

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
NOVEMBER 23, 2021**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:45 p.m.

Members present: Brian Binney, Ed Crohe, John Haney, Colin Henderson

Members absent: Mary Leszczuk

Also Present:

Representing Mission BBQ: Franco D'Andrea (Forrest Grove, the construction management team), Roger Sullivan, General Counsel for Mission BBQ, Allan Hamm, Project Architect, Kevin Cross, Regional Director of Operations for Mission BBQ, and Anthony DiPrinzio, Sr. Project Manager for Forrest Grove)

Representing Stalwart Morrisville: Robert Gundlach, Esquire (Fox, Rothschild), Yosef Portnoy, P.E. (Colliers Engineering)

Representing NorthPoint: Michael Meginniss, Esquire (Begley Carlin), Jeremy Michael (NorthPoint) and Eric Clase, P.E. and Greg Glitzer, P.E. (Gilmore and Associates)

Representing SIV Ambulances: Michael Meginniss, Esquire (Begley Carlin), Sergio Sivchuk (SIV Ambulances) and Vincent Fioravanti, P.E. (Fioravanti, Inc.)

Representing Waste Management: Michael Meginniss, Esquire (Begley Carlin) and Bobby Jones (Waste Management)

For the Township: Joseph Jones, Township Engineer, P.E., and Diane Beri, Recording Secretary

Item #1: Mission BBQ, 630-636 Commerce Blvd., Fairless Hills, PA; TMP #13-003-036-007; Zoned: SC. Owner: Goldenberg Group. Waiver of Land Development – allocation of space to divide existing building into two tenants

Franco D'Andrea presents the application and states the site is the old Pier 1 building. We want to open a restaurant in half of the building and the other half will be another tenant (as yet to be determined). There are representatives from Mission BBQ available to go into detail on the nature of our business. Tim Woodrow and Joe Jones had a call today to discuss the items in Jones Engineering review letter and all are a will comply.

No Board questions.

No public comment.

Member Crohe makes a motion to recommend approval of the Waiver of Land Development for allocation of space to divide existing building into two tenants for Mission BBQ at 630-636 Commerce Blvd., Fairless Hills, PA 19030, TMP #13-003-036-007, based on Jones Engineering Review letter dated November 16, 2021.

Member Haney seconds the motion.

All in favor 4-0. WAIVER OF LAND DEVELOPMENT FOR ALLOCATION OF SPACE APPROVED

Item #2: Stalwart Morrisville Lot Line Change, 2300 S. Penna. Ave., Morrisville, PA 19067; TMP #13-047-097 and #13-047-097-001; Zoned: RD-1. Equitable Owner: Stalwart Morrisville, LLC c/o Stalwart Equities. Minor Subdivision – Lot line change

Robert Gundlach, Esquire, presents the application and states this is a lot line change to move 10 acres of land from 13-047-097-001 to 13-047-097. The RFC property sits on 20 acres; they have about 10 acres of excess land. They are selling that to their neighbor. We are not creating any new lots, and this application involves no new improvements. It is moving a lot line between two parcels over so that one property becomes 10 acres larger and the other property becomes 10 acres smaller. Both parcels will remain in full compliance with the zoning ordinance. All items are a will comply on Jones Engineering Associates letter dated November 3, 2021. The civil engineer is here to answer any questions.

Chairman Binney states he was not in favor of the original application that came in for the warehouse and is not in favor of this application.

No Board questions.

No public comment.

Member Haney makes a motion to DENY the Minor Subdivision Lot Line Change application of Stalwart Morrisville, 2300 S. Pennsylvania Avenue, Morrisville, PA 19067, TMP #13-047-097 and #13-047-097-001.

Chairman Binney seconds the motion.

Atty. Gundlach states, before taking a vote, he would like to say the plan is in full compliance with the ordinance. We are not proposing any improvements on either property. It involves a sale of 10 acres to RFC which they are going to use to further their business. I understand some Planning Commission members may not support the redevelopment of the adjacent parcel as previously proposed, but I submit that is an application for another day. This minor subdivision is in full compliance with the ordinance. I ask you to take this into consideration when casting your vote.

