

**FALLS TOWNSHIP
ZONING HEARING BOARD
NOVEMBER 9, 2021**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 9:50 p.m.

Members present: Albert Brooks, Scott D’Oria, Bill Kiernan, Dan Miles

Members absent: Doug Molle

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

Chairman Miles explains there is a four person panel tonight, so if it comes to a 2-2 vote, the petition will be deemed denied. Anyone wanting to continue until next month can do so.

Chairman Miles states All State Auto Sales application (981 Lincoln Highway) which was continued from last month have withdrawn their petition.

Petition #1: Abdul Qadir, 177 Liberty Drive, Langhorne, PA 19047; TMP #13-004-879; Zoned: HR-TH. Requesting dimensional variances to construct a deck which encroaches into the rear yard setback and which exceeds the allowable impervious surface and building coverages. Section 209-16.1.B and Table 2A.

Atty. Bidlingmaier states there is an issue with service of a neighbor – we must investigate who the owner actually is. We have advised the applicant the matter cannot be heard tonight, and we will continue the matter on the record until the December 14, 2021 meeting.

Chairman Miles agrees and considers the application to be opened and announced.

Member Brooks makes a motion to continue this petition until the December 14, 2021 hearing.

Member Kiernan seconds the motion.

All in favor 4-0. Motion carries. Petition is continued until December 14, 2021.

Petition #2: DLB Express, LLC (Danny DeLeon), 2300 S. Pennsylvania Avenue, Morrisville, PA 19067; TMP #13-047-095; Zoned: RD-1. Requesting a use variance to permit overnight parking of 3 tri-axle dump trucks and storage of truck parts in the associated garage structure. Section 209-32.4.C(1).

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

Danny DeLeon states he is asking permission to rent at the location and to have his dump trucks parked overnight. There is a garage for cars, oil changes, and small maintenance issues. There are two other tenants in the same building who also work on cars. The company has been at this location a little over 10 years, but I just became the new owner when I purchased the business from my father.

Member Brooks asks if he is the owner of the property (no, Mr. Larson is), all the vehicles outside are they all yours (no, they are a combination with the other tenants).

Mr. DeLeon states he doesn't work on the cars, just the dump trucks.

No public comment.

Member D'Oria makes a motion the application of DLB Express LLC requesting a use variance from Section 209-32.4(C)(1) of the Falls Township Zoning Ordinances be GRANTED to permit overnight parking of three tri-axle dump trucks and storage of truck parts in the associated garage structure at the property located at 2300 S. Pennsylvania Avenue, 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 4-0. Motion carries.

Petition #3: Summus Enterprises, LLC, Chamberlin Way and Penn Lane, Levittown, PA 19054; TMP #13-024-062; Zoned: NCR. Requesting a dimensional variance for a front yard setback of 10.8 ft. from Penn Lane where a 25 ft. front yard setback is required for a single family dwelling. Section 209-20.F and Table 1.

Richard Monach (principal of Summus Enterprises), Lisa Longenbach (realtor) and Vincent Fioravanti, P.E. (project engineer) are sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Edward Murphy, Esquire, presents the application and states the property is oddly configured located at the corner of Penn Lane and Chamberlain Way. The property is a little more than 5,300 sq. ft. in a zoning district where the minimum lot size is 10,500 sq. ft. It is a legally, non-conforming lot which is confirmed by Matthew Takita's September 21, 2021 zoning letter (part of the application). This lot was created 70 years ago with the recording of the Penn Village plan and has been vacant for the past 70 years. Because it is located at the intersection of Chamberlain Way and Penn Lane, the nature of the curvature of the lot requires it to be treated as a corner lot. The lot has a two front yards, a rear yard and a side yard.

What is being proposed is construction of a small single family dwelling as depicted on the plan. The building footprint is 27' x 38' (1,026 sq. ft.) which includes the garage space. In this zoning district, the setback is 25 ft. for a front yard setback and 10 ft. for a side yard setback. If this was not a corner lot, the structure could easily make the 10 ft. side yard setback on Penn Lane. Our plan depicts the proposed setback is 10.8 ft. The problem is that Penn Lane is considered a front yard.

We are seeking relief to maintain a 10.8 ft. setback from Penn Lane instead of the 25 ft. setback. Absent this relief, it would be difficult to build any type of home because the lot is oddly configured.

Vincent Fioravanti, P.E. states he agrees with Atty. Murphy's summary of the facts. He elaborates and states the parcel is not even a fragment of left-over land; it is part of the original Penn Village subdivision prepared in 1951. It was never developed. Sanitary sewer exists in the street, storm sewer exists directly in front of the lot, paving is in place, curbs are in place – so all the drainage infrastructure required currently exists. All the utilities are there. All the infrastructure is in place.

