

**FALLS TOWNSHIP
ZONING HEARING BOARD
JULY 12, 2022**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:50 p.m.

Members present: Alfred Brooks, Aaron Mackey (alt), Dan Miles, Doug Molle, Lolain Striluk

Members absent: William Kiernan

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

Oak Village at New Falls Road, LLC, 9175 New Falls Road, Levittown, PA 19054; TMP #13-020-168; Zoned: NC. Requesting the following variances to construct a multi-family residential development with parking: Section 209-22.B -- a use variance to allow a multi-family dwelling within a neighborhood commercial district; and Section 209-22.D – to permit a building and/or structure height in excess of 25 feet which is the maximum permitted in the neighborhood commercial district.

Chairman Miles states while this application was continued from the June 14, 2022 hearing, it did not appear on the agenda because the applicant requested a continuance to contact the neighbors in the area for an informational meeting. Therefore, it was not put on the agenda for this evening.

Keith Bidlingmaier, Esq., asks the email requesting the continuance be put into the record.

Member Brooks makes a motion to continue this petition until the August 9, 2022 hearing.

Member Molle seconds the motion.

All in favor 5-0. Motion carries. Petition continued until August 9, 2022.

Petition #4: Rimple Patel, 155 Liberty Drive, Langhorne, PA 19047; TMP #13-004-891; Zoned: HR-TH. Requesting a dimensional variance to erect a deck which will exceed the allowable building coverage of 1,089 sq. ft. Section 209-16.1.B and Table 2A.

Chairman Miles states the Board has received a letter from the applicant withdrawing this petition. No further action is required.

Petition #6: Robert J. Liebel, (CONT'D FROM 6/14/22 HEARING) M-Y Lane, Morrisville, PA 19067; TMP #13-028-075; Zoned: LI. Requesting a use variance to allow the storage of scrap tires. Sections 209-27.D(1)(d), 209-34.F, and 209-43.I.

Chairman Miles states this applicant has requested a continuance until the August 9, 2022 hearing. Attorney George Kotsopoulos' letter requesting the continuance and waiving the MPC time frames is read into the record.

Member Brooks makes a motion to continue this application until the August 9, 2022 hearing.

Member Molle seconds the motion.

All in favor 5-0. Motion carries. Petition is continued until August 9, 2022 hearing.

Petition #1: James and Helen Pfeifle, 214 S. Olds Boulevard, Fairless Hills, PA 19030; TMP #13-002-278; Zoned: NCR. Requesting a dimensional variance to erect an addition which has a side yard setback of 6.4 feet which is less than the required 10 ft. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

James Pfeifle presents the petition and states the house currently has two bedrooms. He has family which lives far (Germany, Arizona, New Jersey, Erie, PA). We like to have two bedrooms available for family members, one for the adults and one for the children. The idea is to build an addition; however, it does not meet the current side yard setback requirement.

Member Mackey asks about the existing fence. Property owner says fence will be coming down.

No public comment.

Member Mackey makes a motion the application of James and Helen Pfeifle requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinance be GRANTED to erect an addition with a side yard setback of 6.4 ft. which is less than the required 10 ft. at the property located at 214 S. Olds Blvd., Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Striluk seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Brian and Peggy Bogarde, 223 Vernon Road, Morrisville, PA 19067; TMP #13-030-215; Zoned: NCR. Requesting a dimensional variance to erect a shed which has a rear yard setback of 18 inches which is less than the required 4 ft. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Peggy Bogarde presents the petition and states the yard is not really big and we need storage. The existing shed is too small so the we'd like to put up a 10 ft. x 10 ft. shed. However, our yard is small so we'd like to place the shed 18 inches off the rear property line.

No Board comments.

No public comment.

Member Mackey makes a motion the application of Brian and Peggy Bogarde requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinance be GRANTED to erect a shed with a rear yard setback of 18 inches which is less than the required 4 ft. at the property located at 223 Vernon Road, Morrisville, PA 19067, 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 5-0. Motion carries.

Petition #3: Victor Yang, 316 Austin Drive, Fairless Hills, PA 19030; TMP #13-004-283; Zoned: NCR. Requesting a dimensional variance to erect a shed which will exceed the allowable impervious surface coverage of 2,491.6 sq. ft. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Victor Yang presents the petition and states he has a small shed now and would like to get a bigger shed to store lawn and snow removal equipment.

Member Striluk asks if the shed will be in the same location as the previous shed (yes).

Member Mackey asks Matthew Takita for clarification of his decision to deny as the numbers don't seem to be adding properly.

Mr. Takita states the impervious surface coverage is being calculated based on the deeded lot area through the County. The lot area that is shown on the impervious surface will not be the same. The deeded lot area ends up being less.

No public comment.

Member Mackey makes a motion the application of Victor Yang requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinance be GRANTED to erect a shed which will exceed the allowable impervious surface coverage of 2,491.6 sq. ft. at the property located at 316 Austin Drive, 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 5-0. Motion carries.

