

BENSALEM TOWNSHIP ZONING BOARD REGULAR MEETING  
MINUTES  
MARCH 7, 2019  
7:00 PM

Open Meeting with Pledge of Allegiance.

Present at Meeting :

- ③ Ms. Joanne Redding , Chairwoman
- Mr. Albert Champion, Vice Chairman
- Mr. Matthew McHugh , Solicitor
- Mr. Ronald Gans, Township Engineer
- Mr. Michael Brill , Member
- Mr. George Seymour , Member
- ① Mr. Marc Bourne , Member

Introduction of Board and Statement of Rules and Procedures by Mr. McHugh

Item 6 - Dennis Bobakov, Location:1202 Gibson Road Tax Parcel : 02-046-045  
Request : Variance to use property as residence with special event facility.

Mr. Albert Champion Motion to allow Continuance of Appeal #2019-702.

Mr. Michael Brill – 2<sup>nd</sup> the Motion.

Vote : Ayes –5 Mr. Champion, Ms. Redding, Mr. Seymour, Mr. Brill, Mr. Bourne  
Nays-0 Abstain-0 Absent-0

Motion Carried 5-0

Item 4 -Continued Hearing for Appeal #2018-655

This is a Continued Hearing Request for the applicant by their Attorney, Mr. Thomas R Hecker, Esquire

Neshaminy Winding Brook LLC , Location : Route 1& Rockhill Drive (Neshaminy Mall) Tax Parcel: 02-001-037-002 Request :Variance to build a Wawa Food Market with gas dispensers, parking & signage

Barbara Kirk Solicitor, sitting in for Matthew McHugh due to a conflict of interest for this hearing .

Mr. Thomas Hecker, Applicant's Attorney summarized the application followed with presentations by Speakers on applicant's behalf. The Speakers were all sworn in.

Mr. Mark Roth of McMahan Assoc , Design Firm for Winding Brook LLC . He stated that he is the Traffic Engineer for McMahan & Assoc. and also is a resident of Belmont Ridge in Bensalem, which is in close proximity to the Neshaminy Mall allowing him to be familiar with the vicinity, the traffic issues etc. Mark presented information pertaining to a letter from the Bensalem Township (exhibit A-10) questioning the traffic concerns. Marc explained the Phase 1 and Phase 2 from Penn Dot and how those phases once implemented will help ease the traffic issues in the vicinity of Rockhill Drive/Neshaminy Mall where Neshaminy Winding Brook LLC wants build a Wawa.

Phase 1 Signal Improvement Project at Rockhill Drive by PennDot. Due to current traffic issues because of the traffic lights ,PennDot is making improvements by installing an Adaptive Smart System. It will be traffic responsive and constantly changing throughout the day to allow traffic to flow seamlessly through the vicinity. The installation is going on now and once completed it will be a significant improvement. Completion date is scheduled for Springtime/Early Summertime 2019.

Phase 2 PennDot is widening Rockhill Drive , #1 additional lane for Mall access #2 auxiliary lanes to turn into the Mall and Horizon Blvd. . Northbound Rt 1 light at Ramp to be eliminated and added will be a new loop ramp. He said that once completed this will have a dramatic effect on the traffic. Completion date for this project is scheduled for 2021.

Ms. Redding , Is this Smart System the same system used at Street Road? Because if it is, she has no confidence in it as the Street Road System has many issues, traffic continues to be a concern and is always congested.

Mr. Roth ~~The Adaptive~~ responded that the Smart System is a new system. It will be communicate directly with PennDot's Central Office District 6. Trenches will be built that have sensors and cameras will monitor the traffic patterns and adjust traffic lights accordingly. The system's cameras will also be monitored by PennDot who has the ability to change the lights manually if needed. No control box at the site.

Mr. Thomas Hecker, Applicant's Attorney ,Mr. Roth Do you believe in your professional opinion that a Wawa at this location will have a negative effect on the traffic? Mr. Roth -,No most of the Wawa traffic is what we call "Pass by Traffic", meaning that Wawa is not the typical destination/trip, they stop at Wawa on their way to/from someplace else.

**Mr. Champion** ,What is the standard number of lanes of traffic before PennDot will install a light? **Mr. Roth-** It is usually based on volume.

