

**FALLS TOWNSHIP
ZONING HEARING BOARD
MARCH 10, 2015**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:45 p.m.

Members present: Brooks, Henderson, Miles, Molle, and Powers

Members absent: None

Also present: Tom Bennett, CCEO & Zoning Officer, Ed Neubauer, Code Enforcement Officer, Dave Sander, ZHB Solicitor; Karen Browndorf, Court Stenographer

Other Business:

2015 Engagement Letter for Law Offices of Sean Kilkenny, LLC to continue as ZHB Solicitor

Letter is read into the record.

Member Miles suggests that at this time he is recommending a month-to-month contract until such time as the Township Manager and the Township Solicitor can review the proposal for any conflicts, particularly since Mr. Sander has changed law firms.

Member Powers makes a motion to approve the month-to-month contract.

Member Henderson seconds the motion.

All in favor 5-0. Law Offices of Sean Kilkenny to serve as ZHB solicitor approved for month-to-month contract.

Extension request for Chris Balis, 1294 Bristol Pike, Morrisville, PA 19067, TMP #13-047-010 (sewage line problems)

Letter is read into the record.

Member Henderson makes motion to grant the extension request.

Member Molle seconds the motion.

All in favor 5-0. Approved to grant extension request from Chris Balis.

(Applicant requested switch in order) Petition #4: County of Bucks Police Radio, 8900 Bristol Pike, Morrisville, PA 19067; TMP #13-040-045-001; Zoned: LI. Requesting a dimensional variance to increase the maximum height of cell tower to 182'. Section 209-50.2.

Atty. Sander marks ZHB Exhibits 1 – 5.

Atty. Fox presents the application. We received conditional use approval on this tower for a co-location which we did in September of 2014. We are already existing on the tower. We are upgrading and improving the equipment on the tower as depicted on the plan. After receiving conditional use approval, when the applicant went to deploy on the site, there was a 10' tower extension that we were unaware of and was not there at the time the plans were originally drawn. We reported this to the Township and asked for some guidance on how to go through the process. We met with Township staff and filed an amended conditional use application. It was

then suggested that we go to the Zoning Hearing Board. The sole remaining relief is height caused by this 10' tower extension which pushes us up above what would have been permitted there.

We are asking for one dimensional variance for the height of the tower to be 182' to the top of the lightening rod as depicted on the plan. Tracy Carl is the director of radio technology for the County of Bucks 911 services and is assistant project manager with this entire project. He would explain there is 24 tower sites in the entire project, each are interdependent upon each other. If we are not able to deploy on this site, they would not be able to provide the same level of service to serve police, fire and EMS radio communications. He would explain that this tower is necessary for the system to function, the County is already located at this tower, and that this is an upgrade and replacement of equipment and not a new deployment. Also, we are not aware of an acceptable alternative.

Bruce Capecci is Motorola's project engineer and is responsible for any technical aspects of getting this project to completion. He would confirm that this has passed structural analysis and met all conditions of prior conditional use approval. The only change is driven by the 10' height extension. The hardship created here is not one of the County's own making as we did not install the 10' tower extension.

Member Molle asks if there will be any interference from the extra equipment with the cell phone providers currently on the tower.

Mr. Capecci states that he has not done any studies. Typically, the people who manage the site would do this.

Member Molle states that you don't even know if that's been tested?

Atty. Fox states within the lease exhibit and also within the conditional use, there are obligations on each entity that occupies the tower to regulate and deal with interference. It is typically handled by the tower owner. If there is interference, that is something that would have to be dealt with by the County, Motorola and whomever else are on the tower.

No public comment.

Member Powers makes a motion that the application of the County of Bucks Police Radio for a variance from Section 209-50.2(d)(10) of the Falls Township Zoning Ordinance be **GRANTED** to allow 182' ft. communication tower on the property located at 8900 Old Rte. 13, Morrisville, PA 19067, where the maximum height of the communication tower is 120', as depicted on the plans submitted with the application and the testimony given before the Zoning Hearing Board.

Member Brooks seconds the motion.

All in favor 5-0.

