

**FALLS TOWNSHIP
ZONING HEARING BOARD
SEPTEMBER 14, 2021**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:22 p.m.

Members present: Albert Brooks, Scott D’Oria, Dan Miles

Members absent: Bill Kiernan, Doug Molle

Also present: Matthew Takita, AIA, MCP, Township Manager/Zoning Officer; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, ZHB Solicitor; Karen Browndorf, Court Stenographer

Chairman Miles calls an executive session of the Board and goes off record.

Petition #7: GOAT Logistics, LLC (Cont’d from August 10, July 13 and June 8, 2021), 450 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-013; Zoned: HC. Requesting a use variance to allow dispatching of an average of 20-25 vehicles a day from this location. Section 209-23.B.

Chairman Miles explains at the August hearing, they will continue to request continuances until the lease expires at the end of October 2021. The Township and applicant have agreed to these terms.

Member Brooks makes a motion to approve the continuance.

Member D’Oria seconds the motion.

All in favor 3-0. Motion carries.

Petition #1: Michael and Kristen DiGaetano, 83 Everturn Lane, Levittown, PA 19054; TMP #13-026-064; Zoned: NCR. Requesting a dimensional variance to erect a fence in the front yard setback of Everturn Lane. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Michael DiGaetano states they want to fence in their front and back yards for the safety of our child and dogs. Because of a manholes, telephone wires and sewer easement, we have no access to our actual backyard with a door. Our goal is to fence in the side and back yards.

In response to Member D’Oria’s question about the sight triangle, Mr. Neubauer states they live on a curve and if they are placing the fence on the right side of the house, it could be in the neighbor’s sight triangle as they pull out of the driveway.

Discussion occurs in this regard. It is agreed by applicant the Township will approve any placement of the fence prior to installation.

No public comment.

Member Brooks makes a motion the application of Michael and Kristen DiGaetano requesting a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinances be GRANTED to erect a fence in the front yard setback at the property located at 83 Everturn Lane, Levittown, PA 19054, conditioned upon the proposed fence not encroaching into the sight triangle.

Member D’Oria seconds the motion.

All in favor 3-0. Motion carries.

Petition #2: Falls Township Fire Company, 310 Yardley Avenue, Fallsington, PA 19054; TMP #13-032-081; Zoned: IN. Requesting a use variance to utilize an overhead crane to load and unload granite slabs onto delivery vehicles. Section 209-20.1.B.

Atty. Bidlingmaier marks ZHB 1 – 6 (includes neighbor notification).

David Shanberg states we have received a variance for this tenant’s business of storing granite slabs at the property. Now the tenant would like to utilize an overhead crane to load and unload granite slabs onto delivery vehicles. He gives the Board pictures of the overhead cranes.

Member D’Oria asks specific questions about the crane and an alternative to not having the crane.

Walter Meyers, from Dynamic Stone Supply, states that it is an electric hoist; the alternative is what they are using now (forklift). The crane offers a safer solution.

Member Brooks asks about the size of the crane.

Mr. Meyers says it is 130 ft. long, 50 ft. wide and 23 ft. in height.

Member Brooks asks if it will be run by a portable generator.

Mr. Meyers says no, it will 110 line.

Chairman Miles asks for a description of how the crane will operate.

Mr. Meyers states it runs on linear guide rails, electric motor (quiet), hoist, automatic pendant. In terms of noise, it is not loud; the forklift is louder. It will be utilized for loading and offloading our truck and for when we receive material. It offers a safer solution as the material comes in bundles. We do wholesale slab distribution -- no fabrications, no cutting, no dust. Where we want to position the crane is parallel to the train tracks.

No more Board questions.

Public Comment

Amy Ransley questions Mr. Meyers on the operation of the business and expresses her objection to having the crane at the property. She also requests party status.

Member D’Oria makes a motion the application of Falls Township Fire Company requesting a use variance from Section 209-21.B of the Falls Township Zoning Ordinances be GRANTED to allow an overhead crane to load and unload granite slabs onto delivery vehicles at the property located at 310 Yardley Avenue, Fallsington,

PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

All in favor 3-0. Motion carries.

Petition #3: Breezy Acres Management (Tina Politz), 87 Kennedy Drive, Fairless Hills, PA 19030; TMP #13-007-007; Zoned: MHC. Requesting a use variance to convert the existing on-site management facility to a one-bedroom apartment. Section 209-18.B.