**Mr. Champion** ,How will say 10 vehicles proceed with no light ,since the Wawa will be located on private property ( Neshaminy Mall) **Mr. Roth**, The right of way will be for those entering the Mall , don't want to back up Rockhill Drive

**Ms. Redding** ,Is this the entrance , the location of South of the Border, Unos, Borders? The traffic is intense now with the restaurants without Waa, They cut across lots to get to the light. Concern about congestion also people go to restaurants now have a few drinks , it's dangerous. How will it work with getting in and out of the restaurants, the Mall, and with a Wawa without a light ? **Mr. Roth** , It's not warranted ,it doesn't fit with the intersection. The added signage the striping will help with traffic flow

**Mr. Champion** , The concern is that intersection where restaurants are /where Wawa wants to go, is Private Property (the Mall), What if later time the traffic warrants a light ? **Mr. Roth** ,Yes it is private property but will work with Mall and Township to see that is safe intersection.

**Mr. Brill** , With Macys and Sears closed ,concern that the most recent traffic study about traffic entering the Mall may not be accurate .**Mr. Hecker** – No crystal ball but with the improvements and over time the hope is the Mall is at capacity and ultimately the improvements will be able to handle it .

**Mr. Michael Redel** , **General Manager Wawa** Wawa is committed to the Community in a variety of ways listed in the Wawa Commitment to the Community Handout, marked as exhibit A-11 by Barbara Kirk . They currently have 7 stores & 1 Region Training Center in Bensalem Township. Approx. 750 management trainees and 300-400 Office Staff & other visitors in 2018 and they employ about 250 people most local , all whom pay the 1% wage tax.

Noted that the sign is now 20 ft and is in compliance. Also that they are willing to make the exit closest to Rockhill Drive a Right out only.

**Mr. Redel** answering Al Champions previous question, Wawa has other successful locations like this design needing extra movements to get in and out. 1 is located at Rt 38 Lumberton ,NJ , 1 is located in Phillipsburg, NJ. The preference is to get in and out but confident that it will work.

**Ms. Redding** So this is the exception , not the rule.

**Mr. Champion** Exhibit A-11 page 6 ,pump question, Mall is relatively large, why not spread it out ,maybe Sear's property . **Mr. Redel** Wawa is also a fuel retailer they offer price and convenience , they want the gas pumps to be close to roadway.

Both Mr. Champion and Ms. Redding say that the planned location is a tight squeeze . It's a large parcel but not right for what Wawa wants to do with it. Mr. Redel Wawa has gone into tighter spots. People figure it out, and he feels comfortable that this plan will be ok.

Mr. Dennis Deehan ,General Manager at Neshaminy Mall , Brookfield Properties Has been the General Manager for 12 years . They own entire Mall except for Macys (Kings Properties) . Macy left 3/2017 Bought Sears Parcel in 10/2017. Sears left 12/2018, Sears latest buyout offer was rejected , notified 2/2019. The Mall consists of 3 different components – Entertainment ( Movie Theater ) , Retail ( example Boscovs which Neshaminy is one of their Top 5 performing locations) and Restaurants ( Unos and On the Border) The Mall Management has always worked well with the Township and will continue to. He believes that Wawa is a convenience to get coffee , gas, etc. and Yes he believes that it will help the Mall. He is from NJ , he gets gas at Wawa and believes they are reputable, community oriented and clean.

Mr. Bourne, Marc sees Wawa as a detriment . Maybe instead of buying coffee gum newspaper etc. from the stores located inside the Mall , they go to Wawa and that will hurt these businesses. They can't take any additional hits. Malls are a dying breed. Marc thinks that the Mall is desperate for influx of money that a long term lease of Wawa would bring.

Ms. Redding, What are the projection plans for the Mall, Can it be shared with us at this time? Mr. Deehan No , not at this time

Ms. Redding What is the overall vision of the Mall, can you give us a hint?