Petition #1: Todd and Michelle Evans, 108 Martha Drive, Fallsington, PA 19054; TMP #13-036-047; Zoned: LMR. Requesting a dimensional variance to construct an addition that encroaches into the side yard setback. Section 209-13 and Table 1.

Atty. Sander marks ZHB Exhibits 1 – 3.

Mr. Evans presents the application. He is requesting the variance to build an in-law suite for his mother-in-law. The only way to do that was to take over the garage and bump it out to impede into the side yard setback. She cannot negotiate steps so he could not build on top of the garage.

Member Miles asks if the addition is in any water or sewer easement.

Mr. Evans says no.

No public comment.

Member Brooks makes a motion that the application of Todd Evans for a variance from Section. 209-13.E and Table 1 of the Falls Township Zoning Ordinance be **GRANTED** to allow the erection of 192 sq. ft (32' x 6') addition to the existing principal dwelling on the property such that it encroaches 7 feet into the required 15 foot yard setback, as depicted on the plans submitted with the application.

Member Powers seconds the motion.

All in favor 5-0.

Petition #2: Joseph Shelby, 116 Rice Drive, Morrisville, PA 19067; TMP #13-029-154; Zoned: NCR. Requesting a dimensional variance to construct a porch which encroaches into the 10' minimum distance between water's edge of pool to the principal building. Section 209-46.E.

Atty. Sander explains that Chairman Miles is recusing himself from voting on this application because he is the contractor involved in the project.

Atty. Sander marks ZHB Exhibits 1 – 3.

Mr. Shelby states that they have a deck they want to enclose and put a roof over it which will encroach by a couple of feet into the 10' setback between the water of the pool and the principal building.

No public comment.

Atty. Sander frames a motion that the application of Joseph Shelby for a variance from Section 209-46.E of the Falls Township Zoning Ordinance be **GRANTED** to allow for the construction of a 440 sq. foot screened porch on the property that will be located no less than 7 feet from the water's edge of an existing swimming pool on the property, where a 10' minimum setback from the water's edge is required, all as depicted on the plan and submitted with the application.

Member Henderson makes the motion to grant.

Member Molle seconds the motion.

All in favor 4-0 (Miles recuses himself due to conflict)

Petition #3: Carol Van Schaick, 223 Elderberry Drive, Levittown, PA 19054; TMP #13-025-091; Zoned: NCR. Requesting a dimensional variance to install a fence in the secondary front yard. Section 209-37.C.

Atty. Sander marks ZHB Exhibits 1 – 3.

Ms. VanSchaick presents the application. The fence has been there for 21 years. She didn't realize she needed a variance for it. She would like to square the fence off as shown in the drawing submitted.

Mr. Miles confirms with Mr. Neubauer that it is not in the sight triangle.

No public comment.

Member Brooks makes a motion that the application of Carol VanSchaick for a variance from Section 209-37.C(3) of the Falls Township Zoning Ordinance be **GRANTED** to allow a 6 foot high privacy fence that is a visual barrier to be erected in the secondary front yard as depicted on the plan submitted with the application and the testimony presented to the Zoning Hearing Board.

Member Powers seconds the motion.

All in favor 5-0.

Petition #5: Pen Ryn School, 235 S. Olds Blvd., Fairless Hills, PA 19030; TMP #13-006-316; Zoned IN. Dimensional variance to allow a sign to be erected which encroaches into the front yard setback. Section 209-20.1 and Table 4.

Atty. Sander marks Exhibits ZHB 1 – 4.

Hugh Morton presents the application. Pen Ryn want to replace the current sign which has been there for approximately 18 years and is rotting.

No public comment.

Atty. Sander frames a motion that the application of Pen Ryn School for a variance from Section 209-45.I.(2)(c)[2][a] of the Falls Township Zoning Ordinance be **GRANTED** to allow a new freestanding sign to be located on the property at 235 S. Olds Blvd., Fairless Hills, PA 19030, such that it encroaches no more than 10' into the front yard where a 25' front yard setback is required, as depicted on the plans submitted with the application and the testimony presented to the Zoning Hearing Board.

Member Henderson makes the motion to grant.

Member Molle seconds the motion.

All in favor 5-0.

Hearing adjourned at 7:45 p.m.