

**FALLS TOWNSHIP
ZONING HEARING BOARD
NOVEMBER 14, 2023**

Hearing commenced: 7:05 p.m.

Hearing adjourned: 7:30 p.m.

Members present: Aaron Mackey, Robert McTague, Nastasha Raisley, Lolain Striluk, Chris Kilmer (Alt)

Members absent: William Kiernan

Also present: Keith Bidlingmaier, ZHB Solicitor; Matthew Takita, Zoning Officer; Lauren Gallagher, Esquire (Rudolph & Clark), Ed Neubauer, Code Enforcement; Karen Browndorf, Court Reporter

Atty. Bidlingmaier states the Board took an Executive Session tonight before the meeting. In the Executive Session, the Board nominated Lolain Striluk as the new Chairperson for the remainder of the year, Robert McTague was nominated as Vice Chairman, and Secretary is Aaron Mackey.

Petition #1: Robert Zaks, 432 Andover Road, Fairless Hills, PA 19030; TMP #13-007-167; Zoned: NCR. Requesting a dimensional variance to put in a concrete pad which is over the allowable impervious coverage. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Rochelle McIntyre gets sworn in and presents the application. She is the daughter-in-law to the applicant. We want to replace an existing wood deck with a concrete pad. Replacing the deck with concrete would be a long term solution with minimal maintenance with the possibility of making it handicap accessible if necessary in the future.

Member McTague asks if you are increasing the footprint of the deck.

Ms. McIntyre says no, it is within the same footprint as the existing deck.

Member Mackey asks questions about the shed. He also asks about the drainage mentioned in their plan.

Ms. McIntyre says we are installing a French drain.

No further Board questions.

No public comment.

Member Mackey makes a motion the application of Robert Zaks requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow a concrete pad which is over the allowable impervious surface coverage at the property located at 432 Andover Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member McTague seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Kenneth Kline, 9244 Wheatsheaf Road, Morrisville, PA 19067; TMP #13-046-018; Zoned: NCR. Requesting dimensional variances for a proposed garage which has a side yard setback of 6 ft. and a rear yard setback of 5 ft. which is less than the required 10 ft. and 20 ft. respectively. Section 209-20.C(10), Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6. He also mentions one of the neighbor letters was returned and was hand delivered to the property. The property owner contacted Ms. Beri who spoke to him and explained the letter. Atty. Bidlingmaier states service was effective.

Kenneth Kline gets sworn in and presents the application. The building is existing and has been there since the 1960's. He did not understand why the variance is needed. He contacted the Township to get clarification.

Matthew Takita responds the accessory structure was burned out, so the repairs exceed 50 percent of the overall building. The plans received were for a full second floor being constructed. According to the ordinance any accessory structure over 500 sq. ft. and 16 ft. in height needs to meet the dimensional requirements for a principal building. Those setbacks are out of conformance. He is using the existing base footprint and all new walls on the exterior, but the second floor would need to comply. Originally, it was pitched roof, and this is now a full second story.

Member Mackey asks Mr. Takita if the garage was already there with these setbacks, was there a previous variance for the setbacks.

Mr. Takita states over the course of time the original structure was built, that zoning may have changed, or they never got a permit for it.

No further Board questions.

No public comment.

Member Mackey makes a motion the application of Kenneth Kline requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to allow a garage which has a side yard setback of 6 ft. and a rear yard setback of 5 ft. which is less than the required 10 ft. and 20 ft. respectively at the property located at 9244 Wheatsheaf Road, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kilmer seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: (CONT'D FROM 10/10/23, 9/12/23) Brian Brzezinski, 654 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-231; Zoned: HC.

Atty Bidlingmaier states we have received correspondence from the applicant's attorney, Barbara Kirk, and marks her letter of November 13, 2023 as a Board ZHB Exhibit 1.

Barbara Kirk, Esquire, states the applicant is requesting a 60-day continuance from tonight's hearing. When we first applied for and appeared before this Board in September, there were a lot of residents who were concerned and in opposition to the application which was requesting the construction of residential apartment buildings. At our request, the Board granted a continuance. The applicant and engineer spoke with the residents. Then we filed an amended application to add one dimensional variance which resulted in the matter being scheduled for the October 10th hearing. At that time, we also learned the Township intended to oppose the application, so we

requested another continuance in order to meet with Township representatives. Since the October 24th meeting with the Township, the applicant has submitted two alternative plans for development of the property which would be more commercial in nature than the original application. Those plans have been submitted to Mr. Takita and are being circulated among the Board of Supervisors as well as the Solicitor to ascertain if there are any other questions for further meetings. In order to give everybody ample time to review the alternative plans, continued discussions, and with the upcoming holiday, we are asking for a 60-day continuance. We are waiving any time constraints under the MPC.

Lauren Gallagher, Esquire, representing the Township, states she concurs with Ms. Kirk's summary, and we are working with the applicant to continue to review the revised plans. We are hopeful there will be a resolution before the January meeting.

Member Mackey makes a motion to continue this petition until the January 9, 2024 hearing.

Member Raisley seconds the motion.

All in favor 5-0. Motion carries (continued until the January 9, 2024 hearing)

Petition #4: (CONT'D FROM 10/10/23, 9/12/23) All State Auto Sales, LLC, 981 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-034; Zoned: HC.

Atty. Bidlingmaier states we have received correspondence from the applicant Natalia Bandarenka requesting a continuance of this matter for thirty days until the December 12th hearing. She is also waiving the MPC time requirements.

Mr. Takita states the applicant is actively working to resolve the issues we have with the property. We are not opposed to this request.

No Board comments.

Member McTague makes to continue the petition until the December 12, 2023 hearing.

Member Mackey seconds the motion.

All in favor 5-0. Motion carries (continued until the December 12, 2023 hearing).

Petition #5: (CONT'D FROM 10/10/23, 9/12/23) Night and Day Properties, LLC, 99 Bristol Oxford Valley Road, Langhorne, PA 19047 and 119 Trenton Road, Fairless Hills, PA 19030; TMP #13-001-002 and #13-001-008; Zoned: HR.

Atty. Bidlingmaier states we have received a letter dated November 14, 2023, from Matthew McHugh, Esquire, the applicant's attorney, requesting a continuance of this matter. It also waived the MPC time requirements (marked as ZHB Exhibit 1).

Matthew McHugh, Esquire, states we have actively been working with both the Township and the adjacent property owners in coming up with a revised plan which we will be ready for presentation to you in December. We have reduced the total number of units from 35 to 23. We have submitted a further revised plan that is now down to 20 units for the Township's review and consideration.

Lauren Gallagher, Esquire for the Township, states she has no objection to the continuance request. We have been meeting at the staff level to review their revised plans.

No Board comment.

Member Mackey makes a motion to grant the continuance request until December 12, 2023.

Member Raisley seconds the motion.

All in favor 5-0. Motion carries (continued until December 12, 2023)

Hearing adjourned 7:30 p.m.