

**FALLS TOWNSHIP
ZONING HEARING BOARD
JUNE 13, 2017**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:35 p.m.

Members present: Scott D’Oria, Colin Henderson, Bill Kiernan, Dan Miles, Doug Molle

Members absent: Al Brooks

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

Petition #1: Richard Pazer, 76 Martha Drive, Fallsington, PA 19054; TMP #13-036-063; Zoned: LMR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C(3).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Richard Pazer presents the application and states he’d like to place the fence on the Martha Circle side of his property to ensure the safety of his children.

Board Questions

Member D’Orio asks if he would consider a split rail fence or a chain link fence.

Mr. Pazer says no, he’d like to match the existing white PVC that he currently has.

Member Miles asks if the current fence is in the secondary front yard.

Mr. Pazer says yes, that he received a zoning variance in 2007 to place the fence where it is now, but wants to extend the fence further out than what the 2007 variance allowed.

No further Board comments.

No public comments.

Member Henderson makes a motion that the application of Richard Pazer for a dimensional variance from Section 209-37.C(3) of Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard at the property located at 76 Martha Drive, Fallsington, PA 19054, 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 4-1, D’Oria dissenting. Motion carries.

Petition #2: Jodi Riemenschneider, 235 Collingswood Road, Fairless Hills, PA 19030; TMP #13-016-020; Zoned: NCR. Requesting dimensional variances to construct a garage which encroaches into the rear and side yard setbacks, which does not meet the minimum distances between buildings, which is over the

allowable building coverage and which is over the allowable maximum impervious coverage. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Jodi Riemenschneider presents the application and states that they want to refurbish an existing garage. Our house sits differently on the property than most on our street, so in order to meet the setbacks it would put the garage in the middle of the back yard.

Charles Riemenschneider states that the site plan reflects current impervious coverage – we are not adding anything new.

Board Questions

Member Kiernan asks if they are going to refurbish or replace.

Mr. Riemenschneider states we have a picture of a metal building we would like to use.

Member Kiernan asks if they would be willing to continue this petition until July 2017 in order for the property to be cleaned up first.

Mr. Riemenschneider states that in order to clean up the property, I need the garage. As far as the lawnmowers, etc., I can have that stuff gone. As far as my business equipment, I have a business license to operate out of my house. I've had a license for 15 years in Falls Township.

Member Henderson asks what is the size of the existing structure?

Mr. Riemenschneider states its 28' by 25'.

Member Henderson states that you want to take down the existing structure, re-do the foundation and then erect the metal building – so you are not adding any more impervious.

Mrs. Riemenschneider states that is correct.

Member Molle asks if there is a reason why the stuff in the backyard isn't in the garage now.

Mr. Riemenschneider states the garage is full – there are five Harley motorcycles in there.

Member Molle asks if you're going to put the stuff in the backyard into the new garage too?

Mr. Riemenschneider states that a lot of the stuff in the yard will be gone. Some of it is business stuff (picks and ladders). The rest of it will be gone before I start construction, if that is what you want.

Discussion occurs about the shape of the existing garage and the shape of the new structure.

Mr. Bennett states that it appears that the existing garage is an "L" shape and the new structure will be rectangular shape.

Member Kiernan asks if the C Box (trailer) in the front of the house is going to be removed.

Mr. Riemenschneider states yes, once the garage is built. The stuff from the garage is going in the C Box.

Member Kiernan states that he understands that you have tools, but he would like to see the property cleaned up to the Township's standards, before you start building.

Mr. Bennett states that you are not supposed to have any construction equipment for a business in a residential area. It is not permitted. You are allowed to operate your business – have checks mailed there, etc. – but you are not allowed to have your equipment stored in a residential area.

Mr. Riemenschneider asks what about the gas station at the corner. I have the same business license as them.

Mr. Bennett states no you do not. You have a business license called a no-impact, home based business. A no-impact, home based business does not disrupt traffic, does not store equipment, and does not take away from the natural environment of a residential neighborhood.

Mr. Riemenschneider states that he was unaware of that, has been operating at this location for the last 15 years as a business, and thought his business license was the same as any other business in Falls Township.

No public comment.

Chairman Miles states (after a brief off-the-record discussion), we are going to continue this matter to the July 11, 2017 hearing. You had indicated that you would be willing to clean up the property. At the July 11th hearing, we can re-evaluate the petition on the condition some improvement be made to the appearance of the property.

Member Kiernan makes a motion that we continue this matter until the July 11, 2017 hearing on the condition that the property is cleaned up.

Member Molle seconds the motion.

All in favor 5-0. Motion carries. Petition continued until the July 11, 2017 hearing.

Petition #3: Morrisville Commons, LP, 550 W. Trenton Avenue, Morrisville, PA 19067; TMP #13-028-028; Zoned: HC. Special Exception to allow a maximum free-standing sign area of 150 sq. ft. Section 209-45.I(2)(d)[2][d][i][A].

