

Bensalem Zoning Hearing Board

Monthly Meeting

August 3, 2023

In Attendance: Joanne Fields, Harry Kramer, Joanne Redding, Al Champion, Tom Panzer, Esquire, and Kenneth Farrall

1. Open Meeting with the Pledge of Allegiance
 - a. Led by Joanne Redding
2. Statement of Rules and Procedures
 - a. Issued By Tom Panzer, Esquire
3. Approval of last month's Minutes—July 6, 2023
 - a. Motion to approve July 6, 2023 Minutes
 - i. Harry Kramer
 - b. Second Motion to approve July 6, 2023 Minutes
 - i. Joanne Fields
 - c. Vote to approve July 6, 2023 Minutes
 - i. 4/4 Ayes
4. Continued Hearing for AZZ Logistics LLC
 - a. Appeal Number: 2023-2270
 - b. Location: Somerton Road
 - c. Tax Parcel: 02-003-006-008
 - d. Request: Use variance to permit truck parking and variance for steep slopes to build a garage and office building for contractor storage yard
 - e. Attorney: Michael P. Maloy-Obermayer Rebmann Maxwell & Hippel LLP
 - f. Summary
 - i. Attorney, Michael Maloy, of behalf of the Applicant, AZZ Logistics LLC, sent a letter requesting a continuance to the September 7, 2023 Meeting date. The applicant waived all applicable time periods under the Pennsylvania Municipalities Planning Code with respect to the time required for the Zoning Hearing Board to conduct a hearing on this application, through and until September 30, 2023.
 - g. Motion to Continue Hearing to September 6, 2023
 - i. Motion to Continue
 1. Al Champion
 - ii. Second Motion to Continue
 1. Harry Kramer
 - iii. Vote to Continue Hearing to September 6, 2023
 1. 4/4 Ayes
5. Continued Hearing for MKSM Enterprises, Inc.
 - a. Appeal Number: 2023-2321
 - b. Location: 1181 Bristol Pike
 - c. Request: Variance for parking, buffer yard and rear yard setback from residential district to pave an existing parking lot.

- d. Attorney: Michael J. Meginniss, Esquire—Begley, Carlin, & Mandio, LLP
 - e. Exhibits
 - i. A3-Eastern/Chadrov site plan—Revision July 19, 2023
 - f. Summary
 - i. Michael Meginniss, attorney for the applicant, summarized the testimony at the hearing on July 6, 2023. He also summarized the request made by the Board. Mr. Meginniss introduced the revised site plan and reviewed the new plan submitted. Al Champion stated the new site plan looks much better. Harry Kramer stated he appreciates the applicant addressed the concerns raised by the Board at the last hearing. No further questions or comments from the Board. No one from the audience came forward in favor or opposition of the request.
 - g. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - h. Motion to Approve variance request for parking, buffer yard and rear yard setback from residential district to pave an existing parking lot
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance request for parking, buffer yard and rear yard setbacks from residential district to pave existing parking lot.
 - 1. 4/4 Ayes
6. Hearing for Thomas and Sandra Weston
- a. Appeal Number: 2023-2583
 - b. Location: 1429 Virginia Ave
 - c. Tax Parcel: 02-071-001
 - d. Request: Variance for garage to be larger than the principal structure
 - e. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. A3-Revised Plans
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3-Proof of Posting on the premise
 - f. Summary
 - i. Jason Weston, son of the applicants, Thomas and Sandra Weston, was sworn in. Mr. Weston stated the present garage was being removed and replaced with a one-floor, two-car garage. The original plans showed a two-story garage. The

revision plans show the removal of the second story with the same length and width of the garage from the original plan. The garage will be detached and only electricity will be needed. No questions or comments from the Board. No one from the audience came forward in favor or opposition to the request.

