

BENSALEM TOWNSHIP ZONING HEARING BOARD

JUNE 18TH, 2020

7:00 p.m.

Attendance:

Present:

Joann Redding, Chairwoman

Albert Champion, Vice – Chairman

Matthew McHugh, 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

ITEM 3: APPROVAL OF LAST MONTH'S MINUTES – JUNE 11TH, 2020

MOTION: Made To Approve The Minutes Of The 11TH, 2020 Meeting.

MOTION MADE BY: Harry Kramer

SECONDED BY: Michael Brill

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

ITEM 4: HEARING FOR NESHAMINY MALL JOINT VENTURE APPEAL # 2020 – 0605

Location: 707 Neshaminy Mall

Tax Parcel: 02 – 001 – 039 – 001

Request: The Challenge of the Decision by the Zoning Officer not to permit semi – truck parking on Mall premises.

Matthew McHugh stated that Applicant is asking for a Continuance.

MOTION: Made To Approve A Continuance To July’s Meeting For Hearing For Neshaminy Mall Joint Venture Appeal # 2020 - 0605

MOTION MADE BY: George Seymour

SECONDED BY: Albert Champion

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

ITEM #5: HEARING FOR RICHARD MCMANUS APPEAL # 2020 – 1073

Location: 6177 Hulmeville Road

Tax Parcel: 02 – 052 - 019

Request: Variance for a garage to exceed 25% of principal structure.

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.

Matthew McHugh to Richard McManus, Applicant, do you swear and confirm that you personally hand – delivered the Certificate of Mailings?

Mr. McManus – Yes

Ricard McManus was sworn in.

Matthew McHugh to Richard McManus, can you confirm that you're not the property owner and is the property owner present?

Mr. McManus – No am not the property owner, the property owner it's my son who is present.

Joann Redding – Please tell the Board why you are here?

Mr. McManus stated that would like to build a garage that exceeds the 25% of the principal structure. The impervious surface only about 14%. The garage would be consistent with other neighbor's property, detached building garages some that are over 25% larger.

George Seymour asked Mr. McManus if any other structures on the property?

Mr. McManus stated Yes, a 2-car garage and 2 sheds. 12 ft. x 12 ft. and 12 ft. x 20 ft.

Joann Redding stated that is a lot of storage.

Mr. McMahan stated that is willing to consolidate sheds.

George Seymour asked what size is the garage?

Mr. McManus stated 20 ft. x 20 ft.

Albert Champion asked what size is the roof?

Mr. McManus stated 12 ft. 6 in. height at peak

Joann Redding asked Mr. McManus if was putting own vehicle into the garage?

Mr. McManus – Yes

Albert Champion asked Mr. McManus who lives at the property?

Mr. McManus stated that he lives on the property, the property belongs to his son, but the son doesn't live at the property.

Mr. McManus stated that entire package whole letter hand – delivered to the neighbors and told them that could discuss it. Mr. McManus spoke to some of the neighbors.

Albert Champion asked Mr. McManus if the any of the neighbors had any concerns?

Mr. McManus – No

Joann Redding stated that if approved the Motion would have to include a stipulation to take down the sheds currently on the property.

Mr. McManus stated that was ok with the Condition being added to it.

Albert Champion asked Mr. McManus so nobody will be living in it?
Mr. McManus stated it would be only storage.

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

Matthew McHugh asked the Audience to raise hands if they are in favor of the Application.
Matthew McHugh stated for the Record that there are 5 Individuals in the Audience who raised their hand in favor of the Application.

Albert Champion asked Mr. McManus if these are direct neighbors?
Mr. McManus – Yes

Joann Redding asked for a Motion to Close Testimony.

MOTION: Made To Close Testimony For Hearing For Richard McManus Appeal # 2020 - 1073

MOTION MADE BY: Albert Champion

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

MOTION: Made To Approve Variance For A Garage To Exceed 25% Of The Principal Structure With A Stipulation That Applicant Agrees To Take Down The 2 Shed Structures For Richard McManus Appeal # 2020 - 1073

MOTION MADE BY: Albert Champion

SECONDED BY: Harry Kramer

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

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

ITEM 6: HEARING FOR DOMINIC AND JULIE MACALUSO APPEAL # 2020 – 1387

Location: 5164 Merganser Way

Tax Parcel: 02 – 084 – 377

Request: Variance for pool rear yard setback to be 6 ft. instead of 10 ft.

B-1: Letter to Applicant

B-2: Proof of Posting

B-3: Proof of Publication

A-1: Application and Accompanying Documents

A-2: Certificate of Service

Matthew McHugh states that everything appears to be in order.

Matthew McHugh asked Mr. Macaluso Do you swear and confirm that you personally hand – delivered the Certificates of Mailings?

Mr. Macaluso – Yes

Domenic Macaluso was sworn in.

Joann Redding asked Mr. Macaluso to tell the Board why he is here.

Mr. Macaluso stated that was asking for a Variance of 6 ft. from fence instead of 10 ft.

Mr. Macaluso stated that this is so a pool can be put into the backyard.

Albert Champion asked Mr. Macaluso if the pool is being centered in the backyard.

Mr. Macaluso – Yes

Joann Redding asked Mr. Macaluso if the neighbor behind him is ok with the pool?

Mr. Macaluso – Yes. That property slopes into my yard so no issue with pool.

Albert Champion asked Mr. Macaluso No other place to put the pool?

