

FORKS TOWNSHIP

CONDITIONAL USE APPLICATION FORM

NAME OF BUSINESS: Triple Net Investments XIII, LP

PHYSICAL LOCATION OF BUSINESS: 600 Kuebler Road
Easton, PA 18040

NAME OF APPLICANT: Triple Net Investments XIII, LP

MAILING ADDRESS: 171 Rte 173 Ste 201, Asbury, NJ 08802-1177

TELEPHONE NUMBER: 908-730-6909 x1004 FAX NUMBER: _____

SIZE OF BUSINESS IN SQUARE FEET: 0 in building

USE REQUESTED: Use not specifically regulated per 200-79(F); alternatively, Outdoor storage per 200-19.A(2)

DESCRIBE TYPE OF BUSINESS OR PRODUCT/SERVICES BEING SOLD*: _____
Parking and staging of ninty (90) empty trailers (48 ft. and 53 ft. trailers only) in eastern parking area. Number in western area to be determined.

HOURS OF OPERATION: 24 hours per day

DAYS OF OPERATION: Sunday through Saturday
2 to 4

NUMBER OF EMPLOYEES: FULL TIME: for use PART TIME: N/A

NUMBER OF CUSTOMER PARKING SPACES REQUIRED: N/A

NUMBER OF EMPLOYEE PARKING SPACES REQUIRED: 2 to 4

LANDLORD'S NAME & ADDRESS (IF APPLICABLE): _____
See Applicant information above.

LANDLORD'S PHONE NUMBER: _____ FAX: _____

*IF REQUIRED, USE ADDITIONAL PAPER TO EXPLAIN THE PROPOSED USE. YOU MAY ALSO ATTACH ANY MARKETING, SALES, PROMOTIONAL, ETC. LITERATURE DEFINING YOUR BUSINESS.

FORKS TOWNSHIP
PROCEDURES FOR CONDITIONAL USE PERMIT

1. Application submitted. Must include plans, application fee and Township application form. Township Code, §200-57
2. Zoning Officer reviews for completeness and then forwards information to Township Solicitor, Township Engineer, Township Sewer Engineer, Planning Commission Chairman and Board Chairman.
3. Planning Commission schedules Planning Commission review of application at next regular Planning Commission meeting. Planning Commission then submits an advisory opinion to Board of Supervisors.
4. Chairman of Board of Supervisors schedules public hearing for application. The hearing is to be commenced no later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time. Township Code, §200-58
5. Legal Notice
 - a. Zoning Officer prepares legal notice for newspaper. Notice must be published once a week for two consecutive weeks. The first must be no more than 30 days before the hearing and the second must be no less than 7 days before the hearing. Municipalities Planning Code, §107
 - b. Township Solicitor arrange for Court Reporter (optional). Township Code §200-58
 - c. Township is to endeavor to give written notice to all adjacent property owners at least one week prior to Board of Supervisors hearing. Township Code, §200-58C(6) and §200-85A.1. Failure to notify adjacent property owners is not a basis for appeal, since not required by Municipalities Planning Code.
 - d. Zoning Officer shall post written notice of hearing on the tract at least one week prior to the hearing. Township Code §200-85A.1.
6. At Board of Supervisors hearing
 - a. Township must provide proof of written notice to all neighbors.
 - b. Zoning Officer must provide proof of posting.
 - c. Applicant must address the general conditions for a conditional use (see Township Code §200-56B), and the general conditions for the particular conditional use for which approval is sought.
7. Board of Supervisors must render written decision within 45 days after last hearing. Municipalities Planning Code §913.2(b)(1).

CONDITIONAL USE REQUIREMENTS

1. (§200-56B(1)) Does the application comply with all requirements of the Forks Township Zoning Ordinance? (The applicant is required to provide a site plan and other studies or data to demonstrate this compliance.)

Yes - the use will involve parking of empty trailers only; See attached site plan.

2. (§200-56B(2)) Will the application, if approved, comply with all other applicable Township, state and federal laws, regulations and permits? (Required permits or other proof of compliance may be required to be presented to the Township as a condition to the issuance of any zoning permit, building permit, certificate of occupancy or recordation of an approved plan.)

Yes, property already improved. Use will take advantage of existing improvements.

3. (§200-56B(3)) Will the proposed conditional use accommodate traffic in a safe and efficient manner that will minimize hazards and congestion after considering any improvements proposed to be made by the applicant as a condition of approval?

Yes - only two (2) to four (4) employees will be on lot at any given time to drop or pick-up an empty trailer. Minimal traffic will be generated. No TIS is required based on anticipated trips. Use is primarily storage in nature.

4. (§200-56B(4)) Does the application include a proper site layout, internal circulation, parking, buffering and all other elements of proper design as specified in the Forks Township Zoning Ordinance?

Yes - See attached site plan. Property is already improved.

5. (§200-56B(5)) Is it clear that the proposed use will not substantially harm any surrounding residential neighborhood after considering any proposed conditions of approval?

Yes. See aerial overview. Neighborhood is primarily industrial/business uses.

6. (§200-56B(6)) Has the applicant established that the proposed conditional use will not create a significant hazard to public health and safety, such as fire, toxic or explosive hazards?

Yes. There will be no issues as the proposed use is the parking of empty

trailers only.

7. (§200-56B(7)) Will the proposed use be suitable for the site, considering the impact upon steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features, if any? (Note that within the FP District, the proposed conditional use shall be designed to minimize conflicts with agricultural activities on adjacent tracts.)

Yes - Property is improved. Outdoor storage/parking use is proposed in existing parking lot.

8. (§200-56C) Does the Board of Supervisors desire to impose any reasonable conditions and safeguards as it determines are necessary to implement the purposes of the Zoning Ordinance?
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9. Does the Forks Township Board of Supervisors desire to permit this use as a conditional use on this particular site?
Property is zoned EC. Storage of trailers as principal use is not specifically regulated but is consistent with uses in EC District. Uses not specifically regulated are allowed as a conditional use. See Ordinance Â§200-79(F). Alternatively, Township's Zoning Ordinance permits outdoor storage in EC District as a conditional use. See Ordinance Â§200-19.A(2). The Applicant complies with the general and specific standards for this conditional use; therefore, the Board must grant approval of this conditional use unless it can be proven to a high degree of probability (not speculation) that this use will have a detrimental effect on the public health, safety, and welfare. See *Feldman v. Bd. of SupâŽrs of East Caln Twp.*, 48 A.3d 543 (Pa. Commw. Ct. 2012).

Note: All citations are to the Code of the Township of Forks.