- g. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - h. Motion to Approve variance request for a garage to be larger than the principal structure with the following conditions: garage is to only be one-story; garage is to only have electricity and no other utilities; and old garage is to be demolished.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance request for a garage to be larger than the principal structure with the following conditions: garage is to only be one-story; garage is to only have electricity and no other utilities; and old garage is to be demolished.
 - 1. 4/4 Ayes
7. Hearing for Sean Riley
- a. Appeal Number: 2023-2585
 - b. Location: 4649 Boston Avenue
 - c. Tax Parcel: 02-005-319
 - d. Request: Variance for rear yard setback to construct elevated wood deck
 - e. Exhibits
 - i. A1-Application with attachments
 - ii. A2-Certificates of Service
 - iii. A3-Site Plan
 - iv. A4-Packet of three (3) photos
 - v. B1-Letter to the Applicant
 - vi. B2-Proof of Publication in the Bucks County Courier Times
 - vii. B3-Proof of Posting on the premise
 - f. Attorney: Al Shnyder
 - g. Summary
 - i. Mr. Shnyder stated the applicant only needs three (3) feet, four (4) inch variance. Sean Riley, applicant was sworn in. Mr. Riley purchased the property on September 30, 2022. Mr. Riley has been a builder for approximately four (4) years and oversaw construction of dwellings as a general contractor. Mr. Shnyder reviewed the site plan with Mr. Riley. The deck is already built and is consistent with the surrounding homes in the area. No further questions or

comments from the Board. Audience member, Mark Palail came forward and was sworn in. Mr. Palail stated there has been flooding issues since construction. Kenneth Farrall stated Quintin from Building and Planning is working with Mr. Riley on water management. Mr. Farrall also stated once the grass starts growing will also help with the water control issue. It was stated the deck was built without a permit. Mr. Riley stated he is working to address the issues and if problems continue, then he will work to find a remedy. No one else from the audience came forward in favor or opposition the applicant's request

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - i. Motion to Approve variance request for a rear yard setback to construct elevated wood deck
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance request for a rear yard setback to construct elevated wood deck
 - 1. 4/4 Ayes
8. Hearing for Alex Fiksmán
- a. Appeal Number: 2023-2625
 - b. Location: Master Ave and Linconia Ave
 - c. Tax Parcel: 02-007-043
 - d. Request: Variance for front yard setback and lot size to construct single family dwelling
 - e. Exhibits
 - i. A1-Application with Attachments
 - 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 the premise
 - f. Summary
 - i. Alex Fiksmán, licensed structural engineer, was sworn in. Mr. Fiksmán stated his client purchased land in May 2023. Mr. Fiksmán was hired to construct a two-story single-family dwelling with an attached garage. During the application process, he found the vacant lot was non-conforming. Mr. Fiksmán reviewed the dimensions of the lot, the deed of the property, and issues of the lot size after adhering to the zoning ordinances. Mr. Fiksmán stated his client does not want anything fancy and his client is experiencing unnecessary hardship. Mr. Fiksmán's office studied the neighborhood, and no other properties in the

neighborhood have this hardship. The real estate agent that sold the property did not make the property owner aware. Joanne Redding questioned the size of the lot. Per the deed, the lot size is 65 feet by 150 feet. After the setback and right of way the lot size measures at 40 feet by 125 feet. Al Champion questioned Ken Farrall about any other developments. Ken Farrall stated he needs to go through Building and Planning, and storm water management. Al Champion asked if there is room on the property for a rain garden or drainage. Ken Farrall stated there is room for some type of drainage system like a French drain. The applicant stated the storm water management system can be addressed more in the side yard. Joanne Redding wanted to know exactly what will be built on the property—NOT CONCEPTS. The property owner, Elchim Guliyev, was sworn in and adopted Mr. Fiksmán's summary as his testimony. O further questions or comments from the Board. Audience members William and Conchita Garnett came forward and were sworn in. Mr. Garnett stated he was approached a few years ago and asked to sell ten (10) feet of his property so a house could be built on the lot in question. Joanne Redding stated no will not take any of his property. The Garnetts were also concerned about the trees on the property falling and tried to contact the previous owner to no avail. Mr. Guliyev agreed to remove the tree(s) in danger of falling. No other audience members came forward in favor or opposition to the request.

