

REGULAR MEETING PLANNING COMMISSION

2400 BYBERRY ROAD, BENSALEM, PA 19020

February 21, 2017

Members Present: Harry Kramer, Marc Bourne, Pete Krieger, Ed Tockmajian, Sr., Anne Lubinski and Ron Gans, Township Engineer.

Members Absent: Tom Risich and Joe Domzalski

The meeting came to order at 7:06pm with approximately 9 people present in the audience.

1. Harry Kramer opened the meeting with the Pledge of Allegiance.
2. Ed Tockmajian, Sr. made a motion to approve the December 20, 2017 minutes. Marc Bourne seconded. Tom Risich and Joe Domzalski abstained. Minutes were approved 5-0.
3. **Re-organization of the Planning Commission**
 - a. Marc Bourne nominates Harry Kramer for Chairperson. Motion approved 5-0.
 - b. Harry Kramer nominates Marc Bourne for Vice-Chairperson. Motion approved 5-0.
 - c. Marc Bourne nominates Pete Krieger for Secretary. Motion approved 5-0.
 - d. 2018 Meeting dates confirmed: January 17, February 21, March 21, April 18, May 17, June 20, July 18, August 15, September 19, October 17, November 21, December 19 and a Re-organization of the Planning Commission Meeting for January 16, 2019.

4. **Preliminary and Final Subdivision and Land Development for the Bensalem Masjid**

Location: 3743, 3805, 3825 Hulmeville Rd

Tax Parcel: 02-040-029, 02-040-030, 02-040-031

Expires: 01/02/2018

Proposed: House of Worship

Mr. Kramer reported that he received correspondence from The Bensalem Masjid requesting a continuance to March 18, 2018.

5. **Conditional Use for Holistic Pharma LLC**

Location: 4201 Neshaminy Blvd, Store 101 & 102

Tax Parcel: 02-001-055-001

Proposed: Medical Marijuana Dispensary

Carey Nace, Esquire with Roth Fairchild introduced herself on behalf of Applicant, Holistic Pharma LLC along with Keith Morgan, Principal of the Applicant and Nancy Lindberg, Record of Administration. Applicant is proposing a Medical Marijuana Dispensary within the Neshaminy Square Shopping Center. This property is zoned General Commercial. Applicant has submitted a conditional use application with the township. The applicant was granted a license from the state to open a dispensary for this location. Applicant agrees to comply with zoning ordinances.

Township Engineer review Letter concerns:

Distance requirements: Radius requests met: 1000 square foot radius; no public, private or parochial schools, place of worship, public parks or library. 2000 square foot radius; no licensed residential substance abuse diagnostic treatment facility or licensed drug alcohol rehabilitation facility. Within a half mile radius the following facilities/establishments are as follows: Bensalem Firefighters Field Community, Christian Life Center, Bensalem Township Community Park, Belmont Hills Elementary School. These facilities/establishments are outside of the required distances.

Hours of operation: They will comply per requirement not to be open earlier than 7am and no later than 10pm. Will advise set hours once confirmed.

Disposal Plan: In a medical marijuana medical dispensary there are no remnants or byproducts. All items arrive in a sealed container. State does not require a disposal plan.

Floor Plan/secured storage area: 1745 total square footage confirmed. Storage is within the vault space confirmed at 56 square feet under the 1/3 requirement compliance.

Ron Gans, Township Engineer stated to Harry Kramer, Chairman that they have complied with all the requests on the review and they are satisfied.

Carey Nace, Esquire introduced Keith Morgan, Principal of the Applicant to demonstrate the background and operations of Holistic Pharma LLC.

Keith Morgan stated he is a lifetime PA resident & Krispie Crème Franchisee since 2009. He partnered with Holistic Industries to apply for the application. Out of 280 dispensary applicants for PA, there were 27 licenses awarded, they were ranked 10th in the state. Their Grow Facility, Holistic Farms, New Castle PA, of 177 applicants they were ranked 7th in the state.

Business will trade product under the name "Liberty". Heavy focus primarily on medical. There will be no smoking or edible products. There are 17 different ailments that medical marijuana will treat ranging from neurological, pediatric, autism, cancer, epilepsy, Parkinson's, fibromyalgia, etc. They were awarded a primary dispensary license in Philadelphia. Bucks County, Bensalem will be their secondary site. Projected opening mid-May. There are 13,000 patients and 700 doctors signed up. All patients must be approved by the state, requiring them to register, then be seen by their doctor, then issued an id card that matches their driver's license and social security card before they will be serviced. There will be a 24 hour locking chamber for both doors, glass window to show ID before being buzzed in. Signage will be consistent with the rest of the shopping center. Non-intoxicating ointments, lotions, tinctures, patches and pills will be administered. There is no consumption or practicing of medicine on site.

