

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETINGS
MARCH 24, 2015**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 7:50 p.m.

Members present: Binney, Goulet, Miles, Perry, Rittler

Members absent: Shero

Also present: Thomas Hecker, Esquire and Phil Kashner (Showalter & Associates) representing Waste Gas Fabricating; Frank Ernst and Joseph O'Donnell (JF Hamill Surveying) and Paul D. Leinheiser (PKB Contractors) representing Kalimar Properties (Premium Lift); Kellie McGowan, Esquire and Tom Lyons (Covanta) representing Covanta Energy; and Thomas J. Profy, IV, Esquire, Eric Garton, P.E. (Gilmore & Associates) and Barry Fleck (Sika) representing Sika.

For the Township: Joseph Jones, P.E. (T&M Associates); Tom Bennett, CCEO & Zoning Officer; Diane Beri, Recording Secretary

Item #1: Waste Gas Fabricating, 450 Newbold Road, Fairless Hills, TMP #13-028-088-002; Zoned: PIP. Preliminary Land Development for building expansion, parking and stormwater.

Thomas Hecker, Esquire, presents the application. This is the third step in the process. We began this process earlier by requesting a minor subdivision to obtain a property at the rear of the existing facility on Newbold Road from CSX. We were able to accomplish that subdivision and the plan was recorded. At the recommendation of the Township engineer, it was also suggested that we submit a re-zoning application (CSX property was zoned LI Light Industrial and Waste Gas is zoned PIP Planned Industrial Park), which we did. Waste Gas has been at this location for 20 years and needs more space. This land development is a 36,000 sq. foot addition to the existing facility, primarily for a warehouse which will allow Waste Gas to store the steel inside, instead of outside and for extension of the crane facilities. It will allow Waste Gas to continue to grow at this location.

We have submitted this as a preliminary plan, but would like to get preliminary and final recommendations from this Board.

T&M's Review Letter dated March 20, 2015

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

Subdivision and Land Development Ordinance

- 191-37(B) Requesting a waiver – curbs
- 191-52.1(B)
- (8)(a) Requesting a waiver – to disturb more than 20% of the wetlands margin
- 191-62(B) Requesting a waiver – curbs along the streets
- 191-78(C)(2) Requesting a partial waiver, subject to adequate information for Twp. Engineer's review
- 187-13(C)(3) Requesting a waiver – min. drop of 2 inches between inlet and outlet pipe
Twp. Engineer will work with engineer to eliminate this waiver request

Member Rittler makes a motion to APPROVE preliminary and final land development for the Waste Gas building expansion, TMP #13-028-088-002, based on T&M Associates' review letter dated March 20, 2015, with waiver

requests for 191-37(B), 191-52.1(B)(8)(a), 191-62(B), 187-13(C)(3), and a partial waiver for 191-78(C)(2).

Member Goulet seconds the motion.

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

Item #2: Kalimar Properties, LLC, (Premium Lift), Old Rte. 13, Morrisville, PA TMP #13-040-045-002; Zoned: LI. Preliminary Land Development to construct a building for Premium Lift office and repair shop

Frank Ernst presents the application. We are proposing a 10,000 sq. ft. building with a 1,200 sq. ft. office area. The property is sloping toward the Old Rte. 13 side of the property which caused us to build up the property to maintain the stormwater management requirements.

T&M's Review letter dated March 20, 2015

All items will comply items, with the exception of the following:

Subdivision and Land Development Ordinance

- 191-37(B) Requesting a waiver – open space between curb line of parking area and building
- 191-39(G) Requesting a waiver – installation curbs and sidewalks along Old Rte. 50
- 191-44(D) Requesting a waiver – grading along the property line
- 191-78(C)(2) Requesting a partial waiver, subject to adequate information for Twp. Engineer's review

Mr. Ernst states that with regard to the Fire Marshal's review letter indicating that a fire hydrant must be located within 400 feet of the building – there is a fire hydrant on the opposite side along Bristol Pike, but there is only a 3 inch water line.

Member Binney states the 3 inch water line is extended from an 8 inch water line – correct?

Mr. Ernst states he doesn't know but he was told it was a 3 inch line.

