

**FALLS TOWNSHIP
ZONING HEARING BOARD
APRIL 11, 2017**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 9:30 p.m.

Members present: Brooks, D’Oria, Henderson, Miles, Molle

Members absent: None

Also present: Ed Neubauer, Code Enforcement Officer; Diane Beri, Recording Secretary, and Noah Marlier, Esquire (Rudolph Clarke) representing the Township; Keith Bidlingmaier, Esquire, ZHB Solicitor; Karen Browndorf, Court Stenographer

Extension request letter for Chris Balis, 1294 Bristol Pike, Morrisville, PA 19067

Letter is read into the record.

Member Henderson makes a motion to grant the extension request.

Member Molle seconds the motion.

All in favor 5-0. Motion carries to approve the extension request until July 20, 2018.

Petition #10: Trenton Auto Recycling, Inc., d/b/a South End Auto Recycling, 791 W. Bridge Street, Morrisville, PA 19067; TMP #13-028-082; Zoned: HC. Requesting a use variance to allow auto salvage yard in Highway Commercial District (Section. 209-23) and a Special Exception to allow used car sales (Section 209-23.C(6)).

Chairman Miles states that the applicant has requested a continuance of this application until the next Zoning Hearing Board on May 9, 2017.

Member Henderson makes a motion to continue this application until the May 9, 2017 hearing.

Member Molle seconds the motion.

All in favor 5-0. Motion carries to approve the continuance request until May 9, 2017.

Petition #1: Susan Snipes-Wells, 882 West Bridge Street, Morrisville, PA 19067; TMP #13-028-030; Zoned: CR. Requesting a use variance to change the use of a single family home to two units. Section 209-25.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5.

Susan Snipes-Wells presents the application and states that the home that my brother Jonathan and I grew up in as kids is one of our farmhouses on Snipes farm. It has seven bedrooms, three and a half bathrooms. My daughter and her spouse are hoping to move into the house and be the next generation on the farm and live at the house. The house is too big. We are not expanding the footprint in any way.

No Board comment.

No public comment.

Member Henderson makes a motion that the application of Susan Snipes-Wells for a use variance from Section 209-25 of the Falls Township Zoning Ordinance be GRANTED to change the use of a single family home into two units at the property located at 882 W. Bridge Street, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented at the Zoning Hearing Board.

Member Molle seconds the motion.

All in favor 5-0. Motion carries.

Petition #2: Bryan Eccleston, 101 Canterbury Road, Fairless Hills, PA 19030; TMP #13-007-311; Zoned: NCR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Bryan Eccleston presents the application and states that they erected the fence because there is a basketball court in the backyard. The fence keeps my children and the ball off of the street.

No Board comment.

Public Comment

Mike Hug, 100 Canterbury Road, states he has no objection to the fence.

Bob Alvino, lives directly next door, states he has no objection to the fence.

No further public comment.

Member Brooks makes a motion that the application of Bryan Eccleston for a dimensional variance from Section 209-37.C in the Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard at the property located at 101 Canterbury Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Henderson seconds the motion.

All in favor 5-0. Motion carries.

Petition #3: Edwin A. Alvarez, 90 Elderberry Lane, Levittown, PA 19054; TMP #13-026-434; Zoned: NCR. Requesting a dimensional variance to allow a shed to encroach into the 15 ft. minimum distance between buildings. Section 209-20 and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Edwin Alvarez presents the application and states that he wants to place the shed 10 ft. from the house because we don't want to place it on the sewer easement and the power lines would be too close to the top of the shed. We also have a pool and we cannot move that.

No Board comment.

No public comment.

Member Henderson makes a motion that the application of Edwin A. Alvarez for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow a shed to encroach into the 15 ft. minimum distance between buildings at the property located at 90 Elderberry Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

All in favor 5-0. Motion carries.