Neighbor letters are marked as Exhibit A-1.

Member D'Oria asks if the lot is over the allowable impervious (no).

Member Kiernan clarifies the only relief is the front yard setback (yes).

Public Comment

Michele Fischer, 15 Chamberlain Way, asks to see the neighbor letters which were handed out as exhibits (which are circulated). She opposes the application stating safety issues with children and the house impeding into the sight of the oncoming traffic, disruption due to construction, original plans of Penn Village indicated field would remain undeveloped for the children, and other people through the years have tried to build on it but were told it was unbuildable.

Chairman Miles offers her party status; Atty. Bidlingmaier explains it to her. She declines.

Edward Fischer, 15 Chamberlain Way, states his opposition to the petition citing safety issues with a house on the corner and expresses his displeasure with the man seeking signatures for approval of the house.

Theresa Donahue, 64 Penn Lane, states she lives directly across the street from the lot and opposes the application due to safety issues (narrow streets), drainage issues and too much traffic in the neighborhood.

Donald Merryman, 72 Penn Lane, asks to see the site plan, asks questions about electric and the plan (V. Fioravanti responds to the questions).

Mr. Fioravanti further explains the layout of the house focusing on whether it will impede into any sight triangle. The house sits out of any visual impediment to the intersecting street.

In response to a question from Atty. Murphy, Mr. Fioravanti further explains there is no reference in the original subdivision recorded seventy years ago this lot was to remain as open space. This lot was recorded as a buildable lot and is similar in size to other lots within the subdivision.

Joseph Warner, 85 Penn Lane, abuts the lot and opposes the application stating he had tried to build on it a few years back, but Peter Gray (former manager) said it was unbuildable, the lot does not have good drainage, and traffic around the bend is bad.

Rebecca Patterson, 85 Penn Lane, opposes the application stating she has the same concerns about storm drainage, safety issues and too close to the property line.

No further public comment.

No Board questions.

Lisa Longenbach, a realtor, gives testimony about the market price for the neighborhood in response to questions about property values going down because of the new house.

Atty. Murphy gives closing statement.

Executive session is called.

Member D'Oria makes a motion the application of Summus Enterprises, LLC requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow the front yard setback of 10.8 ft. from Penn Lane where a 25 ft. front yard setback is required for a single family dwelling at the property located at Chamberlain Way and Penn 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 3-1, Miles dissenting. Motion carries.

Petition #4: Alro Steel (Cornelius Signage), 17 Progress Drive, Morrisville, PA 19067; TMP #13-047-166-002; Zoned: HI. Requesting a dimensional variance to install two façade signs which exceed the allowable area of 32 sq. ft. Section 209-45.Q(5)(b).

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

Jason Turok presents the application and states the 32 sq. ft. currently permitted by zoning would be too small for their intended viewing distance. The building consists of two signs – The north elevation façade is 21,950 sq. ft. with a 362 sq. ft. sign (2 percent of the façade); the south elevation façade is 21,847 sq. ft. with a 630 sq. ft. sign (3 percent of the façade). The north elevation will be internally illuminated with channel letters (dark during the day, red at night). The south elevation is non-illuminated.

No Board questions.

No public comment.

Member D’Oria makes a motion the application of Alro Steel (Cornelius Signage) requesting a dimensional variance from Section 209-45.Q(5)(b) of the Falls Township Zoning Ordinances be GRANTED to install two façade signs which exceed the allowable area of 32 sq. ft. at the property located at 17 Progress Drive, 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 4-0. Motion carries.

Petition #5: Fairless Properties, LLC (Matt Chaplin), 332 W. Trenton Avenue, Morrisville, PA 19067; TMP #13-035-033; Zoned: NC. Requesting a dimensional variance for a proposed sign which has an area of 120 sq. ft. which exceeds the original sign’s area. Section 209-45.U(2)(a).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10 and Applicant Exhibit A-1 (proof of neighbor notification).

Matthew Chaplin presents the application and states they would like to bring their sign up to date to reflect the changes made to the shopping center. The current sign is 60 sq. ft. and with the ten tenants located within the shopping center, the sign is too small. They would like to double the square footage to 120 sq. ft. This is in keeping with other signs along West Trenton Avenue.

No Board comments.

No public comment.

Member D’Oria makes a motion the application of Fairless Properties LLC requesting a dimensional variance from Section 209-45.U(2)(a) of the Falls Township Zoning Ordinances be GRANTED to allow a proposed sign which has an area of 120 sq. ft. which exceeds the original sign’s area at the property located at 332 W. Trenton Avenue, Morrisville, PA 19067, 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 4-0. Motion carries.

