

**FALLS TOWNSHIP  
ZONING HEARING BOARD  
JUNE 13, 2023**

**Hearing commenced:** 7:05 p.m.

**Hearing adjourned:** 8:15 p.m.

**Members present:** Aaron Mackey, William Kiernan, Nastasha Raisley, Lolain Striluk

**Members absent:** Doug Molle, Robert McTague

**Also present:** Keith Bidlingmaier, ZHB Solicitor; Matthew Takita, Zoning Officer; Ed Neubauer, Code Enforcement; Diane Beri, Township Zoning Clerk; Karen Browndorf, Court Reporter

**Acting Chairperson:** Lolain Striluk appointed

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Keith Bidlingmaier states a continuance request has been received from Matthew McHugh, Esquire for Petition #5 (Day and Night Properties LLC) until the July 11, 2023 hearing. He previously asked for a continuance at the last hearing (Ex. A-1) and this letter is marked as Exhibit A-2.

Member Mackey makes a motion to continue Petition #5 Day and Night Properties, 99 Bristol Oxford Valley Road, Langhorne, PA 19047 to the July 11, 2023 hearing.

Member Kiernan seconds the motion.

**All in favor 4-0. Motion carries. Petition continued until July 11, 2023.**

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**Petition #1: Scott Mitchell, 150 Canterbury Road, Fairless Hills, PA 19030; TMP #13-007-321; Zoned: NCR. Requesting a dimensional variance to construct an addition which extends within the required 10 ft. side yard setback. Section 209-20.F and Table 1.**

Scott Mitchell gets sworn in.

Atty. Bidlingmaier marks ZHB 1 – 6.

Scott Mitchell presents the application and states he has an existing deck on the side of his house which we would like to enclose and make an additional room. We have 31 yr. old special needs daughter who is becoming more immobile, and we are hoping to use that space for her as well.

Member Mackey asks about the neighbor on that side of the house – if they would see it.

Mr. Mitchell says their house is set back on their lot and there is a tree line.

No further Board questions.

No public comment.

Member Kiernan makes a motion the application of Scott Mitchell requesting dimensional variance from Section 209-20.F and Table 1 of the Falls Township Zoning Ordinances be GRANTED to construct an addition which extends within the required 10 ft. side yard setback at the property located at 150 Canterbury Road,

Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Raisley seconds the motion.

**All in favor 4-0. Motion carries.**

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**Petition #2: Jon C. Logan, 25 Victoria Lane, Levittown, PA 19054; TMP #13-019-263; Zoned: NCR. Requesting a dimensional variance to erect a fence in the secondary front yard. Section 209-37.C(2).**

Jon Logan gets sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 7.

Jon Logan presents the application and states one side of their property has a fence they would like to replace and have the fence go along the back of the property. We want to have some privacy and to provide security for our two children and dog.

Member Kiernan asks if the fence is in the sight triangle.

Edward Neubauer replies no.

No further Board comments.

No public comment.

Member Mackey makes a motion the application of Jon Logan requesting a dimensional variance from Section 209-37.C(2) of the Falls Township Zoning Ordinances be GRANTED to erect a fence in the secondary front yard at the property located at 25 Victoria Lane, Levittown, PA 19054, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Raisley seconds the motion.

**All in favor 4-0. Motion carries.**

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**Petition #3: SAFStor Old Lincoln, LLC, 935 Old Lincoln Highway, Morrisville, PA 19067; TMP #13-028-039; Zoned: HC. Requesting a use variance to allow a self-storage facility at this location. Section 209-23.B.**

Eric Clase, P.E. (Gilmore & Associates) and Ryan Carron (SAFStor) get sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5 and Applicant Exhibit A-8 (neighbor notification).

Michael Peters, Esquire (Eastburn and Gray) presents the application and first hands out exhibit booklets. The owner of the property is Michael Galasso; the property currently contains the restaurant, Michaels. The property has an existing non-conforming lot width and lot frontage. We have tried to maintain the trees at the rear of the property since there are residential properties in the rear. We would like to add additional trees and a fence to insulate the residential properties from this use. We are proposing demolition of the existing restaurant building and associated improvements and construction of a three-story self storage facility with a footprint of 34,950 sq. ft. and a total floor area of 104,950 sq. ft., 26 parking spaces, additional landscaping including a row of evergreen trees, fencing and stormwater management facilities. We are able to comply with all dimensional and bulk requirements with the exception of the two existing non-conformities. We have also adhered to the

requirements of the Institute of Traffic Engineers parking manual for a mini warehouse use as this use is not actually set forth in the zoning ordinance. Because the zoning ordinance does not provide for self-storage facility or a mini-warehouse use, we are seeking a use variance to permit the use. The area surrounding this property consists of a car lot and two other self-storage facilities. We believe this will be a good result for everyone.

Atty. Peters goes through the exhibit booklet.

Eric Clase, P.E., testifies and is admitted as an expert witness in civil engineering, zoning and land development. He states the property has Michael's restaurant on the parcel. To the left of the parcel is an automobile trucking company, to the right is another mini storage facility, to the north is Rte. 1 and behind the parcel is a residential neighborhood. He states there are two existing non-conformities – lot width and lot frontage. As you enter the parcel from Old Lincoln Highway, there is a proposed parking lot with an access drive on the right side of the building. There is a 35,000 mini storage building (3 stories in height). The access drive goes to the rear of the building with more parking, then a detention basin, behind the detention basin there is a row of evergreens, and then a decorative fence and then the existing woods behind that (which backs up to the residential neighborhood). Hours of operation is from 6:00 a.m. to 10:00 p.m. there will be a key pad entrance. The building will be open from 9:30 a.m. to 6:00 p.m. Mondays through Fridays which means you can enter the building without the key pad. He goes through the parking requirements. There will be two access drives on Old Lincoln Highway, one to the east and the other to the west. He shows a rendering of the finished product.

