

**TOWNSHIP OF FALLS  
PLANNING COMMISSION MINUTES  
JULY 22, 2014**

Meeting commenced: 7:30 p.m.

Meeting adjourned: 8:15 p.m.

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

Members absent: Shero, Vergantino

Also present: Nathan Fox, Esquire, representing Waste Gas Fabricating; Thomas Profy, IV, Esquire, Brad Warner, (CEO) and Vincent Fioravanti, P.E., representing Fairless Credit Union; Nathan Fox, Esquire and Mark Havers, P.E., representing 38 Cabot Blvd., LP; Ed Murphy, Esquire, and Christopher Kellar, P.E., representing Fairless Works Energy.

For the Township: James Sullivan, P.E. (T & M Associates); Tom Bennett, Chief Code Enforcement and Zoning Officer; and Diane Beri, Recording Secretary

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**Item #1: Waste Gas Fabricating, 450 Newbold Road, Fairless Hills, PA 19030 TMP #13-028-088-002; Zoned LI. Application to Re-Zone from LI (Light Industrial) to PIP (Planned Industrial Park)**

Nathan Fox, Esquire, presents the application. This property was reverse subdivided to create one single parcel after Waste Gas purchased the portion designated on the plan in brown from Conrail. The lot line change was approved last year. The clean-up item here is for Waste Gas to obtain the re-zoning so the parcel would no longer be split zoned.

Member Binney makes a motion to approve the application to change the zoning from LI to PIP.

Member Rittler seconds the motion.

**All in favor 5-0.**

**APPROVED FOR ZONING CHANGE FROM LI TO PIP.**

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**Item #2: Fairless Credit Union, 8525 New Falls Road, Levittown, PA 19054; TMP #13-018-001-002 Zoned: NCR; Application to Re-Zone from NCR (Neighborhood Conservation Residential) to NC (Neighborhood Commercial)**

Thomas Profy, Esquire, presents the application and introduces Vincent Fioravanti as the engineer with the project and Brad Warner as the CEO of Fairless Credit Union. Fairless Credit Union seeks to re-zone the property as noted above.

Mr. Fioravanti continues that the highlighted portions on the tax map indicate that this area has been developed and zoned commercial and is considered a commercial corridor. The property is the last property in Falls Township and is adjacent to Bristol Townships. There are two parcels that are adjacent to this commercial corridor. The one site is vacant and probably should be deemed to be commercial and the other site (where the old bike shop sat and is now a pharmacy) should also be re-zoned neighborhood commercial. To re-zone would make good planning sense as this would make the corridor continuous through this area of the Township.

If this parcel isn't re-zoned, there is a buffer issue along the side adjacent to the bike shop, unless both parcels are re-zoned.

Mr. Fioravanti details the adjoining commercial uses.

Member Binney asks if there is a flag lot adjacent to the property.

Mr. Fioravanti states that yes, adjacent to the church, there is an easement.

Mr. Fioravanti shows a drawing of the sketch plan for the building. If this parcel is going to be re-zoned, then there are a couple of variances that would be needed. The first variance request would be for a front yard setback of 70'. The other variance would be a buffer variance. Assuming for the moment that this and the adjoining parcel are re-zoned commercial, there would be a buffer variance needed for the side. The property backs up to the rear yard of the residences, so that the actual dwellings are some distance away from this property so that the impact, if any, would be minimal to these neighbors. Brad Warner has spoken to the neighbors and they have not indicated any opposition. Of course, this project would need to go before the Planning Commission again for full land development.

Discussion occurs on the pylon signs and the various setbacks required.

Mr. Fioravanti states that the applicant will be compliant with stormwater management requirements. We have been in contact with the Lower Bucks County Joint Municipal Authority and we do have their approval to extend the lateral to bring sewer to the pharmacy (former bike shop) and to straighten out the water service within the area.

Member Binney states that he doesn't disagree that the zoning would be better served as NC, but he does have a problem changing the zoning knowing that there needs to be a multitude of variances and waivers granted in order to make the project fly.