Mr. Deehan The whole property will not be Retail based but Retail , Entertainment and Restaurant components. It is 90% occupied and 2% have a 1 year lease (kiosks etc) Possible talk of a grocery store , they are talking to them about it. Globally Malls have a challenging situation, Stores are going out of business that have been located in Malls such as Payless. Would like to see Mom and Pop Businesses such as a coffee store, a toy store in the Mall

Mr. Bourne , That is a good point but Wawa is not , it will kill them off. In the long term it will hurt the property than help and not just with traffic. With traffic also have Bristol Road , they cut across to go to Bristol Road ,adding a Wawa to a Road that is already busy for that vicinity is too much.

Mr. Hecker Mall thinks that Wawa is a good start , and with the signage and the striping that will help with traffic issues.

Ms. Redding Asked if anybody in the audience for /against the project to please come forward. Nobody came forward.

Mr. Champion – Motion to Deny the Variance

Mr. George Seymour 2<sup>nd</sup> the Motion .

Vote: Ayes- 5- Mr. Champion , Ms. Redding, Mr. Seymour, Mr. Brill , Mr. Bourne  
Nays-0, Abstain-0, Absent-0

Motion is Carried : 5-0

Ms. Barbara Kirk, Acting Solicitor, Notified Applicant (Neshaminy Winding Brook LLC) and their Attorney ,Mr. Hecker, that they will receive a copy of the decision within 45 days.

Mr. Matthew McHugh, Solicitor is now rejoining the Board for the remainder of the Meeting.

Item 11 -Hearing – Appeal #2019-706

Hearing for 1411 Ford Road LLC Location : 1411 Ford Road Tax Parcel : 02-045-031-001 Request : Variance for side yard setback and building coverage to construct an addition.

1411 Ford Road LLC is requesting a Continuance Hearing for the next meeting.

Mr. Albert Champion - Motion to Allow 1411 Ford Road LLC a Continuance Hearing on April 4<sup>th</sup>, 2019.

Mr. Marc Bourne 2<sup>nd</sup> Motion .

Vote : Ayes -5- Mr. Champion, Ms. Redding, Mr. Seymour, Mr. Brill, Mr. Bourne  
Nays-0 Abstain-0 Absent -0

Motion Carried: 5-0

Item 5 -Hearing – Appeal #2018-657

Continued Hearing for Pete’s Express Bensalem LLC Location : 1504 , 1526, and 1540 Street Road Tax Parcel : 02-043-130 , 02-043-132 and 02-043-129-002 , 02-043-131 and 02-043-129-003 Request : Variance to use property as Automobile Car Wash.

This is a continued hearing. Applicant and all Speakers have been sworn in.

**Mr. Rob Dunloff, Applicants Attorney** summarized the Application and changes made since last hearing . Location at Street Road & Marian Avenue with existing car wash and 2 house structures. They want to combine the 3 properties to make a modern updated car wash facility.

**Mr. Geigher** – Discussion of exhibit A-9 summarizing the existing condition. Storm Water and proposed improvements to improve the Storm Water issue. Virginia Avenue drain further ,uncontrolled. Marian Avenue inlets piping not able to contain storm water that drains. They will upgrade with a conveyance system , storm water improvements above and below ground, will meet all requirements and property ordinances Storm water also drains out to Tyler Avenue doesn't come from property but will do that too. It will reduce flooding even with small storms.

**Mr. Champion** Question about size. Asking to expand the length to 5,925 ft. it was previously about 3,000 ft is why is that ? **Mr. Mark Roth , McMahan Associates .** Yes, it was increased in size by a little less than double, the larger building will help buffer sound , vehicles will also dry before pulling out to Street. Mr. Roth also discussed the impact compared to existing car wash . It is pass by use . Access to site will be 1 ingress only driveway and 2 egress only driveways along Street Road all spaced evenly across front. No access is proposed along either Marian or Tyler Avenue, unlike previous car wash. Adequate entrance/exit , all access via Street Road. (A-9 Memorandum from Mark Roth detailing Proposed Site )

**Mr. Champion** Any PennDot permits yet ? **Mr. Roth** No ,not yet but understanding that have to since Street Road is a State Road and it will be subject to review and approval of PennDot . Also understands that if PennDot says they have to have side streets access, the Applicant must put that into writing to the Zoning Board.

