

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
May 12, 2015**

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

**Hearing adjourned:** 8:25p.m.

**Members present:** Henderson, Molle, and Powers

**Members absent:** Brooks, Miles

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

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**Board Business:**

Member Henderson makes a motion to appoint David Sander, Esquire as Zoning Hearing Board Solicitor until December 31, 2015, unless it is necessary to make a change prior to that date.

Member Powers seconds the motion.

**All in favor 3-0. David Sander appointed as Zoning Hearing Board Solicitor until December 31, 2015.**

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**Petition #1: Harold Baptiste, 215 N. Olds Blvd., Fairless Hills, PA 19030; TMP #13-016-149; Zoned: NCR. Requesting dimensional variances to extend garage and back living area which exceeds maximum allowable building coverage and maximum allowable surface coverage. Section 209-20 and Table 1.**

Atty. Sander marks ZHB Exhibits 1 – 4.

Mr. Baptiste presents the application. He states that he will use the garage to store his personal vehicle as he has been the victim of car theft. He would also like to enlarge the back room to store items from the garage.

Member Powers asks why he can't use his current garage.

Mr. Baptiste states that with all tools and other items, such as his motorcycle and a freezer, he is not able to pull into the garage.

Member Henderson asks if the existing garage is being moved closer to the fence line.

Mr. Baptiste states he plans on tearing the garage down and rebuilding it even with the house. The slab that is there will stay there.

**Public Comment**

*Chastity Parker*, 219 N. Olds Blvd. – She is not on the garage side, but the other side. She questioned if the sunroom addition will be interfering with that part of the property.

Atty. Sander explains that the sunroom is being expanded 120 sq. ft. to the edge of Mr. Baptiste's house to make it even with his house.

*Brian Binney*, owns the house at 216 Cardiff Rd., behind this property to the left. He questions how much additional rainwater will be directed to 216 Cardiff Rd. Will the roof pitch change?

Mr. Baptiste states that 216 Cardiff Rd. sits higher than 215 N. Olds Blvd., so any water would run back onto his own property.

Mr. Binney states that the water runs through the backyards down towards Austin Drive.

Discussion occurs about the water runoff and that there should be a gutter run to the front of the garage.

Atty. Sander frames a motion to **GRANT** the application of Harold Baptiste for variances from the following sections of the Falls Township Zoning Ordinance to allow the erection of no greater than a 444 sq. ft. (37' x 12') garage and no greater than a 120 sq. ft. (12' x 10') addition to the existing dwelling located on the property at 215 N. Olds Blvd., Fairless Hills, PA, at the locations depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. The sections from which relief is granted is as follows: Section 209-20(E) and Table 1 to allow a maximum building coverage of 2,682 sq. ft, where 2,520 sq. ft. are permitted, and Section 209-20(E) and Table 1, to allow a maximum impervious surface of 3,026 sq. ft. where 2,880 sq. ft. are permitted. This approval is granted subject to the following condition with which the applicant agrees: the applicant shall be required to run the garage gutters to the front of the property.

Member Powers makes the motion.

Member Molle seconds the motion.

**All in favor 2-1, Henderson dissenting.**

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**Petition #2: Tracy and Greg Presley, 701 Warwick Road, Fairless Hills, PA 19030; TMP #13-018-117; Zoned: NCR. Requesting a dimensional variance to install a 4 ft. wood privacy fence in the secondary front yard. Section 209-37.C.**

Atty. Sander marks ZHB Exhibits 1 – 4.

Tracy Presley presents the application. She states that they have a corner lot, there is an inground pool and a dog. The 4' fence would extend from the corner of the house to run along the wall to connect to the wall that we have.

Member Powers asks if you want to put the fence on top of the retaining wall.

Ms. Presley states that is correct. The retaining wall is 2' and with the 4' fence, the total height would be 6'.

Discussion occurs regarding the wall, the fact that this property sits higher than their neighbors.

