

**FALLS TOWNSHIP
ZONING HEARING BOARD
JULY 14, 2015**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:15 p.m.

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

Members absent: Henderson

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

Cellco Partnership d/b/a Verizon Wireless, 149 Fallsington-Tullytown Road, Levittown, PA 19054; TMP #13-013-009; Zoned: LR. Requesting variances for the installation of a wireless telecommunications facility. Section 209-50.2.B, 209-50.2.C.(3), 209-50.2.C.(14), 209-50.2.D.(11).

Atty. Sander marks as Exhibit ZHB-1 (proof of publication), Exhibit ZHB-2 (posting of property), and Exhibit ZHB-3 (letter from applicant requesting a continuance of tonight's hearing to August 11, 2015)

Member Powers makes motion to continue this petition until August 11, 2015 hearing.

Member Molle seconds the motion.

All in favor 5-0. PETITION CONTINUED UNTIL AUGUST 11, 2015 HEARING.

Petition #1: Jeffrey Stitt, 327 Elderberry Drive, Levittown, PA 19054; TMP #13-026-536; Zoned: NCR. Requesting dimensional variance to construct a garage which encroaches into the 10 ft. side yard setback. Section 209-20 and Table 1.

Atty. Sander marks Exhibits ZHB 1 – 4.

Jeffrey Stitt presents the application. I purchased a classic car in the fall of 2014. For insurance purposes it needs to be in a locked up facility. I've been paying \$200 a month to store it at a storage place. I would like to construct a garage for this use. The plans reflect the garage to be constructed in line with the driveway, which encroaches into the side yard setback. The neighbor has no problem with the garage. The shed that is currently on the plans will be taken down.

No public comment.

Member Powers makes a motion that the application of Jeffrey Stitt be GRANTED for a variance from Section 209-20(E) and Table 1 of the Falls Township Zoning Ordinance at 327 Elderberry Drive, Levittown, PA for the placement of a 494 sq. ft detached garage which will be located no less than 5 feet from the side yard property line, where a 10 ft. side yard setback is required, 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.

Petition #2: David Ricca, 2 Vividleaf Lane, Levittown, PA 19054; TMP #13-019-531; Zoned: NCR. Requesting dimensional variances to allow a fence in the secondary front yard and to construct an accessory structure which does not meet setback line for principal structure nor the minimum distance of 15 ft. between buildings. Section 209-37.C, 209-34.E, 209-20 and Table 1.

Atty. Sander marks ZHB Exhibits 1 – 4.

David Ricca presents the application. I'd like to put a fence around my property and because this is a corner lot, I needed to come before the Board. I also want to put a shed in the rear of the property, but there is a sewer easement, so the shed will be placed on the other side of the property (Vermillion Drive side), 12 ft. away from the house.

No public comment.

Atty. Sander frames the motion that the application of David Ricca be GRANTED from the following sections of the Falls Township Zoning Ordinance to allow the following activity on the property located at 2 Vividleaf Lane, Levittown, PA: Section 209-37.C to allow the erection of a 6' high PVC fence that is a visual barrier in the secondary front yard; Section 209-34.E to allow the erection of a shed that is no greater than 140 sq. ft., (10' x 14') to be located no less than 11 ft. from the side street, which is less than the setback required for the principal building from the side street; and Section 209-20.E and Table 1 to allow the shed to be located no less than 12' from the house, where 15' is required between buildings on the same lot. The fence and shed shall be erected on the locations depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. The approval is granted subject to the following condition, with which the applicant agrees, that relief will be granted subject to the applicant's compliance with all conditions stated in the Lower Bucks County Joint Municipal Authority's letter dated June 19, 2015.

Member Powers makes the above motion.

Member Molle seconds the motion.

All in favor 5-0.

Petition #3: Matthew and Cara Cirillo, 7 Martha Drive, Fallsington, PA 19054; TMP #13-024-090-015; Zoned: NCR. Requesting dimensional variance to allow a 6 ft. fence in the secondary front yard. Section 209-37.C.

Atty. Sander marks ZHB Exhibits 1 – 4.

Matthew Cirillo presents the application. Because we have a daughter and we are at the corner of Tyburn Road and Martha Drive, we'd like to erect a 6' fence to enclose the area so my daughter has a safe area to run. The photos depict that the fence would not impede into the sight triangle on Martha Drive. The fence is set 22 feet back from the white lines on the side of the road on Tyburn Road. There is no obstruction with the sight line.

Public Comment

Donald Debolt, 150 Tyburn Road, asks how far from the highway is the fence.

Mr. Cirillo states that it's 22 ft. off of the highway.

Discussion occurs about the placement of the fence in relation to the split rail fence and Mr. Debolt's concern that the fence will obstruct his view.

Member Brooks makes a motion that the application of Matthew and Cara Cirillo be GRANTED for a variance from Section 209.37.C (3) of the Falls Township Zoning Ordinance to allow the erection of a 6 ft. high white

vinyl fence that is a visual barrier in the secondary front yard of the property located at 7 Martha Drive, Fallsington, PA 19054, at the location 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.

