

**FALLS TOWNSHIP
ZONING HEARING BOARD
JUNE 8, 2021**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:40 p.m.

Members present: Albert Brooks, Scott D’Oria, William Kiernan, Doug Molle

Members absent: Dan Miles

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

Petition #3: GOAT Logistics, LLC, 450 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-013; Zoned: HC. Requesting a use variance to allow dispatching of an average of 20-25 vehicles a day from this location. Section 209-23.B.

Acting Chairman Brooks states there is a request from GOAT Logistics requesting a continuation until the July 13, 2021 hearing.

Atty. Bidlingmaier marks the continuance letter waiving the MPC time limits as Exhibit A-1.

Member Kiernan makes the motion to approve the continuance request of GOAT Logistics until July 13, 2021.

Member Molle seconds the motion.

All in favor 4-0. Motion carries.

Petition #1: Charles and Elizabeth McAnulty, 221 Suffolk Road, Fairless Hills, PA 19030; TMP #13-002-297; Zoned: NCR. Requesting a dimensional variance to allow a second opening to a public street. Section 209-43.1(E).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Charles McAnulty presents the application and states they would like to have a second apron. They have multiple vehicles and for safety would like to get them off the street and do not want to park on the front lawn. When they use their current driveway to back up, they go across the front lawn to the other side of the house. It would be much easier if there was a second apron.

Member Molle asks if they are putting on the driveway.

Mr. McAnulty says no paved driveway – going to leave it grass.

Member D’Oria asks if he plans on keeping the vehicles in the back yard and not leave them in the front yard.

Mr. McAnulty says yes, backyard parking only.

No public comment.

Member D’Oria makes a motion the application of Charles and Elizabeth McAnulty requesting a dimensional variance from Section 209-43.1(E) of the Falls Township Zoning Ordinance be GRANTED to allow a second opening to a public street at the property located at 221 Suffolk Road, Fairless Hills, PA 19030, in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds the motion.

All in favor 4-0. Motion carries.

Petition #2: John Boyle, 11 Jennifer Lane, Morrisville, PA 19067; TMP #13-033-096; Zoned: MHR. Requesting a dimensional variance to allow a 6 ft. solid fence within the secondary front yard. Section 209-37.C(2).

Atty. Bidlingmaier marks ZHB Exhibit 1 – 8.

Shawn Ward, Esquire, presents the application and an exhibit packet. The property fronts on Jennifer Lane; Valarie Road is the side yard street. The fence would go along the back of the property and adjoin with a neighbor’s fence on Juliet Road and also extend onto the Valarie Road side. We are proposing a 6 ft. vinyl fence 6 ft. off the property line.

Mr. Boyle avers Atty. Ward has presented accurate facts.

No Board questions.

No public comment.

Member Kiernan makes a motion the application of John Boyle requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinances be GRANTED to allow a six ft. solid fence within the secondary front yard at the property located at 11 Jennifer Lane, 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 4-0. Motion carries.

Petition #4: Raising Cane’s Restaurants, LLC, 640 Commerce Blvd., Fairless Hills, PA 19030; TMP #13-003-036-006; Zoned: SC. Requesting the following variances in connection with the construction of a restaurant: (1) Section 209-24.D – a use variance to allow an accessory drive-through facility; (2) Section 209-24.B(12) – a use variance to allow outdoor seating; (3) Section 209-24.F and Table 4 – a dimensional variance to allow a front yard setback of 109.3 ft. where 120 ft. is required and 82.9 ft. is existing; (4) Section 209-24.G(2) – a dimensional variance to allow a minimum setback of 4.1 ft. to the parking lot where 50 ft. is otherwise required and 4.1 ft. is existing; (5) Section 209-42.H(12) – a dimensional variance to allow for 5.05 off street parking spaces per 1,000 sq. ft. where 5.56 spaces per 1,000 sq. ft. are required and 5.13 spaces per 1,000 sq. ft. are existing; and (6) Section 209-45.Q(5)(a) – a dimensional variance to allow a maximum number of seven signs where two are otherwise permitted.

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

Michael Meginniss, Esquire presents the application. This is the site of the vacant Macaroni Grill. We are proposing the construction of a chicken finger only restaurant which would permit the operation of Raising

Cane's. Raising Cain's is a national brand with over 500 restaurants in the country. The chain is very active in the community. We believe this is a good fit for this area. We are reducing the building coverage, a reduction of impervious surface coverage, adding green space and reducing the parking. We are also requesting approval for two drive-thru lanes and outdoor patio seating. Queuing can sometimes be an issue when there are drive thru windows. Raising Cane's is different than other "chicken" restaurants because Raising Cane's sells one product and because of that they are able to keep vehicles moving at a faster rate than some of their competition. We are confident in our design there will be no stacking or traffic issues whatsoever with this use.

Atty. Meginniss describes in detail the variances they are requesting. He also proffers statements regarding Raising Cane's.

Adam Caracci (Raising Cane's) attests to Atty. Meginniss' proffered statement.

Member Kiernan expresses concern about the traffic with the drive-thru windows. Are you saying you have one product you can get them in and out quicker?

Mr. Caracci states because we only sell one item (a chicken finger meal with a choice of 2, 3 or 4 tenders) it allows us to know what you will be ordering. At busy, peak period, we are just consistently dropping chicken into the fryer. There is no sitting around waiting for the customer to order – we able to cook it and serve it within two and a half minutes of ordering and leaving the lot. They are all buying the same thing. This is how we are different than other chicken places which have other things on the menu. They cannot predict what people are buying; we can. We are not entirely different in what we are selling; we do it quicker.

Member D'Oria asks if there is seating inside the restaurant.

Mr. Caracci states yes, for about 78 customers.

No public comment.

Member D'Oria makes a motion the application of Raising Cane's requesting the following variances in connection with the construction of a restaurant be GRANTED at 640 Commerce Boulevard, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board: (1) Section 209-24.D – a use variance to allow an accessory drive-through facility; (2) Section 209-24.B(12) – a use variance to allow outdoor seating; (3) Section 209-24.F and Table 4 – a dimensional variance to allow a front yard setback of 109.3 ft. where 120 ft. is required and 82.9 ft. is existing; (4) Section 209-24.G(2) – a dimensional variance to allow a minimum setback of 4.1 ft. to the parking lot where 50 ft. is otherwise required and 4.1 ft. is existing; (5) Section 209-42.H(12) – a dimensional variance to allow for 5.05 off street parking spaces per 1,000 sq. ft. where 5.56 spaces per 1,000 sq. ft. are required and 5.13 spaces per 1,000 sq. ft. are existing; and (6) Section 209-45.Q(5)(a) – a dimensional variance to allow a maximum number of seven signs where two are otherwise permitted.

Member Molle seconds the motion.

All in favor 4-0. Motion carries.

Hearing adjourned 7:40

