

**TOWNSHIP OF FALLS  
PLANNING COMMISSION MEETING  
MAY 28, 2024**

**Meeting commenced:** 7:00 p.m.

**Meeting adjourned:** 7:26 p.m.

**Members present:** Brian Binney, Daniel Everett, John Haney, Colin Henderson, Mary Leszczuk, Jesse O'Brien (alt), Paul Hartzell (alt)

**Members absent:** None

**Also Present Representing:**

**Fkiaras – 980 Trenton Rd:** Michael Meginniss, Esquire (Begley, Carlin & Mandio), Heath Dumack, P.E. (Dumack Engineering)

**For the Township:** Douglas Waite, P.E. (Jones Engineering), Diane Beri (Recording Secretary)

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Chairman Haney states the applicant M-Y Lane (application #2) has requested a continuance until the June meeting. Therefore, the application will not be heard tonight.

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**Item #1: Nickolas, Aletheia, Nicole & John Fkiaras, 980 Trenton Road, Fairless Hills, PA 19030; TMP #13-017-300 / #13-017-303 / #13-017-303-001; Zoned: NC; Owner: Nickolas, Aletheia, Nicole & John Fkiaras. Waiver of Land Development – Building addition**

Michael Meginniss, Esquire presents the application and states we were before this Board with a Sketch Plan presentation. The site currently has a 9,000 sq. ft. existing building; we are proposing a building addition of 3,000 sq. ft. to the shopping center. This does not involve Cosmos Restaurant which is on the site. The intent of the addition is to expand Action Karate (who is an existing tenant) into the new space, and the existing dance studio would move into the current space used by Action Karate. We are reducing the impervious surface by 3 percent; we are planting four street trees in the front. In the area adjacent to the residential zoned district on the eastern portion of the site, we are planning a series of arborvitaes.

Heath Dumack, P.E. continues the building has a side porch, there is an existing parking field. We are proposing a 3,000 sq. ft. building addition. It has frontage along Trenton Road and Virga; however, Virga is intended for emergency access. There is a chain link fence running along that right of way line with a gate. The remainder of the site – we had originally proposed a rain garden, but unfortunately, we discovered zero infiltration in that area (clay soil) and underneath the entire parking lot. We are proposing reducing the impervious surface while still utilizing the existing parking field and building and planting vegetation to augment based on what is there. We are proposing arborvitaes and street trees plus some additional green space along the Virga right of way.

Member O'Brien asks if more street trees can be planted along Virga Road.

Mr. Dumack states we could plant them within the right of way. We have positioned them on the property and off the right of way.

Member Binney says it seems like we've shielded the commercial property with a white PVC fence, but we disregarded the neighbors. In the parking lot there is a four foot or five foot chain link fence and the lights are shining into the neighborhood.

Atty. Meginniss says the property owner has told the neighbors did not want this totally shielded on the frontage along Virga –that they had requested the chain link fence be installed to maintained by the Fkiaras when they took ownership of the shopping center.

Chairman Haney asks how many parking spots are you losing with the expansion?

Atty. Meginniss says we have 96 with 94 required.

Mr. Dumack says the area to the south of the building has traditionally been cargo container storage, there's a shed and one or two work vehicles.

Member Binney asks why the parking calculations are based on 150 sq. ft. when there is a restaurant and bar there. In a restaurant and bar there could be 20 people in a 150 sq. ft., and they are not all coming in one car. How come we are not calculating the parking based on the use, which is a restaurant and bar which has a different calculation. I don't know if the parking calculations are adequate.

Mr. Dumack says they have had several conversations and two meetings with the Township Engineer and Matt Takita and they both reviewed this and approved the parking calculation as shown on the plan.

Member Leszczuk asks if there will be more customers with the additional space.

Atty. Meginniss says there is not an additional business, but they are anticipating a bit of an increase in volume. Going back to the trees, the applicant is amenable to plant more trees. This is a shopping center, but it's not being built spec. There are three businesses there, one of which the Fkiaras' operate (Cosmos), a dance studio and Action Karate who are trying to remain at this site where they have been for years.

Member Binney asks if the hair salon is staying.

Atty. Meginniss says yes, there are four businesses, not three.

Chairman Haney asks what is stored in the lower area now. Who owned that and where is that going?

Nicholas Fkiaras responds there were three storage containers and I'm hoping to sell all three containers. There were two 20 ft. storage containers and one 40 ft. storage containers. There is a white pickup truck I use for plowing.

