

**FALLS TOWNSHIP
ZONING HEARING BOARD MEETING
SEPTEMBER 10, 2013**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:35 p.m.

Members present: D. Miles, T. Miles, Molle, Powers

Members absent: Henderson

Also present: Tom Bennett, CCEO & Zoning Officer, Ed Neubauer, Code Enforcement Officer, Dave Sander, Esquire; Karen Browndorf, Court Stenographer

East Coast Propane, 9240 E. Tyburn Road, Morrisville, PA 19067; TMP #13-047-013 and TMP #13-047-014, Zoned HI-A. Requesting a use variance to operate a propane storage business. Section 209-32.3.D.(b).

Member Powers states that a letter dated September 4, 2013, has been received from Robert W. Gundlach, Jr., Esquire, counsel to the applicant, East Coast Propane which is being marked as Exhibit A-1, requesting that this matter be continued until the Zoning Hearing Board's next meeting date on October 8, 2013.

Member D. Miles makes motion to continue.

Member T. Miles seconds.

All in favor 4-0. Matter is continued until October 8, 2013.

**The Township of Falls vs. Joan Palmer and Zoning Hearing Board of Falls Township
(2 Wildrose Lane, Levittown)**

Atty. Sanders states that this is a case from 2005 in which the Zoning Hearing Board granted relief to the applicant, Joan Palmer, to install a second cooking station or stove area within a residence. Falls Township took an appeal from that Zoning Hearing Board decision in the Court of Common Pleas of Bucks County. The case has languished and is now being presented to the Zoning Hearing Board for settlement. Ms. Palmer has a power of attorney who has signed a stipulation agreeing to withdraw the application and the Zoning Hearing Board is being asked to sign the stipulation for agreed order that its decision would be reversed and that the grant of relief would no longer be applicable.

Atty. Sander is requesting a motion to authorize Mr. Sander on behalf of the Zoning Hearing Board to sign the proposed stipulation for agreed order in Case No. 2005-03736.

Member Powers makes the motion.

Member T. Miles seconds.

All in favor 4-0. Atty. Sander will sign the stipulation on behalf of the Zoning Hearing Board and forward to the Township Solicitor.

Petition #1: Kathy Santy, 32 Liberty Drive, Langhorne, PA 19047; TMP #13-004-772; Zoned HARTH. Requesting a dimensional variance to construct a deck that does not meet the 25' rear yard setback. Section 209-16.1 and Table 2A.

Atty. Sander marks exhibits ZHB 1 – 6.

Member D. Miles makes a motion that the application of Kathy Santy for a variance of Section 209-16.1 and Table 2A of the Falls Township Zoning Ordinances be GRANTED to allow 14' x 18' wooden deck (252 square feet) and a 12' x 18' concrete patio (215 square feet) to be erected to the rear of the existing house on the property, that provide a rear yard setback of 21' rather than the required 25' as depicted on the plan submitted with the application.

Member T. Miles seconds.

All in favor 4-0.

Petition #2: Robert Krieg, 9716 Lowell Drive, Morrisville, PA 19067; TMP #13-040-055; Zoned MHC. Requesting a dimensional variance to construct an addition that does not meet the minimum distance of 25' between manufactured homes. Section 209-18 and Table 3.

Atty. Sander marks exhibit ZHB 1 – 7.

Atty. Sander frames a motion that the application of Robert Krieg for a variance from Section 209-18.(E) and Table 3 of the Falls Township Zoning Ordinance be GRANTED to allow a 10' x 20' enclosed patio (200 square feet) that includes an 18' x 8' (144 square foot) deck under the enclosed roof to be erected to the side of the existing manufactured home on the property which provides a distance of 19 feet 6 inches from another manufactured home rather than the required 25' distance between manufactured homes as depicted on the plans submitted with the application.

Member Powers makes the motion.

Member D. Miles seconds.

All in favor 4-0.

Petition #3: Michael Kish, 52 Thaliabush Lane, Levittown, PA 19054; TMP #13-023-510; Zoned NCR. Requesting a dimensional variance to construct a front addition that does not meet the 25' front yard setback. Section 209-20 and Table 1.

Atty. Sanders marks exhibits ZHB 1 – 5.

Member T. Miles makes a motion that the application of Michael Kish for a variance from Section 209-20 of the Falls Township Zoning Ordinance be GRANTED to allow the enclosed addition measuring 34' x 5' (170 square feet) to be erected in the front yard, providing a front yard setback of 22.62' rather than the required 25' as depicted on the plan submitted with this application.

Member Molle seconds.

All in favor 4-0.

Petition #4: Gregory Wiczerak (WG Siding & Roofing), 640 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-196; Zoned NCR. Requesting a use variance to allow a commercial use in the NCR zoning district. Section 209-20.

Atty. Sanders marks Exhibits ZHB 1 – 6.

Atty. Sander frames a motion that the application of Greg Wiczerak and WG Siding and Roofing for a use variance from Section 209-20 of the Falls Township Zoning Ordinance be GRANTED to allow a mixed commercial residential use of the property consisting of an area not to exceed 1,350 square feet of showroom space, 45 square feet of office space and storage on the first floor, 2,400 square feet of residential area on the second floor that will be comprised of two two-bedroom apartments with a separate entrance at the front of the building and no access to the first floor of the building. Also, approximately 5,900 square feet of fenced-in gravel surfaced yard to be used for storage space for siding and roofing materials for a siding and roofing business, all as depicted on the plans submitted with the application.

The application is granted subject to the following conditions:

- 1) The Applicant shall obtain land development approval from the Board of Supervisors of Falls Township and shall obtain any additional zoning relief required from the Zoning Hearing Board as a result of land development approval.
- 2) The Applicant shall raze the existing structure on the property and build a new structure as depicted on both the plan and the architectural renderings filed with the application.
- 3) There shall be a maximum of two employees working at the commercial use on the property at any one time.
- 4) The hours of operation of the commercial use on the property shall be 7:00 a.m. to 4:00 p.m. Monday through Friday and Saturdays by appointment only.
- 5) There shall not be more than five commercial vehicles stored on the property which shall consist of three pickup trucks and two small trailers. All such vehicles shall be stored within the fenced-in storage area as depicted on the plans submitted with the application.
- 6) There shall be no manufacturing or assembly of materials on the property.
- 7) The Applicant shall erect an 8' fence around the entire perimeter of the 5,900 square feet outdoor storage area that provides a complete visual buffer.
- 8) The Applicant shall provide a planted landscape buffer of evergreens along the southwest property line between the outdoor storage area and the residential use.
- 9) There shall be no residential accessory structures erected on the property.

Member Powers makes the motion to approve.

Member T. Miles seconds.

All in favor 4-0.

Adjourned 8:35 p.m.