

BENSALEM TOWNSHIP ZONING BOARD MEETING

JULY 11, 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 , MEMBERMARC BOURNE , MEMBER

ITEM 1 : MEETING OPENED WITH THE PLEDGE OF ALLEGIANCE.

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

ITEM 3 : APPROVAL OF LAST MONTH'S MINUTES.

ITEM 4 : CONTINUED HEARING FOR CHIPOLTE MEXICAN GRILL – APPEAL # 2019-1467

LOCATION : 2307 STREET ROAD

TAX PARCEL : 02 -039 – 194

REQUEST : VARIANCE FOR WALL SIGNS

APPLICATION AND ATTACHMENTS

CERTIFICATE OF SERVICE

NOTICE LETTER

PROOF OF POSTING

PROOF OF PUBLICATION

Applicant , Jeremy Zerbee , was sworn in .

Attorney for Applicant , Paul A. Namey , Flaherty & Ohara Law Firm

The Attorney stated that the location of the business faces Street Road , with Wells Fargo on 1 side , a Muffler business on 1 side and Kohl's (Ross) Shopping Center behind it to the North. They want to install 2 wall signs. Other buildings in the vicinity have wall signs such as Friendly's etc. Salad works that was previously located in this location.

They want the 2 signs to provide extra visibility for the business. They want a presence at the location, and it is also a safety issue , customers will see the sign before they get to the entrance. The signs will be 28.4 sq. ft. each along with illumination.

Albert Champion asked if they would be standard backlit signs . The attorney said that is correct. Albert also asked if there is going to be a walkway from the shopping center parking lot to business. Applicant said No. The Lawyer stated that they want visibility to those in the shopping center. Albert stated that it isn't easy to get to the location from the shopping center. Albert Champion asked if the front sign and the pole sign is ok. Applicant said Yes.

Joann Redding asked Ken Farrell, the Township Engineer , if had any input about it Ken Farrell stated that with the entrance , when you pass it you pass it. Ken said that he is less concerned with the access but that he agrees with the branding , wall signs. It gives them an opportunity to make a go of it. It was difficult for Salad Works

Joann Redding asked if any Board Member had any additional questions and Joann also asked if any Member of the Audience would like to speak for/against this application. No Board Member had any additional questions and No Audience Member came forward.

MOTION : MADE TO CLOSE TESTIMONY FOR APPEAL # 2019 – 1467

MOTION MADE BY : MARC BOURNE

SECONDED BY : ALBERT CHAMPION

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

MOTION : MADE TO APPROVE THE REQUEST FOR VARIANCES FOR WALL SIGNS FOR CHIPOLTE MEXICAN GRILL APPEAL # 2019 - 1467

MOTION MADE BY : MARC BOURNE

SECONDED BY : GEORGE SEYMOUR

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

Matthew McHugh , Solicitor , gave a copy of decision to the Applicant.

ITEM 5 : CONTINUED HEARING FOR PENNJ PETROLEUM LLC APPEAL # 2019 – 0605

LOCATION : 2700 KNIGHTS ROAD

TAX PARCEL : 02 – 036 – 214 and 02 – 036 -245

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

MATTHEW MCHUGH STATED THAT THE BOARD RECEIVED NOTICED FROM APPLICANT'S COUNSEL FOR A CONTINUANCE.

MOTION : MADE TO APPROVE A CONTINUANCE FOR PENNJ PETROLEUM LLC APPEAL # 2019 – 0605.

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

ITEM 6 : CONTINUED HEARING FOR COSTA HOMES , INC.

LOCATION : 4946 NESHAMINY BLVD.

TAX PARCEL : 02 – 019 – 197

REQUEST : VARIANCE FOR 2 LOTS (1 AND 4) TO HAVE AREAS LESS THAN 20,000 SQ. FT.

JOANN REDDING WILL BE RESCUSING HERSELF FROM THIS APPEAL.

ALBERT CHAMPION WILL TAKE THE CHAIR.

MATTHEW MCHUGH - LET THE RECORD REFLECT PREVIOUS TESTIMONY AND EVIDENCE AND MR. GEORGE SEYMOUR WASN'T PRESENT AT THAT MEETING BUT HE HAS RECEIVED UPDATED INFORMATION RELATING THE APPEAL.

