

**FALLS TOWNSHIP
ZONING HEARING BOARD
FEBRUARY 8, 2022**

Hearing commenced: 7:00 p.m.

Hearing adjourned: 7:30 p.m.

Members present: Alfred Brooks, William Kiernan, Daniel Miles, Lolain Striluk

Members absent: Doug Molle

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: Azmat Alvi, 323 Austin Drive, Fairless Hills, PA 19030; TMP #13-005-007; Zoned: NCR. Requesting dimensional variances to construct an addition which exceeds 50% of the existing dwelling area (Section 209-41) and which encroaches into the side yard setback of 10 feet. Section 209-20.F and Table 1.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Azmat Alvi presents the application and states he has an original Fairless Hills home with 768 sq. ft. He would like to construct an addition for a full bathroom, one bedroom, 1 dining and living room space for an additional 612 sq. ft. This is over the 50% of the existing dwelling area and also does not meet the setback requirements.

No Board questions.

No public comment.

Member Kiernan makes a motion the application of Azmat Alvi requesting dimensional variances from Section 209-41, 209-20.F and Table 1 of the Falls Township Ordinances be GRANTED to construct an addition which exceeds 5% of the existing dwelling area and which encroaches into the side yard setback of 10 ft. at the property located at 323 Austin Drive, 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 4-0. Motion carries.

Petition #2: Levittown Car Wash, LLC, 8601 New Falls Road, Levittown, PA 19054; TMP #13-018-003-004; Zoned: NC. Requesting modification of the Zoning Hearing Board’s prior decision dated March 12, 2021 to increase the permitted expansion of the non-conforming use or, in the alternative, a variance from Section 209-41 to permit the expansion of a non-conforming use in excess of 50%; and modification of the Zoning Hearing Board’s prior decision to permit a setback of 9 feet from the property line where a setback of 15.3 feet was previously granted or, in the alternative, a variance from Section 209-22(E) and Table 4 to permit a setback of 9 feet from the property line where 15 feet plus a buffer yard of 25 feet is required.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7. Applicant has shown Atty. Bidlingmaier copies of the neighbor notifications on her phone which will be sent to him via email.

Kristin Holmes, P.E. (Holmes Cunningham) and Imran Malik, Jr. are sworn in.

Augusta O'Neill, Esquire, presents the application and states this application was previously before this Board in March of 2021. Mr. Malek is the operator of JR Express Car Wash and is the owner of this car wash as well. We had previously been granted variances and are here tonight to ask relief to amend some of those variances. To accommodate some of the equipment, which is required to operate this car wash, the car wash building needs to be enlarged.

Kristin Holmes continues the rest of the plan remains the same except the car wash building needs to be widened. This widening is necessary to accommodate the equipment within the car wash and because of some of the local sewer regulations for some of that additional equipment. The revised plan adds additional widening of 6 ft. to the side which encroaches closer to the side property line adjacent to the Pennsbury High School property. Nothing else has changed – no parking, no circulation, no driveway. We are now proposing a 2,835 sq. ft. car wash building whereas the previous application had a 2,033 sq. ft. car wash building. The setback will be 9 ft. as opposed to the previously granted 15.1 ft. setback to the side property line.

Regarding the expansion of the non-conforming use, the previous approval was granted at 237% of an expansion and when we look at the car wash building itself it now becomes 300.4%. We did look at various options to use the building as originally approved (increase the height, widen the building in the interior which would affect parking and circulation), but this expansion as presented was the least relief to be able to provide the minimum expansion necessary.

Member Kiernan asks if the flow of traffic will remain the same; the only thing changing is the width of the building?

Ms. Holmes says correct, the length remains the same, just the width has changed.

Member Brooks asks if the dumpster was always sitting 7 ft. from the property line?

Ms. Holmes states currently the dumpster sits at 4 ft., but the final plan is 7 ft.

Member Brooks asks if the dumpster will be enclosed.

Ms. Holmes says yes.

No public comment.

Member Brooks makes a motion the application of Levittown Car Wash, LLC requesting a variance from Section 209-41 be GRANTED to permit the expansion of a non-conforming use in excess of 50% and also a variance from Section 209-22.E and Table 4 be GRANTED to permit a setback of 9 ft. from the property line where 15.1 ft. plus a buffer yard of 25 ft. is required 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.

Member Striluk seconds the motion.

All in favor 4-0. Motion carries.

Petition #3: All State Auto Sales, 981 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-034; Zoned: HC. Requesting a use variance to allow an accessory automotive salvage / storage operation in addition to the currently existing used car dealership. Sections 209-23.B and 209-23.E.

Chairman Miles states this petition was continued from the January 11, 2022 hearing. The Board has received another notice of continuation of their petition until the March 8, 2022 hearing.

Member Kiernan makes a motion to continue the petition until March 8, 2022.

Member Brooks seconds the motion.

All in favor 4-0. Motion carries. The petition will be continued until the March 8, 2022 hearing.

Hearing adjourned 7:30 p.m