

**FALLS TOWNSHIP
ZONING HEARING BOARD
JUNE 10, 2024**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:40 p.m.

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

Members absent: William Kiernan

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

Petition #1: Viral Patel, 201 Chilton Way, Fairless Hills, PA 19030; TMP #13-014-048; Zoned: HR. Requesting a dimensional variance to install pavers for two patios which are over the allowable impervious surface coverage. Section 209-16.F and Table 1A.

Viral Patel gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Viral Patel testifies and says we already have one patio put in by the previous homeowner. We would like to add another patio on the secondary front yard. We entertain a lot and need extra space.

Member McTague states in your hardship letter you state there is foundation issue with water. Can you elaborate on that?

Mr. Patel says he has a basement. We have a pump. The walls are cinderblock and there is water seepage. By installing the patio, it will prevent water seeping in.

Member McTague says it is compressed down so it is causing a ponding issue, and you want to bring that grading up with the patio?

Mr. Patel says correct.

Member Kilmer asks about the existing patio – you are removing the patio and replacing it?

Mr. Patel says correct.

Member Mackey asks about the pavers and whether they are impervious (concrete would be impervious).

Chairman Striluk asks for clarification on where the patio is going.

Mr. Patel says from the fence to the patio is 30 ft. – I'm leaving 3 ft. of ground open.

Chairman Striluk asks how the patio will prevent water from leaking into the basement.

Mr. Patel says right now there is nothing there. Water ponds there. We will grade so the water runs toward the fence.

No public comment.

Member McTague makes a motion the application of Viral Patel requesting a dimensional variance from Section 209-16.F and Table 1A of the Falls Township Zoning Ordinances be GRANTED to install pavers for two patios which are over the allowable impervious surface coverage of the property located at 201 Chilton Way, 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 5-0. Motion carries.

Petition #2: Advance Auto Parts, 403 S. Oxford Valley Road, Fairless Hills, PA 19030; TMP #13-014-004; Zoned: SC. Requesting dimensional variances for two façade signs which exceed the allowable 32 sq. ft. each. Section 209-45.Q(5)(b).

Steve Clark gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6 (Ex. 5 is neighbor notification).

Steve Clark states Advance Auto Parts is taking over a stand-alone building in the shopping center (the former Oxford Valley Pharmacy). The variance we are seeking is for an increase on the sign size. Currently, the ordinances state 32 sq. ft. is the maximum size permitted. The sign we are proposing is 71 sq. ft. It is smaller than the previous tenant's sign. Since this is a franchise location, they have standards which contribute to the hardship.

No Board questions.

No public comment.

Member Mackey makes a motion the application of Advance Auto Parts requesting dimensional variances from Section 209-45.Q(5)(b) of the Falls Township Zoning Ordinances be GRANTED to allow two façade signs which exceed the allowable 32 sq. ft. each at the property located at 403 S. 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 McTague seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: Progroup Properties, LLC, (CONT'D FROM 5/14/24) 95 Lower Morrisville Road, Levittown, PA 19054; TMP #13-032-090; Zoned: PIP. Requesting the following dimensional variances for a truck rental business to move into the subject property: Section 209-28.G(2) – to allow parking to be located 5 ft. from the front property line and 1 ft. from the adjoining commercial property line where parking is otherwise not allowed within the first 30 ft. adjacent to any street line and 10 ft. adjacent to any lot line; Section 209-42.F(1)(b) – to allow parking to be located in the buffer where parking is otherwise not allowed in buffer areas; Section 209-38.1.E(1) – to allow the proposed parking lot to encroach into the buffer where parking is otherwise not allowed in the 50 ft. buffer area; Section 209-28.F – to allow an impervious surface coverage ratio of 71% where 50% is the maximum otherwise allowed; and Section 209-34.E – to allow a proposed privacy fence to be located within the front yard.

Larry Young, P.E., (Tri-State Engineers) and Russ Protas (Progroup Properties) get sworn.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6 and Applicant Exhibit A-1 to A-3 (A-1 proof of neighbor notification)

Michael Meginniss, Esquire, presents the application and distributes two exhibits marked separately as A-2 and A-3. Mr. Protas is the equitable owner of 95 Lower Morrisville Road. The property is approximately 4 acres in size, and it is currently improved with a 27,000 sq. ft. structure. This application regards an owner-occupied purchase. My client is wants to move his Bristol Township and New Jersey businesses to this location once he purchases the property. He is currently renting at the other two facilities. The applicant is Progroup; the business that operates is PG Rentals. The business specializes in trucks which work on railroads. These are not trailers but adapted to be able to work and traverse the rail lines. This requires some disassembly of the fleet; ninety nine percent of the work will occur inside the building but there is some need for an exterior laydown space as part of the application for storage. The applicant deals with a number of national and large local businesses as his clients (SEPTA, Amtrak, Conrail, Norfolk Southern and the New Jersey Transit Authority). There would be a variety of good jobs added to the area (30 skilled fabricators, welders). This is not a truck parking operation. We can certainly condition any approval on this being an owner-occupied business – no leasing to third party operators. Most of the vehicles are bucket trucks or flat beds. This is not a large trailer operation. This use necessitates most of our requested relief, the majority of which relates to the proposed parking expansion. We are not proposing the development of any additional structures as part of this operation.

The site is in an industrial district; the use is permitted in this district. There are businesses in the area which are consistent with what we are proposing. However, we are aware the property is located across the street from residential uses. We are maintaining the tree line, but we are requesting relief to put 8 parking spaces for employees in the buffer. We are also proposing a privacy fence. Other variances are detailed.