Petition #4: Rick Gavril, 504 South Olds Boulevard, Fairless Hills, PA 19030; TMP #13-015-223; Zoned: NCR. Requesting dimensional variances for a fence in the secondary front yard and a shed encroaching into the setback line. Section 209-37.C(3) and 209-34.E.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

Rick Gavril presents the application and states that he has three small children under the age of 4. I would like to extend my fence into my side yard for safety reasons. We live on a busy street. The shed would store the gasoline operated equipment out of the garage which is connected to the house.

No Board comment.

Public Comment

Dave Edden, 503 Kavanaugh Rd., is the adjoining property owner and states that there is probably a water main under that area.

Chairman Miles states that any decision made by this Board would be superseded by the water authority.

No further public comment.

Member Brooks makes a motion that the application of Rick Gavril for a dimensional variance from Section 209-37.C(3) and Section 209-34.E of the Falls Township Zoning Ordinance be GRANTED to erect a fence in the secondary front yard and a shed encroaching into the setback line at the property located at 504 S. Olds Blvd., Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

All in favor 5-0. Motion carries.

Petition #5: Charles Costello, 79 Black Pine Lane, Levittown, PA 19054; TMP #13-022-087; Zoned: NCR. Requesting a dimensional variance to allow a shed to encroach into the 15 ft. minimum distance between buildings. Section 209-20 and Table. 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 10.

Charles Costello presents the application and states that he moved into his house in November 2016. The shed would be used for storage as well as his motorcycle.

Member Henderson asks if the edge of the shed is right up to the blacktop.

Mr. Costello states yes, where the old carport used to be.

No public comment.

Member Molle makes a motion that the application of Charles Costello for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow a shed to encroach into the

15 ft. minimum distance between buildings at the property located at 79 Black Pine Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Henderson seconds the motion.

All in favor 5-0. Motion carries.

Petition 6: John F. Wilson, III, 92 Briaroot Lane, Levittown, PA 19054; TMP #13-022-171; Zoned: NCR. Requesting a dimensional variance to allow a shed to encroach into the 15 ft. minimum distance between buildings. Section 209-20 and Table. 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8.

John Wilson presents the application and states that he just purchased the house and we are looking to put up a garage in line with the house. We have 24 ft. between the house and the next property over. We'd like to put the garage on that side of the property. The garage would be for storage.

Member Brooks asks how many feet will the garage be from the house.

Mr. Wilson answers six feet.

Member Brooks asks if you plan on extending your driveway to the garage.

Mr. Wilson says, yes, eventually. We are also removing a shed.

Chairman Miles asks if you plan on servicing any cars in the garage.

Mr. Wilson says other than our own vehicles, no. We plan on using it for storage.

No public comment.

Member Molle makes a motion that the application of John F. Wilson, III, for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow a storage structure to encroach into a 15 ft. minimum distance between buildings at the property located at 92 Briaroot Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member D'Orio seconds the motion.

All in favor 3-2, Members Henderson and Brooks dissenting. Motion carries.

Petition #7: Thomas Alvino, 118 Canterbury Road, Fairless Hills, PA 19030; TMP #13-007-315; Zoned: NCR. Requesting a dimensional variance to allow a garage to encroach into the 15 ft. minimum distance between buildings. Section 209-20 and Table. 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Thomas Alvino presents the application and states that he has lived there for 32 years. There is no garage and no basement. We use the attic for storage, hoisting ourselves up and down through the ceiling. The place where we'd like to place the garage is the last level spot on the property because after that, the grade slopes down.

Member D'Orio states that it's just about built – correct?

Mr. Alvino states yes, it is framed out.

Member D’Orio asks how bad is the slope in the backyard.

Mr. Alvino states at the very far end, it begins to drop down at the far edge of the structure -- probably between 6 to 8 feet on the other side of the pool as noted on the drawing. This is the safest spot for the garage.

Member Henderson states that it looks like it has a 2nd story on it for storage. How tall is the structure?

Mr. Alvino states the total height will be 15 ft. 8 inches from grade level.

No public comment.

