



# BENSALEM TOWNSHIP

Building and Planning Department  
2400 Byberry Road • Bensalem PA 19020  
215-633-3644 • FAX 215-633-3653

Exhibit Z-4

## Zoning Hearing Board

Appeal Number: \_\_\_\_\_

### Township of Bensalem, Bucks County, Pennsylvania Notice of Appeal

Appeal is hereby made by the undersigned from the action of the Zoning Officer.

**Check applicable item(s):**

- Certification of Non-Conforming Use
- Application for Validity Challenge
- Administrative Officer in refusing my application for a building permit dated:
- Special Exception
- Variance from the terms of the Zoning Ordinance of the Township of Bensalem

**Appellant Name:** AVA DEVELOPMENT

**Address:** 3737 ROUTE 46, PARSIPPANY, NJ 07054

**Phone No.** \_\_\_\_\_

**Owner's Name:** NORTHLIGHT TRUST I

**Address:** 60 EAST 42<sup>ND</sup> STREET, SUITE 2800, NEW YORK, NY 10165

**Phone No.** \_\_\_\_\_

**Attorney Name:** Edward F. Murphy, Esquire, Wisler Pearlstine, LLP

**Address:** P.O. Box 1186, Newtown, PA 18940

**Phone No.** \_\_\_\_\_

**Interest of appellant, if not owners (agent, lessee, etc.):** Equitable Owner

1. Application relates to the following:

Check items if applicable:

- |                                     |                   |                          |                   |
|-------------------------------------|-------------------|--------------------------|-------------------|
| <input checked="" type="checkbox"/> | Use               | <input type="checkbox"/> | Lot Area          |
| <input type="checkbox"/>            | Height            | <input type="checkbox"/> | Yards             |
| <input type="checkbox"/>            | Existing Building | <input type="checkbox"/> | Proposed Building |

Occupancy

XX Other: SEE OUTLINE  
OF RELIEF REQUESTED  
AND REASONS  
JUSTIFYING GRANT  
THEREOF ATTACHED  
HERETO AND  
INCORPORATED  
HEREIN BY REFERENCE.

2. Brief description of Real Estate affected:

Tax Parcel Number: 02-001-018-017 - Lot 7

Location: Horizon Boulevard and Old Lincoln Highway

Lot Size: 6.209 acres

Present Use: Vacant

Proposed Use: Hotel

Present Zoning Classification: PCD-Planned  
Commerce Park

Present Improvement upon Land: Vacant

Deed recorded at Doylestown in Deed Book \_\_\_\_\_ Page \_\_\_\_\_

3. If this is an appeal to challenge, provide statement and/or basis for challenge to the validity of the zoning ordinance. **N/A**

4. If this is an Appeal from action of the Zoning Administrative Officer then complete the following: Date

Determination was made: N/A

Your statement of alleged error of Zoning Administrative Office: \_\_\_\_\_

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5. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based (if special or variance is desired): **SEE OUTLINE OF RELIEF REQUESTED AND REASONS JUSTIFYING GRANT THEREOF ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**
  
6. Action desired by appellant or applicant (statement of relief sought or special exception or variance desired): **SEE OUTLINE OF RELIEF REQUESTED AND REASONS JUSTIFYING GRANT THEREOF ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**
  
7. Reasons appellant believes board should approve desired action (refer to section or sections of ordinance under which it is felt that desired action may be allowed, and not whether hardship is (or is not) claimed, and the specific hardship. **SEE OUTLINE OF RELIEF REQUESTED AND REASONS JUSTIFYING GRANT THEREOF ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**
  
8. Has previous appeal or application for special exception or variance been filed in connection with these premises?

**XX** YES  NO

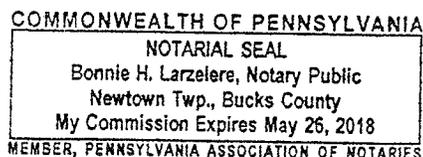
Specifications of errors must state separately the appellant's objections to the action of the zoning administrative office with respect to each question of law and fact which is sought to be reviewed.

I, hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith, are true to the best of my knowledge and belief.

  
 \_\_\_\_\_  
 Date

Sworn to and subscribed before me  
 this 10<sup>th</sup> day of December, 2015.

Notary Public  
 My commission expires:



**OUTLINE OF RELIEF REQUESTED  
AND REASONS JUSTIFYING GRANT THEREOF**

1. Appellant is the equitable owner of the above-referenced 6.209 acre parcel located at the intersection of Horizon Boulevard and Old Lincoln Highway in the Horizon Corporate Center Office and Commercial Complex.

2. The subject Premises is a part of the larger Horizon Corporate Center, a mixed use development designed to contain office facilities, restaurants, hotels, various retail uses and associated parking.

3. The subject Premises is currently vacant and is located in the PCD-Planned Commerce Parking Zoning District. Pursuant to the provisions of Section 232-463(a)(2) of the Bensalem Township Zoning Ordinance, non-office uses within the Horizon Corporate Center are limited to 35% of the gross usable tract area.

4. As originally conceived, a proposed hotel was to be located within the limits of the Horizon Corporate Center on Lot 2 on Horizon Boulevard. The design of the hotel was to act as an accessory use to the office buildings and retail shops. However, because of economic and other reasons, no hotel was ever developed on Lot 2.

5. Previously, on or about September 4, 2003, the Bensalem Township Zoning Hearing Board granted certain relief to Appellant's predecessor in title so as to expand the non-office use of the Horizon Corporate Center from 35% to 46.9% so as to permit the construction of several "big box" retail users including Lowe's and Wal-Mart.

6. Appellant proposes to construct a four-story, 128 room Marriott hotel on the 6.209 acre parcel and land development plans depicting the proposed use are currently pending review by the various Boards and Commissions within Bensalem Township. The construction of a hotel on the subject Premises would complete the envisioned goal of the Horizon Corporate Center by creating a true "life style center".

7. The addition of Appellant's proposed hotel would further extend the non-office use of the Horizon Corporate Center from 46.9% to 53.04%.

8. In all other respects, Appellant's proposed development of its property fully complies with all the applicable regulations for developed properties within the PCD Zoning District.

9. Accordingly, Appellant/Owner respectfully requests that the Bensalem Township Zoning Hearing Board consider the grant of the following relief:

a. A variance is requested from the provisions of Section 232-463(a)(2) of the Bensalem Township Zoning Ordinance so as to permit the addition of the proposed hotel

which would increase the percentage of non-office use within the Horizon Corporate Center to 53.04%.

10. Appellant/Owner believes and therefore avers that the requested relief, if authorized, will not alter the essential character of the neighborhood or zoning district in which the Property is located nor substantially nor permanently impair the appropriate use or development of adjacent properties nor be detrimental to the public welfare.

11. Appellant/Owner believes and therefore avers that the variance, if authorized, represents the minimum variance which will afford relief to the Appellant/Owner and further represents the least modification possible to the regulations at issue.



PHILADELPHIA, PA | BETHLEHEM, PA | MOUNTAINSIDE, NJ

PRINCIPALS

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Peter A. Naccarato, PE, *Retired*

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M E M O R A N D U M

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**TO:** Mr. Matthew Takita, Director of Building and Planning

**FROM:** Harold W. Gans, P.E., P.L.S., Township Engineer

**DATE:** December 9, 2015

**RE:** **Zoning Permit Application Review**  
**AVA Development**  
**Horizon Boulevard**  
**TMP # 2-1-18-17, Lot #7**  
**File No. 907.3045.00**

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The applicant is proposing the construction of a four story, 128 room, Marriot Hotel at the above referenced location in the Horizon Corporate Center. The corporate center is in a PCD - Planned Commerce Park district.

The PCD District allows for not more than 35% of the gross tract area to be used for ancillary purposes such as this hotel.

On August 7, 2003, the Zoning Hearing Board granted a variance from this requirement allowing the percentage to increase to 46.9%.