Chairman Binney asks for the Board to be polled.

All in favor of motion to deny 3-1 (Crohe dissenting). APPLICATION IS DENIED.

Item #3: NorthPoint – Keystone Trade Center – Phase 2; TMP #13-051-001; Zoned: MPM. Owner: NP Falls Township Industrial, LLC. Major Subdivision / Preliminary & Final Land Development – Redevelopment of 290.34 acres for three new buildings (Buildings 4, 5 and 6)

Michael Meginniss, Esquire, presents the application and states this will begin Phase 2. Phase 1 consisted of approval of Buildings 1, 2 and 3 and various subdivisions. Each building will be the same size (1,035,703 sq. ft.) The particular location is more towards the interior central portion of the industrial park.

Jeremy Michael continues and reiterates what Phase 2 will consist of as noted above.

Eric Clase, P.E., states this is a major subdivision of three total lots – each lot is approximately 2.5 million sq. ft. The overall Phase 2 is about 12 million sq. ft. Building 5 sits in the general location of the US Steel headquarters. There will be some shifting around of the internal roads to make this subdivision work. We have a substantial amount of stormwater management structures going in. This is in the general location of the Gamesa site.

Jones Engineering Associates Review Letter Dated November 17, 2021

All items are a will comply except for the following:

191-31(A) Requesting a waiver – proposing 32 ft. for cartway width (instead of 36 ft.)

- 191-31(A)(2) Requesting a waiver – less than 600 ft. for radi for centerline of curves on collector streets
- 191-34-(D)(1) Requesting a waiver – sight triangles at street intersections – meet PennDOT’s standards
- 191-34(F) Requesting a waiver -- intersection interval of secondary streets less than 125 ft.
- 191-36(D) Requesting a waiver – all driveways to have curbing

191-52.1(B)

- (3)(b)[1] Requesting a waiver – steep slope disturbance (100% of 15-25% steep slopes)

191-52.1(B)

- (3)(b)[2] Requesting a waiver – steep slope disturbance (100% of greater than 25% steep slopes)

191-52.1(B)

- (4)(b)[3] Requesting a waiver -- woodland disturbance (100% of 50% woodland protection ratio)

191-78(C)(2) Requesting a waiver – existing features

Chairman Binney says it appears the driveway to Sika Corp. may be impacted by the relocation of the Gamesa property. It appears it ends short of Sika’s driveway and I’d like to ensure they have the ability to maneuver their trucks in and out without causing problems to them. They’ve been in there a long time and have had rights to those roads for a long time. Also, the Bucks County Planning Commission mentions alternatives forms of energy generation and conservation (such as green roofs). Have you considered that?

Mr. Michael states they have engaged a consultant to look into various design options to accommodate this comment.

Member Haney asks if one of your proposed tenants were willing to do that, you would agree.

Mr. Michael says yes. Some prospective tenants have inquired about solar as well.

Chairman Binney asks about public transportation – has there been any conversations about this?

Mr. Michael stated we have started that dialogue; however, the feedback is “when you build it, we will come”. They want to see the potential ridership before committing to routes. Making sure we have mechanisms in place to get that labor pool into the Keystone Trade Center is important to our development.

Chairman Binney asks about the overall layout for the road for the entire property. We are seeing part of it, but not all of it. When will we see an overall traffic plan?

Mr. Michael states one of the challenges we are currently working through is some of the tenant relocations. We have laid out a proposed site plan which best maximizes the build out of the park, but it’s making some assumptions of the current tenants. We are trying to get tenants relocated. Morton Salt is a good example of a tenant that are in two locations on site; we are working with them to consolidate their operation into one building. We haven’t been able to provide an updated master plan that shows all the tenant reshuffling.

Atty. Meginniss suggests NorthPoint could provide an informal update of what we are working through so the Planning Commission can review.

