

**FALLS TOWNSHIP
ZONING HEARING BOARD
AUGUST 12, 2025**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:40 p.m.

Members present: Aaron Mackey, Robert McTague, Chris Kilmer, Nastasha Raisley

Members absent: William Kiernan

Also present: Keith Bidlingmaier, ZHB Solicitor; Matthew Takita, Zoning Officer, Ed Neubauer, Code Enforcement; Karen Browndorf, Court Reporter

Atty. Bidlingmaier states the Board has received correspondence regarding Petition #6 (Pro Group Properties) requesting a continuance until the September meeting.

Member Mackey makes a motion to approve the continuance.

Member Kilmer seconds the motion.

All in favor 4-0. Motion carries.

Petition #1: Andrew and Michele Resch, 1 Vermillion Drive, Levittown, PA 19054; TMP #13-019-215; Zoned: NC. Requesting the following dimensional variances to construct a rear addition and porch: Section 209-41 – non-conforming structures expanding over 50% must meet the district’s setback and area requirements; and Section 209-22.E and Table F –front yard setback of 44.14 ft. from New Falls Road which is less than the required 70 ft.; and a side yard setback of 11.9 ft. which is less than the required 15 ft.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Tracy Miller (architect) gets sworn in and states this house is a standard Levittown lot with a jubilee on it. The only thing unusual is New Falls Road on the left side and a strip mall behind it. This parcel was zoned as Neighborhood Commercial instead of Neighborhood Commercial Residential. However, there has been a house on it from the beginning. The work the Reschs are looking to do is very much in keeping with a residential addition. The reason for the variance is because of the zoning mis-match.

No Board questions.

No public comment.

Matthew Takita (zoning officer) says that if this was zoned properly as NCR, it would meet all the requirements.

Member Mackey makes a motion the application of Andrew and Michele Resch requesting the following dimensional variances from the following sections of the Falls Township Zoning Ordinances be GRANTED to construct a rear addition and porch: 1) Section 209-41 – non-conforming structures expanding over 50% must meet the district’s setback and area requirements; 2) Section 209-22.E and Table F –front yard setback of 44.14 ft. from New Falls Road which is less than the required 70 ft. and a side yard setback of 11.9 ft. which is less than the required 15 ft. at the property located at 1 Vermillion Drive, Levittown, PA 19054, 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 4-0. Motion carries.

Petition #2: Marissa Ryan and Justin Levine, 96 Village Lane, Levittown, PA 19054; TMP #13-019-220; Zoned: NCR. Requesting a dimensional variance to allow a 6 ft. fence in the secondary front yard along Vitaloak Lane. Section 209-37.C(2).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 9.

Edward Getty (Area Enclosure Fence Co) gets sworn in and states the fence we are proposing to use is half inch wide picket spaces four inches apart so you can see right through it. We are outside the sight triangle, so it is not a visible distraction to traffic.

Chairman McTague asks Ed Neubauer if there is any problem with the sight triangle.

Mr. Neubauer responds on the other side of the property by the neighbor on Vitaloak's property, there is an issue with pulling out of the driveway at 5 Vitaloak Ln. The plans do not state how far off the sidewalk the fence will be installed. He measured 3 ft. from the sidewalk as well as 1 ft. from the sidewalk. If the fence is installed 3 ft. off the sidewalk, the neighbor at 5 Vitaloak Lane should be fine. The corner is fine for a sight triangle.

Chairman McTague asks if the applicant would be agreeable to 3 ft. off the sidewalk for the fence to be installed?

Mr. Getty says we were going to go 3 ft. off the sidewalk. The street curves from the corner on back, so the farther back we go to the rear of the property, the further away from the sidewalk we will be.

Public Comment

Robert Martin gets sworn in and states he is the resident at 5 Vitaloak Lane and expresses concern about how far off my driveway and property line would the fence be. He asks for clarification on the measurements in relation to his driveway.

Mr. Getty says we plan on being a foot or so from the property line – I don't know how far his driveway is from the property line.

Mr. Martin responds the driveway is roughly at the property line. Are you going to follow the white picket fence existing now on the property down towards the sidewalk and then make your turn towards the front of the house.

