

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
AUGUST 25, 2020**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:50 p.m.

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

Members absent: None

Also Present: Representing KA at Fairless: Julie Von Spreckelsen, Esquire (Eastburn and Gray), Justin Geonnitti, P.E. (Dynamic Engineering)

Representing Pennsbury School District: Leanna Colubriale (Remington, Vernick) and Pete Mettica (architect) and Tim Holman (Pennsbury School District)

Representing Alro Steel: Michael Meginnis, Esquire (Begley, Carlin), Kristen Holmes (Holmes Cunningham Engineering), Jim Rumler (V.P. of Administration for Alro), Adam Schmidt and Greg Ancel (Echelon)

Representing Marquis: Michael Meginnis, Esquire (Begley, Carlin), Kristen Holmes (Holmes Cunningham Engineering), Bob Marquis (Marquis Construction)

For the Township: Matthew Takita, AIA, MCP, Township Manager; Joseph Jones, Township Engineer (Jones Engineering Associates) and Diane Beri, Recording Secretary

Item #1: KA at Fairless Hills, LP, 500 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-019; Zoned: SC. Owner: KA at Fairless Hills, LP. Proposed Minor Subdivision – 2 acres of existing property

Item #2: KA at Fairless Hills, LP, 500 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-017-019; Zoned: SC. Owner: KA at Fairless Hills, LP. Application to Re-Zone 2 acres from SC (Shopping Center) to Highway Commercial (HC)

Julie Von Spreckelsen, Esquire, presents the application. The property comprises a little over 15.3 acres and is located in the Shopping Center district. The two existing buildings have been there for decades. The shopping center comprises over 188,000 sq. ft. of space. There is a stand-alone restaurant that is about 6,000 sq. ft. When the applicant purchased the property in 2014, the anchor tenant was the Pathmark store. Since then, Pathmark went into bankruptcy and left and two of its other tenants also vacated (Family Dollar and Tuesday Morning). Despite the upgrades the owner did at the property and the hiring of a national broker in order to attract and secure additional tenants for the vacancies, they've been having difficulty doing so. Sixty thousand square feet of this center remains vacant. It took three years to secure a tenant for the Pathmark location which wasn't even a retail tenant – it was an amusement use (Funzilla).

The retail industry has gone through a lot of changes with online sales. The brick and mortar stores and shopping centers, they all had to repurpose themselves. So they are including uses not typically retail. In order to remain solvent at this location and keep the center financially viable, the applicant is proposing to demolish the existing restaurant and construct a Wawa convenience store. A two acre portion will be subdivided and that portion of the property would also be subdivided and re-zoned to Highway Commercial.

We acknowledge if this happens, we will need other approvals as well – zoning approval, conditional use approval, and land development approval. We met with the Township staff in January of this year to discuss the procedural steps to meet our goal of a Wawa convenience store and to help make the parcel financially viable. We are not asking to re-zone the entire parcel, just a portion of the parcel, once it is subdivided. If we are

successful in subdividing and re-zoning this two-acre parcel, we would need to add only the zoning issues with regard to the HC District that are noted in the Township Engineer's letter.

Chairman Binney states because you told us what you are going to do with this lot and we know what relief is going to be asked for in the future, I want to know why you can't make the lot big enough so you don't need variances for the setbacks.

Justin Geonnotti, P.E. responds that some of the variances pertain to impervious surface. As the lot stands now it is already an existing non-conforming lot. By subdividing out a portion of the lot, we are not going to get away from that existing non-conformity because we still need to meet all the parking requirements. We are providing additional green space. The lot we are subdividing from is essentially going down in impervious. Overall, four of the variances pertain to building coverage and impervious surface. We are reducing the amount of building coverage and impervious on both lots. The variances we are requesting because we are creating a subdivision are impossible to do away with based on the existing non-conformities on the site today. A number of the variances also pertain to parking within the yards of the subdivided lot and based on the configuration of the lot and where PennDOT requires our driveways, we can't create the yards that are required to have no parking within the yards. A lot of the variances are not self-inflicted; they are impossible to do away with as we trying to redevelop the existing parcel.

Chairman Binney asks why can't the site be wide enough so that you don't need the building setback variance.

Mr. Geonnotti asks about the one off of Arleans – if we do that, we would be creating more of a parking issue.

