

**FALLS TOWNSHIP  
ZONING HEARING BOARD**

**AGENDA**

**REVISED 9/1/23**

**DATE:** *September 12, 2023*  
**TIME:** *7:00 p.m.*  
**PLACE:** *Middletown Township Municipal Building, Public Meeting Room,  
3 Municipal Way, Langhorne, PA 19047*

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**Board Business:** Consider approval and authorization of Zoning Solicitor to execute settlement agreement for Zoning Hearing Board Appeal regarding NSE Pennsylvania LLC and Agronomed Biologics LLC for property located at 203 Lincoln Highway, Fairless Hills, PA 19030, TMP #13-003-018 for a medical marijuana dispensary.

**Petition #1: Falls Township Senior Center**, 282 Trenton Road, Fairless Hills, PA 19030; TMP #13-006-258; Zoned: IN. Requesting a use variance to allow a non-static electronic message board. Section 209-45.O.

**Petition #2: Brian Brzezinski**, 654 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-231; Zoned: HC. Requesting the following variances: **Section 209-23.B** – a use variance to allow an apartment use; **Section 209, Table 4** -- to permit a front yard setback along Highland Avenue of 53.15 feet; a front yard setback of 53.70 feet along Trenton Avenue; a front yard setback of 50 feet along Lincoln Highway instead of the required 100 feet, and to not require a 25 foot buffer along a residential district; **Section 209-38.1.E(2)** – to not require a buffer yard along an NCR district; **Section 209-42.B(1)** – to not require the clustered planting of dense plant material not less than 4 feet in height and 10 feet in width between the off-street parking areas and any lot line; and **Section 209-42.H.(2)(a)[1] and [2]** – to permit 147 parking spaces instead of the required 264 spaces.

**Petition #3: All State Auto Sales, LLC**, 981 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-034; Zoned: HC. Requesting a use variance to allow using back of the property to extend parking in addition to the currently existing used car dealership inventory of 90 vehicles. Sections 209-23.B and 209-23.E.

**Petition #4: 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. Requesting the following dimensional variances for the construction of a 23-unit townhome community: **Section 209-16(F) and Table 1A** Minimum Lot Requirements relating to the minimum lot requirements for Townhouse and Other Single-Family Attached Dwelling as follows: (1) to permit a minimum lot area of 1,494 square feet whereas 1,800 square feet is otherwise required; (2) to permit a minimum lot depth of 83 feet, whereas 90 feet is otherwise required; (3) to permit a side yard setback of 10 feet whereas a minimum side yard setback of 20 feet is otherwise required for townhouses end units; (4) to permit a rear yard setback of 15 feet whereas a minimum rear yard of 30 feet is otherwise required; (5) to permit a maximum building coverage of 48.2% whereas a maximum building coverage of 30% is otherwise permitted; and (6) to permit maximum impervious surface ratio of 69.6% whereas maximum impervious surface of 60% is otherwise permitted allowed.

**Section 209-16(F) and Table 2**, Lot Requirements for HR and AQ Districts for the overall subject property as follows: (1) to permit a minimum tract area of 2.18 acres whereas 6 acres is otherwise required; (2) to permit a minimum lot depth of approximately 285 feet whereas 600 feet is otherwise required; (3) to permit a perimeter yard of 15 feet whereas 35 feet is otherwise required; (4) to permit a minimum distance between buildings of 20 feet whereas a minimum of 50 feet between buildings is otherwise required; and (5) to not provide outdoor recreation area whereas 250 square feet of outdoor recreation area is otherwise required.

**Sections 209-16.1(E)(1)(b) and 209-38.1.E(3)** to provide less than the required 50 foot buffer yard for the overall tract.

**Section 209-42.B(1)** to not provide the required planting strip whereas a clustered planting of dense plant material not less than 4 ft. in height and 10 ft. in width is otherwise required to be between off-street parking areas and any lot lines.

**Section 209-42.H(2)(a)** to provide 46 off-street parking spaces where 69 off-street parking spaces would be required.