The Applicant , Mr. Alvero Costa, was sworn in. The Applicant's lawyer is Mr. Mahoney.

Mr. Mahoney stated that he wants Mr. George Seymour to participate in the discussion.

Mr. Mahoney stated that there had been previous questions about the variance for lots 1 and 4. He stated that there will be off street parking for the properties.

Mr. Costa stated that the previous layouts for the lots didn't accurately reflect what he wanted to do, and new plans have been submitted.

Mr. Mahoney stated that if the board approves, they could approve with condition upon construction, of using the new plans. It shows driveway turn around and plenty of parking for each lot. Mr. Mahoney stated that previously the board had issue if it will affect the impervious surface. It will be well below the limits and it is shown on the new plans. The Board also had issue that if owner puts up a pool, deck, etc. that it would affect the impervious surface. The last time the Applicant couldn't testify to that but now he is able to do, and it will be within the zoning requirements.

Mr. Oakes is with Tri State Engineers and is available to testify.

Marc Bourne stated that he wished that these new plans are what the board had last time. The Applicant stated that he wished he had them also. Matthew McHugh stated that the New version of the Plan will be marked as Exhibit 3-A.

Mr. Mahoney, Applicant's lawyer asked Applicant Did I summarize correctly on your behalf and the Applicant, Mr. Costa said Yes, he did.

Albert Champion stated that he thought that his idea of having 3 lots was a good idea but guess you didn't take it.

Albert Champion asked if any Member of the Audience would like to speak for/against this Application.

Paul Barnes, Audience member, was sworn in, 4948 Hillside Avenue, Matthew McHugh – For the record, Mr. Barnes, can you state that you were present at the previous meeting about this application. Mr. Barnes stated that yes, he was at the previous meeting.

Mr. Barnes stated that the old plans are on the webpage. The new plan he only had 5 minutes to look at it. Why wasn't webpage updated, should be able to see new plan. Mr. Barnes stated that the website is for looking at. Mr. Barnes stated that he doesn't know how the Board can approve it, since not the plans weren't on the webpage for the community to look at. Mr. Barnes stated that the neighborhood fought a cell tower going up because they didn't want it to destroy the neighborhood. And he feels the same about these houses that Mr. Costa wants to build. Mr. Barnes also stated that R-2 is 20,000 sq. ft, that is the requirement so there shouldn't be any discussion by the Board about it, no reason to give the developer a variance 16,000 sq. ft. There is not a good enough reason to give it. It is the responsibility of the Board to say to the developer, follow the rules. Mr. Barnes stated that the developer, Mr. Costa, made empty shell a house than came to the Board to ask for a variance. It's a developer created issue its not existing issue, the developer is at meeting to ask you to give ok to something that created. Mr. Barnes stated that in his opinion it is unethical for the Board to fix this issue, no reason to do it.

Albert Champion as Chairperson stated that the new plans and updated information is available at the Township Building , not only this Application but for any application and he also stated that the webpage is additional information, but it is not a requirement.

Mr. Barnes continued stating that this is 2019, it is a computer world and that is no excuse why the new plans weren't updated to the webpage. Its common courtesy.

Matthew McHugh, Solicitor , stated that State Law requires Application to include plans when it submitted , which is why original is on the webpage .The new plans are not part of the original application. Mr. McHugh also stated that is something that can be discussed , updating the webpage with information when there is a change to original application paperwork. Matthew McHugh asked Mr. Barnes if he was also against the 3 lots ? He stated that he was trying to understand what Mr. Barnes is against for this application.

Mr. Barnes stated that he is opposed to lots being less than 20,000 sq. ft. The rules are in place for a reason. If not going to follow them , then ditch the rule book. Mr. Barnes also stated that he wants those building in Bensalem to follow the rules.

Mr. Andrew Newchesky , Audience Member , 3949 Neshaminy Blvd. was sworn in.

Matthew McHugh asked Mr. Newchesky to state for the record that he was at the last hearing regarding this Application.

Mr. Newchesky said Yes, he attended the previous meeting.

Mr. Newchesky stated that the front door to the house was opened and that he spoke to Al (Mr.Costa, Applicant) and asked if he had any new blueprints and that Al said No. Mr. Costa stated that the plans were submitted June 11th, 2019. Mr. Newchesky feels slighted by Applicant ; thought he was going to go with Mr. Champion's suggestion of 3 lots. Mr. Newchesky also went on the webpage and saw no new plans. He also states that no notice of tonight's hearing was give to neighbor so that they could attend.