This application proposes an additional 6.14% for ancillary use. This will increase the ancillary use on the corporate center to 53.04% which will require a variance for this increase. [Section 232-463 (a)(2)(b.)]

cc: Ms. Loretta Alston, Bensalem Township  
Ed Murphy  
Ajesh Patel \_\_\_\_\_

**OLD LINCOLN HIGHWAY**  
(AKA SR 2037)  
(VARIABLE WIDTH R.O.W.)  
(PUBLICLY DEDICATED)

**GENERAL NOTES**

- OWNER:  
NORTH LIGHT TRUST  
60 EAST 42ND STREET SUITE 2800  
NEW YORK, NY 10165
- APPLICANT:  
AVA GROUP  
3737 ROUTE 46 EAST  
PARSPIPPANY, NJ 07054
- EXISTING CONDITIONS TAKEN FROM A PLAN ENTITLED "BOUNDARY & TOPOGRAPHIC SURVEY", BY CONTROL POINT ASSOCIATES, INC., DATED 07/13/15.
- APPLICANT SEEKS SITE PLAN APPROVAL SO AS TO PERMIT CONSTRUCTION OF A 25,753 SF HOTEL (4 STORY, 128 ROOMS) AND ASSOCIATED SITE IMPROVEMENTS.
- PROPOSED BUILDINGS TO BE SERVICED WITH NEW SEWER AND WATER LINES.
- NEW UTILITY LINES (GAS, ELECTRIC) ARE PROPOSED TO SERVICE THE BUILDINGS. ALL ELECTRIC, TELEPHONE, AND CABLE SERVICE LINES SHALL BE UNDERGROUND.
- ELEVATION DATUM IS NAVD 1988.
- NO FRESHWATER WETLANDS EXIST ON THIS SITE.
- THE PROPERTY DOES NOT FALL WITHIN A FLOOD PLAIN ZONE ACCORDING TO THE MOST RECENT FEMA FIRM MAP 4201C048I.
- DELIVERIES BY A WB-50 ARE ANTICIPATED TO OCCUR AT NORMAL BUSINESS HOURS.
- REQUIRED OUTSIDE AGENCY APPROVALS:
  - BUCKS COUNTY PLANNING COMMISSION
  - BUCKS COUNTY CONSERVATION DISTRICT
  - PENNSYLVANIA DEP WATER & SEWER PLANNING MODULES)
  - PENNDOT (PENDING TRAFFIC STUDY)

