

**FALLS TOWNSHIP
ZONING HEARING BOARD
NOVEMBER 14, 2017**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:50 p.m.

Members present: Brooks, D’Oria, Henderson, Miles, and Molle

Members absent: None

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

Petition #4: Norman Marrazzo, 364 W. Trenton Avenue, Morrisville, PA 19067; TMP #13-035-005, #13-035-038 and #13-035-039; Zoned: NC. Requesting the following variances: (1) to allow a use for the lease area of contractor garage and outside storage (Section 209-22.B); (2) to allow outside storage as an accessory use within the lease area (Section 209-22.C); (3) to allow a front yard less than 70 ft. in the lease area, to allow a side yard less than 15 ft. in the lease area, to allow a lot depth of less than 125 ft. in the lease area, to not require a 25 ft. buffer along the rear property line in the lease area, to allow a lease area of less than 20,000 sq. ft. (Section 209-22.E and Table 4); (4) to allow outside storage of equipment (Section 209-22.F.(3)); (5) to allow areas within the lease area to not be landscaped (Section 209-22.F(5)); and (6) to not require asphalt paving within the storage area (Section 209-42.D).

Chairman Miles states the Board received a letter from James Prokopiak, Esquire, stating he has a conflict with tonight’s hearing and asking the Board to continue this matter until the December hearing.

Chairman Miles makes a motion to continue this matter until the December 12, 2017.

All in favor 5-0. Matter continued until December 12, 2017.

Petition #1: Theresa McKeown and Carl Newton, Fairless Hills, PA 19030; TMP #13-017-228; Zoned: NCR. Requesting a dimensional variance to erect an accessory structure on said lot where there is no main building. Section 209-34.B.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Theresa McKeown presents the application. When we purchased the property at 15 Oak Lane, we were under the impression it was a double lot, not that it was two separate lots. When we applied for the permit for a detached garage, that is when we discovered that we have two separate lots. We would like to get a variance to place this structure on the vacant lot three feet from the property line. If we try and put the detached garage on the parcel with the house, it will be too crowded with no yard space.

Board questions regard the reasons why the adjoining lot is one and they have two separate parcels (houses were built in the 20s), will the house at 15 Oak Lane be your principal residence (yes), and use of the garage and will there be a driveway to the garage (no driveway and just storage – no business).

No public comment.

Member Molle makes a motion that the application of Theresa McKeown and Carl Newton for a dimensional variance from Section 209-34.B of Falls Township Zoning Ordinance be GRANTED to erect an accessory structure on said lot where there is no main building at the property located at 15 Oak Lane Avenue, Fairless Hills, PA 19030 as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Henderson seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Forman Sign Company, 1279 Bristol Pike, Morrisville, PA 19067; TMP #13-047-042; Zoned: NC. Requesting dimensional variances to erect a freestanding sign which is over the allowable maximum height above grade for a freestanding sign (Section 209-45.I(2)(c)[2][d][i][B]) and which encroaches into the 25 ft. setback from all property edges (Section 209-45.I(2)(c)[2][a]).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and Applicant A-1 (proof of neighbor notification).

Timothy Olsen presents the application. We are looking to add a 6' x 16' pylon sign which would be 21 ft. overall height so that it can be seen in both directions. We are also asking that we move from the 25 ft. setback to a 20 ft. setback, so that we can get closer to the road for visibility.

Board questions regard the placement of the sign (possibly closer to the parking lot), the overall size of the sign (pretty large), the reason for such a large sign (because the store is setback from the street), the adjoining parcel (it's a house), and any other signs (possibly a façade sign).

No public comment.

Member Henderson makes a motion that the application of the Forman Sign Company for a dimensional variance from Sections 209-45.I(2)(c)[2][d][i][B] and 209-45.I(2)(c)[2][a] of the Falls Township Zoning Ordinance be GRANTED to erect a freestanding sign which is over the allowable maximum height above grade for a freestanding sign which encroaches into the 25 foot setback from all property edges at the property located at 1279 Bristol Pike, 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 4-1 (Brooks dissenting). Motion carries.

Petition #3: Paul Burns, 218 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-007-006; Zoned: HC. Requesting a modification of a special exception granted on March 11, 2014 which imposed a limitation of seventeen (17) cars for sale at any one time. Section 209-23.C.(6).

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

Frank Dillon, Esquire, presents the application. Paul Burns owns the property. He purchased it from Jim McCoy of Superior Motor Services which was used for towing and repairs and had limited sales to 17 vehicles as a result of a prior Zoning Hearing Board decision. Mr. Burns is proposing to consolidate his operation into this site and conduct the sale of used cars with detailing and repairs. However, since there is a restriction of 17 vehicles to be sold at any one time, he would like to have that restriction removed.

