

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
JUNE 28, 2016**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:20 p.m.

Members present: Binney, Hammer, Perry, Rittler

Members absent: Goulet, Haney, Miles

Also present: Mark Havers, P.E., (Pickering, Corts & Summerson) and John Oliver (115 Lincoln Highway, LLC), representing 115 Lincoln Highway, LLC; Ameer Farrell, Esquire (Kaplin, Stewart) and Matthew Chartrand, P.E. (Bohler Engineering), representing Family Dining

For the Township: Joseph G. Jones, P.E. (T&M Associates); Tom Bennett, CCEO & Zoning Officer; Diane Beri, Recording Secretary

Item #1: 115 Lincoln Hwy, LLC, 111, 115 and 165 Lincoln Highway, Fairless Hills, PA; TMP #13-004-608; 13-004-609; 13-004-612; 13-004-616; 13-004-616; 13-004-555; Zoned: HC; Owner: Paul and Donna Burns Conditional Use and Preliminary Land Development for a single tunnel car wash

Mark Havers, P.E, presents the application. This project appeared before the Zoning Hearing Board in August and December 2015 and received dimensional variances for setbacks, accessory structures, and the required width of driveways. The project is bounded on two sides by paper streets -- Edward Street to the rear and Rahway on the western side. There are five parcels on the front, one parcel in the rear. The project is designed to consolidate the five front parcels initially, which would create a parcel of two acres. If the Township wishes to vacate the right-of-way of Edward and Rahway Streets, we would then combine the sixth parcel and those additional right-of-way areas for a property of 2.4 acres. The right-of-way vacation is a decision that this Board would make in a recommendation to the Supervisors. We would then go through a formal vacation process.

The project consists of a single bay car wash, approximately 180 ft. long and 32 ft. wide. There are 18 vacuum spaces up front. It's a right-in only entrance at Lincoln Highway, travel through the queue-up lanes to three kiosks where payment is made. The kiosk then feeds into the car wash through the tunnel. At the end of the tunnel they can either go directly out onto Lincoln Highway to a right-out only entrance or they can make a left into the vacuum areas. If they go to the vacuum areas, they can exit onto Lincoln Highway near the entrance, at a right-out only entrance. To the rear of the site, a bypass lane has been provided. This will be used for delivery vehicles, trash collection or anyone who would want to go up to the kiosk and not want to go through the car wash.

Member Binney asks if the exit on the left hand side is a left and right.

Mr. Havers says no both exits are right in, right out only.

Mr. Havers continues that the stormwater management is provided by a combination above and below ground basins. There are two above ground storage areas / rain gardens and a large underground system under the vacuum areas. To the rear, we incorporated porous paving as well as infiltration trenches that all feed into a storm drain system that ultimately outlets to the existing swale – basically bisecting the property.

T&M Associates Review Letter dated June 21, 2016 (Conditional Use Letter)

All items are a will comply. Regarding the stacking areas, we have been working with T&M and have agreed that we do have 40 spaces. The car wash is set (both by sensors in the driveway as well as the operator) so that the

speed of the car wash can be increased, so that if there is a problem with stacking, the car wash speeds up to push cars through quicker.

Member Binney asks what the hours of operation are.

John Oliver responds 7:00 a.m to 7:00 p.m.

T&M Associates Review Letter dated June 21, 2016 (Land Development Letter)

Member Binney asks how many cars are in the car wash at any given time running at its normal speed.

Mr. Havers responds between five to six cars at a time.

Subdivision & Land Development Ordinance

All items are will comply, with the exception of the following:

191-31(A) Requesting a waiver – to not provide sidewalks along Lincoln Hwy and not provide curbs along Edward and Rahway Streets

191-31(C) Vacation of the right-of-ways for Edward & Rahway Streets.

Member Binney questions the roads being vacated – has anybody notified the adjoining property owners that you wish to vacate the roads.

Mr. Havers says that process hasn't been started. On our record plan the setbacks are all taken from the current property lines. The record plan shows the area without right-of-way vacation, and then another section with right-of-way vacation and it includes the outbound parcel.

