

BENSALEM TOWNSHIP ZONING BOARD MEETING

MARCH 5TH, 2020

7:00 p.m.

Attendance:

Present:1

Albert Champion, Vice Chairman

Matthew McHugh, Solicitor

Ken Farrall, Zoning Officer

Michael Brill, Member

George Seymour, Member

Harry Kramer, Member

Absent:

Joann Redding, Chairwoman

ITEM 1: MEETING OPENED WITH PLEDGE OF ALLEGIANCE.

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

Joann Redding is absent for tonight's meeting. Albert Champion is taking the Chair position.

ITEM 3: APPROVAL OF MINUTES - FEBRUARY 6TH, 2020.

Approval of Minutes with Correction to Item 11 Hearing for David Sowell Appeal # 2020 – 0158, The Motion to Approve was Made by Albert Champion not Michael Brill.

ITEM 4: 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 home.

Matthew McHugh stated that received a request for a Continuance to April Meeting from Applicant's Counsel.

Question as to how many Continuance has Applicant had? This is the 4th Continuance, is going to included different plans.

MOTION: Made to Approve a Continuance to April's Meeting for Hearing for Frank Merz Appeal # 2019 – 3383

MOTION MADE BY: Harry Kramer

SECONDED BY: Michael Brill

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

Item 5: CONTINUED HEARING FOR MJ REAL ESTATE ENTERPRISES LP AND AREPII BC INDUSTRIAL, LLC AND TACTICS APPEAL # 2020 – 0183

Location: 2540 Metropolitan Drive

Tax Parcel: 02 – 003 – 006 -001

Request: A special exception to permit light metal processing and manufacturing of electrical equipment business. Variances for distance to a Residential District.

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 all paperwork seems to be in order and that Applicant is represented by Attorney Bernadette Kearney. 14 exhibits in package handed out.

Michael Coulton was sworn in. Michael Coulton is the General Manager of the Tactic Division. Stephen Fenning was also sworn in.

Bernadette Kearney stated that the Applicant is asking for a Special Exception to permit Light Metal Processing and Manufacturing of Electrical Equipment Business and a Variance for distance to a Residential District. USA Federal Aviation is within 400 ft of the property and that a 2ND property is FHI Trevoise. This a R-66, a residentially zoned district.

Bernadette Kearney stated that MJ Real Estate Enterprises is the tenant and Michael McVaugh the Manager has authorized Michael Coulton to act on behalf of tenant for this Application. Michael Coulton is the General Manager of the Tactic Division that was bought by Laboratory Testing, Inc. The Appellant is going to the tenant at the property. Specifically, the tenant will be leasing Unit D and then subleasing to Laboratory Testing Inc. d/b/a/ TAC Technical Instrument Corporation (TACTIC).

Michael Coulton stated that Laboratory Testing Inc, is a family business started in 1984, Independent Laboratory focused on Nondestructive testing of applications of critical metals. They do business with such Industries as Defense, Aerospace, Medical and Oil. An example of Medical would be the metal bar used in a Hip Replacement. TACTIC, which stands for Technical Instrument Corporation began in 1962 and is also a Testing Company. It was bought by Laboratory Testing Inc.

Michael Coulton stated that currently located in a building at the Trenton Mercer Airport in Ewing Township, New Jersey. The Airport is expanding, and they'll have to move out. They're trying to get ahead of it, and they have also outgrown the current property. They want to be closer to the Corporate HQ but not too far to burden the employees.

They have 16 employees. The Warehouse is opened 7:30 a.m. to 4:00 p.m. and the Office is opened 8:00 a.m. to 5:00 pm. Once every 2 months they get a load of steel on a flatbed. Everything is done inside the building. No Noise, occasionally a forklift.

As for materials they use paint in the Paint Operation. Structural Steel, cut it, build it, paint it. It's a Manufacturing process. They use small amounts of Lubricants, for the Etching Process to prep the paint but are looking to get away from using it, 1% hydrochloric acid Solution but trying to get away with that and use Sandblasting instead. Nothing Hazardous to the Neighbors and it will not affect the Residentially Zoned properties.

Ken Farrall stated that nothing is on the sight of the FHA property except a fence.

Albert Champion believed it was zoned Residential to prevent use of Hazardous Materials in the vicinity and that an Antenna was on the property also. Zoned Residential but not used for that.

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

No Audience Member asked to speak.

Matthew McHugh reminded the Applicant and the Attorney that there are only 4 Zoning Board Members Present at the Hearing and that they each must Vote to Approve the Motion for it to be Passed.