**WAIVERS & VARIANCES**

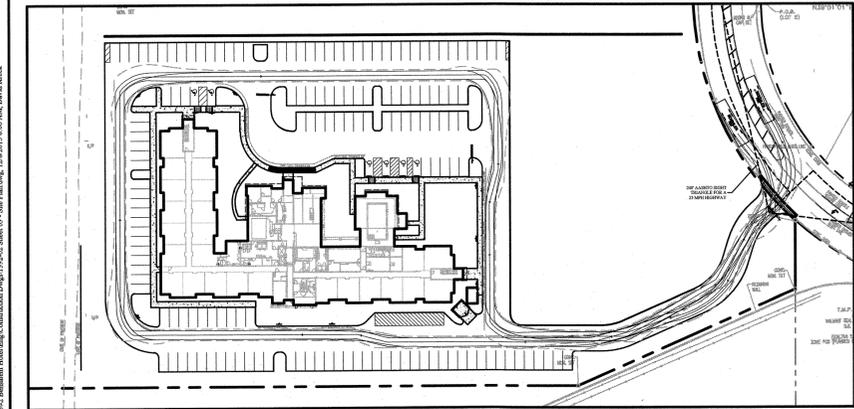
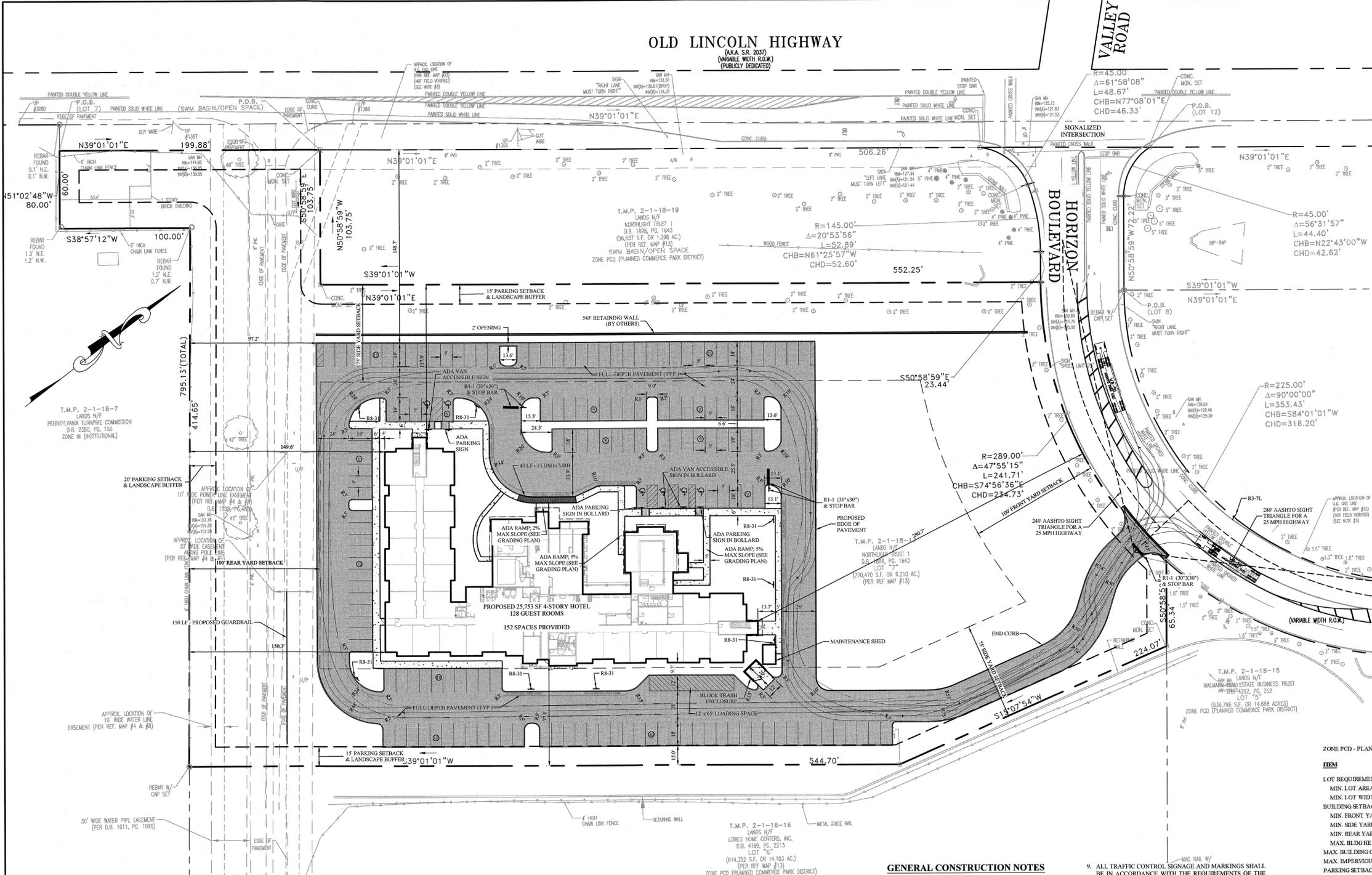
- SUBMISSION WAIVERS ARE REQUESTED FROM THE FOLLOWING:
  - \$201-41(d)(3) - PROVIDING ELEVATIONS OF MONUMENTS
  - \$201-41(d)(8) - PROVIDING A SOIL MAP WITH THE LOCATION OF ALL TREES LARGER THAN 8" CALIPER.
  - \$201-41(d)(9) - PROVIDING ALL UTILITY INFORMATION WITHIN 400 FEET OF PROJECT BOUNDARY.
  - \$201-41(d)(10) - ELEVATIONS BASED UPON THE BENSALEM TOWNSHIP MUNICIPAL AUTHORITY SANITARY SEWER SYSTEM.
  - \$201-41(n)(6) - FROM PROVIDING SANITARY AND STORM PROFILES
  - FROM PROVIDING A TRAFFIC STUDY
  - FROM PROVIDING A FEASIBILITY AND LAND USE MARKET STUDY
- DESIGN WAIVERS ARE REQUESTED FROM THE FOLLOWING:
  - \$196-61(b)(1) - TO ALLOW FIFTEEN (15) INCH HDPE PIPING IN LIEU OF THE REQUIRED EIGHTEEN (18) RCP PIPING.
  - \$201-106(c)(8)(a) - FROM PROVIDING EVERGREEN SCREEN IN REAR BUFFER YARD
  - \$201-106(c)(10)(b) - TO ALLOW FORTY SIX (46) DECIDUOUS TREES WHERE 94 IS REQUIRED.
  - \$201-110(i) - FROM PROVIDING A 5' SETBACK BETWEEN SIDEWALK & CURB AT AREAS OF ANGLE PARKING AND FROM PROVIDING CURB BUMPERS.
  - \$201-112(d) - TO ALLOW EDGE OF PAVEMENT WHERE CONCRETE CURB IS REQUIRED.
  - \$201-112(p) - FROM PROVIDING LANDSCAPE BERMS ALONG ROW FOR HORIZON BOULEVARD.
  - \$201-139 - FROM PROVIDING SIDEWALKS ALONG HORIZON BOULEVARD.
- VARIANCES ARE REQUESTED FROM THE FOLLOWING:
  - \$232-463(a)(1) - USE REGULATIONS (MODIFIED BY APPEAL #7-18-03) NO MORE THAN 46.9% OF TOTAL PCD DEDICT AREA SHALL BE FOR NON-OFFICE USE; THE PROJECT WILL EXCEED THIS LIMITATION.
  - \$232-464(d) - LOT WIDTH 400 IS REQUIRED; 346' IS THE PRE-EXISTING NON-CONFORMING LOT WIDTH.

