

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
AUGUST 28, 2018**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:40 p.m.

Members present: Brian Binney, Edward Crohe, Robert Crozier, Thomas Hughes, Mary Leszczuk

Members absent: Stephen Hammer, John Haney

Also present: Denise Yarnoff, Esquire (Riley, Riper), Bill Roundtree (Dir. of Development PF Langhorne), and Nick Rakowski, P.E. (Nave Newell) representing PF Langhorne (Patient First); Thomas Jennings, Esquire (Fisher Brayles), Jesse Carter (Airgas Project Developer), and Law LungChung, P.E. (Worley Parsons) representing Airgas; Thomas Hecker, Esquire (Begley, Carlin & Mandio), Jamie Butler (Blooming Brands -- owner/operator of Outback) and Brian Conlon, P.E. (Langan Engineering) representing Outback Steakhouse

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

Item #1: PF Langhorne, 100 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-004-085; Zoned: HC. Owner: Fairless Hills Associates, LLC. Preliminary Land Development – Demolish existing structure and construct a 7,151 sq. ft. Patient First building with associated parking and stormwater management facilities.

Denise Yarnoff, Esquire, presents the application and states this property has been vacant for a few years and was the former site of a McDonald's and a BP gas station. The applicant wants to develop a Patient First, which is an urgent and primary care facility. We have received the required variances from the Zoning Hearing Board. We are working with PennDOT and Bucks County Conservation District.

Bill Roundtree states he is with PF Langhorne and works with Wright Partners, a commercial developer and PF Langhorne is the sole purpose entity we established for this project. As a developer, we will be leasing the property from the current owner, doing all the site work and improvements, construct the building, and then leasing that building to Patient First. Wright Partners is an exclusive developer for Patient First in this region. Patient First has been around approximately 32 years. They have 72 facilities along the East Coast (Virginia, Maryland, New Jersey, Pennsylvania). It is a neighborhood medical center that provides urgent care as well as primary care. They are open every day 8:00 a.m. to 10:00 p.m., have in-house ex-ray and labs for minor blood work, and also an in-house pharmacy which is to fill prescriptions that are given inside (no outside customers coming in for the pharmacy). They pride themselves on providing cost effective care.

In response to a question by Member Leszczuk, Mr. Roundtree states that in the beginning they might see 30 to 50 patients a day, but as more people find out about them, it should increase to about 110 people per day spread out over a 14 hour day.

In response to questions by Member Crozier, Mr. Roundtree states that the current plans are very similar in size to other Patient First's in the area (Feasterville-Trevoise area)

In response to a question by Member Leszczuk regarding a DEP violation for failure to submit a Site Characterization Report (SCR), Mr. Roundtree states that the current property owner is working to resolve the issue.

Nick Rakowski, P.E. with Nave Newell states that the existing accesses to the site will be maintained. It is a right-in only off of Bristol-Oxford Valley Road and a right-in, right-out only onto Lincoln Highway. The existing building will be demolished. We will be proposing infiltrating a rain garden in the rear of the site and then an underground detention system underneath the parking lot on the site. In addition, the existing sidewalk will be replaced all along the right of way. Landscaping will be added per the ordinance.

Chairman Binney states that this is probably one of the busiest intersections in our Township. PennDOT is planning to reconfigure that intersection. Have you investigated whether or not the reconfiguration of that intersection is going to impact your driveways or your parking?

Mr. Rakowski states that we looked at that and the realignment of the intersection. The reconfiguration would stop just south of the Bristol-Oxford Valley driveway. So it will not impact our proposed plan.

