

**FALLS TOWNSHIP
ZONING HEARING BOARD
MAY 11, 2021**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:10 p.m.

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

Members absent: Albert Brooks

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

Petition #1: Tom and Angelo Pollio, 261 Elderberry Drive, Levittown, PA 19054; TMP #13-025-169; Zoned: NCR. Requesting a dimensional variance to allow a 6 ft. fence in the secondary front yard. Section 209-37.C(2).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Angela Pollio presents the application and states they are trying to put in a 6 ft. fence in their side yard.

No sight triangle issues.

No Board questions.

No public comment.

Member D’Oria makes a motion the application of Tom and Angela Pollio requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinances be GRANTED to allow a 6 ft. fence in the secondary front yard at the property located at 261 Elderberry Drive, 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 4-0. Motion carries.

Petition #2: Roman Jelonek, 20 Robinhood Drive, Fallsington, PA 19054; TMP #13-036-117; Zoned: LMR. Requesting dimensional variances to allow a shed which encroaches into the rear yard setback and which is over the maximum building coverage. Section 209-13.F and Table 1.

Chairman Miles states it has been brought to our attention that the gazebo might have put you over your allowable impervious coverage for the lot. He asks if they plan on taking the gazebo down.

Beata Jelonek (daughter) states the plan is for the extension of the shed. The gazebo can be taken down.

Atty. Bidlingmaier marks ZHB Exhibit 1 – 9. He also states the Township has received correspondence from Christine Schlosser, 22 Robinhood Drive, regarding this petition (Exhibit N-1).

Ms. Jelonek states she has not received a copy. A copy was emailed to her. She continues there is an existing shed. Since we do not have a basement, we wanted to extend the shed to make it bigger to hold more items, instead of having them outside.

Member Molle asks if the extension is 30 inches away from the property line (yes), and if the work has already begun (yes).

Member D’Oria asks how long they lived there (20 years), didn’t know you needed a permit (no), and what type of foundation is under the shed (4 x 4’s).

Member Kiernan asks if the shed is on the same side as 22 Robinhood (no), and does your backyard ever flood (no).

Ms. Jelonek states the shed is on the other side of the property away from 22 Robinhood and we have never had any issues with flooding. She has a basement; we do not.

Member D’Oria asks if they can make any provisions for a drywell or if you have any way to remediate the water problem so the surface water from the home will go underground.

Ms. Jelonek says no, we do not. We do not have any water issues. If we did, we would develop something.

No public comment.

Chairman Miles makes a motion the application of Roman Jelonek requesting dimensional variances from Section 209-13.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow a shed which encroaches into the rear yard setback and which is over the maximum building coverage at the property located at 20 Robinhood Drive, Fallsington, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. This approval is granted subject to the following conditions which the applicant agrees with the removal of the gazebo and flooring underneath the gazebo as stated and accepted by the applicants.

Member Kiernan seconds the motion.

All in favor 3-1, D’Oria dissenting. Motion carries.

Petition #3: Area Enclosures (Truck Smart), 905 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-022-005; Zoned: HC. Requesting a dimensional variance to extend the currently existing fence further into the front yard setback. Section 209-37.C.

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

Edward Getti presents the application and states Truck Smart would like to extend the fence to go around the perimeter of the blacktop area. They would like to put a double gate on one end for landscape access and clean-up and another gate over by the road for entrance into the yard with the trucks. They are running out of room for trucks.

Member Kiernan asks about the green space – the fence will only go around the blacktop area (yes).

Member D’Oria asks if there are any other road access needed for the double gate to the road (no).

No public comment.

Member Kiernan makes a motion the application of Area Enclosures requesting a dimensional variance from Section 209-37.C of the Falls Township Zoning Ordinance be GRANTED to extend the currently existing fence farther into the front yard setback at the property located at 905 Lincoln Highway, Morrisville, PA 19067 as depicted on the plans and in accordance with testimony presented to the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 4-0. Motion carries.

Petition #4: Sparta Truck Center LLC, 1801 S. Pennsylvania Avenue, Morrisville, PA 19067; TMP #13-047-080-003; Zoned: RD-1. Requesting a use variance to operate a motor vehicle and truck repair facility on the property. Section 209-32.4(C).

