

BENSALEM TOWNSHIP ZONING BOARD MEETING

OCTOBER 3, 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 (Member was late to the Meeting)

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.

ITEM 3: APPROVAL OF LAST MONTH'S MINUTES - SEPTEMBER 5TH , 2019.

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

APPLICANT'S ATTORNEY IS REQUESTING A CONTINUANCE.

MOTION: TO GRANT A CONTINUANCE FOR APPEAL # 2019-2374 TO DECEMBER 19th ,2019 MEETING.

MOTION MADE BY: ALBERT CHAMPION

SECONDED BY: MICHAEL BRILL

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL

NAYS: NONE

ABSENT: GEORGE SEYMOUR, MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 3-0

ITEM 5: CONTINUED HEARING FOR SOUCHAY CHAREUNSACK APPEAL # 2019-2811

LOCATION: 2155 RIVER ROAD

TAX PARCEL: 02-064-126

REQUEST: VARIANCES TO CONSTRUCT SINGLE FAMILY DWELLING IN FLOOD PLAIN.

APPLICANT HAS REQUESTED A CONTINUANCE FOR THIS HEARING.

MOTION: TO GRANT A CONTINUANCE FOR APPEAL # 2019 - 2811 TO DECEMBER 19TH ,2019 MEETING.

MOTION MADE BY: ALBERT CHAMPION

SECONDED BY: MICHAEL BRILL

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL

NAYS: NONE

ABSENT: GEORGE SEYMOUR, MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 3-0

ITEM 6: CONTINUED HEARING FOR PENNJ PETROLEUM LLC APPEAL # 2019 – 0605

LOCATION: 2700 KNIGHTS ROAD

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

REQUEST: VARIANCES FOR IMPERVIOUS SURFACE RATIO, TOTAL NUMBER OF PARKING SPACES AND LOADING SPACE.

MATTHEW MCHUGH RECEIVED COMMUNICATION THAT THIS HEARING IS BEING WITHDRAWN.

ITEM 7: CONTINUED HEARING FOR ALFRED NANNI APPEAL # 2019 – 2077

LOCATION: 3680 HOLLYWOOD AVENUE

TAX PARCEL: 02 – 005 – 038

REQUEST: VARIANCE FOR SIDE YARD SET BACK AND FRONT YARD SET BACK TO CONSTRUCT A GARAGE

MATTHEW MCHUGH RECEIVED COMMUNICATION THAT THIS HEARING IS BEING WITHDRAWN.

THERE WAS A VIOLATION, WHICH TRIGGERED THE HEARING REQUEST , APPLICANT BELIEVES HE CAN NOW MOVE IT WITHOUT VARIANCE REQUEST TO BE IN COMPLIANCE.

ITEM 8: HEARING FOR FRANK MERZ APPEAL # 2019 – 3383

LOCATION: 3430 TREVOSE AVENUE

TAX PARCEL : 02-004-150

REQUEST: VARIANCE FOR LOT AREA, YARDS, DENSITY AND STEEP SLOOP DISTURBANCE TO CONSTRUCT A SINGLE HOME.REQUEST: VARIANCE FOR LOT AREA, YARDS, DENSITY AND STEEP SLOOP DISTURBANCE TO CONSTRUCT A SINGLE HOME.

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 STATES THAT EVERYTHING APPEARS TO BE IN ORDER. HE ALSO EXPLAINED THAT TO DO GET RELIEF FOR THIS APPLICATION, THE PRESENT BOARD MEMBERS MUST ALL VOTE TO APPROVE.

Applicant's Engineer Michael Eggleton states that this is going to be a single family residence at Trevoise and Central Avenues . 6 variances including lot size, front yard depth, lot density, disturbance of the steep slopes.

Joann Redding asked if this is an existing lot and not subdivided? Michael Eggleton said it is not subdivided.

Matthew McHugh stated that the Narrative attached to the application is the wrong narrative.

Albert Champion asked about Storm Water Management and also stated that he feels that there is not enough space to build on the property and that he doesn't like the plans for the property.

Michael Brill stated that it is 42 hundred sq.ft and doesn't feel that it's a buildable lot.

Joann Redding stated that to get variances approved the Board has to be comfortable with the plans and that Applicant is going to have to address any concerns and that they be met before the Board allows variances.

Michael Eggleton asked how they should go about it.

Joann Redding stated that you have to present it as something palatable.

