

**FALLS TOWNSHIP
ZONING HEARING BOARD
APRIL 9, 2024**

Hearing commenced: 7:10 p.m.

Hearing adjourned: 12:55 a.m.

Members present: Aaron Mackey, Lolain Striluk, William Kiernan, Nastasha Raisley, Robert McTague

Members absent: None – Chris Kilmer (alt) attended as a non-voting member

Also present: Keith Bidlingmaier, ZHB Solicitor; Matthew Takita, Zoning Officer; Ed Neubauer, Code Enforcement; Karen Browndorf, Court Reporter

Petition #1: Andrew Degaetano, 228 Guilford Road, Fairless Hills, PA 19030; TMP #13-016-202; Zoned: NCR. Requesting a dimensional variance from the side yard setback since the addition exceeds 50% of the existing footprint. Section 209-20 and Table 1.

Andrew Degaetano gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5.

Andrew Degaetano presents the application and states they are trying to add a second-floor addition on the home by adding additional bedrooms for their expanding family.

No Board questions.

No public comments.

Member Mackey makes a motion the application of Andrew Degaetano requesting a dimensional variance from the side yard setback since the addition exceeds 50% of the existing footprint pursuant to Section 209-20 and Table 1 of the Falls Township Zoning Ordinances be GRANTED at the property located at 228 Guilford Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Raisley seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Leah Neidlinger, 56 New School Lane, Levittown, PA 19054; TMP #13-027-125; Zoned: NCR. Requesting a dimensional variance to allow a 6 ft. privacy fence along Noblewood Lane. Section 209-37.C(2).

Leah Neidlinger gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Leah Neidlinger presents the application and states she would like a variance for a privacy fence on the side of her home for privacy and to stop kids from cutting through their side yard.

Member Mackey asks if the fence will be in sight triangle (no).

No public comment.

Member McTague makes a motion the application of Leah Neidlinger requesting a dimensional variance from Section 209-37(C)(2) of the Falls Township Zoning Ordinances be GRANTED to allow a 6 ft. privacy fence along Noblewood Lane at the property located at 56 New School 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 5-0. Motion carries.

Petition #3: Good Stuff Thrift (Thomas Hudson), 543 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-013-018; Zoned: HC. Requesting a dimensional variance to allow the proposed sign area to exceed the allowable 32 sq. ft. Section 209-45.Q(5)(b).

Thomas Hudson gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Thomas Hudson presents the application and states they have changed their logo for Good Stuff Thrift. We would like to get a new sign reflecting the logo change. The current sign is old and rusty with some electrical issues so we would like to replace the façade sign.

No Board comment.

No public comment.

Member Mackey makes a motion the application of Good Stuff Thrift requesting a dimensional variance from Section 209-45.Q(5)(b) of the Falls Township Zoning Ordinances be GRANTED to allow the proposed sign area to exceed the allowable 32 sq. ft. at the property located at 543 Lincoln Highway, Fairless Hills, PA 19030, in accordance with the testimony presented to the Zoning Hearing Board.

Member McTague seconds the motion.

All in favor 5-0. Motion carries.

Petition #4: Falls Township Fire Co. 1, 310 Yardley Avenue, Fallsington, PA 19054; TMP #13-032-081; Zoned: IN. Requesting the following variances to construct building additions: Section 209-20.1.E and Table 4 – to allow a minimum front yard building setback less than 100 feet as required on Table 4; to allow a maximum impervious surface ratio greater than 70% as required on Table 4; Section 209-20.1.I – to allow existing parking within 20 ft. to the street line without curbing and plantings as required by Section 209-22.F(2); Section 209-38.1.E(4) – to not provide 20 ft. buffer yards; Section 209-40 – to not provide a lighting plan; Section 209-42.B(1) – to not provide landscaping between off-street parking and street lines or lot lines; Section 209-42.C – to not propose additional lighting fixtures; and Section 209-42.E – to allow an existing continuous open driveway greater than 30 ft. wide.

Brian Binney, professional land surveyor with Anderson Engineering (division of Pennoni) and David Shanberg from Falls Township Fire Co. 1 get sworn in.

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

Brian Binney presents the application and states the fire company would like to put an addition on their building to add another bay to accommodate equipment which will be delivered in 2025. They are purchasing some new apparatus and want to do some other renovations inside the building to make it more useable for them. Currently, the firehouse consists of 11,163 sq. ft; the additions would be 2,786 sq. ft. The property is abutted to the north by the railroad tracks, to the rear of the property is a property owned by Falls Township (a/k/a dog pound), and the property to the right is the American Legion Post.

