

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
FEBRUARY 26, 2019**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 7:35 p.m.

Members present: Brian Binney, Edward Crohe, John Haney, Thomas Hughes, Erik Person

Members absent: Mary Leszczuk

Also present: Kristen Holmes, P.E. (Holmes Cunningham) and Mike DeMaio (Milex Properties), representing Milex Properties; and Carrie Nase-Poust, Esquire (Fox Rothschild) and David Clapper (MLH Exploration), representing MLH 150 Roebbling LLC.

For the Township: Joseph Jones, P.E. Township Engineer, Thomas A. Bennett, CCEO/ Zoning Officer and Diane Beri, Recording Secretary

Item #1: Milex Properties, LLC, 300 W. Trenton Avenue, Morrisville, PA; TMP #13-035-027; Zoned: NC. Owner: Michael DeMaio. Final Land Development – construct a 4,800 sq. ft. office building with garage spaces

Kristen Holmes, P.E. presents the application. The applicant was before this Board a few months ago with a Preliminary Plan. We received Preliminary Plan approval from the Board of Supervisors on February 19, 2019. There haven't been significant changes other than we took some of this Board's recommendations regarding the handicap spaces. Specifically, the existing building and the proposed building have a handicap space at each building. We have provided a rendering of what the proposed building will look like. The waivers were granted with the Preliminary Land Development. We are here tonight for Final Land Development approval.

Chairman Binney asks how many units will be on the first floor and what are their uses?

Mike DeMaio responds that none are rented now.

Chairman Binney asks if there are any utilities proposed on the first-floor garages?

Mike DeMaio states no.

Member Hughes asks if you are still going to use the garages as storage space?

Mr. DeMaio says it is difficult to say because there are no tenants. It will be for parking but someone could store something there for their business.

Ms. Holmes shows a conceptual drawing of the garage layout as well as the second-floor layout which shows the breakdown of the office units. It also shows the garages with each of them having stairwells up to the second floor.

Discussion occurs about the number of garages (4) and who rents the garages (the tenants only).

Chairman Binney states that he has a major issue with the garages as he feels they will be used as separate rental units. The type of building that you are proposing isn't really the type of building used for the allowed uses in the Neighborhood Commercial district (uses such as businesses that service the neighborhood like hair salons, dry cleaners, etc.). This building is not really set up for that type of use. If this building had first floor store fronts instead of garages, I would have no problem with the plan. However, the garages worry me.

Mr. DeMaio states he has no intention of renting the garages separately. In response to a question from Member Haney, he states that there will be an elevator in the building.

Member Hughes concurs with Chairman Binney on the garages, especially since they could be used as storage space and possibly not have adequate fire protection in place.

Ms. Holmes states that they have added a note to the plan that the garages would be specific to the tenant users of the second floor and not to be rented separately. The fire protection would all be addressed during the building permit application and would be code compliant in that regard.

Discussion continues among Board members and the applicant about the fire protection of the building.

No other Board comments.

Chairman Binney makes a motion to recommend DENIAL for Final Land Development for Milex Properties, LLC, 300 W. Trenton Avenue, Morrisville, PA 19030, TMP #13-035-027.

Member Haney seconds the motion.

All in favor 5-0. FINAL LAND DEVELOPMENT IS DENIED.

Item #2: MLH 150 Roebling, 150 Solar Drive, Fairless Hills, PA 19030 TMP #13-051-002-024; Zoned: MPM. Owner: 150 (One) Roebling Rd Mrtg.; Equitable Owner: MLH 150 Roebling LLC Amended Final Plan – construct a 225 sq. ft. addition to connect two existing buildings to be used for a medical marijuana grower processor facility

Carrie Nase-Poust, Esquire, presents the application. We have been here on several occasions over the past two years for land development. Two years ago, we did receive approval to use this property for a medical marijuana grower processor facility. At that time, we also received Final Land Development approval where we were proposing to demolish the existing buildings and construct two new buildings. It was proposed that the property would be utilized by two applicants – PharmaCann and MLH Explorations. PharmaCann was not awarded a grow process license from the State for this particular property. However, MLH Explorations is proposing to obtain a clinical registrant license which differs from the other type of license than PharmaCann. Over the past two years, the State has not yet accepted applications for the clinical research license. That process is opening again in March, at which time MLH Explorations intends to file another application. Over the past two years, they have been able to maintain equitable ownership of the property and want to continue to move forward with this.

