

**FALLS TOWNSHIP
ZONING HEARING BOARD
NOVEMBER 13, 2018**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:20 p.m.

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

Members absent: Dan Miles

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

Petition #1: Joshua and Carla Smith, 51 Pleasant Lane, Levittown, PA 19054; TMP #13-042-040; Zoned: NCR. Requesting a dimensional variance to add an open patio which exceeds the allowable maximum impervious surface coverage. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Joshua Smith presents the application. We’ve owned the house for about a year and thought our contractor was going to pull the permit. We wanted to extend the patio for our two children, one of which is afraid of bugs. We apologize for not getting the permit before the work was done.

Board questions center around water runoff to neighbor in rear (no, applicant is correcting the situation so there is no standing water), installing a French drain to divert water underground (applicant has no problem doing this), and the name of the contractor (Dynamite Contractors, John VanHorn).

No public comments.

Member Molle makes a motion that the application of Joshua and Carla Smith for a dimensional variance from Section 209-20 and Table 1 of Falls Township Zoning Ordinances be GRANTED to add an open patio which exceeds the allowable maximum impervious surface coverage at the property located at 51 Pleasant Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: John Wilson, III, 92 Briaroot Lane, Levittown, PA 19054; TMP #13-022-171; Zoned: NCR. Requesting dimensional variances to erect a fence in the secondary front yard and to widen the driveway. Sections 209-37.C.(3) and 209-43.1.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

John Wilson presents the application and states that he wants to extend the driveway to keep it in line with the garage that received prior ZHB approval. We’d also like to place a fence in our secondary front yard, trying to keep it in line with our neighbor in the rear who has a fence 3 ft. off the sidewalk.

Member Kiernan asks if you plan on widening the apron.

Mr. Wilson says no, it's big enough now – we want the driveway widened to keep in line with the garage.

Member Brooks asks how wide is the current apron (14 ft. wide by 35 ft. long to the carport), what the garage use is now (storage for hunting stuff, and a project jeep), if he is working on vehicles in the garage (no, just his own vehicles), if the retaining wall was built after the garage went up (yes), and with regard to the fence it should be out of the sight triangle and off Township property (yes).

Member D'Orio has no questions on the fence, but the driveway – would the applicant consider widening the driveway by the garage but not all the way down to the sidewalk (yes – need just enough to turn into the garage).

Discussion begins on how to reconfigure the driveway so it conforms with the zoning ordinance of 20 ft. from the street before it can be widened. Applicant did not know the measurement went from the street – thought the 20 ft. had to begin at the sidewalk.

Acting Chairman Henderson states that if you follow the 20 ft. measurement before you widen the driveway, a variance wouldn't be needed.

Party Status

Scott MacNair, Esquire, states that he is representing John and Janet Potts (88 Briarroot Lane), a neighbor of the applicant and is requesting Party Status on their behalf.

Atty. Bidlingmaier explains Party Status to the residents in attendance and asks if any other member of the public is requesting Party Status. He stresses that if you do not request Party Status, you still have the right to speak during the Public Comment section of the hearing (no one else requested Party Status).

Atty. Bidlingmaier states that the Board has agreed to accept Scott MacNair's request for Party Status on behalf of the Potts.

Atty. MacNair begins to question the applicant. Testimony centers around the condition of the property when Mr. Wilson purchased the property (grass), putting in a stone driveway with no permit, familiarity with the driveways in the neighborhood, what the applicant's hardship is (looks better, vehicles not in the street), no extension of the apron (correct), stormwater issues with driveway because applicant's property is slightly uphill from the Potts' property, and no gutters on the existing garage so water from garage flows onto Potts' property.

Discussion occurs about the garage. However, Acting Chairman Henderson reminds the applicant and the public that this hearing is for the fence and the driveway only. The garage has already been approved.

Atty. MacNair begins to question his client, John Potts. Testimony centers on the stormwater that runs off the Wilson property and onto his property as a result of the garage so that Mr. Potts' driveway is eroding. This occurs without the driveway being widened. His concern was that if the driveway is widened thereby creating more impervious coverage, additional water would continue to pool onto his driveway, eroding it further.

Mr. Wilson cross-examines Mr. Potts.

Public Comment

Joseph Salnaitis, 87 Briarroot Lane, expresses his concern with many cars being worked on if the driveway is extended – not now, but somewhere in the future. With regard to the fence, he is concerned about the sight triangle.

No further public comment.

No further Board questions.

Atty. MacNair gives his closing arguments.

Member Molle makes a motion that the application of John Wilson, III for a dimensional variance from Section 209-37. C.(3) of the Falls Township Zoning Ordinances be **GRANTED to erect a fence in the secondary front yard** at the property located at 92 Briarroot Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. This approval is granted subject to the following conditions to which the applicant agrees: the side fence must not encroach into the sight triangle and must comply with the measurements and setback requirements to be determined by the Falls Township Zoning Officer.

Member Brooks seconds the motion.

All in favor 5-0. Motion carries. FENCE is approved.

Member Molle makes a motion that the application of John Wilson III for a dimensional variance from Section 209-43.1.C of the Falls Township Zoning Ordinances be **DENIED with regard to the widening of the driveway.**

Member Books seconds the motion.

All in favor 5-0. Motion carries. DRIVEWAY is denied.

Petition #3: JR 915 LLC, 905 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-022-001, #13-028-022-002, #13-028-022-003, #13-028-022-004, #13-028-022-005; Zoned: HC. Requesting a dimensional variance to construct a security fence around the perimeter of the property. Sections 209-37.C and 209-34.E.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant Exhibit A-1 (proof of neighbor notification).

Francis Dillon, Esquire, presents the application and questions Rick McLaughlin regarding the property. Mr. McLaughlin states that the property is split between Truck Smart and Extra Space. We have a fence up now, but we installed it so we didn't need a zoning variance. Now, due to various thefts from our trucks parked outside the fence, we would like to fence-in more of the property. That area was paved last year; we would like to connect our fence up to the Extra Space fence.

No Board comments.

No public comment.

Member Brooks makes a motion that the application of JR 915 LLC (Truck Smart) for a dimensional variance from Section 209-37.C and 209-34.E of the Falls Township Zoning Ordinances be GRANTED to construct a security fence around the perimeter of the property at the property located at 905 Lincoln Highway, Morrisville, PA 19067 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. Motion carries.

Hearing adjourned 8:20 p.m.