

**TOWNSHIP OF FALLS  
PLANNING COMMISSION MEETING  
OCTOBER 25, 2022**

**Meeting commenced:** 7:00 p.m.

**Meeting adjourned:** 7:35 p.m.

**Members present:** Brian Binney, John Haney, Colin Henderson, Mary Leszczuk, Robert McTague

**Members absent:** None

**Also Present:**

**Representing: Keystone Trade Center – Morton Salt,** Michael Meginniss, Esquire (Begley, Carlin), Payton Harrison (NP Falls Township Industrial), Tim Casey (Gilmore & Associates)

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

---

**Item #1: NP Falls Township Industrial, LLC, TMP #13-047-088; Owner: NP Falls Township LLC  
Amendment to Rezone parcel from RD-3 (Riverfront District Sector 3) to HI (Heavy Industrial)**

Michael Meginniss, Esquire, presents the application, introduces Mr. Harrison and Mr. Casey, and hands out a zoning overlay diagram to the Board. He states this is a request to rezone the parcel acquired by NorthPoint. Most of their site is within the Keystone Trade Center; this parcel lies outside of that area. NorthPoint owns this parcel, the parcel has challenges; the property is never going to be developed by NorthPoint under the requirements of the RD-3 district. NorthPoint would be before you at some point to request a zoning change to either HI or MPM (which is how they are zoned within the KTC). He refers to the zoning overlay diagram which shows this parcel is one of three parcels in the RD-3 district. It is surrounded primarily by industrial uses. The best use for the parcel is industrial.

NorthPoint is moving forward with Phase 3 of their development. As you know, there are number of existing tenants who held leases with US Real Estate prior to NorthPoint’s acquisition of the site. One of those tenants is Harsco. NorthPoint would like to see Harsco relocated to this parcel. However, this is NorthPoint’s application to rezone. If Harsco wants to move to this parcel, Harsco would be submitting the land development plans. This would follow at a later date; there is no development at this time proposed with this zoning change request. Whether Harsco makes the move or not, NorthPoint still is requesting the zoning change. NorthPoint thinks HI is a better zoning designation for its purposes. This is not spot zoning because this use is compatible with the surrounding area.

We understand it is entirely discretionary on the Township’s part.

Payton Harrison states in anticipation of the Phase 3 development of this area, where Harsco is located on the site on S. Port Road, they currently have 18 acres. They use the port which is close to the site in bringing in their material. Harsco crushes coal and cooper slag. They bring in the slag from various places (Germany) into the port and repurpose it or recycle the slag, bag it up and sell it in bags to various distributors. They bring in the material, dry it, sort it, bag it and sell. The zoning is crucial so Harsco can possibly move. Harsco is right in the middle of where Phase 3 will begin. They currently lease until 2028 – by waiting until then, NorthPoint would lose nearly two-thirds of the KOIC benefit. It would also limit potential tenants.

Even if Harsco does not move into this parcel, NorthPoint’s intention from the beginning was to rezone this as NorthPoint does not build single family development. The site would fit better with the zoning change to HI.

Member Binney asks if in the Harsco process, there is any burning of materials

Mr. Payton says they crush material – they do have heavy equipment to crush the slag so they can bag it.

Discussion occurs about the current location of Harsco (shown on the map).

Chairman Haney asks Mr. Jones if Biles Island is a preserved space.

Mr. Jones replies it is under the control of Waste Management and it was supposed to be turned over to the Township at some later date. They were planning some sort of development there when T&M Associates was the Township Engineer.

Atty. Meginniss states that according to GIS, Biles Island is still under the control of Waste Management.

Chairman Haney states his concern is the Penn Warner Club, where people have campers, go fishing. I believe the intent of the RD-3 district was to spurn development along the RD-3 district. The Township owns one of the access points in the park and if in the future we acquire Biles Island, it would be a good opportunity for boats and docks.

Discussion occurs along this point, with Member Binney stating there are residential uses there as well as some warehouses. He also states that this parcel has wetlands in it. If Harsco goes into this parcel, his concern is with the noise for the residential neighbors.

Atty. Meginniss states that any development would require land development. Also with approximately seven usable acres not in the wetlands, it would be a challenge for any development whether zoned RD-3 or HI.

Member Binney states he was on the commission when RD-3 was implemented. This was envisioned as a transition from heavy industrial to residential in Morrisville. This would promote truck traffic on Pennsylvania Avenue. RD-1 permits warehouse and office buildings – why isn't that the best zoning designation for this parcel?

Discussion occurs on this point.

Tim Casey states the site is 18.2 acres, vacant, with woods. There is a flood plain and streams. Rezoning would allow for a use that is comparable to the surrounding area.

Member Binney says a lot of the use types down there would fit in Highway Commercial with some truck traffic. He is hesitant to put some kind of extreme heavy industrial use out there knowing there are still residential properties down there.

Concern is expressed by the Board Member Leszczuk and Chairman Haney they don't want to give permission for industrial use so close to the river. Perhaps if there was a specific user in mind, we might give approval.

Mr. Jones asks if NorthPoint will still retain ownership of the parcel.

Atty. Meginniss states, unlike the rest of NorthPoint's property, this parcel is not in the KOIC zone so he is unsure if NorthPoint would retain ownership.

Member Binney makes a motion to recommend the application is DENIED.

Member Leszczuk seconds the motion.

**All in favor 5-0. Motion carries. APPLICATION IS DENIED.**

---

**Item #2: Approval of Minutes**

Minutes of August 23, 2022.

**All in favor 5-0. Minutes approved.**

---

**7:35 Meeting adjourned**