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

Bryce McGuigan, Esquire, presents the application and states the property sits in Sector 1 of the Riverfront District. It is a 6.5 acre parcel that is presently improved by two industrial warehouse structures together with accessory parking areas. There is an existing landscaping contractor using the larger structure towards the middle of the site plan. A portion of the parcel to the north is currently being used by a separate tenant for accessory truck storage. Sparta Truck Center has leased the remaining structure for their trucking repair center. As part of the business, Sparta Truck will perform all varieties of truck repair and services, from engine repair to fluids, tires., etc. To operate, we are requesting a single use variance for the allowance of the truck repair facility which is not permitted by right within RD-1 district. While the district does allow for warehouse uses and for truck storage, but it does not include truck repair. The proposed use will be compatible with the surrounding neighborhood. The building is adapted for our use. We are not proposing any physical changes to the building.

Vyacheslav Skobelev, one of the owners of Sparta Truck Centers and one of the managers onsite, in response to questioning by Atty. McGuigan, testifies about the business.

Member Kiernan asks if the trucks stored will be ones you are working on and when they are done, they will be gone. There will be no trucks taken apart and stored there indefinitely (correct).

Member D’Oria asks what the previous tenant use was (electrical contractor).

No public comment.

Member Kiernan makes a motion the application of Sparta Truck Center LLC requesting a use variance from Section 209-32.4(C) be GRANTED to operate a motor vehicle and truck repair facility at the property located at 1801 S. Pennsylvania Avenue, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member D’Oria seconds the motion.

All in favor 4-0. Motion carries.

Petition #5: NP Falls Township Industrial, LLC, River Road, Fairless Hills, PA 19030; TMP #13-051-001; Zoned: MPM. Requesting the following dimensional variances from Section 309.30.D “Area and Yard Requirements Table 5”: Lot 5 – a 3 ft. front yard setback where 100 ft. is otherwise required; a 48.5% building coverage ratio where 40% is otherwise permitted; and an 82.3% maximum impervious

surface where 80% is otherwise permitted. Lot 7 – an 81.1% maximum impervious surface where 80% is otherwise permitted. Lot 8 – a 29 ft. front yard setback where 100 ft. is otherwise required. Lot 11 – a 38 ft. front yard setback where 100 ft. is otherwise required.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9 and Applicant Ex. A-1 (proof of publication).

Michael Meginniss, Esquire, presents the application. When NorthPoint acquired the property, it acquired a series of parcels, but tonight we are here for the “mother parcel” which is 13-051-001 parcel which is well in excess of 1,000 acres. That property is presently improved by multiple industrial and warehouse structures. While NorthPoint has, and is going to be, submitting several land development applications for construction of warehousing, there are several existing businesses which have operated on the parcels currently owned by NorthPoint. What we are trying to do except for a single variance tonight, is to subdivide the lots to have the new lot lines mirror the current lease lines. All but one of the proposed lots is presently improved. We are not impacting the businesses which are operating there. We are not proposing new construction on the lots. We are literally just creating parcels to mirror the existing lease areas for already operating businesses. The creation of some of those parcels because of the way the site has been oriented for years requires zoning relief. Many of the variances are necessitated because of the existing orientation of the site, the existing layout of the internal roadways, and the relation of the buildings on the lease areas with respect to other buildings or other roadways.

He details the zoning relief requested. Lot 11 pertains to Building 3 of Phase 1 for a front yard setback. The rest of the variances deal with existing structures.

No Board questions.

Public Comment

Kimberly and Randall Reber, states their concern was building a new building 3 ft. from the roadway but I understand now there are existing buildings and that is the reason for the variance requests.

No further comment.

Jeremy Michael and Greg Glitzer (both previously sworn in) affirm the statements made by Atty. Meginniss.

Member D’Oria makes a motion the application of NP Falls Township Industrial LLC requesting the following dimensional variances from Section 309.30.D “Area and Yard Requirements Table 5” of the Falls Township Zoning Ordinances be GRANTED at River Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board: (1) Lot 5 – a 3 ft. front yard setback where 100 ft. is otherwise required; a 48.5% building coverage ratio where 40% is otherwise permitted; and an 82.3% maximum impervious surface where 80% is otherwise permitted; (2) Lot 7 – an 81.1% maximum impervious surface where 80% is otherwise permitted; (3) Lot 8 – a 29 ft. front yard setback where 100 ft. is otherwise required; and (4) Lot 11 – a 38 ft. front yard setback where 100 ft. is otherwise required.

Member Kiernan seconds the motion.

All in favor 4-0. Motion carries.

Hearing adjourned 8:10 p.m.