

**FALLS TOWNSHIP
ZONING HEARING BOARD
DECEMBER 11, 2018**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:05 p.m.

Members present: Al Brooks, Scott D’Oria, Colin Henderson, Bill Kiernan (Alternate), Dan Miles

Members absent: Doug Molle

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

Chairman Miles states that the order of the agenda will be rearranged – the commercial applicants will be heard first.

Petition #3: W.G. Lincoln Properties, L.P., 640 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-196; Zoned: NCR. Requesting re-approval of a use variance granted on September 10, 2013, and dimensional variances granted on January 13, 2015 to allow construction of a mixed-use commercial and residential building. Sections 209-20, 209-20.E, 209-38.1.F.(2), 209-45.I.(1)(a) and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and Applicant A-1 (proof of neighbor notification).

Thomas Hecker, Esquire, states we submitted an application that includes the prior approvals from this Board for variance relief from 2013 and which was subsequently amended by revisions to the plan in 2015. We have received all approvals for land development from the Township and have received PennDot approvals as well. However, the Department of Environmental Protection (DEP) imposed a moratorium on new sewer connections at the time we received final approvals and therefore, the applicant could not move forward with this project. DEP has now released the new sewer connections; however, the zoning variances for this project had expired and needed to be re-approved. The plan has remained the same – nothing has been changed from the time of the original approvals by this Board. Once we receive re-approval of these zoning variances, the construction permits can be submitted to the Township.

No Board comments.

Public Comment

Frank Bray asks for clarification of the project (7 apartments and 1 commercial space for owner), it will be a building not a trailer (yes), and expresses concern about parking.

No more public comment.

Member Henderson makes a motion that the application of W.G.Lincoln Properties, L.P. for a use and dimensional variances from Falls Township Zoning Ordinances be GRANTED to allow the construction of a mixed use commercial and residential building on the property located at 640 Lincoln Highway, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board, as follows: 1) A variance from Section 209-20.E and Table 1 to allow an impervious surface ratio of 75.5% where 40% was permitted; 2) a variance from Section 209-38.1.F(2) to allow a 3.1 ft. parking buffer for the westerly end of the Lincoln Highway parking lot, and a buffer of just under 8 ft. from the side property line

for the location of a dumpster, where a 20 ft. buffer is required; 3) a variance from Section 209-45.I.(1)(a) to allow a 30 sq. ft. business name wall or façade sign and a 20 sq. ft. address wall or façade sign in accordance with Exhibit A-4, where such signs are not permitted in the NCR District; 4) a modification of Condition #1 to the Zoning Hearing Board's September 10, 2013 decision on the application of Greg Wieczerszak for W. G. Siding and Roofing to allow no more than three apartment units on the first floor of the building as depicted on Exhibit A-3; and 5) a modification of Condition #4 to the Zoning Hearing Board's September 10, 2013 decision on the application of Greg Wieczerszak for W.G. Siding and Roofing to allow no more than four apartment units on the second floor of the building, and no other use on the second floor of the building, as depicted on Exhibit A-3.

This approval is granted subject to the following conditions with which the applicant agrees: 1) prior to the issuance of a zoning permit, the applicant shall obtain final unappealable land development approval from the Board of Supervisors of Falls Township, and shall obtain any additional relief required from the Zoning Hearing Board as a result of land development approval; 2) all conditions attached to the September 10, 2013 decision and the January 14, 2015 decision of the Zoning Hearing Board on the application of Greg Wieczerszak for W.G. Siding and Roofing that are unaffected by this decision shall remain in full force and effect regarding the development of the property.

Member Kiernan seconds the motion.

All in favor 5-0. Motion carries.

Petition #4: Oxford Valley Elementary School, 430 Trenton Road, Fairless Hills, PA 19030; TMP #13-007-355; Zoned: IN. Requesting a dimensional variance to erect a freestanding sign which does not meet the setback requirements to the building and/or the property line. Section 209-45.I.c[2][a].

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7 and Applicant A-1 (proof of neighbor notification).

Donna Minnigh, Principal of Oxford Valley Elementary School, states that she has the authority to submit the application on behalf of the school and identifies Janelle Eliason as a parent and the president of the PTO who is authorized to speak on the school's behalf.

Janelle Eliason states that the fundraising project for the sign began three years ago and was approved by our School Board to put up a new sign in May 2017. We contracted with Fast Signs to make the sign and when the permit was applied for, it was denied for zoning for setbacks. The sign needs to go where the existing sign is because the front of the school is on a slope.