Albert Champion – Asked Matthew McHugh to clarify about the requirements for a Continued Hearing.

Matthew McHugh – The Applicant originally gave proper notice and at the meeting asked for a Continuance , that satisfies the requirement for the State Law.

Albert Champion stated to Mr. Newchesky , regarding it being 3 lots that the Board can give suggestions to Applicant, but they come back to Board with what they want .

Mr. Newchesky also stated that traffic is issue , its like the rainfall it is more than we've ever had.

George Seymour stated that traffic isn't the issue for the Board , the zoning is.

George Seymour also stated it is a suggestion only and asked Mr. Newchewsky what does he want to go in that location – nothing ?

Mr. Newchesky said , No ,that he wants something.

Albert Champion asked Mr. Mahoney , Applicant’s lawyer , if wanted to address his client not having documents when Mr. Newchesky asked.

Mr. Mahoney said Yes that Mr. Costa didn’t have the new plans in his truck , he wasn’t trying to deceive Mr. Newchesky. He also stated that it is a dimensional variance only that has relaxed standards. The concern last time was with the parking , it was a legitimate concern that we couldn’t answer last time. Tonight, we addressed that issue.

Mr. Mahoney also stated that they spoke to a different neighbor who borders to property and that they’re in favor of the decision. Said that creating lots would be enhancement to the neighborhood.

Albert Champion – stated they aren’t present to confirm that statement.

Marc Bourne – stated that is true but he did make effort to speak to neighbor about it.

Tom Farrell – stated that at the end of the day , that these lots are consistent with the neighborhood.

Albert Champion asked Matthew McHugh if the Board could speak again to this issue and Matthew McHugh said that it is the prerogative of the Chairperson followed by Audience questions/concerns. Albert Champion asked if any Board Member had anything to add to this Application.

Marc Bourne stated that the new plans are much better than the old plans . He stated that he feels that the parking issue has been adequately addressed with revised new plans including the impervious surface ratio and that his concerns have been met.

Ken Farrell stated that the Applicant still must go through land development ,this is 1 stop of the entire approval process and that residents still have the prerogative to speak / make comments at those meetings too.

Michael Brill stated that it also must go in front of the Planning Commission too.

MOTION : MADE TO APPROVE CLOSE TESTIMONY FOR HEARING FOR COSTA HOMES INC.

APPEAL # 2019 – 1060

MOTION MADE BY : MICHAEL BRILL

SECONDED BY : MARC BOURNE

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : JOANN REDDING

MOTION CARRIED : 4-0

MOTION : MADE TO APPROVE VARIANCE FOR 2 LOTS TO HAVE AREAS LESS THAT 20,000 SQ. FT. HEARING FOR COSTA HOMES INC. APPEAL # 2019 – 1060

MOTION MADE BY : MICHAEL BRILL

SECONDED BY :GEORGE SEYMOUR

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : JOANN REDDING

MOTION CARRIED : 4-0

Matthew McHugh stated let the record show that he is giving the Applicant a copy of the decision.

ITEM 7 : 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 stated for the record that Joann Redding is resuming role as Chairwoman.

Letter to Applicant
Proof of Posting
Proof of Publication
Application
Certificate of Service

Alfred Nanni 3680 Hollywood, Applicant was sworn in.

Mr. Nanni states that the front is supposed to be 25 ft it is 8 ft. short and the side is supposed to be 25 ft. and is 11ft short. The Neighbor on the side is ok and agreed to it and signed a notarized statement that was given to Loretta to include in Application packet. Mr. Nanni stated that he had permit to build it , garage is on a stone bed , a mule picked it up and moved it.

.Ken Farrell stated that after it was installed , they met with Applicant. They received a review letter because the location didn't confirm.

Albert Champion said it looks like the retaining wall was built to keep dirt from flowing down driveway and the neighbor who gave notarized statement said that the garage is with her as she can't see it through the trees , etc.

Matthew McHugh stated that Board can add condition that if approved , it can't be moved from current location.

Joann Redding asked if any Audience Member is for /against this Application and would like to speak.