Mr. Getty says that is correct.

Mr. Martin says he has no concern with the fence then.

Chairman McTague says just to be clear, you will be following the existing line of the fence (somewhere between 10 and 12 ft. off the driveway) and then 3 ft. off the sidewalk at the corner. He asks if the applicant agrees to these stipulations.

Mr. Getty says yes.

Member Mackey makes a motion the application of Marissa Ryan and Justin Levine requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinances be GRANTED to allow a six ft. fence in the secondary front yard along Vitaloak Lane at the property located at 96 Village Lane, Levittown, PA 19054, with the condition the fence go no further than 3 ft. from the sidewalk, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Raisley seconds the motion.

All in favor 4-0. Motion carries.

Petition #3: Edward and Traci Arnold, 830 Eldridge Road, Fairless Hills, PA 19030; TMP #13-016-578; Zoned: NCR. Requesting the following variances for a second-floor addition: Section 209-41 – the addition expansion exceeds 50% of the original structure; and Section 209-20.F and Table 1 – side yard setback of 6 ft. which is less than the required 10 ft. side yard setback

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Chris Levins, CLC Contractors, gets sworn in and states the house has an existing, non-conforming side yard setback of 6 ft. The applicant is putting on a second story addition over the existing footprint. We are asking for relief for the 50% expansion because it is going over the bottom and the expansion is more than 50% as well as the side yard setback which is existing at 6 ft.

No Board comments.

No public comments.

Member Raisley makes a motion the application of Edward and Traci Arnold requesting the following variances for the following sections of the Falls Township Zoning Ordinances be GRANTED to construct a second floor addition: 1) Section 209-41 – the addition expansion exceeds 50% of the original structure and 2) Section 209-20.F and Table 1 – side yard setback of 6 ft. which is less than the required 10 ft. side yard setback at the property located 830 Eldridge Road, Fairless Hills, PA 19030, 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 4-0. Motion carries.

Petition #4: Justin Rambo, 502 S. Olds Boulevard, Fairless Hills, PA 19030; TMP #13-015-258; Zoned: NCR. Requesting a dimensional variance to allow a 6 ft. solid fence along Kavanaugh Road. Section 209-37.C(2).

Atty. Bidlingmaier explains he has represented Justin Rambo in the past. As I am not a voting member, I believe this will not present any conflict, but I defer to the Board's decision. There are no objections from the Board.

Atty. Bidlingmaier marks ZHB Exhibit 1 – 5.

Justin Rambo gets sworn in and states that he and his fiancé recently purchased the house and want to put a fence to secure the property for their puppy and future children. They want a fence for security and privacy.

No Board comments.

Public Comment

Kimberly Peretik-Jabat, 502 Kavanaugh Road, expresses her concern that the fence will go down to the property line in the front yard. Another concern is how at the corner of Kavanaugh and S. Olds Blvd. it curves, and that is where her house is located. If the fence comes all the way down Kavanaugh Road, will she be able to see traffic coming around the curve. I do not have a concern with a fence in the backyard, but in the front yard. Right now, when I back out of my driveway, I can see cars coming down S. Olds Blvd., but if a fence is there, I'm not sure I'll be able to do that with the fence.

Edward Neubauer states the site plan does not show how far off the sidewalk the fence will be located. The sight triangle at the corner of S. Olds Blvd and Kavanaugh is fine. I did not perform a calculation from 502 Kavanaugh's driveway, because there are no clear plans on how far the fence will be located. I can perform such a calculation.

Discussion occurs in this regard.

Board takes a recess for a discussion of this application.

No other public comment.

Member Raisley makes a motion the application of Justin Rambo requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinances be GRANTED to allow a 6 ft. vinyl fence along Kavanaugh Road at the property located at 502 S. Olds Blvd., Fairless Hills, PA 19030, 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 condition with which the applicant agrees: the fence will not be located in the sight triangle and applicant will comply with all setback requirements as determined by Falls Township.

Member Macky seconds the motion.

All in favor 3-0 (Chairman McTague recuses himself as he has a personal relationship with applicant). Motion carries.

