

**FALLS TOWNSHIP
ZONING HEARING BOARD
JUNE 14, 2022**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:11 p.m.

Members present: Alfred Brooks, William Kiernan, Aaron Mackey (alt), Dan Miles, Lolain Striluk

Members absent: Doug Molle

Also present: Keith Bidlingmaier, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition #2: Robert J. Liebel, M-Y Lane, Morrisville, PA 19067; TMP #13-028-075; Zoned: LI. Requesting a use variance to allow the storage of scrap tires. Sections 209-27.D(1)(d), 209-34.F, and 209-43.I.

Chairman Miles states this applicant has requested a continuance until the July hearing.

Member Brooks makes a motion to continue this application until the July 12, 2022 hearing.

Member Kiernan seconds the motion.

All in favor 5-0. Motion carries. Petition is continued until July 12, 2022 hearing.

Petition #3: Retro Fitness, 516 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-109; Zoned: SC. Requesting a dimensional variance to permit a sign area of 123.7 sq. ft. which exceeds the allowable sign area of 32 sq. ft. Section 209-45.Q(5)(b).

Chairman Miles states this applicant has requested a continuance until the July hearing because of improper neighbor notification notices.

Member Brooks makes a motion to continue this application until the July 12, 2022 hearing.

Member Striluk seconds the motion.

All in favor 5-0. Motion carries. Petition is continued until July 12, 2022 hearing.

Petition #6: Oak Village at New Falls Road, LLC, 9175 New Falls Road, Levittown, PA 19054; TMP #13-020-168; Zoned: NC. Requesting the following variances to construct a multi-family residential development with parking: Section 209-22.B -- a use variance to allow a multi-family dwelling within a neighborhood commercial district; and Section 209-22.D – to permit a building and/or structure height in excess of 25 feet which is the maximum permitted in the neighborhood commercial district.

Chairman Miles states this applicant has requested a continuance until the July hearing.

Member Brooks makes a motion to continue this application until the July 12, 2022 hearing.

Member Striluk seconds the motion.

All in favor 5-0. Motion carries. Petition is continued until July 12, 2022 hearing.

Petition #1: Matthew Gancarz, 813 Hanford Road, Fairless Hills, PA 19030; TMP #13-015-198; Zoned: NCR. Requesting a dimensional variance to permit a 6 ft. solid vinyl fence in the secondary front yard. Section 209-37.C(2).

Matthew Gancarz gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Matthew Gancarz states they purchased the house last year. The previous owner did sewer line work which damaged the chain link fence. It was never repaired. We have a pool, and we would like to have the yard secured.

Member Striluk asks if the old fence will be removed along with the vegetation.

Mr. Gancarz says yes.

Discussion occurs about the secondary and front yard and the difference between the two.

Member Brooks asks if the fence is in the sight triangle.

Edward Neubauer says the fence will be in the sight triangle on the driveway side. They will have to move the fence in a bit; he will show them where the fence should be installed so it will not impact the sight triangle.

No public comment.

Member Brooks makes a motion the application of Matthew Gancarz requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinance be GRANTED to permit a 6 ft. solid vinyl fence in the secondary front yard at the property located at 813 Hanford Road, Fairless Hills, PA 19030. The fence shall comply with the Falls Township set of requirements not to interfere with 6 ft. sight triangle as determined by Falls Township.

Member Striluk seconds the motion.

All in favor 5-0. Motion carries.

Petition #5: AB III, Inc., 340 N. Oxford Valley Road, Fairless Hills, PA 19030; TMP #13-003-028; Zoned: HC. Requesting the following dimensional variances for improvements at the Burger King: Section 209-42.H(26) – to permit 77 parking spaces on the property where the code requires 153 spaces and 87 are currently provided to allow for the construction of a dual lane drive-through; Section 209-45.F – to permit signage on 2 order points and 2 menu points as set forth on the plan where subsection 209-45.F(6)(d)[4] only permits one digital display per property and subsection 209-45.F(6)(d)[3][a] sets forth that digital displays shall not exceed more than 30% of the total sign area permitted on site; and Section 209-45.Q(10)(a)[2] – to permit two order points and two menu boards in the location, size and configuration shown where the code only permits one freestanding sign per street frontage and one additional freestanding sign for drive-through establishments for the advertising of items for sale to users of the drive-through lane only.

Matt Chartrand, P.E., Bohler Engineering and Greg Winans, AB III – both get sworn in.

Atty, Bidlingmaier marks ZHB Exhibits 1 – 4 and Exhibit A-9 (proof of neighbor notification).

Bob Tucker, Esquire, from Kaplin Stewart presents the application and states the applicant Burger King will be doing a re-configuration of the drive through window to provide for a dual width ordering lane as well as an update to its existing freestanding drive through signage. He presents his exhibit packet.