**Ms. Redding** Statement, Make a left onto Street Road is difficult . It is easier to go right and go down Marian and thru Eddington development . That is issue. Residents will be upset if going through neighborhood. This is going to be a high impact car wash ,how many vehicles / hour ? Thought the # was higher than originally noted. Traffic backs up now Street Road from Hulmeville to I-95 as it is, take it from somebody who uses it . Also there is a car wash at Knights & Street Road. It is a dangerous intersection and on high volume days with car washes it is worse. The township already has water issues in that neighborhood , don't need any additional issues.

**Mr. Roth** Based on surveys of those using car wash , it is not a destination stop, impulse buy , passes by car wash on Street Road , decides to stop to get car washed, so most is not going to be additional traffic. He believes the traffic can be accommodated, due to sufficient gaps in current traffic pattern . It will have no adverse impact. He also believes

it will have sufficient stacking , 41 vehicles before entering tunnel to prevent back up traffic from happening.

**Mr. Jeff Altringer- Applicant , Owner of Pete’s Express Car Wash.** We are a family owned business , we have 4 locations , West Chester , Stratford, East Norriton and Warrington.

**Ms. Redding** Concern with traffic backing up past this facility since close to the I-95 entrance. 400 vehicles a day on a good day using the car wash that is still a lot of traffic.

**Mr. Altringer** That is a great point. The amount of vehicles using it will be over a time span of 10 hour days. Monday to Saturday 7:00am to 7:00 pm , Sunday 8:00am to 6:00pm. Manager on site at all times and one other employee , minimum. Florescent cones block off entrances when closed. Also they are willing to deal with the Storm Water issue, have met with 5-6 times with neighbors to hear concerns. They are committed to fixing issue so it will be acceptable to the Township Engineer. Noise Concerns – perpendicular to Street Road planting of trees , flowers , bushes, fence . See Exhibit A-9 it depicts the beautiful building and the plantings

There is also heated concrete so when you come out of car wash , the vehicle dries, and there is no ice issue. They also use salt throughout the property. The longer building will help with production, it also dries vehicles better and will provide a better buffer. There is no outside washing ,waxing, drying. No hand drying. Longer tunnel will do the drying. Outside self service vacuums, it is about 50% who will use the vacuums , the other 50% will leave once vehicle is washed.

**Mr. Seymour** There is no hand drying of vehicles ? **Mr. Altringer** - No

**Applicant agrees to limit access from Street Road only . If PennDot says no they understand that they have to come back to Zoning Board. They also agree that the operational time will be limited, as stated.**

**Mr. Champion** I see there is area is that for Fire Vehicles and Large Trucks **Mr. Altinger** -Yes .

**Mr. Champion** The parking lot it is not chained off when closed. **Mr. Altinger** - Not chained, there is a camera system, it is coned off and they can’t go into parking lot when its closed. At 10:00 pm the vacuums shut off . The parking is professionally lit.

**Mr. Champion** – What about the Trash Dumpster location ? **Mr. Altinger** – It is screened off won’t be able to see it. We will do what we have to do to be in compliance.

**Mr. Champion** – Loading Zone , delivery times etc. ? **Mr. Altinger** – There is a set time for deliveries , the employees know how to handle it .

**Mr. Champion** – How do you dispose of it ?its ?not going into drains etc. Any dangerous chemicals? **Mr. Altinger** – The car wash uses small drums . It is a Water Reformation System using biodegradable chemicals No discharge into the drains , the systems catches everything.

**Mr. Bourne** – Mr. Bourne stopped by the Warrington location at 611/County Line Road at about 5:30pm weekday. It was an easy experience, in and out , no back up. The building was nice, it will be a compliment to the eyesore that is there now.

**Mr. Seymour**– It seems like it is the same as Street Road ,making a left hand turn.

**Mr. Matthew McHugh, Solicitor** – What is the high end low end volume difference?

**Mr. Altinger** – Low Volume days average is about 120 vehicles , average day is 400 vehicles, It is based on weather conditions. Is is rainy or its sunny and nice out. No to Low Volume Days, cloudy/rainy is approx. 181 days Average Volume Days is approx. 174 days , very good days. High Volume Days , snow days, is approx. 10 days ,those days they have more people working ,cones , etc. This is based on average weather conditions in all 4 locations, all high volume vicinities, comparable to Bensalem location.