Member Binney states that he has two concerns. One is the septic system and the other is fire protection. You don't have a final approval for the septic system yet, so if we recommend approval and you don't get approval for the septic system, the project cannot go forward.

Mr. Ernst states that is correct.

Member Binney states that any motion the Board makes should be contingent upon approval of the septic system by the Board of Health.

Member Binney asks if the applicant knows the location of the next nearest fire hydrant to a reliable water source?

Mr. Ernst states that no, he does not.

Mr. Rittler asks Mr. Bennett if based on the square footage of the building, sprinklers would be required.

Mr. Bennett responds that it depends on the use of the building.

Member Rittler asks what the nature of the business is.

Mr. O'Donnell states that it is a truck repair shop. We don't store chemicals in the building.

Member Binney suggests that on the plan you put the location and distance of the nearest fire hydrant to the building.

Member Binney asks if the applicant has seen the traffic engineer and the Shade Tree Commission letters. The Shade Tree Commission would like to know what kinds of trees and vegetations are out there. There are trees on the site and suggests that the trees are noted on the plans.

Member Rittler makes a motion to APPROVE preliminary and final land development for Kalimar Properties, TMP #13-040-045-002, based on T&M Associates' letter dated March 20, 2015 with waiver requests for 191-37(B), 191-39(G), 191-44(D), and a partial waiver for 191-78(C)(2), Remington Vernick's letter dated December 29, 2014, the Fire Marshal's letter dated March 11, 2015 and the Shade Tree Commission's letter dated March 16, 2015 (wherever possible). This approval is contingent upon Board of Health approval of the septic system.

Member Miles seconds the motion.

All in favor 5-0. APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT, CONTINGENT UPON APPROVAL BY THE BOARD OF HEALTH OF THE SEPTIC SYSTEM

Item #3: Covanta Energy, LLC, Middle Drive, Fairless Hills, PA 19030 TMP #13-051-001; Zoned: MPM. Owner: US Steel Corp Waiver of Land Development for use of existing industrial site for processing facility; installation of one truck scale; associated parking (total disturbance under 1,000 square feet)

Kellie McGowan, Esquire, presents the application. This property is a proposed leasehold in the existing KIPC district. We are proposing to re-use many of the features that were previously the subject of an industrial use. We are proposing a new use. Mr. Tom Lyons of Covanta will give some background on his company.

Mr. Lyons states that Covanta is the North American leader in waste energy. We take post-recycled solid waste into our facilities and we convert that to electricity and steam. We own and/or operate approximately 46 facilities in the United States -- four facilities in Penna (Chester, Plymouth, Harrisburg, Lancaster). We have facilities in the New York to Pennsylvania area where one of the products that comes from those facilities is ferrous metal – or metal that is produced coming out of the back end of our facility.

At this site, we would want to aggregate that material bringing it into one central processing facility to do some additional processing and to create a better product that we can sell directly to steel mills to achieve a much higher value product. This is a \$4 million investment and will generate approximately 10-12 full time jobs. There is an opportunity that if this goes as well as we expect it to, we could do more at the KIPC and make more investment there.

We have submitted applications to the Penna. DEC for a stormwater permit and solid waste permit.

One of the real attractive features to the KIPC is that we were looking for something that was central to our core facilities in the Northeast to minimize the amount of transportation into the facility. In addition, it has rail access, highway access and port access.

Member Binney asks about the waste energy facilities that this material is coming from – is it contaminants, hazardous?

Mr. Lyons states no, it is domestic municipal solid waste.

Member Binney states that it is similar to Wheelabrator.

Mr. Lyons replies yes, very similar to Wheelabrator. He reiterates that only ferrous metal will be transported into this facility, enhancements made to it for a better product and then shipped out to customers.

Mr. Binney asks how the product will be stored.

Mr. Lyons states that it will be deposited in front of the processing equipment. From there it will go through the process, and we will be managing the end product going out on a daily basis. The product coming in is aluminum, cans, bottles, rebar, small pieces of metal – anything that makes up a ferrous metal product.

Discussion occurs on how the product will be delivered to the facility, stored and distributed to the customers.