Member Binney says he doesn't have a problem with the vacation of Edwards Street; however, it looks to me like someone is using Rahway as access.

Mr. Havers says it appears to be just a driveway that Mienke uses.

Member Binney says there is a gate to go onto the adjoining property. I think they are both using it. I have a problem moving forward with final approval with a plan that shows a vacated road that the adjoining property owners haven't been notified and haven't had an opportunity to comment on it.

Mr. Havers states that the plan works without the vacation. It's more of a paperwork matter.

Mr. Jones says it may be true that the plan stands on its own with the current right-of-way, but the minimum right-of-way and the Township would be 50 feet; if they had to take another 10 feet, that might call into question the loop road.

Mr. Havers says that is correct, it would widen the right-of-ways. If I recall, I believe we have a variance request granted to not provide the ultimate right-of-ways on those two streets.

191-36(D) Requesting a waiver – driveway within 5 ft. of property line

191-37(B) Requesting a waiver -- parking within 15 ft. of building and 12 ft. of the property line

191-39(G) Requesting a waiver – sidewalks along Lincoln Highway, Rahway and Edward Streets

191-44(D) Requesting a waiver – allow grading within 5 ft. of the property line

191-48(A) Requesting a waiver – street trees along Edward and Rahway Streets

191-52.1(B)

(2)(b) Requesting a waiver – allow disturbance to the wetlands

191-52.1(B)(8) Requesting a waiver – allow disturbance to 100 ft. buffer to wetland margin

191-78(C)(2) Requesting a partial waiver, subject to adequate information for Township engineer's review

Stormwater Management Ordinance

All items are will comply, with the exception of the following:

187-13(B)(1) Requesting a waiver – storm sewer conveyance pipes – 8” instead of 15”

Mr. Jones cautions that underneath pavement, the pipes should be sleeved. Mr. Havers agrees to the condition.

Mr. Binney asks how much water does this project use.

Mr. Oliver states that he can get us the sewer applications that has been filed. There is a reclamation system that recycles the water. The average car uses around 33 gallons. What is actually going back into the sewer system is closer to 5 gallons, because the water is kept in and the water that is dripped off the car as well as it exits the tunnel.

Mr. Binney states after it has served its purpose and it's no longer recyclable, it is discharged into the sanitary sewer system?

Mr. Oliver states that is correct. There are 4 tanks that are similar to a grease tank – it gets pumped out by a company.

Mr. Binney asks if there is a mechanism to prevent oil and grease from the car getting into the sewer system.

Mr. Havers states there is a sewer module that is signed and is at the Township waiting for a recommendation for approval of the plans to then go forward to DEP with a resolution.

Mr. Jones asks how many additional EDUs are on that plan.

Mr. Havers states that the site currently has 350 gallons and we are asking for an additional 500 gallons. They gave us two EDUs.

Mr. Binney says he doesn't understand how the trash trucks get to the dumpster.

Mr. Havers says the trash trucks would come at off hours, enter the site, come through the bypass lane, circle through and roll out the dumpster and then exit onto Lincoln Highway.

Mr. Binney says it wouldn't be a front load dumpster – they would have to pull it.

Mr. Havers says correct, the configuration of the site doesn't allow for that.

Mr. Binney says along the same lines, the parking spaces in the back – how does someone get in and out of those spaces.

Mr. Havers says they will become angled spaces.

Mr. Binney expresses his concern about the vacation of the roads and how that should be accomplished first rather than last. If you were required to add the additional right-of-way, then this design doesn't work.

Mr. Havers states we are requesting a waiver of 191-31(C) – it's not noted in T&M's review letter – it's not required dedication of additional / ultimate right-of-way along Edwards and Rahway Streets to address that concern.

Mr. Jones states we didn't acknowledge that because another comment requests the vacation process, so if you are not going to go through the vacation process, essentially asking for a waiver from the right-of-way is the same. Asking for a waiver is tantamount to our request to vacate the streets. If it's going to become an improved street, it will be 50 ft. right-of-way.

