

UPPER MERION TOWNSHIP PLANNING COMMISSION

July 13, 2016

The Upper Merion Township Planning Commission met for their regularly-scheduled meeting on July 13, 2016 at 7:00 p.m. in the Township Building, 175 W. Valley Forge Rd., King of Prussia, PA.

Present: Jaque Camp, Chairperson; Mark McKee, Secretary; Todd Brown, Member; Robert Loeper, Township Planner; Kyle Brown, Associate Township Planner.

Absent: Matthew Popek, Vice-Chairperson; Vivian Peikin, Member; William Jenaway, Liaison to the Board of Supervisors; Maudy Hedlund, Recording Secretary.

The pledge of allegiance to the flag was followed by self-introductions.

Meeting Minutes: June 22, 2016:

Todd Brown motioned to approve the June 22, 2016 Minutes, as submitted. Mark McKee seconded. A 3-0 vote, in favor, carried.

Plan: DP 2014-12. Mancill Mill Road Company, Revised Plan for a 112-unit hotel on 7.23 acres. (Previous Plan: Warehouse & Office Facility (298,000 SF) and two hotel buildings (245 units); 22.82-acres, SM/SM-1. Plan expiration 9/31/16.

Present: Michael S. Gill, Esq., Partner, Buckley Brion, McGuire & Morris, LLP, West Chester, PA.
Dan Piazza, The Piazza Group and Mancill Mill Rd. Co., Norristown, PA.
Walter H. Hungarter, III, PE, Vice President, R.T. Environmental Services, Inc., King of Prussia, PA.
Adam Brower, P.E., Project Manager and Partner, Edward B. Walsh & Associates, Inc., Exton, PA.
Joseph P. Orsatti, Jr., RLA, Orsatti & Associates, Inc., King of Prussia, PA.

Mr. Loeper provided a brief overview of Mancill Mill Road Company's revised plan, which calls for a 112-unit hotel on the far eastern side of the property, before turning the meeting over to Mr. Michael Gill, counsel, who introduced the applicant's representatives.

From Mr. Gill's presentation:

This site was an asbestos production facility. The applicant acquired the property in the late 90's or early 2000's. A number of plans have been submitted. A plan, submitted in 2014, proposed two hotel buildings, a warehouse and an office facility. The applicant received three rounds of reviews from the Township's professional consultants, their civil engineer, and traffic consultant.

The Planning Commission heard from the applicant and members of the public, primarily with regard to environmental issues, and voted 3-0, requesting the Board of Supervisors to consider the issues that had been raised during the Planning Commission meeting.

This plan is a version of the plan submitted in 2014. The applicant will respond and comply with the Township's Engineer's comments and follow-up with the Township's traffic engineer.

The applicant is asking for a recommendation from the Planning Commission to move forward to the Board of Supervisors so that the Board can consider the plan pursuant to the subdivision's land development.

The Environmental Remediation/Clean-Up plan is underway. It includes encapsulating the asbestos at the property under a minimum four-foot deep soil cap and then, as part of the DEP-approved remediation plan, implementation of the land development. Until the land development plan is approved and construction gets underway, the remedial action plan will always be in a state of having been almost completed, but not yet completed. The applicant's hope is to move on to the Board of Supervisors.

The applicant's representatives responded to questions and comments from identified and unidentified members of the audience on the following subjects:

Excavation plan:

Walt Hungarter explained that the updated cleanup plan, which is the subject of the DEP approval, says that additional material will be excavated as needed to assure that the arsenic and active material is effectively excavated and consolidated in the asbestosed landfill area or capped beneath a road and/or building. The clean-up plan contemplates redevelopment of the property.

Remediation Process:

Walt Hungarter described the PA Act II Process. Implemented in 1997, the voluntary clean-up program allows a remediator to propose to the DEP four or five different options to remediate a site. Several of the available standards include residential, non-residential, and site-specific. The applicant's Notice of Intent to Remediate started in 2004. The DEP's first approval was received in 2008. The DEP approved a slightly different layout of the site in 2012.

