

**FALLS TOWNSHIP
ZONING HEARING BOARD
JULY 14, 2020**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:10 p.m.

Members present: Alfred Brooks, Scott D’Oria, William Kiernan, Daniel Miles, Douglas Molle

Members absent: None

Also present: Matthew Takita, AIA, MCP, Township Manager/Zoning Officer; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, ZHB Solicitor; Karen Browndorf, Court Stenographer

The hearing was conducted remotely through Zoom.

Extension Request – 1294 Bristol Pike, Morrisville, PA 19067

Chris Balis gets sworn in and states that he cannot develop the property because of the sewer line issue in that part of Falls Township.

Member Kiernan asks Matthew Takita because this appeal is 13 years old, is this petition under the zoning regulations from 13 years ago or is this under the current regulations. Things change over time.

Mr. Takita states that there was one change to the zoning ordinances after 2007. As far as the approval itself, you have a mixture of a use approval as well as dimensional approvals – use variances run through the life of the property. Dimensional variances do have some shelf life, so if there is a change in dimensional requirements, they may need to comply with those current requirements. It would appear this project would require some form of land development in which case there would be a new review done for those specific requirements.

Atty. Bidlingmaier states the applicant was granted relief and if any of those sections that he was granted relief from have now changed, he would have to come back before the Board and be granted further relief.

Motion made by Member Molle to approve the one-year extension of the petition.

Second by Member Kiernan.

All in favor 5-0. Motion carries.

Petition #7: Joe O’Donnell, Old Route 13, Morrisville, PA 19067; TMP #13-040-045; Zoned: LI. Requesting the following dimensional variances to allow a stone parking and loading yard: Section 209-27.H for Off Street parking; Section 209-40 for lighting requirements; Section 209-42.D for curbing; and Section 209-42.H(22)(a) to allow a stoned parking area and yard.

Mr. Bidlingmaier states that the applicant did not properly notify neighbors and has requested an extension until August 11, 2020.

Member Molle makes a motion that the application of Joe O’Donnell is continued until August 11, 2020.

Member Kiernan seconds the motion.

All in favor 5-0. Motion carries.

Petition #1: Bill Hood, 613 Beaumont Avenue, Fairless Hills, PA 19030; TMP #13-015-097; Zoned: NCR. Requesting a dimensional variance to erect a shed which encroaches into the 10 ft. minimum distance between buildings. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Bill Hood presents the application and states there currently is a shed there with the carport in between and we'd like to knock down that shed and put in another one. We looked into putting an addition on the house, but the utilities hook ups are on that side and would need to be moved. The next door neighbor has no problem with the shed.

Discussion occurs about fire rating the side of the shed closest to the house.

No public comment.

Scott D'Oria makes a motion that the application of Bill Hood requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to erect a shed which encroaches into the 10 ft. minimum distance between buildings at the property located at 613 Beaumont Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

All in favor 4-1, Member Kiernan dissenting. Motion carries.

Petition #2: Amber Griffies, 3 Primrose Lane, Levittown, PA 19054; TMP #13-041-039; Zoned: NCR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C(2).

Atty. Bidlingmaier marks ZHB 1 – 8.

Amber Griffies presents the application and states they have children and would like to make their yard safe for them and family members. Both neighbors have pools so it provides additional privacy to them. We have received permission from Lower Bucks County Joint Municipal Authority to place the fence within their easement.

With a question from Member D'Oria, Mr. Neubauer confirms that the fence will not be in the sight triangle.

No public comment.

Member D'Oria makes a motion that the application of Amber Griffies requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard at the property located at 3 Primrose Lane, Levittown, PA 19054, as depicted on the plans and in accordance with testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: Robert Galack, 99 Rice Drive, Morrisville, PA 19067; TMP #13-029-212; Zoned: MR. Requesting a dimensional variance to construct a 3-season room which encroaches into the 15 ft. side yard setback. Section 209-14.E and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Robert Galack presents the application and states we intend to construct a 12 ft. x 24 ft. three season sunroom on an existing footed concrete pad. The far right corner encroaches into the setback.