**Mr. Brill** – It seems that all conditions are willing to be met.

**Ms. Redding** – Any audience member who would like to speak for/against this application please come forward. Audience Member was sworn in,

**Audience Member - Mr. Robert Homolka** – Is there anyway that the Board can make Marian Avenue one way? How about the hours that they will be open, not late at night.

**Mr. McHugh** -No ,the Zoning Board can't do that . It is a Council issue and would have to be brought up to them. The Hours of Operation is a condition of Approval . If they violate it than can't operate. If granted a use variance they will have to agree to the conditions.

Note that 15 neighbors letters of support , invited to planning commission meeting, unanimously okayed it , The applicant continues to work with neighbors. Met several times at neighbors homes as a group and individually, also went door to door.

**Mr. Albert Champion** -Motion to Close Testimony.

**Mr. George Seymour** -2<sup>nd</sup> the Motion.

Vote: Ayes 5- **Mr. Champion, Ms. Redding, Mr. Seymour, Mr. Brill, Mr. Bourne**  
Nays-0, Abstain-0, Absent-0.

Motion Carried: 5-0



There is a lot of legal issue to look at and see how it all fits together. Prefer Use Variance with conditions. Much better presentation than previous request.

Mr. Matthew McHugh, Solicitor - Asked applicant to return to the next meeting. The Applicant agreed to return to the next meeting.

Item 12 -Hearing for Andalusia Tennis Ave Trust – Appeal #2019-707

Mr. Matthew McHugh, Solicitor – To Applicant for Above Hearing, It is 9:35pm and the next hearing will be long , Do you want a continuance ? Applicant states they will stay and wait.

Items 7,8,9,10 -Continued Hearing for Michael R Nugent (7,8,9,10)  
Appeal #2017-566 , #2017-567 , #2017-568 , #2017-569

Michael R. Nugent Appeal #2017-566 Location 3247 Clive Avenue  
Tax Parcel: 02-066-065 Request: Variance to use lot for commercial parking and storage, impervious surface coverage , Commercial vehicle parking in excess of 10,000 lbs. , fence height and front yard setback.

Michael R. Nugent Appeal #2017-567 Location : Clive Avenue  
Tax Parcel : 02-075-047 Request : Variance to use lot for commercial parking and storage, impervious surface coverage, Commercial vehicle parking in excess of 10,000 lbs. , fence height and front yard setback.

Michael R. Nugent Appeal #2017-568 Location : 3259 Clive Avenue  
Tax Parcel: 02-075-049 Request : Variance to use lot for commercial parking and storage, impervious surface coverage, commercial vehicle parking in excess of 10,000 lbs. , fence height and front yard setback.

Michael R. Nugent Appeal #2017-569 Location : 3242 Moore Avenue  
Tax Parcel : 02-075-056 Request: Variance to use lot for commercial parking and impervious coverage.

Mr. Matthew McHugh, Solicitor – Clarifying that this will be 1 hearing for all the matter pertaining to the Items 7,8,9,10. Though there will be a separate record for Continued Hearing .

At last meeting , the Board advised that there would not be any further continuances of this matter and that the Applicant must proceed at the March Meeting.

The Applicant and all those speaking for/against have been sworn in.

Mr. Chris Stewart , Esquire is the Applicant's Attorney. After numerous continuances and Requests to do certain things, Mr. & Mrs. Nugent are ready to proceed.

Exhibits -

A-9 Variance Plan

A-10 Survey Property

A-11 Aerial photograph existing property condition as of 2016

A-12- Proposal Landscape Plan as part of Application, some changes made since Original Plan.

Mr. Brian Seidel , Seidel Planning and Design, Landscape Architecture. Discussion of Property Plan.

Mr. Seymour- Asked if there will be long term storage?

Mr. Stewart , Esquire -This is strictly going to be Vehicle Parking , Employee Parking Lot , No Commercial Vehicles, No Storage . Modified from Application.

