

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
MARCH 28, 2023**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 7:55 p.m.

Members present: Brian Binney, Daniel Everett, John Haney, Colin Henderson, Mary Leszczuk

Members absent: None

Also Present:

Representing: John Fehr: Heath Dumack, P.E. (Dumack Engineering)

Representing: Pennsbury Plaza Redevelopment, Michael Peters, Esq (Eastburn & Gray), CJ Bock, P.E.(Landcore), David Fine and Peter Abrams (developer)

Representing: Britton Realty Morrisville: Michael Meginniss, Esquire (Begley, Carlin & Mandio), Heath Dumack, P.E. (Dumack Engineering), Dan Carr (Britton Realty)

Representing: Gelest, Inc., Michael Meginniss, Esq (Begley, Carlin & Mandio), Eric Britz, P.E. (Bohler Engineering), Ryan Wu (Gelest)

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

Item #1: John Feher, 140 Fallsington-Tullytown Road, Levittown, PA 19054; TMP #13-013-005; Zoned: LR. Owner: John Feher. Minor Subdivision – future residence

Heath Dumack presents the application and states the site originally had a home built on it. Presently, they would like to spin off the building and the building lot and sell the parcel to his son and their family. All review letters are a will comply, except for one waiver request in the Township Engineer's letter. The retaining wall along the water's edge will be removed.

Jones Engineering Associates Review letter dated March 22, 2023

All items are a will comply, except:

191-8(B) Separate stages of submission for preliminary and final

Member Binney asks why the garage is being torn down.

Mr. Dumack replies this is what the client requires.

Member Binney says there is a comment in the Bucks County Planning Commission letter referring to the minimum lot size should be 15,000 sq. ft. of land. The lot is larger than 15,000 sq. ft., but a large portion of the lot includes the lake.

Mr. Dumack states we will double check it to make sure it is a will comply.

No further Board questions.

No public comment.

Member Henderson makes a motion to recommend approval of the Minor Subdivision of John Feher at 140 Fallsington-Tullytown Road, Levittown, PA 19054, TMP #13-013-005 based on Jones Engineering Associates'

review letter dated March 22, 2023, with a waiver request for Section 191-8(B), the Bucks County Planning Commission letter dated February 7, 2023, and Remington Vernick’s review letter dated March 23, 2023.

Member Binney seconds the motion.

All in favor 5-0. MINOR SUBDIVISION APPROVED.

Item #2: Pennsbury Plaza Redevelopment, 223-229 Plaza Blvd., Morrisville, PA 19067; TMP #13-028-028.001 / #13-028-029-001; Zoned: SC. Owner: ARD Pennsbury, LP. Preliminary / Final Land Development – removal of a portion of an existing structure and construction of a new 10,500 sq. ft. retail building with associated parking lot modifications

Michael Peters, Esquire, presents the application and states this is an existing shopping center. The proposal is to demolish a small part of the center as shown on the plan to construct a 10,500 sq. ft. building, to re-orient the parking lot and to reduce the amount of impervious coverage which exists on the property. As part of that, we have received review letters from Jones Engineering Associates, the Bucks County Planning Commission, and Remington Vernick which are all will comply with some waivers requested.

CJ Bock with Landcore continues and states the proposal is to demolish a portion of the existing building (approximately 6,800 sq. ft. of it) and replace it with a 10,500 sq. ft. Dollar Tree. The portion of the existing building to remain does currently have a second story to be converted into attic space, so it will be taken out of our gross floor area.

Member Binney asks about a comment in Jones Engineering Associates review letter about the storm sewer not being under the building; he didn’t see that on the plans.

CJ Bock says it is merely a comment made by the Township Engineer noting that they shouldn’t be under the building. We are not proposing any storm pipes under the building.

Jones Engineering Associates Review Letter dated March 17, 2023

All items are a will comply, except:

- 191-8(B) Requesting a waiver for separate submissions for preliminary and final
- 191-78(C)(2) Requesting a partial waiver subject to the Township Engineer’s approval

No further Board comments.

No public comment.

Member Leszczuk makes a motion to recommend approval of the Preliminary and Final Land Development application of Pennsbury Plaza Redevelopment, 223-229 Plaza Boulevard, Morrisville, PA 19067, TMP #13-028-028.001 and #13-028-029-001 based on Jones Engineering Associates’ review letter of March 17, 2023 with a waiver request for Section 191-8(B) and a partial waiver request for Section 191-78(C)(2) and Remington Vernick’s review letter of February 2, 2023.

