

**TOWNSHIP OF FALLS  
PLANNING COMMISSION MEETING  
JUNE 23, 2015**

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

**Meeting adjourned:** 8:50 p.m.

**Members present:** Binney, Goulet, Hammer, Rittler, Perry

**Members absent:** Miles, Shero

**Also present:** Thomas Hecker, Esquire, John Richardson, P.E. (Dumack Engineering), Dan Carr and Jim Britton (Britton Industries) representing Britton Industries; Thomas Hecker, Esquire, John McGrath and Pat Flannigan (McGrath Homes), representing New Falls Road, LLC (Walsh property); and Thomas Hecker, Esquire, Eric Britz, P.E. (Boehler Engineering) and Matthew Hammond (Traffic, Planning & Design), representing American Stores Company, LLC

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

---

**Item #1: Britton Industries, 1 M-Y Lane, Morrisville, PA 19067; TMP #13-028-077; Zoned: HI. Owner: Britton Industries. Creation of leasehold lines, 2 small parking lots, site grading and reconstruction of demolished buildings**

*Thomas Hecker, Esquire*, presents the application. Britton Industries is a large producer/supplier of mulch. They have facilities located in Lawrenceville, Philadelphia and Hamilton. About a year ago they purchased this property which had been vacant for approximately 5 years. The previous use was a lumber yard. They purchased the property here and intend to move their corporate headquarters here in Falls.

Because the property is larger than their current needs, they decided to enter into two leases – one for a company that stores the highway barriers, and the second for a transport carrier company. They applied for a building permit to install a pump facility at the well house, which is important to their mulching activities. Because we had shown on the plans that there were two lease areas being designated on the plan, it was required to submit a land development application.

This property is 22.5 acres. The one lease area will be 2.86 acres, the other lease area is 2.38 acres. Both uses are permitted under the ordinance. The balance not being leased (17.5 acres) will be used by Britton Industries for their mulching activities for the production and distribution of mulch. The uses are permitted under the HI (Heavy Industrial) district.

*John Richardson* continues. The property spans between Falls Township and Morrisville Borough. The one lease space will be along the frontage of M-Y Lane. The second tenant space will be behind them. We are proposing a stormwater management system crossing the municipal boundary along the southern property line which ultimately reaches the Delaware Canal. As part of the development we are proposing to install a paved driveway and two small parking lots. The majority of the site that is disturbed is currently paved with millings and stone and broken up concrete. We are proposing to expand the milling/stone area and provide an access way over to the Morrisville side for additional mulch storage.

**T&M Associates June 16, 2015 review letter**

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

*Subdivision and Land Development Ordinance*

- 191-31(A) Requesting a waiver -- cartway width of M-Y Lane (it is a private road)
- 191-62(A) Requesting a waiver -- concrete curb along road frontages (no current curbing there)

Member Binney questions if M-Y Lane is private all the way to W. Bridge Street. Atty. Hecker states that once M-Y Lane hits the bridge over Rte. 1, it becomes a private road.

- 191-36(D) Requesting a waiver – concrete curb along driveways
- 191-37(B) Requesting a waiver – concrete curb along parking areas
- 191-37(G)(1) Requesting a waiver – curbed raised planting islands at end of each parking row
- 191-37(G)(2) Requesting a waiver – provide shade trees within the planting beds
- 191-37(G)(4) Requesting a waiver – one tree of 1-1/2 in caliper for every 6 parking spaces
- 191-48(A)(B) Requesting a waiver – street trees (some will be planted; will re-examine the type of trees so as not to block the billboards)
- 191-48(E) Requesting a waiver – street trees
  
- 191-52.1(B)  
(3)(b)[2] Requesting a waiver – steep slopes greater than 15%
  
- 191-52.1(B)  
(4)(b)[1] Requesting a waiver – disturbance of Environmentally Sensitive Woodlands (previously disturbed)
  
- 191-52.1(B)  
(4)(b)[2] Requesting a waiver – disturbance of other woodlands (previously disturbed)
  
- 191-78(C)(2) Requesting a partial waiver, subject to adequate information for Twp. Engineer’s review

Member Binney states that under the parking calculation, there are 10 spaces required. I was down at the site a few times and at any given time there were 25 tractor trailers and about 20 or 30 cars there.

