

BENSALEM TOWNSHIP ZONING BOARD MEETING

JUNE 11<sup>TH</sup>, 2020

7:00 p.m.

Attendance:

Present:

Joann Redding, Chairwoman

Albert Champion, Vice – Chairman

Matthew McHugh, Solicitor

Barbara Kirk, Solicitor

Ken Farrall, Zoning Officer

Michael Brill, Member

George Seymour, Member

Harry Kramer, Member

**ITEM 1: MEETING OPENED WITH THE PLEDGE OF ALLEGIANCE**

**ITEM 2: MEETING INFORMATION**

This meeting is being held in conjunction with the Protocols in place for Social Distancing.

Barbara Kirk is handing the Continuance requests for this Meeting and is also sitting in for Matthew McHugh due to a Conflict of Interest for Item # 6 Application Continued Hearing for McDonalds USA Appeal # 2020 -0475.

**ITEM 3: APPROVAL OF LAST MONTH'S MEETING – MARCH 5<sup>TH</sup>, 2020**

**MOTION: MADE TO APPROVE THE MINUTES OF THE MARCH 5<sup>TH</sup>, 2020 MEETING.**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: Harry Kramer**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 5-0**

**ITEM 4: REQUESTED CONTINUANCE FOR HEARING FOR CHAMAN POPLI APPEAL # 2020 – 0470**

**Location: 634 Bristol Pike**

**Tax Parcel: 02 – 021 – 009**

**Request: Use variance to have Apartments on 2<sup>ND</sup> floor of Commercial Building in a G-C Zoning District.**

Barbara Kirk stated that Board has received a Request for a Continuance to the July Meeting.

**MOTION: Made To Approve A Continuance To July's Meeting for Chaman Popli Appeal # 2020 - 0470**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 5-0**

**ITEM 5: APPLICATION WITHDRAWN FOR MERCAER AVIATION GROUP, INC. APPEAL # 2020 – 0478**

**Location: 777 American Drive**

**Tax Parcel: 02 – 067 – 002**

**Request: Use Variance to allow Operation of a Helicopter Repair and Maintenance Business.**

Barbara Kirk stated that the Board has received a Notice that Mercaer Aviation Group, Inc. is Withdrawing the Application for a Request to allow Operation of a Helicopter Repair and Maintenance Business Appeal # 2020 – 0478.

**ITEM 6: CONTINUED HEARING FOR MCDONALDS USA BENSLEM APPEAL # 2020 – 0475**

**Location: 1930 Street Road**

**Tax Parcel: 02 -043 -016**

**Request: 1 – Variance for coverage, setback, off street loading, buffer yard and signage to rebuild McDonald’s Restaurant with parking and signage. 2- A Special Exception to permit an electronic graphic display, electronic changeable sign.**

Barbara Kirk, Solicitor is sitting in on this Appeal in place of Matthew McHugh.

Paperwork appears to be in order including

A-3 Sight Plans

A-4 Letter from Applicant’s Attorney asking for Previous Continuance

Applicant is represented by Hercules W. Grigos, Attorney

Mr. Grigos stated that Michael Geitner is the Engineer and will be explaining the technical variances. Mr. Grigos asked that Mr. Geitner be accepted as an Expert. The Board accepted.

Mr. Grigos stated that there are 3 sets of variances. 1<sup>ST</sup> is the existing setback and non - conforming. 2<sup>ND</sup> is the signage and 3<sup>RD</sup> is the technical message board.

Mr. Grigos stated that McDonald’s is currently 2 floors, it has a basement underneath. The new building will be completely rebuilt, and it won’t have a basement. The new structure will be generally in the same location, moving the building back slightly but a little smaller in size.

Mr. Grigos stated that the ingress and egress is the same as it has been at Street Road and at Hulmeville Road. Hulmeville Road will have upgrade, widening the driveway and proposed sidewalks. There will also be a wrap around, around the building allow those using drive thru to exit not only from Street Road but Hulmeville Road too.

