

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
DECEMBER 27, 2022**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 7:35 p.m.

Members present: Brian Binney, John Haney, Colin Henderson, Mary Leszczuk

Members absent: Robert McTague

Also Present:

Representing: Representing LPC Morrisville, LP, Carrie Nase, Esquire (Fox Rothschild), Victor Grande, P.E (Rettew Engineering) and Eric Moser (principal with LPC Morrisville)

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

Item #1: LPC Morrisville, L.P., 2300 S. Pennsylvania Avenue, Morrisville, PA 19067. TMP # 13-47-97; 13-47-97-1; 13-47-95 & 13-47-96; Zoned: RD-1. (River Front District, Sector 1). Preliminary Land Development. Construction of a building containing approximately 976,300 sf of warehouse space and 60,000 of office space, along with paving, parking, sidewalk, stormwater, and other associated improvements.

Carrie Nase, Esquire, presents the application, and states the site is approximately 96 acres to be developed as a warehouse facility. She states they have received the review letters from the Township Engineer and Traffic Engineer and will review their comments with the Board. The applicant is here seeking approval for Preliminary Land Development and if approved would then submit Final Land Development plans. She introduces the engineer for the project.

Victor Grande, P.E., begins with the existing features of the parcel. The parcel is bound by E. Post Road, S. Pennsylvania Avenue and Biles Creek. The Delaware River is to the north. This parcel is an abandoned industrial facility. The access is on S. Pennsylvania Ave. There is no current access on the E. Post Road side of the parcel. We will be proposing access to E. Post Road -- for emergency access only. The primary access to this property will still be on S. Pennsylvania Avenue.

There are quite a few environmental aspects to this property. The old facility had an Act 2 clean up which has been completed. There are engineering and environmental controls in place which we will be maintaining. We are working with DEP and EPA in this regard. In addition to this, we have flood plains and have waters of the Commonwealth on the property. The waters of the Commonwealth (or federal waters) are the Delaware River, Biles Creek, and an unnamed tributary coming off of Biles Creek. There are also wetlands on the property. Those wetlands were mapped and delineated and approved by the Army Corp of Engineers through jurisdictional determination. Since then, we have gone in front of the DEP and the Army Corp for the Chapter 105 permits. We are proposing to remove some wetlands on the property. The limit of the wetlands was limited to the internal wetlands, all associated with the unnamed tributary. The DEP and the Army Corp is requiring us to put in twice as many wetlands as we are actually removing.

In addition, we are working on taking away any easements or any restrictions or covenants on the property to prohibit us from developing the property.

There is a protected species which is the cricket frog. The cricket frog is something we are working on with the Fish and Brook Commission; we are in the final stages for this. We are proposing to improve their environment by restricting any new development in that area as well as creating a title wetlands.

As to the planned improvements, we are proposing a flex warehouse building of 968,000 sq. ft. We have truck courts on both sides of the building and vehicular parking on the northern and southern portion of the building. In addition to that, we have additional truck trailer parking on the right, and vehicular parking on the north side of the building. There will be an emergency entrance off of E. Post Road which will be gated off. The main entrance will be on S. Pennsylvania Avenue; we have obtained a PennDOT permit for that driveway. Off the entrance will be a guard shack. There is a complete access drive around the property. Everything to the right of the property is being reserved for the cricket frog area, wetlands and all of the natural resources.

Stormwater management is being taken care of with above and below ground basins. The below ground basins are along the Delaware River. There is a limited amount of space on the property in which we can really encroach into the Delaware River. To the west, east and south of the property are where the above ground basins are located. A majority of this site is in the floodplain. We are looking at different scenarios for stormwater, one being with regard to flood conditions and one being without flood conditions. Part of the Township Engineer's stipulation and what the plan reflects works with floods and also without floods. Sanitary sewer goes through Morrisville Borough Authority.

Chairman Haney asks if they have a tenant yet.

Eric Moser responds no. We are developing this on speculation. There has been some tenant interest, but we have resisted marketing efforts on this until we proceed further through the approval process.

Chairman Haney says his concern is vacancy with the new warehouse.

