

**BENSALEM TOWNSHIP ZONING BOARD MEETING**

**JUNE 6, 2019**

**7:00 p.m.**

**ATTENDANCE :**

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

**ITEM 1 - Meeting opened with the Pledge of Allegiance.**

**ITEM 2 - Introduction of Board Members and Statement of Rules & Procedures by Matthew McHugh.**

**ITEM 3 - Approval of last month's meeting , May 22,2019 is continued.**

**ITEM 4 – HEARING FOR THOMAS SNYDER APPEAL # 2019-1485**

**LOCATION : Appleton Drive**

**TAX PARCEL : 02-072-011-001**

**REQUEST : VARIANCE FOR LOT AREA , LOT WIDTH AND FRONT YARD SETBACK TO CONSTRUCT SINGLE FAMILY DWELLING.**

**Matthew McHugh will be excusing himself from this Hearing due to a Conflict of Interest. Barbara Kirk, Attorney, will sit in for Matthew McHugh .**

Mike McGinnis , Attorney on behalf of Tom Snyder.

The property is presently zoned R-1 and the lot is vacant. Mr. Snyder would like to build a dwelling on the property. They're requesting 3 variances for the property, 2 are for pre-existing condition. Minimum Lot Requirement is 12,000 sq.ft. , the lot is 10,040 ft. It is a pre-existing nonconformity ; the lot width is 75 ft. instead of regular 80 ft. The applicant hasn't done anything to change the property need the minimum of 3 variances to build the house .

Tom Snyder , Applicant was sworn in, builds and constructs new houses. Has built 60-70 in the township.

Mike McGinnis , lawyer for applicant asking questions to the applicant.

Is the house that building consistent with the other houses in the vicinity?

Tom Snyder -Yes .

Mike McGinnis - Why seeking a front yard setback ?

Tom Snyder – It would encroach on a paper street. A setback to match the houses on the street.

Mike McGinnis said that Mr. Richardson from Dumack Engineering is available to answer any questions.

Albert Champion – Asked if any flood plan any water issue?

Mike McGinnis – No

Albert Champion – Did you investigate getting the paper street vacated?

Tom Snyder – Looked into it but it was not advantageous.

Mike McGinnis – Yes it was looked into , sent a letter about it but was told that getting a variance , this was the best way to go about it .

George Seymour – Is the lot currently vacant ?

Tom Snyder – It is now ,no information if it was before.

Audience was asked if anybody in the audience was for/against this application. Please come up individually ,be sworn in and give testimony.

Janice Abel & Richard Abel sworn in. They live next door wanted to buy the property , they thought is wasn't viable to be developed due to flooding . They have a petition signed by 23 neighbors. Joanne Redding explained that the board can't accept a petition. They also have photos of the last rainstorm and the flooding. Flooding in the basements, streets, etc. The water floods from Rt. 13 & Appleton to the lot.

Barbara Kirk marked the 15 photos as exhibits.

George Seymour - asked if water flows from the applicant's property.

Janice & Richard Abel - They said it comes higher and comes down, from Hulmeville & Park Avenue too.

Al Champion – said that he is not familiar with the vicinity.

Marc Bourne – Is familiar with it and says that it's been flooding from the time he was young.

St. Francis was bad, but the Wellington Estates retention basin helped with it , the crick snakes around to vicinity.

Tina Gerald was sworn in, 1131 Appleton, caddy corner and adjacent , 30 years. The day they put the sign up it was under water. The Storm Drain at Rt. 13 don't help & constant runoff from Park Avenue. A neighbor who was a previous owner had a lawsuit about the flooding. It was their 1<sup>st</sup> house lived about a year ,the 1<sup>st</sup> flood they moved out and did a quick sale. The owner who bought it sued the previous owner said wasn't notified about the flooding. Showed a picture from 1988 and the flooding.

Joanne Redding explained that the photo from 1988 is too old but the current photos ok.

Harry Checcio was sworn in, 1138 Appleton, at property since Oct. 1988 directly across the street from the property. His property is always flooding , can't count how many times it has. Harry Checcio says that his house shouldn't have been allowed to be built. He says that no development should be allowed on the property , it will push additional water into his property , his house will be under water. No doubt in his mind, don't have to be an engineer to see it, he lives there he sees it. He said that if approved he will show & tell anybody who wants to buy property/house the flooding issues. Mr. Checcio says that it's not considered a flood zone but the water hasn't come into his house yet and he doesn't have a basement the house was built in 1986. He was told that he could buy flood insurance even if it's not in a flood zone .

Albert Champion asked if he was aware of that & Harry Checcio said No.