Virginia Chieszwnski ,3670 Fleetwood Avenue, was sworn in and is the adjacent property owner. Ms. Chieszwnski gave Matthew McHugh 5 pics that are being marked as exhibits and copies distributed to the Board. She states that she has lived in township 40 years . She dealt with fence for 25 years that has overgrowth on it . She states that not only a neighbor with Mr. Nanni but friends too. The garage issue has put a strain on their friendship. She states that he also built addition on home and its higher than original home structure.

She cited code and states that there is plenty of acreage to place garage, so it is in code. She is also concerned about the grading and has water issues. She said that she voiced her concerns about it before construction. Her spouse is about to retire, and they want to move and don't want to have to disclose to a potential buyer that they have a water issue because of Mr. Nanni. She asked why work was completed on May 12th , 2017 a day after a cease and desist notice . She voiced her concern to Fred Nanni at that point and was told that she won't get any water from it. She said that she contacted conservation district about issue too but hadn't heard from them.

Albert Champion – asked about the grading how much higher is it ? Ms. Chieszwnski said had no idea only that Fred (Mr. Nanni , Applicant) told her that he put topsoil down before adding addition.

Joann Redding stated that the Board can't address it.

Matthew McHugh explained that the Conservation District doesn't get involved if the earth is not disturbed too much and, in this case, topsoil was added. He also explained that what she was reading from is a section about subdivisions and it's a land development issue . He also explained that the Board is dealing only with the zoning aspect with some of the set back issues. He also stated that she did present issues that could be relevant later at land development stage.

Mrs. Chieszwnski stated the least the Board could do is enforce the code. There is plenty of yardage for it to be placed with the provisions of the code. She feels if the variance is approved , it is a disregard of the code. She takes pride in her property yet thinks that Mr. Nanni is in nonconformance to the code and the variance should not be granted.

David Cleo , Audience Member was sworn in, is a neighbor to both.

Mr. Cleo don't like to see what is going with these 2 neighbors , but if he must take a side , he feels that it is too close to the road. He thinks it is an easy fix. Mr. Nanni can jack it up , roll it out , dig another 8 ft. out than Mrs. Chieszwnski wouldn't have to worry about water issue. Why Mr. Nanni doesn't want to do it ,Mr. Cleo states he has no idea, it would cost about \$1,000.00 extra to solve issue .

Ken Farrell – It is a double frontage lot. The dimensions were taken curb line instead of the right of way line. It is 17-1/2 ft. further from right of way to be in compliant. Mr. Nanni owns a double lot, back to back. It's 1 parcel but a double lot. Quentin took measurements 17.5 ft further back from right of way ,not curb line.

Matthew McHugh stated that the definition is street line including right of way.

Matt McHugh asked Mr. Nanni if he would like to add anything.

Mr. Nanni said that the regrading was done because Inspector wouldn't give occupancy to addition until grass.

Mr. Nanni said that was told by Quentin in a letter it was in the wrong place.

Joann Redding stated that she didn't have that letter from Quentin

Tom Farrell stated it was in the plans /packet and Joanne Redding said ok that she located it.

Albert Champion asked about permit and Mr, Nanni stated that permit was issued January 28th, 2019.

Ken Farrell stated that the permit said that he had to meet the setbacks.

Joann Redding stated that Applicant did not do that.

Mr. Nanni said that he was only following code.

Albert Champion asked Tom Farrell what the process is?

Tom Farrell stated that Applicant get permit , then it's staked out for inspection to see if it's correct.

Joann Redding said to Applicant , you knew it was issue ,am I wrong.

Mr. Nanni stated Quentin gave me wrong information.

Joann Redding asked Ken Farrell can we clarify that as it is not the 1st time that people have said that but still we don't know.

Albert Champion stake out wasn't until May 13th 2019

Tom Farrell It was not a stake out , if was would have come out before that.

Joann Redding – I already see a problem that the garage is higher.

Mr. Nanni stated that there is blacktop and ramps up to the garage.

Ken Farrell stated that there was a conversation last week about the curb in front of the driveway.

Joann Redding suggested that Applicant asked for a Continuance and if want to discuss with neighbor go ahead. Got an issue , work it out. It appears to be an issue.

Mr. Nani asked how far back does it have to go ? Tom Farrell stated 17-1/2 ft.

