

**FALLS TOWNSHIP
ZONING HEARING BOARD
SEPTEMBER 13, 2016**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:45 p.m.

Members present: Brooks, Henderson, Miles, Molle, Powers

Members absent: None

Also present: Noah Marlier, Esquire (representing the Township); Thomas Bennett, Zoning Officer / CCEO; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, Esquire, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition #1: Ashkay Dua, 243 Liberty Drive, Langhorne, PA 19047; TMP #13-001-036; Zoned: HR-TH. Requesting a dimensional variance to construct a deck which encroaches into the rear yard setback. Section 209-16.1 and Table 2A.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Mr. Dua presents the application. This application is for a deck off the rear patio which is too small to fit my patio furniture.

Member Brooks asks if anyone else in the neighborhood has installed a similar deck.

Mr. Dua says yes.

Member Powers asks if the homeowner's association has given permission for the deck.

Mr. Dua says yes.

No public comment.

Member Brooks makes a motion that the application of Ashkay Dua for a dimensional variance from Section 209-16.1 and Table 2A of the Falls Township Zoning Ordinance be GRANTED to construct a deck which encroaches into the rear yard setback at the property located at 243 Liberty Drive, Langhorne, PA 19047, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Linda and Robert Thomas, 50 Nutmeg Lane, Levittown, PA 19054; TMP #13-027-316; Zoned: NCR. Requesting dimensional variances for an addition which encroaches into the rear yard setback and is over the maximum allowable impervious surface coverage. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Robert Thomas presents the application. We want to build the 20 ft. x 22 ft. addition for my elderly father and my handicapped son, almost like an in-law suite. The addition will not have a kitchen, but will provide a bathroom and another room. The addition will not be for any business use or money making type of enterprise. We will use it strictly for family use.

Member Powers asks if there are any sewer easements on the property.

Mr. Thomas says there are none. Mr. Bennett confirms there is no sewer easement based on the Levittown plot plan.

Chairman Henderson asks if there will be a second story on the addition.

Mr. Thomas says yes.

No public comment.

Member Molle makes a motion that the application of Robert Thomas for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED for an addition which encroaches into the rear yard setback and is over the maximum allowable impervious surface coverage at the property located at 50 Nutmeg Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Miles seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: Kirk Worst, 969 Trenton Road, Fairless Hills, PA 19030; TMP #13-017-211; Zoned: NCR. Requesting a use variance to permit a limousine business. Section 209-20.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and Applicant Ex. 1 & 2 (proof of ¼ mile neighbor notification)

Kirk Worst presents the application. He states that he is interested in purchasing this property for his limousine business. He has been in business for over 21 years. Since 2001, he has been renting property at Bristol-Emilie Road in Bristol. This property fits his needs perfectly with regard to parking, the size of the vehicles we have and the building itself. Most of the business is over the phone or emails; there are very few customers coming to the office. Forty percent of our business is corporate clients, and the other sixty percent are weddings and nights out, etc. We would improve the property and straighten it up.

Member Brooks asks if your vehicles would be parked behind the property.

Mr. Worst says yes, more than likely.

Member Molle asks how many vehicles will be parked at the site.

Mr. Worst says 10, not including my own vehicle.

Member Miles asks what time the cars get in a night – a weekend night might be 2:00 or 3:00 in the morning.

Mr. Worst says yes. The cars are just pulling in and shutting down and cleaning any trash.

Member Miles says that it seems to be no more noise than what is coming out of Cosmos.

Mr. Worst says yes, he would agree.

Member Powers asks if you plan on putting lighting in the parking area.

Mr. Worst says he will probably put in motion detection lights. He would attempt to place the lights away from the house behind the property. The current user (Marty's Hair Salon) already has lights up until about 10:00 p.m.

Member Powers asks if he is going to fence it in.

Mr. Worst says he would talk to the one neighbor in the rear about putting up a stockade fence instead of a chain link fence.

Chairman Henderson asks if Mr. Worst plans on doing any repairs of the limousines on the property.

Mr. Worst says the garage will be used for waxing the limousines. As far as vacuuming and cleaning the limos, it would be done in the garage as well. A few of my vehicles will not fit in the garage, however.

Chairman Henderson asks what is his plan with regard to the vehicles that won't fit it in the garage.

Mr. Worst says they would bring the vacuum outside.

No public comment.