Mr. Seidel - Changes made to buffer. It has increase to 20 ft. In addition Evergreen Screen throughout and Solid Fencing 6 ft. vinyl to 4 ft vinyl to Moore Ave. The trees are deciduous trees. The Mobile Home is eliminated and a buffer in place that did not previously exist, this is a significant improvement . Also Storm Water Management at site will be a significant improvement as none exists at site currently. Vehicles now parking on Moore Avenue will park in the Employee Parking Lot.

Mr. Stewart - The Applicant heard the Board's Requests and made adjustments in the form of Enhanced buffer of the existing property. Also Improvements at Moore and Clive Ave. will enhance the property.

Ms Redding – A big improvement with Buffer over what existed.

Mr. Stewart - Understanding that it is taking a long time to clean up but Applicant has a vision to improve the property and is creating a buffer from Residential to Commercial.

Mr. Champion - Concern about creeping, creep off Main Road which is Commercial into the Residential. Where do we draw the line with creeping.

Mr. Stewart- The Applicant is trying to appease the neighbors by providing a buffer and to improve what was there before but also using it for his business.

Ms. Redding- Hasn't made effort to approve appearance before . Could be seen as not Good Faith during the process.

Ms. Redding – Did the house come down with Permits ? Mr. Stewart – Yes Applicant got the Permits.

Ms. Redding – Would have been nice to clean up some of the trash that is on property  
Mr. Stewart – The applicant has been cleaning up but it's expensive .

Mr. Michael Nugent – Applicant was sworn in. Owner of ABC Construction Co. Has been cleaning up the property. The trailer was filthy, bed bugs, etc. Cleaned up around the trailer . The trailer is now out and the house is gone too. It took about \$60,000.00 to clean up. Wants to arrange the garage to put trucks into it , won't be able to see equipment. Need more room and space to clean up and arrange it so it looks ok. Most of the equipment is off side at job site. Also wants to get employees off Moore Ave where currently park as its bad for the neighbors and employees too. Wants to make it a safer environment . The employee lot currently fits about 8 vehicles most use Moore Avenue . The parking lot will has additional 50 parking spots. Have 55 employees this will eliminate them from parking on Moore Avenue.

Mr. Champion – You have owned ABC since 2003 What happens in lets say 10 years if you want to expand more what would you want to do.

Mr. Nugent – No , not doing it , I'm 63 years old , this is it.

Mr. Stewart – ~~Mention that it is that~~ the house and trailer property not Prime Real Estate Property. That the Applicant is not only focused on Buffer between Residential and Commercial but improvement ~~toote~~.

Ms. Redding That seems practical . Seems not be conducive to sell that house, would have been tough to do. And the property, doesn't believe that anybody would want to build a house on it , the vicinity is pretty rough.

Ms. Redding – Does anybody in the Audience want to come up to speak , ask any questions for or against ?

Audience Member – Mr. Shawn Smith was sworn in. Mr. Smith is a neighbor lives directly next to the property Clive Avenue. Also owns Shawn Smith Auto Body. Says that he has been there since 1989, that the trailer was in terrible condition , the property went downhill fast, he is happy about what Mr. Nugent want to do with the property. He had a question about the Commercial Use Variance, worried that if the property is sold in the future will it revert back? Mr. McHugh , Solicitor – The Zoning stays the same. The Variance stays with the property.

Audience Member Ms. Mary Reters - Ms. Reters was sworn in. Ms. Reters lives in the last house Moore Avenue, 3243 directly across property. She has issue with the Zoning, would like the Board to reject it , doesn't want employee parking and storage on

the property. **Mr. Stewart Applicant's Attorney** - No storage on the property. **Ms. Reters-** still is opposed to it .

**Audience Member – Mr. Roger Smith** was sworn in. Mr. Smith lives at 3218 and is opposed to it . Thinks it should stay zoned as Residential property.

**Audience Member Mr. Anthony Cook** - Mr. Cook lives 2<sup>nd</sup> house down at Clive Avenue and is against it. By allowing variance it is bringing industry closer and closer the houses. Also they took down trees on the property. Those trees they blocked the dust, the pollution , etc. coming from Street Road ,taking them out eliminates that protection to the neighborhood . The trees sucked up the water and that will not happen now .The trees also were a barrier from the commercial business. The new trees not as high as the trees taken down

**Ms. Redding** - The fence and the foliage may give you more coverage than what is current.

**Mr. Nugent** - Took out the dead trees. Had arborist come out and inspect the trees and give a report. They were unsafe and that is why they were taken down.