- g. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. Harry Kramer
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
- h. Motion to Approve variance request for a front yard setback and lot size to construct a single-family dwelling with the stipulation to remove the tree closet to 2430 Linconia Avenue
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve variance request for a front yard setback and lot size to construct a single-family dwelling with the stipulation to remove the tree closest to 2430 Linconia Avenue
 - 1. 4/4 Ayes
- 9. Hearing for Luber 74 LLC
 - a. Appeal Number: 2023-2637
 - b. Location: 2025 State Road
 - c. Tax Parcel: 02-064-058
 - d. Request: Variance for woodland disturbance
 - e. Attorney: Michael J. Meginniss, Esquire—Begley, Carlin, & Mandio, LLP

f. Exhibits

- i. A1-Application with Attachments
- 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 the Premise
- vi. Ziv 1-4-photos
- vii. Belinsky 1-collection of photos

g. Summary

- i. Joanne Redding recused herself from this hearing. It was explained to the Applicant that only three (3) Board Members would be available to vote. Mr. Meginniss reviewed the site plan and denial of previous application under the previous owner. New owner/Applicant demolished the vacant building and cleaned up the property. The applicant would like to rezone the lot to residential to conform with the community. There are presently 13 trees that meet the criteria for a canopy so there is a need for a single variance for woodland disturbance due to having 13 trees and more than 50% of the trees need to be removed. John DiSantis, property owner and applicant, was sworn in. Mr. DiSantis adopted Mr. Meginniss' summary as his testimony. Mr. DiSantis stated he has been the owner of the property since November 2021. He agreed to comply with Land Development, Building and Planning, Storm Water Management, etc. and to keep the neighbors updated on the process. Samuel Constanzo, civil engineer, was sworn in. Mr. Constanzo explained the lot and area in depth. He had the land analyzed and the trees assessed. No questions or comments from the Board. Audience member, Jeffrey Ziv, came forward and was sworn in. Mr. Ziv submitted photos showing the trees are woodlands and the trees are 80 to 100 feet tall and wants the trees to be saved because they are the last line of defense from flooding. The flooding is ankle deep during a heavy rainstorm. Mr. Ziv was hoping for a professional office, such as a dentist's office. Audience member, David Brodecki, came forward and was sworn in. Mr. Brodecki stated he is happy the previous building was knocked down. He is concerned about the flooding issue and not storm water management in the area. He thinks adding three (3) homes to the lot may be too tight and maybe better only having two (2) homes built on the lot. Audience member, James Wade, came forward and was sworn in. Mr. Wade is for the rezoning of residential. He is happy to see the dilapidated building removed and he is for homes being built. Audience member, Robert Belinsky, came forward, was sworn in and requested party status. Mr. Belinsky stated incorrect information regarding storm water management on the property was given. There are seven (7) storm management systems, and the systems cannot keep up with the flooding issue. He does not believe there is hardship as the applicant believes. In July 2021, the property was two (2) to three (3) feet under water and the water level was one (1) foot at the woodland area. He believes removing trees will cause a huge water issue. He stated two (2) houses would be nice and keep

the woodlands. No other audience members came forward in favor or opposition of the applicant's request. Mr. Meginniss addressed the concerns and reiterated his summary. He stated improvements would be made to the storm water management systems. The woodland variance would be needed regardless of whether the property stays a commercial property with a residential lot or is rezoned as residential. Additional landscaping would also be required. The township may re-evaluate the storm water management at the Building and Planning stage. Conditions the Board and Applicant agreed upon are: 1) rezone to residential (R2); 2) Comply with the land development process; and 3) No tree removal until a building permit has been issued.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. Joanne Fields
 - iii. Vote to Close Testimony
 - 1. 3/3 Ayes (Joanne Redding did not vote due to recusal from the hearing)
 - i. Motion to Approve variance request for woodland disturbance with the following conditions: 1) rezone to residential (R2); 2) Comply with the land and development process; and 3) No tree removal until building permit is issued.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Joanne Fields
 - iii. Vote to Approve variance request for woodland disturbance with the following conditions: 1) rezone to residential (R2); 2) Comply with the land development process; 3) No tree removal until building permit is issued.
 - 1. 3/3 Ayes (Joanne Redding did not vote due to recusal from the hearing)
10. Correspondence
- a. Next Meeting will be held on Wednesday, September 6, 2023 not Thursday, September 7, 2023
11. Adjournment
- a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. Joanne Fields
 - c. Vote to Adjourn
 - i. 4/4 Ayes