

**TOWNSHIP OF FALLS  
PLANNING COMMISSION MEETING  
APRIL 25, 2023**

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

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

**Members present:** Brian Binney, Daniel Everett, John Haney, Colin Henderson, Mary Leszczuk  
Alternates: David Coyne and Paul Hartzel

**Members absent:** None

**Also Present:**

**Representing: Keystone Trade Center (Ethos Parcel):** Michael Meginniss, Esq (Begley Carlin), Jeremy Michael (NP Falls Twp. Industrial); Greg Glitzer, P.E. (Gilmore & Associates)

**Representing: Trench Tech:** Anthony Hibbeln, P.E. (Gorski Engineering) and Britt Glatz (Trench Tech)

**Representing: Zen Auto Transport:** Jason Smeland, P.E. (Lenape Valley Engineering), Albert Lykon (property owner of 6 Steel Rd)

**Representing: LPC Morrisville, LP:** Robert Gundlach, Esq. (Fox Rothschild), Victor Grande, P.E. (Rettew Engineering), Eric Moser (LPC Morrisville, LP)

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

---

**Item #1: Keystone Trade Center (Ethos Parcel), 150 Solar Dr., Fairless Hills, PA; TMP 13-051-001-024; Zoned: MPM. Owner: MLH 150 Roebing, LLC; Equitable Owner: NP Falls Township Industrial, LLC. Minor Subdivision – to create a separate lot containing an existing office building**

Michael Meginniss, Esquire, presents the application and states the parcel has 18.42 acres. We are here for a subdivision that would carve off approximately 3.06 acres as noted on the site plan submitted. The reason for the odd shape of the subdivision is to try and get as close as possible to the 5 acre minimum. We went to the Zoning Hearing Board in March and procured two variances – one for the minimum acreage on site and one for the tract area. If approved would leave approximately 14.96 acres for the balance of the site. We are subdividing to make use of the existing office building for NorthPoint’s purposes to utilize this as an office to replace their modular building. There would be 5 permanent employees at this site. There are 18 parking spaces, there will be shared access agreement between NorthPoint and Ethos, there is no site work proposed with the application. The applicant is not looking to modify any existing conditions, including the lighting.

Jeremy Michael states we our office was originally located at One Ben Fairless Drive, but we demolished that building as part of the redevelopment. We currently operate out of a modular office at the front entrance of the park. We are looking for a more permanent facility to run our business. We worked out a deal with Ethos to acquire the office building at the front of the parcel.

Member Binney states his concern is because of the oblong shape of the subdivision you have created a 600 ft. long piece of property that has a 20 ft. wide building envelope. If you are going to use this as your base of operation for maintenance, I am assuming it will come with more buildings and more structures. Therefore, everything you do will require multiple variances and multiple waivers.

Atty. Meginnis states he believes Mr. Binney is concerned the point of the acquisition is going to be to eventually develop portions of the balance of the site and the development of the remainder of the 3 acre because of the way the lot is constituted would require significant zoning relief and/or waivers for that development.

Mr. Michael understands and states there are not currently any plans to develop, partly because of the road and the industrial waste pump station at the front of the parcel. It is unlikely there will be any re-configuring of the remainder. I understand the point and it is certainly something to be mindful of in the future.

Member Binney states if approved, we have created a lot which is non-conforming and he is not in favor of creating such a lot.

Discussion occurs on this point.

Member Leszczuk asks how long NorthPoint will be occupying.

Mr. Michael says it is a permanent location.

Chairman Haney asks if there be any shed or garage for trucks in this area once NorthPoint takes possession.

Mr. Michael says no, possibly replacing rooftop units.

Jones Engineering Associates review letter dated April 18, 2023

All items are a will comply, except:

191-37(B) driveways or parking spaces 12 ft. from property line

No public comment.

Member Leszczuk makes a motion to recommend approval for the minor subdivision application for 150 Solar Drive, TMP #13-051-001-024, based on Jones Engineering Associates' review letter of April 18, 2023, with a waiver request for Section 191-37(B).

Member Haney seconds the motion.

**All in favor 4-1, Binney dissenting. APPROVED FOR MINOR SUBDIVISION**

---

**Item #3: Zen Auto Transport, 6 Steel Road East, Morrisville, PA; TMP #13-047-147; Zoned: HI. Owner: 6 East Steel Road, LLC. Preliminary Land Development – construction of a 9,350 sq. ft. garage building with associated parking and loading areas**

Albert Lykon states he is the owner of 6 Steel Rd LL and currently has a tenant at the property as well as another tenant who has truck storage and would like to have a building for doing service and repairs.

Jason Smeland, P.E. presents the application and explains the current existing conditions of the property. They are proposed 8-9 new parking spaces for the new building which is over 9,000 sq. ft. In addition, we are providing stormwater management facilities (two basin areas connected with pipes). We have the review letters from the Township Engineer, the Township Traffic Engineer; there are a few waivers we wanted to request.

We are requesting a waiver from providing curbing within all the parking areas (191-37B)). We are proposing to have curbing along the front of the new building.

