

Zoning Board Meeting

June 3, 2021

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

1. Open
 - a. Pledge of Allegiance
 - i. Lead by Joanne Redding
2. Statement of Rules and Procedures
 - a. Explained to the audience by Tom Panzer
3. Approval of last month's Meeting Minutes
 - a. Motion to Approve May's Meeting Minutes
 - i. Harry Kramer
 - b. Second Motion to Approve May's Meeting Minutes
 - i. George Seymour
 - c. Vote to Approve May's Meeting Minutes
 - i. 5/5 Ayes
4. Continued Hearing for Kawalijjt Singh/BRS Real Estate, LLC
 - a. Appeal Number: 2021-0521
 - b. Location: 3585 Bristol Road
 - c. Tax Parcel: 02-019-091-002
 - d. Request: Variance to construct convenience store, fuel dispenser facility, and 3 bay auto repair.
 - e. Representatives
 - i. Shawn D. Ward, Esquire
 - ii. John A Teets, Architect
 - f. Summary
 - i. This is the fourth hearing held in this matter. Revisions were made to Exhibits A16 through A18 showing the added green space. The Exhibits also included the addition of the 4 foot wide sidewalk on Neshaminy Blvd rounding the corner that meets with the Bristol Road Penndot Project and the sign no longer in the sight triangle. Mr. Teets was sworn in and certified and adopted the Attorney summary as his testimony. Applicant is working cooperatively with Land and Development regarding the entrance on Bristol Road. The Neshaminy Blvd Driveway shifted. Ken Farrell stated that Penndot will not look at any plans until zoning of said plans are approved. Al Champion stated that his happy to see the improvements made. George Seymour and Joanne Redding agreed that the improvements are much better. Tom Panzer inquired about variances still being requested and which ones are being withdrawn. A recap of requested variances are as follows: 1. Front yard setback for existing canopy; 2. Extension of the canopy; 3. Distance furthest from store front; 4. Parking setback; 5. Buffer yard

adjacent to residential neighborhood; 5. Parking buffer and 6. Free standing sign and height. Attorney Ward stated that there is a total of eight (8) parking spaces. Harry Kramer questioned the handicap parking space farthest from the store front. Representative stated that there are two (2) handicap parking places. One handicap parking space is in front of the store and the other handicap parking space is located in front of the mechanic's garage.

- g. 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
 - h. Motion to Approve Request for variances to construct convenience store, fuel dispenser facility and 3 bay auto repair.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to approve requests for variances to construct convenience store, fuel dispenser and 3 bay auto repair.
 - 1. 5/5 Ayes
5. Continued hearing for Carleigh's Castle, LLC
- a. Appeal Number: 2021-1344
 - b. Location: 2827 Wine Ave
 - c. Tax Parcel: 02-039-107
 - d. Request: Variance for minimum lot area and variance for front yard setback to construct dwelling
 - e. Representative: John Richardson—Dumack Engineer
 - f. Attorney: Kenneth Federman, Esquire
 - g. Exhibits
 - i. A1-Application
 - ii. A2-Rejection letter
 - iii. A3-Notice of Appeal
 - iv. A4-Certificates of Service
 - v. A5-Pictures of Zoning Notice
 - vi. A6-Permanent Plan
 - vii. A7-Tax Parcel Map
 - viii. A8-Aerial Map
 - ix. A9-Picture of Property
 - x. A10-Picture of four (4) surrounding properties
 - xi. A11-Surrounding Property information
 - xii. A12-Current Property Record
 - xiii. A13-Agreement of Sale