Mr. Michael agrees.

Member Haney expresses his concern with egress and flow of the traffic so that trucks are not getting backed up. He also states his preference for natural gas generators as back to the fire suppression systems as opposed to diesel generators.

Mr. Michael agrees.

Atty. Meginniss states it's a will comply with the Remington Vernick letter. We will be having conversations with them as well as PennDOT, probably before we go before the Board of Supervisors.

Mr. Jones states he will give Remington, Vernick the updated waiver list and work with them and the applicant before the project is before the Board of Supervisors.

Chairman Binney asks Atty. Meginniss that you are relaying to this Board that if we provide you with a recommendation for preliminary and final approval tonight, this plan will be cleaned up before it gets to the Supervisors.

Atty. Meginniss states yes you have my assurance, we will not be proceeding without resubmitting revised plans before going to the Supervisors.

No further Board questions.

No public comment.

Member Henderson makes a motion to recommend approval for Major Subdivision, Preliminary and Final Land Development of NorthPoint Keystone Trade Center Phase 2 (Buildings 4, 5 and 6), 1 Ben Fairless Drive, Fairless Hills, PA 19030, TMP #13-051-001, based on Jones Engineering Associates review letter dated November 17, 2021, with waiver requests for 191-31(A), 191-31(A)(2), 191-34(D)(1), 191-34(F), 191-36(D), 191-52.1(B)(3)(b)[1], 191-52.1(B)(3)(b)[2], 191-52.1(B)(4)(b)[2], and 191-78(C)(2), and Remington, Vernick's letter dated October 21, 2021.

Member Crohe seconds the motion.

All in favor 4-0. APPROVED FOR MAJOR SUBDIVISION, PRELIMINARY AND FINAL LAND DEVELOPMENT.

Item #4: SIV Ambulance, North Olds Blvd & Lincoln Highway, Fairless Hills, PA; TMP #13-017-012; Zoned: HC. Owner: BT Lincoln, L.P; Equitable Owner: SIV Ambulance. Conditional Use to allow applicant to build and maintain an ambulance service facility

Michael Meginniss, Esquire, presents the application and states the applicant went before the Zoning Hearing Board to secure the dimensional variances needed to construct the building and was granted those variances on November 9, 2021. There is not an ambulance sales category in the Ordinances in terms of a use designation. What was determined to be similar and most appropriate is what is outlined in Section 209-23.D(5) which pertains to the sales of automobiles, but specifically RVs and boats and unique vehicles like that. If they were selling automobiles, it would be permitted outright, but because of this unique use it needs to go through the Conditional Use process.

SIV Ambulances currently operates on Big Oak Road in Langhorne. That site is smaller than this property. We are anticipating doubling the size of the building to 30,000 sq. ft. and adding 7 additional employees bringing the employee count to 15. SIV sells ambulances to a variety of EMS companies. This use does not generate a lot of foot traffic as ambulance sales do not generate the same amount of traffic as does automobile sales. The ambulances come into the property where they are typically dismounted, and any upgrades (paint or repairs) are performed in the interior of the building. They are then re-mounted and listed on their website and sold to those EMS companies. The ambulances which are for sale are kept in a clean and orderly manner in the parking lot. Each ambulance would take up a single space. No ambulance parts will be strewn about the parking lot; the

parking lot would not be in disrepair. The hours of operation will be 8:00 a.m. to 5:00 p.m. which should not negatively impact the neighbors. We are aware of the residential community to the rear of the property and want to be good neighbors. There will be a new paint booth inside the building which is state of the art and removes 99.84% of contaminants and is compliant with the particular agencies. The sirens on the ambulances will be tested at this facility; however, they are tested inside the building. The tests would occur fewer than one time a day and the average test lasts less than 2 seconds. Therefore, noise would not be causing active disturbance to the surrounding neighbors. Lighting – the property presently is backlit and there will be adequate lighting which will be submitted through land development.

Chairman Binney asks for further clarification about the business operations from the owner.