Jones Engineering Review letter dated May 21, 2024

All items are a will comply, except for:

- 191-31.A Requesting a waiver – remain unchanged with existing conditions on the street frontage (50' ROW along Trenton Road; 20' wide cartway width along Virga Road; no curbs along Virga Road; no sidewalks along Trenton and Virga Roads)
- 191-39.G Requesting a waiver – sidewalks along frontage
- 191-41 Requesting a waiver – curbing along Virga Road
- 191-48.B Requesting a partial waiver – street trees
- 191-78.D(14) Requesting a waiver – lighting plan

Member Binney says this building had two previous additions to it.

Atty. Meginniss says it was before the ownership of the Frikaras'.

Member Binney says the total sum of all the additions – are you still under the expansion of a non-conforming building?

Atty. Meginniss says a non-conforming in what regard?

Member Binney says in Dumack Engineering's plan, it says that they are expanding a non-conforming building 30 percent, but that's cumulative, so if the other two additions are added, are we still under the 50 percent?

Atty. Meginniss says is zoned Neighborhood Commercial and a shopping center is a permitted use in NC.

Member Binney says it is violating the setbacks.

Atty, Meginniss says the conversation with the Township during the Sketch Plan review had to do with the fact we were not going any further into the setbacks with the building addition. We were staying out of the setback along Virga, and we weren't encroaching in the setback any closer to the properties on the western portion of the site plan. We are under with respect to our building coverage, and we are reducing our impervious surface. For a non-conforming building, it is dimensional in nature, not as to the use. This was discussed with Township personnel trying to determine whether we needed any zoning variances.

Member Binney says the dumpster enclosure should be big enough for the two dumpsters currently there (plan only calls for one dumpster) and there are no stop signs at the entrances (applicant agrees to install stop signs).

Chairman Haney asks if the applicant has reached out to Lower Bucks County Joint Municipal Authority about the sewer (water is serviced by Township of Falls Authority).

Atty. Meginniss says they have been in discussions with Lower Bucks County Joint Municipal Authority and understand this would be a requirement of any approval.

Member Binney asks if the existing shopping center goes to that sewer easement.

Mr. Dumack states it does. However, the sanitary comes out diagonally from the building into a manhole and then into the easement. It's not coming out straight towards the south.

No other Board comments.

No public comment.

Member Leszczuk makes a motion to recommend approval for Preliminary and Final land development application of Fkiaras, 980 Trenton Road, Fairless Hills, PA 19103, TMP #13-017-300, #13-017-303, #13-017-303-001 based on Jones Engineering Associates' letter dated May 21, 2024, with waivers requested for Sections 191-31.A, 191-39.G, 191-41, 191-48.B (partial waiver), and 191-78.D(14), and the Fire Marshal's review letter dated May 22, 2024.

Member Henderson seconds the motion.

**All in favor 3-2, Haney and Binney dissenting.  
APPROVED FOR PRELIMINARY / FINAL LAND DEVELOPMENT**

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**Item #3 Ordinance to Amend Chapter 199 "Tree Protection Services"**

Member Henderson states he thinks it is good for the industrial part of the Township. However, for residential and commercial properties he thinks we should try to keep as much as possible, not just a monetary consideration.

Member O'Brien says his comment would be similar to Mr. Henderson in that allowing a fee in lieu of planting trees defeats the whole purpose of the ordinance, particularly in the residential areas. He doesn't feel that it will keep our Township the way it looks now.

Member Binney says he thinks this is meant to be an optional choice by the Supervisors. Some of the tree ordinance is a bit excessive in certain places, so I think this could be beneficial to both the developers in some ways and the Township in some ways, where the ability to replace all the trees taken out doesn't exist. I agree to keep as many of the residential trees as possible.

Member Everett states his agreement with keeping as many trees as possible in residential areas.

Chairman Haney states in industrial areas as we make changes and we try and put trees back in, when we drive back a year later, the trees are dying. My one suggestion is the funds which come from the industrial section, we can use those funds in an area like the Township parks, to add trees there and other areas where trees may be lacking.

The other Board members like the idea of keeping this to just the industrial areas and to redirect funds to areas within the Township which need trees such as Township parks.

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**Item #4: Approval of Minutes**

Minutes for April 25, 2024.

**Approved 5-0.**

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**Meeting adjourned 7:25 p.m.**