

**TOWNSHIP OF FALLS  
PLANNING COMMISSION MEETING  
AUGUST 27, 2024**

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

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

**Members present:** Brian Binney, Daniel Everett, John Haney, Colin Henderson, Jesse O'Brien (alt)

**Members absent:** Mary Leszczuk

**Also Present Representing:**

**Britton Industries:** Bryce McGuigan, Esquire (Begley, Carlin & Mandio), John Richardson, P.E. (Dumack Engineering), Daniel Carr (Britton Industries)

**For the Township:** Joseph Jones, P.E. (Jones Engineering Associates), Diane Beri (Recording Secretary)

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**Item #1: Britton Industries, 4 M-Y Lane, Morrisville, PA 19067; TMP #13-028-075-001; Zoned: LI; Owner; Carolyn Headrich; Equitable Owner: Britton Realty of Morrisville. Preliminary / Final Land Development – Construct millings area for storage of palletized bagged mulch (90% of area) and storage of trailers (10% of area) and construct a stormwater management drywell**

Bryce McGuigan, Esquire, presents the application and states the project involves the removal of the junkyard use on site and essentially the laying of millings for storage of mulch and trailers related to the mulch business. The mulch is palletized bagged mulch. We received zoning approval many years ago for both the use of the property as well as for 100% coverage of impervious surface. Since that time, we have been going through the land development process since then. No structures are presently proposed; it will be a storage operation.

John Richardson, P.E., describes the property. It is on the intersection of Rte. 1 and M-Y Lane. There are two driveways which will be maintained. The site will be surface with millings. Part of the reason we are using millings is this is an Act 2 site so it is contaminated. We have worked through the approvals with DEP. The option is to cap the site to keep the rainwater from percolating into the soils or add two feet of fill above the existing ground. The site is currently a mix of uses. Britton does have some uses on the site. The entire site was a junkyard until Britton purchased it. He shows the wetlands which are under the jurisdiction of the Pa. DEP. The Army Corps of Engineers said they are outside of their jurisdiction because it's isolated wetlands. The applicant does not intend to disturb the wetlands. They will be asphalt by the drive. There is already a significant amount of impervious surface coverage on the site, but we are adding additional impervious coverage. We are providing an underground stormwater management basin (pipes and stone) and isolated from the groundwater. They will provide plantings along M-Y Lane for some additional street trees.

Mr. Richardson continues and states the applicant did receive zoning variances in 2020. Subsequent to that, we have been working through environmental regulations Act 2, received a jurisdictional determination from the Army Corps of Engineers, went back to the Pa. DEP for a NPDES permits where the wetlands were discovered which required us to modify the plan and negotiate with Pa. DEP in terms of what they wanted protected on the site. While it has been four years since we received the zoning variances, the plan and the site have been actively pursued for permits.

Atty. McGuigan says in addition to the original nine waiver requests, the additions are Sec. 209-40 (to not have lighting in the parking area) and Sec. 191-39.G (to not require sidewalks).

Member Binney asks what keeps the millings from going into the basin.

Mr. Richardson states when millings are compacted and once that's done it's a fairly stable surface. It is recognized by the BCCD and Pa. DEP.

Chairman Haney asks if there is any discussion about putting any type of dry piping system in for fire department access for any of the mulch fires or is there any type of water system?

Mr. Richardson says there has not been a discussion letter yet. The applicant would be amenable to putting a water system on the property should the Fire Marshal require it.

Chairman Haney says it is his recommendation you look into some kind of dry piping or water system so in the case of a fire, the first responders out on Rte. 1.

Member Binney asks about the leaseholds shown on the plan (it was an old plan), questions whether Britton has different tenants on it (Britton has an agreement of sale, they haven't purchased it) and states in his opinion, you are replacing one eyesore with other eyesore. This is the entrance to our Township and when you come into our Township, we see a big pile of garbage, mulch and trash that is being crushed up into the mulch. I don't think this is an improvement.