Petition #4: Bill Kemmerer, 80 Teaberry Lane, Levittown, PA 19054; TMP #13-019-589; Zoned: NCR. Requesting dimensional variance to construct a carport which encroaches into the minimum distance of 15 ft. between buildings. Section 209-20 and Table 1.

Atty. Sander marks ZHB Exhibits 1 – 4.

Bill Kemmerer presents the application. The original plan for the house was to take down the carport when I received the permit for the 14' x 24' garage a few years ago. However, due to medical reasons, I could not. With this application, the carport would be constructed using the existing pier footers. However, it is less than 15' from the shed.

No public comment.

Member Brooks makes a motion that the application of Bill Kemmerer be GRANTED for a variance from Section 209-20.E and Table 1 of the Falls Township Zoning Ordinance to allow the erection of a 336 sq. ft. shed that is located within 6 ft. of an existing carport where 15 ft. is required between buildings on the same lot, in accordance with the testimony presented to the Zoning Hearing Board.

Member Lawson seconds the motion.

All in favor 5-0.

**Petition #5: CONT'D FROM JUNE 9, 2015 AT APPLICANT'S REQUEST
Aria Health, 380 Oxford Valley Road, Langhorne, PA 19047; TMP 13-004-297; Zoned: IN. Requesting dimensional variances to erect a freestanding sign. Section 209-45.I.(2)(d)[2][a]; Section 209-45.I.(2)(d)[d][i][A]; Section 209-45.I.(2)(d)[d][i][B].**

Atty. Sander marks ZHB Exhibits 3 – 7 (ZHB Exhibits 1 & 2 marked at June hearing). Exhibit A-1 (proof of neighbor notification) and Exhibit A-2 (letter from property owner giving Aria permission to erect sign on their property).

Ann Marie Reid (Clinical Associate Executive Director at Aria) John Snow and Phil Doerle (Compass Signs) get sworn in.

Ms. Reid states that we would like to erect a sign to give better access to our patients, based on our patient feedback in trying to locate our facilities.

Member Powers asks why the new sign has to be 30' high.

Ms. Reid responds that it's for better visibility for our patients and their families.

Mr. Doerle states that we had originally wanted a 50' high sign but thought the Township might object to that. We are fighting for visibility and for clarity from a distance. The 30' height gives us the ability to be more visible than the current sign. The sign next to Aria [Boston Market] is actually 31 to 32 feet high.

Member Molle asks how high the current sign is.

Mr. Doerle states it is 17 feet high. We were considering making the new sign slightly higher but decided not to because it put the sign right in line with the cross bar for the traffic signal obstructing the new sign.

Mr. Snow stated in speaking with patients and hospital staff, there are quite a few people unfamiliar with the area (Sesame Place, Oxford Valley Mall) so the current sign can get lost in an emergency situation. This was a concern expressed to me by doctors.

Member Brooks asks the height of the Burger King sign.

Mr. Snow states he believes it is 26 feet high. The Pep Boys sign is 23 feet high.

Member Miles states that his concern is that the sign is solid at its base and asks what is the distance from the curb to the sign.

Mr. Snow states it is 22 feet. That setback distance is the same as the current sign. We are here for the height of the sign.

Member Powers states that her concern is the same as Mr. Miles.

Discussion occurs on the different signs in the area.

Atty. Sander states that one of the items of relief requested is to allow more than 1 square foot of background area per linear foot of property frontage under separate ownership. I couldn't calculate this based on the documents submitted.

After discussion, the applicant withdraws this request for a variance (Sec. 209-45.I(2)(d)[2][d][i][A]), with the understanding that if that variance is necessary, they will need to go back before the Zoning Hearing Board.

No public comment.

Atty. Sander frames a motion that the application of John Snow on behalf of Aria Health is APPROVED for variances from the following sections of the Falls Township Zoning Ordinance to allow the erection of an approximately 400 cubic foot (30' high x 13.33' wide x 1' deep) freestanding sign on the property at the southwest corner of Oxford Valley Road and Central Avenue, Langhorne, PA 19047, at the location depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board:

- 1) Section 209-45.I(2)(d)[2][a] to allow a freestanding sign to be located no less than 19' from Oxford Valley Road, no less than 9' from Central Avenue, and no less than 10'8" from the Boston Market parking lot where 25' is required from all property edges;
- 2) Section 209-45.I(2)(d)[2][d][i][B] to allow the height of the proposed sign to be 30' where the maximum height is 25'; and
- 3) Section 209-45.I(2)(d)[2][d][i][B] to allow the proposed sign to be devoted to Aria Health only and not provide sufficient space for other tenants of a multiple commercial or industrial tenancy on the sign.

Member Molle makes the motion.

Member Lawson seconds the motion.

All in favor 5-0.

Hearing adjourned 8:15 p.m.