

Minutes of the
ZONING HEARING BOARD
Regular Meeting
November 1, 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 October's meeting minutes

ITEM 4 **Hearing for Speruduto Investments LLC**
Appeal #2018-642
Location: 901 Tennis Ave
Tax Parcel: 02-029-301
Request: Use variance for 3 garages/warehouses

DISCUSSION **DISCUSSION** The following are exhibits of application;

- A-1 Application & accompanying documents
- A-2 Sketch Plan
- A-3 Certificate of Service
- A-4 3 Photos and 4 Renderings of Property
- B-1 ZHB letter of hearing to Applicant/applicant's attorney
- B-2 Proof of publication
- B-3 Proof of posting

Michael Meginniss from Begley, Carlin, and Mandio, LLP is present. The property is located in an R-2 District and has been vacant for years. The property is 136,000 square feet. The Applicant is proposing to build three (3) buildings. One building would be 5,000 square feet. The second building would be 12,500 sq feet (10 modules), and the third would be 10,000 square feet. The only variance requested is a use variance. The plan does not need dimensional relief. The Applicant is proposing to use the property as commercial and it has never been used

residentially. Mike Speruduto is sworn in. He resides 967 Robins Road, Bensalem. He works in the masonry business. He explains two sides of the property are surrounded by apartment complexes, to the right of the property is two houses. The property is close to I-95. Exhibit A-4 is referenced which are photos of the green houses currently on the property that are said to be dilapidated. Applicant said people have destroyed the area. Applicant states the original owners told him it has been vacant for about 4-5 years. He would like to make a concrete masonry house and a steel yard and demolish the green houses. He cannot make use of the property without removing the greenhouses. Applicant is also proposing a warehouse for business rentals. The plan is to take everything out of the property except possibly the smoke house. A-frame buildings will go cosmetically with the apartments nearby. A fence around the property will be added as well as bushes. Applicant would like to do higher end finishes to make it look nice. There are two existing driveways, one at either end of the property, which are both staying. Applicant states he has been in discussions with neighbors and they all are okay with as long as it is what he says it will be. They are happy there will be improvement to the area. There will be no outdoor storage. There will be overhangs with LED lights on garages. The only concerns that were brought up by the neighbors is if there will be tractor trailers or traffic changes and Applicant states there will be none of these issues. Applicant confirms he wouldn't allow auto body shops to rent. It will be key fob entry. The hours will be typically around 7 am to around 6 p.m. They are complying with the parking space requirements and they are under impervious surface requirements. There will be a minimum of a 25 feet front yard setback. There will be nothing more than small trailers left outside for storage. Applicant states he is not leasing outdoor storage space and business trucks will be kept inside. The garage doors are proposed to be 12 feet wide and 14 feet tall.

Mr. Champion asks if he has any tenants interested yet. Applicant states he has a couple. Mr. Meginniss states the figured out parking because there is one parking spot required per employee and 24 modules, so no more than 24 spaces are needed. Mr. Champion has concerns about amount of parking spaces since they do not know who the tenants will be. Applicant states he will add more spaces. There is room on side of one of the buildings to add parking and to the rear. Township Engineer states he has not had many properties like this. A lot of things will be hashed out in Land Development. Applicant states he has been in communication with Land Development, and a NPDES permit is not needed due to size of lot, but will need to add an instate surpage pit. Applicant agrees to have 33,000 gallons vehicles restrictions and no tractor trailer uses on property.

The audience is asked if anyone is for or against this application. Edward stachowicz is sworn in. He is resides at 4627 Overland Rd, Bensalem. He has a rental property nearby. He couldn't understand the plans. After seeing the plans, he better understands and doesn't have concerns. Michael Murphy is sworn in. He resides at 911 Tennis Ave. He has a property surrounding this property. He asked if the property is going to re-zoned and the Board confirms it will not. He also requests piping under the berm near his home and the Applicant agrees. Mr. Murphy used to own this property. Property has been vacant almost 2 years not 4-5 years.

MOTION Mr. Champion motion to close testimony, Mr. Seymour seconds, and all favor. Mr. Champion motions for the Hearing for Speruduto Investments LLC; Appeal #2018-642; Location: 901 Tennis Ave; Tax Parcel: 02-029-301; Request: Use variance for 3 garages/warehouse be approved with conditions - Largest vehicle not exceed 33,000 gallons, no tractor trailers, no outdoor storage, parking spaces subject to Township Approval, landscape be added, more spacing be added, Mr. Seymour seconds, all favor.

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

MOTION CARRIED 4-0

ITEM 5 Hearing for Maya A. Thompson
Appeal #2018-643
Location: 109 Tatham Rd
Tax Parcel: 02-098-029
Request: Variance for pool setback to be 5 feet from property line.

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

Maya Thompson and Joseph Thompson sworn in. Applicants purchased a 27 feet round pool. They did not know about variance issue and found out after the purchase. An Installer came and gave suggestions of how to position the pool the best way because the lot is narrow. Applicants previously got a variance for 10 feet. If you open the gate, it will hit the pool. They would like to push it in corner of the yard. They have one neighbor's yard behind them and a park. A 5 feet variance is requested. The property is a corner lot. They do not have a deck and not plans currently for one.