- xiv. B1-Letter to the Applicant
 - xv. B2-Proof of Publication in the Bucks County Courier Times
 - xvi. B3-Proof of Posting on applicant's property
 - xvii. B4-Request to continue the last hearing
- h. Summary
- i. The property was previously subdivided. The owner of property stated her parents subdivided the lot sometime in the 1960s. Water drains to the corner. Storm water management will be managed, and applicant will work with Land and Development. The house size the applicant wishes to construct will be twenty (20) feet wide. Carleigh's Castle did not create the hardship and there is no impact on the surrounding neighborhood. Applicant, Arthur "Buzz" Silcox wants to build this home to sell. Joanne Redding stated that there are issues with drainage in that area and that she is not in favor of erected more smaller houses. The houses that are presently there were constructed prior to the zoning laws and have been grandfathered in. She requested proof that the subdivision happened years ago, and that the subdivision was grandfathered in. Al Champion stated that the hardship could have been self-created by the owner which is why the date of the subdivision is relevant. Tom Panzer inquired whether the applicant wishes to close testimony and move to vote or requests a continuance. Attorney for Applicant requested a continuance to gather proper evidence. Joanne Redding stated again the lot is still too small to build on. Applicant's Attorney still requested a continuance.
 - i. Motion to Continue hearing for Carleigh's Castles, LLC to July 1, 2021
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue hearing for Carleigh's Castles, LLC to July 1, 2021
 - 1. 5/5 Ayes
6. Hearing for Neshaminy Mall JT Venture Ltd
- a. Appeal Number: 2021-1754
 - b. Location: 707 Neshaminy Mall
 - c. Tax Parcel: 02-001-039-001
 - d. Request: Variance to permit trucks to be parked on property
 - e. Attorney: Lindsay A. Dunn, Esquire—MacElree Harvey Ltd
 - f. Attorney for the Township: Greg Heleniak
 - g. Exhibits
 - i. A1-A4-Applicate's exhibit packet
 - ii. A5-Application
 - iii. A6-Certificate of Service
 - iv. B1-Letter to the Applicant
 - v. B2-Proof of Publication in the Bucks County Courier Times
 - vi. Proof of Posting on Applicant's property
 - vii. T1-T8-Township's Exhibit package

h. Summary

i. This hearing is an appeal to the notice of violation, The storing and parking of trucks in a HC-1 zoning district (Bensalem Township Code, Chapter 232, Section 408). The township called upon two (2) witnesses, Christine Savage and Ken Farrell. The violation is regarding the various sized Amazon Trucks being parked and dispatched at Neshaminy Mall. The first violation was issued on January, 2020. Violation was withdrawn because an agreement was reached between the applicant and the township. Township is understanding that a lease for the parking lot was made between the applicant and Neshaminy Mall, as well as, understanding to the issues of vacant stores within the mall. Christine Savage and Ken Farrell were sworn in and adopted the Attorney's summary as their testimony. The violation was issued to Brookfield Properties by Christine Savage because she noticed trucks parked at the property. She has been employed by the township since 2019. The First Notice issued was for tractor trailer parking. No Use and Occupancy application was filed for the first or second use. Cease and Desist letter was ignored by the applicant. Ken Farrell testified that Class three (3) and Class four (4) vehicles are being parked. Class one (1) vehicles are allowed only. Amazon Vehicles exceed 8500 gross vehicle weight per the research conducted by Ken Farrell. Gross Vehicle Weight includes the weight of the driver and the parcels loaded onto the vehicle. There is approximately thirty (30) trucks that conduct multiple trips daily. The owner is not storing their own personal vehicles the tenant is storing multiple vehicles in a private lot. The Owner is issued two (2) parking spaces. Thirty (30) vehicles exceeds the two (2) parking spaces allotted. The 2007 land and development plan for the property formally known as Sears has over 800 parking spaces available. The Sears building is still vacant. The problem is that the area is not zoned for truck storage and the mall is actively trying to lease the vacant buildings. Those spaces are needed for the patrons. Al Champion stated that any vehicle over 10,000 pounds is unlawful in a residential district is there a weight limit for highway/commercial. Ken Farrell responded, unfortunately no there is not. Joanne Redding commented that her understanding of the parking at Neshaminy Mall is for the patrons and employees of the mall not the Amazon, especially since Amazon does not have a store within the mall. The parking of Amazon trucks at the Neshaminy Mall is unnecessary and unacceptable. The notices that Applicant's attorney stated where not sent to the correct entity is irrelevant because the notices were sent to the required agents as per the lease. Tom Panzer suggested a continuation to the July 1, 2021 meeting. Township rested.

