

**FALLS TOWNSHIP
ZONING HEARING BOARD
OCTOBER 8, 2019**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:15 p.m.

Members present: Al Brooks, Scott D’Oria, Bill Kiernan, Dan Miles, Doug Molle

Members absent: None

Also present: Ed Neubauer, Code Enforcement Officer; Joseph Jones, Township Engineer; Keith Bidlingmaier, ZHB Solicitor; Edward McKenna, Court Stenographer

Petition #1: Stacy Stewart, 115 Bald Cypress Lane, Levittown, PA 19054; TMP #13-022-257; Zoned: NCR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C(2).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Stacy Stewart presents the application and states that she obtained the permit for the shed, but the Township Engineer’s letter stated that they could not put the shed in such a position as to affect the runoff of water. Where we originally wanted to place the shed is right where our yard is slanted toward the back of our yard and that would disrupt the water flow. Therefore, we placed the shed in the front corner instead of the back corner to avoid that problem.

Member Molle asks about the sight triangle.

Mr. Neubauer responds that it is not in the sight triangle.

No other Board questions.

No public comments.

Member Brooks makes a motion that the application of Stacy Stewart requesting a dimensional variance from Sections 209-20.F and 209-34.E of the Falls Township Zoning Ordinance be GRANTED to erect a shed in the secondary front yard at the property located at 115 Bald Cypress Lane, Levittown, PA 19054, 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 5-0. Motion carries.

Petition #2: Kimberly Niedrist, 335 North Park Drive, Levittown, PA 19054; TMP #13-027-357; Zoned: NCR. Requesting a dimensional variance to construct an addition which encroaches into the side yard setback. Section 209-20.F.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Kimberly Niedrist presents the application and states that we have three children and have run out of space. We are trying to put all the bedrooms upstairs and add more bathrooms. When we submitted the permit, we were informed the addition would encroach 16 inches into the side yard setback and therefore, we would need a zoning variance.

Member Kiernan asks if the applicant is aware that she would have to comply with any Township inspection for any drainage issues.

Ms. Niedrist says no she was not aware of that.

Mr. Jones clarifies that his letter cautions the applicant that the construction of the improvements cannot cause an adverse drainage condition on the adjacent property. The contractor would need to ensure that the runoff would go into your backyard or to the street, but not to your neighbor's property.

No other Board questions.

No public comment.

Member D'Oria makes a motion that the application of Kimberly Niedrist requesting a dimensional variance from Section 209-20.F of the Falls Township Zoning Ordinance be GRANTED to construct an addition which encroaches into the side yard setback at the property located at 335 North Park Drive, 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.

Petition #3: Robert Kent, 1444 S. Pennsylvania Avenue, Morrisville, PA 19067; TMP #13-048-047; Zoned: RD-1. Requesting a use variance to allow a towing and recovery business. Section 209-32.4.C(1).

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

Robert Kent presents the application and states that we currently operate a tree service at this location. We want to park our tow trucks there as well. Our operation hours are from 7:00 a.m to 7:00 p.m., Monday through Friday, sometimes Saturday.

Member D'Oria asks if any other vehicles besides operational vehicles for your business would be going onto the site.

Mr. Kent states that we did apply for a Falls Township duty tow, so if we get approved there will be cars in the back.

Member D'Oria says he means cars that don't run and would be stored there for a long period of time.

Mr. Kent says no, if we do get duty tow, those cars will be going in and out. Nothing will be stored there.

Member Kiernan expresses his concern that the property will not turn into a junkyard.

Mr. Kent assures him it will not.

Chairman Miles asks what type of impact this use (your tree business and the towing business) would have on the surrounding neighborhood.

Mr. Kent states that there would be no impact at all.

No public comments.

Member Brooks makes a motion that the application of Robert Kent requesting a use variance from Section 209-32.4.C(1) of the Falls Township Zoning Ordinances be GRANTED to allow a towing and recovery business at

the property located at 1444 S. Pennsylvania Avenue, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

All in favor 5-0. Motion carries.

Extension Request – Shades of Green, Post Road and Royal Avenue, Morrisville; TMP #13-047-081-001

Chairman Miles states that the Board has received a letter from Michael DiNardo asking for a continuance of the zoning variances that were granted on November 15, 2017 for the future Post Road lot project.

Member Brooks makes a motion that the extension request is GRANTED.

Member Kiernan seconds the motion.

All in favor 5-0. Motion carries.

Hearing adjourned 7:15 p.m.