

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JUNE 3, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, June 3, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:35 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway, Joseph Bartlett, Edward McBride and Erika Spott. Also present were: Ron Wagenmann, Township Manager; Joseph Pizonka, Township Solicitor; Rob Loeper, Township Planner; Russ Benner, Township Engineer; Judith A. Vicchio, Assistant Township Manager and Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mr. Jenaway, seconded by Mr. Waks, all voting "Aye" to approve the May 3, 2010 Joint Meeting Minutes and the May 6, 2010 Joint Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Bartlett commented on an executive session concerning litigation.

NEW BUSINESS

CONSENT AGENDA:

1. Waiver of Fees – Trinity Nursery School
2. Equipment Replacement Request – Toxic Air Monitor - \$1,850

Board Comment:

Mrs. Spott stated that Item #1 is tabled.

Board Action:

Consent Agenda Item #2 as submitted was approved by a vote of 5-0.

PHASE II DEVELOPMENT/SUBDIVISION PLAN RE: MALVERN ANDERSON LP. SUBDIVISION, UPPER MERION SWIM CLUB. 25 SINGLE FAMILY LOTS, 18.97 ACRES, R-2 RESIDENTIAL. Expiration: June 8, 2010 (extension requested)

Mr. Rob Loeper, Township Planner, stated that the extension has been granted and expiration date is now August 7, 2010.

Mr. Loeper stated that this property is the site of the former Upper Merion Swim Club and is located off of Anderson Road in the northeast portion of the township near the Schuylkill River. All the property in this area of the township had been zoned AG Agricultural and was rezoned to the R-2 Residential District. As part of the rezoning the applicant agreed to a deed restriction limiting the property to 25 single family homes.

Mr. Loeper indicated that after the initial review, the applicant met with staff and the Township Engineer to make some changes to improve the plan.

Utilizing the aerial, Mr. Loeper provided a rendering and pointed out the various aspects of the revised plan that primarily involved the road network. He noted that there were previous discussions about the possible connection of Brownlie Road with Anderson Road and that this is accomplished with the redesign. The current plan indicates six homes that will have their actual access from an extension of Reedel Road which ends in a cul-de-sac and the remaining lots will have access directly off of the through road.

Utilizing an aerial illustration, Mr. Loeper explained the stormwater management changes and described how the stormwater is collected and follows the natural drainage areas of the site. He pointed out a steeply sloped ravine that contains a stormwater structure which was originally built as part of the Greentree development and modified several times during subsequent development. Another portion of the property will drain to a basin at the rear of the site and the western portion will drain to a basin on the west side of the site from which the flow will be piped over to an existing stormwater line and down to the river. The northern most basin has a level spreader which will then sheet flow onto the adjacent property. Mr. Loeper then described the rain garden aspect of the stormwater management to be located on several of the existing lots which will be in keeping with best management practices as promoted by DEP.

Mr. Loeper stated that there are sidewalks on all sides of the roadways. He pointed out that in view of parking ordinance changes for residential development, there are several areas with bump outs in the road to enable on street visitor or excess parking. Each of the homes will have a two car garage; however, the township code will only count it as one car parking space. Driveways are all designed for a minimum of two cars.

Mr. Loeper noted that one of the few issues being worked out involves the road [connection] since it involves a disturbance of some steep slopes. He pointed out that the slope of the road would be much less than if it were taken through as it was originally envisioned straight along the edge of the property. Mr. Loeper said that this is something the code allows for some improvements in steep slopes; however, a better legal interpretation is required.

The Planning Commission viewed this plan last week and recommended approval wherein they supported any variance that might be needed for this connection in terms of steep slope if that would be the [legal] interpretation.

Utilizing the aerial, Mr. Loeper pointed out the locations of a fair amount of green area; however, it does not count as open space according to the terms of the township ordinance. The applicant is willing to provide this green area but is requesting a waiver to pay the fee in lieu of actually dedicating open space. Mr. Loeper explained that the basic problem involves the slope of the lot which would make it difficult to provide open space that complies with the ordinance.

Mr. Loeper outlined some of the other Planning Commission comments that included:

- reworking any of the agreements with the other homeowners associations concerning the maintenance of a parcel which is actually part of this property but receives stormwater from other properties.
- one advantage of this plan as opposed to the previous plan, is that it takes much of the development away from a particular property owner who has been very involved in the development and had voiced concerns in the past about the proximity of the roadway and the impact it might have on stormwater. This particular property owner still has a well.

Mr. Loeper summarized that the Planning Commission was pleased with the changes in that this represents a better plan with better connectivity and an overall better sighting and use of the property.

As a final note, Mr. Loeper stated that the R-2 District has a 10,000 square foot minimum lot size and the building lots range from 15,000 to 25,000 feet, the total lot area is 9.49 acres and the rights of way take up approximately 2 acres of the property. Utilizing the aerial, Mr. Loeper pointed out a small area on the northern portion of the property which the applicant had indicated would be set aside for right of way for the Route 23 relocation project if and when that moves forward.

Mr. Bartlett stated that one of his concerns all along was the possibility of fugitive vapors migrating from the Tysons Superfund site and during a recent meeting this was discussed with Mr. Gambone who indicated that a radon type replacement system would be installed so that this would not have to be a problem. Mr. Bartlett asked if this was still part of the arrangements. Mr. Gambone responded in the affirmative.

