

November 4, 2021, Zoning Board Meeting Minutes

*****CORRECTIONS ARE MADE IN RED BOLD-FACED PRINT*****

In Attendance: Ken Farrell, Tom Panzer, Esquire, Al Champion, George Seymour, Joanne Redding, Mike Brill, and Harry Kramer

1. Open Meeting with the Pledge of Allegiance
 - a. Led by Joanne Redding
2. Statement of Rules and Procedures
 - a. Explained by Tom Panzer, Esquire
3. Approval of last month's Minutes—October 7, 2021
 - a. Motion to Approve last month's Minutes—October 7, 2021
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. George Seymour
 - iii. Vote to Approve last month's Minutes—October 7, 2021
 1. 5/5 Ayes
4. Continued hearing for Matthew J. Eckert
 - a. Appeal Number: 2021-3803
 - b. Location: 905 Bristol Pike
 - c. Tax Parcel: 02-029-296
 - d. Request: Use variance to add additional apartments on the property
 - e. Attorney: Matthew McHugh, Esquire
 - f. Exhibits:
 - i. A1 and A2 submitted previously (10/7/21)
 - ii. B1, B2 and B3 submitted previously (10/7/21)
 - iii. A3—October 25, 2021 Vendor Design Studios Site Plan
 - g. Summary
 - i. There are three (3) legal apartments on the property and three (3) more additional apartments were added over time. Wants to add an additional eight (8) apartments and make the front of the building an office for the applicant's HVAC company. As it stands, there are four (4) apartments that exist and wants to only renovate the interior of these apartments. The back of the house has an addition/garage that the applicant would like to convert into apartment number five (5). There is an existing two-door (2-door) garage that the applicant would like to convert into two (2) floors. Each floor would consist of a 450 square foot one (1) bedroom apartment. The second house on the property was converted into an apartment previously. There are 12 parking spaces available presently. Applicant has stated that the property is in extreme bad shape, there are wires hanging down low and the property is not up to code. The fence surrounding the exterior of the property is broken and the landscaping is all overgrown. Applicant realized that the Board was correct in stating 13 apartments were too ambitious. Applicant adopted the attorney summary as his testimony. Al Champion stated he is not sure there is enough parking, and twenty (20) parking

spaces are needed at minimum. Al Champion also stated that there is just not enough room on the property for twenty (20) spaces. Joanne Redding stated she is not inclined to add more apartments because there is no room on the property to add more apartments, plus parking and a dumpster. Applicant stated he can keep the office space as an apartment. Joanne stated keeping the space as an apartment will not make anything any better. The property is only legally allowed to have three (3) apartments. Ken Farrell stated the Use and Occupancy Certificate has three (3) apartments recorded in the **main** building, store front and one (1) apartment in the back. Apartment located in the basement is not legal. Applicant is only an equitable owner. Al Champion asked about the commercial use. Ken Farrell stated sometime between 2010 and 2012 the commercial was converted into an apartment. Tom Panzer restated that the permit use is for four (4) apartments and one (1) commercial use. Ken Farrell stated there is no license on file for the apartment in the basement or changing the use of the commercial property to an apartment. The township has been working with the current property owner. Tom Panzer stated the initial request was for 13 apartments and Mr. McHugh acknowledged the amendment to request eight (8) apartments and would further amend the request to six (6) apartments and one (1) commercial unit. The amendment would include the four (4) apartments located in the main house, one (1) apartment in the back house. The shed would be demolished, and the garage would stay. Al Champion stated the removal of the shed would open the property up to include more parking. Applicant stated it would add approximately ten (10) parking spaces and dumpster for trash removal demolishing the shed. No further from the Board. Members of the audience came forward in opposition to the request. First audience member to come forward was Lawrence Grace. Mr. Grace lives approximately 100 feet from the property and has resided in his home since 1984. He believes that 13 apartments is a lot on the property and is worried that even with the decrease in the number of apartments, it will become a flop house. He also expressed a fire hazard concern regarding the apartment located in the basement of the property. Michael Murphy was the next audience member to step forward in opposition. He believes the problem is the two parking spots per apartment and the in/out on the property will cause additional congestion at Bristol Pike and Tennis Avenue. He also stated there are too many apartments in the area already. Mr. McHugh believes granting the request is reasonable and would be an upgrade for the area. Again, no further questions from the Board. No other audience members stepped forward for or against the application.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony

