

**FALLS TOWNSHIP
ZONING HEARING BOARD
AUGUST 11, 2015**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 8:00 p.m.

Members present: Brooks, Henderson, Miles, Molle, and Powers

Members absent: None

Also present: Tom Bennett, CCEO & Zoning Officer; Ed Neubauer, Code Enforcement Officer; Alyson Fritzges, Esquire, ZHB Solicitor; Karen Browndorf, Court Stenographer

Petition # 2: Cellco Partnership d/b/a Verizon Wireless, 149 Fallsington-Tullytown Road, Levittown, PA 19054; TMP #13-013-009; Zoned: LR. Requesting variances for the installation of a wireless tele-communications facility. Section 209-50.2.B, 209-50.2.C.(3), 209-50.2.C.(14), 209-50.2.D.(11).

Atty. Fritzges reads into the record the letter from Nicholas Cuce, Esquire requesting a continuance until September 8, 2015 (ZHB Exhibit 4).

Member Henderson makes a motion to continue this petition until the September 8, 2015 hearing.

Member Powers seconds the motion.

All in favor 5-0. PETITION CONTINUED UNTIL SEPTEMBER 8, 2015 HEARING.

Petition #1: K. J. Abraham, 99 Rice Drive, Morrisville, PA 19067; TMP #13-029-212; Zoned: MR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C.

Atty. Fritzges marks ZHB Exhibit 1 – 4.

Mr. Abraham presents the application. He has lived at the property 29 years and never needed a fence. Now, however, he has grandchildren and would like to make it safe for them by fencing in the yard.

Member Molle asks Mr. Neubauer if the fence is in the sight triangle; Mr. Neubauer replies no.

Member Power asks how high the fence is and how far off the sidewalk will the fence be erected.

Mr. Abraham states the fence is 6' high and is 3' off the sidewalk.

No public comment.

Member Brooks makes a motion that the application of K.J. Abraham for a variance from Section 209-37.C(3) of the Falls Township Zoning Ordinance be **GRANTED** to allow the erection of a 6 ft. high fence that is a visual barrier in the secondary front yard of the property located at 99 Rice Drive, Morrisville, PA 19067, at the location 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.

Petition #3: Nam Chung and Sun Chung, 110 Trenton Road Rear, Fairless Hills, PA 19030; TMP #13-001-012-001-008; Zoned: NC. Requesting a use variance to allow an education center/ display location for a distribution company. Section 209-22.

Atty. Fritzges marks ZHB Exhibits 1 – 4, and Applicant’s Exhibit 1 (proof of ¼ mile neighbor notification).

Atty. Caracappa presents the application. The Chungs own unit #8 of the Fairway Plaza Shopping Center which is a condominium (individually owned). The Chungs rent unit #8 to a beauty salon. They would like to utilize the basement of the building for an education center/display location for Atomy America, Inc. which is like an Amway-type of company. This would be a place for the distributors and sales people to meet on Saturdays only. Access would be from the back of the shopping center. There is more than adequate parking. Mr. Chung believes he would have 7-8 people there at any given time.

Mr. Chung clarifies that the people attending are new members coming in for training.

Member Brooks states that there are no employees now. Are you looking to add employees in the future?

Atty. Caracappa states that they are distributors, not employees. Mr. Chung is a distributor who will have distributors underneath him.

Mr. Chung states that it will be sales training to go over new products to the line.

Member Brooks asks if they would have cubicles set up, or offices, phones.

Mr. Chung states no.

Member Henderson asks if product will be stored.

Mr. Chung states no, just empty boxes showing the different products.

Public Comment

Barry O’Malley gets sworn in. He wanted clarification on the product line (skin care products) and was shown the information given to the ZHB members.

Member Powers makes a motion that the application of Nam Chung and Sun Chung for a use variance from Section 209-22.B of the Falls Township Zoning Ordinance be **GRANTED** to allow the applicant to use the 800 sq. ft basement level of the property identified as 110 Trenton Rd. Rear, Unit #8, Fairway Plaza Shopping Center, Fairless Hills, PA, 19030 as an internet sales office and display room for skin care products, in accordance with the testimony presented to the Zoning Hearing Board. This approval is granted subject to the following conditions, to which the applicant agrees:

- 1) There will be no employees
- 2) The use will not be open to the general public
- 3) The use will be open on Saturdays only, and not for more than 5 hours
- 4) There will be no construction changes to the premises.

Member Henderson seconds the motion.

All in favor 4-1, Brooks dissenting.

Petition #4: 115 Lincoln Highway, LLC, North side of Lincoln Highway (U.S. Rte. 1), east of intersection with Oxford Valley Road, Fairless Hills, PA 19030; TMP #13-004-608, #13-004-609, #13-004-612, #13-004-616 and #13-004-617; Zoned: HC. Various dimensional variances to construct a single tunnel car wash. Section 209, Attachment 7, Table 4 (front yard setback); Section 209-23.G (special front yard setback); Section 209-23.H.2 (parking setback and drive aisle setback); Section 209.38.1.F.2 (buffer yard); Section 209-42.E (driveway width); Section 209-42.H.19 (stacking lanes); and Section 209-43.1.C.3&4 (driveway access and setback).