Member Molle makes a motion that the application of Thomas Alvino for a dimensional variance from Section 209-20 and Table 1 of the Falls Township Zoning Ordinance be GRANTED to allow a garage to encroach into the 15 ft. minimum distance between buildings at the property located at 118 Canterbury Road, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Brooks seconds the motion.

All in favor 5-0. Motion carries.

Petition #8: MLH Explorations, LLC, 150 Roebling Road a/k/a 150 Solar Drive, Morrisville, PA 19067; TMP #13-051-001-024; Zoned: MPM. Requesting a Special Exception to allow the above property to be used as a medical marijuana grower / processor. Section 209-30.L.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and A-1 (proof of neighbor notification) and A-2 (waste plan and surveillance plan).

Carrie Nace, Esquire, attorney with Fox Rothschild, on behalf of the applicant MLH Exploration, LLC presents the application. This property was part of the former U.S. Steel site. The property is approximately 32 acres and zoned MPM. The applicant is proposing to use and develop the property as a medical marijuana grower and processor facility which is permitted as a Special Exception under the MPM Zoning District. If the approval is granted for the use, we would then proceed with land development plans.

Robert L. Showalter is sworn in. In response to Attorney Nace’s questions, he testifies that he is a Pa. registered civil engineer and surveyor, lists his credentials, states he is familiar with the Township’s zoning ordinances, and is accepted as an expert in the field of civil engineering and land planning.

He continues by describing the property in question and listing the adjoining neighbors, explains the use of the property (greenhouse and processing facilities for marijuana). There are two 52,000 sq. ft buildings – one is a processing facility and the other is a growing facility. A lot of it is using the existing buildings. He testifies he is familiar with the specific requirements for a medical marijuana grower processor use, the property is 32 acres, is located at least 1,000 linear feet from a residential property containing public, private schools, day cares, places of worship or community centers, the property is in an industrial area and is an ideal spot for this type of use.

No Board questions for Mr. Showalter.

James Connelly is sworn in. In response to Attorney Nace’s questions, he testifies that he is the Chief Executive Officer of MLH Explorations and lists his work experience. He states that MLH Explorations was created to apply for and operate as a grower/processor and dispensary for medical marijuana in Pa. MLH Explorations will have a 35,000 to 40,000 sq. ft. state of the art greenhouse that will operate and grow the marijuana and have a 20,000 sq. ft. processing facility. In Penna., you cannot sell marijuana as a product; it has to be processed into

a capsule or a topical agent or some form of oil that can be inhaled. The processing facility will take the product, extract the oil from the product, photo process it, package it and ship it off to dispensaries throughout the state.

Mr. Connelly also states we are co-locating on the property with PharmaCann (the next applicant) to build a center of excellence for medical marijuana from the growing/processing perspective. We are applying for a registrant license – which is different than a commercial applicant – which means we are partnering with Thomas Jefferson University with regard to coordinating with them to bring the medical school’s expertise to medical marijuana. This would be the first state in the country to do something like that.

Mr. Connelly testifies he is aware of the requirements of Township ordinances and the Board of Health requirements, no one under 18 is permitted on the property, and no use of medical marijuana onsite is permitted.

Mr. Connelly testifies regarding the disposal of the marijuana remnants and byproducts. MLH has created a set of SOPs (standard operating procedures) to govern those activities. Solid waste will be compacted and put into trash compactors. Liquid waste will be hydroponic (a re-circulating water system). We will use the waste water system currently in place at the KIPC district.

Mr. Connelly testifies about the waste disposal methods described in the exhibits, that no fumes or smells will be emitted from site, no use of medical marijuana on site, and the security procedures / methods for the site (some already in place).

Board Comments

Member Henderson asks when the operation would work outside of the 9:00 a.m. to 9:00 p.m. time frame.

Mr. Connelly responds outside the time frame would occur if there was some kind of maintenance issue with the greenhouse or processing facility. However, the main manufacturing activities would happen within that time frame.

Member Molle asks how many employees would be hired.

Mr. Connelly states a full staff is between 50 to 75 employees – starting with one shift, but as demand increases, we would move to two shifts.

Member D’Oria asks when the proposed facility will be operational and fully functional.