George Seymour stated that you can be within code without any issue if you go back the distance.

Matt McHugh stated that it may be worth Applicant's while to speak to neighbor and maybe agree to the 17-1/2 ft . He stated that otherwise he is under the impression that the board isn't going to approve variance application. Talk to your neighbor/friend and talk to the engineer about it too.

Mr. Nanni asked if he follows code and don't have to get a variance , will it trigger any other issue ?

Ken Farrell stated that he would have to look . Stone is not considered impervious so keep the tone don't use asphalt.

Joann Redding stated to Mr. Nanni that the Board is not Engineers, ask for a Continuance for this application.

Albert Champion – How long would you need ? August meeting is in 3 weeks ?

Mr. Nanni said that he is on vacation in September and Albert Champion than stated that October is too late. It's a prefab garage sitting there next thing its bad weather approaching.

Michael Brill said to Applicant , I suggest that you speak to neighbor too.

Mr. Nanni stated that he has spoken to them.

Joann Redding said that it is a shame to lose a good friend over this issue.

Mr. Nanni I can address location but not the water issue. I will move it back .

Joann Redding said to Mr. Nanni , a continuance to October 5th , 2019 but don't make any impervious surface changes and speak to Ken Farrell.

MOTION : MADE FOR A CONTINUANCE OCTOBER 5TH , 2019 FOR HEARING FOR ALFRED NANNI FOR VARIANCE FOR SIDE YARD SET BACK AND FRONT YARD SET BACK TO CONSTRUCT A GARAGE. APPEAL # 2019 -2077

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MARC BOURNE

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

Matthew McHugh stated that there isn't going to be any additional notices, mailings, etc. about this Continuance Hearing .

ITEM 8 : Hearing for Kevin & Courtney DiPaolo Appeal # 2019 -2080

LOCATION : 2940 Century Lane

TAX PARCEL : 02 – 034 – 002

REQUEST : Variance to construct pole barn to exceed primary structure and in floodplain and stone paving in wetland buffer zone.

Zoning Board Meeting Letter

Proof of Posting

Proof of Publication

Application and Attachments

Certificate of Service

Kevin DiPaolo, applicant was sworn in.

Mr. DiPaolo stated that wants to build a pole barn so can put everything inside instead of it sitting outside.

He has a cheap shed but wants to upgrade , he bought commercial grade equipment and want to store it inside. Mr. DiPaolo also stated that his Engineer couldn't attend tonight so that he is doing the best that

he can do answering questions from the Board.

Albert Champion said no impervious surface issues. Mr. DiPaolo stated that he aerates seed with hay a few times a year and that the property dead ends at Murray Avenue.

Mr. DiPaolo stated that emailed Matt Takita asking him what the best option would be. Met with Matt Takita and Quentin who recommended what the variance he is asking with this application.

Mr. DiPaolo stated it commercial size equipment due to size of property , he wants to build pole barn so that it doesn't go underneath water from the rainy weather . Also, it's too big to maneuver into current shed.

Albert Champion stated that nobody wants their equipment underwater .

Albert Champion asked if Mr. DiPaolo had any kids

Mr. DiPaolo stated yes.

Albert Champion stated that he assumes that he wants to store it away, so kids don't get into it.

Al Champion asked Ken Farrell anything that would be different because of the size of the lots?

Ken Farrell said given the size of the lot it doesn't pose any issue and is out of the flood way.

Application of land permit very detailed and complete , a good start.

Albert Champion stated that they could they make it a commercial property it's RA property .

Ken Farrell could make it a condition of approval.

Albert Champion asked Mr. DiPaolo if he knew weight limit?
Mr. DiPaolo stated that he has different mowers to handle the property . Doesn't know weight limit offhand.

Joann Redding asked if any other Board Member had any questions/comments and if any Audience Member would like to speak for/against this application. No Board Member and No Audience Member.

MOTION : MADE TO APPROVE CLOSE TESTIMONY FOR HEARING FOR KEVIN AND COURTNEY DIPAULO APPEAL # 2019 – 2080

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MARC BOURNE

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

MOTION : MADE TO APPROVE REQUEST FOR KEVIN AND COURTNEY DIPAULO FOR VARIANCE TO CONSTRUCT A POLE BARN TO EXCEED PRIMARY STRUCTURE AND IN FLOODPLAIN AN STONE PAVING IN WETLAND BUFFER ZONE, NO VEHICLES OVER 20,000 LBS ALLOWED.