There will be a side by side drive thru, an inside and outside lane with 2 menu boards, they’ll be smaller in size than the current menu boards but will be digital. McDonald’s wants to speed up the efficiency of the drive thru and these will help with that.

The playland outside will be taken out and a new indoor play place will be added.

The new Building Signage will be Modernized.

Impervious Coverage is currently at 85.4% It will be reduced to 78.2%.

And although exempt from Storm Water Management, they'll be providing some of it. Currently the right of way is 28.6 ft., it will be 37 ft. They previously requested 41 ft. The Easement is not changing.

Parking is currently 2 ft. off the property line. New curbs being installed but maintaining it at current 2 ft.

The Buffer in the back is not changing but may provide additional landscaping. Northwest corner is not changing anything that was previous, is being maintained with improvement to the buffer vicinity.

Truck Delivery – Off Street loading and unloading approximately 3x a week for approximately 15 minutes. Pull up, unload pallets, walk in with the pallets.

The new building will be a Modern looking facility, it won't look like the traditional McDonald's buildings. It will be cleaner than the traditional 80's style. McDonalds is rebranding in the US and elsewhere. The old Signage and the red roofs easily identified it was a McDonald's. The new building is a modernized flat roof and the building is a muted color brick and stucco durable material. Without the signage, the new building won't look like a traditional McDonalds that is why the signage is important.

Seeking relief for the # of Wall Signs and the location of the Wall Signs. The front facing signage is ok. The drive thru side signage facing Hulmeville Road is ok. Asking relief for the non - drive thru side as it doesn't face a street as requirement for ordinance. A total of 7 signs, 3 signs will be McDonald's signs, 3 signs with be the M sign, and 1 sign will be the Play Place sign.

Barbara Kirk is marking 2 pics of the proposed menu board as Exhibit A – 10 with copies handed out to the Board.

Menu Boards - there are currently approximately 150 locations in the vicinity that use these types of menu boards.

It makes the drive thru efficient. They can be adjusted approximately 3 -4 times a day. 1<sup>ST</sup> sign variance is for signage greater than 25 sq.ft. Request is for signage to be 60.2 total sq.ft.

Mr. Grigos asked Mr. Geitner if Mr. Geitner is aware of any Fast Food Places with a 2 ft. menu sign?

Mr. Geitner said, No not that was aware of. The current climate is increasing drive thru usage and it's important that the drive thru be efficient. Sizing and with the changeable copy of the Signage will help them be efficient.

Mr. Grigos believes that the Ordinance is about traditional signs on a road etc. and doesn't specify menu boards but abiding by the Ordinance so again have to ask for a variance.

Mr. Grigos stated that also seeking a variance to allow Audio Speakers not on the signs it will be before the signs so don't believe that it is needed.

Barbara Kirk asked if Mr. Grigos is making a formal withdraw of that variance?

Mr. Grigos stated if it is ok with the Board.

Mr. Grigos stated that also seeking a variance for the Electronic signs for Ordinance that says that they can't be within 100 ft. of a residential property. The pre menu is approximately 95 ft. so a variance is needed. Additional buffering will be provided.

Mr. Grigos stated that a variance is needed to permit digital signage less than 35 ft. apart from each other.

Mr. Grigos stated that a variance to permit pixel spacing etc. asking for 100 ft. They believe this Ordinance is for roadway signs as to not distract a driver, don't believe it applies to menu signs but asking for the variance.

Mr. Grigos also stated that if successful tonight will be going before Land Development. Trash Enclosure was 8 ft. from the property line with a buffer. The new relocated Trash Enclosure will be 25 ft. from residential property line. It is a safe location not part of a variance, but some neighbors had a concern so bringing it up to the Board's attention. It has a capacity to hold 2 dumpsters and it is an 8 ft. tall masonry structure and will be adding additional buffering.