**BENSALEM ZONING SCHEDULE**

ZONE PCD - PLANNED COMMERCE PARK. LOGGING IS A PERMITTED USE

ITEM	REQUIRED	PROPOSED	ORDNANCE
<b>LOT REQUIREMENTS:</b>			
MIN. LOT AREA (AC)	1	6.210 (270,467 SF)	\$232-464(b)
MIN. LOT WIDTH (FT)	400	346'	\$232-464(d)
<b>BUILDING SETBACKS &amp; HEIGHT:</b>			
MIN. FRONT YARD (FT)	100	280.7	\$232-464(c)(1)
MIN. SIDE YARD (FT)	75	77.0	\$232-464(c)(2)
MIN. REAR YARD (FT)	100	149.6	\$232-464(c)(3)
MAX. BLDG HEIGHT (SF ORIES)	5	4	\$232-466
MAX. BUILDING COVERAGE (%)	35	9.52 (25,753 SF)	\$232-463(a)(2)
MAX. IMPERVIOUS COVERAGE (%)	50	42.9 (112,165 SF)	\$232-464(b)
<b>PARKING SETBACKS:</b>			
FROM ANY RIGHT-OF-WAY (FT)	15	148.7	\$232-592(7)
FROM SIDE PROPERTY LINE (FT)	15	15	\$232-592(7)
FROM REAR PROPERTY LINE (FT)	20	79.3	\$232-464(c)(3)
<b>SIGNAGE:</b>			
<b>FREESTANDING SIGNS</b>			
MAX. NUMBER OF SIGNS PER FRONTAGE	1	2 FRONTAGES	\$232-716(2)c
MAX. NUMBER OF SIGNS	2	TBD	\$232-716(2)c
MAX. SIGN AREA (SF)	40	TBD	\$232-716(2)d.2
MAX. HEIGHT (FT)	20	TBD	\$232-716(2)e.1
MAX. SETBACK FROM RIGHT-OF-WAY (FT)	10	TBD	\$232-716(2)d.2.1
MAX. SETBACK LOT LINE (FT)	25	TBD	\$232-716(2)d.2.2
<b>FACIA SIGNS</b>			
MAX. SIGN AREA CALCULATION (SF)	6% OF FAÇADE	XXX SF FAÇADE	\$232-716(5)b
MAX. SIGN AREA (SF)			
<b>PARKING REQUIREMENTS</b>			
<b>PARKING:</b>			
MIN. STANDARD SPACE SIZE (FT)	9 x 18	9 x 18	\$232-586(b)(1)
MIN. AISLE WIDTH (90 DEGREE PARKING) (FT)	24	24	\$232-586(b)(1)
MIN. NUMBER OF SPACES FOR HOTEL	1 PER GUEST ROOM	128 GUEST ROOMS	\$232-586(c)(3)
TOTAL NUMBER OF SPACES	128	159	\$232-586(c)(3)
<b>LOADING SPACES:</b>			
STANDARD LOADING SPACE SIZE (FT)	12 x 65	12 x 65	\$232-587(1)
MIN. NUMBER OF SPACES	1	1	\$232-587