i. Motion to Continue Hearing for Neshaminy Mall JT Venture Ltd

i. Motion to Continue

1. Al Champion

ii. Second Motion to Continue

1. Harry Kramer

iii. Vote to Continue Hearing for Neshaminy Mall JT Venture Ltd

1. Vote

- a. 4/5 Ayes
- b. 1/5 Nays

7. Hearing for James K. Swartz of Spartan Martial Arts Academy t/a Spartan Gym

- a. Appeal Number: 2021-1861
- b. Location 2600 Bristol Pike
- c. Tax Parcel: 02-062-363
- d. Request: Use variance to open a gym/fitness facility in a G-C Zoning district
- e. Attorney: Jeffrey A Fournier, Esquire
- f. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. A3- Pictures of the gym's current location
 - iv. A4-List of other gyms in Bensalem
 - v. B1-Letter to the Applicant
 - vi. B2-Proof of Posting in the Bucks County Courier Times
 - vii. B3-Proof of Posting of the Property
 - viii. K1-K4-Submitted pictures from audience member
- g. Witnesses: James Swartz
- h. Summary
 - i. Applied for a Use and Occupancy Certificate for a fitness center. Received a rejection letter. The owner would like to change locations because the new gym is larger and rent is cheaper. The gym's operations are as follows: Personal training, nutrition, health, and longevity provided to Bensalem residents. Most of the Bensalem cliental that frequent the gym are Police officers, Firefighters, EMTs and Veterans. The gym is family oriented and employs certified coaches/trainers who offer mental therapy, body building, martial arts and self-defense. Surrounding gyms are Philadelphia Private Gym located two-doors down and Crunch Fitness directly across the street. They want to continue to provide the same services. Total of 4 employees including applicant. Classes are structured, timed and set up to only allow a set amount of people per class (15-18 spaces available per class). Clients need to call and reserve a spot in the class. Al Champion inquired about the hours of operation. Applicant stated that the gym would be open seven (7) days a week 8:00 am to 8:00 pm. Joanne Redding inquired if anyone in the audience was for or against the application. Panteli Hajoa opposes the application. He is the owner of Philadelphia Private Gym. He stated that Spartan Gym Website the hours of operation are 24 hours a day and members can access the gym at any time. He believes parking spots will be taken from him and he will lose his clients if they do not have spaces to park in; therefore, costing him his livelihood. James Hawkins also stepped forward in opposition. He owns the property behind the businesses. He is concerned with the 24-hour operation, trespassing, vandalism. The additional parking backs up to his fence. No previous issues when the property was a store. Gary Kisselback also came

forward to express some concerns. His previous fence has been hit and damaged. He submitted pictures which were entered into evidence and given exhibit numbers K1-K4. The cars hitting his fence and the loud amplified music if garage door is open. Applicant stated the gym is eliminating the 24-hour operation and the key access. He will only be hosting classes. Not looking to do the same thing as he has doing at the present location. He is willing to stipulate to 8:00 am to 8:00 pm hours of operation and music will not be playing if garage door is open. Bernadette Kissleback recommended barriers being added to protect the fence from being hit. Applicant agreed to the audience member's recommendation. Stipulation entered on record that if request is granted Applicant will have defined hours of operation (8:00 am – 8:00 pm), garage doors are not to be opened if music is playing and parking spaces will be defined using lines to designate.

- i. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - j. Motion to Approve request for use variance to open a gym/fitness facility in a G-C Zoning District with conditions: barriers, delineated parking spaces and 8:00 am-8:00 pm hours of operation.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. George Seymour
 - iii. Vote to Approve request for use variance to open a gym/fitness facility in a G-C Zoning District with conditions: barriers, delineated parking spaces and 8:00 am-8:00 pm hours of operation.
 - 1. 5/5 Ayes
8. Hearing for Newkirk Fitness
- a. Appeal Number: 2021-1936
 - b. Location: 3600 Street Road, Unit D
 - c. Tax Parcel: 02-013-382-007
 - d. Request: Use Variance to open a gym/fitness facility in a G-S zoning district
 - e. Applicant: Cordero Newkirk
 - f. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Application
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on the property
 - g. Summary