Petition 5: Tint Kings, LLC, 300-302 W. Trenton Avenue, Unit A, Morrisville, PA 19067; TMP #13-035-027; Zoned: NC. Requesting a use variance to permit the use of an accessory first floor garage for vehicle window tinting. Section 209-22.C(4).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 4 and Applicant Exhibit A-1 (proof of neighbor notification)

Edward Murphy, Esquire, presents the application and states the property is owned by Mr. DeMaio and the tenant is Tint Kings. Mr. Buchanan leases the property from Mr. DeMaio and, on the second floor, has an office for his business. The district allows a garage as an accessory use for personal use of the person renting the upstairs office business. Mr. Buchanan would like to utilize the one bay garage to tint vehicle windows in the garage, not for personal use, but for his business use. He presents pictures showing the garage and stairs leading up to the office. Tint Kings does not just tint vehicles windows but other types of windows at the customer's property. If he is tinting a car window, it is a day long process, so there will not be multiple vehicles in the garage. The relief we are seeking is a variance to allow not the personal use of the garage, but rather the business use of tinting vehicle windows.

Michael DeMaio and Corey Buchanan get sworn in and both testify as to Atty. Murphy's summary of the application.

Mr. DeMaio states if Mr. Buchanan does tint a car he only does one a day and does not store them in the parking lot. They must make an appointment.

Mr. Buchanan says it is appointment only for vehicle tinting, drop off and same day service – nothing is staying overnight.

Member Mackey asks about the chemicals stored, any fumes?

Mr. Buchanan says what is stored is water and shampoo for the materials.

No public comment.

Member Mackey makes a motion the application of Tint Kings LLC requesting a use variance from Section 209-22.C(4) of the Falls Township Zoning Ordinances be GRANTED to permit the use of an accessory first floor garage for vehicle window tinting at the property located at 300-302 W. Trenton Avenue Unit A, 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 4-0. Motion carries.

Petition #7: Oxford Valley Road Associates, 310 Commerce Boulevard, Fairless Hills, PA 19030; TMP #13-003-036-003; Zoned: SC. Requesting a use variance for an Auto Zone Super Store within the shopping center. Section 209-24.B.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6 and Applicant Exhibit A-1 (proof of neighbor notification)

Michael Meginniss, Esquire, presents the application and states his client owns and operates the Court at Oxford Valley and the entire shopping center is zoned SC (Shopping Center). Auto Zone would like to occupy the space formerly occupied by JoAnn Fabrics which is just over 36,000 sq. feet. We are proposing to replace the vacancy with an Auto Zone superstore. There are no exterior modifications or site work associated with this application. The interior will be a 7,000 sq. ft. retail store in the front and approximately a 29,000 sq. ft. space for parts in the rear of the store. Auto Zone operates a commercial non-industrial business. The reason we are here is due to the nature of the superstore component that pushes us into an area where we are not technically compliant with what the SC district designates. However, this store will function like any other Auto Zone, just a much larger one. The storage area will hold much more parts than a regular Auto Zone. There are deliveries to restock the store once a day. There are no large trailers or items stored overnight. The delivery vehicles would be small SUVs. There will be 50-60 jobs associated with Auto Zone in this location. There are no bays, no oil changes, no automotive repair component.

John Taylor (Real Estate Developer for Auto Zone) confirms Atty. Meginniss' summary above.

Member Mackey asks about the delivery vehicles parked overnight.

Mr. Taylor says they prefer to park the SUV vehicles overnight in the front, so they do not get vandalized.

Atty. Meginniss says we are not talking large trucks or 18 wheelers, but standard residential SUVs.

Member Mackey confirms the deliveries will be made at the rear (yes).

No public comment.

Member Mackey makes a motion the application of Oxford Valley Road Associates requesting a use variance from Section 209-24.B of the Falls Township Zoning Ordinances be GRANTED to allow an Auto Zone Super Store within the shopping center at the property located at 310 Commerce Blvd., Fairless Hills, PA 19030, 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 4-0. Motion carries.

7:38 p.m. Hearing adjourned