\* DENOTES EXISTING NON-CONFORMING CONDITION



**BENSALEM FIRE APPARATUS TURNING DESIGN PLAN**

SCALE: 1" = 80'

**THE PETTIT GROUP, LLC**  
Engineering • Architecture • Planning  
497 Center Street • Sewell, NJ 08080  
Tel: 856-464-9600 Fax: 856-464-9606  
www.pettitgroup.com  
Certificate of Authorization No. 24GA28131400

**REVISIONS**

NO.	DESCRIPTION	DATE
1	PER SCD SUBMISSION	8/26/15
2	TOWNSHIP RESUBMISSION	9/25/15
3	UPDATED FOR ZONING APPLICATION	12/7/15

**FOR APPROVAL PURPOSES ONLY**

ALL DOCUMENTS PREPARED BY THE PETTIT GROUP, LLC ARE INSTRUMENTS OF SERVICE IN RESPECT TO THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON EXTENSIONS OF THE PROJECT OR ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN PERMISSION BY THE PETTIT GROUP, LLC FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE PETTIT GROUP, LLC AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS THE PETTIT GROUP, LLC FROM CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

THE CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO PROCEEDING WITH THE WORK AND NOTIFY THE OWNER OF ANY DISCREPANCIES. THE CONTRACTOR SHALL UNDERSTAND THAT THE LOCATION OF UTILITIES SHOWN ON THE PLANS ARE ONLY APPROXIMATE. IT IS IMPORTANT TO NOTE THAT NOT ALL UTILITIES MAY BE SHOWN ON THE PLANS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL UTILITIES (AERIAL AND BURIED) PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE TO CONTACT THE UNDERGROUND UTILITY MARK-OUT SERVICE (800-222-1000) PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE TO REPAIR (AT HIS EXPENSE) ALL DAMAGED UTILITIES RESULTING FROM HIS WORK.

DESIGNED BY: DK	JOB NO: 1392-02
DRAWN BY: MFL	DATE: 07/15/15
CHECKED BY: DK	SCALE: 1" = 40'

**PRELIMINARY/FINAL MAJOR LAND DEVELOPMENT PLAN**

**HORIZON BOULEVARD & OLD LINCOLN HIGHWAY**  
T.M.P. 2-1-18-17, LOT 7  
BENSALEM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA

FOR  
AVA GROUP  
3737 ROUTE 46 EAST  
PARSPIPPANY, NJ 07054

**JOHN M. PETTIT**  
Professional Engineer  
State of New Jersey • License # 06779706  
State of Pennsylvania • License # 052085-E  
State of Delaware • License # 15980  
State of Maryland • License # 44560

**SITE PLAN**

SHEET NUMBER:  
**3 of 13**