John Richardson , Dumack Engineering was sworn in for the applicant , land development 20 years as engineer. Mr. Richardson says the property is located at the end of Appleton ; the applicant will provide Storm Water Management. He said that taking out some of the high bushes and trees would eliminate some issues if opening it up.

Joanne Redding -said it's a small lot not a lot of room for Storm Water Management.

John Richardson- said that various ways that could be used for Storm Water Management and would anticipate that land would be built up. He also said that it's not in a flood plain according to FEMA. Also, drainage wouldn't go uphill so it's not to affect the neighbor's property and that removing vegetation would help with run off.

Joanne Redding -asked if the house will have a basement?

Tom Snyder – It has not been discussed yet.

Mike McGinnis said to Mr. Richardson , so in your professional opinion – no increase in water impact ?

Mr. Richardson- said no increase in water impact.

Albert Champion- said that sometimes a house is built on a property that is not in a flood zone, but it floods . Asked if any improvements?

Tom Farrell, Township Zoning Officer , said no discussion of improvements .

Barbara Kirk - The Township Engineer would look at it review it for Storm Water Management and decide if in professional opinion no additional improvements .

At this point it's not in the construction stage it's only a zoning compliance issue , if approved the Engineer would look at it . Yes/No it complies/doesn't comply.

Tom Farrell - if it doesn't comply it would need a waiver . There are ways to complete Storm Water Management , stones, etc. to make it comply 100% before approval.

Barbara Kirk -The Zoning Hearing Board decision is to be on the existing lot that is there now as it is.

Barbara Kirk- Understands emotions involved but this pertains only to the Zoning laws , the applicant still has to go through additional steps. If it is approved.

Michael Brill – The hardship needs to be corrected before the lot is built .

Barbara Kirk – The hardship issue is not why the applicant is here , only the variance issues.

Mike McGinnis – Said that could add condition that the applicant will not add to the Storm Water Management Issue. Beside the fact that Mr. Gans, the Township Engineer would have to sign off on it anyway.

John Richardson - said that can't guarantee a solution to the neighbor's flooding issues.  
Marc Bourne – Can you confidently say it won't flood, on the record , to who buys it Yes/No ?  
Mr. Richardson - Yes , can elevate it .  
Marc Bourne - You also have a duty to the neighbors.

**Joanne Redding, Chairwoman called for a short recess.**

**Meeting continued**

MOTION : MOTION TO CLOSE TESTIMONY FOR HEARING FOR TOM SNYDER APPEAL #2019-1485

MOTION MADE BY : MARC BOURNE

SECONDED BY: GEORGE SEYMOUR

VOTE :

AYES : MARC BOURNE , GEORGE SEYMOUR, JOANNE REDDING , ALBERT CHAMPION, MICHAEL BRILL

NAYS: NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

MOTION : MOTION TO DENY APPEAL # 2019-1485 TOM SNYDER REQUEST FOR VARAINCE FOR LOT AREA , LOT WIDTH AND FRONT YARD SET BACK TO CONSTRUCT A SINGLE-FAMILY DWELLING

LOCATION : APPLETON AVENUE TAX PARCEL : 02-072-011-001

MOTION MADE BY : MARC BOURNE

SECONDED BY : GEORGE SEYMOUR

VOTE :

AYES : MARC BOURNE, GEORGE SEYMOUR, JOANNE REDDING, ALBERT CHAMPION, MICHAEL BRILL

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

Barbara Kirk – A copy of the denial, a formal written decision will be issued with information to appeal if the applicants want to do it .

**ITEM 5 – HEARING FOR THOMAS SNYDER APPEAL # 2019-1482**

**LOCATION : TRAYLOR AVENUE**

**TAX PARCEL : 02-061-264**

**REQUEST : VARIANCE FOR LOT AREA AND LOT WIDTH TO CONSTRUCT A SINGLE-FAMILY DWELLING**

**JOANNE REDDING IS RECUSING HERSELF FROM THIS HEARING APPEAL DUE TO A CONFLICT OF INTEREST.**

**ALBERT CHAMPION WILL TAKE THE CHAIR FOR THIS HEARING APPEAL.**

**MATTHEW MCHUGH, SOLICITOR IS BACK.**

A-1 - Application and Accompanying documents

A-2 – Zoning Permit Plan

B-1 – ZHB Letter to the Applicant

B-2 – Proof of Publication

B-3 – Proof of Posting

TOM SNYDER , the applicant was sworn in.

Mark as exhibit A-3 – copy of the deed dated 1987.

Mike McGinnis - This is similar to Appleton Avenue but not asking for a setback variance.

