

**FALLS TOWNSHIP
ZONING HEARING BOARD
MAY 14, 2019**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:50 p.m.

Members present: Scott D’Oria, Colin Henderson, Bill Kiernan, Dan Miles

Members absent: Al Brooks, Doug Molle

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

Petition #1: Gino Wachter, 313 Woolston Drive, Morrisville, PA 19067; TMP #13-032-004; Zoned: NCR. Requesting a dimensional variance for a fence in the secondary front yard. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Gino Wachter presents the application. He would like to install a 6 ft. high shadow box fence. There is a fence there now which would be replaced but wants to extend the fence to the front corner of the property.

Member Kiernan asks if this property is next to Pennsbury Medical Center?

Mr. Wachter states that it is.

No public comment.

Member D’Oria makes a motion that the application of Gino Wachter requesting a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard at the property located at 313 Woolston Drive, Morrisville, PA 19067, 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 4-0. Motion carries.

Petition #2: Steven Stegena, 324 Trenton Road, Fairless Hills, PA 19030; TMP #13-006-269; Zoned: NCR. Requesting a dimensional variance to construct a garage which encroaches into the side yard setback. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Steven Stegena presents the application and states that he’s trying to rebuild a garage where the roof caved in. He did not get the proper paperwork before doing this, however. He thought since it was existing he did not need a permit.

Member D’Oria asks if you are rebuilding on the same exact footprint of that carport as was there before?

Mr. Stegena responds yes.

Mr. Henderson asks about the shed showing in the picture directly behind the garage. Your site plan submitted shows the shed in the rear of the yard.

Mr. Stegena says the shed is behind the garage now but will be moved back according to the site plan submitted with the application.

Member Kiernan asks about the shed in the flood zone.

Mr. Bennett responds that it has been moved out of the flood zone and the only remaining issue is the side yard setback.

No public comment.

Member Henderson makes a motion that the application of Steven Stegena requesting a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to construct a garage which encroaches into the side yard setback at the property located at 324 Trenton Road, Fairless Hills, PA 19030, 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 4-0. Motion carries.

Petition #3: Estate of Charles Rother, 17 Vividleaf Lane, Levittown, PA 19054; TMP #13-019-489; Zoned: NCR. Requesting a dimensional variance for driveways, patios and walkways which exceed the allowable maximum impervious coverage. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and Applicant Exhibits A-1&2 (revised impervious chart and site plan).

William Thomson, Esquire, presents the application. Many years ago, the decedent put in a second driveway. The Estate did not find out about the impervious coverage problem until the house was already sold. This came up in a Township inspection for the resale. We applied for a permit and were denied because of the impervious coverage.

Carl Rother states he is the executor of the estate. His parents are original property owners. His father had placed another driveway and additional concrete to help his mother from falling. We have an agreement of sale; the buyer would like to keep the house with the existing concrete. The cost of extracting the concrete and returning it to grass would be above \$6,000. The property has been this way for over 30 years. There are no water issues.

No Board questions.

No public comment.

Member Scott D’Oria makes a motion that the application of the Estate of Charles Rother requesting a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow driveways, patios and walkways which exceed the allowable maximum impervious surface coverage at the property located at 17 Vividleaf Lane, 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 4-0. Motion carries.

Petition #4: MLH 150 Roebing LLC, 150 Solar Drive, Fairless Hills, PA 19030; TMP #13-051-001-024; Zoned: MPM. Requesting to amend the Special Exception previously granted on June 12, 2018 to change the location of the proposed medical marijuana grower/processor facility. Section 209-30.H(1).

Atty. Bidlingmaier states that there is an extension request from the previous Special Exception granted June 12, 2018. The applicant has not been able to secure the appropriate permits. We will need a vote on this.

Chairman Miles makes a motion in favor of granting the extension for the Special Exception granted on June 12, 2018 for a period of one year.

All in favor 4-0. Motion carries. An extension for a Special Exception granted June 12, 2018 has been granted for a period of one year.

Kim Freimuth, Esquire, presents the application. The second piece of the application relates to the Special Exception that was granted on June 12, 2018. The plans from approval of the June 12th Special Exception has changed slightly, so we would like to amend the approval. Two witnesses are in attendance, Bob Showalter (the engineer) and Alex Chadwick (MLH 150 Roebing).

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

Atty. Freimuth begins by giving the historical details on the project (2017 Special Exception was for demolition of existing structures and construction of two separate buildings, one for PharmaCann and one for MLH 150 Roebing) (2018 Special Exception was modified to exclude PharmaCann who did not receive their license, use the existing buildings and construct a 3,000 sq. ft. connection between the buildings). Since 2018, the applicant has re-evaluated their plans and has revised them. Under the Pennsylvania Medical Marijuana Act, the applicant is required to be up and running within six months from the date the license is issued. As a result, MLH decided to get the least amount of modifications necessary to build the improvements required to get itself up and running once it receives its license. In addition, it takes some time for the first round of product to grow before it can be processed, so the applicant wanted to start immediately and get the product growing and then expand in the future. They have a two-phase land development plan. Phase 1 is the 225 sq. ft. addition between the two existing buildings which has been approved and is in the process of being finalized for recording. Phase 2 proposes a 64,920 sq. ft. addition to the rear of the buildings which has recently been submitted for review to the Township. This project complies with all the requirements in Section 209-30.H (1) of the Zoning Ordinances – the specific Special Exceptions requirements related to the medical marijuana grower processor facility (provides specific details).

No Board questions.

No public comment.

Member Henderson makes a motion that the application of MLH 150 Roebing LLC requesting a Special Exception from Section 209-30.H(1) of the Falls Township Zoning Ordinances be GRANTED to amend the Special Exception previously granted on June 12, 2018 at the property located at 150 Solar Drive (a/k/a 150 Roebing Rd), Fairless Hills, PA 19030, 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 4-0. Motion carries.

Petition #5: PW Industrial, 279 Canal Road, Morrisville, PA 19067; TMP #13-047-130-002; Zoned: PIP. Requesting a dimensional variance for additional parking for the existing building which exceeds the allowable maximum impervious surface coverage. Section 209-28.F and Table 5.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6 and Applicant Exhibit A-5 (proof of neighbor notification).

Gregg Adelman, Esquire, presents the application. John Medendorp, P.E. gets sworn in and is accepted as an expert witness.

Mr. Medendorp states that the site currently has six parking spots. The applicant would like to add additional parking for additional tenants. He gives the existing impervious conditions (59.42 %), and the proposed parking lot improvements (65.97%). Under the new zoning ordinance 50% impervious is permitted so the site is currently non-conforming.

Board comments center around the collection basin (stone and plastic pipe underneath parking lot) and if under the old zoning ordinances, the maximum impervious coverage was 70% (yes).

No public comment.

Member D’Oria makes a motion that the application of PW Industrial requesting a dimensional variance from Section 209-28.F and Table 5 of the Falls Township Zoning Ordinances be GRANTED to allow additional parking for the existing building which exceeds the allowable maximum impervious surface coverage at the property located at 279 Canal Road, Morrisville, PA 19067, 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 4-0. Motion carries.

Hearing adjourned 7:50 p.m.