Mr. Fioravanti states that from a planning perspective, this parcel would not be very well suited for residential.

Member Binney states that the buffer in the rear yard is too small.

Atty. Profy states that Brad Warner, CEO of Fairless Credit Union, is available to testify as to the conversations he has had with some of the rear property owners in terms of making improvements on their lot.

Member Binney states that the impact statement refers to two lots being developed: 13-18-001 and 13-18-002.

Atty. Profy states that is a mistake – this application only deals with 13-18-001.

Mr. Fioravanti states with regard to the planting buffer, we do have a few options under consideration for the dumpster.

Member Binney states that because a variance is necessary anyway, he would prefer the building to be moved a little bit forward and have more of a buffer in the rear. Where the building is shown currently on the plans, it is in line with the setback with the church. He would prefer to have a bigger buffer in the back.

Member Rittler asks if it is absolutely necessary to have two lanes for the car traffic going through the drive-thru.

Brad Warner (CEO of Fairless Credit Union) states that his concern is without two lanes for the drive-thru, the cars would be blocking the bypass lane. One drive-thru lane would be fine Mondays through

Fridays. However, on Saturdays, they traditionally do a lot of business, despite being opened only 3 or 4 hours. His concern is with the cars stacking up and blocking traffic if there was only one lane. He does not have any problem with moving the building forward and guaranteeing the buffer in the back.

Member Binney states that he doesn't think the total setback requirement could be met in any event, but he believes it can be better than seven feet.

Mr. Warner continues and states that he has talked to the Church adjacent to the lot and they are fine with what we are looking to do with the utilities. Joe Parsley and his wife don't want a buffer, they want a fence line that matches all three sides. The two other back neighbors have been contacted and are on board with what we are trying to do.

The bike shop property next door was not willing to put in the sewer system because it would have been a \$40,000 expense to him. If we bring the lateral back to him, he is willing to hook up and we are willing to take care of the cost.

We intend to be a good corporate citizen.

Member Binney states that he did notice on the plan that the parking spaces are all different sizes.

Mr. Fioravanti states that will be corrected on the final plans.

Member Rittler makes a motion to recommend approval of the zoning change application for Fairless Credit Union, TMP #13-018-001, based on the July 9, 2014 letter from T&M Associates, with the stipulation that the rear buffer will be increased and discussed at the next meeting.

Member Goulet seconds the motion.

Member Binney makes an additional motion that the Board of Supervisors consider re-zoning the adjacent parcel (TMP #13-081-002 – the former bike shop, now a pharmacy) to NC so that both parcels are zoned NC.

Member Rittler seconds the additional motion.

**All in favor of both motions 5-0.**

**APPROVED FOR ZONING CHANGE FROM NCR TO NC.  
RECOMMENDS THE BOARD OF SUPERVISORS RE-ZONE 13-081-002 TO NC AS WELL.**

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**Item #3: 38 Cabot Blvd, L.P (KVK Tech), 38 Cabot Blvd., Langhorne, PA 19047; TMP# 13-003-008-006; Zoned: PIP; Owner 38 Cabot Blvd, LP. Preliminary land development to construct a 15,200 sq. ft. building.**

Nathan Fox, Esquire, presents the application. Mark Havers, P.E., from Pickering, Corts & Summerson is introduced.

Atty. Fox states that the applicant has obtained zoning variances from the Zoning Hearing Board and now appears before the Planning Commission for land development.

Member Binney asks what the applicant does at the facility.

Atty. Fox states that generally they manufacture pharmaceuticals. This is a high level manufacturing facility so that many jobs in the manufacturing industry are going to be created as a result of this

expansion. The average salary is between \$50,000-\$60,000. This is a highly competitive and regulated business.

