr. Benner asked Mrs. Nugent if her garage was close to the neighbor's yard. She responded, "yes." She was asked if there was anything with the Gibbons' property that affects her home. She responded in the negative. Next to approach, Michael Nugent, is also for the request. Nothing more was added to the testimony given by his spouse, Kimberly. Last to approach, Amy Ahleman. Ms. Ahleman lives directly across the street from Mr. Wohlgemuth. She is there in support of the addition added to the garage. She was asked if she could see the Gibbons' garage. She stated that she could. She does not see any privacy issues. Joanne Redding asked the Board again if they had and questions. Board members had additional questions. What is the max height of the garage? Answer, 18-20 feet. Was electric and/or water needed in the addition? Answer, electric only; no water. What is the intention with the second floor on the garage? Solely, a work area to repair fishing rods and hunting equipment. Asked Mr. Gibbons if he was open to the idea of lowering the wall height. Mr. Gibbon stated he would be open to the idea. After further discussion. Mr. Gibbons requested a continuance to speak to the contractors and architect regarding lowering the dimensions. He also agreed in speaking with Mr. Wohlgemuth to work some of the concerns out. Mr. Panzer made everyone aware that no other notices will be sent out regarding when the next hearing would be. This meeting is their notice.

- h.** Motion to Continue to May 6, 2021
  - i.** Motion to Continue
    - 1.** Al Champion
  - ii.** Second motion to continue
    - 1.** George Seymour
  - iii.** Vote to Continue hearing to May 6, 2021
    - 1.** 5/5 Ayes
- 8.** Continued Hearing for Elias Souza
  - a.** Appeal Number: 2020-4066
  - b.** Location: 1144 Dana Avenue
  - c.** Tax Parcel: 02-029-207
  - d.** Request: Variance for garage and greenhouse to exceed 25% of the area of the principal dwelling
  - e.** Attorney: David M. Shafkowitz (Shafkowitz Law Group, P.C.)
  - f.** Summary



the survey is wrong. Next to follow, is Carol Noble, 1370 Corry Ave. She stated that Mike, Catherine Egan's ex-husband, started the process. Catherine did not know the documents were not there. The wall is aesthetically appealing. Water is not an issue at all. The neighbor's car door is not hitting the wall. She would like to see the request be granted. Mr. Harry Hengstler from 1384 Corry Avenue came forward. He is unhappy that he was not notified of the hearing, had to hear about it from the other neighbors and thinks he should have been notified. He is against the request because water is now eroding his property. It was noted by the Board that the Township would not have flagged the property for water. It would only have been flagged for needing a variance for the three foot setback. Ken Farrell suggested removing the bottom bricks to something of a pervious surface that is approved by the township. Ms. Egan, stated she is willing to do so.

- g.** Motion to Close Testimony
    - i.** Motion to Close
      - 1.** Al Champion
    - ii.** Second Motion to Close
      - 1.** George Seymour
    - iii.** Vote to Close Testimony
      - 1.** 5/5 Ayes
  - h.** Motion to Approve request for a setback variance for a constructed retaining wall with township suggestions.
    - i.** Motion to Approve Request with Township Suggestions
      - 1.** Al Champion
    - ii.** Second Motion to Approve Request with Township Suggestions
      - 1.** George Seymour
    - iii.** Vote to Approve Request for a setback variance for a constructed retaining wall with township suggestions
      - 1.** 5/5 Ayes
10. Hearing for Eric Goodyear
- a.** Appeal Number: 2021-0442
  - b.** Location: 2318 Kay Avenue
  - c.** Tax Parcel: 02-006-028
  - d.** Request: Variance to have footprint for shed with porch greater than 25% of the existing structure
  - e.** Exhibits
    - i.** A1-Application
    - ii.** A2-Certificates of Service
    - iii.** B1-Letter to the Applicant
    - iv.** B2-Proof of Publication in the Bucks County Courier Times
    - v.** B3-Proof of Posting on Applicant's property
  - f.** Summary
    - i.** Eric Goodyear stated he had a storage shed built with elevation. Due to the elevation, he added a porch to have access into the shed. It was off by eight