Sergio Sivchuk states usually we get contacted by an ambulance company for an ambulance in disrepair; we park it in our back lot until we are ready to bring it into the facility (maybe 3-4 days). Inside the building, we would dismount the body and then mount it onto a chassis (maybe 3-4 more days). It's brought over to the assembly area of the building (maybe 7-10 days) to be reassembled and to connect all the electrical and HVAC components. It is then tested and ready for pick up. Sometimes the time frame is a bit longer, depending on the extent of the repairs. If someone wants their ambulance painted, it may take up to 45 days.

On used ambulances received on a trade-in or purchase, we bring them in and park them in a spot in the rear. As time allows, we bring them into service and complete all the necessary repairs. Mostly all the ambulances which are on the lot or maybe older looking are in the back; the newer ambulances are in the front as neat and organized as possible.

The lot we currently have also has four other businesses on this industrial property. With this new location in Falls Township, every ambulance will be neatly parked in one spot.

Chairman Binney asks if there will be damaged ambulances in the parking lot awaiting parts.

Mr. Sivchuk says we could – if someone calls us, we will park it. We are trying to arrange things so it won't be an eyesore.

Atty. Meginniss states discussion has occurred about having a screened barrier for any damage vehicles,

Chairman Binney asks if given the fact there is some reciprocal parking with the neighbor. there will be security fencing around these ambulances, and

Atty. Meginniss states we are not closing off the lot with security fence.

Discussion occurs regarding fencing and a security system to prevent theft.

Member Haney states he would like to see some kind of security to prevent theft (e.g., an ambulance damages in an accident with no hood). He also asks about the percentage of refurbished ambulances versus ambulances for sale (65% refurbished, 35% sales).

Vince Fioravanti, P.E. states the infra-structure (the parking lot, the utilities, stormwater system) is already in place. The site was developed in 1989. In 2000, there was a parking lot expansion and that parking lot was built on the subject tract. There is adequate parking on the lot for this use. The parking would account for a 30,000 sq. ft. office building as well. The stormwater system will be updated to conform with the current codes. Explains further the parking spaces for employees and the ambulances and possible fencing with a gate to prevent theft, buffer plantings.

Member Haney asks if the number of employees would increase (yes, from 8 currently to 15) and whether they have any plans to work on other vehicles like Fire Chief's cars or trucks (no).

Mr. Fioravanti, in response to comments made in Jones Engineering Associates' letter of November 16, 2021, relating to the height of the building – it will be a single story structure with a 2-story office tower which will be compatible with the other building.

Discussion occurs about turning templates and different scenarios to accommodate flat bed trucks or tow trucks bringing in damaged ambulances. Discussion occurs about location of loading docks, entry to site with wrecker trucks, access to the overhead doors, entry into the building. Board members make suggestions on these issues.

Chairman Binney says he recognizes this is not a final plan, but wanted to provide our input.

Chairman Binney asks what are the size of the ambulances being worked on.

Mr. Sivchuk states the length of a typical ambulance is from 19 ft. to 24 ft. The width is between 7.5 feet and 8 ft.

Chairman Binney states the parking spots are 18 ft. deep so the vehicles won't fit into the parking spaces.

Mr. Sivchuk states where the wheel ends, the back part of the ambulance hangs back (probably 3.5 to 4 ft.) so when you back in that will be over the grassy part or barriers in the parking lot. It would fully be in the parking space.

Chairman Binney doesn't agree the ambulances would fit back to back as they would be occupying the same grass strip.

Mr. Sivchuk states he believes there is enough space to allow back to back parking.

Mr. Jones says the islands are 9 ft. What he is suggesting is that he needs maybe 3 ft on each vehicle. I would just caution there may be landscaping in those islands.

No public comment.

No other Board questions.

Chairman Binney makes a motion to recommend DENIAL of the Conditional Use for SIV Ambulance, North Olds Blvd and Lincoln Highway, Fairless Hills, PA 19030.