Petition #5: Jason and Nancy Lawson, 517 S. Olds Boulevard, Fairless Hills, PA 19030; TMP #13-015-001-004; Zoned: NCR. Requesting the following dimensional variances: Section 209-20.F – to construct an addition to permit a side yard setback of one foot when 10 feet is required: Section 209-20.F – to allow an accessory structure to be placed on the rear property line; and Section 209-20.C(1) – to permit an accessory building to be used as a private garage in excess of 500 sq. ft. of floor area and 16 ft. in height.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5.

Michael Meginniss, Esquire, presents the application and states when we were before this Board previously, the application was for a structure in the rear of the property to be used as garage / storage area and as a separate dwelling. The Board had issues with approving the two single family dwellings on one parcel in this zoning district and denied the application. The applicant has revised the original plans to reflect no separate dwelling unit within the accessory structure in the rear of the property. The applicant is proposing to add an attached in-law suite. The property owner adjacent to this addition has no problems with the revised plan. The structure to the rear which will have a 20 ft. height will store the applicant's large camper of approximately 38 ft. The camper is accessed once a year. The garage will house personal tools, so no other vehicles will be stored in the rear structure. We can also deed restrict the property.

Due to the sewer easement on the property which runs diagonally and bisects the property in the rear and the current improvements to the house (pool), the addition cannot be placed in any other location. This revised plan gets rid of the two dwellings on the same property. This plan is compliant with maximum impervious coverage.

We need dimensional variances related to the side yard setback, the rear yard setback for the garage, and for the accessory structure to be bigger than 500 sq. ft and 16 ft. of height. This is a unique property of two-thirds of an acre and sits between a commercial property and a large residential property. The neighbors in this area are supportive of this petition.

Jason Lawson testifies as to the facts above and the need for the addition (so his dad, daughter and son-in-law can all live with him). There will be no business in the accessory structure. The existing shed will be removed and demolished because this is where the addition will go.

Member Mackey seeks clarification about the deed restriction.

Member Striluk asks if the accessory garage can be moved (no because of the sewer lateral dissecting the rear yard), any water, sewer, electric (no), access to get the camper out (put a gate on the left side of property and use my property for access).

No public comment.

Matthew Takita asks because of the accessory structure being one ft off the neighbor's property and on the rear property line, will a construction easement maintenance agreement be in place (yes).

Member Brooks makes a motion the application of Jason and Nancy Lawson requesting the following dimensional variances from the following sections of the Falls Township Zoning Ordinances be GRANTED 1) to construct an addition with a side yard setback of 1 ft. when 10 ft. is required as set forth in Section 209-20.F; 2) to allow an accessory structure to be placed on the rear property line where a 4 ft. setback is otherwise required pursuant to Section 209-20.F and also to permit an accessory building to be used as a private garage in excess of 500 sq. ft. and 16 ft. in height as set forth in Section 209-20.C(1) at the property located at 517 S. Olds Boulevard, 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.

Petition #7: Retro Fitness, (CONT'D FROM 6/14/22 HEARING) 516 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-109; Zoned: SC. Requesting a dimensional variance to permit a sign area of 123.7 sq. ft. which exceeds the allowable sign area of 32 sq. ft. Section 209-45.Q(5)(b).

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

Michael Sonlin presents the petition and states Retro Fitness nationally has changed their logo. The new logo is a little bit smaller and less colorful. Our company, Effective Signs, is going through the country and updating the signage. A code that was in place which allowed 150 sq. ft. (which is what is existing) no longer exists in this zoning district. We are proposing a sign of 123.7 which is 18 percent less than the current signage.

No Board comments.

No public comment.

Member Molle makes a motion the application of Retro Fitness requesting a dimensional variance from Section 209-45.Q(5)(b) of Falls Township Zoning Ordinances be GRANTED to permit the sign area of 123.7 sq. ft. which exceeds the allowable sign area of 32 sq. ft. at the property located at 516 Lincoln Highway, 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 5-0. Motion carries.

Petition #8: Raymour & Flanigan, 130 Enterprise Avenue, Morrisville, PA 19067; TMP #13-047-166-008; Zoned: HI. Requesting a dimensional variance to permit a 6 ft. fence within the front yard. Section 209-37.C.

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

Michael Marinis, P.E. presents the application and states Morrisville CSC is owned by Raymour & Flanigan. They purchased the warehouse about a year and a half ago for materials storage and distribution. The reason for the need for the fence is that within a few days after they purchased the property they incurred about \$25,000 in theft losses and there was another theft a few days after the first one. The proposed fence is for security purposes. It will be placed only along the site frontage where the access driveways are. There is a similar security fence directly across the street and a few other properties within the area.

Member Brooks asks if it's in the sight triangle (no).

No public comment.

Member Molle makes a motion the application of Raymour & Flanigan requesting a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinances be GRANTED to permit a 6 ft. fence within the front yard of the property located at 130 Enterprise Avenue, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Striluk seconds the motion.

All in favor 5-0. Motion carries.

Hearing adjourned at 7:50 p.m.