No Board questions.

No public comment.

Member D'Oria makes a motion that the application of Oxford Valley Elementary School for a dimensional variance from Section 209-45.I.c[2][a] of the Falls Township Zoning Ordinances be granted to erect a freestanding sign which does not meet the setback requirements to the building and/or property line on the property located at 430 Trenton Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Henderson seconds the motion.

All in favor 5-0. Motion carries.

Petition #1: Laura Simpson, 64 Eventide Lane, Levittown, PA 19054; TMP #13-021-016; Zoned: NCR. Requesting a use variance to allow two micropigs to remain on the property. Section 209-20.I.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Laura Simpson states she is the property owner and lives there with her partner Jessica Elfvin and her four children Aiden, Isabelle, Eddie and Jordan. Jessica Elfvin states her daughter Isabelle wants to make a statement.

Isabelle states how much she loves her pet pigs because they calm her down. They also help her younger brother Aiden. Her Girl Scout troop enjoys spending time with the pigs as well.

Jessica Elfvin provides documentation that in Newtown Township the pigs were approved to be kept as pets, not as livestock as well as letters stating that the potbellied pigs are considered pets (documents marked as Exhibit A-1). There is no registration for emotional support for pigs, as there is with dogs. We do have prescriptions from the therapist that the animals are being used as emotional support animals for my children, particularly Aiden who suffers from social anxiety and autism.

Laura Simpson states we've had the pigs for almost two years and they were purchased for emotional support. They are both inside and outside; outside they have a 15' x 15' kennel within a fenced-in back yard; we've never had complaints, no noise, no smell. They help the children with their responsibilities.

Jessica Elfvin states that the pigs are fully vaccinated; they have microchips.

Board Questions

Member Brooks asks how many animals (2 micropigs and 2 Old English bulldogs), asks a series of questions about the pigs being outside, and water runoff (French drain).

Public Comments

David Lennon expresses his support for the pigs – they don't make noise, are very trainable, and very affectionate.

Donna Lennon expresses her support for the pigs – they are definitely support animals and it would be very detrimental to the children to have them removed from the house.

Member Henderson makes a motion that the application of Laura Simpson for a use variance from Section 209-20.I of the Falls Township Zoning Ordinance be GRANTED to allow two existing micropigs to remain on the property located at 64 Eventide Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds the motion.

All in favor 3-2. Motion carries (D'Oria and Brooks dissenting).

Petition #2: Gail Stadanlick, 241 Waltham Road, Fairless Hills, PA 19030; TMP #13-002-180; Zoned: NCR. Requesting a use variance to allow pot belly pigs to remain on the property. Section 209-20.I.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Bruce Stadanlick states that we have three potbellied pigs for the past four years. We obtained them from someone not knowing we were not allowed to have them. We would like to keep them. They come in the house

in the winter and stay out all day in the summer. Potbellied pigs are a little larger than micropigs. They are one of the few animals that are resistant to rabies.

Blake Stadanlick states that they've had the pigs for four years and all the neighbors have no problem with the pigs.

Gail Stadanlick states that they nursed one of the pigs from birth and that it would be a great hardship to her family to have the pigs removed.

Board comments center on where the pigs stay (back yard and house), maintenance of pigs (they have no ticks, no fleas), and size of the pigs (about 85 lbs.)

Public Comment

Heidi Ritts, lives next door, expresses support for the pigs; they are not noisy; they are just like dogs; the property owners maintain the yard by cleaning up after the pigs daily.

Gloria Bizup, retired R.N., lives down the street, expresses her support and visits the pigs with the children she occasionally watches. In response to a question by Chairman Miles, she states the pigs are very clean and are well maintained by the property owner.

Nick Adams, a rear neighbor, expresses his support for the pigs – they are quiet, clean and are considered pets.

William Abrego, expresses his support for the pigs and has never seen one of these pigs be aggressive.

Caitlyn Hegner, cousins to the applicant, expresses her support for the pigs in terms of emotional support.

Nancy Lennon, (mother to applicant) expresses her support for the pigs and states that they help my daughter, son-in-law and grandkids with various issues. It would be a hardship to have them removed from the house.

Member Henderson makes a motion that the application of Gail Stadanlick for a use variance from Section 209-20.I of the Falls Township Zoning Ordinances be GRANTED to allow the existing three potbellied pigs to remain on the property located at 241 Waltham Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds the motion.

All in favor 4-1. Motion carries (D'Oria dissenting).

Hearing adjourned 8:05 p.m.