Joann Redding asked if anybody in the Audience would like to speak for/against this application. Several Audience Members were interested and sworn in.

Audience Member , Frances McHugh lives next to property. When the kids are outside vehicles always flying by , it's not safe. Also the driveway on the lot goes to the house behind McHugh's, what happens with that driveway ? . She feels like some of the Board Members that there is not enough space to build .

Audience Member, Mark Allen, 3405 West End Avenue lived at property about 34 years and has watched the way things have progressed, too many big houses on properties, don't like the way things have been , don't need additional traffic . Also the Fire Trucks have issue getting around that spot to begin with ,building a house would make it difficult. Somebody from Firehouse was suppose to attend meeting tonight but is not present.

Audience Member , Dave Frearson, 3414 Boundbrook, lives across street for about 28 years. Says the property was for sale several times but hadn't sold because it's not buildable. Steep Slope is about 95 x45. He says when it's raining , the water flows down the driveway . He also asked about 1 of the variances, didn't make sense.

Albert Champion explained that it is related to the correct narrative , not the narrative attached to application and Joann Redding said he could get a correct copy of the narrative.

Audience Member, Gregory Mecurio , 3552 Trevoise Avenue, lived at property only 3 years moved from New York City and is here because he don't want to live in an area like that , that is going to get that built up. Lot is tiny and don't understand why would want to build on with the size along with the traffic and water issue. Although he is new to neighborhood wanted to join his neighbors and their concerns about the application being approved.

Frank Merz, Applicant, Can change the driveway to the top , configured it and build a stairway for access too. He said that he bought the property from estate of Mrs. Adams. He is willing to do what is necessary to have application approved and the house built.

Joann Redding stated that the Application is probably going to be turned down, not only because it appears to be not enough space to build but because of many additional issues with the lot.

Frank Merz, Applicant stated that he didn't want to have to go to Doylestown to appeal it

Joann Redding stated that he may want to get a continuance to figure it out .

Albert Champion stated that there is no drainage in Trevoise , street drainage only and that is issue.

Discussion by Applicant and Board regarding continuance date to have enough time to figure out how applicant wants to proceed. Decision that continuance until December meeting which is to December 19, 2019.

MOTION: TO GRANT A CONTINUANCE FOR APPEAL # 2019 -3383 TO DECEMBER 19TH ,2019 MEETING.

MOTION MADE BY: ALBERT CHAMPION

SECONDED BY: MICHAEL BRILL

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL

NAYS: NONE

ABSENT: GEORGE SEYMOUR, MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 3-0

NOTE: GEORGE SEYMOUR IS NOW PRESENT AT MEETING.

ITEM 9: HEARING FOR JAROCAW BUCANOWSKI APPEAL # 2019- 3386

LOCATION: 1116 LOWELL AVENUE

TAX PARCEL : 02 – 029 – 216

REQUEST: VARIANCE FOR FRONT YARD SETBACK FOR GARAGE ADDITION.

Applicant (Jerry) stated that it was built according to plans and permits but in order to get U&O , applicant has to apply for variance. This is because the architect calculated the 25 ft from the edge of the road and it should have been from the right of way. It was calculated incorrectly and needs a variance for garage so that it can be correct and he can get the U&O.

MOTION: TO CLOSE TESTIMONY FOR APPEAL 3 2019 – 3386

MOTION MADE BY: ALBERT CHAMPION

SECONDED BY: MICHAEL BRILL

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL, GEORGE SEYUMOUR

NAYS: NONE

ABSENT: MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 4-0

MOTION: TO APPROVE VARIANCE FOR APPEAL # 2019 -3386

MOTION MADE BY: ALBERT CHAMPION

SECONDED BY: GEORGE SEYMOUR

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL, GEORGE SEYMOUR

NAYS: NONE

ABSENT: MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 3-0

NOTE: GEORGE SEYMOUR IS NOW PRESENT AT MEETING.

ITEM 9: HEARING FOR JAROCAW BUCANOWSKI APPEAL # 2019- 3386

LOCATION: 1116 LOWELL AVENUE

TAX PARCEL : 02 – 029 – 216

REQUEST: VARIANCE FOR FRONT YARD SETBACK FOR GARAGE ADDITION.