Mr. Jones states that the Board could condition any recommendation upon the vacation process proceed through the formal approval process.

Mr. Binney states that the Board could make that condition, but is against final approval of the plan. I'm not opposed to the vacation – I just think that the adjoining property owners should have the opportunity to voice their concerns / opinions.

Mr. Havers asks what the formal process to vacate the right-of-way is.

Mr. Binney states he is unsure. He believes the adjacent landowners need to be notified 10 days before there is a hearing so they have the ability to make comments – but I'm not an attorney, but I believe that is how it works.

Member Rittler makes a motion to recommend approval for the Conditional Use to allow the car wash in the HC zoning district. Member Binney seconds the motion.

All in favor 4-0. APPROVED FOR CONDITIONAL USE TO ALLOW CAR WASH IN HC ZONING DISTRICT.

Member Ritter makes a motion to recommend approval for Preliminary Land Development for 115 Lincoln Highway, LLC, 111 / 115 / 165 Lincoln Highway, Fairless Hills, PA TMP #13-004-608; 13-004-609; 13-004-612; 13-004-616; 13-004-617 and 13-004-555, based on T&M Associates' letter dated June 21, 2016, with waivers requested for 191-31(A), 191-31(C), 191-36(D), 191-37(B), 191-39(G), 191-44(D), 191-48(A), 191-52.1(B)(2)(b), 191-52.1(B)(8), 187-13(B)(1) [pipes to be sleeved], and a partial waiver of 191-78(C)(2), contingent upon the adjoining property owners being notified of the vacation of Edward and Rahway Streets; and based on Remington, Vernick's June 21, 2016 letter.

Member Perry seconds the motion.

All in favor 4-0. APPROVED FOR PRELIMINARY LAND DEVELOPMENT, CONTINGENT ON ADJOINING PROPERTY OWNERS BEING NOTIFIED OF THE VACATION OF EDWARD AND RAHWAY STREETS

Item #2: Family Dining (Burger King), 8575 New Falls Road, Levittown, PA 19054; TMP #13-018-001-001; Zoned NC. Owner: Family Dining, Inc. Preliminary Land Development for demolition of existing Burger King, construction of a new 3,900 sq. ft. Burger King, and an 1,800 sq. ft. café

Amee Farrell, Esquire, presents the application. We are here tonight for preliminary and final land development approval for the proposed project. This project has received zoning relief in March 2016 to allow the development. The proposal is for the complete removal of the existing Burger King and the redevelopment of the site with a 3,900 sq. ft. new contemporary Burger King drive-thru building and a smaller 1,800 sq. ft. drive-thru café. It will substantially improve the circulation within the site. The new contemporary Burger Kings are substantially more efficient; they are more aesthetically pleasing and they are generally more popular.

Matthew Chartrand, P.E., continues. The existing development is serviced by driveways both off Hood Blvd. and New Falls Rd. There are two full access driveways on New Falls Rd. We are looking to consolidate into one driveway on New Falls Rd. and one on Hood Blvd. The existing Burger King has 66 parking spaces and room for about 10 vehicles in the drive-thru area. The proposed plan shows Burger King on the northwest corner towards Hood Blvd., and the café behind along New Falls Road. The overall plan itself calls for 72 parking spaces and the drive-thru stacking is a dual drive-thru. It allows for two order points consolidating into one lane for payment and pickup, which is more efficient to move the traffic. There is additional stacking for up to 13 vehicles. The 72 proposed parking spaces would be shared among both users. Stormwater management will be handled via underground stormwater along the frontage of the site. We have applied to PennDOT for an HOP (Highway Occupancy Permit); we have submitted for our sewer review with the Sewer Authority. We are in the process of trying to obtain our NPDES permit.