Jones Engineering Associates' Review Letter Dated July 24, 2018

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

- 191-37.B Requesting a waiver -- 15 ft. of open space between curb line of parking area and outside wall of building
- 191-37.C Requesting a waiver -- size of parking space – comply with zoning ordinance (9' x 18')
- 191-37.E Requesting a waiver -- curb radius of 5 ft.
- 191-37.G(2) Requesting a waiver -- curb raised planting beds with one shade tree per bed
- 191-37.G(4) Requesting a waiver -- 1 tree per every 6 parking spaces; 1 tree per every 12 parking spaces in double loaded rows (applicant agrees to plant the required number of trees elsewhere on the site)
- 191-44.D Requesting a waiver -- Grading (Member Binney asks if the sidewalks can extend to the property line; applicant agrees)
- 191-78.C(2) Requesting a partial waiver, subject to adequate information for Township's engineer review

Discussion occurs regarding parking bumpers by the sidewalk (typically don't do them).

Member Hughes makes a motion to recommend approval for Preliminary Land Development for Patient First, 100 Lincoln Highway, Fairless Hills, PA 19030, TMP #13-004-085, based on Jones Engineering Associates' review letter dated July 24, 2018, with waivers requested for Sections 191-37.B, 191-37.C, 191-37.E, 191-37.G(2), 191-37.G(4), 191-44.D and a partial waiver for Section 191-78.C(2), Remington & Vernick's review letter dated August 22, 2018, and the Fire Marshal's letter dated May 24, 2018.

Member Leszczuk seconds the motion.

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

Item #2: Airgas, 51 Middle Drive, Fairless Hills, PA 19030; TMP #13-051-001; Zoned: MPM. Owner: U.S. Steel Corporation. Minor Subdivision / Preliminary Land Development – new construction of air separation unit and liquefier on unimproved lot (Lot #2)

Thomas Jennings, Esquire, presents the application and states that AirGas is seeking approval for a minor subdivision and preliminary and final land development. Airgas has signed a purchase and sale agreement with US Steel for an 8.7 acre site at KIPC. The property is currently an unimproved lot within the main tax parcel 13-051-001; thus our application for a minor subdivision (with US Steel's approval). The property is within the MPM zoning district. Airgas proposes to construct and operate an air separation unit. Airgas has worked with the Township staff for over 6 months on the project as well as the Bucks County Conservation District and Pa. Department of Environmental Protection on the NPDES permit. Airgas is finalizing the terms of a project labor agreement with the Philadelphia building trades.

Jesse Carter (Airgas) continues and states that Airgas is the nation's leading supplier of gases, safety products and welding equipment and supplies. Airgas has been operating in the United States since the 1980's and serves a variety of segments (electronics, manufacturing, health care facilities). The project involves the manufacturing of air gases – oxygen, nitrogen and argon. Airgas is deeply rooted in the state of Pennsylvania. Corporate headquarters are in Radnor, Pa with over forty retail branches within 100 miles of Philadelphia.

This project is for an air separation plant to be built in the KIPC area. Two air separation plants are already operating in Coatesville and another in Reading. The facility in Reading has been operating for 40 years. Airgas is part of the Air Liquide group.

In terms of the project we are building an air separation unit which manufactures oxygen, nitrogen and argon. These gases are used in a variety of applications (supplies bulk oxygen to more than 20 hospitals) so the purpose of this project is to enhance and make this more reliable. We intend to employ around 25 people; 7 will support the actual manufacturing process and 18 will be on the distribution side of it. We are taking ambient air (the same air that we are breathing), and compressing that air using an air compressor. The air is then purified (the water vapor and carbon dioxide in the air is removed), and the dry air goes through a distillation process which liquefies the air. Once it's liquefied, it is separated into those three gases. Those gases are stored on site and then distributed by tractor trailer to the various customers. This facility produces no emissions, no residual hazardous waste at all. What drives the whole process is the electrical power.

Member Hughes asks if the Coatesville and Reading facilities are the only local suppliers – that this facility would be the third such facility in the area.

Mr. Carter states that is correct. Today, the production sources we have in Reading and Coatesville are totally maxed out – we cannot produce any more. We are bringing product in from elsewhere (outside of the state) to support our business in the region.

