

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
FEBRUARY 23, 2021**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:00 p.m.

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

Members absent: Edward Crohe

Also Present:

Representing Jonathan's Way: Mark Havers, P.E. (Pickering, Corts) Greg Shephard (Jonathan's Way)

Representing North Point: Michael Meginnis, Esquire (Begley, Carlin), Greg Glitzer (Gilmore & Associates), Matt Gaston and Jeremy Michael (NorthPoint)

Representing Tavo Properties: Kellie McGowan, Esquire (Obermayer, Rebmann), Dave Taylor (Tavo Properties), Dan Hume (VanCleeef Engineering)

For the Township: Joseph Jones, Township Engineer (Jones Engineering Associates) and Diane Beri, Recording Secretary

Item #1: Jonathan Way, LLC, 297 Cedar Lane, Fairless Hills, PA 19030; TMP #13-047-131 and #13-013-013-001; Zoned: HI-A; Owners: Jonathan Way (first parcel) and Bucks County Industrial Develop Corp c/o Corco Chemical (second parcel). Minor Subdivision – lot line change to modify existing lot lines

Mark Havers, P.E. presents the application and states this is a changing of the lot lines and shows the site plan indicating where the lot line will be changing. The proposal is to move 2.5 acres from the larger parcel to the smaller parcel. There are no new lots created, no construction proposed – it's merely a shifting of the lot lines to create a larger parcel for 13-047-031.

Member Haney questions why there is a narrow 34 ft. strip of land in the back.

Mr. Havers states there is an agreement between the two property owners (Mr. Sheppard was part owner of the other property as well) to buy him out. He has been given exactly 2.5 acres so that small strip is left because it's more than the 2.5 acres he is permitted to get per that agreement. There is nothing proposed back there; it's what was necessary to give him the 2.5 acres.

Ms. Leszczuk asks why it is being divided this way.

Greg Sheppard responds he was one of the principals in the adjacent business of Corco Chemical Corp. In 2008 he sold his interest in that company and as one of the assets acquired in that buyout was to acquire an industrial warehouse and an additional 2.5 acres of ground adjacent to that property. It is just a shifting of the lot lines from Corco Chemical Corp. to Jonathan's Way LLC of 2.5 acres. He has no plans to develop this property; it was simply a matter of doing what is necessary to get the value of my interest in that company out of the company.

Mr. Havers says the main issue is in order to acquire the 2.5 acres, the narrow strip had to be included. We would like to request waivers for sidewalk, street trees, and buffering from the adjacent property. The comment regarding submitting land development plans – we would like a waiver as there is no development planned. Both lots currently have structures and parking. He goes through the waiver requests. He also states they are working on going before the zoning hearing board for certain variances.

Chairman Binney states he does not like the 34 ft. strip of land in the back. You said the agreement goes back to 2008. However, this property was just subdivided, and they took 42 acres and gave it to the property behind. They should have accounted for this in that calculation. As far as I am concerned, this is a hardship created by the applicant and they should not get a variance. It's not good planning to create a lot that looks like this one.

No public comment.

Chairman Binney makes a motion to recommend a DENIAL of the Minor Subdivision.

Member Leszczuk seconds the motion.

All in favor 4-0. Motion carries. MINOR SUBDIVISION IS DENIED.

Item #2: NorthPoint – Wastewater Treatment Plant Subdivision, Sinter Rd, F.H.; TMP #13-051-001 (1,510.36 acres); Owner: NP Falls Township Industrial, LLC. Minor Subdivision – subdivide existing treatment plant and related facilities for conveyance to Morrisville Municipal Authority

Michael Meginnis, Esquire, presents the application and states the proposal is to subdivide a 54.36 acre lot off the mother parcel 13-051-001. We are not here to propose any new construction tonight. The Board is familiar with the area to be subdivided which is adjacent to Sinter Road. It will be utilized as the wastewater treatment plant operations for the Morrisville Municipal Authority. We have reviewed the Township engineer's letter.

We have been in front of this Board on other aspects of this project. The Master Site Agreement indicates we are installing sidewalks throughout the park. We are adhering to that commitment. Tonight, we are asking for a deferral of the sidewalks at this time – to be addressed when we are before the Board for land development. In terms of an analysis of where the sidewalks are being installed – on the side where the MMA parcel will be or on NorthPoint's parcel – it probably makes sense to do that assessment when we are back in front of the Board for land development approval.