T&M Associates' Review Letter dated June 21, 2016

All items are a will comply, with the exception of the following:

- 191-37(B) Requesting a waiver – 15 ft. of open space between curblines and building (bldg. will be sprinklered); driveways and parking spaces 12 ft. from property line
- 191-37(C) Requesting a waiver – 9' x 18' spaces instead of 10' x 20'
Member Binney opposes this waiver request. Mr. Chartrand states that the existing site has 9' x 18' parking spaces on it. Member Binney says he sees cars consistently parking over lines in the parking spaces now.
- 191-37(D) Mr. Chartrand states with regard to T&M's comment regarding potential conflict for traffic in drive-thru lane / driveway access – we do not believe there would be a potential for conflict on the parking spaces because of the additional stacking on the proposed plan above and beyond what is required, plus the addition of the second ordering point to facilitate the movement of those vehicles. Member Binney says he saw cars tonight blocking the curb cut in the stacking lane. Mr. Chartrand states the existing drive-thru has stacking for 10 vehicles and one order point. The new plan has stacking for 13 vehicles and two order points, so those vehicles are able to split through that area and move through much more efficiently.
- 191-37(E) Requesting a waiver – 5 ft. radius of curvature for curb lines
- 191-37(F) Requesting a waiver – 5 ft. setback between parking and future right-of-way
- 191-48(E) Requesting a waiver – 10 ft. wide planting easement behind street right-of-way
- 191-78(C)(2) Requesting a partial waiver, subject to adequate information for Township engineer's review

Member Rittler states that he is opposed to the 9' x 18' parking spaces because they do not allow for a door opening and hitting the other car. It appears that for Burger King there are 35 parking spaces required and you allow for 46. Regarding the café, 14 parking spaces are required and you have 26 on the plans. It appears you have the room to increase the parking spaces to 10' x 20'.

Mr. Chartrand responds that in this instance, we believe the parking requirement of the Township is low compared to what the applicant needs. Currently, there are 66 spaces just for Burger King. The proposed plan calls for 72 parking spaces shared between the two uses. With the drive-thru and the operation, there is an expectation of a lesser demand on parking. The applicant feels it is necessary in order to support this development.

Member Binney states that the current parking lot for Burger King is rarely filled, only when there are events at the high school.

Mr. Chartrand states in past projects he has been involved with, the redeveloped Burger King has led to an increase of traffic due to the fact that it's new with a better look to it. We would certainly anticipate an increase in traffic at the site.

Member Rittler asks what is served in the café.

Mr. Chartrand states that they don't have a user yet, but it will be different than Burger King.

Member Binney expresses his concerns about the stacking at the Burger King, especially since we are blocking the handicapped parking spaces.

Member Rittler asks if they could address that when they come back for final approval.

Mr. Chartrand states that they can slide those spaces over a bit, but still close to the front door for ample access in order to fit the ramps. We are requesting preliminary and final land development approval.

Member Rittler asks if the handicap spaces could be moved to the other end.

Mr. Chartrand states they would likely not be in compliance with the ADA requirements.

Member Binney states they could be moved to the other side of the front door.

Mr. Chartrand agrees that they could be.

Member Binney states that he would like to see a few more cars in the stacking lanes. We currently have drive-thru establishments where the stacking lanes don't work.

Mr. Chartrand states that even with the relocation of the handicap parking spaces, we would only get one more vehicle in the stacking lane, for a total of 14.

Member Binney says he doesn't count 14 – he counts from the order board back because that's where the backups occur. What does the ordinance say on where the count begins – order board, window?

Mr. Jones says that the ordinance is silent on the stacking capacity for this type of use.

Mr. Chartrand says that with one order point, everybody needs to go through there and that's where stacking problems occur. With the two order point system, it will address the bottleneck that occurs with a one order point system.

Member Binney states that with the McDonald's by the old Walmart, they have a 2 point order system, and it still backs up blocking the parking spaces.

The Board members discuss the plan among themselves.

Member Binney states that with regard to the parking spots, we are more concerned with the width rather than the depth. We would be willing to go to 10' x 18' instead of 10' x 20' for all spaces on the site.

