

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETINGS
AUGUST 26, 2014**

Meeting commenced: 7:30 p.m.

Meeting adjourned: 8:45 p.m.

Members present: Binney, Miles, Perry, Rittler, Vergantino

Members absent: Goulet, Shero

Also present: Nathan Fox, Esquire, representing Bucks County Police Radio; Thomas Hecker, Esquire and John DiBenedetto, R.A., representing Extra Space Storage; Allen Toadvine, Esquire, representing Puss-N-Boots; Henry Van Blunk, Esquire, and Brian Ciampitti, P.E., representing Keystone – NAP Data Storage; Peter Stillitano, representing Better Homes, Hearth & Patio; Michael Bradley, Esquire, representing Superior Motor Services.

For the Township: Joseph Jones, P.E. (T&M Associates); and Diane Beri, Recording Secretary

Item #1: Bucks County Police Radio, 8900 Bristol Pike, Morrisville, PA 19067; TMP #13-040-045-001; Zoned: LI. Conditional Use for an antenna collocation for a police radio for the County of Bucks

Nate Fox, Esquire presents the application. This application is the removal of existing equipment with replacement to current equipment to up grade the existing police radio network. All the engineering items are will comply items.

No Board questions.

Member Rittler makes the motion to APPROVE the conditional use application for Bucks County Police Radio (Motorola), 8900 Bristol Pike, based on the T&M review letter dated August 18, 2014.

Member Perry seconds the motion.

All in favor 5-0.

APPROVED FOR CONDITIONAL USE

Item #2: Extra Space Storage, 915 Lincoln Highway, Morrisville, PA 19067; TMP #13-028-022-004; Zoned HC. Minor Subdivision and Preliminary Land Development – subdivide lot into two lots; addition of 1,200 sq. ft. building

Thomas Hecker, Esquire, presents the application. We are here tonight for a minor subdivision submitted on behalf of Extra Space who is the legal owner of the property. The intent is to create two lots. There has not been a user for this location since 1998. What is triggering this application is a request by Rick McLaughlin to buy this property from Extra Space Storage. Rick has been a businessman in Falls

Township for a number of years and would like to locate his company, Truck Smart, to this location. There is an agreement of sale in place between the two; therefore the lot needs to be subdivided.

What is different about this subdivision is that we are putting a line down through the line which actually goes through the building. Other than that, it is a simple minor subdivision application for the purpose of bringing a good business person to the property and rejuvenating the property.

Member Binney questions what kind of a use for the property.

Atty. Hecker states that Truck Smart is a truck sales and service facility. After the agreement was signed between Rick and Extra Space, he was able to locate a new truck franchise that was being transferred from New Jersey (Isuzu). They will be selling new Isuzu trucks, doing some minor mechanical work and detailing work. This will be a franchise location.

John DiBenedetto, architect for the project, continues. This lot consists of 444,420 sq. feet of area, approximately 10.2 acres. The site is bordered by industrial and commercial properties on the east, west and south sides, and by residential properties on the north side. The site was originally developed for a 26,400 sq. ft. Acme market on what will now be lot #2, and an 88,200 sq. ft. Clover Dept. store on what will now be lot #1. The Acme building had been vacant for 20 years, while the remainder of the building had been occupied by Extra Space Storage since 2004.

There are also 10 existing one-story storage structures on lot #1. This application proposes to subdivide the property from the north or rear property line along the party wall between the old Acme building and the Extra Space Storage building to the south or front property line. This division provides two separate lots labeled lot #1 for Extra Space and lot #2 for Truck Smart (new occupant).

In addition, this submission proposes to construct a new 1,200 sq. ft. one story office structure for Extra Space Storage's business activities at the front of lot #1 as well as a new curb cut in Lincoln Highway for access into lot #2 for Truck Smart. The office structure is an accessory use to Extra Space Storage and as such is a permitted use. There is no new construction proposed for lot #2 (Truck Smart) except for a sign pylon.

Mr. DiBenedetto introduces 7 color photos showing various angles of the site.

On Lot #1, the bituminous area between the existing building and the new office building will be designated as parking for recreational vehicles. On Lot #1, a 20' by 180' area of the existing bituminous paving will be removed and a new topsoil and landscape buffer will be contiguous to and align with the property line. An area of bituminous paving approximately 100' by 100' will be removed and a new rain garden will be installed contiguous to the new office building.

On Lot #2, a 20' by 485' long strip of the existing paving will be painted with a designation that no parking is allowed along this 20' setback buffer. There will be a 6' high chain link fence to separate the two lots.