1. 5/5 Ayes
 - i. Motion to deny use variance request to add additional apartments on the property.
 - i. Motion to deny
 1. Al Champion
 - ii. Second Motion to Deny
 1. George Seymour
 - iii. Vote to Deny use variance request to add additional apartments on the property
 1. 5/5 Ayes
5. Continued hearing for Gibson Holdings, LLC c/o Green Tree Group Contracting, LLC c/o Bill Laphen
 - a. Appeal Number: 2021-3788
 - b. Location: 1515 Gibson Road
 - c. Tax Parcel: 02-054-005
 - d. Request: Variances to subdivide lot into 8 single family dwellings.
 - e. Attorney: Kellie McGowan and Dan Lyons—Obermayer Rebmann Maxwell & Hippel LLP
 - f. Exhibits
 - i. A1-Deed of Property
 - ii. A2-CV for Kristen Holmes
 - iii. A3-Conditions Plans, Revised Condition Plan and photographs
 - iv. A4-Site Plan
 - v. A5-Aerial photograph
 - vi. A6-T & M Associates Zoning Memorandum
 - vii. A7-Application for Zoning Board Hearing Board
 - viii. A8-Notice to interested property owners
 - ix. A9-Application with attachments
 - x. A10-Photographs of present condition of property
 - xi. B1-Letter to the Applicant
 - xii. B2-Proof of Publication in the Bucks County Courier Times
 - xiii. B3-Proof of Posting
 - xiv. B4-Correspondence with request for continuance
 - g. Summary
 - i. Attorney Mike **Malloy** came forward on behalf of Applicant. The property sits on approximately 3.25 acres. Presently, there is a house with a detached garage that sits on the property, as well as woodlands, steep slopes, and wetlands. The house is in poor conditions and is approximately 800 square feet and the detached garage is approximately 80 square feet. The property sits on a cul-de-sac road. Applicant wishes to demolish the present home and subdivide the lot into eight separate parcels measuring approximately 7500 square feet in compliance with the guidelines of the R1-R2 zoning district. The site distance will be fully engineered plan presented to land and development. The applicant will be bringing public sewer and other enhancements to the area and is willing to work with PennDOT as well. None of the woodland area will be disturbed inside of the wetlands. Some woodlands will need to be disturbed for the subdivision. A relief request to disturb the woodland area will be needed. Mr.

Malloy also proposed relief for the steep slopes stating eight percent (8%) to 15 percent will be disturbed. The request for fencing was withdrawn. Audience members came forward in opposition. Kelly Pultro came forward. Ms. Pultro has two (2) special needs kids and asked the township to hook up her property to the public sewer and was told to contact Bucks County Water and Sewer (BCSW) to have a sewer installed and it would be an out-of-pocket expense. Her concerns were: Gibson Road is a main road; more houses equal more cars and more hazards and overall child safety. Mark Karlick has been a resident of Bensalem since 1986. He stated that the property has been decrepit for 12 to 14 years. The area has too many houses as it is and many children. The only positive he this request can bring is having a public sewer system in the area. He expressed it would be better if the applicant did some rethinking and restructured the request. Kevin Garrow's main concern was the wildlife that would be effected by the disturbance of the woodlands. Exhibits were entered onto the record. No further questions by the Board. No other audience members came forward for or against the request.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - i. Motion to Deny request for variances to subdivide lot into 8 single family dwellings.
 - i. Motion to Deny
 - 1. Al Champion
 - ii. Second Motion to Deny
 - 1. George Seymour
 - iii. Vote to Deny request for variances to subdivide lot into 8 single family dwellings.
 - 1. **5/5 Ayes**
6. Continued Hearing for Ron Oskiera
- a. Appeal Number: 2021-3798
 - b. Location: 1090 Wildman Ave
 - c. Tax Parcel: 02-031-107-002
 - d. Request: Variance to have multi-dwelling in a R-2 District
 - e. Attorney: Shawn Ward, Esquire
 - f. Exhibits
 - i. A1-A15 Attorney Packet handed to the Board
 - ii. A16-Application with Attachments
 - iii. A17-Certificates of Service
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3- Proof of Posting on the property

- g. Summary
 - i. Attorney Ward to give a summary to be adopted by the applicant as his sworn testimony. The property was purchased on October 36, 2020. The property is a two (2) family dwelling according to seller's disclosure and property information sheet. The back of the house was renovated. The property has two (2) units and two (2) separate HVAC units. Applicant applied for a use and occupancy license to rent the units and was informed by the township the property is listed as a single-family dwelling and would need variances; however, the property is not zoned for rentals. The property was originally owned by Charles Seeberger Jr. Charles Jr. surrendered the property to his father Charles Sr. in 1975. Charles Sr. renovated the two-car garage for his two (2) daughters to reside in. Charles Jr. was aware of his father renovation of the two-car garage into a separate dwelling. The plumbing was added by Richard Seeberger. The property was sold to Mildred Digidio as a two-family dwelling. Applicant is seeking relief. Applicant did not create the issue. The issue was created by Mr. Seeber Sr. 20 plus years ago. The sale was private. The seller was represented by counsel; the buyer was not. The applicant thought he was purchasing an investment property. He filed for the use and occupancy and rental license and was made aware of the issues. Ken Farrell stated the use and occupancy was only submitted for the main house. Tom Panzer stated that the Board understands the facts. They are analyzing the variance. Mr. Ward requested a continuance to amend the application. The Board asked if anyone in the audience is for or against the request. Jeff Dekouyer is a neighbor to the property. He stated that the property has been this way for over 20 years. He also stated that Millie Digidio is a member of the Seeberger family. He stated there is another duplex down the street. Joanne Redding stated the Board cannot allow garages to be converted into dwellings. Ron Oskiera, the applicant and owner stated he purchased the property in good faith and has only cleaned up the property. He has done nothing more to the property. He feels he is being penalized for doing the right thing and there are four (4) other homes with multiple families. Mr. Ward again requested a Continuance on behalf of Mr. Oskiera.
 - h. Motion to Continue Hearing to January 6, 2022 with written amendment to the application
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue Hearing to January 6, 2022 with written amendment to the application and waivers
 - 1. 5/5 Ayes
7. Continued hearing for Brilla, LLC c/o Anton Poteryahin
- a. Appeal Number: 2021-3749
 - b. Location: 4304 & 411 Bristol Road
 - c. Tax Parcel: 02-017-068-001 & 02-017-090-001