Member Haney seconds the motion.

All in favor 4-0. Motion carries. CONDITIONAL USE DENIED.

Item #5: Waste Management of Fairless, LLC, TMP #13-01-001, 13-051-001-017, 13-051-001-016; 13-051-001-023. Application to Re-zone / Map Amendment – rezone the above parcels from MPM (Materials Processing and Manufacturing) to SL (Sanitary Landfill)

Michael Meginniss, Esquire, presents the application and states Waste Management is now the equitable owner of approximately 64 acres of a portion of the parcels noted above. Those parcels are presently zoned MPM and the portion of the parcels which comprise the 64 acres will have new tax parcel numbers assigned to the subdivided portion. We are proposing to re-zone that 64 acre portion of the lots from MPM to SL. This area is contiguous with the land which is already controlled and operated by Waste Management and would allow for

the expansion of the landfill operations on site. With our application, we submitted an illustration of the approximate parcel location. Before submitting this application, we did review the Comprehensive Plan for the Township, and it recommends consideration on the Township's end of a landfill expansion due to the host fee and trash collection services built in a reserve to eliminate the need for an increase in taxes. It is also stated as a goal to utilize underdeveloped parcels in the KPC to develop vacant properties in a way which would create an optimal stable tax base for the Township.

The re-zoning is not a spot zoning from a legal standpoint due to the proximity of the already existing waste landfill.

Waste Management's landfill does not accept hazardous waste. This will not change with the re-zoning and future expansion at this location. The daily average and maximum volume of waste accepted on site will remain the same (18,333 tons per day, not to exceed 20,000 tons). A portion of these parcels are in the KOZ; with the change in ownership from NorthPoint to Waste Management, they will no longer be in the KOZ (no tax abatement).

With this expansion, Waste Management will be able to be a substantial financial contributor to the Township, the School District and the County. In addition to the over 100 employees, this expansion and re-zoning will allow Waste Management to continue to provide free trash and recycling services to every household dwelling in Falls Township. This will run until 2033. NorthPoint's KOZ expires shortly after 2023 and at that time, we should be looking at a fully developed Keystone Trade Center full of tenants who would become taxpayers when the KOZ expires. In the interim, this 64 acre expansion can be a bridge to cover that period of time until the KOZ expires.

Bobby Jones from Waste Management continues and states this project is an expansion of an existing landfill. It will amount to less than 30% of the existing footprint we currently have permitted as the Fairless Landfill and will be contiguous to the current site. It will not be a separate operation. This is the last remaining area which can be used for a landfill site at this location.

Chairman Binney asks if Mr. Jones thinks there is enough fill material locally to cap this particular expansion? Are you losing your ability to transport vehicles through the mill property now that NorthPoint has taken over? Are we going to see more trucks out on the road because of this expansion?

Mr. Jones says we have an easement in place from years ago with US Steel to connect our mining sites (3 gravel mining sites) for construction materials to support the landfill. It is connected by approximately a 2.8 mile easement through the steel mill that is being honored by NorthPoint. Traffic will not change at all for this expansion.

Chairman Binney asks about having enough material locally to finish this project?

Mr. Jones says yes, we did a balanced reserve on the 3 mining sites vs. the construction project ahead of us and we do have the sand and gravel reserve required to construct this fully and cap the entire site.

No further Board questions.

No public comment.

Member Crohe makes a motion to recommend approval of the application to Re-Zone / Map Amendment of Waste Management of Fairless, LLC to rezone tax map parcels #13-01-001, 13-051-001-017, 13-051-001-016; 13-051-001-023 from MPM (Materials Processing and Manufacturing) to SL (Sanitary Landfill).

Member Henderson seconds the motion.

All in favor 4-0. Motion carries. APPLICATION TO RE-ZONE / MAP AMENDMENT APPROVED.

Item #6 Approval of Minutes

Minutes of October 26, 2021.

All in favor 4-0. Minutes approved.

Meeting adjourned 8:45 p.m.