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

Thomas Hecker, Esquire, presents the application. This is an application for a Special Exception under the ordinance that allows an applicant to increase square footage of a freestanding sign with permission from the Zoning Hearing Board a maximum of 100 sq. feet to 150 sq. feet. Eric Britz, P.E. will also testify as to specifics. Atty. Hecker hands out a packet marked as Exhibit A-2.

Eric Britz, P.E., Bohler Engineering is sworn in. He testifies as to his credentials, that all approvals are in place for the redevelopment of this property, and describes the property with two frontages (W. Trenton Ave and Pine Grove Rd), having access on both frontages. The sign is a monument type, pylon with three tenants on it, stands at 25 ft. tall, 150 sq. ft. total for the 3 panels, constructed with brick on the sides, and has internal illumination. The signs will be positioned in such a way as to create little to no disturbance to the residential neighborhood.

Board Questions

Member Molle asks if all three tenant signs will be lit up or just the Wawa sign.

Mr. Britz states all three signs will have the internal illumination.

Member Henderson states that there will not be any signs at the corner of W. Trenton Ave, and Pine Grove Rd.– correct? So it will be just two signs.

Mr. Britz states that is correct.

Atty. Hecker states that they could not add an additional sign to the property without needing variance relief from this Board.

No public comment.

Member Molle makes a motion that the application of Morrisville Commons, LP, requesting a Special Exception from Sections 209-45.I(2)(d)[2][d][i][A] of Falls Township Zoning Ordinance to be GRANTED to allow a maximum free-standing sign area of 150 sq. ft. at the property located at 550 W. Trenton Avenue, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds the motion.

All in favor 4-1, Henderson dissenting. Motion carries.

Petition #4: DriveTime Car Sales Company, LLC, 1381 S. Pennsylvania Avenue, Morrisville, PA 19067; TMP #13-047-083-001; Zoned: RD-2. Requesting dimensional variances for the following: Section 209-32.4.H.(4) to permit 75% impervious coverage in lieu of the maximum permitted 70%; Section 209-32.4.K.(2) from providing a pedestrian/bicycle path along the property frontage; Section 209-32.K.(7).(a) from requiring sidewalks to be installed along the property frontage; Section 209-32.K.(7).(c) from requiring lighting to be installed along the property frontage; Section 209-32.4(M)(6) from the requirement to provide a traffic impact study; and Section 209-42.(D) from the requirement that off-street parking and loading areas be surrounded by a perimeter of curbing.

Atty. Bidlingmaier marks ZHB Exhibit 1 – 5 and Exhibit A-1 (proof of neighbor notification).

Kellie McGowan, Esquire, represents the applicant and calls Ryan Rickles from DriveTime as her first witness.

Ryan Rickles gets sworn in and in response to Atty. McGowan's questions states that DriveTime is the nation's 4th largest used car sale company in the nation. This is not a retail site; we will be preparing cars prior to their distribution to car retailers. Minor repairs are done to the cars. Cars will be delivered on semi-truck trailers, approximately 15-20 daily, cars are unloaded and the semi-truck leaves. There is an existing building suitable for our use after some renovations.

Discussion occurs about trucks loading and unloading after hours, backing up on the street, how long it takes to load and unload a trailer, turnover of cars on the lot and where and how they are stored.

Anthony Capnigro, P.E., (Kimley-Horn) gets sworn in. In response to Atty. McGowan's questions, Mr. Capnigro testifies as to his credentials as a civil engineer for this project, describes the property in specific detail and the reasons for the variances requested. A packet of pictures are marked as an Exhibit and Mr. Capnigro gives details of those pictures.

Al Federico, P.E., (Kimley-Horn) gets sworn in. In response to Atty. McGowan's questions, Mr. Federico testifies as to his credentials as a traffic engineer for this project. He testifies that he did an evaluation of the potential traffic generation on this site compared to the previous use (trip generation statement is marked as an Exhibit). Comparing the previous manufacturing use and industrial use, they would generate the same amount of traffic.

Board Questions

Member Kiernan asks about the parking and if 80 spaces will be enough (yes- not a zoning issue), if there will be junk cars (no – obtained from auctions in good working order), trucks backing up on road (driveway can support up to 5 semi-trucks).

Member D’Oria asks about stormwater management being increased (yes), how long they intend to stay (indefinite) and why they are leaving Delanco, NJ (competition).

No public comment.

Member Henderson makes a motion that the application of DriveTime Car Sales Co, LLL for dimensional variances for the following be GRANTED: Section 209-32.4.H.(4) to permit 75% impervious coverage in lieu of the maximum permitted 70%; Section 209-32.4.K.(2) from providing a pedestrian/bicycle path along the property frontage; Section 209-32.K.(7).(a) from requiring sidewalks to be installed along the property frontage; Section 209-32.K.(7).(c) from requiring lighting to be installed along the property frontage; Section 209-32.4(M)(6) from the requirement to provide a traffic impact study; and Section 209-42.(D) from the requirement that off-street parking and loading areas be surrounded by a perimeter of curbing, located at 1381 S. Pennsylvania Avenue, 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. Motion carries.

Hearing adjourned 8:35 p.m.