

**TOWNSHIP OF FALLS  
PLANNING COMMISSION MEETING  
AUGUST 27, 2019**

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

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

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

**Members absent:** John Haney, Erik Person

**Also Present:** Frances Dillon, Esquire (Begley Carlin & Mandio), Bill Deon (Morrisville Commons) and Erik Britz (Bohler Engineering) representing Morrisville Commons; Andrew Stoll, Esquire (Fox Rothschild), Bob Showalter, P.E. (Showalter and Associates), and Alex Chadwick (MLH 150 Roebling) representing MLH 150 Roebling

**For the Township:** Colleen Kane, Associate Engineer (Jones Engineering Associates) and Diane Beri, Recording Secretary

---

**Item #1: Morrisville Commons, 550 W. Trenton Avenue, Morrisville; TMP #13-028-028; Zoned: HC. Owner: Morrisville Commons. Major Subdivision – subdivision of one lot into three lots**

Erik Britz, P.E. presents the application and states that they were before this Board a few years back for a Wawa, Rite Aid and a restaurant and received the appropriate approvals. This application is for a three lot subdivision which will basically separate the uses into three separate lots.

Frank Dillon, Esq., states that the reason for doing this is to arrange the financing on the various properties. He states that waivers were granted on the first application on May 5, 2017. In case they need to be re-applied, for, we are requesting those waivers again. Two waivers, however, were not previously granted and we are requesting those tonight.

Jones Engineering Associates' Review Letter dated July 17, 2019

All items are a will comply, with the following exceptions:

191-37(B) Requesting a waiver for minimum parking setback of 12 ft. from the property line  
191-43(D) Requesting a waiver for adjusting the side lot line

Chairman Binney asks about the homeowner's association document where everyone has easements to everybody else's property.

Atty. Dillon states that was part of the original approval for cross-easements to ensure access by all throughout the site.

Bill Deon (Morrisville Commons) states that what is common in a shopping center is an REA (Restricted Easements and Agreements) which sets up the relationships between the parcels. It allows free access for one property owner to drive across the entire site. It also sets up the arrangement to share the pylon signs so when the bills come in, they are paid by a "designated property owner". Presently, it is already functioning that way. This subdivision does not affect that agreement.

Atty. Dillon states this Agreement was a requirement of the land development approval; the Agreement has been recorded.

Chairman Binney asks if the subdivision occurs, is the ultimate goal to sell Wawa their property, Rite Aid their property, and the restaurant their property?

Mr. Deon says it is not. Wawa and Rite Aid won't buy because they have long term leases with us (Wawa for 25 years; Rite Aid is 15 years with options). The biggest motivator for this subdivision is financing. At the present time, we have a mortgage on the entire property. We have a construction loan and must finish the construction. So we are kind of stuck – we can't convert to permanent financing (which as a developer you really need to do) because of the undeveloped part of the one parcel. We want to be able to put the permanent financing on the two developed lots (Wawa and Rite Aid) and leave the construction loan on the undeveloped parcel until we have a tenant there. If this subdivision is approved, we will own all three parcels.

Chairman Binney says his main concern is this property is served by a private sewage pumping station. He wants to ensure there is somebody responsible to maintain it. The REA refers to the owner as having certain responsibilities, i.e., the maintenance of the common areas. You then assess the fees to the other entities. He wants to ensure that arrangement stays in place.

Mr. Deon says that is correct. This subdivision will not affect the REA, which has already been recorded.

No Board questions.

Chairman Binney states that from the beginning he was opposed to not connecting the sidewalk on Rte. 13, so he is going to stay consistent on this one point and vote no. There is a sidewalk that comes out of the development on Rock Run and people do use that sidewalk. Now that the Wawa is built, there are trucks parking along the side of the road so the drivers can go to Wawa.

No public comment.

Member Leszczuk makes a motion to recommend approval for the Major Subdivision application of Morrisville Commons, 550 W. Trenton Avenue, Morrisville, PA, TMP #13-028-028 based on the recommendations of Remington and Vernick's review letter dated July 11, 2019, and Jones Engineering Associates review letter dated July 17, 2019 with waivers requested for Sections 191-37.B and 191-43.D.

Member Crohe seconds the motion.

**All in favor 3-1, Binney dissenting. APPROVED FOR MINOR SUBDIVISION**

---

**Item #2: MLH 150 Roebing, LLC, 150 Solar Drive, Fairless Hills, PA. TMP #13-051-001-024; Zoned: MPM. Equitable Owner: MLH 150 Roebing Amended Final Plan – Construct a 64,920 sq. ft. addition to the existing buildings on the property to be used for a medical marijuana grower / processor facility.**

Andrew Stoll, Esquire, presents the application and states that we are here on Phase 2 and are requesting preliminary and final land development approval. The property has two existing buildings. Phase 1 of the proposed project was approved and that was for small improvements to the two existing buildings with a small connection between the two buildings. Since that approval, we have obtained title to the property so the applicant is the legal owner to the property. We have also received approvals from the State to operate a grower processing facility on the property. We have submitted to the Township for building permits for Phase 1 that have not been issued. The applicant has a State deadline to move forward within six months of approval to operate the grower processing facility.