was done to alleviate traffic from Hulmeville Road to Byberry Road. Joanne Redding asked if there was anyone in the audience for or against the application. Christopher Leahman, 2035 Galloway Road, gentleman with party status, came forward. He obviously opposes this application from being granted. He fears that in the next three to five (3-5) years traffic will increase and will cause safety issues. He feels very strongly about the safety of his family after hearing about the removal of the shoulder that he uses to get his mail. He also is concerned about the safety of backing out of the driveway. Brian Derby, 2065 Galloway Road, came forward in opposition. He spoke out against the bank when they first brought the idea up. Even though a grocery store is convenient, he stated that "it sounds like a nightmare waiting to happen." Next to oppose was Roy Golda, 2055 Galloway Road. He stated he is already noticing added congestion with tractor trailers. He agrees that the grocery store in that vicinity will be a nightmare. Agrees with the safety concerns regarding the removal of the shoulder. Sometimes the shoulder is used for parking. Removing the shoulder will change the use of the property. Next to oppose, Scott Palmerchuck, he resides at 2016 Chatem Drive in the Crossroads. He is noticing Galloway Road getting busier and busier. Does not think this is a good idea. Michael Foster of 4007 Hulmeville Road is also against the application. He stated he has rented this home for the last 24 years and has 9 kids. The area already has a lot of traffic and many accidents happen in the area as well. Another audience member against the application is Dawn McCormick who resides at 1652 Brittney Drive in the Crossroads. Ms. McCormick has resided there for the last twenty (20) years. The area is convenient for raising a family which is what drew her to Bensalem. She has noticed an increase in traffic coming from Bridgewater Road. She is overly concerned of the negative impact this could bring to the area, especially how families would be affected by the removing of the daycare. Last to come forward in opposition, Diane Taylor from Franklin Commons. She already is experiencing commuting issues trying to turn off Park Avenue. No need to add to the traffic. No other questions or comments from the Board or Audience.

- k. Motion to Close Testimony
  - i. Motion to Close
    - 1. Mike Brill
  - ii. Second Motion to Close
    - 1. George Seymour
  - iii. Vote to close testimony
    - 1. 5/5 ayes
- l. Motion to Deny Request for variance to use property for a grocery store, variances for buffer area, impervious coverage and sign area
  - i. Motion to Deny
    - 1. Mike Brill
  - ii. Second Motion to Deny
    - 1. Harry Kramer

- iii. Vote to deny request for variance to use property for a grocery store, variances for buffer area, impervious coverage and sign area
  - 1. 5/5 Ayes

12. Hearing for Michael and Patricia Leshner

- a. Appeal Number: 2021-0472
- b. Location: 1060 Elmwood Avenue
- c. Tax Parcel: 02-029-132
- d. Request: Variance to add an additional unit in the rear structure
- e. Summary
  - i. Request for continuance because service was unattainable
- f. Motion to Continue Hearing to the April 1, 2021 date
  - i. Motion to Continue
    - 1. Harry Kramer
  - ii. Second Motion to Continue
    - 1. Al Champion
  - iii. Vote to Continue hearing to the April 1, 2021 date
    - 1. 5/5 Ayes

13. Hearing for Rhema Life Church c/o Francisque Meristal

- a. Appeal Number: 2021-0308
- b. Location 3190 Trenton Road
- c. Tax Parcel: 02-008-019
- d. Request: A use and parking variance to permit a religious use in the L-I Zoning District
- e. Attorney
  - i. Amee S. Farrell, Esquire (Kaplin Stewart, P.C.)
- f. Summary
  - i. Requesting a continuance. Due to Covid a Petition was drawn up and requested to be included into the package. Board agreed to allow Petition to be included in the next package.
- g. Motion to Continue Hearing to April 1, 2021
  - i. Motion to Continue
    - 1. Harry Kramer
  - ii. Second Motion to Continue
    - 1. Al Champion
  - iii. Vote to Continue Hearing to April 1, 2021
    - 1. 5/5 Ayes

14. Hearing for Kawalijit Singh/BRS Real Estate, LLC

- a. Appeal Number: 2021-0521
- b. Location: 3585 Bristol Road
- c. Tax Parcel: 02-019-091-002
- d. Request: Variances to construct convenience store, fuel dispenser facility and 3 bay auto repair
- e. Attorney
  - i. Shawn D. Ward and Associates
- f. Representative