There are no wetlands on this property. We propose to control stormwater with the new rain garden at the front of lot #1.

T&M Review Letter dated August 18, 2014

Zoning Ordinance

Mr. DiBenedetto states that Extra Space will be appearing before the Zoning Hearing Board on September 9, 2014.

Subdivision and Land Development Ordinance

All are will comply items, with the exception of:

191-36(D) Requesting a waiver – curbs by driveway

Member Binney states that he is not in favor of this waiver request. Mr. DiBenedetto states they will comply.

191-37(G)(4) Requesting a waiver – one tree per every six parking spaces

191-48(A) Requesting a waiver – planting of street trees

191-61(A) Requesting a waiver – sidewalks on both sides of the street

191-62(A) Requesting a waiver – curbs on both sides of the street

187-13(B)(1) Requesting a waiver -- 15 inch storm sewer pipe

Mr. Jones states that he is not in favor of this waiver request. Mr. DiBenedetto states they will comply.

Member Binney states that he doesn't see any customer parking identified on the plans or where the trucks are going to be parked.

Mr. DiBenedetto states that there is customer parking on the north side of the new office building.

Member Binney asks for lot #2 – the truck dealer?

Mr. DiBenedetto states for lot #1. For lot #2, I don't have a site plan.

Member Binney asks if that is what the applicant is here for – land development? Are we here for just land development for lot #1?

Mr. Jones replies that we are here for land development of lot #1 and minor subdivision approval for the project.

Member Binney asks if lot #2 is coming back for land development.

Mr. Jones states yes.

Atty. Hecker states that he doesn't think there will be any changes that would require land development. When the actual permit for lot #2 is submitted, it will be reviewed for parking requirements by the zoning officer. There is no additional paving that is being installed. We will be required to designate the area of

customer parking on the plan at that time, but I don't think land development is necessary on lot #2. Member Binney states that you will probably require lighting plan and parking layouts so it would make sense to me that it would all be done at one time.

Mr. DiBenedetto states that the Township engineer mentioned that and the applicant's intent is to comply on both lots.

Mr. DiBenedetto continues with specific building details of the new building for Extra Space and the proposed renovations to the existing building that Truck Smart will utilize.

Rick McLaughlin, the owner of Truck Smart Isuzu, states that their engineer had mentioned about putting yellow lines instead of plantings. The reason for this is not that we want to utilize the space for parking, but rather to use it to maneuver our trucks, which range in size from 20 to 45 feet. Truck Smart is a commercial truck dealer and need all the space I can get in terms of maneuvering and moving the trucks around.

Mr. Jones states that T&M were under the impression that there was going to be a separate land development application for lot #2. You might want to clear this up with Township solicitor, Mike Clarke, Esq. The subdivision and the land development component of lot #1 with the office building is what triggered the land development for this application. Although you have a subdivision line through the building, when you submit for permits to allocate that space, it would be deemed as a land development procedure for lot #2 and the improvements there. We have reviewed this application with the understanding that there would be a land development application for lot#2.

Atty. Hecker says he will discuss with the Township solicitor.

No more Board comment.

Member Rittler makes a motion to APPROVE preliminary and final land development of TMP #13-028-022-004, based on the T&M review letter dated August 18, 2014, with waivers for Section 191-37(G)(4), 191-48(A), 191-61(A), and 191-62(A).

Member Perry seconds the motion.

All in favor 5-0.

APPROVED FOR SUBDIVISION, PRELIMINARY AND FINAL LAND DEVELOPMENT

Item #3: Puss-N-Boots, 942 Trenton Road, Fairless Hills, PA 19030, TMP #13-017-283; Zoned NCR. Waiver of Land Development for a covered patio.

Allen Toadvine, Esquire, presents the application, with John Richardson from Dumack Engineering. This project involves putting a patio roof over an existing patio. It is approximately 1,200 square feet. There is not going to be any additional impervious surface, no addition to the building, just a roof over an existing patio.

Member Binney asks if the patio will be enclosed.
Atty. Toadvine states that no, the patio will not be enclosed.

T&M Associates Review Letter dated August 18, 2014

All are will comply items, with the exception of:

Subdivision and Land Development Ordinance

- 191-18.1(L) Requesting a waiver – patio roof exceeding 20% of existing principal building
- 191-39(G) Requesting a waiver – sidewalk along front of property
- 191-48(A) Requesting a waiver – street trees be planted
- 191-78(C)(2) Requesting a partial waiver subject to adequate information for Twp. Engineer’s review

No Board or public comment.