Many of the variances being sought are currently in existence. There is only one variance which does not currently exist at the fire company -- it is a dimensional variance for the front yard. The existing building is 60 ft. from the front yard setback; the addition will be 54.8 ft. It should be noted the American Legion's front yard setback is 43.9 ft. Many of the properties along Yardley Avenue do not meet the required 100 ft. setback.

Mr. Binney continues with explanations for the remaining variance requests.

Board comments center on most of the variances existing at the site now and there is no increase in impervious coverage.

Public Comment

Amy Ransley, 290 Yardley Ave, and 280 Yardley Avenue, asks about the type of new equipment (new fire trucks parked inside the building), further clarification on the plan and how trucks pull into the garages.

David Shanberg states they have not made a major renovation like this since the 1950s. The Township is growing, and we are getting ready for it. We've been seeking guidance for a year on how to do this. The Board of Supervisors has approved getting three new pieces of equipment to protect our citizens which is one of the reasons for the addition.

No further public comments.

Member McTague makes a motion the application of Falls Township Fire Co. 1 requesting the following variances from the following sections of the Falls Township Zoning Ordinances be GRANTED to construct building additions for the eight requested variances that were read into the record 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 Raisley seconds the motion.

All in favor 5-0. Motion carries.

Board takes an Executive Session.

Petition #5: Falls Township Fire Co. 1, 310 Yardley Avenue, Fallsington, PA 19054; TMP #13-032-081; Zoned: IN. Requesting a use variance to allow the fenced lot in the rear to be used for vehicle storage for an erosion and sediment control landscape contracting business. Section 209-20.1.B.

David Shanberg (Falls Township Fire Co. 1) and Cristhian Mata (the proposed tenant) get sworn in.

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

David Shanberg presents the application and states we previously applied for use variances regarding the yard in the rear. The rear is a little over a half acre and is fenced. Previously we did have a tenant. We have now found a tenant we think would work at the site. We are very mindful of our neighbors and the community and think this tenant will provide minimum traffic and noise.

Cristhian Mata continues and states his company provides erosion sediment controls for national builders like Toll Brothers to prevent any runoff into waterways and to protect the environment. We are similar to a landscaper in that our equipment is small equipment. We have three pickup trucks with equipment trailers which are about 22 ft. long. We would like to use the lot to park our trucks. The employees would drive in and load up, go to various locations, come back and park and then go home.

Member Kiernan asks if they plan on storing any waste or trash overnight in the trucks or trailers (no – they plan to have a dumpster on site), and if you plan on having a fuel tank on site (not right now, possibly in the future). So, you would agree to having no fuel tank at the property if this is approved (yes).

Chairman Striluk asks for hours of operation (7:00 a.m. to 5:00 p.m.), surface of lot (stone).

Public Comment

Walt Jordan, American Legion Post next to the fire company, expresses concern about the pavilion on their property being adjacent to this yard and what’s going to be contained in the pickup trucks, odors, weekend work hours interfering with the events at the pavilion.

Mr. Mata says we do not have anything in our trucks (like chemicals), and if there was some runoff that is what we do for our customers, we would take care of it.

Discussion occurs about potential runoff and current status of runoff and stormwater issues, the previous landscaping business, and previous problems with former tenants.

Member Mackey asks how much of the sediment control comes back to the site.

Mr. Mata says none – we install controls to prevent that at other sites. The materials are geo-textile, non-woven fabrics mostly used to prevent runoff on job sites that have disturbed areas.

Karl Scheele, American Legion Post next to the fire company, expresses concern about the materials coming back to the site and about using the right of way between the properties being used for their trucks.

Amy Ransley, 290 and 280 Yardley Avenue, expresses concerns with product stored (no dirt or mulch), types of trucks (2 small diesel trucks, 1 gasoline truck, diesel skid loaders), number of employees (8-12), and noise.

Daniel Kearney, 290 Yardley Avenue, expresses concern over how the skid loaders will be fueled with diesel (usually get diesel at Wawa for their trucks)

Member McTague asks if there have been any noise complaints recently.

Mr. Takita and Mr. Neubauer say no.

