

**FALLS TOWNSHIP
ZONING HEARING BOARD
JUNE 14, 2016**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:40 p.m.

Members present: Brooks, D’Oria, Miles

Members absent: Henderson, Molle, Powers

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

Petition #3: Peruzzi Family Limited Partnership, 140 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-004-092 and #13-004-092-001; Zoned: HC. Requesting a dimensional variance for a proposed expansion which is over the allowable maximum impervious coverage. Section 209-23(G).

Atty. Bidlingmaier reads into the record a letter dated June 14, 2016 from Edward Murphy, Esquire (attorney for Peruzzi) requesting a continuance until the July 12, 2016 hearing due to lack of notification to the neighbors within the quarter mile radius.

Member Brooks makes a motion for a continuance to be granted.

Member D’Oria seconds the motion.

All in favor 3-0. Motion carries.

Petition #1: David Kemmerer, 15 Poplar Lane, Levittown, PA 19054; TMP #13-041-105; Zoned: NCR. Requesting a dimensional variance for a shed which encroaches into the minimum distance of 15 ft. between buildings. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Mr. Kemmerer presents the application. He purchased 15 Poplar Lane in January of this year as is from an estate. The property had a shed. According to the neighbors, the shed has been there since the 1980s. The shed is not movable – it is attached to a concrete slab. There is no permit for the shed. When I applied for the permit, it was denied because it is 12’6” from the house to the shed (instead of the required 15’). I have removed all the shrubs and trees so if there was a fire it would not transfer easily from one to the other.

Member D’Oria asks if you intend to have the shed permitted and inspected for electric.

Mr. Kemmerer states that there was illegal electric to the shed, but he has it disconnected. He has no plans to put electric in the shed – it is only going to be used for storage.

Mr. Miles asks Mr. Bennett if there are other inspections for sheds other than zoning.

Mr. Bennett replies that a shed of this size is only a zoning permit. All we do is a final inspection to make sure the shed is placed in accordance with the site plan submitted with the permit.

No public comment.

Member Brooks makes a motion that the application of David Kemmerer for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow for a shed which encroaches into the minimum distance of 15 ft. between buildings at the property located at 15 Poplar Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member D'Oria seconds the motion.

All in favor 3-0. Motion carries.

Petition #2: Mary Ann and Richard Johnson, 98 Main Street, Fallsington, PA 19054; TMP #13-020-263; Zoned: HD. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Mr. Johnson presents the application. He states that there is an existing fence that is old and ready to fall over. We are asking to replace the fence in the same location.

Member D'Oria asks how tall is the current fence.

Mr. Johnson replies it is 6 ft. tall.

Member Brooks asks Mr. Bennett about the sight triangle.

Mr. Bennett states that a sight triangle is measured 12 ft. up the driveway from the edge of the road. You must be able to see a distance of 100 feet in either direction or to the intersection at the end of the street.

Member Brooks asks if the existing fence is in the sight triangle.

Mr. Bennett states yes, the existing fence is in the sight triangle.

Member Brooks asks how far back the fence would need to be moved to be out of the sight triangle.

Mr. Bennett states 12 ft. from the edge of the road. It is currently 8 ft. back, so it would need to be moved another 4 ft. back.

Mr. Johnson states that we've already lost 8 ft. If we go back another 4 ft., there is a garden there and a pergola in the back that would have to be moved.

Mrs. Johnson states that our neighbor on LaCrosse Street has a horseshoe driveway. He actually wrote a letter stating that the fence does not obstruct his view in any way. We also have a picture (Ex. A-1).

Mr. Bennett states that you have a stone driveway next to where the fence is going. It would obstruct that view. The horseshoe driveway of your neighbor on LaCross, I understand. But the stone driveway when you're backing out, a solid fence would obstruct your view of traffic coming down the street.

Discussion occurs regarding the different types of fence (picket, chain link, split rail).

Mr. Brooks asks if there is an alternative to a solid wood fence.

Mrs. Johnson states that the problem we have is that whenever there is any school board meetings or school events, people drive all over the front yard. There is nowhere else to park on the street. A picket fence would not afford us the privacy nor would it keep people off the property.