Chairman Binney states he thinks it is poor planning to create a lot where we know variances are going to be required. If Wawa pulls out of here, the building setback is relatively small. I think we should comply with the zoning variances wherever possible. I think it's easy to move the lot line 10 ft. The parking lot is overkill for the shopping center and Wawa. I'm not opposed to losing a few more parking spaces to get that to work.

Mr. Geonnotti says that if we made the building setback change, we would lose parking and make that a variance request. We would lose one row of parking overall (about 12 spots). The location of the driveway is driven by PennDOT. If we were to shift the driveway, we would become closer to the existing driveway and PennDOT wants that separation.

Chairman Binney asks why all the aisles dump into the Wawa location. Can there be a grass strip that separates the Wawa from the parking lot except for one in the rear of the building that goes out to Arleans Avenue. I do not like the fact that all these cars have unrestricted access and will be able to cut through from the side and the rear.

Atty. Von Spreckelsen states that we can certainly incorporate that in our design when we get to the land development stage.

Discussion occurs with Members Crohe and Hughes about specific design details of the plan.

Mr. Jones suggests speaking with PennDOT about the driveway separation and including the Township in those discussions.

Mr. Geonnotti agrees. Once we get passed the subdivision and zoning change, we'll have the ability to fine tune exactly what we are looking for and come back before the Zoning Hearing Board with the bare minimum of variances requested.

Chairman Binney says it comes back to you asking us to recommend approval of a subdivision that we know violates our zoning ordinances and that to me is poor planning. The building setback issue – I don't understand why if we know this is where the building will be we can't meet the setback requirements.

Mr. Geonnotti states that it was driven by the parking requirement and by the drive aisle.

Member Haney asks if both driveways are necessary.

Mr. Geonnotti states that yes, due to the volume of traffic generated by Wawa and to limit access off the side street.

Four waivers are requested (actually deferrals until the land development plans are submitted).

Discussion occurs about the building setback and PennDOT's requirements for the driveways and the zoning relief required. Members also make additional comments on some changes to plans for Wawa.

Discussion turns to the Application to Re-Zone

Atty. Von Spreckelsen states that we want to re-zone this two acre parcel from Shopping Center to Highway Commercial. There are many properties that are zoned HC along the Lincoln Highway corridor, so this clearly is not spot zoning. It is within the character of the neighborhood and fits in perfectly with all the other uses along Lincoln Highway. Additionally, the permitted uses within the HC and SC are similar.

Chairman Binney states he doesn't have a problem with the parcel being zoned HC. My biggest concern is approving a lot that may or may not receive variances.

Atty. Von Spreckelsen agrees and states that this project is procedurally difficult to navigate because of the number of approvals needed. However, we need to create a parcel first and suggest that any recommendation be conditioned on satisfying the comments in the Township Engineer's letter which include obtaining the zoning relief. If we don't obtain that zoning relief, the subdivision then becomes null and void.

Chairman Binney asks if the applicant would be willing to explore moving the lot line and then come back before the PC? We would feel much better about making the decision if we knew there was no other alternative.

Discussion occurs about changes to the plans to meet the Chairman's concerns.

No public comment.

Member Hughes makes a motion to recommend approval the Minor Subdivision application and the Application to Re-Zone for KA at Fairless Hills, LLP, 500 Lincoln Highway, Fairless Hills, PA 19030, TMP #13-017-109, based on Jones Engineering Review letter dated August 14, 2020 with waiver requests for sections 191-79.D(7), 191-79.D(8), 191-79.D(9) and 191-79.D(10) with the provision that applicant adhere to the front yard setback of Arleans Avenue.

Member Haney seconds the motion.

All in favor 5-0. APPROVED FOR MINOR SUBDIVISION AND RE-ZONE FROM SC TO HC.

Item #3: Pennsbury School District, 134 Yardley Avenue, Fallsington, PA 19054; TMP #13-032-045; Zoned: IN. Owner: Pennsbury School District. Waiver of Land Development – 765 sq. ft. building addition, additional parking spaces, and improvements

Leanna Colubrale presents the application. This project involves the building addition for the new lobby for the Pennsbury School District Administration building. The addition is on the south side of the building approximately 765 sq. ft. and shows different renderings of the addition. The purpose of the addition is to make an ADA accessible entrance to the Administration building.

Jones Engineering Associates' Review letter dated August 17, 2020

All items are a will comply except for the following:

- 191-48 Requesting a waiver requiring street trees along the frontage
- 191-61(A) Requesting a partial waiver requiring sidewalks to be constructed along frontage
- 191-78(C)(2) Requesting a partial waiver subject to the Township's engineer review

No Board questions.