Atty. Farrell states that the striping is a double width striping, not a single width striping. People park within the inner line and it gives you that extra dimension on each side of the car. If we go to 10 ft. wide on all of the parking, we will be over the impervious coverage allowed.

Member Binney states that you wouldn't be over the impervious coverage – you'd lose a few parking spaces.

Mr. Chartrand states that we would lose between 4-5 parking spaces.

Atty. Farrell state there was also discussion about sliding the handicap spaces down to provide more length along the queue which would lose 2 or 3 more parking spots. Under the new plan, there will be a play area so there is more likelihood of folks coming and staying. In addition to that, we are adding a second building which is a café (along the lines of a Starbucks or Dunkin Donuts) where people will come and stay. The expectation is that there will be more parking on site used under the new development. We are walking a fine line in trying to keep under the maximum impervious coverage and keep everything as best as possible away from the residents at the rear of the site and maintain those buffers and make it functional.

More discussion occurs among Board members.

Mr. Chartrand states the applicant would be willing to go to the 10 ft. wide parking spaces and lose some parking overall, if the Commission would recommend preliminary and final land development and move us forward.

Member Binney states in looking at the stacking lanes for the café, there is only 2-5 cars so more cars could be out in the driveway. I'm not counting from the window -- I'm counting from the order board.

Mr. Chartrand states at the café that there is a pre-sale board and then the menu/order board where you order. The distance from the menu board to the window is set at five vehicles to allow them sufficient time to make the order.

Member Binney asks what a pre-sale board is.

Mr. Chartrand explains it contains menu items, but no speaker to order. The purpose is to give you a look at the menu so you know what you will order when you get up to the next board.

Member Binney asks about the double striping on the parking spaces.

Mr. Chartrand states that the proposed striping on the plan is single striping, not double striping as previously mentioned. We are proposing to go to a 10 ft. wide width for the parking spaces.

Member Rittler asks Mr. Jones if there is some kind of ordinance which addresses stacking.

Mr. Jones states there is nothing in our ordinances that dictates a minimum stacking, so we would defer to whatever planning documents say. I don't know if you are prepared to speak to the current trends for an operation like this because we don't have anything written in our ordinance to follow. We would have to research the issue. One point I would make regarding the conflict between the parking spaces and the drive-thru stacking is that it is a temporary blocking of the parking spaces.

Atty. Farrell states under the current site, it is a single person taking an order. Once there are two lanes for ordering, there are two people taking orders, which doubles the amount of people taking those orders.

Member Binney states that you have a zoning variance for a loading zone. Can you explain how you are going to load and unload the trucks? Where are they going to park when they are unloading?

Mr. Chartrand shows on the plan – adjacent to the striped area on the plan.

Member Binney asks what about the café.

Mr. Chartrand says it is the same location – central loading area for both buildings.

Member Binney says he cannot imagine a truck driver walking through the parking lot to deliver supplies. You have a variance so there is nothing I can do about it, but I do not understand how it will work. Currently, they have a great loading and unloading area next to the drive-thru. Truck is out of the way.

Member Rittler makes a recommendation for approval of Preliminary and Final Land Development for Family Dining, 8575 New Falls Road, Levittown, PA 19054, TMP #13-018-001-001 based on T&M Associates' letter of June 21, 2016, with waivers requested for 191-37(B), 191-37(E), 191-37(F), 191-48(E), and a partial waiver for 191-78(C)(2), with the stipulation that the stacking of cars for Burger King is increased by one more vehicle without blocking other parking spaces; and based on Remington, Vernick's letter dated June 14, 2016, and the Falls Township Fire Marshal's letter of May 31, 2016.

Member Hammer seconds the motion.

All in favor 4-0. APPROVED FOR PRELIMINARY / FINAL LAND DEVELOPMENT

Item #3: Approval of Minutes

Motion to approve May 24, 2016 minutes

All in favor 3-0, Rittler abstaining.

Meeting adjourned 8:20 p.m.