

**FALLS TOWNSHIP
ZONING HEARING BOARD
FEBRUARY 9, 2016**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:40 p.m.

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

Members absent: None

Also present: Thomas Bennett, Zoning Officer/ CCEO; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, Esquire, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition #1: Falls Industrial Park, LC, 221-B Lower Morrisville Road, Fallsington, PA 19054; TMP #13-032-084; Zoned PIP. Requesting a use variance to allow the parking of armored vehicles within a building in the PIP District. Section 209-28.

Keith Bidlingmaier, Esquire explains that this matter was heard on January 12, 2016, where a hearing was conducted and testimony presented. The matter was listed for tonight for the Board to take action on the application since no vote was taken in January.

Atty. Bidlingmaier marks ZHB Exhibits 8A, 9A, 10A, 11A, and 12A.

Member Henderson makes a motion that the testimony from the January 12, 2016 hearing pertaining to this application should be put into the record for tonight's hearing.

Member Molle seconds the motion.

All in favor 5-0. Testimony from January 12, 2016 hearing incorporated into this hearing.

No public comment.

Member Powers makes a motion that the application of Falls Industrial Park, LLC for a variance from Section 209-28 of the Falls Township Zoning Ordinance be GRANTED to allow the property located at 221-B Lower Morrisville Road, Fallsington, PA 19054, to be utilized as an armored car transfer station as depicted on the plan and in accordance with the testimony presented to this Board and in accordance with the terms outlined in the correspondence dated September 11, 2015 from Pete McGrath to Peter Gray which will become conditions of this approval.

No second – motion fails.

Member Molle makes a motion that the application of Falls Industrial Park, LLC (1) seeking an interpretation for parking armored vehicles within a building within the PIP District, and (2) seeking a variance from Section 209-28 of the Falls Township Zoning Ordinance is DENIED, thus upholding the decision of the Falls Township Zoning Officer.

Member Henderson seconds the motion.

**All in favor 3-1, Powers dissenting, Brooks abstaining (not present for Jan. hearing).
Application is denied.**

Petition 2: Edward Ball, 168 Rice Drive, Morrisville, PA 19067; TMP #13-054-207-001; Zoned: NCR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C(3).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10.

Edward Ball presents the application. He would like to put a fence on the side of his corner lot because he has children and dogs and because there also has been some damage to his house (windows). He would like to have privacy as well.

Member Molle asks if the fence would be in the sight triangle.

Mr. Neubauer states it is not in the sight triangle.

No other Board questions.

No public comment.

Member Brooks makes that the application of Edward Ball for a variance from Section 209-37.C(3) of the Falls Township Zoning Ordinance be GRANTED to allow the erection of a 6 ft. privacy fence in the secondary front yard of the property located at 168 Rice Drive, Morrisville, PA 19067 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.

Petition #3: John DiBenedetto (Extra Space Storage), 915 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-022-004; Zoned: HC. Requesting a dimensional variance to erect a fence in the front yard. Section 209-23.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and A-1 (proof of neighbor notification), A-2 through A-4.

John DiBenedetto presents the application. He is the architect for Extra Space Storage. I am here to request a dimensional variance for the setback distance for a fence so it can be installed in the front yard. We fear that the existing condition of an open retention basin in the front yard creates a safety hazard. The new office building sits 55 feet back from the property line. There is a new L-shaped retention basin, approximately 20 ft. wide and 140 ft. long, which goes from the front and wraps around the west side on the side yard. It is approximately 5 to 6 feet deep. Our concern is public access to this retention basin.

The 40 ft. setback requirement for a new fence would place it in the middle of the retention basin. We propose to erect a 4 ft. high, black aluminum picket fence along the top berm in front of the basin, 14 ft. 2 inches back from the curb line to protect the public from entering the retention basin.

Member Powers asks if the fence is being attached to the fence between properties.

Mr. DiBenedetto states yes, it will tie into the existing fence on one side and go to the building on the other side.

No public comment.

Member Miles makes a motion that the application of John DiBenedetto for a variance from Section 209-23 of the Falls Township Zoning Ordinance be GRANTED for a dimensional variance to erect a 4 ft. aluminum picket fence in the front yard that will be placed 14 ft. 2 inches from the curb line to the property located at 915 Lincoln Highway, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Powers seconds the motion.

All in favor 5-0.

Petition #4: ARD Pennsbury, L.P., 223-229 Plaza Boulevard, Morrisville, PA 19067; TMP #13-028-028-001; Zoned SC. Requesting a dimensional variance to allow a height of free-standing sign at 27 ft. 4 inches and a special exception for square footage of 149.875 SF. Section 209-45.I(2)(d)(i)[A] and Section 209-45.I(2)(d)(i)[B].

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6, and A-1 (proof of neighbor notification).

Thomas Hecker, Esquire, introduces his first witness and questions him.

Todd Dratch gets sworn in. Mr. Dratch states ARD Pennsbury is the owner and redeveloper of the Pennsbury Plaza shopping center. We have owned the shopping center for about a year and a half. It was in poor condition when we acquired it, Sears Hardware was moving out and we were in need of an anchor tenant. Planet Fitness is now there. We have undertaken considerable repairs to the shopping center. Planet Fitness alone has spent one million dollars and we are approaching that mark shortly. The odd part about the shopping center is that a portion of it lies in Morrisville Borough and a portion of it in Falls Township.

The application tonight is for the freestanding sign which we consider essential for the redevelopment of the shopping center. The existing sign is from the seventies and it doesn't have room for any additional tenants. It will be placed in the same location as the existing sign.

Member Miles asks if a Highway Occupancy Permit will be required since this is on a state road.

Atty. Hecker states no, he doesn't believe so. Normally, you don't need the HOP for signage. In this case, the sign has been there a long time. We will confirm this with PennDot to make sure. If necessary, we will obtain one.

No public comment.

Member Powers makes a motion that the application of ARD Pennsbury, L.P., for a variance from Section 209-45.I(2)[d][i][A] and Section 209-45.I(2)[d][i][B] of the Falls Township Zoning Ordinance be GRANTED to allow height of a free-standing sign of 27 ft. 4 inches and a special exception for the square footage of 149.875 sq. ft. at the property located 223-229 Plaza Blvd., Morrisville, PA 19067 as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. This approval is conditioned on PennDot approval, if that approval is necessary.

Member Molle seconds the motion.

All in favor 5-0.

Hearing adjourned 7:40 p.m.