No public comment.

Member Brooks makes a motion that the application of Mary Ann and Richard Johnson for a dimensional variance from Section 209-37 of the Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard at the property located at 98 Main Street, Fallsington, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member D’Oria seconds the motion.

All in favor 3-0. Motion carries.

Petition #4: Joseph Griffin (Five Four Bar and Grille), 8919 New Falls Road, Levittown, PA 19054; TMP #13-019-216; Zoned: NC. Requesting a use variance to allow for outdoor seating. Section 209-22.F(3).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6 and A-1 through 3 (proof of neighbor notification).

Joseph Prokpiak presents the application. We are requesting a variance to allow outdoor seating. Mr. Griffin purchased the business about three and a half years ago and spent a great deal of time and effort changing the business into more of a family style bar and restaurant as opposed to what it was before. He has worked really hard to change the clientele. As the summer months come along, the sales go down. In Falls Township, we have several bars and restaurants that have outdoor seating.

Mr. Prokpiak shows the site plan showing the 32 ft. by 32 ft. portico where the tables and chairs would be arranged. He is proposing to put in 10 or less tables. The seating area is set back closer to his establishment than the parking lot. He will place the tables in such a manner that egress to his establishment and the adjoining business would not be impeded. He will be providing outdoor service from 11:00 a.m. to 10:00 p.m. No outdoor service outside after 10:00 p.m.

Mr. Prokpiak states that Mr. Griffin’s bar competes directly with other establishments in the Township that provide outdoor seating.

Member Brooks asks why you are limiting service till 10:00 p.m.

Mr. Prokpiak states that Mr. Griffin wants to be a good neighbor. The Five Four is a non-smoking bar so there still may be people outside after 10:00 p.m. However, they will not be served outside after 10:00 p.m.

Public Comment

Robin Reside lives on Village Lane and expresses her opposition to the outdoor seating, primarily due to noise concerns.

Dave Watson expresses his desire to have non-smoking tables outside.

Member Brooks asks how they are going to “close up” the outdoor seating -- put the chairs on top of the tables to indicate no more service?

Mr. Prokpiak states yes, they will.

Member Miles asks if Mr. Griffin plans on having outdoor music.

Mr. Griffin states just background music, nothing loud. Occasionally, we might have a special event on a Saturday or Sunday afternoon, but no nighttime functions.

Mr. Prokpiak states that in no situations will there be live music or a DJ outside after 10:00 p.m.

Member D’Oria makes a motion that the application of Joseph Griffin, Five Four Bar and Grille, for a use variance from Section 209-22.F(3) of the Falls Township Zoning Ordinance be GRANTED to allow for the outdoor seating for the property located at 8919 New Falls Road, Levittown, PA 19054, as depicted on the plan and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

All in favor 3-0. Motion carries.

Petition #5: Charles Kochersperger, 203 Stanwood Road, Fairless Hills, PA 19030; TMP #13-016-455; Zoned: NCR. Requesting a dimensional variance to construct a front covered porch which is over the allowable maximum impervious coverage. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Michael Margerum presents the application. He is here on behalf of the property owner who couldn’t attend tonight due to the Tech School graduation (he is a teacher). We are here because the front covered porch that the Kocherspergers want to build puts them over the allowable maximum impervious coverage. They have raised their family here and want to expand their house by adding this porch.

Member D’Oria asks about the water – do you get standing water there now with all the big storms we have had? Has there been any issues in the neighborhood or with their property?

Mrs. Kochersperger states no.

Mr. Miles asks if the gutters could be tied into the French drain on the side of the house.

Mrs. Kochersperger states yes, that could be done.

No public comment.

Member Brooks makes a motion that the application of Charles Kochersperger for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to construct a front covered porch which is over the allowable maximum impervious coverage at the property located at 203 Stanwood Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to Zoning Hearing Board.

Member D’Oria seconds the motion.

All in favor 3-0. Motion carries.

Hearing adjourned 7:40 p.m.