Board questions regard number of vehicles at one time (varies – could be 50 to 100), location of customer parking (unsure at the moment), and clarification on the application.

No public comment.

Member Henderson makes a motion that the application of Paul Burns from Section 209-23.C.(6) of the Falls Township Zoning Ordinance be GRANTED for a modification to remove the limitation of 17 vehicles for sale

at any one time as imposed with the previous special exception granted March 11, 2014, at the property located at 218 Lincoln Highway, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. All other variances and special exceptions to sell vehicles shall remain in effect.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #5: Shades of Green, Inc., Intersection of Post Road and Royal Avenue, Morrisville, PA 19067; TMP #13-047-081-001; Zoned: HI. Requesting dimensional variances to construct a 22,500 sq. ft. warehouse and offices, specifically: (1) to permit a front yard setback of 92 ft. in lieu of the required 100 ft. and a side yard setback of 27 ft. in lieu of the required 30 ft. (Section 209-29.F and Table 5); (2) to permit parking or loading 11 ft. from any street line in lieu of the 30 ft. required and 5 ft. from any lot line in lieu of the 12 ft. required (Section 209-29.G(1)); (3) to allow a maximum of three access points along the lot frontage on Royal Avenue in lieu of the two access points required (Section 209-42.E); (4) to permit an accessory structure / parking lot in the front yard (Section 209-34.D and 209-34.E); and (5) to not require a 50 ft. buffer (Section 209-38.1.F(1)).

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

Frank Dillon, Esquire, presents the application. He asks Michael DiNardo to give a brief history.

Michael DiNardo states that they provide landscape and tree care services to commercial, residential and some municipal clients. We do provide snow removal services in the winter. We would like to construct a warehouse and offices at this location to operate my business. This property is located at the dead end of Post Road, formerly StressCon and Old Castle.

Mark Havers, P.E., continues. This property is at the corner of Post Road and Royal Ave. Royal Avenue is a right of way, but it is non-improved street, so it's not physically open. The property is about two and a half acres, triangular in shape. We would like to build a 22,500 sq. ft warehouse and office building. It would have three access points coming off of Royal Avenue which would be improved up to the property (only two access points are allowed by the ordinance). There are various garage doors – to access those garage doors, there will be driveways coming into the various locations. One would also service the parking lot as well as the rear of the building.

Atty. Dillon states that we are also seeking a variance to permit a parking lot in the front yard.

Mr. Havers says yes – the parking lot is considered an accessory structure and accessory structures are not permitted in the front yards.

Atty. Dillon states that we are also seeking to permit a front yard of 92 feet in lieu of 100 feet required and we are also seeking a side / rear yard setback of 27' in lieu of the 30 ft. required (Mr. Havers shows Board on the plan).

Atty. Dillon states that the parking will be 5 ft. from the lot line in lieu of the 12 ft. required and to permit parking or loading 11 ft. from any street line in lieu of the 30 ft. required (Mr. Havers shows Board on the plan).

Atty. Dillon states that we are seeking a variance not to require a 50 ft. buffer (Mr. Havers agrees).

Board questions regard existing condition of the lot (vacant – no structures) and unusual shape of the lot (triangular).

Public Comment

James Lyman asks about the gate leading into the junkyard, if that would be another access point.

Mr. Havers responds that they would improve that area to make it better access for the junkyard.

Jim Stinson, 11 Royal Ave, expresses his concern with the section of Royal Avenue where his house is located. He wanted to make sure that the applicant was not planning on going further than the plans indicate.

Mr. DiNardo states that he has no intention of making improvements passed his property. If the Township wants to open that road up, there is nothing neither of us can control.

No further public comment.

Member Henderson makes a motion that the application of Shades of Green, Inc. for dimensional variances from Section 209-42.F, Table 5, Section 209-29.G.(1), Section 209-42.E, Section 209-34.D, Section 209-34.E, and Section 209-38.1.F(1) of the Falls Township Zoning Ordinance be GRANTED to construct a 22,500 sq. ft. warehouse and offices, specifically (1) to permit a front yard setback of 92 ft. in lieu of the required 100 ft. and a side yard setback of 27 ft. in lieu of the required 30 ft.; (2) to permit parking or loading 11 ft. from any street line in lieu of the 30 ft. required and the 5 ft. required from any lot line in lieu of 12 ft. required; (3) to allow a maximum of three access points along the lot frontage along Royal Avenue in lieu of the two access points required; (4) to permit an accessory structure parking lot in the front yard; and (5) to not require a 50 ft. buffer at the property located the intersection of Post Road and Royal Avenue, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board tonight.

Member Brooks seconds the motion.

All in favor 5-0. Motion carries.

Hearing adjourned 7:50 p.m.