No public comment.

Member Crohe makes a motion to recommend approval of the Waiver of Land Development application of Pennsbury School District Administration Building, 134 Yardley Avenue, Fallsington, PA 19054, TMP #13-032-451, for a new building addition, based on Jones Engineering Associate's review letter dated August 17, 2020, with a waiver request for 191-48 and partial waivers of 191-61(A) and 191-78(C)(2).

Member Haney seconds the motion.

All in favor 5-0. APPROVED FOR WAIVER OF LAND DEVELOPMENT

Item #4: Alro Steel, 17 Progress Drive, Morrisville, PA 19067, TMP #13-047-166; Zoned: HI. Owner: Alro Steel. Preliminary Land Development – Proposed construction of a steel distribution facility with associated improvements

Michael Meginnis, Esquire, presents the application. The applicant owns two parcels at the northwest corner of Steel and Progress Drive (TMP#13-047-166-001 and #13-047-166-002). The property is presently vacant and located in the HI district. Part of the project is to consolidate these two parcels into one larger tract of approximately 14.63 acres. Applicant has appeared before the Zoning Hearing Board in December and were granted two variances: specifically, one for impervious surface and one for site access points. This is a three-phase project with the final product being the construction of an approximately 254,699 sq. ft. building for warehouse distribution. Within that building, there is approximately 10,744 sq. ft. of office space.

Alro has been in business for over 70 years with over 70 sites in 12 states. They process and distribute metals, plastics and industrial supplies with next day delivery to over 25,000 customers in North America. The only real processing anticipated at this site is bulk cutting to client's request prior to shipping. Eighty to ninety employees would be employed at this site.

Chairman Binney asks Joe Jones if we are approving all three phases or just phase 1?

Mr. Jones states that the applicant is seeking preliminary and final on all phases of construction with the understanding that they will build them over time. They will escrow and seek approval for all three phases.

Jim Rumler (V.P. of Administration at Alro) states Alro primarily buys from steel mills, we inventory material and do some first stage processing (cutting) and ship it next day to the customer. We are typically within a 50-mile radius of our customer base. This facility will replace the facility we currently have in Huntingdon Valley. Route trucks will go out and deliver material every day.

Kristen Holmes, P.E. continues and shows a rendering of the full build phase of the site. Steel Road South is to the east of the property and Progress Drive is to the south. There are two driveways proposed off of Progress Drive for the internal circulation of the development. In addition to the drive, there is an internal loop for the property itself. There is full circulation of the drive around the building to the rear as well as the driveway along the frontage near the office, which is located along the Progress Drive side. Additionally, parking is proposed. Two infiltration basins are proposed – one showing along the frontage of Progress Drive, and another larger basin along the corner Steel Rd and Progress Dr. Two infiltration trenches run along the edge of the pavement along the western and northern boundaries.

Phase 1 – is a building of 157,928 sq. ft. Two driveways, one driveway to be relocated during phase 3. Parking is shown for the employees that will be included in this first phase. Stormwater management is part of this first phase.

Phase 2 – There is an additional bay being added to the rear of the building. Any work that would need to be done regarding the driveways, circulation and pavement in that rear would occur in that area.

Phase 3 – A building addition on the western side of the building. The driveway that previously existed will be removed and a new driveway will be installed further west to align with the new drive thru lanes of that western portion of the building. New driveways, new curb cuts and the building addition will run along this side. Sixteen additional spaces will be added to accommodate the additional employees.

With questions from Members Hughes and Crohe, discussion occurs about the truck circulation within the site and the building and how one lane is for shipping and the other lane is for receiving and how all trucks circulate in the same direction.

Atty. Meginnis states that Alro has purchased the property from US Steel and are committed to this project.

Member Leszczuk asks about the amount of employees and parking spaces.

About overnight parking, Atty. Meginnis states that this is a 24/7 operation so trucks would be there overnight.

Chairman Binney asks if trucks are going to be staged out on Progress Drive waiting to enter (no, that's the whole point of the internal circulation).

Discussion occurs around the truck circulation.

