

**FALLS TOWNSHIP  
ZONING HEARING BOARD MEETING  
JULY 9, 2013**

Meeting commenced: 7:00 p.m.                      Meeting adjourned: 9:15 p.m.

Members present:        Henderson, Molle, Powers

Members absent:        D. Miles, T. Miles

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

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**Petition #1: Luiz Fernando Nickel, 39 Tulip Lane, Levittown, PA 19054; TMP #13-023-087, Zoned NCR. Requesting a dimensional variance to construct a 20' x 22' detached garage and a 10' x 14' addition. Section 209-20 and Table 1.**

Atty. Sander marks exhibits ZHB 1 – 7.

Atty. Sander frames a motion to GRANT the variance with stipulations.

Member Molle makes a motion to grant.

No one seconds the motion – therefore, that motion dies.

Member Henderson makes a motion to deny the petition.

Member Power seconds the motion.

**DENIED 2-1, Molle dissenting.**

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**Petition #2: Wayne and June Yamamoto, 52 E. Trenton Avenue, Fallsington, PA 19054; TMP #13-032-014, Zoned NCR. Requesting a use variance to operate a business and have an apartment in the NCR zoning district. Section 209-20.**

Atty. Sander marks Exhibits ZHB 1 – 5,

Atty. Sander marks applicant's exhibits A-1, and A-2.

Atty. Sander frames a motion that the application of Wayne and June Yamamoto for use variances from Sec. 209-20 of the Falls Township Zoning Ordinance be GRANTED to allow (a) an internet based business to operate in an approximately 1100 square foot portion of the first floor and approximately 1450 square foot portion of the second floor of the property located at 52 E. Trenton Avenue, Fallsington, PA 19054 (the "Property"); and (b) a residential use to operate in an approximately 550 square foot portion of the first floor of the property all as

depicted on the plans and photographs submitted with the application. This approval is granted subject to the following conditions:

- 1) All goods involved in the internet-based business shall be stored indoors. There shall be no outdoor storage or sale of goods nor any retail sale of goods whatsoever.
- 2) There shall be no hazardous, corrosive or flammable goods stored, kept or located at any time on the Property, nor shall there be any illegal goods stored, kept or located on the Property at any time.
- 3) There shall be no business vehicles parked at the property overnight, nor shall there be more than 4 total vehicles parked at the property at any given time.
- 4) The hours of operation of the internet-based business shall be from 9:00 a.m. to 5:00 p.m. seven days per week. All pick ups and deliveries shall be limited to the hours of 9:00 a.m. to 5:00 p.m. from Mondays through Fridays only. There shall be no pick-up or delivery of goods on the weekends.
- 5) The residential use shall be limited to either invited guests or relatives only, pursuant to the Applicants' letter to the ZHB dated June 17, 2013. No lease shall be offered or entered into for the use of the residential portion of the Property, nor shall any rent be charged for the use of the residential portion of the Property.
- 6) If and when an internet-based business for which this approval is granted ceases to occur, then the right to use any portion of the Property for any residential use that is not permitted by the then-applicable Falls Township Zoning Ordinances shall simultaneously cease and expire.
- 7) There shall be no expansion of the footprint of the building on the Property nor expansion of the area of the Property devoted to the business.
- 8) There shall be a maximum of 3 employees.
- 9) The applicant shall connect the Property to the public sewer system according to Township regulations.
- 10) There shall be no manufacturing of goods on the Property.

Member Powers makes a motion to approve.

Member Molle seconds the motion.

**APPROVED 2-1, Henderson dissenting.**

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**Meeting adjourned 9:15 p.m.**