MOTION: Made To Close Testimony For Hearing For MJ Real Estate Enterprises LP and AREPII BC Industrial LLC and TACTIC Appeal # 2020 -0183

MOTION MADE BY: Harry Kramer

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

MOTION: To Approve A Special Exception To Permit Light Metal Processing and Manufacturing of Electrical Equipment Business. Variance For Distance to a Residential District. Appeal # 2020 -0183

MOTION MADE BY: Harry Kramer

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

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

ITEM 6: CONTINUED HEARING FOR TERRY AND AMELIA CHONG APPEAL # 2020 – 0162

Location: 4851 Street Road

Tax Parcel: 02 – 004 -184 -001

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

Matthew McHugh stated that Applicant's Attorney is Reviewing the Application and is Requesting a Continuance.

MOTION: Made to Approve a Continuance to April's Meeting For Terry and Amelia Chong Appeal # 2020 – 0162

MOTION MADE BY: Harry Kramer

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

ITEM 7: HEARING FOR ANTHONY A. PICA APPEAL # 2020 – 0299

Location: 3366 1ST Avenue

Tax Parcel: 02 – 019 – 173

Request: Variance to allow pole barn to have footprints of 33% which is greater than 25% of principal building.

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.

Lisa Pica and Anthony Pica were sworn in.

Lisa Pica and Anthony Pica stated that they want to build a pole barn to store Personal Vehicle and Antique Vehicles.

Ken Farrall said it was originally denied. Mr. Pica submitted a simple sketch lots of questions about it.

1 issue was the Original Plot Plan.

With the Current Plot Plan, the Pole barn they want to build has footprints of 33%, it's greater than 25% of the Principal Building which is considered excessive. The Impervious Surface Coverage Calculation is about 20%, it shouldn't exceed 40% so it is ok.

Albert Champion asked if it was 24 x 34? Also asked if Continuing the Driveway?

Anthony Pica stated Yes and that is going to put an Apron and that it is included in the Impervious Surface Coverage Calculation.

Matthew McHugh asked the Applicant, Was the Original Plan for a Larger Pole Barn, which you have now scaled back?

Anthony Pica stated Yes it was scaled back from the Original.

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

No Audience Member.

Albert Champion asked for a Motion to Close Testimony.

MOTION: Made To Close Testimony For Hearing for Anthony A. Pica Appeal # 2020 – 0299

MOTION MADE BY: George Seymour

SECONDED BY: Harry Kramer

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

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

MOTION: Made For A Variance To Allow Pole Barn To Have Footprint Of 33%, Which Is Greater Than 25% Of Principal Building For Anthony A. Pica Appeal # 2020 – 0299

MOTION MADE BY: George Seymour

SECONDED BY: Harry Kramer

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

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

ITEM 8: HEARING FOR CHAMAN POPLI APPEAL # 2020 – 0470

Location: 634 Bristol Pike

Tax Parcel: 02 – 021 -009

Request: Use Variance to have Apartments on 2ND Floor of a Commercial Building in a G – C Zoning District

Matthew McHugh stated that received Correspondence from Applicant's Attorney who is Reviewing the Application and is asking for a Continuance.

MOTION: Made To Approve A Continuance to April Meeting for Chaman Popli for Appeal # 2020 - 0470

MOTION MADE BY: Harry Kramer

SECONDED BY: Michael Brill

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

ITEM 9: HEARING FOR AV HOTELS LLC APPEAL # 2020 -0473

Location: 1329 Bristol Pike

Tax Parcel: 02 – 030 – 108

Request: Variance for rear and side yard setback for subdivision of lot

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 stated that the Applicant is represented by Attorney, Richard DiMarco. There was some confusion over the Original Application by the Applicant and that a new Application has been filed.

Richard DiMarco stated that this is a 2-dimensional Variance Request. The rear and side yard setbacks are to allow the Subdivision. The issue is that Bob Evans Restaurant and the Holiday Inn Express (Applicant) share the same lot. Bob Evans section is the front of the property and is higher up. The Holiday Inn Express is at the back of the property. They each have parking lots; they are not connected, and each is a separate business.

AV Hotels LLC own the property and they want to subdivide it into 2 separate lots. The issue has to do with tax payments. The Applicant wants to subdivide it so that can sell the section that Bob Evans is located at, so that Bob Evans has a separate tax bill. They need the Variance for the Minor Subdivision of existing lot into 2 lots.

Matthew McHugh stated that if going to subdivided it, has to have Reciprocal Cross Easements and that should be added to the Variance as a Condition. The Applicant didn't comprehend that

the 1ST time appeared before the Zoning Board, that the Hotel needed to have the Easement for Access.

Deepak Verma was sworn in. Deepak Verma is the Owner of AV Hotels LLC.

Richard DiMarco asked Deepak Verma if agrees with how Richard DiMarco presented the information and would Deepak Verma accept it as own testimony. Deepak Verma – Yes.