Jones Engineering Associates' Review letter dated August 18, 2020

All items are a will comply except for the following:

- 191-36(D) Requesting a partial waiver – curbing along all driveways
- 191-37(B) Requesting a partial waiver – curbing along all parking facilities
- 191-37(G)(1-4) Requesting waivers -- curbed raised parking beds
- 191-45(C) Requesting a waiver – allow multiple stormwater structures within existing drainage easement
- 191-78(C)(2) Requesting a partial waiver – subject to the Township's engineer review

No further Board comments.

No public comment.

Member Leszczuk makes a motion to recommend approval of the Preliminary and Final Land Development application for Alro Steel, Progress Drive and Steel Road South, Fairless Hills, PA 19030, TMP #13-047-166-001 and #13-047-166-002 based on Jones Engineering Associates' review letter dated August 18, 2020, with partial waivers requested for 191-36(D), 191-37-(B), 191-78(C)(2) and waivers for 191-37(G)(1-4) and 191-45(C), the Fire Marshal's review letter dated August 10, 2020 and Remington Vernick's letter dated June 15, 2020.

Member Crohe seconds the motion.

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

Item #5: 261 Lower Morrisville Road, 261 Lower Morrisville Rd., Fallsington, PA; TMP #13-028-019; Zoned: LI. Owner: Robert & Elizabeth Marquis. Preliminary Land Development – Proposed building addition over existing impervious with associated improvements

Michael Meginnis, Esquire, presents the application. The property is owned by Bob Marquis, has 1.45 acres, and is currently improved by a 2,843 sq. ft. contractor office and a 1,174 sq. ft. accessory building. Most of the site is covered with gravel to store equipment in the exterior. The proposal is to construct an approximately 14,165 sq. ft. addition which would be used primarily for the maintenance and storage of that equipment in the interior. There is full connectivity and we believe this will be a substantial improvement from the way the equipment and materials are currently stored. There is no change to the operation; there is no functional impact; there are no additional employees; no change to the roadway. The only change is an addition of space so we can take the equipment (currently being stored on the exterior) and bring it inside to the addition.

Kristen Holmes continues with the specific details of the plan. The addition is to the rear of the building over an existing gravel yard. This project will be reducing the impervious with this addition.

Chairman Binney expresses his concern with the infiltration trench being very close to the property line and the placement of a 4 ft. deep infiltration trench about 2 ft. off the neighbor's parking lot. My concern is this might undermine their parking lot.

Ms. Holmes explains that the trench is along the northwestern portion of the property line. There is an existing storm system that runs along this western boundary with a storm inlet in the northwest corner piping that runs towards the south and discharges into an existing riprap swale on the property. To comply with the volume calculations for stormwater management, we are proposing to excavate around that existing pipe and install a stone trench surrounding that. Mr. Marquis has reviewed and has seen these plans to acknowledge the improvements that are being proposed along the property.

Atty. Meginnis states that we will be securing a temporary construction easement which Mr. Marquis is willing to grant.

Member Crohe asks about numerous trucks that are not on the property.

Ms. Holmes states that yes, the intent of the addition is to enclose and weatherproof all the items that are currently being stored outside.

Jones Engineering Associates' Review letter dated August 18, 2020

All items are a will comply except for the following:

- 191-37(B) Requesting a waiver – 15 ft. of open space between curblineline of uncovered parking & bldg.
- 191-39(G) Requesting a waiver – sidewalks along the street frontage

- 191-44(d) Requesting a waiver – sloping at least 5 ft. from the property line
- 191-48(A) Requesting a waiver – street trees along property frontages
- 191-62(B) Requesting a waiver – road widening
- 191-78(C)(2) Requesting a partial waiver – subject to Township engineer’s review

Discussion occurs about the existing stormwater system discharging onto neighbor’s property and whether there is an agreement or understanding with that property owner (there is an understanding).

No other Board questions/comments.

No public comment.

Member Hughes makes a motion to recommend approval for Preliminary and Final Land Development application of Marquis Construction, 261 Lower Morrisville Road, Fallsington, PA 19054, TMP #13-028-019, based on Jones Engineering Associates’ review letter dated August 18, 2020, with waivers requested for Sections 191-37(B), 1917-39(G), 191-44(D), 191-48(A), 191-62(B), 191-78(C)(5) and a partial waiver of 178(C)(2), the Remington Vernick review letter dated August 14, 2020, and the Fire Marshal review letter dated August 10, 2020.

Member Haney seconds the motion.

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

Item #6: Approval of Minutes

Motion and second to approve minutes from July 28, 2020.

All in favor 5-0. Motion carries.

Meeting adjourned 8:50 p.m.