

**FALLS TOWNSHIP
ZONING HEARING BOARD
AUGUST 13, 2019**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:45 p.m.

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

Members absent: Bill Kiernan

Also present: Ed Neubauer, Code Enforcement Officer; Peter Gray, Township Manager; Joseph Jones, Township Engineer; Lauren Gallagher, Township Solicitor; Keith Bidlingmaier, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition #1: Matthew Sierra and Haley Neafay, 282 North Park Drive, Levittown, PA 19054; TMP #13-027-099; Zoned: NCR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Matthew Sierra presents the application and states that his current fence is a 4 ft. high chain link fence which is deteriorating around the post and gate. We would like to replace it for the safety of our children and dogs with a fence that provides more privacy.

Member D’Orio asks if the fence is right on the property line.

Mr. Sierra states that it will be placed 2 ft. off the sidewalk.

No further Board questions.

No public comment.

Member Brooks makes a motion that the application of Matthew Sierra and Haley Neafay 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 282 North Park Drive, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 4-0. Motion carries.

Petition #2: Milex Properties, LLC, (CONT’D FROM 7-9-19), 300 W. Trenton Avenue, Morrisville, PA 19067; TMP #13-035-027; Zoned: NC. Requesting a dimensional variance to permit a building with a height of 35 feet where a maximum of 25 feet is permitted. Section 209-22.D.

Lauren Gallagher states that the Township would like to take party status in this matter.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 11 and Applicant A-1 (neighbor notification)

Kristen Holmes, P.E., Holmes Cunningham Engineering, civil engineer for the project begins and introduces Mike DeMaio, the property owner. The project came before this Board in April 2019 for a parking variance (which was granted), proceeded through the land development phase (received preliminary and final approvals from the Board of Supervisors) and began the permit phase. It was at that point when the architectural drawings

were being developed that the building height became an issue. The property currently has a two-story building located towards the front of W. Trenton Avenue. The proposal is to provide a new two-story building to the rear of the property and extend the driveway with additional parking for this new building. The existing building's height is 32 ft. 2 inches, which does exceed the code requirements of a maximum of 25 ft. in the NC District.

We would like to amend our petition to ask for a building height of 31 ft. 11 inches for the new building, which is slightly less than the existing building. Last week, we met with Township staff to discuss this application and the building height. From those discussions, we revised the plans to ensure the new building should not be higher than the current building.

Lauren Gallagher states that the Township would agree that we did meet last week. The applicant is agreeable to the new building height not exceeding the existing building height as confirmed by the Township Engineer.

Board questions center around height of building (31 ft. 11 inches) and attic space (no storage – dormers are just decorative).

No public comment.

Member D'Oria makes a motion that the application of Milex Properties requesting a dimensional variance from Section 209-22.D of the Falls Township Zoning Ordinance be GRANTED to permit a building with a height of 31 ft. 11 inches where a maximum of 25 ft. is permitted at the property located at 300 W. Trenton Avenue, Morrisville, PA 19067, as depicted on the plan and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 4-0. Motion carries.

Petition #3: Outback Steakhouse of Florida, LLC, 650 Commerce Boulevard, Fairless Hills, PA 19030; TMP #13-003-036-005; Zoned: SC. Requesting a dimensional variance to allow wall signage to be greater than 32 square feet per sign face. Section 209-45.Q(5)(b).

Atty. Bidlingmaier marks ZHB 1 – 6 and Applicant Exhibit A-F.

Brendan Callahan, Esquire, presents the application and states that the property was formerly the Old County Buffet restaurant. The applicant was before this Board for various dimensional variances dealing with setbacks and street parking. A sign variance was not requested at that time because the plan complied with the ordinance that existed at the time it was submitted. The ordinance has now changed. The variances requested at this hearing deal with three wall signs, which are larger than the 32 sq. ft. maximum that are allowed by the ordinance.

Jamie Butler, Director of Site Development for Blooming Brands, describes his job responsibilities and his experience, why he selected this location, details the size and location of the signs, describes the need for large signs because they will not be on the multi-tenant panel tower sign out front of the shopping center. He stresses that without having the multi-tenant panel sign, the sign on the façade should be large to gain the public's attention. He also mentions the size of the signs in the surrounding shopping centers as being large.

Board questions concern the size of the sign going up to 85 sq. ft. instead of 65 sq. ft.

No further Board questions.

No public comment.

Member Brooks makes a motion that the application of Outback Steakhouse of Florida requesting a dimensional variance from Section 209-45.Q(5)(b) of the Falls Township Zoning Ordinance be GRANTED to allow wall signage to be greater than 32 sq. feet, not to exceed 85 sq. ft. per sign face at the property located at 650 Commerce Blvd., Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented at the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 4-0. Motion carries.

Hearing adjourned 7:40 p.m.