**Mr. Seymour** – -The installing of the retention basin will help with water issue.

**Mr. Seidel** - The new trees will grow approx.. 3 ft a year , they're fast growing trees that will grow to about 20 ft tall.

**Mr. Cook** – A lot of industry around and don't want it and is against the variance.

**Mr. Ellwood Smith , Audience Member** – Mr. Smith is a neighbor and is concerned with the vehicles , trucks , pulling out early in morning and at night when it's dark out. The trucks lights shine into Mr. Smith's window. He don't want trees he wants a fence .

**Mr. Nugent** – I can only put up a 4ft fence not a 6ft fence like wanted to do. The fence will be up and will put trees in front of it too. Also the driveway by his house will be eliminated to avoid the light issue .

**Mr. Ellwood Smith** - Also a question about the beeping of the trucks all the time wakes him up.

**Mr. Nugent** - Can't turn them off , it is a Federal Law, it is illegal to do that. However going to look to at switch ,believes it is a low/high switch , if it is have them switch to low when on property.

**Mr. McHugh** -There is a Noise Ordinance in Bensalem but don't believe it would cover the beeping of the trucks as it a Federal Law.

Ms. Bonnie Segaline Audience Member —Ms. Segaline is employee at ABC Construction for 6 years. They keep the place clean. He has good character. He wants parking lot to make it safer for employees and guest. The neighbors know that he is a good guy. She is for the variance.

No other Audience Members to speak.

Mr. Champion - Motion to close Testimony.

Mr. George Seymour -2<sup>nd</sup> the Motion

Vote : Ayes -5- Mr. Champion , Ms. Redding, Mr. Seymour, Mr. Brill , Mr. Bourne

Nays-0 Abstain-0 Absent -0

Motion Carried : 5-0

Mr. Champion -Motion to Deny all 4 Parcel Variances.

Mr. Seymour - 2<sup>nd</sup> the Motion .

Ayes – 1 Mr. Champion)

Nays- 4 – Ms. Redding , Mr. Seymour, Mr. Brill, Mr. Bourne

Abstain-0 Absent -0

Motion Failed : 4-1

Mr. Brill – Motion to Approve all Requests for Multiple Parcels.

Mr. Bourne – 2<sup>nd</sup> the Motion.

Mr. McHugh, Solicitor , With Condition that developed according to the most recent plans submitted A-9 to A-13.

Ms. Redding – Is the privacy on Moore Avenue, the fence and plants that will be added as a Condition? Mr. McHugh -Yes.

Vote : Ayes -4 Ms. Redding , Mr. Seymour, Mr. Brill, Mr. Bourne

Nays-1 Mr. Champion

Abstain-0 Absent-0

Motion Carried with Conditions as Stated : 4-1

**Item12 – Appeal #2019-707 Hearing for Andalusia Tennis Ave Trust**

Hearing for Andalusia Tennis Ave Trust Location : Clinton Avenue Tax Parcel: 02-029-471 Request : Variance to use property to store contractor’s materials and equipment.

Applicant is Requesting a Continued Hearing to next meeting April 4, 2019

Mr. Champion - Motion to Allow Continuance to April 4, 2019

Mr. Bourne - 2<sup>nd</sup> the Motion.

Vote : Ayes -5 Mr. Champion, Ms. Redding, Mr. Seymour, Mr. Brill, Mr. Bourne

Nays -0 Abstain-0 Absent -0

Motion Carried : 5-0

**Item 13- Correspondence – None**

**Item 14 -Meeting Adjournment**

Mr. Champion Motion to Adjourn the Meeting

Mr. Brill -2<sup>nd</sup> the Motion

Vote : Ayes-5 Mr. Champion, Ms. Redding, Mr. Seymour, Mr. Brill ,Mr.Bourne

Nays-0 Abstain-0 Absent -0

Motion Carried : 5-0

Meeting Adjourned

Minutes Submitted by : Donna Sponheimer-Smith

Note – The minutes are not verbatim , they are only a synopsis of the meeting.