

Minutes of the
ZONING HEARING BOARD
Regular Meeting
June 7, 2018

ATTENDANCE: Present: Joanne Redding, Chairperson
Albert Champion, Vice Chairperson
Barbara M. Kirk, Solicitor
Ronald Gans, Township Engineer
Michael Brill, Member
Angeline Domanico, Secretary
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 May 3, 2018 meeting minutes; April 19, 2018 approved with amendments
- ITEM 4** **Hearing for Ajit and Nayana Patel**
Appeal #2018-617
Location: 5212 Inlet Dr
Tax Parcel: 02-084-129
Request: Variance for impervious surface coverage for concrete work.

DISCUSSION The following are exhibits of the application;

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

Ajit Patel sworn in. Mr. Patel states he does not have the required certificate of service of notices sent to the neighbors due to not receiving the paperwork. Solicitor states the paperwork with instructions was sent to 5212 Inlet Drive, and they cannot proceed until this process is complete. Solicitor hands a copy of Exhibit B-1 to Applicant showing the instructions on notifying the neighbors. Solicitor also tells Applicant to make sure to let the Township know of his new address.

MOTION Mr. Champion motions for the hearing for Ajit and Nayana Patel; Appeal #2018-617; Location: 5212 Inlet Dr; Tax Parcel: 02-084-129 be continued to July 12, 2018, Mr. Seymour seconds, and all favor.

ITEM 5 **Hearing for Gary and Colleen Bell**
Appeal #2018-618
Location: 2471 Croydon Ct
Tax Parcel: 02-049-158
Request: Variance for pool setback less than 10 feet.

DISCUSSION The following are exhibits of the 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

Applicants are sworn in. The rear yard is 35 feet. They would like a small pool for their kids. A ten foot variance was hard to meet when planning this. Applicants are requesting a six foot variance. The yard is 19 feet long. There is a trampoline and shed in yard as well. The pool is 12 by 19 feet oval above-ground with a ladder. There is 6 feet on each side of the pool. Applicants state the neighbors do not have issues.

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 Gary and Colleen Bell; Appeal #2018-618; Location: 2471 Croydon Ct; Tax Parcel #02-049-158 be approved, Mr. Seymour seconds, and all favor.

VOTE

Ayes:	Mr. Champion, Ms. Redding, Mr. Brill, Ms. Redding, Ms. Domanico
Nays:	None
Abstain:	None
Absent:	None

MOTION CARRIED **5-0**

ITEM 6 **Hearing for John and Jo Ann Cassidy**
Appeal #2018-619

Location: 4358 Spruce Ave
Tax Parcel: 02-016-184
Request: Variance for Garage to be 41.6% larger than the allowable 25% and variance for above ground pool.

DISCUSSION The following are exhibits of application;

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

John Cassidy is sworn in. David Temple is attorney for the Applicant. Mr. Temple explains property is owned by John and Jo Ann Cassidy and was bought in 2004. The house was decimated by a fire in 2007 and in 2008 the house was rebuilt. He put shed on the property, which was built by Cornwell Sheds, an amish company. The shed has been there for 10 years. Applicant believes it looks good and blends in with house. The shed 12 by 28 feet. It is currently 41% of house, but can only be 25%. It is not a garage. It cannot be used for vehicles due to the ¾ plywood floor. The house is 980 square feet. The property is 120 x 100 square feet. Shed is setback off the street and is fenced in. UGH is across the street. There is only one neighbor on the block. Applicant used to have a 12 by 12 feet shed, but was destroyed in the fire. The house is for sale and issues were discovered now during the selling process. The pool has side yard setback issue. The setback is 19.2 feet in setback. It should be 25 feet. The photograph of side yard is marked Exhibit A-3. It's the same foundation when the house was rebuilt. The pool was not permitted. It is an 18 feet above-ground feet. The pool is inside the house line.

The audience is asked if anyone is for or against this application. No one is present. Mr. Gans recommends getting permit for pool.

MOTION Mr. Brill motions to close testimony, Mr. Champion seconds, all Favor. Mr Brill motions for the hearing for John and Jo Ann Cassidy; Appeal #2018-619; Location: 4358 Spruce Ave; Tax Parcel: 02-016-184 be approved, Mr. Champion seconds, and all favor.