Member Kiernan makes a motion the application of Falls Township Fire Company No. 1 requesting a use variance from Section 209-20.1.B of Falls Township Zoning Ordinances be GRANTED to allow the fenced in lot in the rear to be used for vehicle storage for an erosion and sediment control landscape contracting business 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, with the stipulation no fuel tanks will be stored on the property.

Member Raisley seconds the motion.

All in favor 5-0. Motion carries.

Petition #6: CON'TD FROM 3/12/24 -- Jennifer Gage and James Pelissero, 8025 Mill Creek Parkway, Levittown, PA 19054; TMP #13-042-320; Zoned: NC. Requesting the following dimensional variances for a fast food restaurant: Section 209-22.F – to not require the first 20 ft. from the street line to be landscaped; Section 209-23.E.(8)(a)[1] – to not require a drive-thru bypass lane; Section 209-34.E & K; Section 209-48.3.L.(1) – to permit an accessory use to be located within the front yard and to have a front yard setback of 19.18 ft. where 70 ft. is otherwise required; Section 209-42.B.(1) – to not require a 10 ft. wide planting area between the off-street parking areas and any lot line or street line; Section 209-42.H.(26) – to allow 28 parking spaces where 36 spaces would otherwise be required; Section 209-42.I – to

not require a designated space/area for loading and unloading; Section 209-48.3.L.(2) – to permit an outdoor dining area within 250 ft. of a residential use where 500 ft. would otherwise be required.

Jennifer Gage (owner) and John Richardson, P.E. (engineer) get sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6 and Applicant Exhibit A-2 (neighbor notification).

Bryce McGuigan, Esquire, presents the application and states this property most recently served as a doctor's office. The property sits at the corner of Mill Creek Parkway and Fallsington Tullytown Road. The applicant purchased this property in February of 2022 with the intent of opening a quick service restaurant here called Two and a Fry. Two and a Fry is an existing restaurant in Monongahela, Pennsylvania, which serves hotdogs, french fries, sodas, milkshakes, hamburgers; they intend to operate the same type of restaurant here. It will be a family run business. They think the location will be good for the neighborhood. However, there are challenges to the development because it is a busy intersection at times. This use is permitted at this site; the drive-thru component requires conditional use approval through the Board of Supervisors. This is another process different from this Board. We will ensure the stacking lane stacks for more than 10 vehicles, and to make sure there will never be an overflow of traffic onto either Mill Creek Parkway or Fallsington Tullytown Road.

John Richardson is recognized as an expert in civil engineering. He testifies as to the existing features (the building will remain where it is). The site has been vacant for a while. The proposal calls for two driveways, a drive-thru and an outdoor seating area. Details are discussed about the traffic flow within the parcel, parking, stacking, driveways. He goes through the variances with reasons for the requests.

Member Kiernan asks about delivery trucks and how the food will be delivered (small trucks at off-hours).

Chairman Striluk questions placement of the driveways and whether they are in-and-out driveways.

Public Comment

Debra Riccardi, 46 New Pond Lane, expresses her concern about the traffic impact, size of the lot for this business, added traffic, and safety concerns.

Chairman Striluk asks if Roseanne Hartley is in attendance (no). She received party status previously.

Ted Carroll, 160 Fallsington-Tullytown Rd, Apt. H7, expresses his concern about pedestrian traffic, trash pick at the site, the outdoor dining area, and the hours of operation.

Edward Matthias, 45 Peartree Lane, expresses his concern with exiting onto Mill Creek Parkway and possible vehicle accidents.

Jennifer Gage testifies she is the owner of the property, agrees with Atty. McGuigan's presentation of the application and further states how the family business will be run, hours of operation (6 days a week – 10:00 a.m. to 7:00 p.m.), and history of the name.

No more Board comments.

No more public comment.

Member Mackey makes a motion the application of Jennifer Gage and James Pelissero requesting the following dimensional variances from the following sections of the Falls Township Zoning Ordinances be GRANTED to allow a fast food restaurant: 1) Section 209-22.F – to not require the first 20 ft. from the street line to be landscaped; 2) Section 209-23.E.(8)(a)[1] – to not require a drive-thru bypass lane; 3) Section 209-34.E & K; Section 209-48.3.L.(1) – to permit an accessory use to be located within the front yard and to have a front yard setback of 19.18 ft. where 70 ft. is otherwise required; 4) Section 209-42.B.(1) – to not require a 10 ft. wide planting area between the off-street parking areas and any lot line or street line; 5) Section 209-42.H.(26) – to

allow 28 parking spaces where 36 spaces would otherwise be required; 6) Section 209-42.I – to not require a designated space/area for loading and unloading; and 7) Section 209-48.3.L.(2) – to permit an outdoor dining area within 250 ft. of a residential use where 500 ft. would otherwise be required, at the property located at 8025 Mill Creek Parkway, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Raisley seconds the motion.

