

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
MAY 12, 2020**

**Hearing commenced:** 7:20 p.m.

**Hearing adjourned:** 8:20 p.m.

**Members present:** Alfred Brooks, Scott D’Oria, William Kiernan, Daniel Miles, Douglas Molle

**Members absent:** None

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

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*The hearing was conducted remotely through Zoom.*

Chairman Miles makes a statement indicating that the hearing is being conducted through Zoom. He also states that the agenda order is being changed with the last petition being heard first.

**Petition #6: Bumm’s Holdings Company, LLC, 140-A Old Oxford Valley Road, Langhorne, PA 19047; TMP #13-003-001-001; Zoned: PIP. Requesting a use variance to allow leased parking area on property with principal use on another property (Section 209-28.B) and a dimensional variance to permit impervious surface coverage of 62.9% instead of 50% allowed (Section 209-28.F).**

Joseph Blackburn, Esquire, states that he represents the applicant and asks this Board to open the hearing on this application, and immediately continue it to a date certain so as to give the applicant an opportunity to meet with the Middletown Township zoning office regarding a small portion of the subject property which is located in Middletown.

Answering a question from Chairman Miles, Atty. Bidlingmaier asks the Board to make a motion to continue this application to allow Falls Township and Middletown Township to converse on this application to make sure Middletown has no issue with the application and take any appropriate action if necessary. The Board can make a motion to continue this application to the June 9, 2020 hearing.

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

Member Kiernan makes a motion to continue this petition until June 9, 2020.

Member Molle seconds the motion.

**All in favor 5-0. Motion carries. Petition is continued until June 9, 2020.**

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**Petition #1: Christopher Skoczylas, 821 Hanford Drive, Fairless Hills, PA 19030; TMP #13-018-012; Zoned: NCR. Requesting a dimensional variance to erect a shed in the secondary front yard which encroaches into the front yard setback. Sections 209-34.E, 209-20.C, and Table 1.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10.

Christopher Skoczylas presents the application and states that he is a paralyzed veteran and had received a grant from the government to convert his garage into living space. Because of this he does not have enough storage space and would like to install a 10’ x 14’ shed to hold his medical equipment and supplies.

Board questions center on whether the shed is in the sight triangle (it is not) and any plans to enlarge the driveway to go up to the shed (no).

No public comment.

Member D’Oria makes a motion that the application of Christopher Skoczylas requesting dimensional variance from Sections 209-34.E and 209-20.C and Table 1 of the Falls Township Zoning Ordinance be GRANTED to erect a shed in the secondary front yard which encroaches into the front yard setback at the property located at 821 Hanford Road, Fairless Hills, PA 19030, 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 5-0. Motion carries.**

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**Petition #2: Bhavinkumar Dinubhai Patel, 155 Mercer Court, Fairless Hills, PA 19030; TMP #13-005-002-028; Zoned: HC. Requesting dimensional variances to extend deck which is over 50% of the existing deck and which encroaches into the side yard setback. Section 209-41.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Bhavin Patel presents the application and states he would to expand the deck which is currently 8 ft. x 8 ft. to 8 ft. x 16 ft. so that his family can enjoy the space in the summer. He wants to add the concrete pad underneath for the same reason.

Board questions center on the rear setback (deck will not expand further into the rear setback) and concrete pad underneath the deck.

No public comment.

Member Molle makes a motion that the application of Bhavinkumar Patel requesting a dimensional variance from Section 209-41 of the Falls Township Zoning Ordinance be GRANTED to extend a deck which is over 50% of the existing deck which is encroaching into the side yard setback at the property located at 155 Mercer Court, Fairless Hills, PA 19030, 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 4-1, D’Oria dissenting. Motion carries.**

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**Petition #3: Meredith Szymelewicz, 201 Share Drive, Morrisville, PA 19067; TMP #13-054-241; Zoned: NCR. Requesting dimensional variances to erect a fence which is in the secondary front yard and to add a swim spa within the front yard setback of Lions Road. Sections 209-37.C(2) and 209-46.A.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10.

Meredith Szymelewicz presents the application and states she is requesting variances for the fence that will front Lions Drive as well as the swim spa which will go into that side yard as well.

Board questions center on the sight triangle of the fence (hard to calculate due to the curve in road and the stop sign – a recommendation of 3 ft. off the sidewalk); whether the spa is recessed into the ground (it’s on grade); and whether the applicant would work with Township on placement of the fence (yes).

No public comment.

Member Brooks makes a motion that the application of Meredith Szymelewicz requesting dimensional variances from Sections 209-37.C(2) and 209-46.A of the Falls Township Zoning Ordinance be GRANTED to erect a fence which is in the secondary front yard and must comply with the sight triangle and setback requirements to be determined by the Falls Township zoning officer and to add a swim spa within the front yard setback of Lions Road at the property located at 201 Share Drive, Morrisville, PA 19067, 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 5-0. Motion carries.**

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**Petition #4: Steven and Theresa Basalyga, 39 Thaliabush Lane, Levittown, PA 19054; TMP #13-023-599; Zoned: NCR. Requesting a dimensional variance for a garage expansion which encroaches into the side yard setback of 10 ft. Section 209-20.F and Table 1.**

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Steven Basalyga presents the application and states he wants a 4 ft. expansion on the garage on the left side of the house (currently the setback is 8 ft.) because he needs more storage space because his father is moving in with him.

Board questions center on if carport is becoming the garage expansion (yes) and how close is the adjoining neighbor's house (approximately 23 ft.).

No public comment.

Member D'Oria makes a motion that the application of Steven and Theresa Basalyga requesting a dimensional variance of Section 209-20.F and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow a garage expansion which encroaches into the side yard setback of 10 ft. at the property located at 39 Thaliabush 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.**

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**Petition #5: Dipesh Patel, 825 Hanford Road, Fairless Hills, PA 19030; TMP #13-018-021; Zoned: NCR. Requesting dimensional variances for a second story addition which exceeds 50% of the existing area and which encroaches into the rear yard setback. Sections 209-41, 209-20.F and Table 1.**

Atty. Bidlingmaier marks ZHB Exhibit 1 – 7.

Dipesh Patel presents the application and states that he purchased the house in 2009 and needs more space because other family members are moving in with him, so he needs the second story addition.

In response to some Board questions around the need for these variances, Matthew Takita explains that the original footprint of the house, not counting the kitchen extension, is a legal non-conforming building. The rear yard setback in that one corner is 14 ft. 9 in. Under the zoning ordinances, you can only expand a non-conforming building by 50%. He is putting a second story on which effectively doubles the size of the house, so that extension exceeds the 50% allowable. The addition would have to be built in conformance with the current regulations and that is why there is a variance needed for a rear yard setback.

No public comment.

Member D'Oria makes a motion that the application of Dipesh Patel for dimensional variances from Sections 209-41, 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow a second story addition which exceeds 50% of the existing area and which encroaches into the rear yard setback at the property located at 825 Hanford Road, Fairless Hills, PA 19030, as depicted in the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

**All in favor 5-0. Motion carries.**

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**Hearing adjourned 8:20 p.m.**