Mr. Richardson states that the ordinance requires 1 space per employee, 1 space per managerial position, and 1 space per visitor. The applicant supplies that information and that is how we arrived at 10 parking spaces.

Member Binney states that doesn’t answer his question. What is the operation? There are 20 cars and 25 tractor trailers there. The operation on the plan states that it’s wood storage, but obviously it’s not.

Mr. Richardson states that the tractor trailers don’t come into the parking lot.

Atty. Hecker states there is nothing in the ordinance to address the parking of tractor trailers for deliveries.

Member Binney states that my biggest concern is the car carriers are not only in your lot, but they are parked up and down M-Y Lane and parked up and down by the salvage yard which blocks the view coming out onto M-Y Lane.

**Jim Britton** states that those trucks are not for Britton’s operations.

Member Binney states that you are leasing the property to them.

Mr. Britton states no that it is a different company. Those tractor trailers are from somebody down the road, not connected with our operation.

Member Binney asks how many tractor trailers will be parked on that site at any given time. How many tractor trailers are attached to that operation (the car carriers)?

Mr. Britton states that the tractor trailers up and down M-Y Lane have been there well before we were there. They park up and down M-Y Lane by the new water tower going in on Rte. 1. I don't know who they are, but they are not related to the people we deal with. They are up and down that entire lane on both sides. It is not enforced. It has nothing to do with our business. We lock our gates every night. Up and down M-Y Lane from the junkyard to the parking area across the street from us, that is not related to us.

Member Binney asks if lease area "A" is being used as a drop yard. Are they bringing cars and storing them there and then taking them out later?

Mr. Britton states that in the 2.5 acres that is allocated for that tenant, they are a car carrying company, so they would be bringing 10 cars in there, putting them on the trailers, and taking them to their destination. They are all within that confined area and they are not along M-Y Lane at all. We have 1,000 feet of chain link fence with three gates on it, and no one is outside of that.

Member Binney states that the plans should reflect where the tractor trailers are being parked within the lease space to better reflect the parking requirement because I find it hard to believe that there are 10 employees with all those vehicles there.

Mr. Britton states that there may be 15 trucks parked there, but there are only 5 going out at the same time. They come in and park there and periodically different people come in at different times. It is not every day they are all in there.

Member Rittler states that if there are 20 trucks there, there has to be an accommodation for the 20. It appears you need more than 10 parking spaces.

Mr. Richardson states that we are proposing 25 parking spaces. The parking spaces are not allocated for the parking of tractor trailers; the parking spaces are allocated for the parking of employee vehicles.

Member Rittler asks where on the plan is the allocation for the 20-25 tractor trailer trucks.

Mr. Richardson says there isn't one. It is not a requirement.

Atty. Hecker states that we've only calculated the parking based on the requirements under the ordinance for the HI district. I don't believe there is a requirement for the temporary parking of trucks.

Mr. Rittler asks Mr. Jones if their proposed use is compliant.

Mr. Jones responds that their use is compliant with the zoning ordinance. Their plan should reflect a "loading area" to show where the tractor trailers would be parked so the Chairman's concerns would be addressed (access, sufficient parking), despite the fact that the ordinance does not require that the plan show that type of designation.

Atty. Hecker agrees and says that it is a good idea.

Member Binney asks if a separate application has been submitted to Morrisville Borough for the portion of the property that is within Morrisville.

Atty. Hecker states yes, we've had some preliminary conversations with Morrisville, but the main portion of the property is within Falls Township and we wanted to get your approval first.

Mr. Jones states that there is one more waiver request not in our letter. Sec. 191-52.1(B)(3)(b)[2]. It wasn't in our letter because we couldn't confirm that steep slope disturbance (greater than 25%).

Member Rittler makes a motion to recommend APPROVAL for Preliminary Land Development for Britton Industries, 1 M-Y Lane, Morrisville, PA, TMP #13-028-077, based on T&M Associates' letter of June 16, 2015 with waivers requested for Sections 191-31(A), 191-62, 191-36(D), 191-37(B), 191-37(G)(1), 191-37(G)(2), 191-37(G)(4), 191-48(A)(B), 191-48(E), 191-52.1(B)(3)(b)[2], 191-52.1(B)(4)(b)[1], 191-52.1(B)(4)(b)[2], and a partial waiver for 191-78(C)(2), Remington Vernick's letter of June 11, 2015 and the Fire Marshal's letter of June 9, 2015.