Member Binney seconds the motion.

All in favor 4-1, Henderson dissenting. APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT

Item #3: Britton Realty Morrisville, LLC, 835 W. Bridge St., Morrisville, PA 19067; TMP #13-028-081; Zoned: HC; Owner: Fairless Hills LD2023 BPOE USA 1 Inc. Waiver of Land Development – allocation of space to create two lease areas on the parcel

Michael Meginniss, Esquire, presents the application and states this application is for an allocation of space. The site is currently owned and operated by the Elks Lodge; Britton Industries is the equitable owner of the property. A few months ago, we received zoning relief to have Britton occupy the rear of the property for the creation of a warehousing space which is approximately 5,400 sq. ft. which would be divided by a party wall. Britton would also maintain outside storage. Outside storage will be of equipment and trailers which will be completely screened and non-visible from the street. This is not outside storage of raw material. This arrangement was reached with the Elks Lodge so they can remain in the portion of the property which fronts Bridge Street (approximately 6,435 sq. ft.) with their existing club. Britton will be leasing it back to them in perpetuity for \$1.00. Britton is outgrowing their current space on M-Y Lane. This arrangement also allows the Elks Lodge to remain successful and involved in the community moving forward.

The exterior of the site and storage area is going to be fully screened. The only site work associated with the project is the installation of the privacy fence and the creation of one ADA accessible space. There is no impact whatsoever in terms of parking or traffic. There are no employees who will be permanently stationed at this site. There is only one or two trips per week. The materials stored inside Britton's portion of the structure will be non-gas related equipment, non-flammable, dry storage. There will be nothing stored inside or outside flammable or hazardous.

Chairman Haney asks if the proposed storage area is the area currently being used? When you drive by the site now behind the Elks, passed the gym, there are tractor trailers all back there.

Dan Carr agrees with Chairman Haney there are tractor trailers there now. It would be similar storage.

Member Binney asks if those trucks are used on a daily basis? There is only going to be one trip a week?

Mr. Carr responds we are not using it on a regular basis; it is simply trailers. We haven't been in there in the last three weeks.

Member Henderson asks if there will only trailers? There won't be any other equipment?

Atty. Meginniss stated we labeled it for the zoning hearing board as equipment / trailers.

Mr. Carr says right now there is only trailers back there. We don't really envision anything else going back there. It is not a big area, and we are currently filling it with unused trailers.

Chairman Haney asks about the building.

Atty. Meginniss states the building is already there. We will install a party wall to separate Britton from the Elks Lodge.

Member Binney asks if there were any conditions from the zoning hearing board for this storage area?

Atty. Meginniss says no, there are no conditions, but Britton will utilize the area themselves, and not a third party.

Member Binney says HC district allows for multiple uses on the same property. However, it requires the applicants demonstrate both uses can stand on their own as far as meeting the requirements of areas, frontages, street setbacks, etc. The one lease area clearly can't do that. Did you receive a variance from this also?

Atty. Meginniss responds no, there wasn't anything sought relating to frontage and lists the variances which were granted.

Discussion on this point.

Member Henderson asks why the driveway is only 23 ft. instead of 25 ft.

Mr. Dumack says we are requesting a waiver.

Discussion occurs on this point and the location and type of the fence.

No further Board comments.

Public Comment

Donna Wolf, representing the Elks Lodge, confirms negotiations with Britton Realty to have them purchase the property. She has a concern about the creation of two leases and wants to make sure Britton will be the only tenant. It is explained the creation of two leases is a land development term. Both Mr. Dumack and Atty. Meginniss confirm Britton will be the only other occupant and will not purchase the property from the Elks and then rent out to someone else. She expresses her approval of this project.

Member Henderson makes a motion to recommend approval of the Waiver of Land Development for an allocation of space for Britton Realty, 835 W. Bridge Street, Morrisville, PA 19067, TMP #13-028-081 based on applicant's waiver letter of March 28, 2023 for waiver requests for Sections 191-8.B, 191-34.E, 191-37 & 191-36.D, 191-38, 191-39 and 191-61, 191-48, 191-71, 191-78.C(2), 191-78.D(21), 191-80.C(1), Jones Engineering Associates' review letter of March 20, 2023, Remington Vernick's review letter of March 23, 2023, and Bucks County Planning Commission's letter of February 27, 2023, provided Britton Realty does not lease to a third party.