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MOTION: TO CLOSE TESTIMONY FOR APPEAL 3 2019 – 3386

MOTION MADE BY: ALBERT CHAMPION

SECONDED BY: MICHAEL BRILL

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL,GEORGE SEYUMOUR

NAYS: NONE

ABSENT: MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 4-0

Ken Farrall explained Applicant that Applicant should submit copy of Zoning Board Decision to Building and Planning along with a copy of the U&O paperwork. Ken also told Applicant to ask to speak to him when he brings the paperwork.

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

Item 10: HEARING FOR DOUG CAPALDI APPEAL # 2019 – 3388

LOCATION: 5716 HULMEVILLE ROAD

TAX PARCEL: 02 -029- 015

REQUEST: VARIANCE FOR 2nd STATIC LED SIGN ON PROPERTY.

MATTHEW MCHUGH STATES THAT EVERYTHING APPEARS TO BE IN ORDER.

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

Applicant Doug Capaldi, was sworn in . Property is located at Hulmeville and Bristol Road. The brand of gas will be Exxon and also a Dunkin Donuts is at the same location. There is 1 sign at Hulmeville, a plastic placquard with a LED pricing method. The same sign was denied for Bristol Road as only allowed 1 sign on the property.

The sign currently has to be changed physically 1x a day, the placquard prices have to come out. the new sign is going to be 6ft. x 7ft . and can be changed electronically.

Albert Champion clarifying that only changing the bottom part of the sign with the pricing .

Applicant said Yes only that part will be changing.

Albert Champion asked if will be a static sign and not a scrolling message sign?

Applicant said Yes.

Ken Farrall stated that it is the same frame as the other sign on the property.

Joann Redding asked if any Member of the Audience wanted to speak for/against the Application. Nobody stood up.

MOTION: TO CLOSE TESTIMONY FOR APPEAL # 2019 -3388

MOTION MADE BY: GEORGE SEYMOUR

SECONDED BY: ALBERT CHAMPION

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL, GEORGE SEYMOUR

NAYS: NONE

ABSENT: MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 4-0

MOTION: TO APPROVE VARIANCE FOR APPEAL # 2019 – 3388 for a Static LED sign in place of the existing sign at Bristol Road

MOTION MADE BY: GEORGE SEYMOUR

SECONDED BY: ALBERT CHAMPION

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL, GEORGE SEYMOUR

NAYS: NONE

ABSENT: MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 4-0

Matthew McHugh states for the Record that is giving a copy of the decision to the Applicant.

ITEM 11: HEARING FOR KAWALJIT SINGH FOR FAST TRACK LANE, LLC.

LOCATION: 2762 BRISTOL PIKE

TAX PARCEL: 02-062-413

VARIANCE: VARIANCE TO USE PROPERTY AS SERVICE STATION AND CONVENIENCE STORE WITH GASOLINE AND PROPANE DISPENSING AND 2 AUTOMOTIVE REPAIR BAYS. A SIGN, YARD LOADING AND IMPERVIOUS 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 states that everything appears to be in order.

Mr. Ward is representing Applicant.

Applicant has been sworn in and John Teets , the Engineer has been sworn in also.

It is going to be a Sunoco gas station a food market and Auto Repair place. It is located next to Eddington Supply. Mr. Ward stated that most of the neighbors are in favor of this application.

He stated that Kawaljit Singh is the Applicant and that John Teets is the Engineer.

Submitting exhibits being marked by Matthew McHugh as A-4 A-5 and A-6 of the plans . The added elevation not on the original plans submitted.

Proposed is to remove the existing building , install a new canopy over gas pumps and island .

Going to use the propane tanks but not the Kerosene, removing kerosene , not enough sales.

Reconfigure the parking lot , light pole out, add green space, take sign out, create a buffer area in the front with landscaping. Also buffer with trees added Lavendar Aveune and the back of the property. They met with neighbors and believe that they can correct some issues to make

them happy. They will be removing current sign and doing away with it. The kerosene pumps will be removed , no longer using. Belly Buster has a sign on the property that is staying up. The Accessory shed currently located on the property is being removed too.

Joann Redding asked about the convenience store size.

Mr. Ward stated that the total space is approx. 12 hundred and 20 sq.ft. The convenience store is about 1/3 of that space , 1/3 is the automotive service bays and 1/3 is office, parts room, lavatory.

The Wall signs are compliant , 5.7 under the 10.

The Canopy signs contract with Sunoco , 17.6% it's a little over on the canopy area.

Replacing and Increasing the fuel storage tank to 38,000 , the current tanks are not compliant and have to be removed.

Michael Brill asked about the kerosene tank?

Mr. Ward stated that is being removed as no longer going to sell kerosene.

