

**FALLS TOWNSHIP
ZONING HEARING BOARD
APRIL 13, 2021**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:35 p.m.

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

Members absent: None

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

Extension Request: Chris Balis, 1294 Bristol Pk, Morrisville, PA 19067 TMP #13-047-010

Chairman Miles states the Board has received an extension request from Chris Balis asking for a one-year extension of his zoning variance previously granted. The extension would extend until July 20, 2022.

Member Brooks makes a motion to approve.

Member Molles seconds the motion.

All in favor 5-0. Motion carries.

Petition #1: Dionilda Almonte, 29 Echo Lane, Levittown, PA 19054; TMP #13-026-297; Zoned: NCR. Requesting a dimensional variance to allow a pool within the front yard. Section 209-46.A.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Dionilda Almonte presents the application and states she purchased the property in November of 2020. She believed she was putting the pool on the side of the property, not in the front yard. She would like to have the pool for our family. It won’t be a detriment to the neighborhood.

Member Kiernan questions if the pool is in the front yard or the secondary front yard.

Ms. Almonte states it is in the side yard.

Member D’Oria asks if the pool can go behind the house.

Ms. Almonte says there is a large shed and a few trees, but the side of the property is bigger and doesn’t have any sheds or trees.

Chairman Miles asks if there are power lines behind the house (no) and if the fence is around the property (yes).

No public comment.

Member Brooks makes a motion the application of Dionilda Almonte requesting a dimensional variance from Section 209-46 of the Falls Township Zoning Ordinances be GRANTED to allow a pool within the side yard setback at the property located 29 Echo Lane, 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.

Petition #2: Doug Vannauher, 153 Bedford Road, Fairless Hills, PA 19030; TMP #13-004-060; Zoned: NCR. Requesting a dimensional variance to allow a driveway to be less than 2 ft. off the property line Section 209-43.1.C(4).

Atty. Bidlingmaier states Joel Cassel is the property owner and has signed the application. He marks ZHB Exhibits 1 – 9.

Doug Vannauher presents the application and states the driveway is in the same location with no dimensional changes. The driveway is 60 years and starting to crumble.

No Board questions.

No public comment.

Member D’Oria makes a motion the application of Doug Vannauher requesting a dimensional variance from Section 209-43.1.C(4) of Falls Township Zoning Ordinances be GRANTED to allow a driveway to be located less than 2 ft. off the property line located at 153 Bedford Road, 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 5-0. Motion carries.

Petition 3: Lincoln Highway Storage, LLC, 957 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-036; Zoned: HC. Requesting a dimensional variance to allow a building within the required front yard. Section 209-23.G

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Tyler Prime, Esquire, presents the application and states we were previously before the ZHB in December of 2020 for a use variance and several dimensional variances. The reason we are here tonight is one of the variances to allow a building in the front yard setback was included in their notice to the neighbors, but it was missing from the property posting and did not appear in the decision letter. We are asking the prior testimony from the December hearing be incorporated by reference. We are asking for an affirmative vote on this one outstanding variance request so we can proceed with land development.

No Board questions.

No public comment.

Member Brooks makes a motion the application of Lincoln Highway Storage, LLC requesting a dimensional variance from Section 209-23.G of the Falls Township Zoning Ordinances be GRANTED to allow a building within the required front yard at the property located at 957 Lincoln Highway, 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 #4: Falls Township Fire Co. No. 1, 310 Yardley Avenue, Fallsington, PA 19054; TMP #13-032-081; Zoned: IN. Requesting a use variance to allow the fenced-in rear of the property to be used to store stone slabs of granite and quartz for a tenant. Section 209-20.1.B.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9 (which includes neighbor notification by applicant)

David Shanberg presents the application and states we are attempting to rent our back lot for revenue for the firehouse. The business is storing wholesale stone slabs and granite marble type slabs. It has minimal impact to the neighborhood.

Member Kiernan asks the type of equipment on the site to move the slabs.

Walter Meyers (business owner) states they will have one FI50 for delivering our slabs and a forklift fueled by propane which is stored in a small propane cabinet.

Member Molle asks if customers are coming to the property looking at slabs, or if the customers are going to be looking at them offsite?

Mr. Meyers states no customers at the location; he provides samples and they order and the slabs are shipped.

No further Board questions.

No public comment.

