

**FALLS TOWNSHIP
ZONING HEARING BOARD
AUGUST 9, 2016**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:45 p.m.

Members present: D’Oria, Henderson, Miles, Molle, Powers

Members absent: Brooks

Also present: Thomas Bennett, Zoning Officer / CCEO; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, Esquire, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition #1: Gang Jing Huang, 231 Stanwood Road, Fairless Hills, PA 19030; TMP #13-019-055; Zoned: NCR. Requesting dimensional variances to allow the permitted width of a driveway to exceed 20 ft. for the first 20 ft. measured from the street and which exceeds the allowable maximum impervious coverage. Section 209-43.1.C.(3) and Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Kai Huang (son of applicant) presents the application. We purchased this property last year and are happy to be in this neighborhood. We have three cars so we wanted to widen the driveway to allow for parking. We have two children, so we wanted to make a basketball court inside the fence so the children can play. We did not know that we needed approval from the Township. All the work is done now – nobody stopped me when the work was ongoing. We received a notice of violation from the Township and when we applied for the permit, it was denied which is why we are here tonight.

Member D’Oria asks why this wasn’t permitted before the work began.

Mr. Huang states that we had lived in Philadelphia in the Northeast for about 10 years. Nobody said anything – we didn’t know we needed a permit.

Member D’Oria asks if you did anything to help with the water runoff – any type of drywell or drainage.

Mr. Huang states we put some holes in there.

Member Powers asks how many people live in the house.

Mr. Huang replies six.

Member Powers asks if the existing driveway would not be sufficient for three cars.

Mr. Huang states we tried to make it easier with regard to moving the vehicles.

Member Powers asks questions with regard to runoff of the water (no holes were dug), and the grading of the property (is it flat?).

Mr. Huang states he is not sure.

Chairman Henderson asks when you purchased the property was there concrete in the backyard.

Mr. Huang states that we added the concrete to what was there.

Public Comment

Tom MacNamara, 229 Stanwood Drive, at the corner of Dunbury and Stanwood, expresses his support of the variance requests. In response to the Chairman's question regarding the condition of the backyard prior to their purchase, it had a garden and there was paving around the garden so there was a lot of cement there. We have no problem with drainage over the past few storms. These property owners worked very hard on this. When the apron was cut and we noticed three semis of cement skids coming down the street, the whole neighborhood figured the man had a permit. No one ever stopped or said anything. He's out in broad daylight doing this work. There is a drain underneath the pool that goes out to Eldridge.

Jean Huff, 841 Eldridge Road (behind 231 Stanwood) expresses her support for the variance requests. Nothing Mr. Huang has done has been a detriment to the neighborhood. I appreciate the fact that he has removed his cars off of Stanwood and that his children have a safe place to play. They were out there working a long time and nobody said a word to them. They really did not know they needed a permit.

Member Miles makes a motion that the application of Gang Jing Huang requesting dimensional variances from Sec. 209-43.1.C(3), Sec. 209-20 and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow the permitted width of the driveway to exceed 20 feet for the first 20 feet measured from the street and which exceeds allowable maximum impervious coverage at the property located at 231 Stanwood 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 3-2 (Powers and D'Oria dissenting). Motion carries.

Petition #2: Peruzzi Family Limited Partnership, 140 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-004-092 and #13-004-092-001; Zoned: HC. Requesting dimensional variances for a proposed expansion: (a) to permit the existing 80% impervious surface ratio measured to the existing right-of-way of Lincoln Highway to be increased to 85%; (b) to permit the existing 83% impervious surface ratio measured to the ultimate right-of-way of Lincoln Highway to be increased to 88%; and (c) to permit buffer yards to be measured concurrently with the required minimum yards instead of in addition to them and to permit a buffer yard where the minimum yard abuts a residential use to be 20 feet instead of the required 25 feet. Section 209-23.(G), Attachment 7, Table 4.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5, and Applicant Exhibit 1 (quarter mile neighbor notification)

Edward Murphy, Esquire, presents the application. Since 2013 this property has been a Peruzzi Mazda dealership. Mazda is requiring that the facility be of a certain size and that there be a certain amount of service bays, areas for parts and areas for showroom. Since it's been a Mazda dealership since 2013, service and parts have been provided for Mazda at the Mitsubishi dealership on Spencer Avenue. However, because of Mazda's requirements, we now have to provide our own service, parts and sales on site.

We are proposing a 7,400 sq. ft addition. The operation of the dealership will not change. This will enable Mazda to have seven service bays, a parts area and a slightly increased showroom area. Absent our ability to make this expansion, the Mazda franchise will no longer be owned by Peruzzi because we will not be able to maintain Mazda's standards at this location.