APPEAL # 2019 - 2080

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

Matthew McHugh let the record show that am handing Applicant a copy of the decision.

ITEM 9 : HEARING FOR DISHA PATEL APPEAL # 2019 – 2082

LOCATION : 510 LEeward ROAD

TAX PARCEL : 02 – 074 – 212

REQUEST : VARIANCE FOR ACCESORY STRUCTURE TO BE LESS THAN 5 FT. FROM PROPERTY LINE.

Ken Farrell stated that Applicant didn't send the required notices.

Disha Patel , Applicant , was sworn in.

Matthew McHugh explained to Applicant that must send certified mailings or personally deliver with proof , 2 weeks before the hearing . The Applicant was given a list of who must notify.

Ms. Patel , the Applicant said that was not aware that had to do it.

George Seymour asked if Ms. Patel got the email with the information.

Ms. Patel said that she didn't get an email

Matthew McHugh stated that it's going to be emailed out again and confirmed email.

Due to not sending the mailing notices out , the Hearing is to be Continued.

MOTION : MADE TO CONTINUE HEARING FOR DISHA PATEL TO AUGUST 1ST , 2019 FOR VARIANCE FOR ACCESSORY STRUCTURE TO BE LESS THAN 5 FT. FROM TO PROPERTY LINE .

APPEAL # 2019 – 2082

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

ITEM # 10 HEARING FOR BRIELLA 5 LLC (JOHN TRIPOLI) APPEAL # 2019 -2085

LOCATION : 2900 STREET ROAD

TAX PARCEL : 02 -035-015

REQUEST : VARIANCE FOR IMPERVIOUS SURFACE COVERAGE AND FRONT YARD SET BACK TO CONSTRUCT ADDITION.

LETTER TO APPLICANT

PROOF OF POSTING

PROOF OF PUBLIC

APPLICATION

CERTIFICATE OF SERVICE

Matthew McHugh everything seems to be in order . Applicant is represented by Albert Tovine.

John Tripodi , Applicant was sworn in . Sole Owner , Father owns property and part of the Application includes a lease to Briella 5 LLC.

Albert Tovine stated the location is the Pub Diner in a general commercial district and it is currently closed , The Applicant is seeking 2 variances. Addition on the front of the building and part of the impervious surface. Doesn't know how it got from 60% to 72 % but its over the ratio.

Albert Tovine asked Mr. Tripoldi , Applicant , what is the intention of the property?

Mr. Tripoldi stated that he is in finalizing with Quaker Steak and Lube to open its 1st location in Pennsylvania. He has had conversations with the owners , it is a National Franchised Chain. It is a Restaurant with a NASCAR theme ; Steak is Food Lube is Drinking. The Restaurant is decorated with NASCAR theme decorations. The Restaurants each have bar that extends inside and outside. It is a simple fix to take windows out , building a bar with outside seating , ½ inside and ½ outside.

Albert Tovine asked Mr. Tripoldi is it Open Air Patio?

Mr. Tripoldi stated Open Air with a Roof

Albert Tovine – Is it Enclosed in bad weather ?

Mr. Tripoldi said Yes, it is enclosed in bad weather.

It's a footprint for the Restaurant Chain.

George Seymour – What's the footage?

Albert Tovine stated that its 35 x 64 addition front facing Street Road.

George Seymour – Is the side area staying too? Albert Tovine – Yes .

Albert Champion – live bands etc. ?

Mr. Tripoldi – Yes, some music , entertainment on the patio , not big bands , also car events , etc.

Michael Brill – With the addition still have the 40 ft. setback ?

Albert Tovine – Yes 40 ft. setback at Southwest side to right of way.

Albert Champion – Sit down eating or pub type ?

Mr. Tripoldi – Sit down eating .

George Seymour – So it's like those that you see down in the South

Mr. Tripoldi – Yes

No Parking variance even with addition, don't need additional parking.

Albert Tovine stated that Matt Takita is present to answer any questions.

Matt Takita was sworn in.

Mr. Takita stated that the with PennDOT the legal and ultimate right of way is the same.

Ken Farrell stated because of set back if it has to do with land development , could be issue with set back and right of way , he doesn't see it but wanted to make board aware of it.

