

BENSALEM TOWNSHIP ZONING BOARD MEETING
MAY 22, 2019
7:00 P.M.

ATTENDANCE:

JOANNE REDDING , CHAIRWOMAN
ALBERT CHAMPION, VICE CHAIRMAN
MATTHEW J.MCHUGH, SOLICITOR
TOM FARRELL, ZONING OFFICER
MICHAEL BRILL, MEMBER
MARC BOURNE, MEMBER
ABSENT:
GEORGE SEYMOUR

ITEM 1 - Meeting opened at 7:00 p.m. with the Pledge of Allegiance

ITEM 2 – Introduction of Board Members and Statement of Rules and Procedures by Matthew McHugh

Mr. McHugh noted that this is a Special Meeting continued from May 4th, 2019.

ITEM 3 – Approval of last month's Minutes April 4th, 2019

ITEM 4 – 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.

DISCUSSION : The following are exhibits of application

B-1 Certificate of Service

B-2 ZHB Letter to Applicant

B-3 Proof of Publication

B-4 Proof of Posting

Copy of decision from ZHB 2015 that deals with subject property

The applicant, Dr. Sandhu and Engineer, Heath Dumack were sworn in.

Douglas Mahoney, Attorney representing the applicant.

A Use Variance was received in 2015 for a gas station and a convenience store. They gave up the variance for the auto repair and truck rental.

They now would like to build a small office adjacent to gas station and also retail space.

They originally asked for 8 variances but lowered to 3 variances , 1- Impervious surface 2- parking variance (regularly 38 spaces would like 34 spaces) 3- loading zone variance – no space currently will use the parking spaces.

Dr. Sandhu says that will only use the office for his own use and will not rent it out. No current tenants for retail space until the variance is approved.

Heath Dumack stated that the impervious surface is 60% allowed, it's currently 65% , proposing 66.8% They'll create a underground system so there will be a natural flow of water for Storm Water Management , also create a rain garden. They're not requesting any change to the Storm Water Management. They will keep as much as the water as they can on the property keeping it contained so that potential flooding downstream can be mitigated.
The loading area its in access drive not a parking spot , No semi tractor trailers will be coming . Loading zone won't be used during business hours.

ZHB told applicant previously that didn't want a multi use to property. In 2015 applicant told ZHB that use for parking trucks but applicant did that and it took until recently for the applicant to comply. Albert Champion – thought in 2015 the issue was clear that didn't want trucks . Unfortunately the Attorney and Land Developer were not with him to explain it.

Joanne Redding – You say that you didn't understand previously that trucks couldn't be parked at location and even though you say now that you understand and it wont be anything but personal office space the township can't control it and can't make changes if applicant sells the property.

Dr Sandhu said that the property was never improved for many reasons, one was economic says it is an eyesore and now wants to improve location

Joanne Redding says that there is not enough space for want they want to do.

Douglas Mahoney, Attorney said that they could make changes.

Joanne Redding – Get rid of the office and leave the parking, too much on the property.

Al Champion – The issue is the loading zone.

Douglas Mahoney, Attorney – They're willing to revise variance and plans to satisfy , asked it the hearing could be continued to July Meeting.

Joanne Redding – Any members of the audience present to speak for /against .

Mr. Chaman Popli was sworn in , 2752 Knights Road, Mr. Popli says that he has not seen any notification for this hearing

Matthew McHugh – Looked and said Mr. Popli's location is not required to be notified.

Mr. Popli – Ok , I don't want it to be retail , retail can be so many things and applicant is not saying what is going to use it for. If applicant is going to use it sell soda etc. , it could be a detriment to his business.

Marc Bourne – If it is a soda store , the location is close to Philadelphia and going to need a tractor trailer to deliver. He also said that if Dr. Sandhu thinks it is an eyesore it is his own fault , that he can beautify it with landscape without a large building .

MOTION : MOTION TO CONTINUE HEARING UNTIL JULY 11, 2019

MOTION : MADE BY ALBERT CHAMPION

SECONDED BY : MARC BOURNE

VOTE : AYES : ALBERT CHAMPION, MARC BOURNE, JOANNE REDDING, MICHAEL BRILL

NAYS : NONE

ABSENT : GEORGE SEYMOUR

ABSTAIN : NONE

MOTION CARRIED : 4-0

ITEM 5 – CONTINUED HEARING FOR PREMIER PROPERTIES APPEAL # 2019-0608

LOCATION : 3228 BRISTOL ROAD

TAX PARCEL : 02-046-002-002

REQUEST : VARIANCE FOR SET BACK FORM THE ULTIMATE RIGHT OF WAY

Mr. Bennett , Attorney for the Applicant .