Phase 2 is to construct and operate a 65,000 sq. ft. building for future expansion. Once the applicant is up and running, we will need this additional space to fully operate. This is not an amendment to Phase 1.

Bob Showalter, P.E., in response to a question by Member Leszczuk, states that there are two existing buildings on the site now. Phase 1 is minimally connecting the two buildings – converting one building into a processing facility and one building into a growing facility. Permits have been submitted to the Township to redo the interior of both buildings. Phase 2 is for the connection of the first phase to the new building in the back.

Jones Engineering Associates Review Letter dated August 22, 2019

All items are a will comply, with the following exceptions:

- 191-31(A) Requesting a waiver for curb along frontage of Solar Drive
- 191-62(B)
  
- 191-37(B) Requesting a waiver for curbing to be installed for all parking facilities
- 191-37(G)(1) Requesting a waiver for curbed raised planting beds (paint striping instead)
- 191-37(G)(4) Requesting a waiver for one tree of 1-1/2 inch caliper for every 6 parking spots
- 191-48(A) Requesting a waiver for street trees
- 191-78(B)(6) Requesting a waiver for location map scale not less than 800 feet to the inch
- 191-78(C)(2) Requesting a partial waiver, subject to adequate information from Township’s engineer review

In response to questions by Chairman Binney, Mr. Showalter explains that the 13 ft. connection shown on the plans will allow all the buildings to interact with each other and not have to go outside. It is also for security reasons. Mr. Showalter elaborates that the structure does sit on top of all the utilities and it is a challenge. Most of the utilities are remnants from U.S. Steel and they are very particular about not disrupting those utilities because they serve the whole area underground. We are relocating the storm sewers underneath the walkways.

Alex Chadwick from MLH 150 Roebing states this project will significantly increase our production capacity for six retail locations we will have in this State. We can wholesale to other clinical registrants that are in our category of license. This will get us into the medical marijuana program over the next several years and in the market we expect to serve. I do not foresee building beyond Phase 2. Phase 2 is all cultivation – it’s a greenhouse.

Member Crohe asks about their security measures.

Mr. Chadwick states that we have cameras, surveillance systems, alarm systems in all the structures, including the greenhouse. The State requires us to have security cameras covering all the exterior walls of the facility, every room has to be covered with camera footage, there must be panic alarm placement in certain areas, 24/7 monitoring, on-site monitoring as well during operations with centrally located security staff looking at camera footage across the facility.

Member Hughes asks if there are also requirements put forth by the DEA? He has experience in building DEA vaults in facilities. Do you fall into those same criteria?

Mr. Chadwick says not the same criteria in that we are not under the purview of the DEA for this program. What we are constructing are double wired mesh vaults in terms of the enclosures. All product at any time that is not physically growing will be under vault in that enclosed space.

Chairman Binney asks how much truck traffic this will generate and what kind of trucks.

Mr. Chadwick responds not much. Most of the traffic will be vans, not trucks, to move product from our production location to our dispensaries and some other clinical registrant dispensaries. We may have one or two vans a day moving product in and out of the facility. We'll have certain tractor trailer deliveries dropping off pallets of material, but it's not going to be a significant amount.

Chairman Binney asks when the facility is fully operational, how many employees will you employ.

Mr. Chadwick states that initially it will be about 30; when fully operational it will be approximately 75.

Discussion occurs regarding the Remington Vernick traffic engineer's review letter and the Fire Marshal's review letter.

Member Leszczuk makes a motion to recommend approval for Preliminary and Final Land Development of MLH 150 Roebling LLC, 150 Solar Drive, Fairless Hills, PA 19030, TMP #13-051-001-024, Zoned MPM based on Remington Vernick's review letter dated May 31, 2019, the Fire Marshal's review letter dated August 20, 2019, and Jones Engineering Associates review letter dated August 22, 2019, with waivers requested for 191-31(A), 191-62(B), 191-37(B), 191-37(G)(1), 191-37(G)(4), 191-48(A), 191-78(B)(6) and a partial waiver for 191-78(C)(2).

Member Crohe seconds the motion.

**All in favor 4-0. APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT**

---

**Item #3 Approval of Minutes**

Motion to approve minutes from June 25, 2019.

**All in favor 4-0.**

---

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