Questions from Member D’Oria center on the footers of the pad, access to the sunroom, and additional concrete work.

No public comment.

Member Brooks makes a motion that the application of Robert Galack requesting a dimensional variance from Section 209-14.E and Table 1 of the Falls Township Zoning Ordinance be GRANTED to construct a three season room which encroaches into the 15 ft. side yard setback from the property located at 99 Rice Drive, 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.

Petition #4: Steven Mulhern, 14 Vicar Lane, Levittown, PA 19054; TMP #13-019-454; Zoned: NCR. Requesting a dimensional variance to install a pool which encroaches into the minimum distance between buildings. Section 209-46.E.

Atty. Bidlingmaier marks ZHB Exhibit 1 – 8.

Steven Mulhern presents the application and states that he’d like to receive a variance because he has to locate his pool a certain distance from the power lines which means that the pool has to be moved three feet closer to the house.

No public comment.

Member D’Oria makes a motion that the application of Steven Mulhern requesting a dimensional variance from Section 209-46.E of the Falls Township Zoning Ordinances be GRANTED to install a pool which encroaches into the minimum distance between buildings at the property located at 14 Vicar Lane, Levittown, PA 19054, as depicted in 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 #5: Michael Farris, 223 Brentwood Drive, Fairless Hills, PA 19030; TMP #13-016-440; Zoned: NCR. Requesting dimensional variances to erect a detached garage which encroaches into the side and rear yard setbacks and which exceeds the allowable maximum surface coverage. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Michael Farris presents the application and states he wants to remove the current shed and put in a bigger shed to allow storage of his ATVs as well as provide a work space for his daughter’s woodworking and crafting.

Questions from Member D’Oria center on impervious coverage and water runoff.

No public comment.

Member Brooks makes a motion that the application of Michael Farris requesting dimensional variances from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinance be GRANTED to erect a detached garage which encroaches into the side yard and rear yard setbacks and which exceeds the allowable maximum impervious surface coverage at the property located at 223 Brentwood Drive, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony to the Zoning Hearing Board.

Member Molle seconds the motion,

All in favor 5-0. Motion carries.

Petition #6: USS Real Estate, Energy Drive, Keystone Industrial Port Complex, Fairless Hills, PA 19030; TMP #13-051-001; Zoned: MPM. Requesting dimensional variances to permit a front yard setback of 30 feet where a 100 ft. setback is required (Section 209-30.D) and to permit accessory structures to be located within the front yard setback (Section 209-34.E).

Kellie McGowan, Esquire, states there will be two witnesses – James Austin (Empire Sunshine Fiber) and Wayne Keifer, P.E. (Showalter and Associates). All get sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and Applicant’s Exhibit A-1, A-2 (proof of neighbor notification).

Atty. McGowan gives a brief description of the property and use of the property. The variances requested are necessitated by two features which are unique to this property. First, the property is bordered on three sides by private roads (Energy Dr, Middle Dr., and South Port Rd.) so it has three front yards. If it was a typical lot, some of the front yard would be side yards and the proposed structures would meet the side yard requirements. The property is burdened with significant amount of easements as well as the canal which constrains the development and requires the placement of these accessory structures where shown on the plan.

Mr. Austin testifies and describes the project and the business (to process recovered waste paper into market pulp).

Mr. Keifer testifies and describes the site and the issues with the many easements, high tension lines, and canal (approximately 50% of the site is encumbered by these) as well as the three road frontages.

No Board questions.

No public comment.

Atty. McGowan gives brief closing statement.

Member Scott D’Oria makes a motion that the application of USS Real Estate requesting dimensional variances from Section 209-30.D and 209-34.E of the Falls Township Zoning Ordinances be GRANTED to permit a front yard setback of 30 ft. where 100 ft. setback is required (Section 209-30.D) and to permit accessory structures to be located within the front yard setback (Section 209-34.E) at the property located at Energy Drive, Keystone Industrial Port Complex, 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 motion.

All in favor 5-0. Motion carries.

Hearing adjourned 8:10 p.m.