Mr. Moser says the vacancy rate for Class A logistics space is still very low historically. Vacancies rates continue to be at record low in Class A space despite a pause in the market due to the interest rates. What the major tenants are looking for are larger clear heights than what is available, and larger truck courts for their fleets. The primary user of this type of space is likely to either be e-commerce or a food user.

Chairman Haney asks if they would build to suit.

Mr. Moser says yes. Once we get all the approvals, we intend to market this heavily.

Member Binney asks besides the PennDOT approved driveway opening on S. Pennsylvania Avenue, are there any other widenings or turning lanes on S. Pennsylvania Avenue.

Mr. Grande says yes, there is a second permit for PennDOT for truck signage which we are applying for currently as the signage is multi-jurisdictional.

Member Binney asks about the E. Post Road opening for emergency purposes – what steps will be taken to prevent people from going out onto E. Post Road.

Mr. Grande says there will be a locked gate with a knock box for the emergency personnel.

Member Binney asks if there will be a note on the plan the E. Post Road exit is only for emergency personnel.

Mr. Grande says they can certainly add that to the plan.

Member Binney asks if there are any precautions being made in the event of a diesel fuel spill since there is correspondence stating the basins cannot be infiltration basins and if there were a spill it would go into the river.

Mr. Grande says yes, every inlet we have on the site has a pre-treatment filter in it. All the basins are lined and isolated, so they are not inter-connected.

Chairman Haney asks if the basins can be pumped out if there is a leak contained in basin so that the basins are controllable.

Mr. Grande says that is something we can work on.

Member Binney asks about the retaining wall to the left of the property – it appears it would be cutting off the flow of water which typically passes from the neighbors onto this property and ultimately gets to the river. What steps will you take to prevent that?

Mr. Grande explains in detail – there is a low flow channel to the south which runs parallel to S. Pennsylvania Avenue.

Member Binney asks for clarification of the water flow in relation to the retaining wall and the E. Post Road exit.

Mr. Grande says it is something we can take a look at.

Member Binney says when looking at the earth work analysis, you are filling this whole property 16 ft. in some places.

Mr. Grande says yes, based on what is being required for the minimal amount of fill and provides further detail.

Member Binney says you are going to construct a building 55 ft high on top of 15 ft. of fill so now that building will be 70 ft in the air from the existing condition.

Mr. Grande says no, the existing building as it sits today would have that building height on it. To extend that pad out from the Delaware River and also to S. Pennsylvania, that is where the fill will go.

Discussion occurs on this point.

Member Binney asks what the plan is for restricting trucks turning right into Morrisville?

Mr. Moser says when we sign leases, we can insert certain conditions for our tenants to adhere to. It is not a desirable access to go through Morrisville. It is more desirable for any truck traffic to access via Tyburn Road.

Member Henderson says that sounds good, but S. Pennsylvania Avenue has truck traffic constantly through Morrisville.

Mr. Moser says that is part of the signage package we are working on with PennDOT.

Joe Jones seeks clarification on their comment about a planning module waiver – there might be planning modules requirements and asks if they have submitted the planning module yet.

Mr. Grande says we were waiting on the clearance with the cricket frogs. DEP won't allow us to submit a sewage facility planning module without it.

Mr. Jones says Mr. Grande mentioned it is the minimum amount of fill required – wants to clarify – minimal fill for this development. If the fill is deemed an excessive amount, Section 191-29.E would be a waiver item.

Jones Engineering Review letter dated December 12, 2022

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

Subdivision and Land Development

- 191-29.E Requesting a waiver – amount of fill
- 191-52.1(B)(1)(a) Requesting a waiver – natural resource protection ratio for floodplains
- 191-52.1(B)(1)(b) Requesting a waiver – wetland disturbance ratio for wetlands
- 191-52.1(B)(4)(b)[1] Requesting a waiver – protection ratio for woodlands
- 191-52.1(B)(4)(b)[2] Requesting a waiver – other woodlands

Stormwater Management

- 187-16 Requesting a waiver – place the groundwater recharge

No public comment.

Member Binney makes a motion to recommend DENIAL of the application.

Member Henderson seconds the motion.

All in favor 4-0. Motion carries. APPLICATION IS DENIED.

Item #2: Approval of Minutes

Minutes of November 22, 2022 are approved.

All in favor 3-0 – Haney abstains.

7:35 p.m. Meeting adjourned