All in favor 4-1, Striluk dissenting. Motion carries.

Board takes a break.

Petition #7: CONT'D FROM 3/12/24 - Laundry Properties, LLC, 316-320 W. Trenton Avenue, Morrisville, PA 19067; TMP #13-035-030 and #13-035-031; Zoned: NC. Requesting the following variances: Section 209-22.B – to allow a self storage facility use, retail use and expansion of a residential use; Section 209-22.F.2 – to permit parking areas to be 14.69 feet from any street line instead of the required 20 ft; and Section 209-42.H – to permit 15 parking spaces instead of the required 56 parking spaces.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8 and Applicant Exhibit A-1 (neighbor notification).

Michael Meginniss, Esquire, presents the application and states their plan has been revised to allow the detached single family dwelling to remain (instead of being demolished) which will, therefore, lessen their required parking requirements (26 now required instead of 56). The applicant is proposing to develop and consolidate both lots which are zoned NC (Neighborhood Commercial). These contiguous parcels are located between a laundromat and a small commercial complex. Both parcels have a residence with an accessory structure. The parcel on the right – the residence will remain as a residence. The other three structures will be demolished. They want to build a small storage facility, but in conjunction with a relocated mixed-retail residential use on the property after the lots are consolidated. Mixed-use here means there will be multiple buildings that have a variety of uses. We worked with the Township on a few different plans. The storage units in the rear will not be visible from Trenton Road. There will be a vegetated buffer in the rear to separate it from those properties. In addition to the storage units, other buildings will have a small retail component on the first floor with two one-bedroom apartments on the second floor.

Daniel Marrazzo (property owner) gets sworn in. He testified as to his construction history within Falls Township as a developer and contractor for 45 years, gives detail on the current condition of the two properties, the proposed development and lot consolidation for the parcels, and the fit in the surrounding neighborhood.

Member Mackey asks about the need for storage.

John Richardson, P.E., gets sworn in and accepted as an expert in civil engineering. He testifies about the current / existing features of the parcels and also the proposed development and lot consolidation of the parcels. He goes through the variance requests and the reasons for them.

Member Kiernan asks about the parking spaces and impervious surface requirements.

Member Mackey asks for clarification on the parking numbers.

Chairperson Striluk asks about the number of apartments, access to the storage units in the back, and parking for the apartments.

Public Comment

Amy Ransley, 290/280 Yardley Avenue, expresses her concern that 15 parking spaces are not enough for the apartment and retail use.

Member Mc Tague makes a motion the application of Laundry Properties, LLC requesting the following variances from the following sections of the Falls Township Zoning Ordinances be GRANTED: Section 209-22.B – to allow a self storage facility use, retail use and expansion of a residential use; Section 209-22.F.2 – to permit parking areas to be 14.69 feet from any street line instead of the required 20 ft; and Section 209-42.H – to permit 15 parking spaces instead of the required 56 parking spaces, at the property located at 316-320 W. Trenton Avenue, Morrisville, PA 19067, 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 5-0. Motion carries.

Petition #9: Brian Brzezinski, 654 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-014-231; Zoned: HC. Requesting the following variances: Section 209-23.B – to permit an apartment / condominium use (mid-to high-rise, 3 stories maximum); Section 209, Table 4 -- To permit a front yard setback of 64.07 feet along Trenton Avenue and a front yard setback of 81.63 feet along Lincoln Highway instead of the required 100 feet. The latter request is a reduction in an existing non-conformity (existing front yard setback along Lincoln Highway is 35.53 feet); To not require a 25-foot buffer along a residential district; To permit a maximum impervious surface coverage ratio of 75.42% where a maximum allowable is 70%; Section 209-23.H(2) – To permit the parking area to be 3.58 feet from property line instead of the required 10 feet and 6.05 feet from any street line instead of the required 30 feet; Section 209-38.1.E(2) – To not require a buffer yard along the NCR district (existing non-conformity); Section 209-42.B(1) To not require the clustered planting of dense plant material not less than four feet in height and 10 feet in width between the off-street parking areas and any lot line; and Section 209-42.H.(2)(a)[1] and [4] – To permit 168 parking spaces instead of the required 248 spaces, with up to 86 of those spaces placed in reserve.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant Exhibit A-3 (neighbor notification).