Carey Nace, Esquire offers to answer any questions and also asks for a recommendation to move forward with conditional use.

Harry Kramer opens up Questions/Comments to be asked by the Board:

Pete Krieger asked "Will there will be a desks, cubicles, counters for service?"

Keith Morgan answered "6 different areas and display cases. A group of 3-5 Wellness Consultants, Nurse Practitioners and Doctors will be on staff to greet and assist patients."

Ed Tockmajian, Sr. asked "Can a patient be turned down?"

Keith Morgan answered "The doctor has a choice as to whether he can limit the number of visits per year that a patient can have."

Pete Krieger asked "Is there a small or large use for Autism?"

Keith Morgan answered "It's a growing field and there is evidence that it can be very helpful"

Anne Lubinski asked "Can you please talk a little more about the security on the premises?"

Keith Morgan answered "There are numerous video cameras with no blind spots. There is an emergency backup system so if there is a power failure the system continues to operate. The State of PA requires 4 years of back up of all video surveillance and 12 months will be stored in the Cloud. The state has mandated a seed to sale tracking system so every step gets scanned. NJ3way is the operating parallel system and data base that uploads to the Department of Health."

Anne Lubinski asked "There are two windows on the side, how you plan to secure them?"

Keith Morgan answered "I don't believe they are windows."

Anne Lubinski asked "The vault, does it go all the way up to the ceiling to the roof?"

Carey Nace, Esquire answered "I don't know the answer to that but we will confirm that with the architect."

Harry Kramer asked "Did you say you will have a Guard in the foyer area? That person will be the greeter? Armed or unarmed?"

Keith Morgan answered "Yes a Verified Guard, yes, the greeter and unarmed."

Ed Tockmajian, Sr. asked "Inventory Control...who is the keeper of the inventory...how often do you do inventory...weekly...daily?"

Keith Morgan answered "Daily and the Pharmacist will be required to do so. The Pharmacist will also have the Title of Director of Operations. There will be checks in the morning and evening."

Ed Tockmajian, Sr. asked "Is it one person or will there be a back up to follow that person?"

Keith Morgan answered "I have not studied the inventory process but if you are asking/suggesting if there will be two it will be. At all times there will be a minimum of three employees."

Ed Tockmajian, Sr. asked "Will everyone have a background check?"

Keith Morgan answered "Yes everyone has to pass a criminal background check to be approved by the Department of Health. FBI clearance, all defined by the State of PA with fingerprints by Morpho Trust. All employees."

Ed Tockmajian, Sr. asked "How does the product come to you?"

Keith Morgan answered "It's an unbranded, unmarked, private courier service."

Pete Krieger asked "Would it be up to the personal physician to monitor the patient's reaction...once they leave your facility is there any part on your effort to monitor their reaction...to figure out if it's working?"

Keith Morgan answered "Correct."

Harry Kramer asked "Does the State price control you?"

Keith Morgan answered "No."

Harry Kramer asked "Free enterprise...CVS, Rite aid?"

Keith Morgan answered "Supply and Demand and Black Market. People will pay a premium knowing it's not toxic, no insecticides, mold or mildew, consumers have a piece of mind. Pricing will be reasonable."

Pete Krieger asked "Do you accept insurance/medical?"

Keith Morgan answered "No, unfortunately."

Ed Tockmajian, Sr. asked "Sales...daily, weekly, monthly...limits? Who monitors how much goes out?"

Keith Morgan answered "There is a limit on how much a patient can purchase a month. When they make their purchase, their card scans and there is a cap for each patient. There are 12-13000 are signed up, 4000 are approved. State regulated."

Ed Tockmajian, Sr. asked "How many dispensaries are in PA?"

Keith Morgan answered "27 licenses were approved, for three locations each for potential of 81, but only 51 were identified statewide. Licenses are good for one year and have to be renewed annually"

Ed Tockmajian, Sr. asked "Can a patient use their card at multiple dispensaries?"

Keith Morgan answered "The card tracks the purchases and if they went to multiple dispensaries they will eventually max out and be denied."

Anne Lubinski asked "Have you contacted Bensalem Police Department about security protocols?"

Keith Morgan answered "Sure that's a great suggestion. There is less cash than a WAWA and less drugs than at a CVS or Rite aid."

Harry Kramer announced invitation for public comment. No one came forward so public portion closed.

Carey Nace, Esquire offers closing statement.