Member Binney seconds the motion.

All in favor 5-0. APPROVED FOR WAIVER OF LAND DEVELOPMENT

Item #4: Gelest, Inc, Proposed Facility Expansion – Phase III, 11 Steel Road East, Morrisville, PA 19067; TMP #13-047-152; Zoned: HI; Owner: Gelest, Inc. Preliminary / Final Land Development – Phase III work contemplated in previous Gelest applications with some minor layout changes

Michael Meginniss, Esquire, presents the application and states Gelest is here for Phase III of the proposed development. Gelest is a group company of Mitsubishi Chemical. They are a chemical manufacturer who serves a wide variety of industries including health care, personal care, and micro-electronics. Our proposal tonight is the construction of a manufacturing building which is approximately 17,000 sq. ft. and a 3,500 sq. ft. support building. We also have associated parking and stormwater management improvements.

Gelest initially appeared before the Township approximately a decade ago with their overall three phase development plan in 2013. Phase II and III only sought and secured preliminary approvals. Gelest secured the approvals for Phase I and moved forward with the construction of Phase I on the site. Gelest then moved forward with Final approval for Phase II; however, because of the proximity between this application and the original preliminary approval for Phase III of the development, the preliminary approval expired which required us to re-submit for both preliminary and final approval for Phase III.

The reason we appeared before the Zoning Hearing Board was even though the zoning was compliant in 2013 when originally approved, the HI district regulations were modified by the Township, particularly with respect to impervious surface and parking ratios. We did recently receive zoning variances for this. There will be 26 jobs which would be added to the site with the approval and construction of Phase III. There are two shifts which Gelest operates; one has 249 employees and the other one has 42 employees. We have sufficient parking. Phase III is substantially similar to what was approved; we do have our NPDES permitting in hand. The only waiver we are seeking tonight which was not previously approved was preliminary and final in tandem.

Eric Britz, P.E. continues and states the most significant differences between this plan and what was previously approved is the larger building grew by over 100 sq. ft. and shifted about 5 ft. to the north. The basin proposed on the west end of the site grew to be able to meet the latest stormwater regulations mandated by the State.

Ryan Wu, project manager for Gelest, states Gelest has been around since 1991. We were acquired by Mitsubishi Chemical in 2020 to become part of a larger chemical structure, being able to use their resources and overall corporate strategies to help us grow as a business. We are a specialty chemical company – we make small batches of advanced chemistry, particularly to do with silicon and xylene, which go into products like waterproofing, coatings for jackets as well as contact lenses. We also specialize in metal organic chemistries which have applications for pharmaceuticals, drug formulations as well as micro-electronics for making chips. This will be a state-of-the-art facility. It will have the latest technology with regard to safety, production, and quality.

Atty. Meginniss states, through consultation with Mr. Jones' office, the previously identified stormwater management waivers are no longer necessary, which leaves us with five SALDO waivers, four of which were previously acquired.

Jones Engineering Associates' Review Letter dated March 22, 2023

All items are a will comply, except:

- 191-8(B) Requesting a waiver for preliminary and final submission separate
- 191-37(B) Requesting a waiver for curbing for all parking facilities
- 191-44(D) Requesting a waiver for grading within 5 ft of property or right-of-way line
- 191-45(C) Requesting a waiver regarding the railway easement
- 191-78(C)(2) Requesting a partial waiver, subject to the Township engineer's review

Chairman Haney makes a comment to ensure the applicant work with the Fire Marshal on the plans.

Atty. Meginniss agrees.

No public comment.

Member Leszczuk makes a motion to recommend approval of Preliminary and Final Land Development application Phase III of Gelest, 11 Steel Rd East, Morrisville, PA 19067, TMP #13-047-152, based on the Jones Engineering Associates' review letter of March 22, 2023, with waiver requests for Section 191-8(B), 191-37(B), 191-44(D), 191-45(C) and a partial waiver for 191-78(C)(2) and Remington Vernick's review letter dated February 2, 2023.

Member Henderson seconds the motion.

All in favor 5-0. APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT

Item #5 Approval of Minutes

Minutes from February 28, 2023 approved.

Meeting adjourned at 7:55 p.m.