They're also fixing the front façade.

Joann Redding stated that it has to be an improvement over what is currently at the property.

Mr. Ward stated that the neighbors received legal notice of the nature of the application. They have been in discussion with the neighbors and that the main concern is privacy issue. The neighbors are present tonight with exception of 1 neighbor who couldn't make it. They will be putting up a 6 ft fence and buffer trees for privacy. The neighbors want an 8 ft. fence but Mr. Ward explained that they would have to defer to the Board Solicitor about that

The Station will be opened from 6:00 a.m. to 10:00 p.m.

Joann Redding asked about the propane.

Applicant stated that propane is big business.

Matthew McHugh stated to Applicant that he has to convince the Board about having a structure within 10 ft. setback.

Albert Champion asked if anyplace else it can go.

Joann Redding stated it is a big improvement but asking for a lot and have to work about the improvements,

Applicant stated that there would be 2- 500 gallon tanks but could keep only 1 .

George Seymour asked if it could be moved to the center.

Engineer stated No .

Discussion between Board , Applicant and Engineer of place to move it.

How about using 3-4 parking spaces and move them to that location

Grass space at current location creating a buffer . Move the dumpster /trash can to the back as trash is only picked up 1 x a week.

The Applicant is ok with that.

Matthew McHugh said the Board could ask to see a revised plan.

Albert Champion stated it should be marked on the current plan that is only 1 -500 gallon propane tank.

Joann Redding said the neighbors seem happy about this, they're making the location better for the neighbors to look at and to use.

Albert Champion asked the Applicant , The convenience store , It's not going to be a smoke shop? No exact definition of a smoke shop.

Joann Redding stated that we could approve as a convenience store and it could then be used as a smoke shop. Could make it conditional upon approval that it not be used as a smoke shop.

Mr. Ward stated that the smoke products can't exceed 35% of the sales.

Joann Redding asked How would we know that?

Matthew McHugh stated that variance would be retail only not wholesale. And that 25-30% of the space can be used for tobacco and accessories.

Applicant stated they would not sell pipes etc. and that the smoke products, tobacco and chewing tobacco , will be behind the counter.

Mr. Ward agreed and he also agreed to condition that the location will only be open from 6:00 a.m to 10:00 p.m.

Joann Redding asked if any Audience Members would like to speak for/against this application.

Chris Lyman , sworn in , neighbor in the back of property. It has been an abandon building with a tree growing through it. Another neighbor his window faces the property an 8 ft. fence would provide privacy. The previous owner lived behind it and didn't care about the nuisance.

George Seymour asked if that is big enough? I also understand that the trees already blocking line of sight when going out to Rt. 13. Maybe they could have lower shrubbery.

Chris Lyman We aren't against a 10 ft . fence.

Joann Redding stated that maybe the fence could go on an angle to avoid line sight issue. The 4ft trees there will be 8-10 ft trees at some point. A higher fence wont obstruct anybody line of sight but could provide privacy but bringing it out to the street could be a little tough

Ken Farrall stated that 2 sections of fence would be reasonable, still have quite a bit of difference to the right of way to road.Could do vinyl fencing subject to approval , 1st – 8ft. (2-4ft) 2nd – 6ft section , balance 8ft sections.

Deborah McCarron , Audience Member was sworn in. Glad that it is going to close at 10:00 p.m.

Joann Redding asked for a motion to close testimony.

MOTION TO CLOSE TESTIMONY FOR HEARING APPEAL # 2019 – 3391

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL, GEORGE SEYMOUR

NAYS: NONE

ABSENT: MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 4-0

MOTION: TO APPROVE VARIANCE FOR APPEAL # 2019 – 3391 AS STIPULATED AND WITH CONDITIONS AS AGREED BY THE APPLICANT.

MOTION MADE BY: ALBERT CHAMPION

SECONDED BY: GEORGE SEYMOUR

VOTE: AYES: JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL, GEORGE SEYMOUR

NAYS: NONE

ABSENT: MARC BOURNE

ABSTAIN: NONE

MOTION CARRIED: 4-0

Matthew McHugh states for the Record that is giving a copy of the decision to the Applicant.

ITEM 12: CORRESPONDENCE

ITEM 13: ADJOURNMENT

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 ADJOURNED,

MINUTES SUBMITTED BY DONNA SPONHEIMER – SMITH

The minutes are not verbatim ,but a synopsis of the meeting.