Tom Snyder is building a 1,325 sq. ft. house with a garage.

It is zoned R-2 with a dwelling 1325 sq.ft. Variance is preexisting nonconformity , asking for a variance for lot width . The deed reflects approx. 65 sq.ft. Tom Snyder has done nothing to change the physical characteristics , feels that this is grandfathered in.

Albert Champion asked if the existing concrete slab pad is going to be removed? Was it something?

John Richardson, Dumack Engineering , said the concrete slab not exactly known what it is , looked at it but didn't survey it. Mr. Richardson said that it was much smaller in scope than a dwelling.

Albert Champion asked about an aerial photograph is it available ?

Mr. Richardson - said it was low quality so not showing it.

Tom Snyder - It is possible it was from a house.

Matthew McHugh- asked if they had a copy of the tax assessment as that would show if it was a dwelling.

Mike McGinnis- said No only the deed the ownership title.

Asked if anybody in the Audience is for/against this Applicant's Hearing Appeal ?

Diane Miley-Smith - 2248 & 2250 Traylor was sworn in.

Mr. Snyder builds massive houses, the majority of the houses in this vicinity old house. Diane is concerned about the side footage, doesn't want to share. Diane said that Mr. Lutz owned the property and had a shack for lawn equipment and kept sheep in the yard when she was a kid, the concrete slab is from the shack.

She is concerned about the footage between the properties , it is a narrow road.

Albert Champion – Could it be shifted the other way?

Diane Miley-Smith – Would like to see it short her side , the other side nobody would notice it.

Albert Champion – To Tom Snyder, applicant – Would you consider shifting it?

Tom Snyder -Yes

Matthew McHugh – said that doesn't have to be confirmed with the Zoning application , it can be handled with the Building Permit Application.

Tom Farrell – Again it has to go through Land Development , Storm Water Management, Building permits. It is a downsize from other houses that he builds.

**MOTION : MOTION MADE TO CLOSE TESTIMONY**

**MOTION MADE BY : GEORGE SEYMOUR**

**SECONDED BY : MARC BOURNE**

**VOTE :**

**AYES : GEORGE SEYMOUR, MARC BOURNE, ALBERT CHAMPION, MICHAEL BRILL**

**NAYS: NONE**

**ABSENT: NONE**

**ABSTAIN: JOANNE REDDING**

**MOTION CARRIED : 4-0**

**MOTION : MOTION MADE TO APPROVE APPEAL #2019-1482 HEARING FOR THOMAS SNYDER LOCATION TRAYLOR AVENUE TAX PARCEL #2019-1482 REQUEST VARIANCE FOR LOT AREA AND LOT WIDTH TO CONSTRUCT A SINGLE-FAMILY DWELLING.**

**MOTION MADE BY : GEORGE SEYMOUR**

**SECONDED BY : MARC BOURNE**

**VOTE :**

**AYES : GEORGE SEYMOUR , MARC BOURNE, ALBERT CHAMPION, MICHAEL BRILL**

**NAYS : NONE**

**ABSENT : NONE**

**ABSTAIN : JOANNE REDDING**

**MOTION CARRIED : 4-0**

Matthew McHugh – Let the record state that Applicant is being given a copy of the Approval .

**ITEM 6 – CONTINUED HEARING FOR MOHAMMED AKBAR APPEAL # 2019-1063**

**LOCATION : 1256 WILLIAM PENN DRIVE**

**TAX PARCEL : 02-071-075**

**REQUEST : VARIANCE FOR REAR YARD SET BACK TO CONSTRUCT A DECK**

Application and Accompanying Documents

Certificate of Service

ZHB Letter to Applicant  
Proof of Publication  
Proof of Posting

Mohammed Akbar was sworn in.  
The deck was built 11 years ago without permit.  
Photographs to be marked as exhibits  
A-3 Photograph of deck  
A-4 Photograph of deck close up  
A-5 Photograph side view of deck

Joanne Redding – Asked applicant how he got caught ? Mr. Akbar said that nobody complained.  
Joanne asked if Mr. Akbar got a violation notice .  
Mr. Akbar – Yes, he did .  
Matthew McHugh – Asked how far is the deck from the property line ?  
Mr. Akbar – no idea.  
Tom Farrell - didn't have answer to the question .  
Matthew McHugh – Mr. Akbar if you get relief tonight you can't move it closer to the property line.  
Mr. Akbar - Ok

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

MOTION : MOTION MADE TO CLOSE TESTIMONY FOR APPEAL # 2019-1063 CONTINUED HEARING FOR MOHAMMED AKHAR

MOTION MADE BY : ALBERT CHAMPION  
SECONDED BY : GEORGE SEYMOUR

VOTE :

AYES : ALBERT CHAMPION, GEORGE SEYMOUR, JOANNE REDDING , MICHAEL BRILL, MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

MOTION : MOTION MADE TO APPROVE HEARING APPLICATION APPEAL # 2019-1063 AT CURRENT LOCATION WITH NO FURTHER ENCROACHMENTS.

