

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
AUGUST 9, 2022**

**Hearing commenced:** 7:00 p.m.

**Hearing adjourned:** 7:36 p.m.

**Members present:** Alfred Brooks, William Kiernan, Dan Miles, Doug Molle, Lolain Striluk

**Members absent:** None

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

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**Petition #4: Amit Patel, 117 Winfield Court, Fairless Hills, PA 19030; TMP #13-014-017; Zoned: HR. Requesting a dimensional variance to construct a rear addition which does not meet the side yard setback of 10 ft. Section 209-16.F and Table 1.**

Chairman Miles states the Township received a letter from the applicant stating they are not going to proceed with the application and are withdrawing it.

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**Petition #8: Robert J. Liebel, (CONT'D FROM 6/14/22.HEARING) M-Y Lane, Morrisville, PA 19067; TMP #13-028-075; Zoned: LI. Requesting a use variance to allow the storage of scrap tires. Sections 209-27.D(1)(d), 209-34.F, and 209-43.I.**

Chairman Miles states this applicant has requested a continuance until the September 13, 2022 hearing. Attorney George Kotsopoulos' letter requesting the continuance and waiving the MPC time frames is read into the record.

Keith Bidlingmaier, Esq., asks the email requesting the continuance be put into the record.

Member Brooks makes a motion to continue this application until the September 13, 2022 hearing.

Member Striluk seconds the motion.

**All in favor 5-0. Motion carries. Petition is continued until September 13, 2022 hearing.**

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**Petition #9: Oak Village at New Falls Road, LLC, 9175 New Falls Road, Levittown, PA 19054; TMP #13-020-168; Zoned: NC. Requesting the following variances to construct a multi-family residential development with parking: Section 209-22.B -- a use variance to allow a multi-family dwelling within a neighborhood commercial district; and Section 209-22.D – to permit a building and/or structure height in excess of 25 feet which is the maximum permitted in the neighborhood commercial district.**

Chairman Miles states we have received a letter from the attorney's applicant requesting a continuance until the November ZHB hearing date yet to be determined as November 8<sup>th</sup> is Election Day.

Keith Bidlingmaier, Esq., asks the email requesting the continuance be put into the record.

Member Brooks makes a motion to continue this petition until the November 2022 hearing.

Member Striluk seconds the motion.

**All in favor 5-0. Motion carries. Petition continued until the November hearing.**

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**Petition #1: Kimberly Magnotta, 237 Austin Drive, Fairless Hills, PA 19030; TMP #13-004-117; Zoned: NCR. Requesting dimensional variances to erect a covered porch and patio which is over the allowable building coverage of 2,393 sq. ft. and over the allowable maximum impervious surface coverage of 2,735 sq. ft. Section 209-20.F and Table 1.**

Kimberly Magnotta and Dylan Hale are sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10.

Kimberly Magnotta presents the application and states she's always wanted to have a covered porch and thinks it will improve the value of the home.

Member Striluk asks if this will change the water runoff in the front.

Dylan Hale states no, it will just extend her roof line out a bit further.

Chairman Miles states prior to this application, the property was already over the impervious so any improvement to add to the property would make it over the allowable coverage.

Mr. Hale says correct.

No public comment.

Member Brooks makes a motion the application of Kimberly Magnotta requesting dimensional variances from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to erect a covered porch and patio which is over the allowable building coverage of 2,393 sq. ft. and over the allowable maximum impervious coverage of 2,735 sq. ft. at the property at 237 Austin Drive, 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: Bryant and Denise Babin, 811 Fairfield Road, Fairless Hills, PA 19030; TMP #13-016-588; Zoned: NCR. Requesting a dimensional variance to allow a pool to be located closer than 10 ft. from the existing covered patio. Section 209-46.E.**

Bryant and Denise Babin get sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Bryant Babin presents the application and states he would like to get a variance to install the pool and has laid it all out in the hardship letter. Where we want to place the pool is the best option for the location given the shed location and the house location.

Member Brooks asks if the pool can be moved toward the shed.

Mr. Babin states it would still be within 10 ft. of the shed so would require a variance.

Member Brooks asks how many feet you will be from the covered patio.

Mr. Babin states approximately 3-4 ft. from the patio; approximately 12 to 15 feet from the house.

Member Brooks asks if there are upstairs windows.

Mr. Babin states the house is one floor.