Member D’Oria makes a motion the application of Falls Township Fire Co. No. requesting a use variance from Section 209-20.1.B of the Falls Township Zoning Ordinances be GRANTED to allow the fenced-in rear of the property to be used to store stone slabs of granite and quartz for a tenant 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 Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #5: 72 Hillside LLC, 59 Hillside Lane, Fallsington, PA 19054; TMP #13-020-166; Zoned: LR. Requesting a use variance to allow the property to be used as a sober living environment where residential drug and alcohol treatment and rehabilitation services are provided Section 209-12.B. Alternatively, applicant is seeking a determination that this use could be considered a “group home” under the provisions of the Fair Housing Act, which is a permissible use. Section 209-12.B(10)

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6 (includes neighbor notification by applicant).

Dan Rowley, Esquire, presents the application and states the property has a 3-story multi-family apartment building with associated parking and related improvements. The building was constructed in approximately 1900 and was subsequently converted into a multi-family apartment building. This multi-family apartment building is a non-conforming use per the current zoning code. The property adjacent to this land is 72 Hillside which is also owned by this applicant. Pursuant to a use variance granted by this Zoning Hearing Board meeting on January 10, 2017 and as further amended at your March 10, 2020 hearing, the 72 Hillside property is

currently being operated by Daybreak Treatment Solutions as a sober living environment wherein drug and alcohol treatments and rehabilitation services are provided to the residents. This applicant is proposing to use the property at 59 Hillside in conjunction with the 72 Hillside property to form a single sober living environment campus operated by Daybreak Treatment Solutions where residential drug and alcohol treatment and rehabilitation services will be provided to the residents. The residents who inhabit the sober living environment are individuals who are handicapped as described in the Fair Housing Act; they have mental or physical impairments that substantially limit one or more major life activities and are in need of such residences as they recover from drug and alcohol addiction. The Fair Housing Act amendments require municipalities make reasonable accommodations for individuals in recovery from drug and alcohol addiction in residential districts.

In order to use the property at 59 Hillside together with the property located at 72 Hillside Lane, we are here tonight to seek a variance from Section 209-12.B and / or reasonable accommodations under the Fair Housing Act to allow this use in the LR zoning district. This will be the same use that was granted for 72 Hillside Lane in the March 2020 decision.

Witnesses: William Stewart, Esquire, (Kaplin Stewart) representing the applicant in the purchase of the property as well as Stacy Hill, Vice President of Operations at Daybreak Treatment Center.

Stacy Hill testifies as to her qualifications, Daybreak Treatment Solutions operations, differences in conditions at 72 Hillside Lane (2 plus acres, house, apartments, well maintained) and 59 Hillside (9 units, rundown, dilapidated with a gravel driveway, no fence around the property, very transient). There is a lot of drug activity at 59 Hillside and details various incidents occurring through the past few years which poses a danger to the public.

She describes the process for intake of residents at their Veterans Highway facility, how they detox, when they are transferred to 72 Hillside Lane, how 59 Hillside Lane will operate similarly as 72 Hillside Lane, the types of therapy on a typical day, usual length of stay is 30 days, they are licensed by the state, 59 Hillside are not good neighbors, 72 Hillside Lane is an asset to the neighborhood. We hope to merge both properties together and fence it in.

Member Kiernan asks about how they are going to convert the 9 separate units and what are their plans for the fitout.

Ms. Hill states they have not been able to access the entire property because of the tenants and other issues. Our intention is to fully supervise everyone from one area and walk through without it being nine separate units. We will know more when we open it up.

Mr. Neubauer clarifies there are 8 units, 6 units in the building, and 2 units on top of the garage.

Member Brooks asks about the entrance to the property – will it be off Tyburn Road or do you plan on going down the street and using the main entrance at 72 Hillside.

Ms. Hill states we want to do whatever is best for the neighborhood and community. We have not fully decided on that yet.

Matthew Takita, Zoning Officer, states he received an email from Michael and Susan Davison on April 6, 2021 and reads it into the record. They are not in favor of the application.

Atty. Rawley states these residents are on the other side of Hillside Lane across Tyburn Road, and do not abut the property of 59 Hillside Lane, and do not believe they are sufficiently affected by this application.

No additional public comment.

Atty. Rawley makes a closing statement.

Member D’Oria makes a motion the application of 72 Hillside Lane LLC requesting a use variance from Section 209-12.B of the Falls Township Zoning Ordinances be GRANTED to allow the property to be used as a sober living environment where residential drug and alcohol treatment and rehabilitation services are provided at the property located at 59 Hillside Lane, Fallsington, 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 5-0. Motion carries.

Hearing adjourned 8:35 p.m.