MOTION MADE BY : ALBERT CHAMPION  
SECONDED BY : MARC BOURNE

VOTE:

AYES : ALBERT CHAMPION, MARC BOURNE, JOANNE REDDING , GEORGE SEYMOUR, MICHAEL BRILL

NAYS: NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

Matthew McHugh – Let the record show that the Applicant is being given a copy of the Approval decision.

**ITEM 7 – HEARING FOR FORMAN SIGN COMPANY APPEAL # 2019 -1463**

**LOCATION : 1336 BRISTOL PIKE , SUITE 120**

**TAX PARCEL : 02-030-009**

**REQUEST : VARIANCE FOR ILLUMINATED WALL SIGN**

A-1 Application

A-2 Material given by the Applicant

A-3 Certificate of Service

B-1 ZHB Letter to Applicant

B-2 Proof of Posting

B-3 Proof of Publication

Tim Olsen , Forman Sign Company was sworn in .

Steve Viscardi , Crunch Fitness was sworn in.

Sign for Crunch Fitness, no flashing lights .

Steve Viscardi , Crunch Fitness is going into the Old Babies R US building , there will be 2 tenants , Crunch Fitness will be under 22,000 sq. ft. , the other store is yet to be determined.

Joanne Redding – The other store will want a big sign too. Joanne said, No flashing lights ?

Tim Olsen – BRU sign was big all signs are large in that center.

Steve Viscardi – We will build a façade over Crunch Fitness for tenant’s sign.

Tim Olsen – Wanted to look at the BRU sign but it was demolished during demolition . This sign will be 150 sq. ft. less than ½ BRU. It will not be a flashing sign.

Tom Farrell – Said that they have the permit for façade and utility work.

Albert Champion – Any problems ?

Tom Farrell – No, his experience with shopping centers are big signs. It’s not obscene, not oversized, it fits with scale of the shopping center.

Steve Viscardi- Crunch Fitness has a video that’s going to promote the business. Opening in the Fall of 2019 . Stop by.

**MOTION – MOTION MADE TO CLOSE TESTIMONY FOR FORMAN SIGN COMPANY APPEAL # 2019-1463**



MOTION MADE BY : MICHAEL BRILL  
SECONDED BY: MARC BOURNE

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

MOTION CARRIED : 5-0

MOTION : MOTION MADE TO APPROVE APPEAL #2019-1463 FOR HEARING FOR FORMAN SIGN COMPANY FOR A VARIANCE FOR ILLUMINATED WALL SIGN

MOTION MADE BY : MICHAEL BRILL  
SECONDED BY: MARC BOURNE

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

MOTION CARRIED : 5-0

Matthew McHugh let the record show that the Applicant is receiving a copy of the Approval .

**ITEM 8 –HEARING FOR CHIPOLTE MEXICAN GRILL APPEAL # 2019-1467**  
**LOCATION : 2307 Street Road**  
**TAX PARCEL : 02-039-194**  
**REQUEST : VARIANCE FOR WALL SIGNS.**

Applicant has requested a Continuance until July 11, 2019

MOTION : MOTION MADE TO CONTINUE HEARING FOR CHIPOLTE MEXICAN GRILL APPEAL # 2019-1467

MOTION MADE BY : ALBERT CHAMPION  
SECONDED BY : MARC BOURNE

VOTE :  
AYES : ALBERT CHAMPION , MARC BOURNE, JOANNE REDDING, GEORGE SEYMOUR , MICHAEL BRILL  
NAYS : NONE

ABSENT : NONE  
ABSTAIN : NONE

MOTION CARRIED : 5-0

**ITEM 9 – HEARING FOR JAMES FOX APPEAL # 2019-1478**

**LOCATION : 6137 EDGE AVENUE**

**TAX PARCEL : 02-052-118**

**REQUEST : VARIANCE FOR GARAGE TO EXCEED 25% OF MAXIMUM VARIANCE AND VARIANCE FOR FRONT AND SIDE YARD SETBACKS**

Application and Accompanying Documents

ZHB Letter to Applicant

Certificate of Service

Proof of Publication

Proof of Service

Matt McHugh – Mr. Fox has satisfied the requirements for this hearing

James Fox , Applicant was sworn in. Wants to build a detached garage , odd shape of the lot comes to a point , wants to put a big camper a 5<sup>th</sup> wheeler and quad/ATV into garage . The 5<sup>th</sup> wheel is now next to the house. Also wants to add a workspace to fix his quad/atv etc., He wants to put away the camper into garage , security, this way doesn't know if at house or not at the house. He is going to put a lift into garage but only to fix his things not commercial.

