

**FALLS TOWNSHIP
ZONING HEARING BOARD
APRIL 9, 2019**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:45 p.m.

Members present: Al Brooks, Scott D’Oria, Bill Kiernan, Dan Miles, Doug Molle

Members absent: None

Also present: Tom Bennett, Zoning Officer; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, ZHB Solicitor; Edward McKenna, Court Stenographer

Extension Request – 1294 Bristol Pike, Morrisville – Chris Balis

Chairman Miles states that in a letter dated February 25, 2019, Mr. Balis is requesting a one-year extension of the zoning relief previously granted.

Member Kiernan makes a motion to approve the extension one year from this date.

Member D’Oria seconds the motion.

All in favor 5-0. Motion for extension granted.

Extension Request – 300 W. Trenton Avenue, Morrisville – Milex Properties LLC

Chairman Miles states that Milex is requesting an extension to the variance we granted.

Member Brooks makes a motion to approve the extension.

Member D’Oria seconds the motion.

All in favor 5-0. Motion for extension granted.

Petition #1: Doug Kurceba, 269 Yorkshire Road, Fairless Hills, PA 19030; TMP #13-002-347; Zoned: NCR. Requesting a dimensional variance to allow the driveway width to be greater than 20 ft. Section 209-43.1(C).

Atty. Bidlingmaier marks ZHB Exhibits 1 –8.

Doug Kurceba presents the application and states he has three vehicles and parks two vehicles in the driveway but they hang over onto the grass. He put stone down. He also states that the driveway is too short to adhere to the 20 ft. up off the curb before enlarging the driveway. His neighbor also has a wide driveway.

Member Molle asks for clarification on how the driveway is being widened (3 ft. on each side, where the stone currently is).

No further Board questions.

No public comment.

Member Brooks makes a motion that the application of Doug Kurceba for a dimensional variance from Section 209-43.1(C) of the Falls Township Zoning Ordinance be GRANTED to allow the driveway width to be greater than 20 feet at the property located at 269 Yorkshire 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 4-1 (D’Oria dissenting). Motion carries.

Petition #2: Alem Muslic, 91 Hedgerow Drive, Morrisville, PA 19067; TMP #13-011-008; Zoned: NCR. Requesting a dimensional variance to erect a fence in the front yard. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Alem Muslic presents the application and states that they recently had an attempted robbery and would like to make their property more secure.

No Board questions other than a statement from Chairman Miles that the fence will probably need to be set back from the property line which will be determined by the Township.

No public comment.

Member Brooks makes a motion that the application of Alem Muslic for a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinances be GRANTED to erect a fence in the front yard at the property located at 91 Hedgerow Drive, Morrisville, PA 19067, 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 #3: Thomas E. Trease, 281 Thornridge Drive, Levittown, PA 19054; TMP #13-023-273; Zoned: NCR. Requesting a dimensional variance to construct an attached garage which encroaches into the side yard setback. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Thomas Trease presents the application and states that he wants to make improvements to his property by adding an addition on one side of the house for bedrooms and adding a garage on the other side for cars, a motorcycle and storage. The garage is encroaching onto the side yard setback.

Member D’Oria states the garage is 16 ft. wide and asks if Mr. Trease has considered making the garage smaller so that a variance would not be required.

Mr. Trease responds that he’d like to be able to fit a car, motorcycle and storage on the side in the garage. Anything smaller would not allow that to happen.

No further Board questions.

No public comment.

Member Kiernan makes a motion that the application of Thomas E. Trease for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinances be GRANTED to construct the attached garage which encroaches into the side yard setback at the property located at 281 Thornridge Drive, Levittown, PA 19054, 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: Chae and Lillion Yim, 21 Lions Drive, Morrisville, PA 19067; TMP #13-054-020; Zoned: NCR. Requesting a dimensional variance to erect a fence in the front yard. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Chae Yim presents the application and states they want to put a privacy fence in the front yard for the protection of their animals and children. We live on a corner lot and apparently have two front yards. The fence will be seven feet away from the sidewalk so as not to obstruct any of the views from the road.

In response to a question by Member D’Oria, the fence will be placed behind the currently existing tree line.

No further Board questions.

No public comment.

Member Brooks makes a motion that the application of Chae and Lillion Yim for a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinances be GRANTED to erect a fence in the front yard at the property located at 21 Lions 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 #5: Diversified Realty Ventures, LLC, 116 Amelia Drive, Levittown, PA 19054; TMP #13-019-156-001; Zoned: NCR. Requesting a use variance to allow apartments in the neighborhood conservation residential zoning district and a variance for parking. Section 209-20 and Section 209-42.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Stephen Danastorg, Esquire, presents the application and states Diversified Realty Ventures is under agreement to purchase the property. We are seeking a variance to permit four residential apartment units in the structure – two 1-bedroom units, two 2-bedroom units, each with one bathroom. Presently, there are two apartments at the second-floor level of the building, and two commercial units at the bottom. I could not find anywhere in the NCR zoning district that use (residential and commercial) as being approved. Regarding the variance from parking, it is our belief that we can meet the two parking spaces minimum per unit. The majority of the property is asphalt; there are three separate entrances to the location – two on the front and one on the side. In no way does it presently meet a single-family property as defined. The adjoining property (110 Amelia Drive) is presently a ten-unit apartment complex and does not appear to meet any parking requirement based on the number of units existing at this time. Where the property is situated relative to the neighborhood – it is at the mouth of Amelia Drive as you enter onto New Falls Road. Behind it is the bowling alley, to one side is the apartment complex – there is only one residential home to the left of the property and one directly across the street.

Member Brooks asks about the sheds in the back and if the property will be cleaned up.

