

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
JANUARY 14, 2025**

Hearing commenced: 7:00 p.m. Hearing adjourned: 7:55 p.m.

Members present: William Kiernan, Aaron Mackey, Robert McTague, Nastasha Raisley

Members absent: None

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

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**REORGANIZATION OF THE BOARD**

Chairman:	Robert McTague
Vice Chairman:	Aaron Mackey
Secretary:	Nastasha Raisley
Solicitor:	Keith J. Bidlingmaier, Esquire
Court Reporter:	Karen Browndorf
Date / Time of Meetings:	2 <sup>nd</sup> Tuesday of Month at 7:00 p.m.

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CONSIDERATION TO SETTLE A LAND USE APPEAL -- Brzezinski vs. Falls Township Zoning Hearing Board, 654 Lincoln Highway, Fairless Hills, PA 19030, TMP #13-017-231, Docket 2024-02549 (proposed plans available at the Township offices for review)

Atty. Bidlingmaier states the applicant took an appeal to the Bucks County Court of Commons Pleas of the original Board's decision on February 13, 2024. Through various meetings, the applicant submitted plans to the Township and this Board, which plans have been available for review at the Township offices for the last two weeks. This matter regarding the revised plans are now before this Board for settling this land use appeal.

Public Comment

*Frank Bray*, 17 Oak Lane, states there was no neighbor notification of this settlement, was unaware there were new plans, thinks the plans show garages so it would still be three stories, parking still is not adequate, and they should adhere to the township's ordinances.

Atty. Bidlingmaier clarifies it is a two-story structure and the request is still there for a reduction in parking. There are also variances requested for building lot and proximity to Lincoln Highway and also to Trenton Road. The main change in the plans is a reduction to two stories (instead of three) and the paper street. There is no longer a paper street. Since that street was not developed within 21 years of it being proposed, it is no longer considered a paper street. What happens is the residents who back up to the former paper street and also whoever owns 654 Lincoln Highway, they then become owners of the paper street. It is split down the middle. So to recap -- they have reduced the height down to two stories, they have agreed to construct a fence along the Oak Lane properties, and they have agreed to minimize light pollution.

Atty. Bidlingmaier continues and states there has only been one appeal. Since this was not a new application and also since there was no party status requested from any of the applications, there was no legal requirement to notify the neighbors again.

*Toni Battiste*, 218 Gloucester Rd, states the information about the garages was posted by her on What's Up in Falls Township with her suggesting underground garages be built, and questioned why 50 ft. was needed for two stories. She also questioned the need for postal services and that one-bedroom apartments would have multiple occupants which would increase parking.

Matthew Takita, zoning officer, says the plans show the maximum height allowable is 50 ft. in a Highway Commercial zoning district. What they are proposing is probably less than 50 ft. The height determination is from ground to the ridge of the building. They may not reach 50 ft. When asked what the height requirement was for residential, he responded 30 ft. The review is based on the zoning of the property.

*Theresa McKeown*, 15 Oak Lane, clarifies there are no garages, and questions how the division of the paper road between applicant and residents would work. She also stated the applicant wanted changes to setbacks and buffer zones and did not want to plant vegetation to accommodate the height of the building. She also expressed concern that the building would negatively impact the privacy of the residents. She suggested storage units would be a better option than the proposed building.

*Nicholas Tucci*, 981 Trenton Road, expresses concern about losing part of his driveway which is on the paper road. He suggests a dog park for the parcel.

*Dennis Askey*, 21 Oak Lane, expresses concern about privacy, security cameras, light pollution and the height of the buildings and plantings.

No Board comments.

Member Kiernan names a motion to settle the Land Use appeal of Brian Brzezinski vs. Falls Township Zoning Hearing Board, 654 Lincoln Highway, Fairless Hills, PA 19030, Docket No. 2024-02549.

Member Raisley seconds the motion.

**All in favor 5-0. Motion carries.**

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**Petition #1: Scott & Susan Polmounter, 70 Evergreen Lane, Levittown, PA 19054; TMP #13-026-507; Zoned: NCR. Requesting a dimensional variance for a proposed addition which has a front yard setback of 19 ft. from Elderberry Drive which is less than the required 25 ft. Section 209-20.F and Table 1.**

Scott Polmounter gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Mr. Polmounter states they are looking to put a room on the side of the house for his wife's mother who will be 93. She currently lives by herself. We want to add an addition for her to move in so we can take care of her.

Member Mackey asks if the addition will be behind the fence (yes).

No public comment.

Member Mackey makes a motion the application of Scott and Susan Polmounter requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow a proposed addition which has a front yard setback of 19 ft. from Elderberry Drive which is less than the required setback at the property located at 70 Evergreen 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.**

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**Petition #2: Gina Fuscellaro, 201 Chelsea Road, Fairless Hills, PA 19030; TMP #13-004-247; Zoned: NCR. Requesting a dimensional variance for a second story addition which has a front yard setback of 18 ft. 6 inches which is less than the required 25 ft. from Andover Road. Section 209-20.F and Table 1.**

Gina Fuscellaro gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Ms. Fuscellaro states she has been handicapped for quite some time with her husband as her caretaker. They made the house handicap accessible years ago. However, her husband has died. She needs assistance now from her daughter and son-in-law. By adding a second story addition, it will allow for her daughter, son-in-law and their six children to move in and take care of her and the house.

Member Macky confirms no further setback than what is currently there now (yes)

Member Kiernan confirms you are going up over the house, not the rear porch (yes).

Member Mackey makes a motion the application of Gina Fuscellaro requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to permit a second story addition which has a front yard setback of 18 ft. 6 inches which is less than the required 25 ft. from Andover Road at the property located at 201 Chelsea Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kilmer seconds the motion.

**All in favor 5-0. Motion carries.**

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**Petition #3: Forman Sign Company, 543 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-013-018; Zoned: HC. Requesting a dimensional variance for a digital display sign which shall not exceed 30% of the allowable area of a freestanding sign. Section 209-45.F(6)(a)[5](d)[3][a].**

Thomas Hudson, CEO of Good Stuff Thrift, gets sworn in. Harold China (Forman Sign Company) gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibit 1 – 6 and Applicant Exhibit A1 /A2 (proof of neighbor notification)

Mr. Hudson states the sign we are proposing is not any bigger than the sign allowed. It is only the LED board that is in question. We need more space on the board to allow for posting jobs and announcing sales so people can read it while they are driving past the location.

Chairman McTague asks if there is a run time for the LED display?

Mr. Chin responds there is a run time – whatever the Township requires is what we do.

Member Mackey expresses concern about the busy intersection and limiting distractions to drivers by having flashy signs.

Mr. Chin responds the ads would only be related to Good Stuff Thrift (like sales and job openings). This is a modern version of a reader board.

Mr. Takita clarifies the ordinance does have very specific requirements for messaging and how it should transition, the intensity of the lighting and any animation.

Chairman McTague confirms there will be no advertising other than for Good Stuff Thrift (yes).

No public comment.

Member Mackey makes a motion the application of Forman Sign Company requesting a dimensional variance from Section 209-45.F(6)(a)[5](d)[3][a] of the Falls Township Zoning Ordinances be GRANTED to permit a digital display sign which shall not exceed 30% of the allowable area of a freestanding sign at the property located at 543 Lincoln Highway, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds.

**All in favor 5=0. Motion carries.**

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**7:55 p.m. Hearing adjourned**