

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
JULY 28, 2020**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:15 p.m.

Members present: Brian Binney, Edward Crohe, Thomas Hughes, Mary Leszczuk

Members absent: John Haney

Also Present: Representing Stalwart Morrisville: Robert Gundlach, Esquire (Fox Rothschild), Jeff Fiori and Yosef Portney (Maser Consulting)

Representing AirGas; Ameer Farrell, Esquire (Kaplan Stewart), Steve Niedzielski (AirGas) and Wayne Kiefer, P.E. (Showalter & Associates);

Representing Empire Sunshine Fiber: Nathan Fox, Esquire (Rebmann Maxwell), Jim Austin (CEO of Empire Sunshine Fiber), Wayne Kiefer, P.E. (Showalter & Associates), Dr. Lahbib Chibani, P.E. (Sodat Associates, Inc.)

For the Township: Matthew Takita, AIA, MCP, Township Manager; Joseph Jones, Township Engineer (Jones Engineering Associates) and Diane Beri, Recording Secretary

Item #1: Stalwart Morrisville – Review of an Ordinance Amending the Provisions of the RD-1 (Riverfront District-1) Zoning District

Robert Gundlach begins and states that the applicant has assembled a number of properties on South Pennsylvania Avenue. The main parcel is the Solvay parcel which comprises approximately 85 acres, two other parcels fronting on South Pennsylvania Avenue and a fourth parcel which is the rear of the Rodgers foam parcel on Oak, totaling approximately 90 acres. The applicant is proposing a 976,000 sq. ft. warehouse structure. We have provided a summary of the proposal along with some exhibits. We are not proposing to develop all the Rogers foam parcel, just a portion of that parcel. All parcels are in the RD-1 District. That district permits a variety of residential offices, restaurants, hotel and service types of businesses. What Stalwart is proposing is to redevelop these parcels with a warehouse building with associated parking, stormwater facilities and related improvements. We have provided a site plan indicating the location of the proposed warehouse.

We are before the Planning Commission for a text amendment that will modify the RD-1 zoning district to allow the warehouse use in that district, subject to certain conditions. It currently is not a permitted use. We have completed a traffic impact study and have included a passenger vehicle circulation plan and truck circulation plan in and out of this facility. Traffic impacts will be part of Land Development if we get to that point.

Member Leszczuk asks what is the warehouse supposed to be?

Atty. Gundlach states that at this stage they do not yet have a tenant for the building, so we don't know if it will be one tenant occupying the full 970,000 sq. ft, or if would be four tenants that would occupy. We are designing the building so it can accommodate four tenants on each corner of the building but are certainly hopeful that we could secure one tenant for the entire building. At this point, since we do not have the zoning, we haven't really started aggressive marketing nor have we entered into any negotiations. As the process proceeds, if we can obtain the text amendment and start the engineering, we will start aggressively marketing the building. There is a great demand for this type of facility now, particularly with the COVID situation we are in, which has increased the demand for these larger warehouse facilities.

Member Leszczuk asks what types of tenants do you normally have.

Atty. Gundlach states that a variety of the users – Walmart, Target – all of those types of retailers need facilities to house their goods and deliver to their stores or to direct ship. Amazon is the preeminent user that leases these facilities across the country.

Member Hughes states that whoever you ultimately lease to directly impacts the traffic study. If you were to lease to an Amazon, would a lot more traffic be coming through? Or are these typically designed for tractor trailers coming through, so it is not going to make much of a difference.

Atty. Gundlach states that when the traffic study was completed, certain assumptions were factored into as to the type of users and the number of passenger cars and trucks they would have coming to and from the facility.

Jeff Fiori, Traffic Engineer, continues that they reach out to PennDOT with a scoping submission which outlines and provides the game plan for what we are going to study as far as which intersections you are going to look at, how much traffic the site is going to generate, the distribution on the roadways. We made the initial submission to PennDOT to get their input. We have been in touch with the Township's Traffic Engineer. When you are generating for traffic and you do not have a specific tenant, number of employees, etc., we use the Trip Generation Manual which is based on the overall square footage of the building. The bigger the building, the more traffic is generated.