VOTE Ayes: Mr. Champion, Ms. Redding, Mr. Brill, Ms. Redding, Ms. Domanico
 Nays: None
 Abstain: None
 Absent: None

MOTION CARRIED

5-0

ITEM 7

Hearing for Manish Shah

Appeal #2018-620

Location: 1209 William Penn Dr

Tax Parcel: 02-071-229

Request: Variance for rear yard setback to construct a deck.

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

Manish Shah is sworn in. Applicant is proposing to build a deck in the rear yard. This requires a 30 feet setback, but Applicant only has 26 feet. The proposed deck is 23 feet by 13.6 feet. The width of the yard is 151 feet. The house is 40 feet from the rear yard line. The deck would be lining up to house. The sunroom was already approved by the Township.

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

MOTION

Mr. Seymour motion to close testimony, Mr. Champion seconds, and all favor. Mr. Seymour motions for the hearing for Manish Shah; Appeal #2018-620; Location: 1209 William Penn Dr; Request: Variance for rear yard setback to construct a deck; Tax Parcel: 02-071-229 be approved, Mr. Champion seconds, and all favor.

VOTE

Ayes:	Mr. Champion, Ms. Redding, Mr. Brill, Ms. Redding, Ms. Domanico
Nays:	None
Abstain:	None
Absent:	None

MOTION CARRIED

5-0

ITEM 8

Continued hearing for Patrick Franks

Appeal #2018-604

Location: 2145 Green Ave

Tax Parcel: 02-039-179

Request: Variance for impervious surface coverage and maximum size for accessory structure.

DISCUSSION Solicitor states the Applicant was represented by Mr. Ward. This application has been continued since March 2018. On March 30th, 2018, Mr. Ward requested a continuance. On April 30th, 2018, another continuance was requested for the May 13th, 2018 meeting. Then another another 30 days to tonight's hearing, but Mr. Ward is not present. The letter marked the Solicitor sent to Mr. Ward is marked as Exhibit A-6 dated May 30th letter along with the letter dated June 4th confirming date of hearing. Mr. Gans believe Mr. Murphy took over this matter, but Solicitor has not been notified.

MOTION Mr. Champion motion to close testimony, Mr. Brill seconds, and all favor. Mr. Champion motions for the hearing for Patrick Franks; Appeal #2018-604; Location:2145 Green Ave; Tax Parcel: 02-039-179; Request: Variance for impervious surface coverage and maximum size for accessory structure be denied, Mr. Brill seconds, and all favor.

VOTE

Ayes:	Mr. Champion, Ms. Redding, Mr. Brill, Ms. Redding, Ms. Domanico
Nays:	None
Abstain:	None
Absent:	None

MOTION CARRIED 5-0

ITEM 9 Continued hearing for Mar Mar Builders, Inc.
Appeal #2018-602
Location: 1186 Byberry Rd
Tax Parcel: 02-074-110
Request: Variances to construct an 8 lot subdivision.

DISCUSSION Solicitor states she received an email from Edward Murphy, Applicant's attorney, on May 21, 2018 requesting a continuance to continue discussions with Township. Solicitor marks the continuance request as Exhibit A-12.

MOTION Mr. Champion motions for the hearing for Mar Mar Builders, Inc.; Appeal #2018-602; Location: 1186 Byberry Rd; Request: Variances to construct an 8 lot subdivision; Tax Parcel: 02-074-110 be continued to August 2, 2018, Mr. Seymour seconds, and all favor.

ITEM 10 Continued hearing for McGillin Architecture Inc.
Appeal #2018-615
Location: 2544 Bristol Pk
Tax Parcel: 02-062-366
Request: Variance for height of fence.

ITEM 12 **Continued hearing for Michael R. Nugent**
Appeal #2017-568
Location: 3259 Clive Ave
Tax Parcel: 02-075-049
Request: Variance to allow natural state to be less than 45%.

ITEM 13 **Continued hearing for Michael R. Nugent**
Appeal #2017-569
Location: 3242 Moore Ave
Tax Parcel: 02-075-056
Request: Variance to use lot for commercial parking.

***Items 11, 12, and 13 are heard collectively.**

DISCUSSION Solicitor states she received a letter dated June 1, 2018 requesting a continuance to September 6, 2018 to continue to get together landscaping plans. The letter is marked as Exhibit A-10 for all matters. Attorney and Applicant are present. Ms. Redding requests this the last continuance for these matters. Applicant states he needs to clean up the property due to just getting the tenants out of the trailer.