Timothy Duffy, Esquire, presents the application and states the applicant was before this Board in February for a 4-story apartment dwelling which was denied. One of the biggest issues we heard at that time was concern over the height of the units. We went back to the drawing board and lowered the building by one floor, so there will be three-story buildings.

Atty. Duffy summarizes the testimony Brian Brzezinski and Heath Dumack would give if called. Both are sworn in and both affirm Atty. Duffy's statements.

Atty. Duffy states these revised plans will be 55 and over, age restricted residential condominium community, not apartments, so they will be owner-occupied. The project will be two buildings, 3 stories each, a total of 90 units -- 48 on the Lincoln Highway side and 42 on the Trenton Road side. We are proposing 168 parking spaces. Other permitted uses would generate far too much traffic for this area. Given the unique location of this property adjacent to residential properties and its need for redevelopment given its current condition, the zoning prevents the site from being developed with a use that has an appropriate impact upon neighboring properties without being granted a use variance. This development will not alter the essential character of this neighborhood.

Atty. Duffy continues and summarizes the dimensional variances requested.

Chairman Striluk expresses concern about the amount of handicap parking spots, removal of all the vegetation, and doesn't see the hardship.

Member Kiernan expresses concern about the hardship (not having a valid one) and the number of parking spaces.

Atty. Duffy explains what the hardship is for both the use and the dimensional variance requests.

Member Raisley also asks about the hardship.

Mr. Dumack explains the environmental issues at the site.

Discussion occurs on the use and rezoning of the parcel.

Member Mackey asks if you are losing a story from the previous plan, how do you have the same number of units.

Mr. Dumack says the buildings got longer.

No Township comments.

Public Comment

Terri McKeown, 15 Oak Lane, expresses concern about the same plan as the previous one (a little wider), the building does not fit in the community, no buffer road, the paper road being removed, the additional EDUs, traffic, not the right project for this site and wants the Board to deny the application.

Jennifer Kramer, 658 Lincoln Highway, next door to parcel, says the property is a commercial property, nothing has changed in the plans, and Mr. Brzezinski is going to make millions.

Dennis Askey, 12 Oak Lane, states the hardship is on the neighbors on Oak Lane and our privacy, taking down of the trees, and there are too many buildings.

Ron Seal, 658 Lincoln Highway, expresses concern over the number of units, the parcel is too small for this development, and it is not safe nor good for the neighborhood.

Toni Battiste, 218 Gloucester Road, expresses concern with the traffic, no buffer, and costs.

No further Board comment.

Member Kiernan makes a motion the application for Brian Brzezinski be DENIED.

Member Mackey seconds the motion.

All in favor 4-1, Raisley abstains. Motion carries.

Petition #8: CONT'D FROM 3/12/24 -- Al and Mary Episcopo, 8815 New Falls Road, Levittown, PA 19054; TMP #13-019-169, #13-019-168-001, #13-019-167; Zoned: NC/NCR. Requesting the following variances: Section 209-20(B) and 209-22(B) – to permit multi-family as a principal use; Section 209-22(D) – to permit a three-story building (48 ft. to roof peak); Section 209-38.1(E)(3) – to not require the stated minimum width of buffer yards from a multi-family residential development; Section 209-22.E – to permit a 25.8 ft. front yard setback in the NC District; Section 209-42(E) – to permit continuous open access in the parking field which is an existing non-conforming condition; and Section 209-42(F)(1) – to allow off-street parking to remain on an adjacent lot which is an existing non-conforming condition.

Rob Cunningham (project engineer) and Mike and Al Episcopo get sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8 and Applicant A-3 (neighbor notification letters). A-1 is a traffic study and A-2 are renderings of the project.

Michael Meginniss, Esquire, presents the application and states Mr. Episcopo has owned the property for 62 years. There are three properties as part of this application totaling a little less than 1-1/2 acres. This was the former home of Levittown Lanes which was on New Falls Roads with the parking lot to the right on a different parcel (one of the 3 parcels tonight). The parking lot will remain the same as part of this application. The project is unique for a number of reasons. First, there are 3 properties which share common ownership that have been used as one development and one operation. Second, the property is bisected by a drive that dead ends. Third, the NC and NCR zoning districts bisect the property. There is an accessory use in the form of a parking lot which is being used in tandem with a proposed principal use with different zoning which would substantially challenge the ability to develop this property in conformance with the applicable zonings standards of either zoning district.

