

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
FEBRUARY 12, 2019**

**Hearing commenced:** 7:00 p.m.

**Hearing adjourned:** 8:08 p.m.

**Members present:** Al Brooks, Scott D’Oria, Colin Henderson (Alt), Bill Kiernan, Doug Molle

**Members absent:** Dan Miles

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

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**Petition #1: Metals USA, 100 Canal Road, Fairless Hills, PA 19030; TMP #13-047-163; Zoned: PIP. Requesting a dimensional variance to allow a fourth driveway / access point onto Canal Road. Section 209-42.E.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant Exhibit A-1 & 2 (proof of neighbor notification).

Mark Havers, P.E. presents the application. Metals USA owns a 19-acre parcel on Canal Road. They ship in large steel shapes, beams, plates, angles – size them and ship them out – as their main operation. They’d like to add a fourth access point for outbound traffic. It is becoming a safety issue now because the trucks must back out to leave the property. All the entrances are one way out only – so they come in, circulate out, and back down Canal Rd.

No Board questions.

No public comment.

Member D’Oria makes a motion that the application of Metals USA for a dimensional variance from Section 209-42.E of the Falls Township Zoning Ordinance be GRANTED to allow a fourth driveway / access point onto Canal Road on the property located at 100 Canal Road, 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.**

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**Petition #2: NV Partners LP, 8590 New Falls Road, Levittown, PA 19054; TMP #13-018-074-001 and #13-018-074-002; Zoned: HR. Requesting a dimensional variance to permit construction of 550 sq. ft. of indoor recreational facilities. Section 209-16.F and Table 2.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 4 and Applicant Exhibit A-1 & A-2 (proof of neighbor notification).

Mark D’Amico, Esquire, presents the application. The owner is proposing to construct a clubhouse amenity for the tenants. Two witnesses are sworn in (Joe Russella, D.L. Howell & Associates – project manager) and (Ken Kaufman – Westover Companies).

Mr. Russella testifies as to his credentials, describes the existing conditions at the property and the scope of the project (the clubhouse is going on the eastern side of the site, close to the rear property line, no additional

parking, reducing the impervious coverage, and adding additional stormwater criteria). This plan has received a recommendation from the Planning Commission for final approval.

Mr. Kaufman testifies even though the clubhouse will be smaller than the ordinance requires, it will be adequate for the residents at Newport Village Apts.

In response to Member D’Oria’s questions, discussion occurs about Westover Companies other complexes.

No other Board questions.

#### Public Comment

*Rhina Neuenschwander*, 44 Birch Street, wants to know hours of operation (6:00 a.m to 11:00 p.m. – only for the apartment residents), and what trees will remain.

No further public comment.

Member D’Oria makes a motion that the application of NV Partners, LP for a dimensional variance from Section 209-16.F and Table 2 of the Falls Township Zoning Ordinance be GRANTED to permit construction of a 550 sq. ft. indoor recreational facility on the property located at 8590 New Falls Road, 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 #3: Dolly and Fam LLC, 957 Trenton Road, Fairless Hills, PA 19030; TMP #13-017-207; Zoned: NC. Requesting dimensional variances to permit parking within the first twenty feet adjacent to the street line, permit expansion of non-conforming structure >50%, and permit less than the required 25 ft. residential buffer for a property in the neighborhood commercial district abutting a residential use. Section 209-22.F(2), Section 209-41, Section 209 Attachment 7, Table 4 Note 2.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant Exhibit A-1 (proof of neighbor notification).

Kristin Holmes, P.E. testifies as to the history of the property (former gas station converted into John’s Driving School and Auto Tags), and the applicant’s intent to increase the capacity of the parking lot due to the expansion of his business to allow CDL licensing and testing. Two areas of expansion of the parking lot are along Trenton Road and Oak Lane. She explains the need for the variances and notes that this a corner property with an irregular shape. The proposed improvements would not significantly be a detriment to the essential character of the neighborhood, and the hardship was not created by the applicant.

