

**FALLS TOWNSHIP
ZONING HEARING BOARD
FEBRUARY 13, 2018**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:45 p.m.

Members present: Brooks, D’Oria, Henderson, Miles, and Molle

Members absent: None

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

Petition #3: Arsen Drobakha, CONT’D FROM 1/9/18 and 12/12/17 HEARINGS, 1497 Old Bristol Pike, Morrisville, PA 19067; TMP #13-040-056; Zoned: MHC. Requesting a use variance to permit used car sales. Section 209-18.

Chairman Miles states that the Board has received a letter from the applicant’s attorney (ZHB Ex. 1) requesting another continuance of this application until the March 13, 2018 hearing.

Member Henderson makes a motion to continue the application until the March 13, 2018 hearing.

Member D’Oria seconds the motion.

All in favor 5-0. Application continued until the March 13, 2018 hearing.

Petition #1: Dariusz Kania, 199 Fletcher Drive, Morrisville, PA 19067; TMP #13-054-157; Zoned: NCR. Requesting a dimensional variance for the driveway width of more than 20 feet. Section 209-43.1.C(3).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Mr. Kulynych presents the application and states the applicant is his brother-in-law. He states that the contractor said they did not need a permit for the driveway. He was unaware about the allowable width of the driveway until the Township notified him. The work is already done.

Board questions center around the water runoff (does not go into the Share drive property directly behind), and the previous size of the driveway (unsure).

Public Comment

Ken Afferton, 196 Fletcher Drive, expresses his support for the widening of the driveway because it’s a great improvement and it keeps the vehicles off the street. Also, the driveway was constructed in such a way that the water run offs into the grass on the side of the property and not into the sewer system.

Lars Olson, 200 Share Drive, expresses his support for the widening of the driveway as it enhances the property value and is not detrimental to the neighborhood.

No further public comment.

Member D’Oria expresses his displeasure with the 30 ft. wide driveway as it sets a precedent for others.

Member Henderson makes a motion that the application of Dariusz Kania for a dimensional variance from Section 209-43.1.C(3) of the Falls Township Zoning Ordinance be GRANTED to permit a driveway to exceed the permissible 20 ft. in width restriction at the property located at 199 Fletcher 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 4-1, D’Oria dissenting. Motion carries.

Petition #2: Adine Koepe, 24 Fallsington-Tullytown Road, Levittown, PA 19054; TMP #13-024-002; Zoned: NCR. Requesting a use variance to permit a sewing shop on the premises. Sections 209-20, 209-41 and 209-77.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Russell Sacco, Esquire, presents the application. We are requesting two forms of relief to put a sewing shop there. The first is that the use has been a permitted, non-conforming use. He calls the property owner to the stand.

Beverly Mikuriya, in response to questions from Russell Sacco, testifies that she has owned the property since 1988 when her parents died (her father constructed the building), and it was always used as a commercial property, never as a residential property. The property has been vacant about two and a half years, but it has been listed with Weichert Realty (Exhibit A-1). She has never had to get a variance for any prior commercial uses.

Board questions center around no previous zoning hearings and the boat in the yard (it was dumped there).

No public comment.

Member Brooks makes a motion that the application of Adine Koepe for a use variance from Sections 209-20, 209-41 and 209-77 of the Falls Township Zoning Ordinance be GRANTED to permit a sewing shop on the premises at 24 Fallsington-Tullytown Road, Levittown, PA 19054, 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.

Petition #4: B&D Auto Sales, Inc., 135 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-004-671; Zoned: HC. Requesting a dimensional variance to allow a façade building sign to exceed the allowable building coverage for a façade sign. Section 209-45.I(2)(d)[d][ii][B].

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

Brendan Callaghan, Esquire, presents the application. He calls the property owner, Paul Burns, Sr. and Jeff Barris to testify.

Mr. Burns, in response to questions by Atty. Callaghan, testifies that he’s owned the property for four years, has leased it to the applicant, and the prior use was car sales by Burns Auto Group. The façade sign was there when we occupied it; we filed building permits to put our logo on the sign; no zoning variances were required.

Mr. Barris, in response to questions by Atty. Callaghan, testifies that he is currently using the property for used car sales and would like to use the current building sign to advertise his business. He thought that since the sign was used previously, he would be able to change the lettering to his company name and information.

No Board comments.

No public comment.

Member D’Oria makes a motion that the application of B&D Auto Sales, Inc. for a dimensional variance from Section 209-45.I(2)(d)[d][ii][B] of the Falls Township Zoning Ordinance be GRANTED to install the façade building sign to exceed the allowable building coverage for the façade sign located at 135 Lincoln Highway, 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.

Hearing adjourned 7:45 p.m.