

**FALLS TOWNSHIP
ZONING HEARING BOARD
OCTOBER 13, 2020**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:55 p.m.

Members present: Alfred Brooks, Scott D’Oria, William Kiernan, Daniel Miles, Douglas Molle

Members absent: None

Also present: Matthew Takita, AIA, MCP, Township Manager/Zoning Officer; Ed Neubauer, Code Enforcement Officer; Keith Bidlingmaier, ZHB Solicitor; Karen Browndorf, Court Stenographer

The hearing was conducted remotely through Zoom.

Petition #4: Cellco Partnership d/b/a Verizon Wireless, 400 N. Oxford Valley Road, Langhorne, PA 19047; TMP #13-003-031; Zoned: HC. Requesting an appeal of the determination of zoning officer denying zoning permit application for proposed non-tower based WCF on rooftop. Section 209-50.2.C(18), Section 209-50.2.F.(1)(a) and 209-75.

Atty. Bidlingmaier states that we have received a letter from Christopher Schubert, Esquire (who represents the applicant) requesting a continuance until the next Board meeting on November 10, 2020. Mr. Schubert also waived any applicable time periods to hold a public hearing on his application.

Member Molle makes a motion that the application be continued until November 10, 2020.

Member D’Oria seconds the motion.

All in favor 5-0. Motion carries. Application is continued until November 10, 2020.

Petition #1: Theresa Keeny, 6 Timber Lane, Levittown, PA 19054; TMP #13-023-454; Zoned: NCR. Requesting a dimensional variance to erect an addition which encroaches into the side yard setback of 10 ft. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Theresa Keeny presents the application and states their property line is wider in the front than the back which is why the addition is 6 ft. 9 inches from the property line.

No Board questions.

No public comment.

Member Brooks makes a motion that the application of Theresa Keeny requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to erect an addition which encroaches into the side yard setback of 10 ft. at the property located at 6 Timber 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 5-0. Motion carries.

Petition #2: Ashley Piskorski, 297 Thornridge Drive, Levittown, PA 19054; TMP #13-023-200; Zoned: NCR. Requesting a dimensional variance to erect a shed within the secondary front yard setback. Sections 209-34.E, 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Ashley Piskorski presents the application and states they would like to remove the old 8' x 10' shed which was at the property when they moved in. We would like to relocate the shed to the area on the other side of the house which is our side front yard. There currently is a fence on that side of the property – we are a corner lot.

Member D'Oria asks the Zoning Officer if 4 ft. is enough off the side property line?

Matthew Takita responds the ordinance requires 25 ft. because it is considered a front yard. When you look at the actual orientation of the house, it really is their side yard. There is a fence currently there and the shed sits well past the fence.

No further Board comments.

No public comment.

Member D'Oria makes a motion that the application of Ashley Piskorski requesting a dimensional variance from Section 209-34.E, 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to erect a shed within the secondary front yard setback at the property located at 297 Thornridge Drive, Levittown, PA 19054, 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.

Petition #3: Joseph McHugh, 813 Fairfield Road, Fairless Hills, PA 19030; TMP #13-016-587; Zoned: NCR. Requesting a dimensional variance to erect an addition which encroaches into the side yard setback of 10 ft. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Joseph McHugh presents the application and states they would like a full second floor addition. We will not encroach any further on the side yard setback line. We are currently 5-1/2 feet off the property line; the addition will go straight up.

No Board questions.

No public comment.

Member D'Oria makes a motion that the application of Joseph McHugh requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to erect an addition which encroaches into the side yard setback of 10 ft. at the property located at 813 Fairfield 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 5-0. Motion carries.

Petition #5: Wawa, Inc., 549 W. Trenton Avenue, Morrisville, PA 19067; TMP #13-028-028; Zoned: HC. Requesting dimensional variances to permit three wall signs on the Wawa Drive Thru building and one directional sign at the West Trenton Avenue driveway access. Section 209-45.E(18)(a) and (c) and Section 209-45.Q(5)(a) and (b).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant Exhibits A-1 (proof of neighbor notification), A-2 through A-9.

Julie VonSpreckelsen, Esquire, presents the application and gives the history of the property (former Acme, which was subdivided and now has a gas station Wawa and a Rite Aid and an undeveloped lot where the Wawa Drive-thru building will be situated). We are proposing three wall signs for the Wawa Drive-thru building and one directional sign to be located near the driveway entrance at West Trenton Avenue. The proposed wall sign on the north elevation (on the front of the building which faces the Rite Aid) is 31.95 sq. ft. and doesn't require any zoning relief. The proposed wall sign on the east elevation (faces Pine Grove Rd) is 66.65 sq. ft. and requires a variance to exceed the maximum permitted area of 32 sq. ft. The proposed wall sign on the south elevation (faces the wooded portion of the lot) is 9.87 sq. ft. and requires a variance to allow the third wall sign on the building. The proposed directional sign is double sided and illuminated and requires a variance to allow it to be illuminated and to exceed the maximum permitted area of 4 sq. ft.

Atty. VonSpreckelsen introduces Ron Klos as an expert witness and states that for expediency purposes, she will introduce his testimony as an offer of proof and at the conclusion of the offer of proof, Mr. Klos will confirm the testimony.

Board questions center around if there are other signs on the property (2 more signs on the freestanding signs).

No public comment.

Member D'Oria makes a motion that the application of Wawa, Inc. requesting dimensional variances from Sections 209-45.E(18)(a) and (c) and Sections 209-45.Q(5)(a) and (b) of the Falls Township Zoning Ordinances be GRANTED to permit three wall signs on the Wawa Drive-thru building and one directional sign at the West Trenton Avenue driveway access at the property located at 549 W. Trenton Avenue, Morrisville, PA 19067, 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 5-0. Motion carries.

Petition #6: USS Real Estate, Keystone Industrial Port Complex, Fairless Hills, PA 19030; TMP #13-051-001; Zoned: MPM. Requesting dimensional variances for the impervious surface ratio, minimum lot frontage, minimum lot width and minimum front yard requirements to facilitate subdivision of a 28.85 acre parcel. Sections 209-30.D and Table 5.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9 (Ex. 9 is proof of neighbor notification).

Zac Siversten, Esquire, presents the application and states they are proposing subdividing a 25 acre portion of the larger KIPC property. It is the portion of the property which contains the Galvanize Steel Plant. US Steel wants to subdivide it, maintain the Galvanize plant, and sell the remainder of the KIPC property. He states he has one expert witness, Bob Showalter, and states that he would like to introduce his testimony as an offer of proof and at the conclusion of the offer of proof, Mr. Showalter will confirm the testimony.

Board questions center on if there are other neighbors moving in and clarification on where the subdivision is located.

No public comment.

Member D’Oria makes a motion that the application of USS Real Estate requesting dimensional variances from Section 209-30.D and Table 5 of the Falls Township Zoning Ordinances be GRANTED to permit an impervious surface ratio on the proposed lot equal to the existing 99.27% impervious surface ratio, to permit the minimum lot frontage and minimum lot width as set forth on the submitted plans, and to permit a 27 ft. front yard measured from the proposed lot line to facilitate subdivision of a 25.58 acre parcel at the property located at Keystone Industrial Port Complex, 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 5-0. Motion carries.

Hearing adjourned 7:55 p.m.