We are requesting a waiver providing a sidewalk along the site frontage (191-61(A)).

We are requesting an alternative paving specification for the parking lot area of 4 inches of BCBC rather than 8 inches of BCBC. It is all privately owned, and this specification has worked well in Mr. Lykon's other facilities.

All other comments from the Township Engineer and Fire Marshal are will comply.

Member Binney asks if this is a repair shop or just people coming in and dropping trailers and picking up trailers. I noticed in the narrative for the traffic report there are seven trips per day.

Mr. Lykon states most of the yard is just a stop off. They are mostly coast to coast long distance drivers. They drop their trucks and trailers, they reload it, then they go to their final destination. I have no repairs at the site. They want to build a repair shop there where they can bring their trucks and trailers and do repairs on them.

Chairman Haney asks if they are all for one carrier or can individual truckers come in for repairs.

Mr. Lykon says the company has multiple carriers, but they would be doing business with the one tenant.

Chairman Haney asks so the trucks/trailers will be for the people staging their trucks at the property.

Mr. Lykon states as far as he is aware all the trucks/trailers will be associated with the business.

Member Binney states he is associated with Mr. Lykon's other places and they are immaculate.

Mr. Lykon states they are not operating a truck repair shop; they are operating a truck repair shop for the trucks which are staging at their property.

No public comment.

Member Henderson makes a motion to recommend approval for Preliminary and Final land development for 6 East Steel Rd, LLC, TMP #13-047-147, based on Jones Engineering Associates review letter dated April 19, 2023, with waivers requested for Section 191-37(B), 191-61(A) and 191 Attachment 1, Remington Vernick's review letter dated April 13, 2023, and the Fire Marshal's review letter dated April 13, 2023.

Member Leszczuk seconds the motion.

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

---

**Item #2: Trench Tech, 1979 Bristol Pike, Morrisville, PA; TMP #13-040-046; Zoned: LI.  
Owner: Jay Kerrigan / Lori-Land Realty LLC. Preliminary Land Development – Building addition, storm sewer and parking striping**

Anthony Hibbeln presents the application and states the application is for a building addition of 7,000 sq. ft. to help in the expansion of Trench Tech. Trench Tech supplies technology to hold the construction trench earth from endangering the workers within the trench and the utility installation within the trench. The equipment goes out to the job site and from time to time comes back to the facility for repairs, fabrication for turnaround to different job sites. The site has a building currently. The site is 13.2 acres. There is public water that services the site and an on-site private sanitary sewer septic field. As part of the addition, there will be no water service, no restroom service, no kitchen, no sanitary sewer, and we would expect to be in the status of an exception from any DEP planning module. There are wetlands and a flood plain on the site, but not anywhere near the addition. The addition would be built in the construction laydown yard.

Jones Engineering Associates Review Letter dated April 17, 2023

- 191-31(D)(2) widening of Bristol Road
- 191-37.(B) 15 ft. between curblineline of parking area and building
- 191-37(G) parking area planting
- 191-37(H) paved surface of the lot (have existing parking)
- 191-38 lighting (have existing lighting)
- 191-39 sidewalks along Bristol Road
- 191-48 street trees along Bristol Road

Member Binney asks how many parking spaces are required and how many parking spaces are you providing?

Mr. Hibbeln responds we are required to have 27 spaces and 27 spaces are provided. We don't intend to add more employees.

Discussion occurs around the traffic engineer's letter. Applicant will be addressing his concerns.

Member Binney asks if all the boxes in the yard as well as the trucks parked on the road belong to Trench Tech.

Britt Glatz (Trench Tech) says they belong to Trench Tech.

Member Leszczuk asks why the addition is being built.

Ms. Glatz responds it is to facilitate more space for repairs, maintenance and fabrication when necessary.

Chairman Haney asks instead of subcontracting the work, you will be doing it in-house.

Ms. Glatz correct.

Member Henderson asks if there will be additional employees as a result of doing this work.

Ms. Glatz states no, the current welders on site can handle the work.

Member Henderson says you are fabricating already.

Ms. Glatz says yes, we just need more space.

Member Binney requests that the flood plain delineation be updated on the plan as this plan has it dated 1998.

Mr. Hibbeln agrees to update the plan.

No public comment.

Member Henderson make a motion to recommend approval for Preliminary Land Development for Trench Tech, 1979 Bristol Pike, Morrisville, PA 19067, TMP #13-040-046, based on Jones Engineering Associates review letter dated April 17, 2023, with waiver requests for Sections 191-31(D)(2), 191-37(B), 191-37(G), 191-37(H), 191-38, 191-39, 191-48, Remington Vernick's review letter dated April 14, 2023, Bucks County Planning Commission review letter dated April 19, 2023, and Fire Marshal's review letter dated April 13, 2023.

Member Leszczuk seconds the motion.

