

**FALLS TOWNSHIP
ZONING HEARING BOARD
JANUARY 10, 2023**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:30 p.m.

Members present: Doug Molle, William Kiernan, Aaron Mackey, Lolain Striluk

Members absent: None

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

REORGANIZATION OF THE BOARD

Chairman:	Douglas Molle
Vice Chairman:	William Kiernan
Secretary:	Lainey Striluk
Solicitor:	Keith J. Bidlingmaier, Esquire
Court Reporter:	Karen Browndorf
Date / Time of Meetings:	2 nd Tuesday of Month at 7:00 p.m.

Petition #2: Oak Village at New Falls Road, LLC (CONT'D FROM 11/9/22, 12/13/22) 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 Molle states that a continuance letter has been received from the applicant requesting this matter to be continued until the February 14, 2023 hearing.

Atty. Bidlingmaier marks the continuance letter as Exhibit ZHB 1.

Member Kiernan makes a motion the application is continued until February 14, 2023.

Member Mackey seconds the motion.

All in favor 4-0. Motion carries.

Petition #1: Thecla and Leslie Benjamin, 414 Andover Road, Fairless Hills, PA 19030; TMP #13-007-158; Zoned: NCR. Requesting a dimensional variance to construct a rear addition which is over the allowable impervious surface coverage. Section 209-20.F and Table 1.

Thecla and Leslie Benjamin are sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Mr. Benjamin states they submitted a permit to construct a master bedroom addition in the rear of the house. We need more room for the older children and mother-in-law. It was denied because it was over the allowable impervious surface coverage.

Member Mackey states he notices you are building on an existing concrete pad (yes).

Member Kiernan asks if the slab that's existing has already been approved (when they purchased the house it was already there).

No public comment.

Matthew Takita states for clarification the actual denial letter references the addition will have a separation distance from the pool of only 6 ft which is less than the required 10 ft. This is no longer an issue, so it is not part of this application.

Member Kiernan makes a motion the application of Thecla and Leslie Benjamin requesting a dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to construct a rear addition which is over the allowable maximum impervious surface coverage of the property located at 414 Andover Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Striluk seconds the motion.

All in favor 4-0. Motion carries.

Petition #2: Fleck Real Estate Holdings, LLC, 100 Ben Fairless Drive, Fairless Hills, PA 19030, TMP # 13-51-1-13; Zoned: MPM. Requesting a dimensional variance to allow for the widening of an existing driveway from 25' wide to 61' wide. This allows for better tractor trailer circulation on the property. Section 209-42.E.

Barry Fleck (applicant) and Eric Clase, P.E. (Gilmore & Associates) are sworn in.

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

Bryce McGuigan, Esquire, presents the application and states the property is owned by Barry Fleck and is approximately 7 acres. The applicant also owns 300 Ben Fairless Drive, which sits to the north. The properties are separated by a narrow lane which is part of the Lidl property to the rear. We are proposing to remove a tiny spur of concrete to widen the existing driveway from 25 ft. to 61 ft. and need approval of this variance. The reason why we want to do this is safety – to help with a presently existing safety issue involving truck traffic and access to the property.

This parcel fronts Ben Fairless Drive. The lot is currently improved by two buildings. The north building has two leaseholds. There is a warehouse building to the left of the plan which is used by Mr. Fleck for his business which is located at 300 Ben Fairless Drive. The 100 Ben Fairless Drive building is a separate business. That particular business together with the others receive their access primarily through the middle driveway on the parcel. This particular warehouse only receives access through this particular driveway on the north side of the parcel.

Atty. McGuigan hands out an aerial photograph of the area and provides detail on where the issue is. The way they currently access the property is by driving south on Ben Fairless and then back up to the loading dock. This causes a safety issue on Ben Fairless Drive because in order to back up, the tractor trailer has to go across both lanes of the highway. In light of the development of NorthPoint, this situation will only get worse.

Barry Fleck and Eric Clase attest to the facts as given by Atty. McGuigan.

Member Mackey asks about the permission needed from Lidl to access their property.

Atty. McGuigan states they are working on an easement agreement to be signed and recorded.

No further Board questions.

No public comment.

Member Mackey makes a motion the application of Fleck Real Estate Holdings LLC requesting a dimensional variance from Section 209-42.F of the Falls Township Zoning Ordinances be GRANTED to allow for the widening of an existing driveway from 25 ft. wide to 61 ft. wide on the property located at 100 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 Striluk seconds the motion.

All in favor 4-0. Motion carries.

Hearing adjourned at 7:30 p.m.