- i. Applicant is a local coach for the past eight (8) years. He is not looking for anything “big.” He just wants to open a personal training facility approximately 950 square feet. Hours of operation would be 7:00 am to 8:00 pm provided a personal trainer is on the premise. The gym would be closed if no personal trainer is present. No one in the audience came forward for or against the application.
 - 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 Approve request for a use variance to open a gym/fitness facility in a G-C zoning district
 - i. Motion to Approve
 - 1. Mike Brill
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve request for a use variance to open a gym/fitness facility in a G-C zoning district
 - 1. 5/5 Ayes
9. Hearing for Stephanie and Howard Cusick
 - a. Appeal Number: 2021-1750
 - b. Location: 881 Village Lane
 - c. Tax Parcel: 02-058-057
 - d. Request: Variance to construct a fence in front yard to exceed 4 ft and within the clear sight triangle.
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. A3-Picture of property
 - 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
 - f. Summary
 - i. Applicants are requesting a six (6) foot privacy fence to secure the safety of their children and dog. The property backs up to State Road. Back of the house has a hill with a ten (10) foot slope. They received the denial letter due to traffic impediment. Ken Farrell stated that a stake out inspection is needed to make sure the fence would not be an obstruction. However, a fence would work if placed on an angle. A survey plan was included in the documents submitted. Applicants states they just want to keep everyone safe. Agreed to change the

angle of the fence to avoid any obstruction and will work with the township. No one came forward for or against the application.

- g. 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
 - h. Motion to Approve request for variance to construct fence in front yard to exceed 4 ft and within the clear sight triangle with condition to change the angle of the fence.
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second Motion to Approve
 - 1. Harry Kramer
 - iii. Vote to Approve request for variance to construct fence in front yard to exceed 4 ft and within the clear sight triangle with condition to change the angle of the fence.
 - 1. 5/5 Ayes
10. Hearing for Colleen Lampone
- a. Appeal Number: 2021-1774
 - b. Location: 417 Brister Road
 - c. Tax Parcel: 02-014-175
 - d. Request: Variance to locate pool less than 10 feet from property line
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. A3-Picture of property
 - 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
 - f. Summary
 - i. Needs a variance for 18 inches for a semi-inground pool. Stake out was completed. Installer knew where the pool needed to be placed and placed it where they wanted. Property recently sold with a temporary use and occupancy certification. No one came forward for or against the application
 - g. Motion to Close Testimony
 - i. Motion to close
 - 1. Harry Kramer
 - ii. Second Motion to close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 5/5 Ayes
 - h. Motion to Approve Variance to locate pool less than 10 feet from property line

- i. Motion to Approve
 - 1. Harry Kramer
- ii. Second Motion to Approve
 - 1. George Seymour
- iii. Vote to Approve variance to locate pool less than 10 feet from property line
 - 1. 5/5 Ayes

11. Hearing for Stephen Castle

- a. Appeal Number: 2021-1787
- b. Location: 3751 Brownsville Road
- c. Tax Parcel: 02-005-020-004
- d. Request: use variance to permit the proposed additional apartment units
- e. Attorney: Robert M. DeBias, Esquire
- f. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. A3-Picture of property
 - iv. A1a-A8 Applicant exhibit packet
 - v. B1-Letter to the Applicant
 - vi. B2-Proof of Publication in the Bucks County Courier Times
 - vii. B3-Proof of Posting on the property
- g. Summary
 - i. Three (3) story building with three (3) resident apartments is the subject of the application. The building was purchased in 2011 and a use and occupancy certification was applied for. Originally was commercial with residential. Would like the variance to convert all three (3) into apartments. Ken Farrell stated the discrepancy is whether the apartments were ever permitted. Originally the bottom floor of the building were two (2) businesses, and the top floor was an apartment. Variances are needed for the bottom to be converted. The plans were drawn, filed with the township and permit application file nine (9) years ago. Never heard anything and thought everything was good. Found tenants quicker when spaces were offered as apartments verse businesses. There are eleven (11) parking spaces available. No complaints from neighbors. Applicant sworn in and adopted the attorney summary as his testimony. The house is 150-200 years old. Applicant is willing to work with the township. No questions. No one 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 Approve request for variance to permit additional apartment units with condition for compliance