PennDOT places an additional burden on developers by mandating that as a condition of getting a Highway Occupancy Permit (which we would be required to get), the developer is required to do a six-month post study of the area. They will compare what the actual traffic is versus what was projected. If it turns out that the projections were off, and there are areas within the study areas that need to be mitigated, then it is on the applicant to provide that mitigation.

Chairman Binney says the Amazon warehouse up on Cabot Blvd store their vans in three or four different locations which causes a lot of traffic. I would have some serious concerns if that type of applicant would come into this building.

In response to Member Crohe's questions about traffic, Mr. Fiori states the driveway will be designed for right turn in and a left turn out for truck traffic with signage that states that all trucks go left for Rte. 13 and Rte. 1 all trucks go left. By modifying the radii at the driveway, we can modify the trucks making a right turn out of the property.

Chairman Binney states that unless the applicant owns the trucks, you cannot control where the drivers come from and where they go.

Mr. Fiori states he agrees that you cannot control where they come from, but we can certainly control how they exit the site. They are not going to access off Post Road as that access is strictly for cars.

Discussion continues about truck traffic.

Chairman Binney states this whole property is in a floodplain. Based on your calculations and the fact that our local requirements state that a building has to be raised a foot about the flood area to get to the first floor, a 976,000 sq. ft. building has to be raised almost four feet?

Yosef Portney states the finished floor of the building will be elevated. We anticipate not bringing in excessive amounts of fill to do this but can achieve this with the existing fill on site.

Chairman Binney asks about the total amount of trees to be removed.

Mr. Portney states he does not have that number but will get it. He says they will comply with what the Township requires.

Discussion occurs about water and sewer authority.

Chairman Binney states that he looks at the Comprehensive Plan of the Township, it calls for identifying options for using bodies of water that are prevalent in the areas and water related uses and reclamation. This project would not provide any of that. In addition, it calls for protecting environmentally sensitive lands throughout the area. I am not comfortable with filling a flood plain five feet. Additionally, I do not believe that Post Road is sufficient to handle this additional traffic you are proposing.

Chairman Binney makes a motion to recommend denial of the text amendment proposed in the RD-1 Zoning District.

Member Hughes seconds motion to deny.

All in favor 4-0. APPLICATION IS DENIED.

Item #2: AirGas, USA, LLC, 51 Middle Drive, Fairless Hills, PA 19030; TMP #13-051-001 (lot 2); Zoned: MPM; Owner: USS Real Estate. Amended Final Plan – Removal of the maintenance shop, reduction in the size of the office and relocation of the driveway adjacent to the east property line.

Amee Farrell, Esquire, presents the application and states that this is a very minor application to amend the previously approved land development plans for the proposed AirGas facility at 51 Middle Drive. AirGas was approved back in October in 2018 to construct and operate an air separation unit that will produce oxygen, nitrogen and argon for use by area hospitals and industrial processes. They are nearing completion of construction on the mechanical and piping installations and they will begin some of the electrical work in the coming weeks with the anticipation that the first phase of the plant production would begin in February of 2021. In connection with that ongoing construction, AirGas has identified three modifications to the approved plans. Specifically, along the eastern side of the property, the proposed roadway is being moved 26 feet away from the property line. We are also proposing to replace the office building with a smaller structure. Finally, the area previously approved as asphalt as a truck loading zone is being changed to concrete. We did receive review letters from the Township Engineer.

Chairman Binney asks Joe Jones if the waivers listed in his letter were previously granted. Mr. Jones responds yes. Chairman Binney states that he wanted to make sure no additional waivers were being requested.

Wayne Kiefer states with regard to the Township Engineer's letter, the only change with the Fire Marshal review is that we had one fire hydrant that had to be relocated about 10 feet.

Chairman Binney asks Joe Jones if the lighting plan still complies with the requirements. Mr. Jones says yes along the driveway it does.