- d. Request: Use variance, rear yard setbacks, lot area, parking and steep slope to construct auto repair shop.
- e. Attorney: Bryce H. McGuigan, Esquire—Begley, Carlin & Mandio LLP
- f. Exhibits
 - i. Submitted at October Zoning Board Hearing
 - ii. A-3 Revised plan
- g. Summary
 - i. Applicant took Board recommendations into consideration and removed the second floor from the one building. Two (2) buildings will be combined into one (1) building separated by a fire wall. The fire wall will also act as an added buffer. The relief request has not changed. Three (3) different business entities will still exist on the property. Tenants have already been lined up. The Board has concerns regarding the use of the property (one (1) building=one (1) use). The requests made on the application does not fit the general community. Mr. McGuigan stated the entities will have standard business hours unlike a restaurant which would have late hours and a lot of traffic coming and going. Mr. Fiorvanti explained the new design plan emphasizing changes made addressing concerns from the Board. Harry Kramer asked about the loading zone. Mr. Fiorvanti stated the loading area will be 12 feet by 65 feet. Joanne Redding expressed concern about cars and the smell of car fumes. Applicant is doing his best under the circumstances and with the space. Mr. Fiorvanti stated he will work and comply with PennDot. Neighbors expressed concerns over noise and the property becoming a chop shop. A petition signed by 30 neighbors opposing this business in the area was submitted to the Board. Community feels the businesses belong in the industrial district not a residential area. Elsie Porter stepped forward. Her daughter spoke on her behalf at the last month's hearing to express her concerns. She wanted the Board to hear it from her that the community does not need another body shop in the area. Barbara Stakes designed her own map and presented how the neighborhood has two (2) ways in and two (2) ways out of the area. Mike Brill commented about how the applicant has stated the neighbors are in favor yet so many neighbors are completely against it.
- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Mike Brill
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
- i. Motion to Deny Request for a use variance, rear yard setbacks, lot area, yard area, parking and steep slope to construct auto repair shop
 - i. Motion to Deny
 - 1. Mike Brille
 - ii. Second Motion to Deny

1. George Seymour
- iii. Vote to Deny request for a use variance, rear yard setbacks, lot area, yard area, parking and steep slope to construct auto repair shop
 1. 4/5 Ayes
 - a. Harry Kramer
 - b. Mike Brill
 - c. Joanne Redding
 - d. George Seymour
 2. 1/5 Nays
 - a. Al Champion

8. Hearing for Soh Park

- a. Appeal Number: 2021-4158
- b. Location: 5760 Bensalem Blvd
- c. Tax Parcel: 02-085-017
- d. Request: Variance to use first floor of existing structure for professional and/or business office.
- e. Attorney: Bryce H. McGuigan, Esquire—Begley, Carlin and Mandio, LLP
- f. Exhibits
 - i. A1-A8-Photos
 - ii. A9-Application with attachments
 - iii. A10-Certificates of Service
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. B3—Proof of Posting on the property
- g. Summary
 - i. Property is located on the corner across from Brody's Ice Cream. The bottom of the property was once a deli. The property is a two-story building. The bottom is one (1) large empty space with a bathroom. Applicant would like to use the space as a professional business office to employ two to three (2-3) from nine to five (9-5). Mr. McGuigan summarized testimony of the applicant. Ms. Park purchased the property in October, 2017 as a handy-man special. She cleaned up the property and presently resides on the property. There are two-three (2-3) commercial business down the street and a shopping center across the street. There are separate access points on the property. The top floor has a private entrance and the office space can be entered on the lower level. She has been approached by various businesses regarding renting out the space. Applicant adopted Mr. McGuigan's summarization. Ms. Park stated she would prefer to rent the space to a therapist who works with persons with special needs since she works outside her home with individuals with special needs. The office space will be used strictly for professional use only. Parking can fit six (6) cars. She utilizes two (2) spaces. Ken Farrell stated the number of spaces needed would depend on the use. Neighbor, Sunil Patel, shares a backyard and has no issues if the space was used as an office. She does not want a restaurant

or bar. Majority of the hours would be Monday through Friday nine to five (9-5). Ken Farrell stated the parking should off set based on those hours of operation.

- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - i. Motion to Approve variance request to use the first floor of existing structure for professional and/or business office.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve variance request to use the first floor of existing structure for professional and/or business office
 - 1. 5/5 Ayes
9. Correspondence
- a. None
10. Adjournment
- a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. Mike Brill
 - c. Vote to Adjourn
 - i. 5/5 Ayes