Joann Redding asked if any Member of the Audience would like to speak For or Against this Application.

Mr. Troy Gaines was sworn in. Mr. Gaines lives behind the McDonalds property.

Mr. Gaines stated that customers make noise late at night.

Mr. Gaines states that Trash smells and the noise of the Trash Truck picking up and emptying the dumpsters and dropping the container back to the ground at 4:30 a.m. – 5:30 a.m. is very disruptive. Don't know if it is a violation.

Mr. Gaines stated that wished that McDonalds had spoken to the neighbors about moving the dumpster before proceeding. It will lower the property value of their properties. What if they want to have a picnic but have to smell a smelly dumpster 25 ft. away? There are better places to put the trash dumpsters.

Mr. Gaines stated that Families don't want to hear noise late at night. At 2:30 a.m. speakers are loud with music. Asked to have them turned down, had to get the Township involved. Loud honking horns late at night 24/7 over the years. Have families with kids, don't need to have that. It is zoned Residential and the noise level is a Nuisance Complaint. McDonalds should realize the impact of that.

Mr. Grigos stated that when go to Land Development we can discuss it and look at alternative locations for the trash dumpsters. Mr. Grigos stated for the Record that will consider it, but it is not a Zoning issue.

Mr. Grigos stated that the new audios system is modernized, and the decibel level is moderate, can provide information to the Township but not looking for any noise variance. The drive thru lanes are moving closer to Street Road and that should help with the concern.

Mr. Grigos stated that appreciates statement from Mr. Gaines and that can get Mr. Gaines contact information for McDonalds to address any concerns the neighbors have. It is good neighbor stuff to have better communication.

No other Audience Member for or against this Application.

Joann Redding asked if any Board Member has any questions?

Albert Champion asked about lot lighting? etc.?

Mr. Grigos stated that the lightening will be modernized with LED fixtures but will face toward the site and not away. That is with Land Development. They are back lit lights.

Albert Champion asked about a loading zone?

Mr. Grigos stated the goal is not to block lanes. They have their own distribution system so they can control deliveries, mostly nonpeak hours are when deliveries are made. It is a palletized delivery system; the trucks don't need to stay once they unload. McDonalds can cone the spots while delivery is being made. The pallets are wrapped. The delivery truck is at the sight 15 minutes at the most.

Barbara Kirk suggested that carry this over until after next Application Hearing as this Hearing' time allotment is almost up.

Ken Farrall will ask next Applicant if they can wait.

Ken Farrall stated that the next Applicant can wait.

Joann Redding stated that McDonalds may not be there forever. Would like some conformity with the loading if we grant it than next thing everybody else is asking and they say they have it why can't we have it.

Suggests perhaps a loading vicinity with spot notched out, to address the concern.

Albert Champion stated if you think you could do it and remove the variance that be ok.

Barbara Kirk stated that if you create a designated spot than you don't need relief.

Barbara Kirk asked Mr. Grigos Do you need to conger with McDonalds about sizing, etc.?

Albert Champion and Joann Redding both stated that think they need to see something there.

Mr. Grigos asked if any other questions that could address while looking into it?

Joann Redding stated that need to make the Variance very clear on it.

Albert Champion asked if the directional signs on the Main Road are staying?

Mr. Geiger - Yes.

George Seymour asked about the Trash trucks. Servicing the same time as deliveries could present issue.

Mr. Geiger stated that could look into it to see if can slide delivery.

Joann Redding asked if any other questions from the Board and if not need a Motion to Close Testimony.

