

**FALLS TOWNSHIP  
ZONING HEARING BOARD MEETING  
MARCH 13, 2013**

Meeting commenced: 7:03 pm

Meeting adjourned: 7:50 p.m.

Members present: D. Miles, T. Miles, Molle, Powers

Members absent: Henderson

Also present were Tom Bennett, CCEO & Zoning Officer, Ed Neubauer, Code Enforcement Officer, Dave Sander, Esquire, Karen Browndorf, Court Stenographer

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**Petition #2: Better Homes, Hearth & Patio, 386 Lincoln Highway, Fairless Hills, PA 19030, TMP #13-008-053, Zoned HC. Requesting a dimensional variance to construct a digital animated sign. Section 209-45.D.(3)(b)[4][a][i] and Section 209-45.D.(5)(c). (CONT'D FROM DEC. 11, 2012; CONT'D FROM JAN. 8, 2013; CONT'D FROM FEB. 12, 2013)**

Atty. Sander states that the above applicant has requested another continuance in an email from the Township's solicitor, Lauren Gallagher, Esq. of Rudolph, Clarke & Kirk., due to ongoing negotiations between the Township and the applicant. The email requested an extension until the next meeting on April 9, 2013.

Atty. Sander requests that a motion be made to continue the application of Peter Stillitano until April 9, 2013 at 7:00 p.m.

Motion to approve by D. Miles, seconded by T. Miles.

**APPROVED 4-0**

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**Petition #1: Aria Health, 131 Lincoln Highway, Fairless Hills, PA 19030, TMP 13-004-618, Zoned HC. Requesting an interpretation of a previously granted variance or a dimensional variance to permit 19 parking spaces. Section 209.42.**

Atty. Sander marks exhibits.

Atty. Sander asks if there is anyone attending in opposition to the application. No one responded.

Kellie McGowan, Esquire, from Eastburn & Gray representing Aria Health, Mr. Gallop, Executive Director of Aria Health, Bucks Campus and Mr. Rick Rowland, one of the owners of the property, are also in attendance.

Ms. McGowan gives history. The 1983 Zoning Hearing Board's decision granted three variances for this property which were granted prior to the construction of the building. The 1983 Board granted two dimensional variances for yard setbacks. The building was constructed

consistent with those variances, and there is no question at this time that those dimensional variances are on the property and in full use. The third relief that was granted by the 1983 Board was a parking variance. The parking variance was granted not specific to a use and not specific to anything other than a reference to the plan. If you take the square footage of the building and the number of existing parking spaces, which is forty, you come up with a parking ratio of 3.3 spaces per 1,000 square feet. That ratio is still in effect at the property granted by the 1983 Board.

Ms. McGowan continues. The building was constructed with 40 parking spaces which is a parking ratio of 3.3 spaces per 1,000 square feet. The zoning has not changed – it's still HC zoning district. There have been no additions to the building that would render the parking calculation inapplicable.

Atty. Sander frames a motion to grant a variance from Sec. 209-42 of the Falls Township Zoning Ordinance to permit a parking ratio of 3.3 spaces per 1,000 square feet to permit 19 parking spaces to serve the 5,700 square foot portion of the existing building leased by Aria Health at 131 Lincoln Highway.

Member Powers makes a motion to grant; seconded by T. Miles

**ALL IN FAVOR 4-0**

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**Meeting adjourned at 7:50 p.m.**