Member Crohe makes a motion to recommend approval of the Amended Final Plan for AirGas LLC, at 51 Middle Drive, Fairless Hills, for the removal of a 5,000 sq. ft. maintenance building, the reduction in size of the proposed office building from 3,021 sq. ft. to 1,415 sq. ft, and the relocation of the driveway adjacent to the east property line, based on Jones Engineering Associates' review letter of July 17, 2020 with the continuation of all waivers previously approved, the Fire Marshal and Traffic Engineer letters and the recording of the amended final plan.

Member Leszczuk seconds the motion.

All in favor 4-0. APPROVED FOR AMENDED FINAL PLAN

Item #3: Empire Sunshine Fiber, Keystone Industrial Port Complex, Fairless Hills, TMP #13-051-001; Zoned: MPM: Owner, USS Real Estate Preliminary Land Development – Construct a paper recycling facility with related improvements

Nathan Fox, Esquire, presents the application and states that the applicant is requesting Preliminary and Final Land Development approval for a recycle market pulp mill manufacturing facility located in the MPM zoning district. Jim Austin (CEO of Empire Sunshine Fiber), Wayne Kiefer, P.E. (Showalter & Associates), Dr. Lebid Chobani, P.E. (Sodot Associates, Inc.) are here to present as well.

The lot at issue is 33.62 acres which will be developed into approximately 260,000 sq. ft. of facilities related to the market pulp mill manufacturing facility. It is broken down into 120,000 sq. ft. bale warehouse, 120,000 sq. ft. change pulp dryer building, and 40,800 sq. ft. bale warehousing and maintenance. Along with that, there will be related site improvements. This property is very attractive to the applicant due to the zoning, location, and related location to transport facilities of water and roadway.

Jim Austin continues and states this is a joint venture between Empire Recycle Fiber (a local company) and a company from China. Our strategic partner in this currently produces more than a million tons of recovered paper in their three mills in China. Subsequently as the result of changes in Chinese regulations, there is some restrictions on the ability to import wastepaper as this company in China has done for the last 30 years. The facility is being designed to produce roughly 1,550 tons a day of recycled market pulp. To produce that, we need to purchase and consume 1,500 tons a day or 500,000 tons a year of local old, corrugated containers and mixed paper. The project is designed and is in the current phases of financing. We have secured a \$129 million bond cap allocation from the Commonwealth of Pennsylvania; Morgan Stanley are the underwriters on the bond placement. It will take us approximately 16 to 18 months to build this facility taking us into the second quarter of 2022 at which time the facility will commence commercial operation. Full time employment is 110 employees (combination of 15-18 management staff, the balance of which are maintenance and operational personnel). The plant runs 24 hours, 7 days a week. It takes 5 to 7 days a year down for scheduled maintenance. There are no odors associated with the facility – it is strictly a mechanical fiber processing system. There is no noise. Once operational, you would see steam coming from our package boiler generating steam and some air emissions coming off the facility. The NPDES permit was submitted last week. We hope to see all our permits commence construction in the Oct/ Nov timeline. The capital cost of the project is \$145 to \$150 million. We have hired Yates EPC contract out of Birmingham, AL to basically oversee the basic design and detailed engineering and subsequently the construction of the plant itself.

Chairman Binney asks once the product is processed is 1,500 tons a day leaving the facility too?

Mr. Austin says yes, we are bringing in 1,500 tons a day of recovered fiber. Once you put it through a processing facility, you are removing some materials that are contaminants or short fibers (length is no longer adequate to create hydrogen bonding and actually form a sheet of paper or pulp). We are manufacturing a finished product called recovered market pulp, which becomes the feedstock that then gets dried into bales (500 lbs. a piece) which are shipped to our strategic partner in China. They have entered into a 20-year contract to buy the output of this plant tied to the pricing of recovered fiber here in the Mid-Atlantic area. That raw material is their basic feedstock. To answer your question, we are bringing in 1,500 tons a day of raw material and we are shipping out 1,250 tons a day of finished product.

Chairman Binney asks if the product leaving will be shipped from the port?