**MOTION: Made To Close Testimony for Continued Hearing For McDonalds USA Appeal # 2020 - 0475**

**MOTION MADE BY: Albert Champion**

**SECONDED BY: George Seymour**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 5-0**

**MOTION: Made To Approve Request For McDonalds USA For Variance For Coverage, Setback, Buffer Yard And Signage To Rebuild McDonalds Restaurant With Parking And Signage ,Subject To Withdrawing The Variances With Unloading Space and Audio Speakers and A Special Exception To Permit an Electronic Graphic Display , Electronic Changeable Sign Subject to Conditions Related to Digital Menu Boards.**

**MOTION MADE BY: Albert Champion  
(Barbara Kirk Suggested Alternative Wording added to the Motion as above)**

**SECONDED BY: George Seymour**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 5-0**

Barbara Kirk stated for the Record the Applicant's Attorney is receiving a Written Certification of the Board's Decision.

Matthew McHugh is returning as Solicitor.

**ITEM 7: CONTINUED HEARING FOR ECHO BENSLEM LLC. APPEAL # 2020 – 0156**

**Location: 2721 Street Road**

**Tax Parcel: 02 – 037 -060, 02 – 037 – 060 – 001, 02 -037 – 60 – 003**

**Request: Variance for Off Street Parking, Appealing Zoning Determination that Gasoline Pumps are not permitted Accessory Use.**

Gregg Adelman is Attorney representing Applicant.

Mr. Adelman stated that Crosswalks being added to allow Pedestrians to walk from Shopping Center to Shopping Center. Additional stop walls and Stop signs. There will be Multiple Stop Signs and Crosswalks.

Mr. Adelman stated that he believed that this is what the Board asked the Applicant to do.

Michael Brill stated that it is a significant change from last time.

Bryan Myers, Engineer was sworn in.

Mr. Myers stated that the Cut Thru or Interconnect was basically for vehicles, had no traffic controls. It was to allow traffic to go from the 1ST Shopping Center (with the Giant) to the 2<sup>ND</sup> Shopping Center (with the Chilis) without going to Street Road. The concern was raised at the last meeting about Pedestrians and vehicles traveling too fast through the Cut Thru or Interconnect and needed to address that for Traffic Safety.

Ken Farrall asked if there now is sidewalks connecting between the Shopping Centers?

Mr. Myers – Yes. Pedestrians will be able to safely walk from Center to Center, adding a concrete walkway. Currently there is a dirt path and that is where it will be at.

Michael Brill stated that it is a very active Shopping Center.

Albert Champion asked if a cart return will be located on that side?

Mr. Myers stated No not at the Interconnect side

Joann Redding asked if any Member of the Audience would like to Speak For or Against this Application?

No Members of the Audience

Matthew McHugh stated as a Reminder there are 2 sets of Variance when making the Motion. 1 set is for the Alternative Relief requested in the form of a Variance from Section 232 -586 (c) (3) related to number of off – street parking spaces and the 2<sup>ND</sup> is a Variance from Section 232



– 380 to permit the accessory use of the Gas Pumps. If the above Motions are successful, any other Relief would be moot, and no further action would be required by the Board.

Joann Redding asked for a Motion to Close Testimony.

**MOTION: Made To Close Testimony For Continued Hearing For Echo Bensalem LLC. Appeal # 2020 -0156**

**MOTION MADE BY: Harry Kramer**

**SECONDED BY: Michael Brill**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 5-0**

**MOTION: Made To Approve The Alternative Relief Requested In The Form Of A Variance From Section 232 -586 (c) (3) Related To Number Of Off – Street Parking Spaces And To Approve A Variance From Section 232 – 380 To Permit The Accessory Use Of The Gas Pumps for Echo Bensalem, LLC Appeal # 2020 - 0156**

**MOTION MADE BY: Harry Kramer**

**SECONDED BY: Michael Brill**

**VOTES: AYES: Joann Redding, Michael Brill, George Seymour, Harry Kramer**

**NAYS: Albert Champion**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 4 - 1**

Matthew McHugh stated that is giving a Copy of the Board’s Decision to Applicant’s Attorney.