Two variances deal with impervious surface. There are two different calculations – going from 80% to 83% impervious coverage or 83% to 88% depending on the calculation. The other variance involves the modification of the existing non-conforming buffer in the rear. We are asking to maintain a buffer of 20 feet along the rear property line. We have submitted land development plans with the Township.

Mark Havers, P.E. Pickering Courts testifies and produces photographs taken of the site dealing with the rear buffer where the remainder of the trees providing a buffer will remain, with one or two deciduous trees being removed.

Rick Borie, Project Manager for Peruzzi, testifies. In response to Member Powers' question, the hours of operation are 7:30 a.m. to 5:00 p.m.

Member Molle makes a motion that the application of Peruzzi Family Ltd. Partnership for dimensional variances from Sec. 209-23(G), Attachment 7, Table 4 of the Falls Township Zoning Ordinance be GRANTED for a proposed expansion as follows: (1) to permit an existing 80% impervious surface ratio measured to the existing right of way of Lincoln Highway to be increased to 85%; (2) to permit the existing 83% impervious surface ratio measured to the ultimate right of way of Lincoln Highway to be increased to 88%; and (3) to permit buffer yards to be measured concurrently with the required minimum yards instead of in addition to them and to permit a buffer yard where the minimum yard abuts the residential use to be 20 ft. instead of the required 25 ft. of the property located at 140 Lincoln Highway, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Chairman Henderson adds a condition that the applicant is in compliance with acceptable stormwater management practices.

Atty. Murphy agrees and says that will be dealt with through the land development process.

Member Miles seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: Commercial Trailer Leasing, Inc., 225 Lincoln Highway, Bldg. E, Ste. 15-C, Fairless Hills, PA 19030; TMP #13-003-016-001; Zoned: OIP. Requesting a use variance to occupy 8,200 sq. ft. to perform safety inspections, adjustments and parts replacements to trailers. Section 209-32.1.B.(2)(c).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and Applicant Exhibit 1 (quarter mile neighbor notification)

Thomas Hecker, Esquire, begins the application. The applicant wishes to provide some maintenance services to trailers.

Gregg Gottsegen, President of Commercial Trailer Leasing, in response to questions by Atty. Hecker, testifies that they are a family owned business operating since 1964 and are considered a full service trailer lessor. We have many clients around the country and we maintain their trailers. We have over a 1,000 units in this area. There is a facility on the site that is approximately 50,000 to 60,000 sq. ft. and we want to use 8,200 sq. ft. of that. We would store four trailers inside the shop to do minor repairs (brakes, patching, roofs, repairing door panels, etc.). There's no power equipment – strictly trailers. We would employ between 4-6 employees. Our hours of operation are 8:00 a.m. to 5:00 p.m Monday through Friday, with some Saturdays. We do store a few trailers on the site.

Chairman Henderson asks if there will be welding on site.

Mr. Gottsegen states yes, there will be some welding done on site.

Chairman Henderson asks if it is just box trucks, or drop decks or flatbed trailers.

Mr. Gottsegen states it is strictly dry freights vans, like 18 wheelers – the big vans, like Strick used to make. There are no flat beds, box trucks – we don't get involved with engines or anything like that.

Member Miles states that in the denial letter, it was stated that if there had been the same use there within a year, the use would be permitted. What was there before?

Bill Koelewyn, General Manager of 225 Lincoln Properties, in response to questioning by Atty. Hecker, testifies that he has been general manager for 17 years and has attempted to make it into an industrial park. Over the years, we have attracted up to 70 businesses. Prior use of the property was Strick Trailers from 1959 forward. They ceased manufacturing in 1974, but there were many residuals aspects to that business, like trailer modifications. It has really been a trailer site continuously. The specific area they will occupy – from 2005 from 2009 was occupied by Precision Works which was the repair facility for Keystone Freight (which serviced Kmart). In Building A, from 2005 to 2013, there was also another company that just repaired trailers. New Harvest Transportation currently operates out of Building E and they maintain their trailer fleet. The proposed use is consistent with similar uses and would not interfere with another existing use.

No public comment.

Member Molle makes a motion that the application of Commercial Trailer Leasing, Inc. requesting a use variance from Section 209-32.1.B.(2)(c) of Falls Township Zoning Ordinance be GRANTED to permit applicant to occupy 8,200 sq. ft. to perform specialty inspections, adjustments and parts replacements to trailers at the property located at 225 Lincoln Highway, Building E, Ste. 15-C, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Miles seconds the motion.

All in favor 5-0. Motion carries.

Hearing adjourned 7:45 p.m.