

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
FEBRUARY 10, 2015**

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

**Hearing adjourned:** 7:45 p.m.

**Members present:** Lawson, Miles, Molle, and Powers

**Members absent:** Brooks, Henderson

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

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**Petition #1: Chris Schooler, 238 Louise Drive, Morrisville, PA 19067; TMP #13-030-309; Zoned NCR. Requesting a dimensional variance to construct a garage. Sec. 209-20 and Table 1.**

Atty. Sander marks ZHB Exhibits 1 – 4.

Mr. Schooler states that he wants to construct a garage to store his antique cars. His insurance requires that the cars be stored inside.

No Board questions.

No public comment.

Member Powers makes a motion that the application of Chris Schooler for a variance from Section 209-20.E and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow the construction of a garage on the property such that it encroaches 5'6" into the required 10' side yard setback, as depicted on the plans submitted with the application. This applicant will not go over the required building or impervious coverage and that he will stay within the rear yard setback. Approval is granted subject to the following conditions: prior to the issuance of a zoning or use permit, the applicant must fully comply with all applicable provisions of Chapter 131 of the Falls Township Code (floodplain regulations).

Member Molle seconds the motion.

**All in favor 4-0.**

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**Petition #2: (Cont'd from 1/13/15) Thomas Hudson (Good Stuff Thrift), 543 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-013-018; Zoned HC. Requesting dimensional variance to install two storage containers in the back of the building. Section 209-25 and Table 4.**

Atty. Sander marks Exhibits ZHB 1 (previously marked) – 6.

Mr. Hudson explains that the store needs storage for Christmas items as well as donated clothes that are recycled. The containers will be all metal.

Discussion occurs regarding the distance from the containers to the property line and whether there is enough room for emergency vehicles to get around in the back.

**Public Comment**

**Roland Kenney, 36 Avenrowe Court**, states that they have a nice place and keep it clean and neat. He states he can drive a fire truck backwards around their building. He has no objection to the storage containers.

Member Lawson makes a motion that the application of Thomas Hudson and Good Stuff Thrift for variances from Section 209-23 and Table 4 be GRANTED to allow the placement of two 2,560 cubic foot storage containers, 40' by 8' by 8', on the property such that the containers are located no less than 1' from the back of the existing building where 20' is required between a principal building and an accessory structure, and which are located no less than 18 feet from the rear property line where a 35 foot rear yard setback is required, as depicted on the plans submitted with the application and the testimony provided at the hearing. The approval is granted subject to the following condition: prior to the issuance of any zoning or use permits for the storage containers, the Township Fire Marshal review and approve the proposed location of the storage containers and trash bins on the property.

Member Molle seconds the motion.

**All in favor 4-0.**

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**Petition #3: Robert Kent, 1444 S. Pennsylvania Avenue, Morrisville, PA 19067; TMP #13-048-047; Zoned RD-1. Requesting a use variance to operate a landscaping business and to allow an apartment. Sec. 209-32.4.C.(1)**

Atty. Sander marks ZHB Exhibits 1 – 5.

Mr. Kent states that he would like to park 12 trucks, trailers and machinery at this location, going out at 7:00 a.m. and coming back by 5:00 p.m. With regard to the apartment, we would like to fix the upstairs and rent it. We'd like to clean the property up, getting rid of the junk cars. The downstairs we would like to make an office. Part of the downstairs would be office space (about half) and the remainder of the downstairs would remain open. On the plans there is a pole barn (40' x 80') which would require land development.

Member Lawson asks if he is going to be responsible for cleaning the property. I understand the property owner passed away.

Mr. Kent says we are going to help out. The mother of the deceased property owner owns it now.

Member Powers states her concern is the apartment. She doesn't like to see mixed use and is concerned about the safety of children at the apartment.

Mrs. Kent says that the apartment currently exists. They have about 7 teenage boys squatting there. At the moment it is not habitable. We are looking to rip it apart, fix it up and rent it out to adults. I would prefer it not be rented out to families with children, but it is a desirable location because it's in Pennsbury School District.

Member Miles asks if on the other side of Fifth Street, is there a residence over there?

Mr. Kent says yes, one.

Member Miles asks if they would be willing to put in some kind of buffer.

Mr. Kent says they already have a buffer – a fence with green slates.

Member Miles states that he meant more of a green type buffer, trees or shrubs, to separate the commercial use from that residential use.

Mr. Kent says that he would be willing to plant some trees.

## **Public Comment**

**Sandy Bush, 15 Fifth Street**, which is right next to this property. Her concern is a no night time operation but the applicant already stated he would not operate at night. She understands that there might be a bit of mulch on the property, but her other concern is grinding of mulch.

Mr. Bennett states that if Mr. Kent wanted to do anything that wasn't approved, he would have to come back to the Board for approval. Mulching and firewood and things of that nature would not be approved.

**Ed Moore, who owns the property next door on the other side**, says his property is very clean. The previous owner of 1444 S. Penna. Avenue kept the property in disrepair and it's been a headache. He expresses very strongly his support for this application.

Atty. Sander asks if the property is being rented.

Mr. Kent says that they intend to buy the property.

Atty. Sander frames a motion that the application of Robert Kent for use variances from Section 209-32.4.C(1) of the Falls Township Zoning Ordinance be GRANTED to allow for the operation of a tree removal and landscaping business on the first floor of the existing structure on the property and in a proposed new structure on the property and to allow the rental of one apartment on the second floor of the existing structure on the property in accordance with the testimony, plans and materials submitted to the Zoning Hearing Board. This approval is granted subject to the following conditions: (1) prior to the issuance of a zoning or use permit for the proposed uses, the applicant shall provide a fenced-in area for use by tenants of the apartment as a yard area; (2) that there be no mulch or firewood manufacturing occurring on the property; and (3) that the hours of operation are 7:00 a.m. to 7:00 p.m. Monday through Friday, with some Saturdays.

Member Molle makes the motion.

Member Powers seconds the motion.

**All in favor 4-0.**

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**Hearing adjourned 7:45 p.m.**