Minutes of the ZONING HEARING BOARD Regular Meeting October 4, 2018

ATTENDANCE:

Present:

Joanne Redding, Chairperson

Albert Champion, Vice Chairperson

Barbara M. Kirk, Solicitor

Ronald Gans, Township Engineer

Michael Brill, Member George Seymour, Member

ITEM 1

Meeting opened at 7:00 P.M. with the Pledge of Allegiance

ITEM 2

Introductions of Board Members and Statement of Rules and Procedures

by the Solicitor.

ITEM 3

Approval of September's meeting minutes

ITEM 4

Extension Request for Timothy Rybas

Appeal #2017-558

Location: 2600 State Rd Tax Parcel: 02-06-021

Request: Extension of variance granted on September 7, 2017.

DISCUSSION

DISCUSSION

The following are exhibits of application;

- A-1 Application & accompanying documents (Decision from 2017 is apart of A-1 as Exhibit E-1)
- A-2 Existing Site Plan
- B-1 Proof of publication

Timothy Rybas is sworn in. The project is taking longer than anticipated. In order to get permits for project, the extension of the previously approved application has to be extended. Applicant states they hope to have permits in by the end of the month. The requested 5 year extension is from the issuance of the permits.

The audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Champion motion to close testimony, Mr. Brill seconds, and all favor. Mr. Champion motions for the hearing for Extension Request for Timothy Rybas; Appeal #2017-

558; Location: 2600 State Rd; Tax Parcel: 02-06-021; Request: Extension of variance granted on September 7, 2017 be approved, Mr. Brill seconds, and all favor.

VOTE

Ayes:

Mr. Champion, Mr. Seymour, Mr. Brill, Ms. Redding

Nays:

None None

Abstain: Absent:

None

MOTION CARRIED

4-0

ITEM 5

Hearing for Margaret Schramm

Appeal #2018-635

Location: 1040 Smethwyck Pl

Tax Parcel: 02-072-042

Request: Variance for side yard setback to construct cover over

patio.

DISCUSSION

DISCUSSION

The following are exhibits of application;

- A-1 Application & accompanying documents
- A-2 Certificate of Service
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Proof of posting

Margaret Schramm is sworn in. Frank Oddo is sworn in. Property is a side property. It an end townhouse. Applicants would like to have an overhang for the porch. The overhand is four feet three inches shorter than the porch. Next door to the property is a common ground, empty field. Mr. Champion asks if there are any water runoff issues. Applicants confirm there is not. Township Engineer also confirms he does not believe there are issues in this area.

The audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Brill motion to close testimony, Mr. Champion seconds, and all favor. Mr. Brill motions for the Hearing for Margaret Schramm; Appeal #2018-635; Location: 1040 Smethwyck Pl; Tax Parcel: 02-072-042; Request: Variance for side yard setback to construct cover over patio be approved, Mr. Champion seconds, all favor. Noted by Township Engineer: The side yard is six feet 6 inches rather than 10 feet.

VOTE

Ayes:

Mr. Champion, Mr. Seymour, Mr. Brill, Ms. Redding

Nays:

None

Abstain:

None

Absent:

None

MOTION CARRIED

4-0

ITEM 6

Hearing for Alexander Gamarnik

Appeal #2018-636

Location: 931 Clarmont Ave

Tax Parcel: 02-030-126

Request: Variance for front and side yard setbacks to construct new

Home.

DISCUSSION

The following are exhibits of application;

- A-1 Application & accompanying documents
- A-2 Plot Plan
- A-3 Certificate of Service
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Proof of posting

Alexander Gamarnik is sworn in. Applicant bought cape cod house for his family. The second floor is a loft and would like a second full second floor. He is requesting to demolish the existing house and rebuild it. The front setback is 25 feet from road, and is a proposed 24 feet. The new house will be within the same footprint. The current porch 9 feet and the proposed new porch is only 4 feet. There will be no change to the foundation.

The audience is asked if anyone is for or against this application. Richard Gallagher is sworn in. He resides at 925 Clarmont Ave. His house is 10 feet from the Applicant's. Mr. Gallagher just wants to make sure the construction is being professionally. Township Engineer confirms they have to be a licensed contractor. Builder inspectors will inspect the foundation to make sure it is sufficient. If applicant changes slope of ground, they will have to get approval. Applicant confirms the garage will be cosmetically fixed, not demolished. The property can be a maximum of 35 feet, but Applicant states it won't be that high.

MOTION Mr. Seymour motion to close testimony, Mr. Champion seconds, and all favor. Mr. Seymour motions for the Hearing for Alexander Gamarnik; Appeal #2018-636; Location: 931 Clarmont Ave; Tax Parcel: 02-030-126; Request: Variance for front and side yard setbacks to construct new Home be approved, Mr. Champion seconds, and all favor.