Mr. Jenaway asked about the status of the baseline report previously discussed regarding Tysons. Mr. Frank Bartle, Esq., representing the applicant, stated that Bill Palkovics, their representative from Delval Soil and Environmental, contacted Josh Barber at EPA and after their discussions, Mr. Barber was able to provide the Township with a letter that dealt with those issues and essentially provided a “clean bill of health.” Mr. Bartle indicated that at a subsequent meeting referred to by Mr. Bartlett one of the issues discussed was the vapor barrier at which time the applicant agreed that this would be provided. In Mr. Bartle’s view this constitutes a “clean bill of health” with respect to any environmental concern.

Mr. Jenaway asked about the stormwater management for the two properties that had the common stormwater runoff area and if there is more than enough capacity at that location to draw from both developments. Mr. Bartle responded in the affirmative. He said that Roman Dychdala is the applicant’s engineer and has answered that question previously at which time he indicated that was the case. Mr. Bartle added that this would be subject to the Township Engineer’s review as well.

Mr. Jenaway asked if any traffic counts have been done with regard to opening up the opportunity for people to go from Anderson Road down to the lower end, is there any input that Traffic Safety might have from similar types of intersections around the township, and will the road be owned by the township or the development. Mr. Bartle responded that it is his understanding that the road will be dedicated to the township. Mr. Bartle then referred to Mr. Loeper’s presentation wherein he pointed out the slope and grading problem with regard to the “straight shoot” from the existing road to where the road ends on the other side. Mr. Bartle explained how the new plan through the cul-de-sac provides more span for the slope and works much better. Although not the position of the Planning Commission or township staff, Mr. Bartle said if it were the position and preference of the supervisors to retain the cul-de-sac and not create the through road, that could be done as well.

Mr. Jenaway asked about traffic safety at that intersection. Mr. Loeper responded that Traffic Safety will review prior to final review since this was a revision and that was not part of the original plan. Mr. Loeper explained that since the road does not have a straight through design, it does not encourage a lot of additional traffic and should have some traffic calming aspects to it since this will probably be a four-way stop controlled intersection and not an easy cut-through. Mr. Loeper pointed out that this road will be slightly out of the way and benefit more people in the area than people coming through the township.

Mr. Jenaway commented that in looking at the design he would concur that it would curtail traffic since it appears to take the roadway from a 60 foot cartway to a 50 foot cartway and then is cut down even further in proceeding through the development. He said that the ingress angle and the sharp right hand turn would also help curtail traffic.

Mrs. Spott asked for clarification on the issue of the rain garden. Mr. Dychdala, engineer for the applicant, responded that the rain garden will be on private property primarily on two lots – lots 19 and 16. He explained that there will be an easement created around the rain garden that enables the township to come in and make alterations or maintenance if necessary but the Homeowners Association will be empowered to handle the maintenance of the rain garden.

Mrs. Spott asked if the Homeowners Association and not the township would be charged not just empowered but charged with the responsibility for maintaining the rain garden. Mr. Dychdala responded in the affirmative and said the Homeowners Association is primarily responsible, but if they should neglect any kind of maintenance, the township does have the authority to go in and make repairs.

Mrs. Spott said in that case the Homeowners Association would be charged [billed]. Mr. Dowell responded in the affirmative.

Mrs. Spott asked for details on the requested fee in lieu. Mr. Loeper responded that the current fee in lieu is \$4,000 per unit.

Mrs. Spott indicated that would be \$4,000 for each of the 25 units. Mr. Loeper responded in the affirmative.

Mrs. Spott asked since the street is going to be dedicated to the township, it is assumed it would be built to the township's specifications. Mr. Bartle responded in the affirmative.

Mrs. Spott requested a copy of the environmental letter Mr. Bartle referred to earlier in his presentation. Mr. Bartle responded that it was provided to staff. Mr. Loeper stated he will provide a copy of the Delval letter as well as the third five-year review report for Tysons.

Mr. Waks asked the difference between a rain garden and stormwater basin. Mr. Dychdala responded that stormwater basins are dry and stay dry except during heavy rainfall events where they fill up and slowly dissipate the water. A rain garden will keep a permanent six inch depth of water in it to filter out any type of contaminants, sediments, grit and it is heavily vegetated so that the vegetation planted within the rain garden is designed to help filter out those contaminants even further.

Mr. Waks asked if this is going to be still standing water. Mr. Dowell responded in the affirmative.

Mr. Waks asked if anything is going to be done in order to make sure the water does not start breeding mosquitoes because there have been problems in the township because of standing water and mosquitoes. Mr. Dowell responded that the way rain gardens are typically designed is that you make the top layer permeable so that the water can filter through and in times of drought it would dry up, but typically it stays wet and the vegetation is such that it soaks up the water a lot faster than it typically would if it were just grass. He did not say that mosquitoes will not breed there, but rather the way the rain gardens are designed they should not.

Referred back to staff.

ADDITIONAL BUSINESS

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 7:58 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

rap

Minutes Approved:

Minutes Entered:

The entire proceedings of the business transacted by the Board at this Business Meeting were fully recorded on audio tape, and all documents submitted in connection thereto are on file and available for public inspection. This is not a verbatim account of the minutes, as the tape is the official record and is available for that purpose.