Last year, we did come back before this Board for an Amended Final Plan to utilize the existing buildings rather than demolishing the old building and constructing new buildings. At that time, we were proposing to construct an addition of 3,400 sq. ft. that would connect all three of the buildings. The Amended Final Plan was approved.

If MLH Exploration is awarded a license, under the statutory regulations, they are required to be up and operating within 6 months. This is a very limited period to get your approvals and building fitouts. Because of this, the applicant looked at the whole project again and decided they would utilize the two existing buildings and add a small addition (225 sq. ft.). They would be using the existing storage and maintenance building as the growing area; they would use the control room building for the processing and packaging.

She states that we will be coming in shortly with a Preliminary Land Development plan for Phase 2 which is a 42,000 sq. ft. greenhouse. She introduces David Clapper from MLH for a brief overview of the project.

David Clapper states that MLH is a group that is partnered with Jefferson University Health System as one of the proposed clinical registrants. The original plan was that these types of licenses would be approved first, before others. However, the State has been delayed in issuing clinical registrants licenses because two lawsuits were filed trying to prevent the State from going ahead and allowing our category of license to move forward. They were trying to prevent groups like us from coming in and operating because we have the affiliation with the medical schools. From a competitive perspective, they were concerned that more business would be driven to our dispensaries and we would have a competitive advantage. The State has dealt with both lawsuits and they are now planning on licensing these groups. March is the filing period and we would expect that they would license us by mid-May at the latest.

MLH is committed to its original plan of using about 50,000 sq. ft. of space for our operation (includes the growing space, the processing space, and the packing space for delivery to our dispensaries). Because of the delay, we wanted to get moving as soon as possible and determined that utilizing the existing two buildings would move more quickly. The current control building is about 6,000 sq. ft. (processing center); the existing warehouse is 17,000 sq. ft (grow rooms initially and drying and curing as well as supplies). Going forward, we are working on coming in with the plans for the greenhouse that would attach directly behind the building.

MLH wanted to explain the delay in getting the project running, why we feel we will get our permit in May, why we are asking for a relatively scaled down version now, and our future plans for development.

Discussion occurs regarding the utilities that are on site to support this expansion (US Steel has ability for power and water for both phases of operation), and the removal of the existing outside structures.

Jones Engineering Associates' Review Letter dated February 21, 2019

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

Subdivision and Land Development Ordinance

- 191-37(B) Requesting a waiver – curbing for parking facilities; concrete bumper blocks
- 191-37(G)(1) Requesting a waiver – curbed raised planting beds (painted striping instead)
- 191-37(G)(4) Requesting a waiver – one tree for every six parking spaces in a row
- 191-48(A) Requesting a waiver – street trees to be planted on sides of all streets
- 191-62(B) Requesting a waiver – widening of existing roadway; curbing to be installed
- 191-78(B)(6) Requesting a waiver – scale on location map of 1-inch equals 3,000 feet
- 191-78(C)(2) Requesting a partial waiver – subject to adequate information from Township Engineer's review

Member Hughes makes a motion to recommend approval for an Amended Final Plan of MLH 150 Roebing LLC, at 150 Solar Drive, Fairless Hills, PA 19030, TMP #13-051-024, based on Jones Engineering Associates' review letter dated February 21, 2019, with waivers requested for Sections 191-37(B), 191-37(G)(1), 191-37(G)(4), 191-48(A), 191-62(B), 191-78(B)(6), and a partial waiver for 191-78(C)(2).

Member Haney seconds the motion.

All in favor 5-0. APPROVED FOR AMENDED FINAL PLAN

Item #3: Approval of Minutes

Motion to approve minutes from January 22, 2019.

All in favor 5-0.

Board Business

Chairman Binney discusses the upcoming Elcon project review and goes over a few procedural details.

Meeting adjourned 7:35 p.m.