Member Perry seconds the motion.

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

---

**Item #2: New Falls Road, LLC, 9188 New Falls Road, Levittown, PA 19054, TMP #13-020-306; Zoned: NCR. Owner: Frank and Maureen Walsh. Application to Re-Zone from NCR to IN**

*Thomas Hecker, Esquire* presents the application. We appeared before the Planning Commission previously with the request to re-zone two parcels (St. Joseph the Worker and the Walsh properties). At that time, it was unclear what was going to happen to the Church. It has been determined that the Church closes June 30<sup>th</sup>. After much discussion with the Township solicitor and the Township, it was determined that we would move forward with a simple re-zoning application -- the one acre Walsh property.

The Walsh property is currently zoned NCR and we are asking that it be re-zoned IN. The Institutional District was reviewed by the Township. In the Township's opinion, we could leave the zoning for the school/church property as IN, square off the property in the development and rezone the Walsh parcel to IN. The Walsh property is under agreement of sale.

We have provided a color rendering of a possible layout of the site, if re-zoning is approved. There are two, 2-story apartment buildings with 24 units in each building as part of the age-restricted community. These are permitted uses under the Institutional District, and we were encouraged to show development of that as well. The basic layout for the 76 townhouse units remains the same. The plan also depicts significant stormwater management which is desperately needed in connection with that property. This area is 90% paving at the present time -- that will be removed in connection with the project and stormwater management will help address some of the flooding issues in that area, particularly the neighbors to the rear.

The apartments and townhomes would be part of the same age-restricted community -- one association, two different types of housing styles. We believe it addresses a need that continues in this area and would allow Falls Township residents who want to scale down to remain in the community. The Church supports this application.

Member Binney states that we are here today to re-zone and consolidate this property -- correct?

Atty. Hecker states that we are not asking to consolidate the property yet, just to re-zone the Walsh parcel, so that all of it will be developed.

Member Binney states that he is opposed to re-zoning the Walsh parcel unless it is immediately consolidated because if the deal falls through, now we have an institutional property that is undersized, and would be allowed to have an institutional use on it.

Atty. Hecker states that in order to get to that point, to consolidate, it requires a lot of approval steps, and settlement on the property. They are all prerequisites of going to settlement and being able to finance this whole project.

Member Binney states that when he looks at this set of plans, the second<sup>d</sup> page indicates that you are still going to subdivide off the Church, and the areas that are going to be consolidated are totally different from the first plan and the second plan.

Mr. Jones states when we reviewed the application it contained some comments about the sketch plan, but we didn't receive a new sketch plan. So we inserted the previous sketch plan from the first submission into this current submission so the Board members would have the sketch plan for reference.

Atty. Hecker states that there is no subdivision to occur. The simple answer to the Chairman's concern about the deal falling through and the Walsh parcel being re-zoned IN is that the Township has the final say – they can re-zone it back to NCR if they choose. Re-zoning does not require an applicant – the Township can decide on their own to re-zone a property.

Member Binney states that he disagrees that townhomes are permitted under the IN zoning district. By definition, a townhome is a single family dwelling and according to the HUD definition, elderly is over 65.

Atty. Hecker states that he understands the Chairman's position on this. I read it and respectfully disagree. In conversations with the Township solicitor, without trying to slant his viewpoint, he indicated that my position is correct.

Atty. Hecker also clarifies if the Board approves the re-zone application, it is not approving the sketch plan from the previous submission where a subdivision is noted. The new sketch plan calls for a consolidation.

Member Binney states that at this time we are not reviewing any sketch plan, just the re-zone application.

Atty. Hecker reiterates that if the re-zone is approved, it will have no bearing on the sketch plan. The applicant will submit fully engineered land development plans that can be reviewed.

