

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

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:05 p.m.

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

Members absent: None

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

REORGANIZATION OF THE BOARD

Chairman:	Daniel Miles
Vice Chairman:	Al Brooks
Secretary:	Scott D’Oria
Solicitor:	Keith J. Bidlingmaier, Esquire
Court Reporter:	Karen Browndorf
Date / Time of Meetings:	2 nd Tuesday of Month at 7:00 p.m.

Petition #1: Laura Simpson, 64 Eventide Lane, Levittown, PA 19054; TMP #13-021-016; Zoned: NCR. Requesting a use variance to allow two micropigs to remain on the property. Section 209-20.I.

Atty. Bidlingmaier states that this matter was heard last month; however, there was a neighbor not notified of the hearing. As a result of the improper neighbor notification, the applicant was sent a letter outlining that it was a Township mistake and the matter would have to be re-listed and re-heard. That is why we are back to hear this petition.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and Applicant Exhibits A-1 and A-2.

Laura Simpson states that they obtained the pigs shortly after they moved in and have had them for over two years. They are emotional support animals used for the children and are considered pets by all of us. They are about the size of Old English Bulldogs. They spend time inside and outside of the house. We built the outside enclosure last summer.

Jessica Elfvin states that she has taken them into the community, and they walk on a leash. They are harnessed trained. They are active participants in doing activities with the Girl Scouts in obtaining badges. We have spoken to the neighbors; there was a neighbor who had a concern saying that the pigs had brought rats into the neighborhood. I know that prior to the pigs being outside at all, we had rats in our yard. We are right across from the greenbelt creek area. I did contact an exterminator who is here tonight. I paid him \$424 to come out and do a treatment of both properties, just so we could keep things amicable between neighbors. I did do research on whether micropigs draw rats and the only thing I could find was that livestock pigs can bring rats because they are fed slop. Micropigs are fed a food that we purchase from a tractor supply company and there are no remnants of that food left – our pigs eat it all.

Laura Simpson states that they also have someone come out and clean up the waste product from their pigs as well as their dogs.

Sam Meola, owns a handyman company and is the owner/ manager of Buchanan Pest Control which he took over from the original owner who retired in 2015. The applicant pre-paid me for property rat and mouse baiting – it's normally \$250 per property, but I gave them a discount because they were paying for both properties (64 Eventide and 5 East Ln). The services have not been rendered yet, because I need to coordinate with both property owners about when I can put the stations out. Only I have the keys to unlock them and re-bait them and they will be fully baited when they are placed out. This area is inundated with rats because of the canal. They are not attracted to food; they are more attracted to living under garages and sheds for protection and they do like water -- the canal. My services include coming back every 3 months for a year to check the stations and re-bait when necessary.

Board Questions

Member Molle asks to see pictures of the pigs (applicant shows pictures on her phone), asks about their enclosure outside and if they stay out all night (sometimes, especially in the summer months).

Member Kiernan asks Mr. Meola what other wild life animals would be attracted to these traps.

Mr. Meola states only mice and rats – land rodents only. No squirrels, birds are attracted to the bait.

Public Comment

Jeff LaPolla, states that he is the neighbor that complained about the rats and the neighbor that was not notified of the hearing in December. We noticed larger droppings in our shed about 6 months ago and have recently caught a rat. The applicant has reached out to me recently. The living quarters for the pigs is directly against the fence we share. I am not against them having the pigs. I just want to request that the pig enclosure is moved away from the fence.

Dean Ferraro, 3 East Lane, states that he would like to request that his house receives the same treatment for the rats. I haven't noticed any, but I feel that if we eradicate the rats from the two properties, they are going to go somewhere else. My house is connected to their backyard. There are several openings in the fence that they have boarded up with plywood and skids, so maybe the fence can be repaired.

No further public comments.

Further Board comments center around the enclosure and the kennel and how far it is from the fence, the rats and whether they go to another property (no, they are dead once they take the bait), and whether the applicant could move the pig enclosure away from Mr. LaPolla's fence.

Chairman Miles, after a brief off-the record meeting with Board members, asks if the applicant can move the pig enclosure away from the fence.

Ms. Simpson says if needed there is one other location where they could place the enclosure -- against the back of the house.

Chairman Miles states if this was going to be approved, the Board would attach a condition to the approval that the enclosure would need to be moved a minimum of 4 ft. from the property line. Would you agree to that?

Ms. Simpson says yes.

Further discussion occurs about moving the pig enclosure to a different location and extermination for the two adjoining neighbors for the length of the variance. Any Board approval would apply just to the current pigs.

Member Molle makes a motion that the application of Laura Simpson for a use variance from Section 209-20.I of the Falls Township Zoning Ordinance be GRANTED to allow the two existing micropigs to remain on the property located at 64 Eventide Lane, Levittown, PA 19054, with the following conditions: that the fence enclosure as referred to in the hearing be moved within ninety (90) days of this hearing at the minimum of 4 ft. off the side and rear yard property line. In addition, the applicant agrees to have 3 and 5 East Lane properties serviced for rats for the duration of this variance.

Member Kiernan seconds the motion.

All in favor 3-2 (D’Orio and Brooks dissenting). Motion carries.

Petition #2: Patrick J. McGuire, Jr., 255 Yorkshire Road, Fairless Hills, PA 19030; TMP #13-002-354; Zoned: NCR. Requesting a dimensional variance to allow the driveway width to be greater than 20 ft. Section 209-43.1.(3).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Patrick McGuire states that at the time they acquired the permit, they were unaware of the driveway specifications that are included with the packet. It was only upon the inspection of the driveway that I was made aware of the 20 ft. width requirement of the driveway. It was emailed to me by the Township. Even though I did exceed the driveway width, I am not over the impervious coverage for the lot.

Member Molle asks how wide the original driveway was.

Mr. McGuire states that the driveway was 11 feet by 38 feet. I wanted to go five more feet in width which would have been 16 feet by 38 feet. Neither I nor the contractor measured to ensure it was 16 ft. wide.

Member D’Oria asks about the permit – the driveway was done at the time you applied?

Mr. McGuire states that they applied for a paver permit installed and subsequent to that have the driveway done, because our paving contractor said that it’s better to put the pavers in first and then do the driveway.

No further Board questions.

No public comment.

Member Molle makes a motion that the application of Patrick McGuire, Jr. for a dimensional variance from Section 209-43.1(3) of the Falls Township Zoning Ordinance be GRANTED to allow the existing driveway width to be greater than 20 ft. at the property located at 255 Yorkshire Road, Fairless Hills, PA 19030, 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.

Hearing adjourned 8:02 p.m.