Albert Champion , any problem getting into driveway ?

James Fox – No problem getting into it , Edge Avenue is wide.

Joanne Redding – Can it be made smaller?

James Fox – am trying to keep it aesthetic looking

Joanne Redding – Any neighbors complain ?

Albert Champion – Is concerned with the future use.

James Fox -says it's a residential area can't make it commercial

Joanne Redding – But if we approve it and, in the future, its used for commercial , the township won't know unless somebody complains.

Matthew McHugh – The board wants to give you the minimum necessary to do what you want to do. 250 sq.ft. allowed with ordinance; you have to convince the Board that 1300-1340 is the minimum that is necessary to build garage. What Ms. Redding is asking is can it be any smaller ?

James Fox- Can't t do anything about the depth because of the camper and its size, the other side can cut it down but how far back without it looking ridiculous

Joanne Redding – We know what you want to do , that is problem , it's too big for the neighborhood.

Maybe only a place to store camper and not the other side . Can it be attached to the main building?

George Seymour – said that he feels for James Fox but it's too big. But it has to be cut downsize wise . We deal with issue each month.

James Fox – asked the Board , what depth of the other side would be acceptable ?

Michael Brill- Maybe cut out the tool shed part ?

James Fox – said this not being approved would be forcing him to have to move out of the Township.

James Fox – Again asked the Board what is acceptable ?

Matthew McHugh – Not only the size issue but the setback issue. It's on you to tell the Board how you can reduce it

If you flip flop the sides, you won't need a variance.

Albert Champion – Flip the sides or a breezeway with attachment , it would be more acceptable than a separate structure.

Concern if you move new people make it into an in-law suite.

James Fox -they would have to get a permit

Joanne Redding – That's the issue they won't get a permit.

James Fox – Don't know what is still "too big" need idea to go by.

Joanne Redding – We're not engineers , we're only telling you it's too big . Starting point would be a lot smaller. We can't design it for you .

Matthew McHugh – It depends on how it is located.

Matthew McHugh – Suggest come back with multiple options and get feedback to see what the best option is.

The average is 200 sq.ft. , Nobody in Bucks allows a separate garage that big.

Anybody in Audience for/against this application please be sworn in.

Martin Nottingham was sworn in; property sits directly behind the applicant. Applicant built a large shed awhile ago . We have a pool deck and that shed destroyed our view , if he builds this garage, have a concern because our property is lower, we won't have any view. Have lived in township 20 years and have not seen a garage this big.

James Fox, Applicant , have a 200 sq. ft. shed directly in the rear of the property , 12x16 approved by the Zoning Board.

Albert Champion – Get a continuance come back , work out issue with the neighbor. You can have the Board vote now, but it may be outcome that you would like to have.

James Fox – Going to be away .

Albert Champion – You can write a letter asking for a continuance .

MOTION : MOTION MADE CONTINUANCE UNTIL AUGUST 1<sup>ST</sup> APPEAL # 2019 -1478 HEARING FOR JAMES FOX

MOTION MADE : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE:

AYES : ALBERT CHAMPION, GEORGE SEYMOUR, JOANNE REDDING, MICHAEL BRILL, MARC BOURNE

NAYS : NONE  
ABSENT : NONE  
ABSTAIN : NONE VOTE:

MOTION CARRIED : 5-0

**ITEM 10 – Tom Farrell, Zoning Officer , letting Board know that he is going to be meeting next Monday about the 3 lots.**

**ITEM 11 – ADJOURNMENT**

MOTION : MOTION MADE TO CLOSE MEETING.

MOTION MADE BY : ALBERT CHAMPION

SECONDED BY : GEORGE SEYMOUR

VOTE :

AYES : ALBERT CHAMPION, GEORGE SEYMOUR, JOANNE REDDING, MICHAEL BRILL, MARC BOURNE

NAYS : NONE

ABSENT : NONE

ABSTAIN : NONE

MOTION CARRIED : 5-0

**MEETING ADJOURNED**

MINUTES SUBMITTED BY : DONNA SPONHEIMER-SMITH

The minutes are not verbatim, they're a synopsis of the meeting.

