

**FALLS TOWNSHIP
ZONING HEARING BOARD
DECEMBER 13, 2016**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:25 p.m.

Members present: Brooks, Henderson, Miles, Molle, Powers

Members absent: None

Also present: Thomas Bennett, Zoning Officer / CCEO; Ed Neubauer, Code Enforcement Officer; Noah Marlier, Esquire (Rudolph Clarke) representing the Township; Keith Bidlingmaier, Esquire, ZHB Solicitor; Karen Browndorf, Court Stenographer

Extension letter request – Falls Township Fire Company #1, 310 Yardley Avenue, Fallsington, PA 19054

Chairman Henderson states that this petitioner has requested a continuance until next month to hear this application.

Atty. Bidlingmaier states that the Township has received a letter dated December 1, 2016, from Timothy Duffy, Esquire, attorney for Falls Township Fire Company #1, requesting an extension or a continuance until the January 10, 2017 hearing. Atty. Duffy has also agreed to grant this Board an extension of the 60-day requirement (application must be heard within 60 days of filing) and requests that the letter be incorporated into tonight's record.

Member Powers makes a motion that the petition of Falls Township Fire Company #1, 310 Yardley Avenue, be continued until January 10, 2017 at 7:00 p.m.

Member Molle seconds the motion.

All in favor 5-0. Motion carries. Petition continued until January 10, 2017 at 7:00 p.m.

Petition #1: Joan Chiovitt, 424 Pinewood Drive, Levittown, PA 19054; TMP #13-041-131; Zoned: NCR. Requesting a dimensional variance for an addition encroaching into the rear yard setback and a use variance to install a second stove in the addition. Section 209-20 and Table 1 and Section 209-20.B.(1).

Atty. Bidlingmaier states that he understands that you spoke to the Township earlier regarding the second stove and that you are going to withdraw that request. However, you are going to proceed with the request for the rear setback. Is that accurate?

Ms. Chiovitt states that is correct.

Noah Marlier, Esquire, confirms that he did speak to Ms. Chiovitt earlier today and expressed the concerns the Township had regarding the installation of a second stove. Ms. Chiovitt was not only reasonable but very understanding of the Township's position. While the Township is not taking any position on the other portion of her application, I did want to relay that information to this Board. It is our understanding that she will withdraw her request for a second stove. On that basis, we will not be opposing the application.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Ms. Chiovitt states that she does not live at this residence, but my mother is the owner. I am moving from my townhome to her home. My mother is 93 and my sister is 74. We would like to expand the great room 16 ft. x

23 ft. so that they can convalesce. My mom has a walker and my sister will be having surgery and will have rehab in the addition.

No Board questions.

No public comments.

Member Brooks makes a motion that the application of Joan Chiovitt for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED for an addition encroaching into the rear yard setback at 424 Pinewood Drive, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Miles seconds the motion.

All in favor 5-0. Motion carries. Setback approved / second stove withdrawn.

Petition #2: John Costello, 8739 New Falls Road, Levittown, PA 19054; TMP #13-019-153, #13-019-152 and #13-019-151; Zoned: BP. Requesting dimensional variances to install an electronic graphic display sign and to erect a fence in the front yard. Section 209-45.G and 209-37.C

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

Joseph Caracappa, Esquire, presents the application. Mr. Costello is the owner of the above property out of which he operates Costello Fuel Oil. There is an existing free standing pole sign that advertises his business which sits approximately 20 to 24 feet from the roadway. There is an existing 4 ft. by 6 ft. section of the sign, the bottom portion of which Mr. Costello would like to replace with a 2 ft. by 10 ft. electronic display sign as shown on the photograph submitted with the application. Levittown Lanes right down the street has a much larger display than the one we are proposing and sits much closer to the roadway.

The second variance is for a fence which would extend into the front yard of the property.

Mr. Costello states that the sign will promote my business and the information could be changed from within my office. Other information would be the price of fuel, weather, temperature, community events, etc. There are other businesses that have this type of signage – the bar, the fireplace. Mr. Costello shows pictures of the other businesses (Ex. A-2). The fence is to help secure my oil trucks.

Mr. Bennett explains that with regard to the fence, the Township received a complaint about kids behind his oil trucks. The Township Manager and Mr. Bennett had discussed with Mr. Costello the possibility of installing a fence. Mr. Costello then comes in with a sign permit which also needed a variance request, and it was suggested to him that he submit a Zoning Hearing Board application for both.

Member Powers seeks clarification of the diagram and if the fence will sit on the property line (it will).

Member Miles asks how high the current fence is.

Mr. Costello responds 5 ft. high.

Member Miles states that the new fence will continue along with 5 ft. high fence – correct?

Mr .Costello states yes.

Public Comment

George Kennedy, neighbor, speaks in support of the application. This was a pizza shop for many years and it was rundown and in bad shape when Mr. Costello purchased it. He has fixed up the property and the property is well maintained.

Member Powers makes a motion that the application of John Costello for dimensional variances from Section 209-45.G. and 209-37.C of the Falls Township Zoning Ordinance be GRANTED to install an electronic graphic display sign and to erect a fence in the front yard at the property located at 8739 New Falls Road, Levittown, PA 19054, with the fence along the property line and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 5-0. Motion carries. Electronic graphic display sign / fence in front yard

Board Business

Chairman Henderson states that tonight is Member Patty Powers' last hearing. She has served as a member of the Zoning Hearing Board for 10 years. The Board thanks her for her years of service to the Township and wishes her well in her future endeavors.

Hearing adjourned 7:25 p.m.