In response to Chairman Binney's suggestion, discussion occurs about the traffic flow at the site (into Tyburn Road, flow over an existing private set of roads within KIPC, to a driveway over one of the lots to be subdivided, 20 ft wide paved road – extend that driveway onto the parcel to be developed; basically a once in and around to pick up product and then out); maintenance and improvement to the 20 ft. wide paved road.

Discussion occurs regarding the site capacity calculation not being shown on the plans (it will be added), concern about the resource protection items, specifically the canal that runs along Middle Road (which is the drainage for much of the whole site) have wetlands (Mr. LungChung explains that there are protections for the channel in its existing condition); wetlands (they have report that there are no wetlands); and the difference in the two plans (it will be corrected).

Jones Engineering Associates' Review Letter dated August 20, 2018

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

Minor Subdivision Plan

191-48.A Requesting a waiver – street trees along street frontages
191-52.1.C Requesting a partial waiver – site capacity calculations for the residual portion
191-62.B Requesting a waiver – curbs along street and paved cartway
Chairman Binney suggests adding curbing along the access driveway (applicant will comply if needed)

191-79.D(9) Requesting a waiver – surface drainage plan of the tract (addressed inland development plan)

Land Development Plan

- 191-9.D Requesting a waiver – submit preliminary and final plan as one submission
- 191-30.I(4) Requesting a waiver – from preparing traffic impact study
- 191-36.D Requesting a partial waiver – driveways be not less than 12 feet to property line
- 191-37.B Requesting a waiver – no less than 15 ft. of open space between the curblines of any uncovered parking area and the outside wall of any building

Discussion occurs about the traffic pattern of the trailers going through the maintenance building and the cars parking close to that building. Applicant will provide a turn analysis and update the plans.

- 191-37.G(1) Requesting a waiver – curbed raised planting beds with shade trees at end of each parking row
- 191-37.G(4) Requesting a waiver – shade trees in the parking areas
- 191-45.C Requesting a waiver – no permanent structure in the area of an easement

Chairman Binney asks if there will be a detention basin in one of the easements (yes). Applicant states there will be a statement on the land development plans that the easement rights would not alter in any way these stormwater facilities without approval of officials and AirGas.

- 191-48.A Requesting a waiver – providing street trees along the sides of all streets
- 191-62.B Requesting a waiver – providing curbs along the street/ widening paved cartways to the curb
- 191-78.D(14) Requesting a waiver – providing a tree protection zone

Discussion occurs around stone strip between the area of the maintenance shop and high tension tower (not a driveway), why does it have to be stone (will flow and direct the drainage), if you are redeveloping the site and parking trucks there, the stone should be paved (applicant was trying to reduce impervious).

Mr. Jones clarifies that the applicant has agreed to remove the stone driveways and provide asphalt paving. The only stone that will be left on the revised plans will be in the area where they will store tractor trailers or to support the tank area. What the Chairman is asking is why does the stone have to be in the non-driveway area; perhaps it could be a grass swale?

Mr. Carter agrees.

Chairman Binney states his dissatisfaction with preliminary and final recommendation from this Board (too many outstanding issues) and seeks a commitment from the applicant that plans will be substantially revised working in conjunction with the Township Engineer.

Member Hughes makes a motion to recommend approval of the **Minor Subdivision** for AirGas, 51 Middle Drive, Fairless Hills, PA 19030, TMP #13-051-001, based on Jones Engineering Associates' review letter dated August 20, 2018, with waivers requested for Sections 191-48.A, 191-52.1.C, 191-62.B, and 191-79.D(9)

Member Leszczuk seconds the motion.

All in favor 5-0. APPROVED FOR MINOR SUBDIVISION.

Member Leszczuk makes a motion to recommend approval for **Preliminary Land Development** for AirGas, 51 Middle Drive, Fairless Hills, PA 19030, TMP #13-051-001, based on the Fire Marshal's review letter of July 9, 2018, Remington Vernick's review letter of July 23, 2018 and Jones Engineering Associates' review letter dated August 20, 2018, with waivers requested for Sections 191-30.I(4), 191-36.D, 191-37.B, 191-37.G(1), 191-37.G(4), 191-45.C, 191-48.A, 191-62.B and 191-78.D(14).