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

**Item #4: LPC Morrisville, 2300 S. Pennsylvania Avenue, Morrisville, PA; TMP #13-047-097; Zoned: RD-1. Owner: LPC Morrisville, L.P. Final Land Development – construction of a 973,000 sq. ft. warehouse space**

Robert Gundlach, Esquire, presents the application and states this is the old Solvay property. There are former buildings there which are being removed from the property and the property is being redeveloped for a first class warehouse and distribution facility. We have worked over the last two years with the Township consultants on the design and re-design, particularly with regard to the stormwater facilities on the site. The property currently has no stormwater facilities and stormwater runs uncontrolled. We are collecting stormwater from not only all the proposed improvements, but also the surrounding properties who will be draining into the swale stormwater system. We have received review letters from the Township engineer (all will comply), from the Township of Falls Authority (no open comments), Township traffic engineer (no open comments). The only open traffic item is Morrisville Borough requested signage in the Borough directing vehicles and truck traffic around the Borough main street. We have been pursuing that signage permit with PennDOT. The truck traffic which comes off the site will be directed to the left to avoid going down Main Street.

Chairman Haney asks if the applicant would give a brief review of the project as we have new Board members.

Victor Grande, P.E. states the site is bound by the Delaware River to the north, South Pennsylvania Avenue to the south of the plan. Biles Creek and E. Post Road border on the side of the site. The site was previously an industrial site; the site has been cleaned up environmentally from that old industrial site. To the south of the site between the project location and Biles Creek, there is a large environmental area with regard to a protected species (cricket frog). That area will remain untouched. We have worked with the Fish and Boat Commission to enhance that area and allow the area to become more of a natural habitat.

The applicant is looking to take the old ratty industrial facility, give the property new life and create a flexible space warehouse. South Pennsylvania Avenue is going to be the sole connection with the exception of an emergency access on E. Post Road. That entrance will be gated with a Knox box and lock for emergency personnel only. We are adding stormwater management controls. The NPDES permit has been issued and we are expecting a sewage planning module exemption shortly.

Eric Moser (LPC Morrisville) states we are a national industrial real estate developer headquartered out of Chicago. We operate across the county developing Class A industrial spaces. This particular warehouse is likely to be a single tenant facility. Class A means it has current market standards for truck court sizes, 40 ft. clear height with the intention being to accommodate any sort of e-commerce or distribution user. We are attaining a LEED certification and very likely to achieve LEED silver certification. LEED is the green certification for buildings.

Chairman Haney states you are going to be collecting stormwater from various sites outside of your own. With that, did you take into consideration my comment last time with being able to control where the flows, the dampers, to make sure they don't get into the wetlands or the water from the retention basins?

Mr. Grande states yes, DEP will not allow us to manually be able to close our facilities. That is a preventative measure. In the middle of the storm, you can't run out and try and quickly open something up. Per DEP requirement and in consideration of your comments, we did install pre-treatment filters specifically for the underground basins. Those are proprietary filters produced and made for this specific situation.

Member Binney asks if there are waivers being requested.

Douglas Waite (Jones Engineering) states the waivers in their letter are required and should be noted on the plan. We agree with those waiver request.

Member Leszczuk asks for the waivers to be addressed.

Atty. Gundlach states we are requesting four specific waivers:

Three waivers under SALDO as to the natural resource protection ratios and percentages as to floodplain soils, wetlands and woodlands (Sections 191-52.1(B)(1)(a), 191-52.1(B)(1)(b), 191-52.1(B)(4)(b)[1]).

We are exceeding the ratios for good cause and hardship related to the fact the site is located within the 100 yr. flood plain, the wetlands are being relocated, and woodlands to the west of the site are being removed to redesign less underground basins and more above ground basins and channels to catch and convey the stormwater off the properties that front on South Pennsylvania Avenue.

One waiver under Stormwater Management Ordinance for ground water recharge (187-16)

#### Public Comment

*Fred Warren*, 1610 S. Pennsylvania Avenue, the project is in the back of his property. There are residences west of this project. He expresses concern about the truck traffic and possible road widening, will eminent domain come into play. His concern is for the residences on the west.

Atty. Gundlach responds and clarifies the property location as the one with a few storage sheds and no one lives there, confirms the applicant has received the PennDOT permit so there is no additional right of way required so eminent domain will not be in effect.

*John Kiel*, 1600 S. Pennsylvania Avenue, expresses concern about the arsenic levels because I have well water.

Member Binney states they are planning to fill on top of it – they are not permitted to disturb it, they will cap it.

Mr. Grande says there are currently environmental caps on the property. In all reality, your situation will be improved.

No further comment.

Member Leszczuk makes a motion to recommend approval for Final Land Development of LPC Morrisville, L.P., 2300 S. Penna Avenue, Morrisville, PA 19067, TMP #13-047-128, based on Jones Engineering Associates' letter dated April 18, 2023, with waivers requested for Sections 191-52.1(B)(1)(a), 191-52.1(B)(1)(b), 191-52.1(B)(4)(b)[1], and 187-16.

No second – motion fails.

Member Henderson makes a motion to recommend denial of Final Land Development.

Member Binney seconds the motion.

**All in favor 4-1, Leszczuk dissenting. DENIED FOR FINAL LAND DEVELOPMENT**

---

#### **Item #5: Approval of Minutes**

Minutes of March 28, 2023.

**All in favor 5-0.**

---