Atty. Bidlingmaier marks ZHB 1 – 5 and Applicant Ex. A-1 – A-3 (proof of neighbor notification).

Jacob Wertz, Esquire, begins and questions Tina Politz on the previous use of the property, her job description, and the intent to convert this previous office into a one-bedroom apartment as there are other apartments in this building.

No Board questions.

No public comment.

Member D’Oria makes a motion the application of Breezy Acres Management requesting a use variance from Section 209-18.B of the Falls Township Zoning Ordinances be GRANTED to convert the existing on-site management facility to a one-bedroom apartment located at 87 Kennedy Drive, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

All in favor 3-0. Motion carries.

Petition #4: Albert N. Lykon, Sr., 6 Steel Road East, Morrisville, PA 19067; TMP #13-047-147; Zoned: HI. Requesting a dimensional variance to construct a building which is over the allowable maximum impervious coverage of 50%. Section 209-29 and Table 5.

Atty. Bidlingmaier marks Exhibits ZHB 1 – 6 (including neighbor notification).

Albert Lykon, Sr., states he owns the property and is looking to construct a building on the back. Currently, the property is at 52% impervious; the proposed building is 57% impervious coverage. As the plans are not quite finalized, we are asking for 59% total impervious coverage.

No Board questions.

No public comment.

Member D’Oria makes a motion the application of Albert N. Lykon, Sr., requesting a dimensional variance from Section 209-29 and Table 5 of the Falls Township Zoning Ordinances be GRANTED to construct a building which is over the allowable maximum impervious coverage of 50%, but not to 59% impervious coverage, at the property located at 6 Steel Road East, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

All in favor 3-0. Motion carries.

Petition #5: Harshad Patel, 332 W. Trenton Avenue, Ste. 102, Morrisville, PA 19067; TMP #13-035-033; Zoned: NC. Requesting a dimensional variance to allow a façade sign larger than 24 sq. ft. Section 209-45.P(5)(b).

Atty. Bidlingmaier marks Exhibits ZHB 1 – 6 and Applicant Ex. A1 – A3 (proof of neighbor notification).

Andrew Stoll, Esquire, presents the application and states the applicant rents two units in this shopping center as a smoke shop / convenience store. The applicant would like to put a façade sign of 114 sq. ft. which is over the allowable 24 sq. ft. The building is setback 200 ft. from the street, they operate out of two units, and there is vegetation out front – these are all reasons why they need a larger sign than allowed.

Atty. Stoll questions Maureen McWilliams from Allied Signs about her job responsibilities, and she provides detail on the sign.

No Board questions.

Public Comment

Alphus Anderson, adjacent shop owner, states he has no objection to the sign.

Member Brooks makes a motion the application of Harshad Patel requesting a dimensional variance from Section 209-45.P(5)(b) of the Falls Township Zoning Ordinances be GRANTED to allow a façade sign larger than 24 sq. ft. but not to exceed 114 sq. ft. at the property located at 332 W. Trenton Avenue, Ste. 102, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member D’Oria seconds the motion.

All in favor 3-0. Motion carries.

Petition #6: All State Auto Sales LLC, 981 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-034; Zoned: HC. Requesting a use variance to allow for the salvage, storage of excess vehicles not for sale and for the sale of vehicles for parts as an expansion of the existing nonconforming use of a used car dealership. Section 209-23.B.

Matthew Takita states he received correspondence from the Township solicitor regarding this matter. It is our understanding this applicant was going to request a continuance tonight and communicated with Attorney Bidlingmaier on this matter. Our solicitor is not present tonight.

Natalia Bandarenka is sworn in and states she is requesting a continuance.

Atty. Bidlingmaier explains to the applicant the attorney who represents the Township (separate from this Board) wants to take a position on this application. There was communication between you and our Township attorney, and you advised you would ask for a continuance. The basis of the continuance is so you can seek legal counsel.

Ms. Bandarenka states her agreement with Atty. Bidlingmaier’s statement.

Atty. Bidlingmaier also explains that by law, this Board has a certain amount of time to hear an application. We are asking you to grant us an extension of that time requirement.

Ms. Bandarenka agrees to the extension of the time limits.

Member Brooks makes a motion to continue this application until the October 12, 2021 hearing.

Member D'Oria seconds the motion.

All in favor 3-0. Motion carries. Application extended until the October 12, 2021 hearing.

Hearing adjourned 8:22 pm.