Atty. McGuigan says this was proposed initially with multiple lease areas. That is not how the property will be used. With respect to other mulch storage in the area, this will be different because the mulch will not be in piles but palletized bags which are stacked. We will have discussions with the Fire Marshal about what his requirements are for water / dry piping on the property. Regarding the look of the property, it will look much better than the junkyard which was there previously.

Member Henderson asks if the plan is to lease it currently or in the future.

Mr. Richardson says there's no current plan to lease out. Historically, Falls Township has looked at lease lots as almost subdivisions. If the owner would like to lease out lot areas, they would have to come back to the Township with a subdivision plan.

Member Henderson asks if this lot is to be a bigger version of what you currently have at the Elks Lodge property on the other side where there is palletized mulch and empty trailers?

Mr. Richardson says the plan is about 90 percent palletized mulch and 10 percent trailers.

Member O'Brien asks if you are expecting more traffic from trucks and how that is being handled.

Mr. Richardson says he would not anticipate additional traffic in the area. This will allow them to run their operation more efficiently.

Member O'Brien asks who is this mulch being sold to -- contractors, Loews, Home Depot?

Mr. Richardson says correct, most of it is going to garden centers.

Atty. McGuigan goes through nine waiver requests.

Member Binney asks if you are requesting a waiver from Section 209-40? If so, that is a zoning requirement and this Board cannot grant it.

Member Binney says he personally is not in favor of disturbing the wetlands margin and not in favor of the waiver to not replace the trees. What is shown for landscaping should be more along Route 1. There is very minimal trees shown on this landscaping plan. The plan does not include the lease lines but the parking for those lease areas remains on the plan. It makes me wonder what is really going to happen here. If you are going to have parking spaces, they shouldn't back out onto a road heavily traveled by trucks.

Atty. McGuigan says with respect to the trees, we received a variance for up to 100% impervious surface coverage in 2020.

Member Binney says that is crazy.

Atty. McGuigan states because there is 100% impervious surface coverage, it's difficult to plant a lot of trees. However, we are willing to do the best we can to provide that additional buffering. Regarding the wetlands and the wetlands margin – our frontage along Route 1, there is about 100 feet in terms of depth of wetlands and then the margins is another 100 ft. This is about one-third of the property, not including other restricted areas that we can't improve based upon setbacks, buffers, right of way, etc.

Member Binney says his biggest problem is the waiver request for wetlands is it is a blanket waiver request. Normally, the minimum amount you needs is requested. There is not even a number to tell us what the minimum amount you need is.

Discussion occurs in this regard. Mr. Richardson says the number is 75% -- Member Binney says the ordinance allows 20% disturbance and you want to disturb 75%. Mr. Richardson says yes.

Member Binney asks what is the purpose of the millings on the other side of the stormwater management ?

Mr. Richardson says it is to gain area. The property was developed under the belief there were no wetlands. The Army Corp of Engineers initially issued a determination that there were not wetlands. So when the wetlands issue came up, we lost quite a bit of the site.

Atty. McGuigan says we are not proposing any leaseholds here and if in the future we do, a subdivision plan would need to be submitted to the Township.

Member O'Brien makes a motion to recommend approval for Preliminary and Final Land Development for Britton Realty, 4 M-Y Lane, Morrisville, PA 19067, TMP #13-028-075-001, based on Jones Engineering letter dated August 22, 2024, with waivers requested for the following sections: 191-31.A (cartway width & installation of curbing), 191-39.G (sidewalks), 191-48.A (street trees), 191-52.1.8(a) (wetlands margin disturbance), 191-62 (curbing along frontages), 191-78.C(2) (plan details within 200 ft. of the development), 199-3.D (100% removal of existing trees); 199-4.B(6)(a) (requiring the planting of additional trees).

Member Haney seconds the motion.

**All in favor 1-4 (Haney, Binney, Everett, Henderson dissenting).  
PRELIMINARY / FINAL LAND DEVELOPMENT DENIED.**

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**Item #2: Approval of Minutes**

Minutes for June 25, 2024

**Approved 5-0.**

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