MOTION Mr. Seymour motions for the hearings for Michael R. Nugent; Appeal #2017-567, 568, 569; Locations: Clive Ave, 3259 Clive Ave, 3242 Moore Ave; Tax Parcels: 02-075-047, 02-075-049, and 02-075-056 be continued to September 6th, 2018, Mr. Champion seconds, and all favor.

ITEM 14 **Hearing for Paul and Jodi Bramble**
Appeal #2018-616
Location: 4040 Blanche Rd
Tax Parcel: 02-033-123
Request: Appeal of Zoning Officer decision.

DISCUSSION The following are exhibits of application;

- A-1 Continuance Request
- A-2 Application & accompanying documents
- T-1 Email from Township (not opposing application)
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Proof of posting

DISCUSSION Solicitor states she received a letter on June 5, 2018 requesting a continuance due to a scheduling conflict. Applicant also did not receive Notice of hearing in time to notify the neighbors. Continuance letter marked as Exhibit A-1. Noah Marlier is

attorney for Bensalem. Solicitor received an email from Mr. Marlier stating the Township is not opposing this matter. The email is marked as Exhibit T-1. Applicant requests continuance to July 12, 2018. Ms. Redding does not believe this Board has the authority to void this violation. Solicitor states they have done so in the past. All motions for continuance to July 12, Mike seconds, George Nay, Joanne nays.

MOTION Mr. Champion motions for the hearing for Paul and Jodi Bramble; Appeal #2018-616; Location; 4040 Blanche Rd; Tax Parcels: 02-033-123 be continued to July 12, 2018, Mr. Brill seconds, Ms. Domanico, Mr. Seymour Nays, Ms. Redding nays.

ITEM 15

Hearing for BSV Housing LP

Appeal #2018-621

Location: 3063 and 3095 Mechanicsville Rd

Tax Parcel: 02-037-063 and 02-037-063-001

Request: Variance for height, rear yard setback and buffer to construct a residential Complex for Seniors preference.

DISCUSSION The following are exhibits of application;

- A-1 Application & accompanying documents
- A-2 Development 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

Mr. Meginniss is the Attorney for the Applicant. He references section 232-592(2), which outlines some criteria when installing a planning strip and section 232-592(1) is if you need to install a planning strip is an oral amendment. Both of these are requested.

There are two parcels on this property and it is located in a BP district. It is 1.51 acres of vacant lots. The plan is to consolidate into one parcel. The plan is a proposed four story building for low income veterans and seniors. There would a total of 69 units, 68 units will be 1 bedrooms, and 2 unit with 2 bedrooms. There would be 8 handicap access and 2 for the hearing and visual impaired. BP does not permit residential use, but Applicant's attorney states in April 2011, this Board did approve this. Property will be developed in an attractive matter and will help veterans in our community. Mr. Champion states he was on the Board at time of this approval, but wants to know what changed in the plan since then. Attorney's Applicant states it was three story use with 40 units on the first application and also for veterans. There are different builders and owners, as well. Solicitor states they should present the Board with the first approval of the Board's decision, so they can include this information in their analysis. Applicant's attorney states some neighbors know of the new plan because it was presented to the planning commission. Applicant requests continuance to July 12th to get together information from prior hearing. Mr. Champion motions for a continuance to July 12, 2018. The audience is asked if anyone is for or against this application.

Virginia O'Farrell is sworn in. She lives in rear of property. She has no objection to home for veterans, but believes she was the only neighbor that received letter. Solicitor states the neighbors that were required to be notified, were notified.

Robert Cesario is sworn in. He sides at 60 Regence Ct. He speaks about the previous 2011 variance and has concerns about the variances requested.

Judith Cesario is sworn in. She resides at 60 Regence Ct. She asks if she can see the 2011 variance approval. Solicitor suggests going to get a Right-to-know request from the Township.

The Board all favor the continuance motion.

MOTION Mr. Champion motions for the hearing for BSV Housing LP; Appeal #2018-621; Location: 3063 and 3095 Mechanicsville Rd; Tax Parcel: 02-037-063 and 02-037-063-001 be continued to July 12, 2018 meeting, all favor.

ITEM 16 CORRESPONDENCE - None.

ITEM 17 ADJOURNMENT

Meeting adjourned at 8:30 P.M.

Court Reporter: Kim Bursner

Respectfully submitted by Danielle Campbell