**ITEM 9: CONTINUED HEARING FOR TERRY AND AMELIA CHONG APPEAL # 2020 – 0162**

**Location: 4851 Street Road**

**Tax Parcel: 02 - 004 - 184 - 001**

**Request: Variances for parking in front yard, parking, access drives setback, drive aisles, steep slope, and landscaping**

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 stated that everything appears to be in order.

Applicant is being represented by Todd Savarese, Attorney.

Millennium Properties Inc. LLC., Terry and Amelia Chong, owns the property located at 4851 Street Road. It is a long rectangular narrow property. They want to develop the property as an Office Building. They asked for 2 of the 5 variances back in August 2015. They didn't have a tenant for the property at the time. Having to request variances again due to the lapse of time.

The lot is steeply sloped not a natural slope it puts a handicap in the front along front yard. That is for 1 of the variances.

There are 3 new variances. 1 variance is for 12 ft. driveway instead of the 15ft required by the Ordinance. The 2<sup>ND</sup> variance is for 2 one - way access roads. Zoning requirement is 1 access road. The 3<sup>rd</sup> variance is for parking in the front yard.

Lawrence Byrne, Engineer at Byrne Engineering was sworn in.

Mr. Byrne stated that was hired by the Chongs in 2014 to prepare a plan on behalf of the Chongs. A Sketch Plan was completed and a Land Development Plan too. It was submitted and reviewed when additional Zoning Variances were identified. It was Withdrawn in 2015 and Resubmitted in 2019. The Township Engineer reviewed and the Chongs received a Review Letter with some Issues identified.

Mr. Savarese asked Mr. Byrne if Mr. Byrne believes that without these variances it will create a hardship?

Mr. Byrne stated Yes because of the size of the lot. The lot is 75 ft. wide by 300 ft. deep. There are several properties in the vicinity that have been redeveloped over time, slightly different configuration but with 75 ft. width.

Mr. Savarese asked Mr. Byrne if steep slope disturbance is naturally created?

Mr. Byrne stated No, steep slope disturbance is a result of development of the property a while ago. It would be a handicap to comply with Ordinance.

Mr. Savarese asked Mr. Byrne, Why is the front yard parking variance needed?

Mr. Byrne stated that it is the accessible route into the office building. To grade the space, the elevation is too high to meet requirements.

Mr. Savarese gave the Board a copy of the Letter from the Bensalem Fire Rescue Department. Matthew McHugh stated that it will be included as exhibit with A-1 Application and Accompanying Documents.

Mr. Savarese asked Mr. Byrne to explain the Review Letter.

Mr. Byrne stated that when went thru Land Development 8/23/2019 included was a Review by the Bensalem Fire Rescue Department Fire Marshal. Met with the Fire Marshall, Robert Sponheimer and as required made minor adjustments, circulation around the property so that it would be adequate for Fire Vehicles to enter the property.

Mr. Savarese asked Mr. Byrne if any discussion with Township include Storm Water Management within the impervious surface coverage?

Mr. Byrd – Yes, Storm Water Management would include installing and construction of a Rain Garden or a Bio Retention and the Township Engineer stated it would comply with Township Code.

Mr. Savarese asked Mr. Byrne if the variance asking for are the minimal reliefs needed to proceed?

Mr. Byrne – Yes

Michael Brill – In the past, a sharing issue with the driveway with the doctor office and this property.

Mr. Byrne – This property is not next to doctor office. The doctor office is 2 buildings from it to the East.

Michael Brill – Is it not the older building next to the Vet?

Mr. Byrne – No it is further down than that.

Not sharing a driveway with either of the other properties. They have their own driveway and Applicant has own driveway.

Albert Champion asked if it is a house?

Mr. Byrne stated, it is residential, but it is empty.

Albert Champion stated since 2014.

Joann Redding asked what is the plan with it?

Mr. Byrne stated a Professional Office

Terry Chong, Applicant, was sworn in.

Mr. Savarese asked if the property is vacant?

Mr. Chong stated Yes, looks like it was Residential.