Member Brooks makes a motion that the application of Kirk Worst for a use variance from Section 209-20 of the Falls Township Zoning Ordinance be GRANTED to permit a limousine business at the property located at 969 Trenton Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #4: Township of Falls, 188 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-005-003; Zoned: IN. Requesting dimensional variances to construct a new municipal building with variance requests for Section 209-20.1(C) to allow equipment storage and a vehicle impoundment lot as accessory uses in the IN zoning district; Section 209-23(G) for a special front yard setback of two hundred feet (200') from the Ultimate Right-of-Way of U.S. Business Route 1; Section 209-34(E) to allow an accessory use and a loading area in front yard and to allow off street parking, fence, police impound yard, pole barn and geothermal well field within Lincoln Circle front yard area; Section 209-37(A) to allow for the proposed barbed wire fencing around the police impound yard and dog training area; Section 209-42(G) to allow twenty-four foot (24') driveways for two-way traffic where adjacent parking spaces are at ninety degrees, instead of the twenty-five foot (25') minimum required; Section 209-42(H)(9) to allow less than the required parking spaces of six spaces for each 1,000 square feet of gross floor area or fraction thereof; and Section 209-21(E) and Table 4 to allow the pole barn within the front yard setback from Lincoln Circle.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 4 and Township Ex. 1 (proof of ¼ mile neighbor notification).

Noah Marlier, Esquire presents the application. He states that there is a slight change in the last variance request and indicates that the proper section is Sec . 209-20.1(E) not Sec. 209-21(E). He represents that both code sections are extremely similar and both lead back to Table 4 which is the substance of where the variance request comes from. Therefore, there is no change in the variance we are requesting nor what has been provided to the residents regarding notice or what's been published.

Atty. Bidlingmaier states that he agrees with Atty. Marlier and he is satisfied with the notice given to residents.

Tom Bennett, Chief Code Enforcement Officer and Zoning Officer Falls Township, in response to Atty. Marlier's questions, testifies to his qualifications, the parcel information, zoning designation changes within the Township and verifies the tax parcel no., address, ownership and that the property is zoned Institutional. Mr. Bennett also testifies that the use is permitted within the Institutional zoning district.

Peter Gray, Township Manager of Falls Township, in response to Atty. Marlier's questions, testifies to his experience and his duties and responsibilities. Some of the reasons why a new Township building are necessary is because the current building has plumbing and electrical issues, roofing and leaking issues, HVAC units are failing, safety issues with unloading of prisoners in the salleyport, and the ineffective layout of the building. Things are fixed as they fail, but it is only a band aid. Because of the combination of all of these things, (the age of the building and the problems associated with it) a new building is necessary.

The new building will have three floors – the first floor will be strictly for the police department with an enclosed salleyport, bigger locker rooms for the officers and jail cells. The next floor will have the main entranceways for the administration and police departments, with some additional space for tenants. The third floor will have the administration portion of the Township (Fire, Code Enforcement, Finance and Parks & Rec). The Township meeting room will be on that floor. There will be elevators for both the public and employees.

The proposed cost for the new building is approximately \$18 million.

Chairman Henderson questions why there are two pole storage buildings.

Mr. Gray responds one is existing and one is new.

Member Powers asks what will happen to the tenants currently in this building.

Mr. Gray states that we do have three tenants at the moment. They are welcomed to come with us.

Member Powers asks if the current building will be demolished.

Mr. Gray states yes the current building will be demolished. Once the new building is constructed, we will move over a weekend. Once we are settled in the new building, the old building will be demolished. My understanding is that it will take one full year to demolish the building and restore the parking and grass.

Party Status (granted by the Board)

Phil Szupka, 335 Austin Drive, Fairless Hills, PA

Mr. Szupka states that the building does need to be replaced, and asked what the height requirements are for the building.

Mr. Bennett responds that it is 50 ft.

Mr. Szupka says that when the Township moved to its current location, no variance was requested when the salt dome was erected in 1996, 1997. In fact, the salt dome was not erected where the plans indicated. Other improvements were made to the property, and two swales were covered up. When it rains heavily, our backyards flood. Nothing has ever been done about that. I see on the new plans there is a detention basin. My biggest concern is that everything that gets approved according to the plans stays that way. The salt dome is 25 ft. away from where the original plans said it was going to be. I don't want to see something like that happening again.

In addition, my concerns are the height of the building, the lights in the parking areas, and remediation of the old building during demolition (asbestos). Another concern is if anyone is going to do soil samples because there were originally nine oil tanks in the ground. I can only find records of six of them being removed.

Again, he states that he is not against the project – it is something we have to do to keep our Township moving forward.

Public Comment on Mr. Gray's testimony

Alice Whitecraf lives directly behind the Township building. When the Township started to take over this building, they tore the fence down along the back thinking it belonged to the Township when it belonged to the residents. The Township compensated us by putting up a new fence; however, the fence is falling down now. I'm directly behind the pole barn and it does get noisy because they are using the air tools and the back-up beeping of the trucks. I hear the vehicles filling up with gasoline. How is this going to change for the residents?

Mr. Gray states that we will continue to have the pole barn in operation. There will be a new public works building in the back as well. You probably will hear similar sounds going forward.