Mr Chinchilla is representative for Premier Properties and Mr. Steve Nave , Fast Signs were sworn in.

Mr. Bennett thanked the board for accommodating the continuance and asked if anybody in audience was there to speak .

Mr. McHugh explained that Mr. Bennett could summarize and that the board will ask if anybody in the audience is present to speak for /against application.

Premier Properties bought Thunder Hollow Apartments now called Gateway in 2018. They own Rushwood & Winchester Walk in Philadelphia and another apartment in N.J. Mr. Bennett also noted that it was no disrespect to the Board that the Manager /Owner is not at meeting but that they had previous commitments and Mr. Chinchilla who is the Maintenance Supervisor will be speaking.

Mr. Chinchilla said the goal is to modernize the property . The apartments are getting new appliances and that the property has 301 units. They plan significant investments to the landscape, walkway, pool . They are here now to replace the existing signage.

Mr. Steve Nave of Fast Signs said that there will be signs in the same vicinity as before . The above property had applied but was denied for a free standing sign because it was not 10 ft setback as requested by the Township Zoning Ordinance.

Joanne Redding - Is anybody in audience here to speak for/against this appeal.

Andrew Niczewski was sworn in . He has no objection to the current sign .

Albert Champion – The old signs will be replaced with new signs at the same location. Penn Dot is widening Bristol Road ,will that affect signage?

Mr. Bennett – Said that Penn Dot provided a current concept of the widening plan and it shouldn't interfere with current signage plan.

Matthew McHugh – Penn Dot could change it .

Mr. Bennett – If Penn Dot widening changes , they'll work with the Township to do what has to happened to be compliant.

Joanne Redding – Asked if the sign will be the same as current .

Steve Nave – Said that the shape is different , the height is lower but the width is more . Aluminum sign vs present Wood Sign.

Albert Champion – It's no closer to the existing right of way. You may want to move it back as trucks have damaged the signs in the past. Albert also asked about the sight line issue of the old signs vs new signs. Joanne Redding – If you move it back it may help .

Steve Nave – The 1st vehicle should have no issue , same as it was with old sign.

MOTION : MOTION MADE TO CLOSE TESTIMONY

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MICHAEL BRILL

VOTE : AYES : ALBERT CHAMPION MICHAEL BRILL JOANNE REDDING MARC BOURNE

NAYS : NONE

ABSENT : GEORGE SEYMOUR

ABSTAIN : NONE

MOTION CARRIED : 4-0

MOTION : MOTION MADE TO ALLOW REQUEST FOR VARIANCE FOR SETBACK FROM THE ULTIMATE RIGHT OF WAY TO CONSTRUCT SIGNS WITH CONTINGENT THAT IT IS NO CLOSER THAN CURRENT RIGHT OF WAY.

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MICHAEL BRILL

VOTE : AYES : ALBERT CHAMPION MICHAEL BRILL, JOANNE REDDING , MARC BOURNE

NAYS: NONE

ABSENT : GEORGE SEYMOUR

ABSTAIN : NONE

MOTION CARRIED : 4-0

Mr. McHugh – For the record a copy is being given to the Applicant's Attorney.

ITEM 6 – CONTINUED HEARING FOR DENNIS BOBAKOV APPEAL #2019-702

LOCATION : 1202 GIBSON ROAD

TAX PARCEL: 02-046-045

REQUEST : VARIANCE TO USE PROPERTY AS RESIDENCE AND SPECIAL EVENT FACILITY.

DISCUSSION : Mr. McHugh – The Board has received a request for a continuance . The applicant wants to review changes for the applicant and would like it placed on the August agenda with no further continuances.

MOTION : MOTION MADE TO MOVE THE HEARING FOR APPEAL #2019-702 TO THE AUGUST ZONING BOARD HEARING.

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : MARC BOURNE

VOTE : AYES : ALBERT CHAMPION , MARC BOURNE, JOANNE REDDING, MICHAEL BRILL

NAYS : NONE

ABSENT : GEORGE SEYMOUR

ABSTAIN : NONE

MOTION CARRIED : 4-0

ITEM # 7 – HEARING FOR COSTA HOMES , INC. APPEAL #2019-1060

LOCATION : 4946 NESHAMINY BLVD

TAX PARCEL : 02-019-197

REQUEST : VARIANCES FOR 2 LOTS (1 & 4) TO HAVE AREAS LESS THAN 20,000 SF.