Discussion occurs regarding what is required for settlement of the two parcels, the reverse subdivision that will be part of the package submitted for land development and that in order to go to settlement, a plan has to be approved.

Member Rittler makes a motion to recommend APPROVAL for the zoning change from NCR to IN of New Falls Road, LLC, 9172 New Falls Road, TMP #13-020-306, based on T&M Associates' letter of June 9, 2015, and Remington Vernick's letter of June 15, 2015.

Member Hammer seconds the motion.

**All in favor 4-1, Binney dissenting. APPROVED FOR ZONING CHANGE FROM NCR TO IN**

---

**Item #3: American Stores Company, LLC, 550 W. Trenton Avenue (West Trenton Avenue and Pine Grove Road), Morrisville, PA 19067; TMP #13-028-028; Zoned: HC. Owner: Buckingham Retail Properties, LLC Conditional Use and Preliminary Land Development for construction of 14,578 sq. ft. Rite Aid Pharmacy, a 6,000 sq. ft restaurant (drive-in), and a 1,800 sq. ft. restaurant (drive-in)**

*Thomas Hecker, Esquire*, presents the application. This property contains 8.76 acres. There is a proposal to construct commercial space that totals 22,428 sq. ft. in three buildings on leased lots. The buildings consist of a 14,578 sq. ft. pharmacy with a drive-thru lane and two drive-in restaurants (one 6,000 sq. ft and 1,850 sq. ft.). The property will be serviced by public water and sewer. This property was the site of a former Acme that vacated the property a few years ago and the property has been vacant since that time. This plan addresses a significant number of issues that were raised in connection with prior applications on this property.

*Eric Britz, P.E.*, continues. As the site exists today, it is mostly impervious with parking right up to the parking setback line on both frontages. There is an existing access on West Trenton Avenue. The existing building is close to 60,000 sq. ft. We are proposing to remove the building, maintain the existing access on West Trenton Avenue and adding a signalized access on Pine Grove Road. The plan proposes approximately 169 parking spaces with the buildings and parking drive aisles and the sidewalks. We are reducing the impervious coverage by approximately 40% and the building coverage is almost a 60% reduction in impervious coverage from what exists today. We are also proposing public water and sewer and stormwater management. We are maintaining the existing retention basin on the south end of the site. By utilizing the existing basin along with the reduction of impervious coverage, we meet all the local state and federal requirements for the site. From a landscaping perspective, we are proposing to meet the ordinance by adding street trees, supplementing the existing buffer. From a lighting standpoint, we will meet the ordinance by proposing an LED package for the lighting.

Member Rittler asks what is the distance from the current traffic light at the intersection of Pine Grove Rd and West Trenton Avenue and the one proposed on Pine Grove Rd.

Mr. Britz he doesn't know the distance off the top of my head.

Member Rittler states that this is a main thoroughfare on W. Trenton Avenue in the morning for the state employees going into Trenton, NJ. He believes that adding another traffic signal on Pine Grove Road will cause even more traffic congestion.

Mr. Britz states that the applicant still needs to submit plans to PennDOT for their approval.

Member Rittler asks if there will be a left turn off of Pine Grove Rd approaching W. Trenton Avenue.

Mr. Britz states that is correct. All the widening that is proposed is on our side of the street. We have a left turn lane into the site and a right turn lane out of the site.

Member Rittler asks if we can live with the existing in and out on W. Trenton Avenue. That worked well when the Acme was there.

Mr. Britz states that we are promoting the second access point to relieve some of the traffic off of this intersection by allowing some of the traffic to utilize the new access off of Pine Grove, rather than all traffic coming to the W. Trenton/Pine Grove intersection.

Atty. Hecker introduces Matt Hammond from Traffic, Planning & Design.

*Mr. Hammond* explains the W. Trenton Road signals are time-based coordination which means that traffic signals are timed during certain times of the day. This is a very old technology. One of the things that PennDOT has

requested from us is to provide GPS coordination. GPS coordination is the coordination of all these signals based on GPS, rather than a specific time. The West Trenton Avenue Corridor Study (“Study”) suggested revising the coordination for this corridor for the traffic signals. It is part of this development. We will make a formal application to PennDOT for a Highway Occupancy Permit and make a request to optimize the signal timing with the existing driveway as well as the existing intersection. Whatever other intersections are within that coordination, we would also have to upgrade to make sure that they flow.