Atty. Danastorg says that it's an old google map picture showing what was previously there when there was a mixed use. We intend to clean it up. There would be no commercial vehicles at the site – only the tenants' vehicles.

Member Kiernan ask if the property is vacant.

Atty. Danastorg says yes, currently there are no businesses or tenants.

Member Kiernan asks about the driveways.

Atty. Danastorg states that it's divided between the two properties (110 and 116 Amelia).

Chairman Miles says it's a 4-unit apartment complex and asks if you are going to have 10 parking spaces.

Mr. Danastorg says yes, a minimum of 8 parking spaces up to 10 parking spaces (or possibly a little more).

No further Board comment at this time.

Public Comment

Jarrie Mullen, lives next door, and expresses her concern with having 10 parking spaces in that area, parking on the street in front of her property, and location of the parking spots on the property. She also has concern if a dumpster needs to be provided and where it will be placed.

George Keddie, lives right across the street, and expresses his strong disapproval of the apartment complex by stating there is no room for more people or vehicles on Amelia Drive. It is too crowded now.

Gregory Gillespie, owner and operator of Gregory G's Restoration and another company, expresses his approval of the application and states that they've been remodeling some properties for Diversified Realty Ventures. The owners puts money into their properties to make it user friendly. He details what will be done to the property to get it ready (mold remediation, asbestos abatement, if necessary) and their intent to remodel the entire property. He also speaks to the dumpster location, ADA compliance, and removal of the shed in rear of property.

Joe Martin, owner of 110 Amelia Drive, expresses his concern about the site plan submitted with the application and whether it is accurate in depicting 15 ft. between property lines.

No further public comment.

Member Kiernan asks some questions about the parking (especially if the trash dumpster takes up any parking), if the driveway width will be sufficient, and suggests the applicant table the application until the property is surveyed.

Atty. Danastorg responds that it would difficult as we are under agreement for the property and already had to extend the contract with the bank as a result of no hearings being held in the month of March.

Mr. Bennett asks if when you get the property surveyed, if you could place the parking on the survey.

In response to Mr. Keddie's question about requesting no parking signs in front of their property, Atty. Bidlingmaier explains that the Zoning Hearing Board does not have the authority to grant that relief and that he should contact the Police Department in that regard.

Member D’Oria makes a motion that the application of Diversified Realty Ventures, LLC for a use variance from Sections 209-20 and 209-42 of the Falls Township Zoning Ordinance be GRANTED to allow apartments in the Neighborhood Conservation Residential District and a variance for parking at the property located at 116 Amelia Drive, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. This approval is granted subject to the following conditions: (1) the measurements provided on the applicant’s plan are true and accurate after a professional land survey is completed; (2) the applicant agrees to construct at a minimum of ten parking spaces for the tenants; and (3) that all the dumpsters or totes are stored in the rear of the property.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #6: Property Management.com, LLC, 88 Canal Road (a/k/a 88 Towpath Rd), Fairless Hills, PA 19030; TMP #13-047-167; Zoned: PIP. Requesting a dimensional variance for maximum impervious surface ratio of 54% where a maximum of 50% is permitted. Section 209-28.F (Table 5).

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

Timothy Duffy, Esquire, presents the application and introduces Al Goodwin, President of Kampi Components. Mr. Goodwin testifies as to the business of Kampi (a major defense contractor with the Armed Services), they’ve been operating at this location since 2000 with the expectation of expanding the business, they have 70 employees, are very involved in the community, their need for expansion and their commitment to stay in Falls Township.

Vincent Fioravanti, P.E., testifies he is the engineer on the project, gives detail on the project (11,025 sq. ft. building addition) and states that the expansion would not have any adverse impact on the surrounding neighborhood. With questioning from Atty. Duffy, Mr. Fioravanti testified that 70% maximum impervious surface coverage was the norm for this zoning district until the Township changed their zoning ordinances in December 2018; the allowable maximum impervious coverage is now 50% for this zoning district. Therefore, we need a variance to continue with this expansion.

Member D’Oria asks if they can make the stormwater basin bigger.

Mr. Fioravanti explains the basin designed takes into consideration more than just water running off the addition and that to increase the size of the basin would require relocation of utilities. The basin is in the natural area that was needed and the infiltration rates are excellent.

No further Board questions.

No public comment.

Member Brooks makes a motion that the application of Property Management.com LLC, for a dimensional variance from Section 209-28 and Table 5 of the Falls Township Zoning Ordinance be GRANTED to allow a maximum impervious ratio of 54% where a maximum of 50% is permitted at the property located at 88 Canal Road (a/k/a/ 88 Towpath 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.

Petition #7: Sign-A-Rama, 109 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-003-024; Zoned: HC. Requesting dimensional variances to allow a wall sign to exceed the 32 sq. ft. per sign face requirement and to allow a second sign on the side wall where there is no public store entrance or a parking lot. Section 209-45.Q.(5).b and 209-45.Q.(5).a.

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

Pankay Shah presents the application and states that we are requesting 84.5 sq. ft. sign on the front of the building and 78 sq. ft. sign on the side. There is a pick up entrance on the side of the building as well as parking on the side of the building. The side of the building is clearly visible from Oxford Valley Road.

No Board questions.

No public comment.

Member D’Oria makes a motion that the application of Sign-A-Rama for a dimensional variance from Sections 209-45.Q(5).b and 209-45.Q(5)a of the Falls Township Zoning Ordinance be GRANTED to allow a wall sign to exceed the 32 sq. ft. per sign face required and to allow a second sign on the side wall where there is no public store entrance or a parking lot located at the property located at 109 Lincoln Highway, Fairless Hills, PA 19030 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.

Hearing adjourned 8:45 p.m