Specifically, the applicant is looking to construct a 24-unit apartment project. This is a multi-million dollar investment which the applicant is undertaking to beautify the site. This is not Section 8 housing. The applicant has operated this property for 62 years. It was a bar, bowling alley, and restaurant. The applicant is local and is not coming into the Township seeking to develop it to flip a property. The applicant's business burnt to the ground, and they are trying to redevelop the site consistent and beneficial to the community. The applicant is not trying to cram in an overly dense development – there are 24 units on 1-1/2 acres. We are significantly reducing the impervious surface percentage, and we are improving stormwater management. We are designing this to be high end -- the building will have elevators. We are reducing the setback from where the bowling alley existed. This use is a significantly less impactful development than what could be developed and what was the prior use. There is no commercial financing available to rebuild another bowling alley unless you are a big operation, so the applicant thought this would work in the neighborhood.

Robert Cunningham, P.E. (Holmes Cunningham Engineering) is recognized as an expert in civil engineering and granted that status. He testifies as to the existing conditions, the fire which destroyed the structure, and the redevelopment plan (24 apartments in a 12,000 sq. ft. three story building with parking). He goes through the need for the variance requests.

Board Questions

Member McTague asks the driveway off the parking lot that is on the same side as the apartment building – where is that exiting to?

Mr. Cunningham says there was an existing agreement with that neighbor. They have a garage which faces that parking lot. There is nothing formal. We could get two extra parking spaces, but they made that deal a long time ago with the applicant, so we will leave that in place.

Member Mackey asks how high the buildings behind the development are (2 stories).

Matthew Episcopo testifies he is the son of the property owners, explains the family history of the property, the impact of the fire on his family and the neighborhood, his wish they still had the bowling alley, how it is not economically feasible to rebuild as a bowling alley, how his family's desire is to keep the properties and not sell to a developer, and that this plan makes the most sense to keep it as a family business.

Al Episcopo testifies he is the owner of the property and has been involved with the property since 1962, and states how much these properties mean to his family, the tragic loss of the bowling alley to his family, and the future for his family to continue to own these properties.

Public Comment

Jeanette Michalowski, 142 Orchard Drive, expresses her concern about safety, increased traffic, decrease of property value, additional students in an overcrowded school district, inadequate size of the parcels, size of the buildings, how close to the road it will be and is opposed to the application.

Michael Mullen, 120 Amelia Drive, expresses his concern about more traffic impacting where he lives because the apartments will be close to his house, the lot is too small, increased noise, the close proximity of the dumpster to his house, and is opposed to the application. He hands in a handwritten petition opposing the application (ZHB Exhibit 8) and mentions an online petition as well.

Jarrie Mullen, 120 Amelia Drive, states she understands the property needs to be redeveloped, just not a 3 story apartment building and expresses concern about privacy and safety.

Amy Ransley, 290 Yardley Avenue, states she grew up on Orchard Drive and Amelia Drive, and expresses concern about extra cars in the shopping center (which she owns) across the street being used for extra parking.

Jeanette Michalowski requests and receives Party Status.

Member Raisley seeks clarification on the parking spaces (there are 70 spaces for 16 two-bedroom and 8 one-bedroom apartments), asks to have the trip generation statement shown to the public and the location of the dumpster.

Atty. Meginniss gives a closing statement.

Member McTague makes a motion the application of Al and Mary Episcopo requesting the following variances from the following sections of Falls Township Zoning Ordinances be GRANTED: Section 209-20(B) and 209-22(B) – to permit multi-family as a principal use; Section 209-22(D) – to permit a three-story building (48 ft. to roof peak); Section 209-38.1(E)(3) – to not require the stated minimum width of buffer yards from a multi-family residential development; Section 209-22.E – to permit a 25.8 ft. front yard setback in the NC District; Section 209-42(E) – to permit continuous open access in the parking field which is an existing non-conforming condition; and Section 209-42(F)(1) – to allow off-street parking to remain on an adjacent lot which is an existing non-conforming condition, at the property located at 8815 New Falls Road, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board, conditioned on an agreeable placement of the dumpster and the deed restriction.

Member Mackey seconds.

All in favor 4-1, Striluk dissenting. Motion carries.