The other thing is when you are introducing a new signal on Pine Grove Road, you would have to make this signal (W. Trenton Ave/Pine Grove Rd) work with these signals in the W. Trenton Avenue corridor. Our analysis is very similar to the analysis that was done in the Study. In the Study, because the Acme was vacant at the time, they assumed the re-use of that property as a supermarket, and they assumed that a 59,400 sq. ft. supermarket would be there. We are proposing less traffic than what was assumed in the Study.

Another question was raised – why can’t we live with the one access on W. Trenton Rd? One of the things that negatively affect intersections is left turns. That is, left turns causes the most conflicts at intersections. One of the things that the new traffic signal (Pine Grove Rd) will allow is that everyone who wants to get into this facility off of Pine Grove Road can make a left into the site without ever reaching the current intersection at W. Trenton Ave/Pine Grove Rd.

Member Binney states that you just said left turns are bad, but yet you are proposing to make a left into the site.

Mr. Hammond responds that what he is saying is that they cause the most conflicts. When you can take left turns away from an intersection that experiences a significant amount of traffic, and move it to a lesser intersection further away, that will improve the problem intersection. The comment was that the W. Trenton Avenue corridor is a nightmare. We can improve that intersection by moving some of these movements down to the new intersection on Pine Grove Rd. So, if I can take the left turns out of the problem intersection and move them to another intersection, I can re-work the timing to optimize the traffic flow on W. Trenton Avenue.

In today’s standards, it is absolutely appropriate to have two access points for a development of this nature, especially for people who want to get in and out coming off of Rte 13, they never have to go up to the intersection at W. Trenton Ave/Pine Grove Rd.

Member Rittler states that he doesn’t agree that adding another intersection 300 to 400 ft. down Pine Grove Road will help with traffic congestion on W. Trenton Avenue. Most of the site will be visited by the locals who are all on the W. Trenton Ave. and will access the site from there. Locals wouldn’t be using the Pine Grove Road entrance.

Mr. Hammond responds that the new intersection is 700 ft. away from the current intersection. The Study and our own study do not agree with where people are coming from and going to.

Discussion occurs regarding the actual figures for the traffic counts and whether more traffic goes north or south.

Member Rittler asks by what percentage the new intersection will help the old intersection (W. Trenton Ave/Pine Grove Rd).

Mr. Hammond states even if it’s 5%, it will still help.

Member Rittler disagrees. It will create more of a nightmare adding another traffic light in that area. If you can convince me that the percentage is 50%, I might say yes.

Discussion occurs on re-configuring the new intersection as right in and right out, with no left access on Pine Grove Road.

Mr. Hammond states that it would not help with the intersection at W. Trenton Ave/Pine Grove Rd. He also states that if he can improve an intersection during peak hours by 2 or 3 seconds that is good; if he can improve the intersection by 10 to 15 seconds during a peak hours, that is huge. The information in my study is very consistent with the information contained in the Study.

Member Rittler states that he's never had to wait at the intersection of W. Trenton Ave/Pine Grove Rd. longer than one light. So why are we trying to improve that intersection?

Member Binney states that his problem with the proposed traffic signal off of Pine Grove Road is that you are coming off a major highway (Rt. 13) and people speed down there. Now you are going to introduce left turns in and out.

Mr. Hammond states that it will have a separate dedicated turn lane in off of Pine Grove Rd, so that people can continue straight through to the W. Trenton Ave/Pine Grove Rd intersection. It will have a dedicated right turn lane in on Pine Grove Rd. so people can continue through to the highway, and it will have a traffic signal.

Atty. Hecker states that we understand your concerns and that PennDOT is going to tell us what is required and we will have to comply.

Member Binney states that at the end of the day the Township has to agree to take possession of the light.

Member Binney asks that part of your application is to try and get the designation of a limited access highway eliminated with regard to Pine Grove Rd/ Rte. 13.

Atty. Hecker explains the process is to allow a break in the access.

Member Binney asks if in the Study is there a recommendation to re-designate Rte. 13 to not be a limited access highway.

