

**FALLS TOWNSHIP
ZONING HEARING BOARD
DECEMBER 12, 2017**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:55 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 #5: Arsen Drobakha, 1497 Old Bristol Pike, Morrisville, PA 19067; TMP #13-040-056; Zoned: MHC. Use variance to permit used car sales. Section 209-18.

Chairman Miles states that this applicant submitted a letter asking for a continuance of this matter until the January 9, 2018 hearing.

Member Molle makes a motion to continue this application until the January 9, 2018 hearing.

Member D’Oria seconds the motion.

All in favor 5-0. Motion carries --- application is continued until the January 9, 2018 hearing.

Petition #1: Denis Mercurie, 625 Warwick Road, Fairless Hills, PA 19030; TMP #13-018-090; Zoned: NCR. Dimensional variance to erect fence in secondary front yard. Section 209-37.(C)(3).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Denis Mercurie presents the application stating that the privacy fence will replace the 4 ft. chain link fence around the property, shows pictures of neighbor’s fences whose properties are corner lots and states that the fence will not be detrimental to the neighborhood.

Board question dealt with sight triangle (not in the sight triangle).

No public comment.

Member Henderson makes a motion that the application of Denis Mercurie for a dimensional variance from Section 209-37.C(3) of the Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard at the property located at 625 Warwick Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the application.

All in favor 5-0. Motion carries.

Petition #2: Jesse Velez, 61 Pleasant Lane, Levittown, PA 19054; TMP #13-042-037; Zoned: NCR. Dimensional variance to erect a shed which encroaches into the minimum distance between buildings. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Jesse Velez presents the application by stating that he didn't know he needed a permit. He placed the shed on the side on his house and when he did submit a permit was denied because the shed wasn't 15 ft. from the house. He thinks the location of the shed is the best possible spot for it considering his lot size. His neighbors agree.

Board questions center on the placement of the shed (no real spot to put it and meet the 15 ft. requirement), types of material stored in the shed (no flammables), and use of a public storage facility (not feasible for easy access to bikes, etc.)

No public comment.

Member Henderson makes a motion that the application of Jesse Velez for dimensional variances from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to erect a shed which encroaches into the minimum distance between buildings at the property located at 61 Pleasant Lane, Levittown, 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 #3: CONT'D FROM NOV. 14TH HEARING: 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).

Atty. Bidlingmaier marks ZHB Exhibit 1 – 5 and Applicant Exhibits A-1 (proof of neighbor notification) and A-2 through A-8.

James Prokopiak, Esquire presents the application. He introduces two witnesses, Glenn Marrazzo (son of applicant) and Nelson Varughese, (owner of Traffic Solution Services -- the engineer who developed the site plan). Atty. Prokopiak shows pictures of the site, pointing out the existing building, the garages (originally used for storage for the Marrazzo business and the shopping center). This application is to allow them to lease this area as a landscaping business. This petition only deals with garage bay 6 – the remaining area will still be used by Marrazzo. A young landscaper came to Mr. Marrazzo and was looking to rent space. Mr. Marrazzo didn't have much space, but did say that he has a garage bay available with some space. It's in keeping with what the property has always been used for.

There will be no improvements to the property, there will be no changes to the property, the current impervious surface will remain as is, and there will be no changes to the business in any way. This application is to allow them to park his vehicles outside and store some materials outside on the pavement. It will be used as a garage and to store the equipment outside. There will be no noise generated.

The main variance here is to allow outside storage as an accessory use within the lease area. The equipment in question is a front end loader and his actual landscaping truck. There might be some occasional storage of mulch.

The other variances deal with dimensional variances regarding the size of the property with regard to the lease area.

Glenn Marrazzo stipulates to the synopsis provided by Atty. Prokopiak. The Board questions to Mr. Marrazzo center on signage for the landscape business (there won't be any because this isn't a retail store like the rest of the shopping center), any trash or refuse being stored (no), hours of operation (seasonal), and truck flow through the shopping center (away from the day care center).

Nelson Varughese stipulates to the synopsis provided by Atty. Prokopiak. No Board questions for Mr. Varughese.

Atty. Prokopiak details each Applicant exhibit and gives his closing statement.

Public Comment

Timothy Glenn, 233 W. Ferry Road, Lower Makefield Township states he has no objection with the landscaping business. However, he expresses concern about the wooded area and drainage ditch at the rear of his property and would hope that there would be no changes made to the Marrazzo property that would adversely impact that area. He also asks for no further encroachment into the rear yard setback than what currently exists. In addition, he expresses concern about the two trailers currently on the property which are in disrepair.

No additional public comment.

Member Henderson makes a motion that the application of Norman Marrazzo for the following variances from Sections 209-22.B, 209-22.C, 209-22.E and Table 4, 209-22.F(3), 209-22.F(5) and 209-42.D of the Falls Township Zoning Ordinances be GRANTED to: (1) allow a use for the lease area of contractor garage and outside storage; (2) to allow outside storage as an accessory use within the lease area; (3) to allow a front yard less than 70 ft. in the lease area, to allow a side yard less than 25 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, and to allow a lease area of less than 20,000 sq. ft; (4) to allow outside storage of equipment; (5) to allow areas within the lease area to not be landscaped; and (6) to not require asphalt paving within the storage area at the property located at 364 W. Trenton Avenue, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony to the Zoning Hearing with the stipulation that they will not further encroach upon the 25 ft. buffer along the rear of the property line.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #4: Emilios Paraskevakis, 8621 New Falls Road, Levittown, PA 19054; TMP #13-018-003-006; Zoned: NC. Dimensional variances to install a canopy sign. Section 209-45.E.(d), Section 209-45.F.(18), and Section 209-45.I.(2)[d][ii][A].

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

Francis Dillon, Esquire, presents the application. We are seeking variances to install a canopy sign across the exterior wall which is consistent with the current Rita's Water Ice canopy and Dunkin' Donuts canopy signs as are shown in the exhibits presented.

No Board questions.

No public comment.

Member Henderson makes a motion that the application of Emilios Paraskevakis for dimensional variances from Sections 209-45.E(d), 209-45.F(18) and 209-45.I[d][ii][A] of the Falls Township Zoning Ordinance be GRANTED to install a canopy sign at the property located at 8621 New Falls Road, Levittown, 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 5-0. Motion carries.

Hearing adjourned 7:55 p.m.