

**FALLS TOWNSHIP
ZONING HEARING BOARD
AUGUST 13, 2024**

Hearing commenced: 7:04 p.m.

Hearing adjourned: 7:45 p.m.

Members present: Lolain Striluk, William Kiernan, Nastasha Raisley

Members absent: Aaron Mackey, Robert McTague, Chris Kilmer (Alt)

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

Petition #1: Christine C. Atkinson, 22 Nottingham Drive, Fallsington, PA 19054; TMP #13-036-038; Zoned: LMR. Requesting the following dimensional variances to construct an inground swimming pool in the rear yard: Section 209-13 – to allow a maximum impervious surface ratio of 50.3 percent in lieu of the currently existing non-conforming 42.40 percent ratio; Section 209-46.A – to allow pool coping to be 5 ft. from the side property line where 6 ft. is required; and Section 209-46.E – to allow the pool water edge to be 8.4 ft. to the principal structure where 10 ft. is required.

Steve Atkinson is sworn in.

Atty. Bidlingmaier marks ZHB Exhibits 1 – 5.

Edward Murphy, Esquire, presents the application and states the applicant wants to build a pool in their rear yard. The owner of the property is Christine Atkinson, and Steve Atkinson and wife are living with her. This lot is 10,000 sq. ft. (most lots in the subdivision are 12,500 sq. ft.). There is an existing non-conforming impervious surface ratio which was there when Christine Atkinson purchased the property. There are three items of relief: 1) impervious ratio – we are requesting be increased by 7.9%; 2) to allow the pool coping to be within 5 ft. of the side yard instead of 6 ft.; and 3) to allow the edge of the pool to be 8.4 ft. from the house instead of 10 ft. The Atkinsons have spoken to their immediate neighbors, and no one has any objection to the pool, or the relief requested.

Atty. Murphy asks Mr. Atkinson to affirm the summary he presented as true.

Mr. Atkinson says he agrees with Atty. Murphy's summary of the relief requested.

Member Kiernan asks if the 7.9 % impervious includes the pool house?

Atty. Murphy states the 7.9% includes the construction of the pool as well as a free-standing pool house adjacent to the pool.

Member Kiernan asks if the brick on the left side in the rear yard will be removed.

Mr. Atkinson states the brick will be removed.

Chairman Striluk asks if the existing shed and playground will be removed (yes).

No public comment.

Member Raisley makes a motion the application of Christine Atkinson requesting the following variances from the following sections of the Falls Township Zoning Ordinances be GRANTED to construct an inground swimming pool in the rear yard: Section 209-13 – to allow a maximum impervious surface ratio of 50.3 percent in lieu of the currently existing non-conforming 42.40 percent ratio; Section 209-46.A – to allow pool coping to be 5 ft. from the side property line where 6 ft. is required; and Section 209-46.E – to allow the pool water edge to be 8.4 ft. to the principal structure where 10 ft. is required at the property located at 22 Nottingham Drive, Fallsington, PA 19054 as depicted on the plan and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds the motion.

All in favor 3-0. Motion carries.

Petition #2: NP Falls Township Industrial LLC, (CONT'D FROM 7/9/24), 1000 S. Pennsylvania Avenue, Morrisville, PA 19067; TMP #13-051-001-012; Zoned: MPM. Requesting a dimensional variance to allow a freestanding sign with a sign area of 348.75 square feet. Section 209-45.Q(10)(b).

Peyton Harrison gets sworn in.

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

Bryce McGuigan, Esquire, presents the application and states the applicant would like to install a freestanding sign at the entrance of the Keystone Trade Center (KTC). They want to replace the existing billboard with a permanent freestanding sign. The new sign is smaller than the current billboard sign. The sign will be illuminated 24/7 because there are certain tenants and users of the KTC which operate 24/7. This is an industrial center with no residential properties nearby.

Atty. McGuigan asks Mr. Harrison to attest to the summary he provided.

Mr. Harrison states he agrees with Atty. McGuigan's statement of the facts.

No Board comments.

No public comment.

Member Raisley makes a motion the application of NP Falls Township Industrial LLC requesting a dimensional variance from Section 209-45.Q(10)(b) of the Falls Township Zoning Ordinances be GRANTED to allow a freestanding sign with a sign area of 348.75 sq. ft. at the property located at 1000 S. Pennsylvania Avenue, Morrisville, PA 19067, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds the motion.

All in favor 3-0. Motion carries.

Petition #3: NP Falls Township Industrial LLC, Tyburn Road, Fairless Hills, PA 19030; TMP #13-051-001, #13-051-001-034, and #13-051-001-022; Zoned: MPM. Requesting a variance to not allow the noise and decibel level restrictions to apply to the properties. Section 209-43.F.

Jeremy Michael is sworn in (attended via Zoom).

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

Bryce McGuigan, Esquire, presents the application and states this application deals with noise decibels at the KTC. Typically, noise ordinances do not fall into the zoning ordinances. However, there is a zoning ordinance here which restricts certain decibel levels at the property line and provides a sliding scale in terms of a higher decibel level that is allowed depending on the frequency of the noise at issue. At the moment, NorthPoint is bringing in a tenant who will be operating a data center use on the property. Data centers are large structures which will house various computing equipment, network equipment, storage drives, etc. Data centers are quiet, passive operations. Sometimes, however, they do have a continual low noise. During the prospective tenant's due diligence and review of the ordinance, the tenant noticed this section in the zoning ordinances. This location is in the middle of a large industrial park. We are requesting limited relief only to data center uses on the property. The applicant is not requesting a "blank check" regarding the entire KTC.

Atty. McGuigan asks Mr. Michael to attest to the summary he provided.

Mr. Michael states he agrees with Atty. McGuigan's statement of the facts.

Member Kiernan asks if this is for one center, or data centers in general?

Mr. Michael says it would be for data center uses in general. We have asked for this variance for two parcels – 13-051-001-035 and 13-051-001. It is where we have Bldg. 6 constructed as well. It does encompass a third of the south end of the site.

Public Comment

Kimberly Reber, works at a property near NorthPoint, and expresses her concern about the data center noises based on research she has conducted (the humming, whirring noises) and lists those and other reasons for her concern.

Discussion occurs between Mr. Michael, the Board and Atty. McGuigan about the noise volumes and decibels levels and measures to mitigate the noise and emissions.

At Member Raisley's request, Ms. Reber provides a copy of her research to the Board.

Atty. Bidlingmaier states for the record Ms. Reber has provided a couple packets of paper of documents in regard to data centers which the Board has reviewed. Atty. McGuigan says he does not need to see the information.

No further public comment.

Member Raisley makes a motion the application of NP Falls Township Industrial LLC requesting a variance from Section 209-43.F of the Falls Township Zoning Ordinances be GRANTED to not allow the noise decibel level restrictions to apply to parcels #13-015-001, #13-015-001-034 and #13-051-001-002, as depicted on the plans and in accordance with the testimony presented to the Zoning Hearing Board.

Member Kiernan seconds the motion.

All in favor 3-0. Motion carries.

Hearing adjourned 7:45 p.m.