Motion made by Member Rittler to APPROVE a waiver of land development for Puss-N-Boots Tavern, TMP #13-017-283, based on T&M Associate’s review letter of August 18, 2014, with waivers granted for 191-18.1(L), 191-39(G), 191-48(A), and a partial waiver for 191-78(C)(2).

Member Binney states that there should be a zoning change for this whole property.

Atty. Toadvine states that the applicant is going to combine both parcels under one deed.

Mr. Jones states that it would be a rezone application and that the Township would likely be in support of that application.

Member Miles seconds the motion.

All in favor 5-0.

APPROVED FOR WAIVER OF LAND DEVELOPMENT

Item #4: Keystone – NAP Data Storage, 49 Middle Road, Fairless Hills, PA 19030; TMP #13-051-001; Zoned MPM. Preliminary/Final Land Development – construction of 32 space parking and associated lot improvements to service existing building to be retrofitted for a data storage facility.

Henry Van Blunk, Esquire, presents the application with Brian Ciampitti, our engineer, and John Parker, the president. This parcel was recently before the Planning Commission for a subdivision of this property and received approval from the Board of Supervisors in April, 2014. The applicant is proposing taking an existing building and converting it to a data center. The reason for the land development is the 32 space parking lot on the site. The site is 9.42 acres and the building is approximately 62,000 sq. ft.

T&M Associate’s Review Letter of August 15, 2014

Subdivision and Land Development Ordinance

- 191-45(C) Requesting a waiver – placing infrastructure over an easement
- 191-62(A) Requesting a waiver – curbing on both sides of the street
- 191-78(C)(2) Requesting a partial waiver subject to adequate information for Twp. Engineer’s review

Atty. Van Blunk states that Remington & Vernick issued a review letter dated August 13, 2014 indicating that a formal traffic study is required. We are requesting a waiver of the formal traffic study based on the fact that there will be very little increase in traffic with approximately 12 cars per day coming.

Mr. Jones suggests that the applicant speak to Remington & Vernick about the waiver and they might issue another review letter before this goes before the Board of Supervisors.

Member Binney asks about the stone driveway coming off of Middle Drive and the plan shows them remaining. Why can’t grass be put there?

Mr. Ciampitti states that we wanted to keep as many of the existing features to limit our earth disturbance at this point. If there is a larger portion to be developed or if this development becomes more intense, we will re-visit that and take those existing features out. We also wanted to maintain a secondary access to the basin for maintenance purposes.

Member Binney states that if you remove that it will trigger the need for an NPDES permit.

Mr. Ciampitti states that is one consideration.

Member Binney asks why not use the stone driveway as your access.

Mr. Ciampitti states that he wouldn’t want to use it as an access to a parking lot. That’s not where you want your visitors coming in. It seemed to be much more efficient to utilize the existing drive on the westerly side of the property.

Member Binney states that the driveway they are proposing to utilize appears beat up and asks if they are considering repairing it.

Mr. Ciampitti states that yes, possibly doing a mill and replace in certain spots.

Member Binney asks if it’s wide enough for two-way traffic.

Mr. Ciampitti states yes.

Mr. Miles asks with regard to the waiver request for 191-45(C), why the applicant is requesting a waiver.

Mr. Jones states that our ordinance prohibits any kind of permanent feature within an area of an easement.

Mr. Ciampitti states that the easement belongs to US Steel and is for their electric line that runs across the property – they are aware of our plan and they will issue a letter to the Township.

Mr. Rittler asks if the applicant is opposed to putting a note on the plans about the repair of the worn and damaged paving of the driveway.

Mr. Ciampitti states that he is not opposed.

No more Board questions.

Member Rittler makes a motion to APPROVE a preliminary and final land development application for Keystone – NAP Data Storage facility, formerly P/O TMP #13-051-001, based T&M Associates' review letter dated August 15, 2014, with waivers of Sections 191-45(C), 191-62(A), and a partial waiver on 191-78(C)(2) subject to adequate information for Twp. Engineer's review. We also recommend that a traffic study is not necessary.

Member Vergantino seconds the motion.

All in favor 5-0.

APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT

Item #5: Better Homes, Hearth & Patio, 386 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-008-052; Zoned: HC. Conditional Use to replace existing two-sided sign with a new two-sided digital sign.