Matthew Chartrand is questioned by Atty. Tucker and testifies as to his credentials (accepted by Board as an expert) and to the existing conditions on the site. The improvements would be to add a second order point and a drive through lane, but the functionality of the site would remain the same. There are 87 parking spaces currently which is an existing non-conformity. The proposed plan would reduce the parking by 10 spaces to 77 parking spaces. Discussion occurs on the existing conditions and the improvements and how the queuing of cars would occur with two drive through lanes. There are no modifications to the building itself.

Mr. Chartrand continues with the signage relief being requested. Each lane needs its own menu boards and order boards. The zoning ordinances only allow for one menu and order board with a single lane so we need the variance relief for the second lane. We also need relief for the digital display which is necessary for the second lane as well as the second freestanding sign.

Member Mackey asks for clarification on any operational changes.

Mr. Chartrand says there are no operational changes, but rather a functionality of how the cars queue up.

Member Mackey asks about traffic being back up onto Oxford Valley Road.

Mr. Chartrand says we didn't do any specific calculations, but there is sufficient room for queuing without impacting the exits / entrances.

Member Striluk asks if the pathway from Pep Boys into the Burger King parking lot still there.

Mr. Chartrand states yes and that will remain.

Member Striluk asks if the people who use that cut-through be impeding traffic into the drive through lanes.

Mr. Chartrand says it will not affect the access to the drive through.

Member Striluk states how difficult it is to make a left from Oxford Valley Road into the Burger King.

Mr. Chartrand says the improvements will not impact the traffic and hopefully customers will still come into the site. However, once into the site, the two drive through lanes will speed things up in terms of getting their food and leaving the site.

Member Kiernan asks if the higher ratio of your customers use the drive through.

Mr. Chartrand says yes, but emphasizes that 77 parking spaces is more than enough for this type of use.

Member Kiernan asks about handicap spaces.

Mr. Chartrand says there are 4 handicap spaces, which is sufficient, and all 4 handicap spaces will remain.

Member Kiernan asks about queuing and whether they will have customers pull up into parking spaces if the order is not done.

Mr. Chartrand says yes.

Member Mackey makes a motion the application of AB III, Inc. requesting dimensional variances from the following sections of the Falls Township Zoning Ordinances for improvements at the Burger King be GRANTED to permit 77 spaces on the property where the code requires 153 spaces and 87 are currently provided to allow for the construction of a dual lane drive through pursuant to Section 209-42.H(26); signage on two order points and two menu points as set forth on the plan where subsection 209-45.F(6)(d)[4] only permits one digital display per property and subsection 209-45.F(6)(d)[3][a] sets forth that digital displays shall not exceed more than 30% of the total sign area permitted on site pursuant to Section 209-45.F; and two order points and two menu boards in the location, size and configuration shown where the code only permits one freestanding sign per street frontage and one additional freestanding sign for the drive through establishments for the advertising of items for sale to users of the drive through lane only pursuant to Section 209-45.Q(10)(a)[2] at the property located at 340 N. Oxford Valley 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: NP Falls Township Industrial, One Ben Fairless Drive, Fairless Hills, PA 19030; TMP #13-051-001; Zoned: MPM. Requesting dimensional variances to construct a parking garage with two driveway entrances, specifically: Section 209-30.D – to permit a building coverage of 41.88% instead of the maximum 40% otherwise required; and Section 209-42.E – to permit driveway widths of 36.13 feet and 50.13 feet instead of the maximum allowed of 30 feet at a setback of 55 feet from the street line.

Jeremy Michaels (North Point), Eric Clase, P.E. (Gilmore & Associates) and Payton Harrison (North Point) are sworn in.

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

Michael Meginniss, Esquire, presents the application and states the applicant went through the approval process for this building (Bldg. 4 – Phase 2). The building itself is a little less than 1.2 million sq. ft. Phase 2 is a grouping of Buildings 4, 5 and 6. At the time of approval by the Board of Supervisors, it was not anticipated we would need any zoning relief to facilitate the construction of the buildings. However, if North Point identifies tenants before the construction begins, there could be amendments to previously approved plans. In this instance, North Point has identified an end user. The plans reflect a parking garage on the site which will add additional parking spaces. Because of the layout of the property and the way the subdivision of this large parcel are expected to go, we don't have the ability to go horizontal with respect to the additional parking. A parking garage counts as building coverage which would bring the building coverage to 41.88% which only 40% is allowed. The applicant is also requesting an expansion to the drive aisle width. We are trying to ensure the trucks entering and exiting have adequate turning radius.

Mr. Michaels and Mr. Clase swear and affirm the accuracy of Atty. Meginniss' statement.

No Board questions.

No public comment.

Member Brooks makes a motion the application of NP Falls Township Industrial requesting a dimensional variance from Sections 209-30.D and 209-42.E of the Falls Township Zoning Ordinances be GRANTED to: (1)

construct a parking garage with two driveway entrances; (2) to permit building coverage of 41.88% instead of the maximum of 40% as otherwise required; and (3) to permit driveway widths of 36.13 ft. and 50.13 ft. instead of the maximum allowed of 30 ft. at a setback of 55 ft. from the street line at One Ben Fairless Drive, 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.

Hearing adjourned 8:11 p.m.