Petition #6: SIV Ambulance, North Olds Boulevard and Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-012; Zoned: HC. Requesting the following dimensional variances to construct a service facility to sell and repair ambulances: Section 209-23.H(2) – to permit parking 22 feet from an adjacent

street line instead of 30 ft. that is otherwise required; and Section 209-23.G and Table 4 – to permit a front yard setback of 75 ft. instead of the required 100 ft.

Sergio Siv (principal of SIV Ambulance) and Vincent Fioravanti, P.E. (Fioravanti Engineering) are sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant Exhibit A-1 (proof of neighbor notification)

Michael Meginniss, Esquire, presents the application and states this property is adjacent to the property where the Social Security Administration office is located. The property has no structural improvements on it, but the property is currently improved by this large parking field which is on our property. We are proposing the construction of a 30,000 sq. ft. ambulance service facility and office to repair and sell ambulances. This property has always been intended for future development back when the Social Security Administration building was constructed back in 2000. One of the two variances (75 ft. front yard setback) was previously granted by this Board, but it was granted back in the '80s.

In discussions with the Township Manager and Township Engineer, it was decided that because “ambulance sales” are not defined in the Zoning Ordinances, it was more akin to the uses for Conditional Use for the Highway Commercial district. If we receive approval tonight for the variance requests, the next step would be appearance before the Planning Commission for Conditional Use and then seek the Board of Supervisor’s approval for Conditional Use. If we receive Conditional Use approval, we will then submit for preliminary and final land development.

Atty. Meginniss continues and explains SIV Ambulance business in detail. The building would be used primarily to service and repair ambulances and then to sell them once repaired. The typical process is they will take in an ambulance, all the work is done inside (no repair or work done outside) paint and repair the ambulances, remount them and then re-sell them. The parking would be in the rear and the front portion of the building.

Vincent Fioravanti, P.E. continues showing the Record Plan which was recorded in October of 2000 and provides detail on the plan (previous variance for 75 ft. setback for this lot, utilities already in). He provides details on the current project.

Member D’Oria asks if there will be vehicles stored outside the building.

Atty. Meginniss replies all work and repair being done on the ambulances will be done inside the building, but some ambulances will be outside.

Member Kiernan asks for more detail on the hardship and need for variances.

Member Brooks asks about hours of operation (8-5, Mon-Friday), entrance to the building (red overhead doors).

Member Miles asks if they will be utilizing the parking on the Social Security easement side of the property (no), if they test the sirens on the ambulances (yes – inside the building) and whether there is a rendering of what the building will look like (no – not that far yet).

Public Comment

Toni Battiste, 218 Gloucester Road, opposes the application stating traffic congestion, noise (outdoor speakers), tree removal, flooding and stormwater management issues, odor issues from painting ambulances, and Amazon trucks using site to go out.

Elton Ebersole, 813 Edgemont Road, opposes the application stating height of the building, excessive lighting, noise from compressors, odors from paint booth (EPA approval possible), vandalism at the site (cameras installed possibly), Amazon trucks using the property, and depreciation of homes because of the building.

Chairman Miles states the Amazon trucks should no longer be operating out of the Social Security building. GOAT Logistics has moved and has withdrawn their ZHB application.

Kelsey Buchbinder, represents 430-450 Lincoln Hwy, and questions why this use (storage of ambulances overnight) can be permitted when GOAT Logistics use was not. She questions why as the uses are similar in her opinion.

Atty. Bidlingmaier states the Township denied GOAT Logistics when they applied for a Certificate of Occupancy for 450 Lincoln Hwy for their use to dispatch vehicles. They filed a zoning appeal, but that application was withdrawn so it was never before this Board. We have been advised they have vacated the property. Therefore, this is not a relevant discussion for this Board tonight on this petition.

Member Brooks asks about parking of the ambulances at the site.

No further Board questions.

No further public comment.

Member D’Oria makes a motion the application of SIV Ambulance requesting the following dimensional variances from the Falls Township Zoning Ordinances be GRANTED to construct a service facility to sell and repair ambulances: Section 209-23.H(2) to permit parking 22 ft. from the adjacent street line instead of 30 ft. that is otherwise required; and Section 209-23.G and Table 4 to permit a front yard setback of 75 feet instead of the required 100 ft. at the property located at North Olds Boulevard and Lincoln Highway, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds.

All in favor 3-1, Brooks dissenting. Motion carries.

Chairman Miles states the GOAT Logistics application (450 Lincoln Highway) to house and park Amazon trucks on this site was withdrawn on November 1, 2021.

Hearing adjourned 9:50 p.m.