Ms. Whitecraf also wanted to know if the new building is moving over, what will be in place of the old building.

Mr. Gray states it will be a parking lot with some areas that will be grass. There will be a detention basin towards the front as well.

Ms. Whitecraf asks if the basin will help with the flooding in their backyards.

Mr. Gray states that it will help immensely with the flooding.

Mr. Gray, at Atty. Marlier's questioning, continues his testimony by stating that the access from Lincoln Circle will be by swipe cards, that there will be an impound yard secured with cameras and lights, and that the salleyport will have barbed wiring and also will be a secure area.

Christopher Fazio, P.E. (Remington, Vernick & Beach Engineers), in response to questions posed by Atty. Marlier, testifies as to his qualifications as an expert, describes the design of the new building and the accessory structures, and addresses stormwater issues specifically mentioned by Mr. Szupka. He also explains the variances requested.

Sec. 209-20.1(C) – regarding accessory structures

There is an existing, non-conformity use currently at the site. There is a variety of equipment storage at the site presently and that would continue in the new facility (includes dump trucks, large trucks, snow plows, police vehicles and some fire vehicles). The vehicle impoundment area is the need for the relief. These are all existing uses now – we are asking for them to be carried over for the new building. These are all necessary for a municipal complex and that is the reason for the hardship.

Sec. 209-23(G) – regarding front yard setbacks

The Township code has a 200 ft. front yard setback off of U.S. Rte. 1. This would apply to the stormwater detention basin and the structures and appurtenances as well as a portion of the building. We need this variance to have those things work so that the site functions properly. It is carrying over a non-conforming use as the Township building is currently within the 200 ft. front yard setback.

Sec. 209-34(E) – regarding accessory uses in the front yard

We'd like to put in off street parking, fence the police impoundment yard, install a pole barn and a geothermal well. A geothermal well is a type of air conditioning system where you drill into the ground, air is extracted from the ground and that is the air which is used for cooling and heating. It is an energy efficient way of air conditioning a building.

Sec. 209-37(A) – regarding barbed wire fencing

We need to provide a barbed wire fence to provide for public safety for both the police impound yard and the dog training area.

Sec. 209-42 (G) – regarding off street parking

The code requires that you have a 25 ft. wide drive aisle for cars in the parking lot. We are asking to go with 24 ft. and 22 ft. for one-way. By having that extra foot of impervious is simply going to add more stormwater and take away from the positive benefit that the detention basin will have. It also meets PennDOT regulations.

Sec. 209-42(H)(9) – regarding parking requirements

A site of this size would require 349 parking spaces, based on the parking calculations in the code. The current site has 214 spaces. We are actually proposing 228 spaces. This is a common variance given; we will never use 349 parking spaces at this site. This is also an existing non-conformity as the current site does not comply.

Sec. 209-20.1(E) & Table 4 – regarding pole barn in front yard setback from Lincoln Circle

This is for a future pole barn; it is not going to be constructed immediately. We don't know what will be stored there, but we wanted it on the plans for future use.

In response to Member Powers question regarding the height of the building, Mr. Fazio states that in his expert opinion a three story building such as the one before the Board tonight would not exceed the allowable height.

Mr. Szupka asks if all three stories of the building are above ground, or is one below ground.

Mr. Fazio says that's an answer for the project architect. They are not here because all of the variances were related to the site.

Mr. Szupka states that in previous redevelopment of the site, they paved over two swales and a creek. Also, the townhouses being built (Mercer Court) have drainage into a retention basin. Your calculations have water which will run down onto asphalt that is behind the houses. Hopefully, this redevelopment of the property is not going to make the situation worse.

No more Board comments.

No more public comments.

Member Powers makes a motion that the application of the Township of Falls to construct a new municipal building for dimensional variances from Sec. 209-20.1(C) to allow equipment storage and a vehicle impoundment lot as accessory uses in the IN zoning district; Sec. 209-23(G) for a special front yard setback of 200 ft. from the ultimate right of way of U.S. Business Rte. 1; Sec. 209-34(E) to allow an accessory use and a loading area in the front yard and to allow off street parking, fence police impound yard, pole barn and geothermal well field within Lincoln Circle front yard area; Sec. 209-37(A) to allow for the proposed barbed wire fencing around the police impound yard and dog training area; Sec. 209-42(G) to allow 24 linear feet driveway for two-way traffic where adjacent parking spaces are at 90 degrees instead of 25 linear feet required; Sec. 209-42(H)(9) to allow less than the required parking spaces of six spaces for each 1,000 sq. ft. of gross floor area or a fraction thereof; and Sec. 209-20.1(E) and Table 4 to allow the pole barn within the front yard setback from Lincoln Circle of the Falls Township Zoning Ordinance be GRANTED at the property located at 188 Lincoln Highway, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Hearing adjourned 8:45 p.m.