Joann Redding stated you had plans in 2014. Why now are you before the Board asking for variances?

Mr. Chong stated that wanted to get approval.

Mr. Chong stated that using the back for a small Computer Business not always in the Office, want to lease out other space to those in a similar business.

Joann Redding – stated that thought it was only your own business in the building but now with other businesses don't know about that with the parking etc.

Mr. Chong - Don't need the entire space that is why wanting to lease it out.

Albert Champion asked Ken Farrall if any issue with the property? Citations, etc.?

Ken Farrall – stated not that was aware of.

Harry Kramer stated that 1050 ft. footprint is a small building.

Size of a Nottingham house

Mr. Byrne stated that actually office is 1560 sq.ft. and that is what the parking is based on. It has a 2<sup>ND</sup> floor, but the footprint isn't included in the 2<sup>ND</sup> floor.

Joann Redding stated that It will be tough to get into and out of, a lot of people in and out whether it is 1 user or multi.

Ken Farrall stated that parking spaces is computed on the approx. 1500 sq. ft. and that obviously they can't have 3 business with 20 employees. It will catch up with them and we'll be notified, and we'll send out somebody to inspect it.

George Seymour stated that is concerned with driveway being 12ft.

Ken Farrall stated that Residential driveways 12ft.

Mr. Savarese stated that there will be 2 separate driveways, and this will help.

Mr. Savarese stated that the 1 property, to the left, has a driveway on the property line and the other property has a driveway on the other side of the property line. That is why developing 2 new driveways on this property.

Michael Brill stated that there is not enough room for 2 driveways.

Mr. Byrne stated that if you look at Exhibit from PennDOT that would accept, it was ok.

Michael Brill stated that is checking out Google Maps and it looks very tight.

Nobody in the Audience For or Against this Application.

Joanne Redding asked for a Motion to Close Testimony.

**MOTION: Made To Close Testimony For Continued Hearing For Terry and Amelia Chong Appeal # 2020 - 0162**

**MOTION MADE BY: George Seymour**

**SECONDED BY: Albert Champion**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 5-0**

**MOTION: Made To Deny the Application For Terry And Amelia Chong Appeal # 2020 – 0162 For The Request Of Variances For Parking In The Front Yard, Parking, Access Drive Setback, Drive Aisles, Steep Slope And Landscaping.**

**MOTION MADE BY: George Seymour**

**SECONDED BY: Albert Champion**

**VOTES: AYES: Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: Joann Redding**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 4 – 1**

Matthew McHugh stated that is giving a Copy of the Decision to the Applicant's Attorney.

**ITEM 10: CONTINUED HEARING FOR FRANK MERZ APPEAL # 2019 -3383**

**Location: 3430 Trevoise Avenue**

**Tax Parcel: 02 – 004 – 150**

**Request: Variance for lot area, yards, density and steep slope disturbance to construct single house.**

Joseph Blackburn is Attorney representing Applicant.

Mr. Blackburn stated that this property is located in R-2 district, it is a 4,275 sq.ft. existing non - conforming lot.

Mr. Blackburn and Mr. Havers, the Engineer were not at the previous meeting for this Application. The Applicant is now providing a slightly Modified Plan but still need Relief.

Mr. Blackburn stated that a copy of the Deed was submitted with the Application (A-1) It contains a description that is relevant to this Application as the Deed is 1964. The Zoning Ordinances seeking Relief from were adopted in 1996. A legally existing non - conforming lot 7500 sq. ft. lot area in a R-2 District, A District that 1 of which allows single detachment dwellings.

Marc Havers, Engineer was sworn in.

Mr. Blackburn asked Mr. Havers if he is the Project Engineer Manager for this Application?

Mr. Havers – Yes

Mr. Blackburn stated that the 2<sup>ND</sup> group of Variances that seeking is front yard set back and asked Mr. Havers is the Requirement 25 ft. for front set back?