Disturbance of the capped asbestos:

Walter Hungarter commented that site plans were developed to minimize any potential impact. The DEP required a minimum of a 2-foot soil cap on the property. To accommodate utility issues the applicant is proposing a minimum 4-foot soil cap designed to not impact the asbestos.

Redevelopment of the site:

Mr. Gill stated that the official title of Act II includes the words “land recycling.”

The program is designed to encourage the clean-up and redevelopment of environmentally-contaminated sites. Redevelopment is the final step in the environmental remediation process.

Violations during the remediation process:

An unidentified audience member stated that the applicant was cited by the DEP for a significant number of violations during the remediation process. Adam Brower responded that one issue was encountered during the remediation process. It pertained to a contractor’s installation of a different kind of silt fence that dug up some of the asbestos material prior to any of the capping being done. The inspection report noted an issue, not a violation that the contractor needed to resolve, and accomplished, by changing the type of silt fence that was to be used. Walt Hungarter stated that the DEP took that incident seriously and held a meeting with the applicant, but did not take any type of action to stop the work that was being done. The unidentified audience member noted that the violations also included dirt being dragged out onto the road, vehicles not being washed properly, and air monitoring not being done. Mr. Gill indicated a willingness to look at DEP’s site inspection reports that suggest that there are violations and asked if the audience member would provide him with copies. Mr. Gill stated that the only issue before the Planning Commission this evening is whether or not the plan that’s proposed complies with the Township’s subdivision and land development ordinance, zoning ordinance, and stormwater management ordinance.

Disturbance of the capped asbestos during the installation of underground utilities:

Bernadette Gateley, RN, and resident of the Valley Forge Towers, concerned about the Tower’s residents and herself becoming exposed to airborne asbestos during the installation of underground utilities, asked if construction would be done on windy days. The applicant’s representative replied that the soil cap’s depth, which ranges from four to sixteen feet, is sufficient to run utilities into the building and to allow construction on windy days.

Trucks on Mancill Mill Road:

Jim Davis, area resident, commented that 40 or 50 dump trucks, carrying dirt out from the site per day while the cap was being done, were leaving inches-thick mud on Mancill Mill Rd. A street cleaner, driving behind them to clean it, was blowing dust. He added that a safeguard should be in place for that not to occur. An unidentified member of the audience commented that the DEP does not permit trucks to drag dirt onto Mancill Mill Road and requires trucks to be washed. Jay Casman, area resident, recommended implementing safeguards that ensure that this doesn’t occur again. Mr. Gill described the process that’s been set up to enforce statutes and regulations. Mark McKee asked if it would be safe to assume that trucks coming in are bringing in more soil, not taking it out. Mr. Gill replied, “Yes.”

Arsenic:

Richard Alexander, area resident, inquired about contamination beyond the area marked in green. The applicant's representative stated that one boring was found to have a concentration of arsenic above the residential standard. It was outside the development area. The DEP will, once they approve the remediation process, require the Piazza Group to apply an environmental covenant that runs with the land that would not allow any disturbance of the area that is kept.

Depth of the fill:

More fill is being added to make the downward-sloped site relatively level. The cap's depth will range from nine to sixteen feet deep.

Removal of trees:

Trees were cut at the surface and taken out as mulch. Stumps were washed as they were being pulled out and mulched with a DEP-required water spray before being incorporated under the site's cap.

Retainage for the steep slope:

A new survey of the topography with a four-foot cap and no grading was done in February or March of this year. That survey bore out that the fill within the topography required a five-foot-high retaining wall a couple of hundred feet long. The wall will be located beyond the level of the contaminants, just off the Norfolk Southern rail track.

Volume Control:

The existing stormwater basin will become an unlined rain garden.

Mark McKee referred to the vehicle access for Norfolk Southern and asked if part of the retaining wall will keep runoff from floating down to the tracks. Adam Brower described two points of discharge from systems on their site that are purposely located where the overflow from the discharge would be go towards the concrete channels and the cross pipes that go under the railroad.

Final remedial action plan and role of the regulator:

The final remedial action plan cannot and won't be fully implemented until the site is re-built. The role of the regulator, upon the implementation of the remedial action plan, is to sign off on the final report that will state what the applicant proposed to do and what was done.