Matt Gaston states the plan is for Morrisville Municipal Authority to build a wastewater treatment facility on this subdivided parcel. Their goal is to have this operational within four years, ultimately replacing the current wastewater treatment facility which is very old. It will help facilitate the development of the overall site.

Chairman Binney asks how you construct a new plant on top of the existing lagoons without shutting down the sewer treatment.

Mr. Gaston states their plans have not been completed yet, but states they are probably using an eighth of the lagoons. They are in a very preliminary stage of development. It still would not affect the existing wastewater treatment facilities.

Discussion occurs about the right of way on Sinter Road.

No public comment.

Member Leszczuk makes a motion to recommend approval for the Minor Subdivision application of NP Falls Township Industrial, LLC, Sinter Road, KTC (NorthPoint), TMP #13-051-001, Zoned: MPM, based on Remington Vernick's letter dated January 20, 2021 and Jones Engineering Associates' review letter dated January 28, 2021 with waiver requests of 191-60(A) and 191-79(C)(5).

Member Henderson seconds the motion.

All in favor 4-0. APPROVED FOR MINOR SUBDIVISION

Item #3: Tavo Properties, LLC, 2 Canal Rd (a/k/a 2 Towpath Rd), Fairless Hill; TMP #13-047-126-001; Zoned: PIP. Owner: Tavo Properties. Preliminary & Final Land Development – proposed warehouse expansion with associated stormwater management controls

Kellie McGowan, Esquire, presents the application and states this project is an expansion of an existing facility.

Dave Taylor states he is the owner/operator of Tavo Packaging and is looking to expand our manufacturing a little further into a part of our building and add additional warehouse space. It will create more jobs. Presently, the facility is broken up into 50,000 sq. ft. of manufacturing, 100,000 sq. ft. of warehouse space. The new modern equipment is bigger, so we are moving more equipment into the 100,000 sq. ft. warehouse. So we need more warehouse space.

Dan Humes, P.E. states there is a proposed warehouse expansion of 77,100 sq. ft. on the northwestern edge of the property. Out front, we are proposing two new truck bay doors in addition to the seven bay doors currently there. We are shifting the parking over by Newbold Road by Canal Road. After some discussion with the Township Engineer, the underground infiltration currently shown on the Record Plan will now be an above ground system. Discusses further details of the plans.

Atty. McGowan continues and states they obtained approval from the Zoning Hearing Board and details those variances.

Jones Engineering Associates Review Letter Dated February 18, 2021

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

- 191-8(D) Requesting a waiver – consider application for preliminary & final
- 191-30(I) Requesting a waiver – no traffic impact study
- 191-31(A) Requesting a waiver – paved cartway width of 48 feet for Newbold Rd
- 191-37(B) Requesting a partial waiver -- parking 12 ft. from property line
- 191-37(F) Requesting a waiver – parking setback from right of way line (received ZHB approval)
- 191-37(G)(1-4) Requesting a waiver – curbed raised planting bed
- 191-41 Requesting a waiver -- curbing
- 191-48(A) Requesting a waiver – install street trees
- 191-78(C)(2) Requesting a partial waiver – subject to Township Engineer’s review
- 191-4(B)(1)
- 191-4(B)(6)(a) Requesting a waiver, as they relate to tree protection and tree replacement.

Member Leszczuk asks if the applicant is asking for preliminary and final land development when there are outstanding issues with the stormwater management.

Mr. Jones responds he has been working with their engineer to remedy the situation and his office is done and good with the stormwater management. New plans will be submitted.

Discussion occurs regarding Remington Vernick’s review letter and their requirements.

No public comment.

Member Leszczuk makes a motion to recommend approval for Preliminary and Final Land Development of Tavo Properties, LP, 2 Towpath Road (a/k/a 2 Canal Rd), TMP #13-047-126-001, based on the Remington Vernick’s letter dated December 21, 2020, and Jones Engineering Associates review letter dated February 18,

2021, with waivers 191-8(D), 191-30(I),191-31(A), a partial waiver of 191-37(B), 191-37(F), 191-37(G)(1-4), 191-41, 191-48(A), a partial waiver of 191-78(C)(2), 191-4(B)(1) and 191-4(B)(6)(a).

Member Haney seconds the motion.

All in favor 4-0. APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT

Item #4: Approval of minutes

Minutes of January 26, 2023 are approved.

All in favor 4-0.