Peter Stillitano presents the application. I submitted a request to change our existing sign to a digital sign. I received a letter from T&M Associates stating that all elements of the proposed digital sign must conform to the requirements of Sec. 209-45, which we agree to. Photographs have been submitted of the sign.

Member Binney asks the size of the current sign.

Mr. Stillitano states that the current sign is 5'6" by 10'.

Member Binney states that because the ordinance is a little vague, he would suggest that the advertisements on the sign can only be used to advertise businesses that are located on the property and that it cannot be used as a billboard.

Mr. Stillitano states that he understands and agrees to that condition.

Mr. Miles asks how much of the sign will be digital.

Mr. Stillitano states that about 45% of the sign will be digital. The top of the sign will have the business name address and phone number and the website. Below that information will be the digital part.

No public comment.

Member Binney makes a motion to APPROVE conditional use for Better Homes, Hearth & Patio and recommend that the Board of Supervisors place a condition that the sign may not be rented to advertise for any other business or product and the sign may only be used to advertise for businesses that are located on the premises.

Member Rittler seconds the motion.

All in favor 5-0.

APPROVED FOR CONDITIONAL USE

Item #6: Superior Motor Service, Inc., 218 Lincoln Highway, Fairless Hills, PA 19030; TMP #13-007-006; Zoned HC. Conditional Use for a used automotive facility.

Michael Bradley, Esquire, presents the application. Superior Motors has been in business approximately 3 years in January. It is an auto repair shop, it is a AAA tow and battery truck services location. The applicant is requesting a conditional use to add spaces for a used car lot. The existing fence is to be moved back approximately 30 feet where it would meet the back part of the existing structure. The applicant assures this Board that he will comply with all the PennDOT requirements for running a used car lot. As you know, in this particular zoning district, there are a lot of used car lots and every one of those requires a conditional use per zoning.

With regard to T&M's review letter, it is more of resuscitation of the property over the last couple of years when my client did purchase the property. He was required to get zoning and he was required to get conditional use just to operate as a repair facility. With regard to 209-23(D) and (ii)(2), that relates back to 2012 when we were originally in front of this Board and before the Zoning Hearing Board to get the original allowance to operate.

There is some language in T&M's letter regarding the Highway Occupancy Permit. My understanding is that we had completed that. Once I saw this comment, I will contact PennDOT to ensure that is complied with.

With regard to any of the previous agreements that Superior has entered into with the engineer and the commissioners, we will certainly comply with that as well. Specifically, the April 16, 2012 agreement which talked about painting lines – more of the quality of life issues regarding the surrounding properties with regard to lighting of the tow trucks and the running of diesel fumes. Superior has been there for almost 3 years – I cannot recall of any issues regarding the neighbors. We like to pride ourselves as a good neighbor.

With regard to 209-37(A), we do not believe we would need zoning to move the actual fence itself.

With regard to 209-42(H)(18), that deals with the parking spaces. If you look at your plans, you do see that there are some existing painted lines. They would be removed and then the new lines would be put in there. Those spaces are not used on a regular basis based on where they are located, based on the way you enter the property. The reason why we wanted to put the used car lot in this area is because it would

be a much better use of space. There are plenty of spaces in the front of the property and also to the left. There are multiple entrances to this property. In the main building, the left front is the Superior entrance; the entrance for the used car lot will be to the right in the main building, with a dedicated sign and dedicated offices and security in place with regard to tags which is required by PennDOT for used car lots. We will comply with all those requirements too.

We are not looking to change anything other than the lining of the parking spaces in the front.

Member Rittler asks what changed his mind. When he was in here before, he assured us he would not be selling cars.

Atty. Bradley states that as he recalls, he was asked if he was going to do that, and his response was that at that time he did not have intent to sell cars. Unfortunately, in this economy, it's all about revenue streams. This is a logical step for him as to what's already there. With regard to car repairs, car sales are the next logical step. There are ample spots for parking, so even though we are losing 11, we are gaining 17 for the used cars, but then there are also areas throughout that structure for parking.

Member Rittler states that just looking at this I don't understand how the Zoning Board gave them relief to be 5 feet back from the highway. It seems like a real dangerous situation to me.

Atty. Bradley states that was granted already previously. The way it's going to be set up is that there is one dedicated entrance and that's the only entrance. There are going to be pylons there and it has to be divided up as well. Under the PennDOT code for used cars, this area has to be set off so that you cannot easily drive cars in and out. This is not meant for parking – this is meant for the sale of cars.