VOTE

Ayes:

Mr. Champion, Ms. Redding, Mr. Brill, Mr. Seymour

Nays:

None

Abstain:

None

Absent:

None

MOTION CARRIED

4-0

ITEM 7

Hearing for Cory Cooper

Appeal #2018-637

Location: 4300 Old Lincoln Hwy Tax Parcel: 02-009-017-001

Request: Variance to use property as a Recovery Home.

DISCUSSION

The following are exhibits of application;

A-1 Application & accompanying documents

A-2 Certificate of Service

B-1 ZHB letter of hearing to Applicant/applicant's attorney

B-2 Proof of publication

B-3 Proof of posting

B-4 Board of Assessment Summary Record

Cory Cooper is sworn in. Solicitor states the property is owned by William Goubler per the Board of Assessment website. Mr. Cooper states he leases the property. He is the Chief Officer for Steps-to-Recovery. It is a licensed recovery facility. They have been using this property as recovery home since 2014. They chose the property because there is not many neighbors and it sits back off a main road. There was an incident at the property, and the Township brought it to his attention they were not in code. Mr. Cooper states there have been minimal issues since 2014. They have staff that check in every day. Mr. Cooper states he doesn't believe there was an ordinance made about recovery houses. It came into effect after. The Board believes there has always been an ordinance in place. Mr. Cooper states he is unsure if they have an U & O.

It is a Highway, Commercial, and Light Industrial zoned area. Applicant believes recovery homes are approved in R-2. This property is a large house. They have never had complaints from neighbors. Bensalem Chiropractic is a neighboring property and the owner is in favor states the Applicant. There are six residents currently, and a maximum of eight residents allowed at a time. There is one staff manager, which is always an alumni of the program. Mr. Cooper states they are not planning on subleasing even though it mentions it in the leasing agreement. They have one year left on this lease.

Residents remain at the property until they can get back on their feet. The average is about four months. The House Manager makes sure the residents are doing well. On weekdays the curfew is 11 pm and on the weekends, it is 1 am They have two other locations, that are more

like rehab facilities, which have staff all the time. This property is designed for people that are a few months clean. The average age is early 20's,40's or 50's. Mr. Cooper has been with Stepsto-Recovery since 2013. There a no plans to expand the property. There are currently no regulations, but by 2020 there may be and they comply with those regulations. Ms. Redding has concerns about others opening nearby.

The audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Brill motion to close testimony, Mr. Champion seconds, and all favor. Mr. Brill motions for the Hearing for Cory Cooper; Appeal #2018-637; Location: 4300 Old Lincoln Hwy; Tax Parcel: 02-009-017-001; Request: Variance to use property as a Recovery Home be approved, Mr. Seymour seconds, Mr. Champion favors, and Ms. Redding nays.

VOTE

Ayes:

Mr. Champion, Mr. Brill, Mr. Seymour

Nays:

Ms. Redding

Abstain: Absent:

None None

MOTION CARRIED

3-1

ITEM 8 Hearing for Carleigh's Castles, LLC

Appeal #2018-638

Location: 3674 Grandview Ave

Tax Parcel: 02-019-051

Request: Variance for lot size for two lot subdivision.

DISCUSSION The following are exhibits of application;

A-1 Application & accompanying documents

A-2 10 Page Site Plan

A-3 Sketch Plan

A-4 Certificate of Service

B-1 ZHB letter of hearing to Applicant/applicant's attorney

B-2 Proof of publication

B-3 Proof of posting

Jeanine Klein and Arthur Silcox are sworn in. The relief requested is to subdivide a 20,000 square feet lot. Once subdivided, the property will be almost the same as neighbors lots says the Applicants. Renovations are going to be done to the current house. The other house is a non-conforming lot. The Engineer will evenly divide the lot. It is a corner lot.

Audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Champion motion to close testimony, Mr. Seymour seconds, and all favor. Mr. Champion motions for the Hearing for Carleigh's Castles, LLC; Appeal #2018-638;

Location: 3674 Grandview Ave; Tax Parcel: 02-019-051; Request: Variance for lot size for two lot subdivision be approved, Mr. Seymour seconds, all favor.

VOTE

Ayes:

Mr. Champion, Ms. Redding, Mr. Brill, Mr. Seymour

Nays:

None

Abstain: Absent:

None None

MOTION CARRIED

4-0

ITEM 9

Hearing for Donna Fleming

Appeal #2018-639

Location: 2260 Finley Ave Tax Parcel: 02-061-019

Request: Variance for side yard setback and maximum size of

garage.