Atty. Fritzges marks ZHB Exhibits 1 – 4 and Applicant’s Exhibit 1 (proof of ¼ mile neighbor notification)

Edward Murphy, Esquire, presents the application. Because of its configuration, this property has been difficult to redevelop. For many years, it was a used car lot. We are proposing that the property be redeveloped as a single tunnel car wash. We need various dimensional variances that we will review with our engineer and we also have one of the principals of the applicant here to testify and describe the nature of the car wash. Depending on what happens here tonight, this plan would still be subject to land development requirements.

Mark Havers, P.E. from Pickering Courts & Summerson is sworn in. He states he is the project manager and manager of site development for Pickering Courts. The property is located on Lincoln Highway, immediately to the west of Sleepy’s, Pep Boys and Oxford Valley Road. The property consists of six parcels, five in one area and the sixth in the rear separated by a paper street (Edward Street). The total square footage of all the parcels is slightly in excess of 88,000 sq. ft – just over 2 acres.

Atty. Murphy marks Exhibit A-2 (recent aerial photo of the current existing conditions at the site).

Mr. Havers states that Exhibit A-2 shows the existing parking lot in the front and the open area in the rear.

Atty. Murphy states that one of the reasons that redevelopment of this site has been impeded is because of the existence of a median barrier on Lincoln Highway.

Mr. Havers states that the existing median is approximately 75 – 100 ft away from the far eastern edge of the property line and runs across the entire frontage. That median would limit full motion access in and out. There are currently three access points – we are proposing two – the middle access point would go away. PennDOT has consistently rejected any modifications to the median barrier. Therefore, any redevelopment plans must take into account the median barrier.

Atty. Murphy states that in discussion with the Township, a consolidation of the parcels would occur once the paper street (Edwards Street) is vacated.

Mr. Havers states that there will be two access points along Lincoln Highway. There will be two drive aisles coming in along the far east side of property that would queue and go into the car wash tunnel straight thru. As you come out the other side you have the option of exiting through the other curb cut onto Lincoln Highway where you can turn and go into the vacuum area. There are 18 vacuum spaces covered by a canopy. Once you leave the vacuum area, you would exit back through a similar location where you came in and right-in exit to Lincoln Highway.

Atty. Murphy states that based upon the informal review by the Township engineer, we have identified a number of variances that are required.

Atty. Murphy introduces Exhibit A-3 (rendering of site with the car wash complete)

Discussion occurs regarding the variance requests and the reasons for the requests.

Atty. Murphy reiterates that the variance requests focus on the access point where it intersects Rte. 1 as to its width and location adjacent to Meinke, the width of the drive aisle as it reaches the tunnel from three full access

lanes to two lanes, and the other relief involves the buffer yard which we are improving over the current condition and the front yard setback either from 100 ft. or 200 ft. for the building.

Chris Vernon, owner and president of Auto Valet Car Wash and Rte. 130 Car Wash in Trenton and Hamilton, New Jersey, gets sworn in. Mr. Vernon discusses how long he's being in the car wash business (30 years), the advancement in the car wash industry and how the proposed car wash uses state of the art technology.

Member Brooks states that it doesn't appear that you can just go to vacuum your car without using the car wash.

Mr. Vernon states that is correct.

Member Molle states that it appears your other car washes allow oil changes. Are you planning on doing the same at this location?

Mr. Vernon states no, that's not our plan, there's not enough room.

Members Powers and Miles question whether there could be a backlog of cars out on Lincoln Highway.

Mr. Vernon states that with the ability to speed up the conveyor which moves the cars through the tunnel car wash, there should not be a problem with cars waiting to get into the car wash. He also states that with 42 stacking spots, that should be more than enough room on the property.

No public comment.

Member Powers makes a motion that the application of 115 Lincoln Highway, LLC for the variances from the following sections of the Falls Township Zoning Ordinance be **GRANTED** to allow the erection of a single-tunnel car wash on the property located on the north side of Lincoln Highway (U.S. Rte. 1) east of its intersection with Oxford Valley Road, at the location depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board:

Section 209-23.G to allow a front yard setback of no less than 58 feet for the proposed car wash structure, and no less than 10 feet for the proposed canopy, where a 200 foot special front yard setback is required along Rte. 1;

Section 203-23.G and Table 4 to allow a front yard setback of no less than 58 feet for the proposed car wash structure, and no less than 10 feet for the proposed canopy, where a 100 foot front yard setback is required;

Section 209-23.H.(2) to allow on-site parking spaces to be located no less than 10 feet from the ultimate right-of-way line of Lincoln Highway, where a 30 foot setback is required, and to allow drive aisles to be located no less than 5 feet from the side property line, where a 10 foot setback from a lot line is required;

Section 209-38.1.F.(2) to eliminate the requirement for a 20 foot buffer yard;

Section 209-42.E to allow the principal two-way access driveway to Lincoln Highway from the proposed car wash to be 36 feet in width rather than the requirement 30 foot maximum;

Section 209-42.H.(19) to allow the proposed car wash to maintain two access lanes rather than the three access lanes required, and to allow a maximum of 40 total stacking spaces to be accommodated within those two access lanes; and

Section 209-43.1.C.(3) to allow the proposed two-way driveway access to Lincoln Highway to exceed the 20-foot maximum width, and to allow the driveway opening to be located less than 2 feet from the property line.

This approval is granted subject to the following conditions with which the applicant agrees: Prior to the issuance of a zoning or use permit for this use, the Applicant shall obtain conditional use approval from the Falls Township Board of Supervisors, and shall comply with all conditions attached thereto, if any.

Member Brooks seconds the motion.

All in favor 5-0.

Hearing adjourned 8:00 p.m.