Mr. Macaluso stated No and also stated that 3 ft. grass from fence.

Joann Redding asked Mr. Macaluso if it is fiberglass?

Mr. Macaluso – No

Joanne Redding asked if any other questions from the Board?

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

Nobody in Audience

Joann Redding asked for a Motion to Close Testimony.

MOTION: Made To Close Testimony For Hearing For Dominic And Julie Macaluso Appeal # 2020 - 1387

MOTION MADE BY: Albert Champion

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

MOTION: Made to Approve Variance For Pool Rear Yard Setback To Be 6 ft. Instead Of 10 ft. For Dominic And Julie Macaluso Appeal # 2020 - 1387

MOTION MADE BY: Albert Champion

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

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

ITEM 7: HEARING FOR ELKIN LANDSCAPING AND GARDENING LLC APPEAL # 2020 – 1422

Location: 3337 Sweetbriar Place

Tax Parcel: 02 – 089 -753

Request: Variance for side yard setback to construct garage addition

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 Mailing

Matthew McHugh stated that everything appears to be in order.

Luis Camo was sworn in.

Mr. Camo stated that the property is located at 3337 Sweetbriar Place and is asking for a main Variance for a side yard setback to add a garage addition.

Mr. Camo stated that 4 -5 houses in the vicinity seem to have same addition.

George Seymour asked Mr. Camo If a business is operating out of the house?

Mr. Camo – No

George Seymour asked Mr. Camo are you Elkin Landscaping and Gardening LLC? Do you live at this property?

Mr. Camo – I am the builder, Elkin Landscaping and Gardening, LLC. I don't live at the property, owner is present.

Kazmierz Kozlowski was sworn in.

Mr. Kozlowski stated that is the owner and has lived at property since 1992.

George Seymour stated so the landscaping company is building the addition and is asking for the Variance. It was confusing as to who Elkin Landscaping and Gardening LLC was.

Mr. Kozlowski stated Yes they're building the addition.

Joann Redding asked if any other questions from the Board?

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

Nobody in Audience.

Joann Redding asked for a Motion to Close Testimony.

**MOTION: Made To Close Testimony For Hearing For Elkin Landscaping And Gardening LLC
Appeal # 2020 – 1422**

MOTION MADE BY: Harry Kramer

SECONDED BY: Albert Champion

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

MOTION: Made To Approve Variance For Side Yard Setback To Construct Garage Addition For Elkin Landscaping and Gardening LLC Appeal # 2020 – 1422.

MOTION MADE BY: Harry Kramer

SECONDED BY: Michael Brill

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

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

ITEM 8: HEARING FOR VAIVA PUKIENE AND ARUYDAS PUKYS APPEAL # 2020 – 1423

Location: 2430 Paris Avenue

Tax Parcel: 02 – 007 – 072

Request: Variance for lot area and frontage to construct a single-family dwelling.

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 Mailing

Matthew McHugh stated that everything appears to be in order.

Indra Kalasauskas was sworn in.

Mrs. Kalasauskas is speaking on behalf of parents.

Mrs. Kalasauskas stated that asking for a Variance for lot area and frontage to construct a single-family dwelling at 2430 Paris Avenue.

Mrs. Kalasauskas stated that it is zoned R-2 and that the Ordinance states the property has to have a 75 sq. ft. frontage and 7500 sq. ft. to build on lot.

Mrs. Kalasauskas stated that the frontage is 50 sq. ft. and that the lot is 6875 sq. ft. and that is why asking for variances.

Mrs. Kalasauskas stated that building a ranch style house with no steps and no basement. The Parents currently live next door and father had surgery and want a ranch house with no steps. They want to stay in the neighborhood, so they decided to build a house next door. When applied for Zoning Certificate, it said that it didn't meet the frontage requirements so had to appear before the Zoning Board to ask for the variances.

Albert Champion asked Mrs. Kalasauskas is the Plan ok otherwise without the setbacks?

Mrs. Kalasauskas – Yes

Mrs. Kalasauskas stated that the property was 2 lots, subdivided, 2 separate Tax Parcel #'s with 2 separate tax bills. 50 ft. x 150 ft. lots. The lot with the current house is the same dimensions but it's 2 floors.

Albert Champion asked Mrs. Kalasauskas is it a level lot?

Mrs. Kalasauskas stated Yes, no trees to take out, utilities etc. ok.

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

Nobody in Audience

Joann Redding asked for a Motion to Close Testimony.

MOTION: Made To Close Testimony For Hearing For Vaiva Pukiene and Aruydas Pukys Appeal # 2020 – 1423

MOTION MADE BY: Michael Brill

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

MOTION: Made To Approve Variances For Lot Area And Frontage To Construct A Single-Family Dwelling For Vaiva Pukiene And Aruydas Pukys For Appeal # 2020 – 1423

MOTION MADE BY: Michael Brill

SECONDED BY: Harry Kramer

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

NAYS: None

ABSENT: None

ABSTAIN: None

MOTION CARRIED: 5-0

Matthew McHugh stated that was giving a copy of the Decision to that Applicant.

ITEM 8: CORRESPONDENCES

ITEM 9: ADJOURNMENT

MOTION: Made to adjourn the Meeting.

MOTION MADE BY: Harry Kramer

SECONDED BY: George Seymour

VOTES: AYES: Joann Redding, Albert Champion, Michael Brill, 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.**