Atty. Hecker says he doesn't know.

Member Rittler wants to know what provisions there are for tractor trailers on their way to the industrial park going to frequent the restaurants, not for loading and/or unloading, but to park and eat at the restaurants. They would park along W. Trenton Ave and Rte. 13 more than likely.

Mr. Britz states that there are no provisions for truck parking. We do have some double loaded bays.

Member Rittler asks how are you going to prevent it. You have it now.. tractor trailers are parking there overnight.

Atty. Hecker says that's because the property is vacant. We anticipate that with activity and upgrades to the site, they won't be parking there. We are not going to permit that. We don't want to encourage people to park on the roads, but the Township would need to post it and enforce it. We are not intending to have tractor trailer traffic on the property other than for loading.

#### **T&M Associates' June 17, 2015 Review Letter (Conditional Use)**

Atty. Hecker states that the ordinance states that if you provide restaurants with a drive-in (drive-thru), you must apply for a conditional use. Therefore, the conditional use doesn't relate to the restaurant, it relates to the drive-thru

lanes in both of the smaller and larger restaurants. We submitted that application in accordance with the ordinance requirements, the Township engineer has reviewed the plan and there is only one comment (regarding the placement of menu screens and adequate vehicular stacking space at menu screen). The applicant will comply.

**T&M Associates' June 17, 2015 Review Letter (Land Development)**

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

*Subdivision and Land Development Ordinance*

- 191-36(B) Requesting a waiver – driveways
- 191-36(D) Requesting a waiver – driveway grade of 6% instead of 5%
- 191-37(B) Requesting a waiver – parking distance from building and curbing
- 191-37(C) Requesting a waiver – parking space dimension (9' x 18' instead of 10' x 20')  
*Member Binney says he is opposed to this waiver request*
- 191-61(A) Withdrew waiver request for public sidewalks. Member Binney states he would like to see the sidewalk connected to the Rock Creek Run sidewalk to make it continuous. Atty. Hecker states that they will take a look at it.
- 191-62(A) Requesting a waiver – curbing – this request is specific to the portion of Pine Grove Rd south of the signalized intersection to promote a better stormwater management scenario, unless PennDOT insists on curbing.
- 191-62(B) Requesting a waiver – curbing and road widening along Rte. 13
- 191-78(C)(2) Requesting a partial waiver, subject to adequate information for Twp. Engineer's review

Member Binney states with regard to Sec. 191-66(B) regarding the sewer pump station – it will be privately owned.

Member Rittler states that he is not going to approve the application as long as it contains adding a signalized intersection on Pine Grove Road. Also, we need to address what is going to happen with all the tractor trailer trucks that will be there.

Member Rittler asks if we know what restaurants are going into the site.

Atty. Hecker states that we have active interest but no signed agreement of sale so we are not in a position to say. The smaller one would be a fast food, beverage facility and the larger one would have a significant area for sit down restaurant, both with drive-thru facilities.

**Public Comment**

*Anthony D'Amico, 555 Stevens Rd, Morrisville. His concerns deal with the traffic study, 24 hour operation of restaurants, tractor trailer parking, safety, noise volume.*

Discussion occurs involving Mr. Hammond answering Mr. D'Amico's questions on the traffic study.

Member Binney states that he has two problems – first, he doesn't like the signalized intersection; second, there are a lot of comments that need to be addressed before this goes before the Board of Supervisors.

\*\*\*\*\*

Member Rittler makes a motion to recommend APPROVAL of the Conditional Use for the drive-thru portion of the restaurants only.

Member Perry seconds the motion.

**All in favor 4-1, Goulet dissenting – APPROVAL FOR CONDITIONAL USE FOR DRIVE-THRU PORTIONS OF THE RESTAURANTS ONLY.**

\*\*\*\*\*

Member Binney makes a motion to recommend DENIAL of Preliminary Land Development for American Stores, LLC, 550 W. Trenton Avenue, Morrisville, PA, TMP #13-028-028.

Member Rittler seconds the motion.

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

---

**Item #4: Approval of Minutes**

Motion to approve May 26, 2015 minutes.

**All in favor 5-0.**

---

**Meeting adjourned 8:50 p.m.**