Member Rittler asks what happens when they go to look under the hood and there's a husband, wife, a couple of children, and somebody steps back a little too far.

Atty. Bradley states we aren't going to allow people to open up the hoods of cars. If cars need to be moved, cars need to be moved.

Member Binney states that you are not going to be able to prevent people from walking up and doing that. You have a car lot; people walk around the cars, there's going to be people standing in the shoulder of Route 1.

Atty. Bradley states that we are going to have plenty of staff to cover that. There's also a lot of surveillance cameras – so there's going to be there looking at those cameras at all times to see if anyone is walking around this area because it certainly isn't good business to let someone roam around. I guarantee that within 30 seconds someone will be there with the customer.

Member Binney states that suppose you have mom, dad and jr and jr decides to wander away while mom and dad are looking at a car. It's a crazy situation. It's really unsafe. There should be some kind of separation between Rte. 1 and those cars to prevent and discourage people from walking out onto Rte. 1.

Atty. Bradley states that there are going to be posts and concrete pillars. There's also going to be the flats, as well.

Member Binney states that just prevents people from driving through there, not walking through there.

Atty. Bradley states that it's not a high pedestrian traffic area and there is no sidewalk.

Member Binney states that he sees people walking there all the time. It is beyond my belief that a variance was granted for this. I am not in favor of it. I think there are a whole lot of other issues – there's no lighting shown, how the parking lot will be illuminated. We were told before he wasn't going to sell cars, then you made an agreement with the Township and you didn't do anything that the agreement said – so there really isn't any reason for us to believe anything that we hear at this point. I think there should be some grass islands put back on Rte. 1.

The Oxford Valley Corridor Study was recently completed by the Township and part of that study was recommendation of "greening up" parts of Rte. 1 and closing up all these open cuts and controlling the traffic flows in and out. I think this is a prime example of one of those properties.

You just told us that this property is huge – I don't understand why the fence couldn't be moved back and the cars be moved back. It doesn't make sense to push them 5' off of Rte. 1.

On the plan, there is a line but no designation as to what type of line – a property line, a title line? Is that the property line?

Atty. Bradley states that it is a property line; the motels are to the right. We are not disrupting anything with regard to the highway itself. Nothing was removed when Superior purchased the property. There were no islands there, there were no planter boxes, and there was nothing there. We received a waiver from having those back in 2012 when we were before this Board.

Mr. Binney states that is because we didn't know you were going to be selling cars. If we had known you were going to be selling cars, we would have recommended those types of things be put in.

Atty. Bradley states that in 2012 we didn't know we were going to be selling cars. It's that simple. At the time, we were pleased to even get the building. It was a long, ongoing negotiation with Graeber.

Member Binney states that you still haven't answered my question – is the property line shown on Rte. 1 – is that the right of way or the title line.

Atty. Bradley states that's the title line. We have already received zoning relief for 5 feet to allow the parking of used cars for sale.

Member Vergantino states that he agrees with Member Binney that the lot is enormous and he believes that the parking lot can be pushed back.

Member Binney states that he believe it's an accident waiting to happen.

Public Comment

Dick Trimble states that he lives around the corner and doesn't want to see a car lot in the front of that building. That's going to be a bad, bad situation. They can take all the safety measures that they want there, but you are going to be having your bird dogs coming down from New York -- that's when somebody is going to be hit or run over. The lot is surely big enough – if they want to put a car lot in, put it behind the building with a sign in the back. We have enough used car lots, however, that are vacant. They cannot make a living now. All you are going to do is add another one to it.

Member Binney states that from another standpoint, we do have all these car lots, they have been held to another standard where they are not parked right up on Rte. 1 – they are set back. I don't see any reason why we should change that and recommend approval of this so that everyone else can come say that they are 5 feet off the road, why can't we be 5' off the road. I am against this the way it is configured right now.

Mr. Jones states that if the conditional use is ultimately approved, the applicant still has the process of submitting for an earth disturbance and providing better details than what is on this plan.

Member Binney makes a motion to recommend DENIAL of the conditional use application for Superior Motors, 218 Lincoln Highway, Fairless Hills, PA 19030, TMP #13-007-006 because we believe that it's public safety issue and that the lot is certainly big enough that the cars can be further away from Rte. 1.

Member Rittler seconds the motion.

All in favor 5-0.

DENIED FOR CONDITIONAL USE

Item #6: Approval of minutes

Motion to approve July 22, 2014 minutes

All in favor 5-0.

Hearing adjourned 8:45 p.m.