Grading of the site:

Grades are measured prior to remediation, post-remediation but prior to development and post-development when construction is done.

Proposed Hotel:

An unidentified audience member asked if this will strictly be a hotel or if the rooms will have kitchens. Mr. Gill replied that it's proposed as a hotel that might become an extended stay.

From group discussion:

The proposed hotel would be approximately 150 feet from the railroad tracks. Installation of its elevators nor swimming pool will not breach the asbestosed layer. The pool will be built atop a 16 foot-deep fill.

Ms. Camp announced that discussions would be limited to the plan being presented tonight.

Traffic Study:

Mr. Loeper noted that the original traffic study was based on a much denser development with a much higher trip generation. This plan indicates a lower trip generation.

Access to the property:

Mark McKee asked if the access drive (aka "drive aisle" and "driveway") would be cut through the Valley Forge trail. The applicant replied that how it will impact the trail will have to be addressed.

The strip for the proposed driveway is 30 feet wide. The driveway will be 24 feet wide. It will have retaining walls on either side, but no shoulders or sidewalks. Mr. Loeper noted that this would be viewed as adequate for this particular use.

Road Realignment:

The applicant had several discussions with the Municipal Utility Authority at some length to do a land swap that would allow for re-alignment, but discussions didn't go anywhere.

Mark McKee recommended exploring a safer access to the site since the access aisle will serve this and future onsite developments. He asked if the vacant land to the south was restricted by deed. The applicant indicated a willingness to discuss Mark McKee's suggestion with the Towers or the Municipal Utility Authority.

Safety:

Mark McKee voiced concern for the safety of pedestrian employees using the drive aisle from the bus stop on Route 23 to the hotel. For the record, Mark McKee stated that this may become an access to two parcels and added that it should look more like a road. He urged addressing access sooner rather than later, if it's at all possible.

Mr. Loeper commented that his office doesn't have information about future development for the site. He added that, from a planning standpoint, how one is going to get in and out of the site is going to be one of the critical issues.

Sidewalks:

The applicant's representatives approved of Jaque Camp's suggestion to install sidewalks from the hotel to the trail.

In response to Ms. Camp's question, Mr. Loeper provided an update regarding engineering. The parcel is zoned SM/SM-1. This side of the property is zoned SM-1.

Future development:

The applicant's representatives stated that there is no reason, at this point in time, to restrict future development of the site.

Route 23:

Mark McKee described Mancill Mill Rd. at Route 23 as six inches deep with water after a fairly brief but heavy rain. The road is located in a hundred year flood plain. Mr. Loeper stated that there are separate plans for the relocation of part of Route 23 in that area, particularly because the bridge is a deficient bridge. The applicant proposed an "all way" stop for the intersection.

Trail:

Mark McKee asked if the trail was constructed on the township's or the applicant's property. The applicant granted the Township an easement. The trail cuts across the applicant's access road and heads further to the west.

Risk or danger of contamination traversing the trail:

The trail is safe. The remedial action plan has been submitted to and reviewed by the DEP, the agency charged with protecting the human environments.

County's Review:

Mark McKee inquired about the County's letter. Mr. Loeper explained that the County's period of review had long expired. The tentative schedule for the Board's Workshop is August 18 and its business meeting is set for Sept. 22. The plan expires on June 30, 2017.

Motion:

In response to Ms. Camp's inquiry, members were prepared to make a motion.

Mark McKee motioned that the Planning Commission recommend to the Board of Supervisors approval of the plan, as submitted, for the 112-unit hotel with the understanding that the regulator, as well as the township folks, as part of this land development process, will be watching the

development and our engineers will be making sure that the cap is not broken. He suggested that the applicant continue to work with the township's Municipal Utility Authority and/or the adjacent property owners to improve the access to the site for safety of both the public, the potential safety of employees coming to the site, as well the future development of the site. He added, "I think this is the time to continue those discussions. I think you've done a pretty good job on the stormwater management, the raingardens, and commend you for that." Todd Brown seconded. A 3-0 vote, in favor, carried.

There being no additional business, the meeting adjourned at 8:35 p.m.

Sincerely yours,

MARK MCKEE, SECRETARY