Richard DiMarco asked questions to Applicant, Deepak Verma

Do you agree that each business has its own parking lot? Deepak Verma – Yes

Do you agree that the reason for the Variance is to create a subdivision, so that you can sell the lot property with Bob Evan's and then each business has their own separate tax bill? Deepak Verma – Yes

Do you agree that you recently purchased the property? Deepak Verma – Yes

Do you agree that the Lease didn't speak properly to the tax payment issue? Deepak Verma – Yes

Has there been a Handshake Agreement between you and Bob Evans Restaurant? Deepak Verma – Yes

There will be no Construction? Deepak Verma – No Construction

The Subdivided property where Bob Evan's is located, the buyer will take on the current lease with no evictions. Deepak Verma – Yes

George Seymour to the Applicant, Were you aware of this issue when you bought the property?

Deepak Verma – No

Albert Champion to the Applicant, Do you operate or lease?

Deepak Verma – I operate the Hotel

Albert Champion to the Applicant, You are not a Real Estate Broker?

Deepak Verma – No

Albert Champion stated that Dunkin Donuts, Verizon have no other access in and out other than through property. Holy Family may also not have access

Richard DiMarco stated that they are aware they will need an Easement Agreement with Dunkin etc. and Yes they'll honor it.

Kris Kluk , Engineer was sworn in.

Kris Kluk prepared revised sight plan.

Albert Champion stated that had similar issue with Kmart. Anything learned from that with Easements being so old and termination etc.? The other properties, the redeveloped properties, with possible Cross Easement issues.

Richard DiMarco stated that they understand that and that they'll work with Solicitor to see that no issues with it.

Albert Champion asked if Dunkin Verizon Holy Family were mailed notices about Application?

Richard DiMarco – Yes

Ken Farrall – November 19TH, 2019 Review Letter, the Applicant has to show documentation that complies with parking. It has to be on the Deed filed at Courthouse along with physical Easement, it would be noted as an Exception.

Matthew McHugh – Do we want to add this as part of the Zoning?

It has to go through Minor Subdivision Approval.

Richard DiMarco stated that didn't see the parking compliance but would comply with it.

Ken Farrall stated that is not doubting about parking compliance but no documentation.

Richard DiMarco stated that there is enough parking at both businesses.

Richard DiMarco stated that they have no issue Recording it.

Matthew McHugh stated it is procedural and George Seymour agreed.

Albert Champion asked if they have anybody who is interested as a Purchaser?

Richard DiMarco – Yes

Albert Champion asked if any Audience Member would like to Speak For or Against this Application?

No Audience Member.

MOTION: Made to Close Testimony For AV Hotels, LLC Appeal # 2020 -0473

MOTION MADE BY: Michael Brill

SECONDED BY: Harry Kramer

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4- 0

MOTION: Made To Approve Variance For Rear and Side Yard Setbacks For Subdivision Of Lot At 1329 Bristol Pike For AV Hotels, LLC With The Conditions That The Applicant Comply With the Recommendations As Set Forth By The Zoning Officer. Appeal # 2020 -0473

MOTION MADE BY: Michael Brill

SECONDED BY: Harry Kramer

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

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

ITEM 10: HEARING FOR WOODHAVEN PROPERTY ASSOCIATES, LLC APPEAL # 2020 – 0474

Location: 1717 Woodhaven Drive

Tax Parcel: 02 – 60 – 013 – 013, 02 -060 – 013 – 001 and 02 – 060 – 013 – 107

Request: Variance for building area and impervious surface coverage to construct an 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 Service

A-3: Renderings

A-4: Renderings 2ND Set

Matthew McHugh stated that the paperwork appeared to be in order.

Matthew McHugh stated that Applicant is represented by Attorney, Michael Meginniss

Michael Meginniss stated that PA Steel is located in the Light Industrial District.

They want to construct a 37,800 sq.ft. addition to the Warehouse.

Mr. Barry Walsh and Mr. Jerry Gorski were sworn in.

Michael Meginniss stated that they want to make this Location the Corporate Headquarters of PA. Steel.

They have also acquired the property directly across the street.

There was no Storm Water Management in place when Warehouse was constructed but will commit to Storm Water Management, will not only address it but improve it.

Double frontage lot Woodhaven at State, no egress to State Road.

There are trucks in the rear of the building but will no longer be there with addition.

The addition will be a significant aesthetic improvement, with buffering and landscaping, it will be an aesthetic improvement to the neighborhood.

Barry Walsh stated that is the President CEO of PA Steel. The company started in 1981 and relocated in 1993 and has been in its current location for about 27 years at Woodhaven Drive.

PA Steel is a Metal Service Center, they provide raw material to the Metal Manufacturing Industry.

They have 7,000 customers approximately.