Harry Kramer opens up closing Questions/Comments to the Board:

Marc Bourne states he is familiar with the regulations for the medical marijuana growth facilities dispensaries in PA as far as security and control measures are concerned it's easier to walk into a CVS to get opioids then it is to get medical marijuana out of a facility. In fact some of the pharmacies the state and federal government should take some of the regulations that have been enacted as far as tracked for medical marijuana should place it on some of the drugs you can get at the local pharmacy. As far as security, they have better security, better security than a pharmacy that has far more dangerous drugs than medical marijuana.

Marc Bourne made a motion for approval for conditional use for Holistic Pharma LLC, Location: 4201 Neshaminy Blvd, Store 101 & 102, Tax Parcel: 02-001-055-001

Mr. Kramer made a motion to approve Conditional Use. Pete Krieger seconded. Conditional Use for Holistic Pharma LLC was approved and motion past 5-0.

6. **Conditional Use for T-Mobile Northeast, LLC**

Location: 2376 Street Rd

Tax Parcel: 02-036-293

Proposed: Telecommunications Facility

Debra Shulski, Esquire introduced herself on behalf of applicant T-Mobile Northeast, LLC to request Conditional Use along with Michael Fahey, Michael Bollinger and Arney Dixon.

The site will be in accordance with all applicable standards governed by the FCC with respect to maximum permissible exposure levels. They are proposing this site for purposes of capacity. There is a 65-foot monopole structure, steel pole. There is a compound facility at the base of the tower. There are capacity issues and this site is intended to offload other macro sites to provide for better capacity and building coverage. These sites will not create any interference.

Township Engineer review Letter concerns:

Evergreen screen added to the plans, soil report in progress, structural typically done when the building permit is issued.

Debra Shulski, Esquire introduced Michael Bolinger, Telecommunication Engineer. This site is located at the intersection at Knights Road and Street Roads. There is a Subway Facility in the south back corner of that lot. The dumpster will be moved over and that's the area the compound will exist. This will be a fenced compound 20 ft. x 20 ft. A concrete slab within the entire compound. This will have a man gate and vehicle gate. Inside will have the steel 65 ft monopole with 6 antenna, three above upper elevation at 60 foot and three at 10 ft. inside the compound will have electrical and telecommunications service panels. And a stand by generator fed by a 120-gallon propane replaceable tank to prevent outages.

Harry Kramer opens up Questions/Comments to be asked by the Board:

Ron Gans, Township Engineer asks "How often will maintenance trucks be visiting?"

Michael Bolinger answered "1 month to 6 weeks, 30-minute visits for maintenance and trash pick-up to also be monitored by the Subway Landlord"

Marc Bourne asks "please review item 4 & 5 on the report"

Debra Shulski, Esquire answered" This monopole will be anti-climbing and no other structures within a quarter mile."

Michael Bolinger answered "This pole will be serviced with a small boot truck"

Debra Shulski, Esquire stated the site and radio frequency representatives have confirmed

Harry Kramer announced invitation for public comment.

Dr. Bakhshish Singh Sandu of 2938 Knights Road, 30 year resident of Bensalem, PA 19020 introduced himself. He lives less than 100 meters from the site and is concerned with the harmful health risks associated with cell phone tower radiation. He feels this is a residential and business professional district and this tower belongs in an industrial site where the public will not be harmed by the effects of the tower.

Harry Kramer closed public portion.

Debra Shulski, Esquire states Federal Government has determined what the appropriate levels are and we are well beneath those levels.

Harry Kramer opens up closing Questions/Comments to the Board:

Pete Krieger asked "Who owns the property behind the Subway?"

Debra Shulski, Esquire answered "Hardik Patel"

Harry Kramer and Marc Bourne both stated per the Engineers report that Item C will comply items 1-5.

Marc Bourne made a motion for approval for Conditional Use for T-Mobile Northeast, LLC
Location: 2376 Street Rd, Tax Parcel: 02-036-293

Harry Kramer made a motion to approve Conditional Use. Pete Krieger seconded.
Conditional Use for T-Mobile Northeast, LLC was approved and motion past 5-0.

7. **Adjournment**

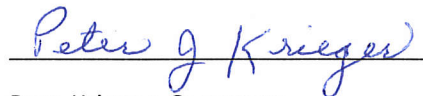
Ed Tockmajian, Sr. made a motion to adjourn. Marc Bourne seconded. Motion approved 5-0.
Meeting adjourned at 8:23pm.

Respectfully Submitted,



Harry Kramer, Chairperson

3/28/18
Date



Pete Krieger, Secretary

3/28/18
Date



Bonnie Martin, Recording Secretary

03/28/18
Date