Mr. Connelly states that from the time we receive the permit from the State (which we are expecting sometime over the summer), the State allows six months for it to become operational. We are probably looking at the second quarter of 2018. It’s a tight time frame, but we feel confident we can build within that time frame.

Noah Marlier, Esquire, for the Township states the Township supports this application.

Public Comment

Shawn Stillwell, Falls Twp resident, speaks in support of this application and explains about her 13 year old niece dying of brain cancer and how medical marijuana helped her.

No more public comment.

Member Henderson makes a motion that the application of MLH Explorations, LLC requesting a Special Exception from Section 209-30.L of Falls Township Zoning Ordinance be GRANTED to allow the property located at 150 Roebing Road, a/k/a 150 Solar Drive, Morrisville, PA 19067, to be used as a medical marijuana

grower / processor 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 5-0. Motion carries.

Petition #9: PharmaCann, LLC, 150 Roebing Road a/k/a 150 Solar Drive, Morrisville, PA 19067; TMP #13-051-001-024; Zoned: MPM. Requesting a Special Exception to allow the above property to be used as a medical marijuana grower / processor. Section 209-30.L

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and A-1 (proof of neighbor notification) and A-2 (waste plan and surveillance plan).

Carrie Nace, Esquire, of Fox Rothchild, presents the application. This application involves the same property that was just discussed with Petition #8. PharmaCann is also proposing to use the property for a medical marijuana grower / processor facility as a co-location along with the prior applicant.

Robert Showalter's testimony from the previous application is accepted into evidence.

Jeremy Unruh is sworn in. In response to Atty. Nace's questions, he testifies that he is the General Counsel, Chief Compliance Officer for PharmaCann and lists his work experience. He testifies that PharmaCann is a company engaged in the cultivation and dispensing of medical cannabis. We operate two 65,000 sq. ft. cultivation centers and four dispensaries in the state of Illinois. We also have built out a 130,000 sq. ft. cultivation center and four dispensaries in the state of New York. MLH Explorations has entered into a purchase and sale agreement for the entire piece of property, with PharmaCann leasing half of the property from MLH Exploration. At some point in time, PharmaCann would buy the half that they lease. PharmaCann hopes to be paired with a medical school.

Mr. Unruh testifies that PharmaCann's proposed facility would be divided into two halves – one half would be the "head house" which houses administration, security office, storage, vault, processing and packaging. The other half would be the "greenhouse" which is a steel sided building with a polycarbonate translucent roof that allows natural sunlight through it. They are highly secured buildings. There are different zones for security purposes.

Mr. Unruh gives a detailed description of the photographs from their other facilities (pictures from Exhibit A-2).

Mr. Unruh testifies he is familiar with the Township ordinances and the Board of Health regulations, there will be no radio or TV advertising, hours of operation will be 9:00 a.m. to 9:00 p.m., no one under 18 will be on the site, no use of medical marijuana onsite, gives a description of the disposal of marijuana remnants, and gives a description of the security that would be in place.

No Board comments.

Noah Marlier, Esquire, for the Township states the Township supports this application.

Public Comment

Alina Marone, 800 block of N. Lafayette Street, states her support of the application. However, she is concerned about odor pollution and hopes the applicant takes steps to reduce or eliminate odors.

Mr. Unruh testifies that he is in agreement with this comment and pledges PharmaCann's commitment to clean air.

No further public comment.

Member Henderson makes a motion that the application of PharmaCann LLC requesting a Special Exception from Section 209-30.L of the Falls Township Zoning Ordinance be GRANTED to allow the property located at 150 Roebbling Road a/k/a 150 Solar Drive, Morrisville, PA 19067 to be used as a medical marijuana grower / processor 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 5-0. Motion carries.