DISCUSSION

The following are exhibits of application;

A-1 Application & accompanying documents

A-2 Certificate of Service

A-3 5 Photos of Property

B-1 ZHB letter of hearing to Applicant/applicant's attorney

B-2 Proof of publication

B-3 Proof of posting

Donna Flemming is sworn in. Applicant is requesting to build a 28 by 35 feet garage next her home. A four feet setback is needed. It has to be 10 feet behind the house. The garage is also bigger than 25% of the house. The house has two additions. Applicant states that technically, the proposed garage would be behind the original house. The proposed garage is to store vehicles, kayaks, etc. Applicant goes through pictures with regard to Exhibit A-3. The first picture is the house, the second picture is the original house, the third picture is of the front lawn, the fourth picture is of the side of the house, and the last picture is where the proposed garage would be built. The property currently has a stone driveway. The Applicant is working with an engineer for a drainage system. They can either do 20 feet drain in the rear of the property or 18 feet of stone in front. There will be no living space in the garage. Applicant states her builder wouldn't speak until she had permits. She has a half acre of land. The garage will be a pole barn and be 62 feet from centerline of the roadway. Applicant says she believes it is approximately 15 feet to the peak of the garage. Board requests the garage be downsized to 24 by 36 feet with max height of 16 feet. The Applicant is in agreement.

The audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Champion motions to close testimony, Mr. Seymour seconds, all favor. Mr. Champion motions for the Hearing for Donna Fleming; Appeal #2018-639; Location: 2260 Finley Ave; Tax Parcel: 02-061-019; Request: Variance for side yard setback and maximum size of garage be approved with condition of garage size being no larger than 25 by 36 feet, 6 feet setback, and maximum of 16 feet peak, Mr. Seymour seconds, all favor.

VOTE

Ayes:

Mr. Champion, Ms. Redding, Ms. Domanico, Mr. Brill

Nays: Abstain: None None

Absent:

None

MOTION CARRIED

4-0

5 Minutes Recess.

ITEM 10

Hearing for Anthony Oelschlegel

Appeal #2018-640

Location: 3349 West End Ave

Tax Parcel: 02-004-137

Request: Variance to convert house into a multi-family dwelling.

DISCUSSION

The following are exhibits of application;

- A-1 Application & accompanying documents
- A-2 Site Plan Zoning Data
- A-3 Certificate of Service
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Proof of posting
- B-4 Email from Solicitor's Assist with list of neighbors to notify

Applicant arrives at 8:41 p.m. Applicant is sworn in. Mr. Oelschlegel states he has a few options he would like to do with property. The first version has garage with three apartments. Ms. Redding states this property zoned R-2 and that Bensalem does not even allow mother in law suites with kitchen anymore. She states he is allowed to build a single family home and must meet setbacks. The lot is 75 by 100 feet. Deed shows one lot, 100 by 100 feet. Board confirms with the Applicant there are no apartments allowed on this property. Solicitor recommends to go to the Township to ask for assistance next time before submitting an application. Applicant withdraws application.

ITEM 11 <u>Hearing for Robert A. Milner, Jr.</u>

Appeal #2018-641

Location: 1025 E. Bensalem Ave

Tax Parcel: 02-062-378

Request: Variance for lot area and lot width to construct a house.

DISCUSSION The following are exhibits of application;

A-1 Application & accompanying documents

A-2 Certificate of Service

A-3 Tax Claim Bureau Deed

A-4 Tax Parcel Map

A-5 Property Summary (5 pages)

A-6 Plot Plan

A-7 Photos of houses similar

A-8 Photos of similar properties

B-1 ZHB letter of hearing to Applicant/applicant's attorney

B-2 Proof of publication

B-3 Proof of posting

Russ Sacco is attorney. Applicant is sworn in. The property is 5,000 square feet. There is 50 feet of frontage. This is an existing non-conforming lot. The non-conforming lot is a separate parcel. Mr. Sacco state the Board of Assessment has always taxed this as a separate lot. The building was built in 1947. The lots have never been merged. At one point the lots were put on one deed, but identified as separate parcels. Mr. Sacco references the photos of Exhibit A-8. The houses are on 50 foot lots, which are in the same neighborhood. The Applicant states this will not be dentromential to the neighborhood. Applicant states they can meet all setback requirements for the house and there would be no other use for this lot. The property is zoned R-2 and the Applicant states it will stay R-2.

The audience is asked if anyone is for or against this application. No one is present.

MOTION Mr. Champion motions to close testimony, Mr. Seymour seconds, and all favor. Mr. Champion motions for the Hearing for Robert A. Milner, Jr., Appeal #2018-641; Location: 1025 E. Bensalem Ave; Tax Parcel: 02-062-378; Request: Variance for lot area and lot width to construct a house be approved with condition of being zoned R-2, meets all zoning setbacks, lot size and lot width confirms, Mr. Seymour seconds, all favor.

VOTE Ayes: Mr. Champion, Ms. Redding, Mr. Seymour, Mr. Brill

Nays: None Abstain: None Absent:

None

MOTION CARRIED

4-0

ITEM 12 CORRESPONDENCE - None.

ITEM 13 ADJOURNMENT

Meeting adjourned at 9:10 p.m. Court Reporter: Amy Boyer

Respectfully submitted by Danielle Campbell