Atty. Jennings asks if the Board would reconsider recommending Preliminary and Final Land Development as the applicant will be submitting revised plans in advance of the Board of Supervisors' meeting, whether in September or October.

Member Leszczuk makes another motion amending the above motion to include a recommendation for approval of **Preliminary and Final Land Development** with an additional waiver request for Section 191-8.D and with the stipulation that before the applicant's appearance before the Board of Supervisors revised plans will be submitted in time for the Township engineer's review.

Member Hughes seconds the motion.

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

Item #3: Outback Steakhouse, 650 Commerce Blvd., Fairless Hills, PA 19030; TMP #13-003-036 / #13-003-036-005; Zoned: SC. Owner: Oxford Valley Road Associates. Preliminary Land Development – demolish existing Old Country Buffet and construct a 6,620 sq. ft. Outback Steakhouse

Thomas Hecker, Esquire, presents the application. The applicant is requesting to redevelopment this parcel by demolishing the existing Old Country Buffet and constructing an Outback Steakhouse. He introduces Jamie Butler from Blooming Brands (owner/operator of Outback) and Brian Conlon, the civil engineer from Langdon Engineering.

Brian Conlon continues by stating that Old Country Buffet is 10,417 sq. ft. with three sides of parking. We are going to demolish that building and construct a 6,620 sq. ft. Outback Steakhouse (net difference of just under 3,800 sq. ft. less in building coverage). In addition, we are adding more green space to the project (about 2,500 more green). The parking goes down by five spaces. The parking along the perimeter is staying at the same; we are just re-orienting it. Everything is happening within the pad. The utilities are existing and we are working with those utility providers. No outdoor patio or seating (just an area for smokers). We also provide curbside take-out, where the person doesn't need to leave their vehicle.

Jones Engineering Associates' Review Letter dated August 23, 2018

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

- 191-37.C Requesting a waiver – parking stall size (10' x 19' instead of 10' x 20')
- 191-37.E Requesting a waiver – curb radi
- 191-78.C(2) Requesting a partial waiver, subject to adequate information from Township's engineer review

Discussion occurs about Section 191-39.A regarding the Township's Engineer suggestion that a grass strip be placed between the sidewalk and curb along the parking area driveway on the west side for pedestrian safety.

Atty. Hecker states that in the traffic consultant's letter, he is asking for a traffic impact study. We have a smaller building with fewer seats and don't think we need a traffic impact study. Chairman Binney agrees.

Mr. Conlon states they don't have a dedicated loading space. We anticipate that a box-type truck, or possibly a tractor trailer, will pull in adjacent to the service area, bring out the ramp, unload the truck through the trash service area in the northeast corner of the building. This will be done in the morning before the restaurant is open.

Chairman Binney asks if the trash will be contained within walls.

Mr. Conlon states yes, it will be enclosed by a block wall with a gate to open.

In response to a question by Member Hughes about the grading, Mr. Conlon states that all slopes are ADA compliant.

Member Leszczuk makes a motion to recommend approval for Preliminary and Final Land Development for Outback Steakhouse, 650 Commerce Boulevard, Fairless Hills, PA 19030, TMP #13-003-036 and #13-003-036-005, based on Jones Engineering Associates' letter of August 23, 2018, with waivers requested for Sections 191-37.C and 191-37.E and a partial waiver for Section 191-78.C(2), the Fire Marshal's review letter dated August 2, 2018, and Remington Vernick's review letter dated August 14, 2018 with a waiver requested for the traffic impact study.

Member Hughes seconds the motion.

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

Item #4: Approval of Minutes

Motion to approve minutes from July 24, 2018

All in favor 4-1 (Hughes abstaining)

Meeting adjourned 8:40 p.m.