George Seymour – Going to pave the parking lot?

Mr. Tripoldi – Yes, did some of it the issue is the tractor trailer next door using lot and chopping it up in the back.

Joann Redding asked if any Audience Member would like to speak for/against Application? No Audience Member.

MOTION : MADE TO APPROVE CLOSE TESTIMONY FOR HEARING FOR BREILLA 5 LLC (JOHN TRIPOLDI) APPEAL # 2019 - 2085

MOTION MADE BY : GEORGE SEYMOUR

SECONDED BY : ALBERT CHAMPION

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

MOTION : MADE TO APPROVE REQUEST FOR VARIANCE FOR IMPERVIOUS SURFACE COVERAGE AND FRONT YARD SETBACK TO CONSTRUCT AN ADDITON. APPEAL # 2019 -2085

MOTION MADE BY : GEORGE SEYMOUR

SECONDED BY : MARC BOURNE

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

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

ITEM 11 : HEARING FOR THOMAS FRANKS APPEAL # 2019 -2087

LOCATION : 2138 GREEN LANE

TAX PARCEL : 02 -039- 171

REQUEST : VARIANCE FOR FRONT YARD SETBACK TO CONSTRUCT 2ND FLOOR ADDITION

Matthew McHugh Everything appears to be in order to proceed.

Thomas Franks , Applicant and his son Patrick Franks were sworn in.
Shawn Ward is Lawyer representing Thomas Franks.

Shawn Ward stated that Thomas Franks is unable to speak due to surgery and that Patrick will help and speak on behalf.

Shawn Ward summarized that Thomas Franks is being forced to retire due to illness from his business Town & Country Roofing. Mr. Franks wants to relocate business close to house , not so he can work but that he can watch it. Mr. Franks bought a property and needs variance for a front yard set back to construct a 2ND Floor Addition.

Shawn Ward stated that he spoke to Ken Farrell who had a difference of opinion.

Basically, a driveway easement as Green Avenue doesn't connect to it .

There is a 11x 17 copy of the plan approved by the Township to construct in the Application Packet .

Shawn Ward believes it is not a street , Ken Farrell opinion is that it is, so Applicant is playing it safe and asking for a variance setback for front yard.

Shawn Ward also stated that is not going to be a commercial property , that it is going to be Mr. Frank's primary residence , he is selling his large house.

Shawn Ward asked Mr. Franks if he would adopt what he had stated as his on testimony and Mr. Franks said Yes, nodding yes.

Shawn Ward also stated that Patrick Franks wans his Father close to him. The neighbors are ok with it but not in the Audience.

Albert Champion stated that the Board treats paper streets as actual streets for zoning purposes. So, it is better to have the variance.

Shawn Ward agreed that it is better to have it.

Joann Redding – It is with going to be a single-family dwelling with no kitchen on the 2ND Floor ?

Shawn Ward stated Yes , and that if want to put that as a condition of approval they're ok with it.

Albert Champion - It is going to be residential and not commercial ; it is understood?

Shawn Ward – Yes.

Joann Redding – Asked how much of a dimensional variance do you need?

Shawn Smith stated that the rejection letter says encroachment is 25 ft.

22 ft front yard set back and 12ft. side yard setback.

Joann Redding asked if any Member of the Audience would like to speak for/against this Application. No Audience Member.

MOTION : MADE TO APPROVE CLOSE TESTIMONY FOR THOMAS FRANKS APPEAL # 2019 - 2087

MOTION MADE BY : MICHAEL BRILL

SECONDED BY : GEORGE SEYMOUR

VOTE :

AYES : JOANN 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 FRONT YARD SET BACK TO CONSTRUCT 2ND FLOOR ADDITION APPEAL # 2019 - 2087

MOTION MADE BY : MICHAEL BRILL

SECONDED BY : MARC BOURNE

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

Matt McHugh let the record state that giving a copy of the decision to the Applicant.

ITEM 12 : CORRESPONDENCE

ITEM 13 : ADJOURNMENT

MOTION : MADE TO ADJOURN THE MEETING.

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE :

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

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

MEETING ADJOURNED

MINUTES SUBMITTED BY DONNA SPONHEIMER – SMITH

The minutes are not verbatim , they're a synopsis of the meeting.