Mr. Havers stated Yes, it is. It is a double frontage lot with Trevoise and Central Avenues, and it would apply to both frontages.

Mr. Blackburn asked Mr. Havers if a house could be built on the property without a Steep Slope Variance?

Mr. Havers stated No the property has Steep Slopes, the back of the property the slopes are steeper than the front of it.

Albert Champion – Do you know how many times this property, it has sold?

Mr. Blackburn – No

Albert Champion – It has sold 3x each time \$1.00

Mr. Blackburn stated that a \$1.00 Deed Recording is no way a requirement of the cost of the Property. The Agreement of Sale contains that information but not always the Deed. That happens often when property changes hands in a family.

Albert Champion stated that this property was bought by Non - Family at least 2x.

Albert Champion stated that for 56 years this property hasn't been built on for a reason.

Mr. Blackburn stated but it was created to be developed.

Joann Redding stated created but not buildable, if it were, somebody would have already built on it. Also discussed easement at previous meeting. So many things don't work with this lot. Because a lot exists doesn't mean its buildable.

Mr. Blackburn stated that Respectfully disagrees with that, it can be built on with relief variances granted.

Joann Redding asked if any Member of the Audience would like to Speak For or Against this Application.

Frances McHugh was sworn in.

Frances McHugh lives next to the property and opposes it. It is too small a lot to build on it.

Mrs. McHugh asked about the Easement driveway to Central Avenue that goes across the property and across her property. Tenants at other property use it. What is happening to it? The property is 4.275 sq. ft., the driveway is an easement not actually part of the property so it shouldn't be included in the square footage if it is.

Mr. Blackburn stated that the driveway easement is being preserved.

Mrs. McHugh stated that there are 2 tree that are enormous. If they disrupt the roots when begin to dig, those trees will fall onto my house. Another tree fell previously. It isn't safe. If this is approved, they should have to remove the trees.

Mrs. McHugh stated also that she is a Bus Driver. There is no Stop sign but a lot of traffic with the Train Station, don't need additional traffic. Parking is issue. Busses have trouble getting through.

Mark Allen was sworn.

Mr. Allen has the property at 3405 West End Avenue, caddy corner from property.

Mr. Allen stated that Applicant is asking for 4 variances, 1 variance maybe but asking for 4 Variances is too much. It tells you that a house doesn't belong being built on the property. There is already a bad water run - off. If you take out the grass and the trees there will be additional run - off, the neighbor across the street already has water issues from it, it will be worse for this neighbor.

Mr. Allen stated that Hank Arment, another neighbor spoke at a previous meeting. Mr. Arment is a Firefighter with the Trevoise Fire Department and stated that Fire Apparatus has trouble now getting through the streets in this vicinity, it would be worse with a house being built at that intersection with vehicles parking out front, etc.

Joann Redding thanked the Audience Members for their Testimony.

Joann Redding asked for a Motion to Close Testimony.

**MOTION: Made To Close Testimony For Continued Hearing For Frank Merz Appeal # 2019 – 3383.**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: George Seymour**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 5-0**

**MOTION: Made To Deny Variance Request For Frank Merz Appeal # 2019 – 3383 For Variances For Lot Area, Yards, Density And Steep Slope Disturbance To Construct Single House.**

**MOTION MADE BY: Michael Brill**

**SECONDED BY: Harry Kramer**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**NAYS: None**

**ABSENT: None**

**Abstain: None**

**MOTION CARRIED: 5-0**

Matthew McHugh stated for the Record that is giving a Copy of the Decision to the Applicant's Attorney.

**ITEM 11: CORRESPONDENCES**

**ITEM 12: ADJOURNMENT**

**MOTION: Made to Adjourn the Meeting.**

**MOTION MADE BY: Harry Kramer**

**SECONDED BY: Albert Champion**

**VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, George Seymour, Harry Kramer**

**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.**