

**FALLS TOWNSHIP
ZONING HEARING BOARD MEETING
DECEMBER 10, 2013**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 7:50 p.m.

Members present: D. Miles, T. Miles, Molle, Powers

Members absent: Henderson

Also present: Tom Bennett, CCEO & Zoning Officer, Ed Neubauer, Code Enforcement Officer, Dave Sander, Esquire; Karen Browndorf, Court Stenographer

Petition #4: Hunter-Ryan, LLC, 323 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-003-013; Zoned HC. Requesting a special exception for sale of used vehicles. Section 209-23.C(6).

Atty. Sander states that this application has been withdrawn.

Petition #6: (CONT'D FROM 11-12-13) Robert Damerjian, 1801 S. Pennsylvania Avenue, Morrisville, PA 19067; TMP #13-047-080-003; Zoned RD. Requesting a use variance to allow grinding of mulch on property. Section 209-32.4 and 209-77.

Atty. Sander, with Board approval, opens this petition.

Atty. Sander marks as exhibit ZHB-2 a letter dated December 4, 2013, from Attorney Ed Wild requesting a continuance of this matter to allow the application to be re-advertised for January 14, 2014. Requests a board member to make a motion to allow this petition to be continued until January 14, 2014.

Member Powers makes a motion to continue.

Member T. Miles seconds the motion.

All in favor 4-0. Matter is continued until January 14, 2014.

Petition #5: Peter Stillitano, 386 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-008-052; Zoned HC. Requesting a use variance to permit truck rentals. Section 209-23.

Atty. Sander, with Board approval, opens this petition.

Atty. Sander makes as exhibit ZHB-1 a letter dated December 10, 2013, from Jon Adelstein, Esquire, requesting a continuance of this matter due to the weather conditions.

Member Powers makes a motion to continue this petition until January 14, 2014.

Member D. Miles seconds the motion.

All in favor 4-0. Matter is continued until January 14, 2014.

#7. Letter from Sandra Hartman, 965 Lincoln Highway, requesting extension of variance.

Atty. Sander states that he has a letter dated November 10, 2013, from Sandra Hartman requesting an extension of her variance.

Member Powers makes a motion to grant the extension for an additional period of one year.

Member D. Miles seconds the motion.

All in favor 4-0.

Petition #1: (CONT'D FROM 11-12-13) Rio J. DeMaio, 35 Teaberry Lane, Levittown, PA 19054; TMP #13-023-049; Zoned NCR. Requesting a dimensional variance to construct an addition which does not meet the 10' side yard setback. Section 209-20 and Table 1.

Atty. Sander marks Exhibits ZHB 1 – 8.

No public comment.

Member D. Miles makes a motion for the petition of Rio J. DeMaio for a variance from section 209-20.E and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow the construction of a 395 square foot, two-car garage, on the property such that it encroaches 4' into the required 10' side yard setback as depicted on the plan submitted with the application.

Member D. Molle seconds the motion.

All in favor 4-0.

Petition #3: (CONT'D FROM 11-12-13) John Grose (B and B Automotive, Inc.) 390 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-008-051; Zoned HC. Requesting a special exception for the sale of used vehicles. Section 209-23.C.(6).

Atty. Sander marks Exhibits ZHB 1 – 5.

Allen Toadvine, Esquire, who represents the applicant, states that John Fenningham, Esquire had requested party status on behalf of Peruzzi at the last hearing, but has withdrawn his request.

No other parties to this petition.

Atty. Toadvine states that we need a special exception because B&B Automotive wants to sell used vehicles, not new vehicles. B&B Automotive will not be a factory authorized dealer. Atty. Toadvine calls a witness – Michael Brill, president of B&B Automotive. Mr. Brill states they want to purchase the property from the Faulkners. The facility would remain the same as the Saturn dealership – no proposed construction changes to the existing structure, other than some interior renovations. The intended use is for automotive sales and service of used cars only, not factory authorized cars. Hours of operation are Monday through Friday 7:00 a.m. to 6:00 p.m. for service and Monday through Friday 9:00 a.m. to 8:00 p.m. for sales. Saturdays we will close at 5:00 p.m. We plan on having about 25 employees at this location.

Mr. Brill continues that they currently have two locations: 801 Bristol Pike and 702 Bristol Pike in Levittown. The 702 Bristol Pike location will be moved to this location. There is no difference between

a used car dealership and a new car dealership in terms of operation of the business or traffic to the business.

During the public comment session, Supervisor Jeffrey Dence states that he represents the Falls Township Supervisors and that they support this petition and hope that the Zoning Hearing Board grants their petition for a special exception.

Member Powers makes a motion that the application of B&B Automotive for a special exception pursuant to Section 209-23.C(6) of the Falls Township Zoning Ordinance be GRANTED to allow the use of the property at 390 Lincoln Highway, Fairless Hills, PA 19030, for sales of used vehicles other than those sold by an authorized factory dealer as depicted on the plan submitted with the application.

Member D. Miles seconds the motion.

All in favor 4-0.

Petition #2: Barbara Price, 133 Liberty Drive, Langhorne, PA 19047; TMP #13-004-896; Zoned HR-TH. Requesting a dimensional variance to construct a deck that does not meet the minimum 25' rear yard setback. Sec. 209-16.1 and Table 2A.

Atty. Sander marks Exhibits ZHB 1 – 4.

No public comment.

Member D. Miles makes a motion that the application of Barbara Price for a variance from Section 209-16.1 and Table 2A of the Falls Township Zoning Ordinance be granted to allow a 19' x 10' wooden deck (approximately 190 square feet) to be erected to the rear of the existing house on the property that provides a rear yard setback of 23' rather than the required 25' as depicted on the plan submitted with the application.

Member Powers seconds the motion.

All in favor 4-0.

Adjourned 7:50 p.m.