Mr. Bennett explains that they originally had a 4 ft. wall and we asked them to reduce it down to 2 ft to comply with the ordinance. The 4 ft. fence they are seeking is the best possible fix with the wall so that they can have a legal pool enclosure and have an aesthetically pleasing fence.

Member Henderson makes a motion to **GRANT** the application of Tracy and Greg Presley for a variance from Section 209-37.C(3) of the Falls Township Zoning Ordinance to allow the erection of a 4' fence that is a visual barrier in the secondary front yard of the property located at 701 Warwick Road, Fairless Hills, PA, at the location depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Powers seconds the motion.

**All in favor 3-0.**

**Petition #3: Bernard and Mary Jean Kashmer, 8621 New Falls Road, Levittown, PA 19054; TMP #13-018-003-006; Zoned: NC. Requesting a use variance to allow a storage space to be leased in the NC zoning district. Section 209-22.B.**

Atty. Sander marks ZHB Exhibits 1 – 4.

Bernard Kashmer presents the application. The property was purchased in 1970. In 1982, our family invested in the property and put a new building on the property. The footprint has remained the same. In the past, the designated units D and E have been used as storage by us and some of the tenants. We currently have a Rita's Water Ice, a dance studio and a Dunkin' Donuts, none of which need that storage area. We sought a tenant for one of those two units. A plumbing business responded and we entered into a lease with the plumbing business, believing we had the right to lease that space as storage. When the tenant applied for the certificate of occupancy, we found out that we could not lease the storage space under the current zoning ordinances for Neighborhood Commercial.

We have been using that area for quite a while for storage. It is separate from the other units and has its own entrance and exit. It is monitored electronically for fire, and we would like to rent it out for economic reasons.

Mr. Kashmer also asks to clarify the parking requirements. It has a long history back to 1981. We originally had it permitted for 21 parking spaces. In 1996 Dunkin' Donuts moved into the property and when they submitted their plan the Township, they had to submit a new site plan with 29 parking spaces, which meant that we had to re-stripe the parking lot. In 2006, Dunkin' Donuts went to remodel their place, and they were asked to put in a van accessible handicap parking space which resulted in losing two parking spaces. If you look at the current zoning, it says 5-1/2 parking spaces for every 1,000 sq. ft. of leaseable space. If we include the storage space, that would give us 5700 sq. ft, which would calculate into 32 parking places.

Mrs. Kashmer states that with respect to the storage unit in the back, he doesn't require any parking or taking any space from Rita's or Dunkin Donuts or the dance studio parking.

Mr. Kashmer states that we are asking for a 15 percent reduction on parking so that we would have 27 parking spaces instead of the required 32 parking spaces.

Member Powers states that despite there being a separate entrance for the storage unit in the back, there is no separate entrance for vehicles. They would use the same entrance and exit as the three other businesses. My concern is the traffic in and out onto New Falls Road.

Discussion occurs regarding the parking, the hardship to the property owner (financial), and the intensity of the use of the other storage area.

Member Henderson confirms with Mr. Kashmer this is the first attempt to lease the units as storage as a separate use. Mr. Henderson's concern was that the variance runs with the property, and if you sell the property, you don't know what the new owners will bring.

### **Public Comment**

*John F. Hildebrand*, 8610-8624 New Falls Road (Penn Valley Shopping Center). He states that his shopping center gets the extra parking in his lot. They don't have enough parking now, let alone a reduction of parking. We've had many accidents of people crossing from my lot over to their lot, getting hit going to Rita's. On top of it, my center has storage which he is only allowed to use for the current tenants, not as a separate storage unit that can be rented separately.

*Brian Binney*, Chairman of the Planning Commission. There are two very high intensive units in there and not enough parking for it. I would urge the Board not to grant the variance because it will involve changing the parking dynamics and the traffic.

Recess called (off the record).

Member Powers makes a motion that the application of Bernard and Mary Jean Kashmer for a use variance from Section 209-22.B of the Falls Township Zoning Ordinance be **DENIED**.

Member Henderson seconds the motion.

**All in favor 3-0. DENIED**

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**Hearing adjourned 8:25 p.m.**