MATT MCHUGH – JOANNE REDDING WILL BE RECUSING HERSELF. ALBERT CHAMPION WILL TAKE THE CHAIR.

Dennis Mahoney , Attorney for Applicant
Aldaro Costa , The Applicant was sworn in.

Discussion for Appeal # 2019-1060

Matthew McHugh – Explained with Board Member George Seymour absent and Joanne Redding recusing herself that the Applicant would need to have the 3 remaining members all vote Yes to approve Appeal. The Applicant can ask for a continuance .

Mr. Mahoney – They will continue with hearing.

Mr Costa is the owner of Costa Homes, Inc. , a residential builder. He has been in the business 28 years and has built over 100 homes.

This is a 4 lot subdivision with an existing home on 1 lot.

Lot 1- 16,770 sf Lot 2-with existing house 23,000 (a little over) Lot 3- 20,000 Lot 4- 16,000

Those 2 lots could easily accommodate a 48x48 house. They're not requesting any other variances.

It will be a 2 vehicle garage and a driveway for 2 vehicles that includes the existing house.

They understand they will have to go through the subdivision process with township if the variances are granted.

Albert Champion – Concerned about 4 lots with 4 houses. Asked applicant if he has knocked down houses before . Mr. Costa said yes but this this house is in good condition , looks nice, stone, wants to save it & build only 3 semi custom houses.

Many questions about the driveway with 2 vehicles as the lots face Neshaminy Blvd. which is a busy street. They said they will be making a turn about so the vehicles face forward going out of driveways including the existing house lot.

The existing plans are not correct , they show a garage as detached on the existing house. The existing garage has been taken out and a detached garage was built.

Michael Brill – Asked if hey would consider 3 lots ?

Albert Champion – Would like to see a dimensional variance than a lot size variance as has issue with the sf. He would be more inclined to approve it.

Michael Brill – Said it would be more aesthetic looking .

Matthew McHugh -Clarifying what Albert Champion said .It would still be a variance as would be undersized .

Albert Champion as Chair asked if anybody in the audience wanted to speak for/against this Application.

Kelly & Nathaniel Wolak 4922 Neshaminy Blvd. sworn in. They are close to Grandview. They said that 3 lots would be bigger . Concern about the use of the parking lane since it is a busy street and a school is close by with children walking . Mr. Wolak said that they will need a big turn around . He said that he uses the property closest to his house to turn around , also said that he is terrible at turning around to face street and he is good driver. They don't want it to be 4 lots.

Paul Barnes , 4948 Hillside Avenue sworn it. Not exactly understanding what plans mean . It's hard to comment when the plan is incorrect , It isn't what they're going to do .

Mr McHugh explained that the plans may not show exactly where going but as long as they comply with the ordinances as long as it falls within the guidelines it is ok. That will happen with the Land Development.

Andrew Niechewski – 4939 Neshaminy blvd. across the street . School kids walking in the lane its not a parking lane it's a bike lane. He has trouble at times cant get out of driveway. Need a bigger driveway than 36x20 which said is 720 sf. He is against it being 4 lots.

Mr. Mahoney , the Applicant's Attorney said they're going back to revise plans going to talk to the Engineer. Can they have a continuance ?

Albert Champion to Matthew McHugh – Do we have to advertise the revised plan and do they have to notify .

Matthew McHugh will said that will have to be determined.

Decision for a continuance to July 11th Meeting.

Albert Champion thinks it could have been tonight at meeting.

MOTION : MOTION TO CONTINUE APPEAL #2019-1060 FOR TAX PARCEL 02-019-197 TO JULY 11TH MEETING.

MOTION : MOTION MADE BY MICHAEL BRILL

SECONDED BY : MARC BOURNE

VOTE : AYES : MICHAEL BRILL , MARC BOURNE, ALBERT CHAMPION

NAYS : NONE

ABSENT : GEORGE SEYMOUR

ABSTAIN : JOANNE REDDING (didn't sit in on the meeting)

MOTION CARRIED : 3-0

JOANNE REDDING IS BACK AS CHAIRWOMAN.

ITEM 8 – HEARING FOR BCS ENTERPRISES, INC. APPEAL #2019-1052

LOCATION : 4809 RIDGE AVENUE

TAX PARCEL : 02-004-306

REQUEST : VARIANCE FOR SIDE YARD SET BACK TO BE 2.47 FT. FROM EXISTING DECK AND STEPS.