In response to numerous questions by Board members, Mr. Fidishun testifies that any size truck would be tested at the property. There would not be any training of driving – just testing. There would be three tests per day, Monday through Saturday. Testing would be conducted in the morning beginning around 7:00-8:00 a.m and be completed by 10:00 a.m. before the business opens. There would be one truck tested at a time. They would bring their own trucks. There is a 45-minute pre-test at the site, and then an hour of driving, after which they drop our examiner at the site and leave. The access to the property is off Trenton Road, not Oak Lane. We are not open while the CDL testing is being done, and any cars currently at the lot would be removed. The increase in the parking lot is for the CDL testing but also to increase parking at the lot.

No further Board questions.

## Public Comment

*Carl Newtown*, 12 Oak Lane, states that he's concerned about the CDL testing there and the expansion of the parking lot, expresses concern about other vehicles parking on Trenton Road, increased traffic on Oak Lane, and safety concerns with children (no sidewalks), and wants a guarantee from property owner that no trucks would be coming down Oak Lane (owner complies).

*Terry McKeown*, 15 Oak Lane, expresses her concern with traffic on Oak Lane coming to and from the driving school and suggests the driveway onto Oak Lane be closed off, especially since the parking lot will be redone.

*Frank Bray*, 17 Oak Lane, states he has been a truck driver for 30 years and expresses his concern that Oak Lane now is being used as a cut through street from Rte. 1 to Trenton Road. He knows that the trucks would be staging on the road before they go into the parking lot and feels the parking lot is not big enough for a tri-axle truck. There are school buses going up Oak Lane in the morning and feels that there is no need for CDL trucks at the end of a residential street.

No further public comment.

Member Henderson makes a motion that the application of Dolly and Fam, LLC for dimensional variances from Section 209-22.F(2), Section 209-41, Section 209 Attachment 7, Table 4 Note 2 of the Falls Township Zoning Ordinances be GRANTED to permit parking within the first 20 feet adjacent to the street line, permit expansion of non-conforming structure >50%, and permit less than the required 25 ft. residential buffer for a property in the neighborhood commercial district abutting a residential use on the property located at 957 Trenton Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board, subject to the following conditions: 1) no tractor trailers entering or exiting onto Oak Lane; 2) no more than three CDL tests per day; 3) tests will be conducted no later than 10:00 a.m. Mondays through Saturdays.

Member Kiernan seconds the motion.

**All in favor 3-2 (D'Oria and Molle dissenting). Motion carries.**

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**Petition #4: Fairless Hills Shopping Center, LLP, 471 S. Oxford Valley Road, Fairless Hills, PA 19030; TMP #13-014-004; Zoned: SC. Requesting a use variance to permit the continuation of the historical motor vehicle repair garage use on the Vacant Building Lease-Area. Section 209-24.B.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 4 and Applicant Exhibits A-1 & A-2 (proof of neighbor notification).

Joseph Blackburn, Esquire, presents the application. He testifies that the subject of this application is a portion of the shopping center that borders S. Olds Boulevard and Hood Boulevard. This site was previously an automobile service station with convenience stores and gas sales. The applicant has been actively searching for a tenant. To make the site more attractive, the applicant has removed the canopy and the underground gasoline tanks. The applicant is proposing to use the existing building and renovate it for an automobile service repair shop. That use is not permitted in the Shopping Center zoning district; however, it has historically been used for this use dating back to 1950.

In response to Board questions, Atty. Blackburn states the tenant will be a local tenant who wants to run a small business. Signage or fencing is not in the plans at this moment. The business is light repairs like a regular repair shop with standard hours of operation.

Rob Marek (leasing agent for the owner of the property) testifies that the hours will be Monday through Friday, 7:00 a.m to 5:00 p.m., Saturdays 7:00 a.m. to noon.

In response to questions about the type of vehicles that will be repaired, Fred Fletcher (the proposed tenant) testifies that he was previously in that building from 2003-2010 doing vehicle repairs. He has a body shop in Morrisville for old vehicle repairs and restorations. At this location there will be day-to-day repairs, inspections, brakes – no body work – strictly mechanical stuff. No junk laying around.

No further Board questions.

No public comment.

Member D’Oria makes a motion that the application of Fairless Hills Shopping Center, LLP for a use variance from Section 209-24.B of the Falls Township Zoning Ordinance be GRANTED to permit a continuation of the historical motor vehicle repair garage use on the property located at 471 S. Oxford Valley Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Henderson seconds the motion.

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

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**Hearing adjourned 8:08 p.m.**