**T&M Review Letter dated July 15, 2014**

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

Subdivision & Land Development Ordinance

- 191-36(D) Request a waiver – bumper block & bituminous curb
- 191-37(B) Request a waiver – parking within 12’ & 15’ of building – loading docks will remain
- 191-37(G)(1) Request a waiver – curbed raised beds
- 191-37(G)(2) Request a waiver – curbed raised beds with one shade tree
- 191-37(G)(4) Request a waiver – trees in the parking lot
- 191-48(A) Request a waiver – street trees
- 191-52.1(B)
- (3)(b)(1) Request a waiver – on-site steep slopes
- 191-78(C)(2) Request a partial waiver – aerial photo in lieu of detailed survey

Stormwater Management Ordinance

- 187-9(A)(2) Request a waiver – runoff rate
- 187-13(B)(5) Request a waiver – 18” of cover over storm drain piping

Mr. Sullivan states that the applicant has agreed to work with us on the stormwater issues.

Member Rittler makes a motion to recommend approval of the preliminary and final land development application for 38 Cabot LP, 38 Cabot Blvd, Langhorne, PA 19047, TMP #13-003-008-006, based on T&M Associates’ letter of July 15, 2014 and the waiver letter from Pickering, Corts & Summerson dated July 22, 2014

[**specific waivers** are: Sections 191-36(D), 191-37(B), 191-37(G)(1), 191-37(G)(2), 191-37(G)(4), 191-48(A), 191-52.1(B)(3)(b)(1), 191-78(C)(2), 187-9(A)(2), and 187-13(B)(5); **partial waiver** for 191-78(C)(2)]

Member Goulet seconds the motion.

**All in favor 5-0.**

**APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT.**

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**Item #4: Fairless Works Energy, 50 Energy Drive (formerly 50 Sinter Drive), Fairless Hills, PA 19030; TMP #13-051-001; Zoned MPM. Preliminary Land Development to construct one 45’ x 100’ storage structure and two 20’ x 20’ storage structures.**

Edward Murphy, Esquire, presents the application on behalf of Dominion Energy and introduces Christopher Kellar, PE, as the project engineer.

Atty. Murphy states that once every ten years the units that provide the generating electricity for the facility needs to be overhauled and parts replaced, whether they need them or not. Because the parts take a long time to obtain and are expensive, the applicant would like to have the capability to stage the storage of those parts as they arrive in anticipation of using them for the generating units when it is time to overhaul them. The period of time they expect to be able to have to store the parts range from 12-18 months. In order to insure that the parts are approximate to the units that they are replacing, they seek

approval to install temporary storage units in areas on the site that are as close to the generating units as possible.

In this application there is one 45' x 100' temporary storage structure and two 20' x 20' storage structures as depicted on the plan.

Member Binney asks if these structures will disappear in two years or less.

Atty. Murphy states yes. They will be installed for 18 months or so and not be erected for another 10 years.

**T&M Associates Review Letter dated July 16, 2014**

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

Subdivision & Land Development Ordinance

- 191-48(A) Request a waiver – street trees
- 191-48(B) Request a waiver – street trees
- 191-48(E) Request a waiver – street trees
- 191-62(A)&(B) Request a waiver – concrete curb
- 191-78(C)(2) Request a waiver – detailed survey

In response to a question by Member Binney on the stormwater flow and the lack of grading details on the plan, Mr. Kellar responds that the large structure will be erected on a current concrete pad and the highlighted area is stone.

Member Goulet makes a motion to recommend approval of preliminary and final land development for Fairless Works Energy, 50 Energy Drive, Fairless Hills, TMP #13-051-001, based on T&M Associates' review letter of July 16, 2014, with the waiver requests for Sections 191-48(A), 191-48(B), 191-48(E), 191-62(A) & (B), and 191-78(C)(2).

Member Perry seconds the motion.

**All in favor 5-0.**

**APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT.**

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**Item #4: Approval of Minutes**

Motion to approve April 22, 2014 minutes.

**All in favor 5-0.**

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**Meeting adjourned 8:15 p.m.**