Petition #11: CalAtlantic Group, Inc. 166-68 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-005-002-035 (164 Mercer Court); TMP #13-005-002-036 (162 Mercer Court); TMP #13-005-002-037 (160 Mercer Court); TMP #13-005-002-038 (158 Mercer Court); TMP #13-005-002-039 (156 Mercer Court); TMP #13-005-002-040 (154 Mercer Court); TMP #13-005-002-045 (110 Mercer Court); TMP #13-005-002-046 (108 Mercer Court); TMP #13-005-002-047 (106 Mercer Court); TMP #13-005-002-048 (104 Mercer Court); TMP #13-005-002-049 (102 Mercer Court); and TMP #13-005-002-050 (100 Mercer Court). Zoned: HC. Requesting dimensional variances to permit portions of the building containing units 45 through 50 to be located closer than 20 ft. from portions of the building containing units 35 through 40. Section 209-23 and Table 4.

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

Joseph Blackburn, Esquire, presents the application. The applicant was before this Board in January 2017 requesting variance relief from Section 209-23 and Table 4 in order to permit a reduced separation between certain units on the property at its closest point of 5'4" of separation. The Board expressed concerns with the separation distance and voted 2-2, which effectively denied the application.

Since that hearing and in discussions with the Township staff, engineers and solicitor, and pursuant to their suggestions, we increased the minimum separation by 10'2" at its closest point of separation. The revised plan has deleted four decks from the original plans.

Thomas Kearney is sworn in. In response to Atty. Blackburn's questions, Mr. Kearney states he is Vice President of Operations for CalAtlantic and that the site plan submitted with this application more accurately reflects the plans for the decks to take into consideration the Board's concern with the separation of the decks.

Member Henderson asks if the homeowners who currently don't have a deck can come back before this Board for a variance.

Atty. Blackburn states yes, it would be the homeowner's responsibility to do that.

No public comment.

Member Brooks make a motion that the application of CalAtlantic Group, Inc. for dimensional variances from Section 209-23 and Table 4 of the Falls Township Zoning Ordinance be GRANTED to permit the buildings containing units 45-50 to be located closer than 20 ft. from the building containing units 35-40 at the following properties: 164, 162, 160, 158, 156, 154, 110, 108, 106, 104, 102, 100 Mercer Court, 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 4-1, Henderson dissenting. Motion carries.

Petition #12: Bucks Research & Growth Group, LLC, 80 M-Y Lane, Morrisville, PA 19067; TMP #13-28-075-002 and #13-028-075-003; Zoned: LI. Requesting a use variance to operate a medical marijuana growing facility. Section 209-27.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and A-1 (proof of neighbor notification) and A-2 (packet of information)

Thomas Hecker, Esquire, presents the application. We are requesting a use variance because the property is zoned LI (Light Industrial) and has had some difficult history. It's been vacant for some time; the previous use was a catering facility. There are a limited number of licenses issued by the State sometime after June 20th. The applicant has applied for the license.

Heath Dumack is sworn in. In response to Atty. Hecker's questions, Mr. Dumack states he is a licensed professional engineer and surveyor and lists his experience and credentials. The applicant BRGG (Bucks Research & Growth Group) was created in November 2016 and consists of a group of local residents and professionals, including medical professionals. We have submitted the application to the State to be considered a grower / processor.

Mr. Dumack testifies that the site is approximately 10 acres. The building used to be a Conrail bunk house. It was converted to a catering hall (Trease Catering) and the current owners RST Bucks Group had Falls Catering there until approximately six months ago. The site itself is bordered on two sides by two highways, Rte. 1 and Rte. 13 and to the south is the Conrail elevated railroad siding which is approximately 30 ft. high. To access the site, you must go through a 100 ft. long tunnel under the railroad siding. There is a single lane bridge over a creek to access the site. No residences surround the site.

Discussion occurs regarding exhibits and photographs of the site (adjoining neighbors, access to the site, security measures, hydroponic equipment, and layout of the site).

Mr. Dumack states that approximately 20 full time employees would be employed. The intent of the design of this facility is only for growing. The final product would be harvested and then shipped to a separate facility out of Falls Township for processing for the final product. At some point in the future, we would add processing. At this point in time, it is strictly for growing.

