

**FALLS TOWNSHIP
ZONING HEARING BOARD
SEPTEMBER 12, 2017**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:26 p.m.

Members present: Al Brooks, Scott D’Oria, Bill Kiernan, Dan Miles, Doug Molle

Members absent: Colin Henderson

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

Petition #1: George Alexander, 16 Turnhill Lane, Levittown, PA 19054; TMP #13-024-138; Zoned: NCR. Requesting a dimensional variance to construct an accessory structure which encroaches into the minimum distance between buildings. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

George Alexander presents the application and states he is looking to build a bigger shed than the one he currently has.

Discussion occurs with Board member questions regarding the location of the shed, the size of the shed, and what will be stored in the shed.

No public comment.

Member Brooks makes a motion that the application of George Alexander for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to construct an accessory structure which encroaches into the minimum distance between buildings at the property located at 16 Turnhill 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 #2: Paul Davis Restoration, 275 Yardley Avenue, Fallsington, PA 19047; TMP #13-032-019; Zoned: NCR – VPB. Requesting a use variance to allow warehousing use in this district. Section 209-19 and Section 209-20.

Atty. Bidlingmaier marks ZHB Exhibit 1 – 7 and Applicant Exhibit A-1 (proof of neighbor notification).

Thomas Hecker, Esquire, presents the application. Paul Davis Restoration is a company which helps restores a property impacted by emergencies (such as a fire or flood). They remove the merchandise/ belongings that are salvageable. The salvageable material will be stored at this facility which will be part warehouse, part office space and an area for cleaning, until the customer’s property is restored and habitable again.

This property has a history of being used by the Township of Falls Authority (TOFA) for office, storage of vehicles, and every day operation of the authority. It was subsequently sold to Dorothy Vislosky who collected and stored many antiques on the property. The property has some history of being used as a warehouse.

We are asking for a use variance tonight because we believe the property is perfect for this proposed use. Mike Leas has been operating his business in Falls Township and has outgrown his current location. The property is under agreement of sale (Exhibit A-2).

Mike Leas gets sworn in and in response to Atty. Hecker's questions testifies as to the nature of his business and the need for more space, the reasons for wanting this property for the business, the day to day running of the business, the types of materials stored in the building (dehumidifiers, fans, generators, ozone machines, trailers, service vans, scaffolding, ladders, nail guns, generators, etc.), the surrounding properties (Rex Fuel directly across the street, Fallsington Fire Station, a school, an antique dealer and a park), size of the office building (3,000 sq. ft.), size of the warehouse (approx. 3,000 sq. ft.).

Mr. Leas continues his testimony stating the previous uses of the property and his proposed use of the property are not very different.

Pictures are shown and discussed as well as traffic generation and transportation of materials from the site.

Board Questions

Member Molle asks questions regarding disposal of moldy clothes (another company handles directly from the site) and noise of generators (none – generators are operated at job sites).

Member Kiernan asks questions regarding the size of trucks (standard vans, no big trucks).

Member Brooks asks questions regarding the number of dump trailers (4), size (6' x 12'), how many vehicles (9 service vehicles, approx. 4-5 at the property), how many generators (1 large diesel, 5 or 6 small generators), how many laborers (6-8), and techniques for cleaning the customers' merchandise.

Member D'Oria asks questions regarding number of current customers' merchandise stored at his current site (hard to answer – typically bring stuff back if the house is unlivable).

Chairman Miles asks questions regarding how product is stored (container crates inside the warehouse), any outside storage (no), any fence along the side that buffers the park (yes), any work that would be performed on the outside of the property (no).

Member D'Oria asks if he intends to do any other alterations to the property (can't answer).

Public Comment

Tom Gerace, 104 Main Street, expresses his objection to the application stating possible smells from sewage from job sites sitting in the dumpsters overnight as well as aesthetics for the neighborhood.

Andrew Dell, 101 Main Street, expresses his objection to the application stating Historic Fallsington is not the place for such a business.

Kimberly Scarpiello, 121 Yardley Avenue, expresses her objection to the application stating traffic concerns and noise, and reminds the Board that they voted against a previous application at the fire house.

Craig Williams, 69 Main Street, expresses his objections to the application stating that there could be hazardous materials from job sites, that the use is consistent with light industrial uses not residential uses, and concern for the safety of the children.

Janine Rushing, 94 Main Street, expresses her objections to the application stating concern about deliveries in large trucks, traffic concerns and storage containers as well as the safety of the children.

Margaret Serafina, 34 Old Locust Street, expresses her objections to the application stating that this is a historic district, her concern with trucks in a residential neighborhood, and her desire to maintain the integrity of the neighborhood.

Bonnie Smith, 53 Old Locust Street, expresses her objections to the application stating traffic concerns, safety concerns (no sidewalks in Fallsington), and the aesthetics for the neighborhood.

Amy Ransley, 290 Yardley Avenue, expresses her objections to the application stating there is enough traffic in the neighborhood due to the school and fire house.

Sandy Schumaker, 65 Old Locust Avenue, expresses her objections to the application stating that the best place for the business is in the industrial area, not in town.

Danny Vossbein, 39 Williamson Avenue, expresses his objection to the application stating that this business is not a good fit for this neighborhood.

Diane Brown, 10 Yardley Avenue, expresses her objection to the application stating that Historic Fallsington should remain Historic Fallsington and precedence shouldn't be set by allowing this type of business here.

Mike Meehan, employee of Paul Davis Restoration, responds to some of the neighbor's concerns and comments.

Atty. Bidlingmaier stated that the Board has received a letter from Jan Vislosky Duffy dated September 6, 2017. She is the property owner located at 267 Yardley Avenue directly next to the subject property. Chairman Miles reads the content of the letter into the record which states Judge Vislosky's neutral position.

No more public comment.

Mr. Leas makes a rebuttal statement and addresses some of the neighbor's concerns.

Atty. Hecker makes a closing statement.

Member Molle makes a motion that the application of Paul Davis Restoration be DENIED.

Member Brooks seconds the motion.

All in favor 5-0. Motion carries. APPLICATION IS DENIED.

Hearing adjourned 8:26 p.m.