

**FALLS TOWNSHIP
ZONING HEARING BOARD
SEPTEMBER 13, 2022**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:30 p.m.

Members present: Alfred Brooks, Aaron Mackey (alt), Doug Molle, Lolain Striluk

Members absent: Dan Miles, William Kiernan

Also present: Keith Bidlingmaier, ZHB Solicitor; Matt Takita, Zoning Officer; Ed Neubauer, Code Enforcement; Joan Mork, Court Stenographer

Petition #3: Robert J. Liebel, (CONT'D FROM 6/14/22, 7/12/22, 8/9/22 HEARINGS) M-Y Lane, Morrisville, PA 19067; TMP #13-028-075; Zoned: LI. Requesting a use variance to allow the storage of scrap tires. Sections 209-27.D(1)(d), 209-34.F, and 209-43.I.

Acting Chairman Brooks states this applicant has requested a continuance and reads Attorney George Kotsopoulos' letter requesting the continuance and waiving the MPC time frames into the record. The next meeting is October 11, 2022.

Keith Bidlingmaier, Esquire, marks the letter as Applicant Exhibit A-1.

Member Molle makes a motion to continue this application until the October 11, 2022 hearing.

Member Striluk seconds the motion.

All in favor 4-0. Motion carries. Petition is continued until September 13, 2022 hearing.

Petition #1: Debbie Kuhl, 1380 S. Pennsylvania Avenue, Morrisville, PA 19067; TMP #13-048-041; Zoned: RD-1. Requesting a use variance to allow a dance studio. Section 209-34.4.C.

Atty. Bidlingmaier states this application was advertised improperly with the wrong subsection. Therefore, this matter must be re-advertised and re-posted. This matter cannot be heard tonight and should be continued until October 11, 2022.

Member Mackey makes a motion to continue this matter until the October 11, 2022 hearing.

Member Striluk seconds the motion.

All in favor 4-0. Motion carries. Application continued until October 11, 2022.

Petition #2: 699 Bristol Partners, Inc., (CONT'D FROM 8/9/22), 699 Philadelphia Avenue (a/k/a 699 Bristol Pike), Morrisville, PA 19067; TMP #13-047-062-003; Zoned: HI. Requesting a dimensional variance to allow gravel in lieu of asphalt in the drive aisles. Section 209-42.D.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant Exhibit A-6 (proof of neighbor notification).

Kevin Fruck, P.E. and Liam Sullivan are sworn in.

Zac Siversten, Esquire, presents the application and states we are here for either a request for an interpretation or variance from the requirement to pave our drive aisles under a provision of the zoning ordinances (Section 209-42.D). This property was a heavily blighted property. My client purchased the property for a storage yard for tractor trailers. They have a current lease for a portion of the property. They performed what they consider maintenance work by putting gravel down in the yard. It was brought to their attention there were some additional Township approvals and permits that needed to be obtained. One of them was the requirement the drive aisles need to be paved.

The basis for our request for relief is this requirement infringes on their flexibility in terms of how they use the property. To put the drive aisles in, they would have to pave it for this tenant. If they get a different tenant in the future who wants to store different equipment, they would then be locked into what the current tenant is doing. This request is to continue the existing condition of the property, which was a junkyard, which had gravel and broken stone for many decades. We are looking to continue that non-conforming condition of the property.

Kevin Fruck (Cornerstone Consulting) is questioned by Atty. Sivertsen as to his credentials, the location and condition of the lot (they've replaced the fence and put in new gravel), explains where the paved area is (gray on the plan) and where the gravel area is (hatched on the plan), and the gravel area will be 140,971 sq. ft. Mr. Fruck also states this is not a public parking lot so gravel would work for this site, particularly with the size of the trailers.

Liam Sullivan (Alterra Property Group) is questioned by Atty. Siversten and describes his job responsibilities with Alterra (development), proposed use of property (trailer storage for Home Depot who would only occupy half the property with 140 trailers), and explains Home Depot is using as temporary storage for a 75 mile radius to supply Home Depot stores. Mr. Sullivan also explains Home Depot uses 52 ft. trailers and they have a lease. Once the lease expires, our next tenant might only have 40 ft. trailers. Each different sized trailers have a different turning radius. It is important to keep the drive aisles gravel to allow for flexibility of tenants.

Mr. Sullivan also testifies the current condition of the property has been cleaned up, and it has 4 inches of gravel. We were unaware we needed permits through the Township, but have since applied for them. We have also applied for an NPDES permit which is being reviewed by the Bucks County Conservation District as well as some stormwater management. There are also other parcels in the area that have gravel parking.

Acting Chairman Brooks asks how you will secure the property once the trailers are sitting there loaded with Home Depot goods.

Mr. Sullivan says Home Depot has hired a security guard on site and they are stationed down by the Ferry Road entrance. In addition, the yard does have yard lights.

Acting Chairman Brooks asks about the barrels of oil shown in the pictures for the site.

Mr. Sullivan says those barrels have been removed.

Acting Chairman Brooks asks Mr. Neubauer about the oil.

Mr. Neubauer states the pictures were taken about a week ago and those barrels are still there.

Mr. Sullivan says he apologizes, he thought they were gone. We will get them removed. Also, we are putting together the permit for the demolition of the garage in the back as well as for the fence.

Acting Chairman Brooks asks if you can remove the oil barrels within thirty days.

Mr. Sullivan agrees.

Member Striluk makes a motion the application of 699 Bristol Partners, Inc., requesting a dimensional variance from Section 209-42.D of the Falls Township Zoning Ordinances be GRANTED to allow gravel in lieu of asphalt in the drive aisles of the property located at 699 Philadelphia Avenue (a/k/a 699 Bristol Pike), Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board. The removal of oil barrels should occur within 30 days.

Member Molle seconds the motion.

All in favor 4-0. Motion carries.

Hearing adjourned at 7:30 p.m.