They currently have 69 employees but looking to increase with the Addition and Acquisition.

They will be renovating the Office and moving across the street. 12 employees will move across the street. 25 total and it will become the Office Headquarters.

The Addition to the Warehouse will accommodate additional inventory.

They have grown a lot since moving into property. They cannot accommodate, store any additional metal inventory.

It is a strategic location to other divisions which is why they want to stay and build addition instead of looking for a new location.

The rear of the building is truck parking. They will surrender that to the Addition along with Green Space landscaping.

Michael McGinnis stated that the plan was shared with the neighbor and they agreed to it.

Michael Meginniss asked Barry Walsh to describe the vicinity for those not familiar with it.

Barry Walsh stated that there are about 8 other companies that have been built in the block.

We're outgrowing the building and have had to be creative to accommodate to store material.

We want to grow and stay in Bensalem for the long haul.

The new addition to the Warehouse along with landscaping will have curb appeal.

Albert Champion asked Is there a load dock, overhead?

Barry Walsh stated No overhead, they drive into it.

There will be 2 additional bay doors added to handle inventory

Albert Champion asked So they'll be going directly into the building, not blocking roadway etc.?

Barry Walsh – Yes, they won't be blocking the roadway.

Michael Brill stated that No furnaces etc.

It's like a lumberyard with wood.

Barry Walsh stated the trucks during the day making deliveries and at night inside the building.

Albert Champion asked if there is parking across the street?

Barry Walsh – Yes

Albert Champion asked about any issues with PennDOT?

Michael McGinnis stated that not anticipating any issues with PennDOT

Michael McGinnis stated that Jerry Gorski is with Gorski Engineer.

Michael McGinnis asked Jerry Gorski if he agrees with everything that has been discussed?

Jerry Gorski stated Yes, that Storm Water Management was minimal when built.

There are a few catch basins but no control of it

If allowed to complete the project, new Storm Water Management will allow them to have control of it.

The Landscape requirement when built was minimal.

The new Green Space landscaping will break up the view of the Industrial building.

Jerry Gorski stated that they want to add 2 bays to handle the inventory.

Albert Champion asked if any Audience Member would like to Speak For or Against this Application?

No Audience Member

Albert Champion asked Ken Farrall Is there any issues any complaints?
Ken Farrall stated Not that I'm aware of

**MOTION: Made to Close Testimony For Hearing For Woodhaven Property Associates LLC
Appeal # 2020 – 0474**

MOTION MADE BY: Harry Kramer

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

**MOTION: Made To Approve Variance For Building Area and Impervious Surface Coverage To
Construct An Addition And Comply With Township Engineer And Offer Of Storm Water
Management For Woodhaven Property Associates LLC Appeal # 2020 -0474**

MOTION MADE BY: Harry Kramer

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

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

ITEM 11: HEARING FOR MCDONALD'S USA APPEAL # 2020 – 0475

Location: 1930 Street Road

Tax Parcel: 02 – 043 – 016

**Request: Variance for coverage, setback, off street loading, buffer yard and signage to rebuild
McDonald's Restaurant with parking and signage.**

Matthew McHugh stated that Applicant is revising plans and is asking for a Continuance to May Meeting.

MOTION: Made To Approve A Continuance To May For McDonald's USA Appeal # 2020 – 0475

MOTION MADE BY: Harry Kramer

SECONDED BY: George Seymour

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

ITEM 12: HEARING FOR MECAER AVIATION GROUP, INC. APPEAL # 2020 -0478

Location: 777 American Drive

Tax Parcel: 02 – 067 – 002

Request: Use Variance to allow operation of helicopter repair and maintenance business.

Matthew McHugh stated that Applicant is still in discussion with the Township and is asking for a Continuance.

Michael Brill asked Ken Farrall How many New Hearings have been scheduled for April?

Ken Farrall stated that only 2 New Applications and the deadline is close by,

Matthew McHugh stated 60 days to have Initial Hearing.

If too many New Applications, may have to reach out to see if can move any.

**MOTION: Made To Approve Continuance to April Meeting For Mecaer Aviation Group, Inc.
Appeal # 2020 -0478**

MOTION MADE BY: Harry Kramer

SECONDED BY: Michael Brill

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

ITEM 13: CORRESPONDENCE

ITEM 14: ADJOURNMENT

MOTION: Made For Adjournmentl n -

MOTION MADE BY: Harry Kramer

SECONDED BY: Michael Brill

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

NAYS: None

ABSENT: Joann Redding

ABSTAIN: None

MOTION CARRIED: 4-0

MEETING ADJOURNED

MINUTES SUBMITTED BY: DONNA SPONHEIMER – SMITH

THE MINUTES ARE NOT VERBATIM, THEY'RE A SYNOPSIS OF THE MEETING