Robert DeBais , Attorney for Applicant who is not present. Heath Dumack, Engineer.

Exhibit marked as A-4 -6 photographs pre marked of the deck and steps.

Robert DeBais gave a summary of application.

Michael Brill- creek was the zoning line , played in that vicinity as a kid ,but it weaves in and out.

Heath Dumack -Hardship – Lots are irregularly shaped , asking for a dimensional variance too.

It won't alter the neighborhood , it butts up against the creek.

Robert DeBais - It is used as equipment storage and cell tower, residential rental. . It will be kept as or sold as a residence.

Joanne Redding – Is anybody in the audience for/against this Application and wants to speak.

Bryan Anderson – 3171 Rail Avenue was sworn in. He has a concern before they start building, the Mayor / Township promised that they would put funds aside to fix drainage issue in the vicinity and it hasn't been fixed. Its been 19-1/2 years .

Matthew McHugh – explained that not changing zoning, they are solely asking to match property line with the zoning line. If they decide to develop than it's relevant.

Bryan Anderson – It is 2.47 ft from property , no posts , no permits to build steps.

Tom Farrell – File a complaint with the Building and Planning . If it is they can issue cease and desist until they get permits.

Albert Champion – Confirm that no construction

Robert DeBlais – No

MOTION : MOTION TO CLOSE TESTIMONY

MOTION MADE BY :MICHAEL BRILL

SECONDED BY : MARC BOURNE

VOTE : AYES : MICHAEL BRILL , MARC BOURNE, JOANNE REDDING , ALBERT CHAMPION

NAYS : NONE

ABSENT : GEORGE SEYMOUR

ABSTAIN : NONE

MOTION CARRIED : 4-0

MOTION : MOTION MADE TO APPROVE VARIANCE FOR A SIDE YARD SET BACK TO BE 2.47 FEET FROM EXISTING DECK AND STEPS APPEAL # 2019-1052

MOTION MADE BY : MICHAEL BRILL

SECONDED BY : MARC BOURNE

VOTE : AYES : MICHAEL BRILL , MARC BOURNE, JOANNE REDDING , ALBERT CHAMPION

NAYS : NONE

ABSENT : GEORGE SEYMOUR

ABSTAIN : NONE

MOTION CARRIED : 4-0

ITEM 9 – HEARING FOR JOSEPH DESIMONE APPEAL #2019-1056

LOCATION : 6 PAR AVENUE

TAX PARCEL : 02-039-041-002

REQUEST : VARIANCE FOR SETBACK OF EXISTING SHED

Joseph DeSimone was sworn in.

Joseph DeSimone moved from property in January but wants to make it correct for the new owner. The shed is slightly off about 1 ft on 1 side about 4 ft on other side. There was a permit to build shed but the builder apparently didn't build to spec. Shed backs up to Brown Avenue The issue came about after the new owners got a letter from Township after they came out and painted lines as where it should be. Albert Champion – Question , do they need additional variances such as front yard variance. Don't want them to have to return later for that.

Joanne Redding –Does the application reflect sale ?

Matthew McHugh – The owner or person given permission of the owner can be agent for the application , Joseph DeSimone has permission to act as agent.

Joanne Redding – Anybody in the audience for /against this application. Nobody

MOTION : MOTION TO CLOSE TESTIMONY
MOTION MADE BY : MICHAEL BRILL
SECONDED BY : MARC BOURNE

VOTE : AYES : MICHAEL BRILL , MARC BOURNE, JOANNE REDDING, ALBERT CHAMPION
NAYS : NONE
ABSENT : GEORGE SEYMOUR
ABSTAIN : NONE
MOTION CARRIED : 4-0

MOTION : MOTION TO APPROVE VARIANCE FOR SETBACK TO FOR EXISTING SHED. VARIANCE ADDITION
167E-1 FRONT YARD SETBACK TO ALLOW SHED.
MOTION MADE BY : MICHAEL BRILL
SECONDED BY : MARC BOURNE
VOTE: AYES : MICHAEL BRILL , MARC BOURNE, JOANNE REDDING, ALBERT CHAMPION
NAYS : NONE
ABSENT : GEORGE SEYMOUR
ABSTAIN : NONE
MOTION CARRIED : 4-0

MATTHEW MCHUGH -- LET THE RECORD SHOW THAT HANDING A COPY OF DECISION TO JOSEPH DESIMONE.