Member Kiernan asks if the pool is closer to the house or shed.

Mr. Babin answers the shed.

Member Striluk asks if there is a fence around the property.

Mr. Babin states there is a 6 ft. fence along the property.

No public comment.

Chairman Miles makes a motion the application of Bryant and Denise Babin requesting a dimensional variance from Section 209-46.E of the Falls Township Zoning Ordinances be GRANTED to allow the pool to be located closer than 10 ft. from the existing covered patio at the property located at 811 Fairfield 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 #3: Austin Schubert, 56 Tanglewood Lane, Levittown, PA 19054; TMP #13-022-230; Zoned: NCR. Requesting a dimensional variance to allow a 6 ft. fence to be placed in the secondary front yard. Section 209-37.C(2).**

Austin Schubert gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Austin Schubert presents the application and states he purchased the house two years ago which had an existing 5 ft. PVC fence in the backyard. He would like to extend it out because of a future pool in the backyard. He would like the fence to be 6 ft. instead of 5 ft.

Member Striluk asks if there is a problem with the sight triangle.

Mr. Neubauer says the location of the fence is not in the sight triangle.

No public comment.

Member Brooks makes a motion the application of Austin Schubert requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinances be GRANTED to allow a 6 ft. fence to be placed in the secondary front yard at the property located at 56 Tanglewood Lane, 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 5-0. Motion carries.**

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**Petition #5: Brian Vest, 163 Vermillion Drive, Levittown, PA 19054; TMP #13-020-179; Zoned: NCR. Requesting a dimensional variance for a garage which is less than the required 10 ft. side yard setback. Section 209-20.F and Table 1.**

Arthur Laureti and Brian Vest get sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Brian Vest presents the application and states he has been in the house for 20 years. When we purchased the house, the garage was already converted into a family room. We are raising four children and need the garage for storage.

Member Striluk asks if he is putting in a driveway.

Mr. Vest says yes, he is extending the driveway.

Member Kiernan asks what the open lot is next to the property (it is Vermilion Woods).

No public comment.

Member Brooks makes a motion the application of Brian Vest requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow the construction of a garage to be located less than the required 10 ft. side yard setback at the property located at 163 Vermillion 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 5-0. Motion carries.**

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**Petition #6: Lawrence Shea, Jr., 5 Martha Circle, Fallsington, PA 19054; TMP #13-036-066; Zoned: LMR. Requesting dimensional variances to construct a two-story side addition which has a side yard setback less than the required 15 ft. and which is over the allowable maximum impervious coverage of 5,895 sq. ft. Section 209-13.F and Table 1.**

Lawrence Shea is sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Lawrence Shea presents the application and states the current garage was permitted years ago. However, he left a sidewalk of 3 ft. by 20 ft. in between the existing home and this garage. We want to eliminate the sidewalk, build an attached garage and construct a second story on top of the garage.

Chairman Miles states you are not adding to the current impervious surface coverage.

Mr. Shea agrees.

No public comment.

Member Brooks makes a motion the application of Lawrence Shea, Jr. requesting dimensional variances from Section 209-13.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to construct a two story side addition which has a side yard setback less than the required 15 ft. and which is over the allowable maximum impervious coverage of 5,895 sq. ft. at the property located at 5 Martha Circle, 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.**

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**Petition #7: 699 Bristol Partners, Inc., 699 Philadelphia Avenue (a/k/a 699 Bristol Pike), Morrisville, PA 19067; TMP #13-047-062-003; Zoned: HI. Requesting a dimensional variance to allow gravel in lieu of asphalt in the drive aisles. Section 209-42.D.**

Zachary Silvesten, Esquire (Eastburn and Gray).

Kevin Fruck (engineer) and Liam Sullivan (the applicant) get sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5. Atty. Bidlingmaier asks for the neighbor notification from applicant.

Atty. Silvesten states he does not, and they were not notified.

Atty. Bidlingmaier states part of the requirements are the abutting / adjoining property owners are notified. For a commercial application, it is the responsibility of the applicant or his representative to notify the adjoining or abutting property owners. Without that, we cannot proceed.

Member Kiernan makes a motion to continue the petition until the September 13, 2022 hearing.

Member Molle seconds the motion.

**All in favor 5-0. Petition is continued for the September 13, 2022 hearing.**

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**Hearing adjourned 7:36 p.m.**