- i. Motion to Approve
 - 1. Al Champion
- ii. Second Motion to Approve
 - 1. George Seymour
- iii. Vote to Approve request for variance to permit additional apartment units with condition for compliance

12. Hearing for Piyush and Hemal Patel

- a. Appeal Number: 2021-1859
- b. Location: 1541 Barnswallow Drive
- c. Tax Parcel: 02-044-125
- d. Request: Variance for shed to be less than 5 feet from property line
- e. Summary
 - i. Due to packed agenda, applicants requested a continuance to next hearing date.
- f. Motion to Continue Hearing until July 1, 2021
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second Motion to Continue
 - 1. George Seymour
 - iii. Vote to Continue Hearing until July 1, 2021
 - 1. 5/5 Ayes

13. Hearing for Natalie and Thomas Brown

- a. Appeal Number: 2021-1869
- b. Location: 1082 Lowell Ave
- c. Tax Parcel: 02-029-220
- d. Request: Variance for fence height and material in front yard
- e. Summary
 - i. Due to packed agenda, applicants requested a continuance to next hearing date.
- f. Motion to Continue Hearing until July 1, 2021
 - i. Motion to Continue
 - 1. George Seymour
 - ii. Second Motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing until July 1, 2021
 - 1. 5/5 ayes

14. Hearing for Nina M. Shah

- a. Appeal Number: 2021-1870
- b. Location: 2866 Wine Avenue
- c. Tax Parcel: 02-039-086
- d. Request: Variance for lot size less than 7500 sq ft to construct single family dwelling.
- e. Attorney: Kenneth D. Federman, Esquire
- f. Summary
 - i. Due to packed agenda, applicant requested a continuance to next hearing date.
- g. Motion to Continue Hearing until July 1, 2021
 - i. Motion to Continue

1. Al Champion
 - ii. Second Motion to Continue
 1. Harry Kramer
 - iii. Vote to Continue Hearing until July 1, 2021
 1. 5/5 Ayes
15. Hearing for Professional Permits c/o Garry Potts
 - a. Appeal Number: 2021-1906
 - b. Location: 1837 Street Road
 - c. Tax Parcel: 02-043-305 & 02-043-305-001
 - d. Request: Variance to have two wall signs larger than 50 sq ft with one sign located on a side of the building not facing a Public Road. To permit directional signs to have advertising on the sign.
 - e. Attorney: Attorney Maloney
 - f. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. A3-Picture of property
 - 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. Premise is the new Amazon store which is occupying the building formally known as Kmart. The store is set to open August 19, 2021. One sign will be facing Street Road and the other sign will be facing Brookwood Drive. The directional sign is for Amazon Fresh Curb Side Pickup. Sign is 400 linear feet from Street Road. Garry Potts adopted the attorney summary as his own testimony. The sign will be able to be seen from the street. In the vicinity are Apartment offices, Burger King, Krispy Kreme and Philadelphia Pretzel Factory. The sign will not take up a lot of the building façade. There will still be a lot of empty space. No questions. No one for or against the application.
 - h. Motion to Close Testimony
 - i. Motion to Close
 1. Mike Brill
 - ii. Second Motion to Close
 1. Harry Kramer
 - iii. Vote to Close Testimony
 1. 5/5 Ayes
 - i. Motion to Approve request for variance to have two wall signs larger than 50 sq ft with one sign located on a side of the building not facing a Public Road. To permit directional signs to have advertising on the sign.
 - i. Motion to Approve
 1. Mike Brill
 - ii. Second Motion to Approve
 1. George Seymour

iii. Vote to Approve request for variance to have two wall signs larger than 50 sq ft with one sign located on a side of the building not facing a Public Road. To permit directional signs to have advertising on the sign.

1. 4/5 Ayes

2. 1/5 Nays

16. Correspondences

a. None

17. Adjournment

a. Motion to Adjournment

i. Al Champion

b. Second Motion to Adjournment

i. George Seymour

c. Vote to adjourn

i. 5/5 Ayes