

**FALLS TOWNSHIP
ZONING HEARING BOARD
MARCH 9, 2021**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:00 p.m.

Members present: Alfred Brooks, Scott D’Oria, William Kiernan, Daniel Miles, Doug Molle

Members absent: None

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

Petition #1: Steven Kaplan, 330 Chelsea Road, Fairless Hills, PA 19030; TMP #13-006-163; Zoned: NCR. Requesting a dimensional variance to install a fence in the secondary front yard. Section 209-37.C(2).

Atty. Bidlingmaier marks ZHB Exhibits 1 – 6.

Steven Kaplan presents the application and states he is on the corner, purchased the house with a 4 ft. chain link fence and wants to replace that fence with a 6 ft. vinyl fence.

Discussion occurs about the location of the fence. It needs to be 3-1/2 feet from the sidewalk to be out of the sight triangle.

No public comment.

Member D’Oria makes a motion the application of Steven Kaplan requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinances be GRANTED to install a fence in the secondary front yard at the property located at 330 Chelsea Road, 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.

Petition #2: Levittown Car Wash, LLC, 8601 New Falls Road, Levittown, PA 19054; TMP #13-018-003-004; Zoned: NC. Requesting the following dimensional variances to construct a car wash: Section 209-41 – to permit the expansion of a non-conforming use in excess of 50%; Section 209-22.E and Table 4 – to permit a front yard setback of 47.9 ft. off of Hood Boulevard, where 70 ft. is required and to provide a setback of 15.3 ft. from the property line, where a 15 ft. setback plus 25 ft. buffer yard is required; Section 209-42.E – to permit a driveway width of 44.3 ft. whereas a maximum driveway width of 30 ft. is allowed; and Section 209-42.H(21) – to permit three access lanes with stacking of six cars per lane, whereas three access lanes with stacking of twelve cars per lane is required.

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

Matthew McHugh, Esquire, presents the application, goes through his exhibit packet, and states this property was the former Shell station and convenience store and car wash in the rear. We are proposing to expand the

non-conforming car wash use and eliminate the non-conforming gas station and convenience store uses. There are also dimensional variances being requested for the construction of the car wash.

Kristen Holmes, P.E., is accepted as an expert witness, and shows aerials of the area. There are currently two driveway access points on each of the street frontages with a drive-thru car wash, a gas station with 8 fueling pumps under a canopy and a convenience store (multiple uses on the existing conditions of the property, all non-conforming uses to the zoning district). The proposed improvements include the removal of two of the existing driveways (one on each frontage) which are closest to the intersection. She further describes in detail the other proposed improvements including the fact there will only be one use at the property instead of the three previous uses. She details all the variance requests.

Imran Malik states he owns two other car washes. Juniors Car Wash is about three miles from this location at Bristol Oxford Valley Rd and New Falls Rd. He explains the business and the way they operate with memberships. The modernization of the car wash building to make the building longer allows for the ability to send more cars through efficiently because more equipment is inside to wash and clean the cars, so it moves quicker. The modern car wash takes about a minute and a half. The small building which will be built will be for a breakroom, bathroom and an office for management – not open to the public.

Member Brooks asks about what happens when all vacuums are being used and cars get jammed up – how does the traffic flow within the site?

Mr. Malik states in his experience with his other two car washes, when people pull in and do not see any vacuums, they just go. We propose, based on some calculations, the number of vacuums installed should be enough. Discussion occurs in this regard.

Member Kiernan asks if the fuel tanks will be removed (yes), and questions whether the traffic would be backing up on New Falls Road. He also mention the lot is used for parking for the Dunkin Donuts and Rita's Water Ice.

Atty. McHugh states the lot will not be used for offsite parking as this would interfere with the operation of the car wash.

Member D'Oria questions whether there will be signage and a need for another ZHB appeal.

Atty. McHugh states that if necessary, they would come back if necessary for any sign variances.

Public Comment

Irene Paraskevakis, states her parents own the property next door with Rita's Water Ice and Dunkin Donuts, and wanted to ensure their property will not be affected and the improvements would be on their property.

Atty. McHugh says the improvements will be on the 8601 property, not theirs.

Atty. McHugh gives a closing statement.

Member D'Oria makes a motion the application of Levittown Car Wash, LLC requesting dimensional variances from the following sections of the Falls Township Zoning Ordinances be GRANTED at the property located at 8601 New Falls Road, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board: Section 209-41 – to permit the expansion of a non-conforming use in excess of 50%; Section 209-22.E and Table 4 – to permit a front yard setback of 47.9 ft. off of Hood Boulevard, where 70 ft. is required and to provide a setback of 15.3 ft. from the property line, were a 15 ft. setback plus 25

ft. buffer yard is required; Section 209-42.E – to permit a driveway width of 44.3 ft. whereas a maximum driveway width of 30 ft. is allowed; and Section 209-42.H(21) – to permit three access lanes with stacking of six cars per lane, whereas three access lanes with stacking of twelve cars per lane is required.

Member Kiernan seconds the motion.

All in favor 4-1 (Brooks dissenting). Motion carries.

Hearing adjourned at 8:00 p.m.