Petition #10: Lower Bucks Homebuilders, LLC, Fallsington-Tullytown Road, Levittown, PA 19054; TMP #13-042-342 through 13-042-351; Zoned: NC. Requesting the following variances for the construction of three contractor garages ranging from 4,725 sq. ft. to 5,250 sq. ft. in conjunction with the consolidation of the numerous lots: Section 209-22.B – to allow contractor garage as a principal use; Section 209-22.E -- to allow minimum front yards of 20 ft. along Fallsington-Tullytown Road and 11 ft. from Bristol Pike; to allow a maximum building coverage of 41.2%; Section 209-22.F(2) – to allow drive aisles within 20 ft. adjacent to street lines and without curbing; Section 209-38.1(E)(2) -- to remove requirement for 25 ft. buffer yards along Fallsington-Tullytown Road and Bristol Pike; and Section 209-42.B(1) –to remove the requirement for a 10 ft. wide landscaping strip between off-street parking areas and a lot line or street line, curbing and a designated space / area for loading and unloading.

Jamie McCafferty and Eric Clase, P.E. get sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5, and Exhibit A-1 (neighbor notification).

Michael Meginniss, Esquire, presents the application and states the applicant is the equitable owner of 10 “movie lots”, which are contiguous and total approximately 1.16 acres in the aggregate. The lots are between Fallsington-Tullytown Road and Route 13. Because of the odd configuration, commercial development is limited. The proposed development will not be used for extra storage of material. The idea is to have three contractor garages; they range from 4,700 sq. ft. to 5,200 sq. ft. Their customers would be a local plumber / contractor that wants to have a place to store some of his equipment. There would be no traffic impact, there is no office component, and no water / sewer component. It is just a garage for local contractors to frequent on occasion as needed.

Jamie McCafferty testifies they build single family residential homes in Lower Bucks County. We are looking to consolidate the parcels into one parcel and construct three contractor storage garages, with 12 or 14 ft. doors to allow box trucks, cargo vans to load and unload product like water heaters, etc. There will be no restrooms or offices. No outside storage.

Chairman Striluk asks about the structure construction (concrete foundation / steel sides).

Member Mackey asks what is currently on the lots (nothing – just brush and trees).

Member Kiernan asks about the wetlands.

Eric Clase states there are no wetlands on these ten lots.

Member Kiernan asks about a truck with a trailer – will there be enough room to maneuver without going back out onto the road.

Mr. Clase responds there is more than sufficient room.

Member McTague asks how many total contractor spaces will be there – just 3 or will you divide the buildings.

Mr. McCafferty stats there will be three structures, ideally two contractors in each structure.

Public Comment

Ted Carroll, 160 Fallsington-Tullytown Road (Creek Village Apartment complex which is directly across the street from the lots). He expresses concern about stormwater management and flooding, emergency vehicle access, landscape and buffering, parking from the Continental Little League using parking here, and no sidewalks.

Eric Clase, P.E., addresses each of these concerns.

Debra Riccardi, 46 New Pond Lane, expresses her concern about how narrow the street is, traffic congestion, and safety for the public.

Toni Battiste, 218 Gloucester Road, expresses her concern about the traffic parked along Fallsington-Tullytown Road from the baseball field.

Member McTague makes a motion the application of Lower Bucks Homebuilders LLC requesting the following variances from the following sections of the Falls Township Zoning Ordinances be GRANTED to construct three contractor garages ranging from 4,725 sq. ft. to 5,250 sq. ft. in conjunction with the consolidation of the numerous lots: Section 209-22.B – to allow contractor garage as a principal use; Section 209-22.E -- to allow minimum front yards of 20 ft. along Fallsington-Tullytown Road and 11 ft. from Bristol Pike; to allow a maximum building coverage of 41.2%; Section 209-22.F(2) – to allow drive aisles within 20 ft. adjacent to street lines and without curbing; Section 209-38.1(E)(2) -- to remove requirement for 25 ft. buffer yards along Fallsington-Tullytown Road and Bristol Pike; and Section 209-42.B(1) –to remove the requirement for a 10 ft. wide landscaping strip between off-street parking areas and a lot line or street line, curbing and a designated

space / area for loading and unloading, at the parcels listed and in accordance with the testimony presented to the Zoning Hearing Board, conditioned there is no outside storage of materials nor overnight parking of trucks.

Member Raisley seconds the motion.

All in favor 5-0. Motion carries.

Hearing adjourned 12:55 a.m.