

**FALLS TOWNSHIP
ZONING HEARING BOARD
JUNE 10, 2014**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:16 p.m.

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

Members absent: None

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

Petition #1: Daniel Kearney, 290 Yardley Avenue, Fallsington, PA 19054; TMP #13-032-046; Zoned NCR/VPB. Use variance to permit overnight parking of oil trucks at the property. Section 209-42.F.(2).

Atty. Cowan represents the applicant.

Atty. Sander marks ZHB Exhibits 1-7.

Atty. Cowan states the applicant is seeking permission to have three oil trucks parked overnight at the rear of the property behind the garage which is 150 ft. from the road and, therefore, the trucks would not be visible. The only person who might be impacted by this is the next door neighbor, Julie Shirley at 280 Yardley Avenue, who is here tonight in support of Mr. Kearney's application.

Atty. Cowan submits Exhibits P 1-3.

Julie Shirley gets sworn in and testifies that she has no objection to the application.

Mr. Kearney gets sworn in and testifies that he purchased the property in October 2013, and that he is seeking permission to park his oil trucks overnight on the property. There would be no traffic or customers coming to the property. There will be an office as shown on the plans with only one employee. Currently, the trucks are parked on a lot he rents on Mill Creek Parkway (the old lumber shed).

No public comment.

Atty. Sander frames a motion to APPROVE the application of Daniel Kearney for a variance from Section 209-42.F(2) of the Falls Township Zoning Ordinance to allow the overnight parking of no more than three oil delivery trucks whose registered gross weight is equal to or greater than 14,000 pounds each to occur on the parking at 290 Yardley Avenue, Fallsington, PA as depicted on the plans and supporting information submitted with the application. The approval is granted subject to the following conditions: (1) that all trucks shall be parked behind the fence and garage located on the property as depicted on Exhibit P1; and (2) that there shall be no customers or other business conducted on the property.

Member Powers makes motion to approve.

Member Miles seconds the motion.

All in favor 3-2, Molle and Brooks dissenting.

Petition #2: Youth Services Agency, 164 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-004-096; Zoned: HC. Use variance to permit a youth counseling office. Section 209-23.

Atty. Laboski represents the applicant.

Atty. Sander marks ZHB Exhibits 1 – 14.

Atty. Sander grants party status to GPNJ Associates per letter marked as ZHB Exhibit 7.

Atty. Laboski submits Exhibits A1 – A5.

Howard Cohen is sworn in and testifies that he is one of the members of 164 Oxford LLC and is authorized to speak for and bind the company in this matter. He testifies that other properties owned by them have had the same type of business, that he has found them to be excellent tenants, and that there is little to no adverse impact on the surrounding tenants and properties.

No Board questions.

Alisa Winsett is sworn in and testifies that she is the Program Director for Youth Services Agency and is authorized to speak on their behalf. She gives testimony about the program, its uses, hours of operation, etc. She also agrees to the conditions laid out in ZHB Exhibit 8 (itemized below).

Board has some questions.

No public comment.

Atty. Sander frames a motion to APPROVE the application of Youth Services Agency for a use variance from Section 209-23.B of the Falls Township Zoning Ordinance to allow offices for counseling of youths to operate at 164 Lincoln Highway, Fairless Hills, PA, as depicted on the plans and supporting information submitted with the application and subject to the following conditions:

- (1) the age of the individuals being counseled at the property shall not exceed 18 years of age. The parties acknowledge that in rare circumstances, as a result of Penna. law governing the supervision of juveniles, there may be a client over the age of 18, but not over 21 years of age;
- (2) the approval of applicant's use shall be confined to suites 203 and 204, which is approximately 1,850 square feet; the total onsite employees shall not exceed 7.
- (3) counseling shall only be performed from 9:30 a.m. to 7:30 p.m. on Monday through Friday. However, the site may be occupied by employees and staff outside said counseling hours to allow for counselors and other staff to perform related office duties. No counseling shall be performed on weekends or national holidays. No more than 10 counseling sessions per day shall occur. No overnight activities.
- (4) any changes to these conditions by Youth Services Agency, including an increase in the space used for such use, shall require Zoning Hearing Board approval as a change or modification of such conditions. Any change to the use by another party shall require a new variance.
- (5) the space shall have an inside waiting room with magazines, computers and a TV for the youth to use while waiting for their counseling session or waiting to be picked up. No waiting outside, no outdoor recreational improvements or activities, no outdoor benches.

(6) no overnight vehicles, except the passenger van. The van shall be parked in the rear lot directly behind the office building to the north side of the building at a location selected and approved by the owner.

(7) parents, family members, caseworkers or others picking up youths may not idle their vehicles while waiting. Applicant shall maintain strict no smoking policy and enforce such policy outside of the building with respect to the employees and youths appearing at the subject property.

(8) youths shall be under constant supervision by a case worker, probation officer or other responsible adult when on the subject property.

(9) owner shall maintain existing trees, shrubs and other landscape materials that currently exist and border the adjacent parcels.

(10) owner shall not install additional outdoor lighting on the subject property.

Member Molle makes the motion to approve.

Member Powers seconds the motion.

All in favor 5-0.

Petition #3: 38 (Three) Cabot Blvd., L.P., 38 Cabot Blvd. E, Langhorne, PA 19047; TMP #13-003-008-006; Zoned PIP. Dimensional variances to construct a building addition which encroaches into the front yard setback and is over the allowable maximum impervious surface coverage. Section 209-28.F.

Atty. Fox represents the applicant.

Atty. Sander marks ZHB Exhibits 1 – 8.

Witnesses are sworn in. Anthony Tabasso (managing member of 38 Cabot), Donald Rife (land surveyor with Pickering Corts & Summerson), Richard Walker (architect)

Atty. Fox states the applicant is asking to reduce the front yard setback from 50 feet to 20 feet to accommodate an addition to the building due to the unique shape of the property and the curvature of Cabot Blvd. as outlined in the hardship letter. There is no other place on the property that this building addition would fit. The addition will enable the applicant to supply and support up to 200 or more significant technical manufacturing jobs that are expected to pay at least \$50,000 or more per year at all levels from management to manufacturing. Regarding the impervious surface coverage, the applicant is asking to increase the impervious coverage to 78% instead of the 70% allowed. Part of that is driven by the building addition to the front and also an increase to the parking, so that the parking would comply with ordinance requirements. Currently, the parking does not comply.

No Board questions. No public comment.

Atty. Sander frames a motion to APPROVE the application of 38 (Three) Cabot Blvd., LP, for variances from Sections 209-28.F and Table 5 of the Falls Township Zoning Ordinance to allow a building addition to be erected on the property at 38 Cabot Blvd. East, Langhorne, PA which encroaches no more than 30 feet into the minimum front yard setback of 50 feet, leaving a front yard setback of 20 feet, and which exceeds the allowable maximum impervious coverage of 70% by no more than 8%, allowing for a maximum 78% impervious coverage, as depicted on the plans submitted with the application.

Member Powers makes motion to approve.

Member Miles seconds the motion.

All in favor 5-0.

Hearing adjourned 8:16 p.m.