Russ Protas, in response to questions by Atty. Meginniss, testifies as to the ownership name, his business history, and his need for expansion. The business is a rental and leasing company; most of their equipment is outfitted for the needs of the railroads, which includes transits and class 1. We have contracts with Amtrak, Conrail, New Jersey Transit, SEPTA, and we upfit for them as well. The majority of the vehicles we build in-house. There are not a lot of companies which do this type of work.

Mr. Protas explains in detail the business and types of truck and materials. The laydown area will not be a junk yard; it will be neatly organized. It is brand new equipment, not used equipment. We have to keep our fleet very fresh. The privacy fence is for security purposes. We will likely lose some of our employees when we make the move to Falls Township, but we do plan on hiring locally. The business fits within the neighborhood and would not be detrimental to the neighborhood.

Larry Young, P.E., is recognized as an expert by the Board, and details the existing features as well as the proposed features. He details the stormwater management improvements, parking, and summarizes the variances requested.

Member Raisley asks about the jobs being brought to the Township.

Mr. Protas says 30 plus jobs.

Member Mackey asks what the neighbors might hear when sitting in their backyards.

Mr. Protas says we weld and grind, but it is inside the shop, not outside. The building is insulated so the noise should be minimal. We are working one shift during the day. We will perform some testing of the vehicles on the train tracks.

Chairman Striluk asks about the business hours (7 to 5:30), deliveries to the site (1 to 2 trucks per day).

Public Comment

Paul Lobecker, 85 Old Locust, next door neighbor expresses his main concern about stormwater issues with Pennsbury School District yard above this property, type of soil (Fallsington soil) that it will not perc, the 8 parking spaces in the buffer zone (abuts his backyard), parking too close to Lower Morrisville Road and to his property.

Discussion occurs with Mr. Young and Mr. Lobecker about stormwater issues and resolutions.

Discussion occurs with Mr. Young and Member Mackey about the location of the parking.

After a brief recess, Atty. Meginniss states the applicant is willing to relocate the 8 parking spaces which are closest to Mr. Lobecker's property. Therefore, we are withdrawing the two variances related to these 8 parking spaces so we can honor the buffer adjacent to the residential uses.

No further public comment.

No further Board comment.

Member Raisley makes a motion the application of Progroup Properties LLC requesting the following dimensional variances from the following sections of the Falls Township Zoning Ordinances be GRANTED for a truck rental business to move into the subject property: Section 209-28.G(2) to allow parking to be located 5 ft. from the front property line and 1 ft. from the adjoining commercial property line where parking is otherwise not allowed within the first 30 ft. adjacent to any street line and 10 ft. adjacent to any lot line; Section 209-28.F – to allow an impervious surface coverage ratio of 71% where 50% is the maximum otherwise allowed; and Section 209-34.E – to allow a proposed privacy fence to be located within the front yard at the property located 95 Lower Morrisville Road, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Mackey seconds the motion.

All in favor 5-0. Motion carries.

Petition #4: 14 (One) Steel Rd Morrisville, LLC, (CONT'D FROM 5/14/24) 14 N. Steel Road, Morrisville, PA 19067; TMP #13-047-155 and #13-047-156' Zoned: HL. Requesting dimensional variances for a partial lot consolidation and redevelopment of the property into proposed storage /warehousing: Lot No. 1 – Section 209-29.G

– to allow a maximum impervious surface coverage ratio of 60% where 50% is the maximum otherwise allowed; Section 209-42.(h)(22)(b)(2) – to allow 79 parking spaces where 112 are otherwise required; Lot No. 2 – Section 209-29.H – to allow a front yard parking setback of 25 ft. where 30 ft. is the minimum otherwise required; to allow a side yard parking setback of 4 ft. where 12 ft. is the minimum otherwise required; Section 209-42.(h)(22)(b)(2) – to allow 214 parking spaces where 545 are otherwise required.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6 and Applicants Exhibit A-1 and A-2 (A-1 proof of neighbor notification)

Michael Meginniss, Esquire, presents the application and states the site is 37 acres. We are proposing the construction of two separate spec warehouse developments as depicted on the plan. The larger of the two is 272,000 sq. ft.; the smaller warehouse building is 56,000 sq. ft. For the last 9 years, there has been a large asphalt operation on the site, which would be eliminated in full as part of this development. He explains how the parking requirements and calculations in this district can be done based on an employee count or based upon square footage and the reasons for requesting parking variances. He also goes through the remaining variance requests.

Sean Durkin, an industrial/commercial broker, and Mark Havers, P.E. (Pickering Courts) get sworn in.

Sean Durkin, in response to questions by Atty. Meginniss, testifies as to his background in real estate, ownership of the parcel, describes the market for warehousing in this area as well as describes the parking variances. He expresses no concern with finding tenants for these warehouses.

Mark Havers is recognized as an expert in the field of engineering by the Board. He explains the existing conditions as well as the proposed conditions and details the variances requested.

Board questions

Member Mackey asks for clarification of the impervious calculation for Lot 1.

No public comment.

Member McTague makes a motion the application of 14 (One) Steel Road Morrisville, LLC requesting dimensional variances from the following sections of the Falls Township Zoning Ordinances be GRANTED to allow a partial lot consolidation and redevelopment of the property into proposed storage / warehousing: Lot No. 1 – Section 209-29.G – to allow a maximum impervious surface coverage ratio of 60% where 50% is the maximum otherwise allowed; Section 209-42.(h)(22)(b)(2) – to allow 79 parking spaces where 112 are otherwise required; Lot No. 2 – Section 209-29.H – to allow a front yard parking setback of 25 ft. where 30 ft. is the minimum otherwise required; to allow a side yard parking setback of 4 ft. where 12 ft. is the minimum otherwise required; Section 209-42.(h)(22)(b)(2) – to allow 214 parking spaces where 545 are otherwise required at the property located at 14 North Steel 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.

Hearing adjourned 8:40