Member Mackey asks about the impervious surface coverage.

Mr. Clase states they are permitted to have 70% coverage and we are only at 50% with this proposed use.

Member Kiernan asks if the wooded area in the back will be fenced in to keep people out of the property?

Mr. Clase states yes, it will be fenced.

Member Kiernan asks about the lot width and if it is part of your request.

Mr. Clase says no it is not as it is an existing non-conformity.

Acting Chairperson Striluk asks about the hours of operation.

Mr. Clase states the building will be open 9:30 a.m. to 6:30 p.m. Mondays through Fridays with someone onsite.

Ryan Carron testifies he is the Director of Development for SAFStor for 6 months. SAFStor is one of the largest, most active developers of climate controlled self storage. My job responsibilities are to work with property sellers, engineers, and architects to get all the permits and required approvals needed to construct the building. SAFStor Old Lincoln LLC is the equitable owner of the property; SAFStor, Inc. is the development company. When we look at new properties, we look at a 3-mile radius in analyzing that area and then looking at the national average for amount of storage provided per person in that area. The national average is about 7.5 sq. ft. per person and in the area we analyzed, it was less than 5 sq. ft. We believe this is an underserved area in need of more self-storage. We also look at the quality of the other facilities in that radius and would note the other facilities in this radius average about 30 years old.

Mr. Carron describes the outreach to the neighbors. His colleague, Chris Russ, sent a letter to the neighbors identified, including the 3 direct abutters to the parcel, detailing the project, providing his contact information, and encouraging neighbors to come forward to him with any questions or concerns. Most of the commentary received from the neighbors concerned the natural buffer in the rear making sure it was preserved it. They also requested a fence to keep the property safe, and requested more evergreen trees to maintain that privacy. We feel it would be a benefit to the community – it would be less impactful than a current restaurant or another use

which would be allowed on the site. All the storage units are interior to the building; there is no exterior automotive storage, RV storage, boat storage or anything like that. Everything is internal to the building. Majority of the units are relatively small. We feel we are less noisy, less traffic and generally as a self-contained building, a better neighbor.

No Board questions for Mr. Carron.

#### Public Comment

*David Russo* asks about key access and how it works, headlights at night, (discussion occurs on how to rectify and will be discussed during land development – additional buffering along the driveway), RV parking (no), lights on the building, people sleeping at the place (not allowed), mosquito control for the detention basin.

*Darshna Thaker* asks about the decorative fence and the specs – how high, material (details aren't known yet).

Atty. Peters states the property itself has existing non-conformities, it is long and narrow, and we were faced with trying to preserve the rear wooded area abutting the residential neighbors. This use works for this parcel; we are committed to continuing to work with the neighbors as this project moves into the land development stage. Other uses permitted on this property (bars, clubs, lounges, breweries, distilleries, motor vehicle garages, and hotels/motels) are more disruptive. Also, the site would not be able to accommodate parking requirements for these other use types.

Member Kiernan asks if the applicant would be opposed to putting a stipulation on any approval stating there is no outside storage including RVs.

Mr. Carron states that is fine.

No further Board comments or public comments.

Member Kiernan makes a motion the application of SAFStor Old Lincoln Highway, LLC requesting a use variance from Section 209-23.B of the Falls Township Zoning Ordinances be GRANTED to allow a self storage facility at the property located at 935 Old Lincoln Highway, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board, subject to the following condition: no outside storage including RVs.

Member Raisley seconds the motion.

**All in favor 4-0. Motion carries.**

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**Petition #4: Beverage Zone, Inc., 198 Lincoln Highway, Suites 5, 6, 7, Fairless Hills, PA 19030; TMP #13-005-237; Zoned: HC. Special exception to allow use of the premises as a beer distribution center. Section 209-23.C(1).**

Charles Garbarino gets sworn in.

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

James Prokopiak, Esquire, presents the application and states the applicant is looking for a special exception in the highway commercial zoning district. The applicant's company has acquired the currently operating Beverage Zone in Ste. 5 of the shopping center. Beverage Zone has been operating there since 1997. They are looking to expand that existing operation into Suites 6 and 7. Suites 6 and 7 are currently being used by the Stadium Bar and Grill. That use will go away, and the beverage distribution use will be extended into those suites. It will be contained within the existing building. There will be no impact on the surrounding

commercial neighbors (auto body shop, auto sales, towing company, motel, storage center and the Salvation Army). There will be less traffic than the current Stadium Bar and Grill. Hours of operation are 9:00 a.m. to 9:00 p.m.

Member Mackey asks if there will be a restaurant aspect to the business.

Mr. Garbarino states just a beverage distribution store – no eating, no drinking on the premises.

Atty. Prokopiak states the current bar license will be transferred somewhere else. As part of the business, they are required to have a beer distributor's license, which does not permit those types of uses.

No further Board comment.

No public comment.

Member Kiernan makes a motion the application of Beverage Zone, Inc. requesting a special exception from Section 209-23.C(1) of the Falls Township Zoning Ordinances be GRANTED to allow the use of the premises as a beer distribution center at the property located at 198 Lincoln Highway, Suites 5, 6 & 7, Fairless Hills, PA 19030, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Raisley seconds the motion.

**All in favor 4-0. Motion carries.**

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**Hearing adjourned 8:15 p.m.**