Board Questions

Member D'Oria asks why processing is not included in the plan now – what prohibits that now?

Mr. Dumack states it is additional square footage. The requirements are very specific for a medical marijuana permit. You have to be fully operational within six months of receiving the permit. At this point, based on the original Amended Final Plan in 2014, there is no square footage that we can allocate safely and securely for processing. In order to meet the Department of Health's requirements to be fully operational within six months, that decision was made that the processing would be done via an offtake agreement to another site on another permit.

Member Henderson questions the residence within 1,000 ft. of the site that is noted on the map.

Mr. Dumack states the list of residents is more accurate than the map in terms of residences 1,000 ft. of the site.

Member Henderson asks if the Snipes property falls within the residential area.

Mr. Dumack states that the Snipes property is deemed a commercial property.

No further Board questions.

No public comment.

Member Henderson makes a motion that the application of Bucks Research and Group Growth, LLC requesting a use variance from Section 209-27 of the Falls Township Zoning Ordinance be GRANTED to operate a medical marijuana growing facility at the property located at 80 M-Y 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 5-0. Motion carries.

Petition #13: Mill Creek Inn, 1 Mill Creek Road, Morrisville, PA 19067; TMP #13-040-022; Zoned: LI. Requesting dimensional variances to allow a new pylon sign. Section 209-45.I.(2)(d)[2][a] and Section 209-45.I.(2)(d)[2][d][i][A].

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8 and A-1 (proof of neighbor notification).

Mark Clift (MRC Signs) presents the application. The existing sign is outdated. The new sign would have a new cabinet top and it would have a message board underneath advertising things specific to the Mill Creek Inn. It is non-animated. The property owner owns both the parcels, so they wanted to capture more traffic coming from both ways. We are proposing 50 sq. ft. It will have the same setback as the existing sign, which is why we are here. It's going to be moved down 55' with the same setback, and then 14 sq. ft.

No Board comment.

No public comment.

Member Henderson makes a motion that the application of Matthew Clift (MRC Signs) requesting a dimensional variance from Section 209-45.I.(2)(d)[2][a] and Section 209-45.I.(2)(d)[2][d][i][A] of the Falls Township Zoning Ordinance be GRANTED to allow a new pylon sign at the property located at 1 Mill Creek Road, 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 5-0. Motion carries.

Petition #14: C&J Tire Services, Inc., 127 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-004-642; Zoned: HC. Requesting dimensional variances for modification of existing building which will encroach into the front yard setback as well as approval of pre-existing non-conformities. Section 209-23, Table 4, Section 209-41 and Section 209-42.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 8 and A-1 (proof of neighbor notification).

Todd Truntz, Esquire, (Artell Law Group) presents the application. C&J Tire Services is the lessor of this property (the old Truck Smart store). Improvements will be made to the site, including a new handicap ramp and portico, which is why the variance is being requested. There are also some pre-existing non-conformities with the property.

Dennis Glowacki gets sworn in. In response to Atty. Truntz's questions, Mr. Glowacki states that he is the Vice President of Operations, that the handicap ramp will satisfy ADA requirements, and the vestibule is being built in keeping with all of our other locations. The raised front was designed for visibility.

Heath Dumack testifies that the facility predates the original zoning and goes through the plans depicting the handicap ramp and the new portico. The current ramp is not ADA compliant which will encroach into the setback by 2 ft into a 200 ft. front yard setback. The portico will encroach into the setback 7 ft. of the requirement 100 ft. The parking has been pulled back from the street lines of Rayway St to the required setback now.

No Board comment.

No public comment.

Member Henderson makes a motion that the application of C&J Tire Services, Inc. requesting dimensional variances from Section 209-23 and Table 4, Section 209-41 and Section 209-42 of the Falls Township Zoning Ordinances be GRANTED for the modification of existing building which will encroach into the front yard setback as well as the approval of pre-existing, nonconformities located at 127 Lincoln Highway, Fairless Hills, PA 19030, 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 5-0. Motion carries.

Hearing adjourned 9:35 p.m.