ITEM 10 – HEARING FOR LANCE R KRAMER ASSOC.

LOCATION : 2701 OLD LINCOLN HIGHWAY

TAX PAREL : 02-001-005

REQUEST : VARIANCE FOR FRONT YARD SET BACK FOR NEW OFFICE BUILDING

A-1 APPLICATION AND ACCOMPANYING DOCUMENTS
A-2 ZONING PERMIT PLAN
B-1 ZHB LETTER TO APPLICANT
B-2 PROOF OF PUBLICATION
B-3 PRROF OF POSTING

LANCE KRAEMER and,
ELAINE FELDMAN SWORN IN 750 Forrest Avenue Rydal Avenue

Lance Kraemer is the Architect . Elaine Feldman is the Director of Rosewood Memorial Park.

Instead of putting money into the current 2 story building , they want to add a new 1 story building next to it so they can continue do business. When the new building is built the old building will be taken down and a parking lot will be added in that spot. It will be handicap accessible which current lot is not. They want to keep the building at entrance with parking.

Joanne Redding – Only asking for 1 variance ?

Lance Kraemer -Yes.

Albert Champion – Can't widen road because of burial plots?

Elaine Feldman – Yes they aren't at building but up the road .

Albert Champion – Septic System?

Lance Kraemer – Yes

Joanne Redding – Anybody in the Audience for/against this Application ? Nobody

MOTION TO CLOSE TESTIMONY

MOTION MADE BY MARC BOURNE

SECONDED BY ALBERT CHAMPION

VOTE : AYES – MARC BOURNE , ALBERT CHAMPION , JOANNE REDDING , MICHAEL BRILL

NAYS – NONE

ABSENT – GEORGE SEYMOUR

ABSTAIN – NONE

MOTION CARRIED – 4-0

MOTION MADE TO APPROVE VARIANCE FOR FRONT YARD SET BACK FOR NEW OFFICE BUILDING

MOTION MADE BY – MARC BOURNE

SECONDED BY – ALBERT CHAMPION

VOTE – AYES – MARC BOURNE, ALBERT CHAMPION, JOANNE REDDING, MICHAEL BRILL

NAYS – NONE

ABSENT – GEORGE SEYMOUR

ABSTAIN – NONE

MOTION CARRIED 4-0

Matthew McHugh – Let it state for the record that a copy of approval hand to Lance Kraemer.

ITEM 11 : HEARING FOR MOHAMMED AKBAR APPEAL# 2019-1063

LOCATION : 1256 WILLIAM PENN DRIVE

TAX :PARCEL : 02-071-075

REQUEST: VARIANCE FOR REAR YARD SETBACK TO CONSTRUCT A DECK

MOHAMMED AKBAR was sworn in

11 years ago constructed a deck without permits and now wants a variance.

Matthew McHugh – Did you notify neighbors about application and meeting? You need to provide certificate of service that you mailed and who you served them to so they have opportunity to show up to meeting. Zoning Ordinance requirement , a list is sent of those who you must contact. It is your responsibility to mail it out.

Mohammed Akbar didn't do it , he didn't understand that he had to
The Hearing will be continued to July to give applicant time to get them out , he can hand deliver but
must have then sign that they got them.

MOTION – FOR A CONTINUANCE FOR HEARING FOR A VARIANCE FOR REAR YARD SET BACK TO
CONSTRUCT A DECK APPEAL # 2019-1063
MOTION MADE BY MARC BOURNE
SECONDED BY – ALBERT CHAMPION

VOTE – AYES – MARC BOURNE, ALBERT CHAMPION , JOANNE REDDING, MICHAEL BRILL
NAYS – NONE
ABSENT – GEORGE SEYMOUR
ABSTAIN – NONE
MOTION CARRIED - 4-0

ITEM 12 – NONE

ITEM 13- ADJOURMENT

MOTION MADE TO ADJOURN MEETING
MOTION MADE BY ALBERT CHAMPION
SECONDED BY MARC BOURNE

VOTE – AYES – ALBERT CHAMPION, MARC BOURNE, JOANNE REDDING , MICHAEL BRILL
NAYS – NONE
ABSENT – GEORGE SEYMOUR
ABSTAIN – NONE

MINUTES SUBMITTED BY : DONNA SPONHEIMER SMITH
The Minutes are not verbatim, they are a synopsis of the meeting