Member Binney asks about the hours of operation.

Mr. Lyons states Mondays through Friday, 7:00 a.m. to 5:00 p.m. and Saturdays 7:00 a.m. to noon.

Member Binney questions why there are temporary lights on the plans if you won't be operating at night.

Mr. Lyons states that during winter hours, it could get dark and if there is some service that needs to be done after hours, we want to make sure that there is adequate lighting.

T&M's Review Letter dated March 20, 2015

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

Subdivision and Land Development Ordinance

- 191-36(D) Requesting a waiver – curb the access driveway
- 191-37(B) Requesting a waiver -- curbing within all parking facilities
- 191-78(C)(2) Requesting a partial waiver, subject to adequate information for Twp. Engineer's review

Atty. McGowan states that with regard to the traffic engineer's letter of February 23, 2015, the applicant has withdrawn all waiver requests. However, the applicant is requesting a waiver from the traffic study because we do not believe there is a traffic study required for this use. We will comply with the Shade Tree Commission's letter and plant some trees in the grassy areas. With regard to the Fire Marshal's letter, we will provide additional plans. This is not a new building and no new building is proposed. All of the drives will be widened to 25 feet to allow the cross traffic.

Member Goulet asks if there will be any chemicals used in the processing of the metal.

Mr. Lyons states no.

Member Rittler makes a motion to APPROVE the application for a waiver of land development for Covanta Energy, TMP #13-051-001, based on T&M Associates' letter dated March 20, 2015, with waivers for 191-36(D), 191-37(B), and a partial waiver for 191-78(C)(2), as well as Remington & Vernick's letter dated February 23, 2015, with a waiver for a traffic study, the Fire Marshal's letter dated March 9, 2015, and the Shade Tree Commission letter of March 16, 2015.

Member Goulet seconds the motion.

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

Item #4: Sika Building Addition, 150 Ben Fairless Dr., Fairless Hills, PA 19030 ; TMP #13-051-001-013-001; Zoned: MPM. Owner: HFH PA, LP. Preliminary Land Development for addition to existing building with associated parking, loading and utilities

Atty. Profy presents the application. We would like to receive preliminary and final land development approval to construct a 37,090 sq. ft. addition to an existing industrial building of approximately 34,000 sq. ft. which is leased to Sika on a 6.96 acre site. The site is serviced by public water and sewer and located at the intersection of Gamesa and Ben Fairless Drives in US Steel's Keystone Industrial Port Complex and is zoned MPM. The original approvals for the site were granted in 2000 and Sika has been on the site since 2001.

T&M's Review Letter dated March 20, 2015

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

Subdivision and Land Development Ordinance

191-78(C)(2) Requesting a partial waiver, subject to adequate information for Twp. Engineer's review

Atty. Profy states that the Fire Marshal's letter dated February 24, 2015 and the Shade Tree Commission letter dated March 16, 2015 are all will comply items. With regard to the traffic engineer's letter of March 3, 2015, we are requesting a waiver from the traffic impact study due to the location of the site in the US Steel complex.

Member Binney asks what the proposed addition will be used for – manufacturing, warehouse, etc.

Mr. Eric Garton states that currently it is manufacturing. They are putting in a blending operation for cement so they will be bringing in bulk cement and putting it in bags for their repair and mortar company.

Member Binney states that this is one of the few companies in that area that went down there and did what they were supposed to do. They maintain a very nice building and property.

Mr. Jones states that we have a couple technical comments that we can work out with the applicant's engineer.

Member Rittler makes a motion to APPROVE preliminary and final land development for the Sika building expansion, TMP #13-051-001-013-001, based on T&M's Associates' letter dated March 20, 2015, with a partial waiver for 191-78(C)(2), Remington Vernick's letter of March 3, 2015, with a waiver for the traffic impact study, the Fire Marhsal's letter of February 24, 2015, and Shade Tree Commission's letter dated March 16, 2015.

Member Binney seconds the motion.

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

#5: Approval of Minutes.

Motion to approval February 24, 2015 minutes.

All in favor 5-0.

Meeting adjourned 7:50 p.m.