Mr. Austin says yes that is correct. Most of our raw material would come from regional recovered fiber suppliers via truck. We are looking also at bringing in material via rail and to the Kinder Morgan dock by

barges. The most efficient way to move the finished product back to China is to load from the back of the plant into shipping containers, transporting those containers to Newark or Elizabeth or Philadelphia for transloading onto container vessels and shipment back to China. It is the company's expectations that many of the containers we would be loading would also be bringing recovered fiber to the plant. We also look at inter-mobile transportation of putting those containers on flatbed rail cars and moving them to one of the local ports. A third option is to break bulk ship that material into ocean going vessels at the Kinder Morgan facility.

Chairman Binney asks how many trucks does it take to transport 1,500 tons a day?

Mr. Austin says 72 trucks a day on a 16 to 18-hour day. On the outbound side you are looking at 60 trucks a day out on a 16 to 18-hour day seven days a week. This site is ideal because it allows us to bring that kind of volume into the site without being on local roads. The site is also ideal from a transportation view. The site has abundant high-powered electric service capabilities, water, and the ability to run an industrial facility with having minimum impact on local residents.

Responding to questions from Members Crohe and Hughes, Mr. Austin explains the process would generate approximately 45 tons a day. They have an agreement in place with Waste Management to take this to their landfill.

Jones Engineering Associates' Review Letter Dated July 15, 2020

All items are a will comply with the exception of the following:

Subdivision and Land Development

- 191-31(A) Requesting a waiver – paved cartway (private roads)
- 191-37(B) Requesting a waiver – green space between the curb and the site
- 191-37(G)(1) Requesting a waiver – curbs and trees
- 191-37(G)(2) Requesting a waiver – curbs and trees
- 191-37(G)(4) Requesting a waiver – curbs and trees
- 191-44(D) Requesting a waiver – slopes a minimum of 5 ft. from property line
- 191-45(C) Requesting a waiver – no permanent structure in the area of an easement (will have letters from easement holders permitting structures on their easements)
- 191-48(A) Requesting a waiver – street trees along property frontages
- 191-62(B) Requesting a waiver – curb widening along streets
- 191-78(C)(2) Requesting a partial waiver, subject to the Township's review

Chairman Binney states the water supply is coming in from the north side of the property and is making a loop around the building. What kind of a fire load does the facility have?

Mr. Kiefer states that they have not done a fire load calculation on the building yet. But we are working with USX to make sure we have water supply and source supply as necessary. They were a couple of the comments in the Jones Engineering letter as well.

Chairman Binney says that he would like to see the water supply looped out to South Post Road instead of having one supply in the event there is a fire. I would like to see another main connection out to South Post Road. I also note that your fire hydrants seem to be close to the building and seems to be within the fall zone. The fire trucks would be at the fire hydrant within the fall zone of your building. You might want to consider moving some of the fire hydrants away from the building.

Mr. Kiefer says that they will.

Member Hughes asks if their process involves any kind of pressurized vessels, anything for the potential of catastrophic failure. There is a boiler on site, but that would have safety devices. Is there anything in your process?

Mr. Austin says no there is not.

No Public comment.

Member Leszczuk makes a motion to recommend approval for the Preliminary Land Development for Empire Sunshine Fiber LLC, Middle Drive, KIPC, TMP #13-051-001, zoned MPM based on Jones Engineering Associates review letter dated July 15, 2020, with waivers requested for Sections 191-31(A), 191-37(B), 191-37(G)(1), 191-37(G)(2), 191-37(G)(4), 191-44(B), 191-45(C), 191-48(A), 191-62(B) and a partial waiver of 191-78(C)(2), the Fire Marshal letter dated June 30, 2020, and Remington Vernick's letter dated June 30, 2020.

Member Hughes seconds a motion.

All in favor 4-0. APPROVED FOR PRELIMINARY LAND DEVELOPMENT

Item #4: Approval of Minutes

Motion and second to approve minutes from February 25, 2020.

All in favor 4-0. Motion carries

Meeting adjourned 8:15 p.m.