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

MOTION Mr. Brill motion to close testimony, Mr. Seymour seconds, and all favor. Mr. Brill motions for the Hearing for Maya A. Thompson; Appeal #2018-643; Location: 109

Tatham Rd; Tax Parcel: 02-098-029; Request: Variance for pool setback to be 5 feet from property line be approved, Mr. Seymour seconds, and all favor.

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

MOTION CARRIED 4-0

ITEM 6 **Hearing for Sign Pros**
 Appeal #2018-644
 Location: 3507 Bristol Pk
 Tax Parcel: 02-075-013
 Request: Variance for freestanding sign to be closer to ultimate
 right-of-way.

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

Nick Kapotatos is sworn in. David Houss is sworn in. The Applicant is proposing to add a sign for his company. The proposed sign is 10 feet in the violation of the right of way. There are other signs on the road that are similar to the sign Applicant is proposing. The plans for the sign meets all requirements, except needing to be closer to the ultimate right-of way. The sign is 20 feet in height. The previous sign was a lighted 5 by 7 sign, which was closer to the road, but that sign has been removed. Applicant states that Mr. Takita, former Bensalem Township Engineer informed them the sign needs to be at least 10 feet, so it does not draw attention from traffic. Applicant used Sign Pro to design the sign. The sign will be very similar to the car wash sign down the street. If they moved the sign back, it would be too close to handicap space.

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

MOTION Mr. Seymour motion to close testimony, Mr. Brill seconds, and all favor. Mr. Seymour motions for the Hearing for Sign Pros; Appeal #2018-644; Location: 3507 Bristol Pk; Tax Parcel: 02-075-013; Request: Variance for freestanding sign to be closer to ultimate right-of-way be approved, Mr. Brill seconds, and all favor.

ITEM 8

Hearing for 3101 Bristol Road, LLC

Appeal #2018-646

Location: 3101 Bristol Rd

Tax Parcel: 02-093-216-013

Request: Variance to have outdoor play area & minimum parking spaces.

DISCUSSION Solicitor states she received a letter from Applicant's attorney requesting the Application be withdrawn.

ITEM 9

Hearing for Patricia Brill

Appeal #2018-647

Location: 3331 Oakford Ave

Tax Parcel: 02-004-265

Request: Variance for front yard, side yard setbacks and 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

Patricia sworn Ball is sworn in. Mr. Brill recuses himself. Applicant is proposing a 14 feet by 40 feet garage. Applicant is requesting front yard and side yard setback variances due to size of the proposed garage being 25% of dwelling. There is 10 feet in between the house and potential garage. It would be a detached garage. She does not want a attached garage because she does not want to lose the kitchen windows. Applicant states they eventually want a deck in the back, so they don't want to put the garage back too far. There is about 60 feet from the proposed garage to the road. Applicant states she talked to all the neighbors and they are fine with it. She states there used to be a stone driveway, but it's more grass now. Foundation of garage will be stone/rock. It is a prefab garage with plywood floor. Stone will be added to the driveway area. Township Engineer states a sealed plan from the Engineer will be needed for permits. All motions to approve, George seconds, all favor.

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 Patricia Brill; Appeal #2018-647; Location: 3331 Oakford Ave; Tax Parcel: 02-004-265; Request: Variance for front yard, side yard setbacks and size of garage be approved, Mr. Seymour seconds, and all favor.

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

MOTION CARRIED **3-0**

ITEM 10 **Hearing for Elaine Marchione**
Appeal #2018-648
Location: 4915 Boston Ave
Tax Parcel: 02-005-165
Request: Variance to use property as residential.

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 Email from Solicitor's Assist with list of neighbors to notify

Elaine Marchione is sworn in. Anthony Marchione is sworn in. A variance is requested to use property as residential. The property was built in 1969. Its zoned commercial. In 1988, an addition was done in back of the property with an apartment and garage. Parcel #02-005-165 ("165") is staying as commercial.

165 and Parcel #02-005-166 ("166") is one lot. They have two tax bills, but one address with one deed. 166 is closer to Brownsville. 166 has residence on it with an apartment and a garage. It is a existing nonconforming lot. 165 has two garages. The property has a total of three garages, one house, and 1 apartment. The garages are used for storage. House and apartment are rented out. There are three electric meters and two mailboxes. They've been renting the apartment out since 1988. They received a violation notice, then applied for this variance.

The 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. Brill motions for the Hearing for Elaine Marchione; Appeal #2018-648; Location: 4915 Boston Ave; Tax Parcel: 02-005-165; Request: Variance to use property as residential be

approved to be used as residential to use as a house, one apartment, two garages, and one rear garage as existing, Mr. Seymour seconds, all favor.

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

MOTION CARRIED **4-0**

ITEM 11 **CORRESPONDENCE - None.**

ITEM 12 **ADJOURNMENT**

Meeting adjourned at 8:50 p.m.

Court Reporter: Kim Bursner

Respectfully submitted by Danielle Campbell