

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
WORKSHOP MEETING  
JUNE 7, 2018

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, June 7, 2018, in the Township Building. The meeting was called to order at 7:30 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway, Greg Philips and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor and Rob Loeper, Township Planner.

CHAIRPERSON'S COMMENTS:

Chairperson Philips stated an Executive Session was held prior to this meeting regarding personnel issues and potential litigation.

DISCUSSIONS:

RAPINE TRACT SUBDIVISION PLAN – 510 W. BEIDLER ROAD, TWO-LOT RESIDENTIAL SUBDIVISION WITH ONE-EXISTING DWELLING, 1.91 ACRES, R-2 RESIDENTIAL DISTRICT *Plan Expiration: 8/21/18*

Mr. Loeper stated the 1.9 acre property at 510 Beidler Road (next to Heuser Park) is in the R-2 Residential District and includes an existing single family dwelling, a swimming pool and block barn/shed.

The applicant is proposing the creation of two lots. Lot #1 would include the existing smaller dwelling and a new single family dwelling on the larger Lot #2 with stormwater management. The access to the site is planned through a common drive/easement; this aspect of the plan requires more research and additional information. The plan is scheduled for review by the planning commission next week. Reviews by the county and township engineer are pending.

Utilizing the aerial, Mr. Loeper pointed out various aspects of the property including its location in relation to Heuser Park, the existing dwelling and the proposed new dwelling.

Mr. Philips asked about the size of the property and the individual lots. Kevin Davis, applicant, responded the property is almost two acres. The existing

house (Lot #1) is 18,000 square feet and the balance of the property will be on Lot #2. Mr. Davis indicated the existing house [and barn] will be demolished.

Mr. Philips asked about the minimum lot size in this district. Mr. Loeper responded it is 10,000 square feet. Mr. Loeper noted Lot #1 will be .56 acres and Lot #2 will be 1.3 acres.

Mr. Philips asked if this is a flag lot. Mr. Loeper responded the lot frontage is 100 feet and would not be classified as a flag lot. He noted it is unusual in that the lot is off of a private driveway road. Mr. Davis commented there is a 15 foot right-of-way for access to neighboring properties.

Mr. Philips asked for clarification about the private lane and if there is an intention to widen the access for a dedicated road. Mr. Davis responded, "I don't believe so."

Mr. Philips asked if the neighbors maintain the driveway. Mr. Davis responded in the affirmative and said it is in the right-of-way agreement.

Mr. Philips asked if the sewer comes from Heuser Park or off of Beidler Road. Mr. Davis responded the sewer comes from Heuser Park.

Mr. Philips asked if the Rapines are currently on the sewer. Mr. Davis responded in the affirmative (Rapine Sr.). He said the house to be demolished is on a septic system and well.

Mr. Philips asked if the houses in front have public water. Mr. Davis responded almost everyone in that section on both sides of the street are on wells.

Mr. Philips asked if Mr. Davis intends to go on the public water system and bring it down that driveway. Mr. Davis responded in the affirmative. He indicated one of the neighbors is on public water already and tied into the sewer with gravity feed but the others are on wells and septic systems.

Tom Ryan, 518 Beidler, had a series of questions about the plan some of which will be worked out during subdivision and land development. It was also suggested that he meet with Mr. Davis, and the other neighbors, to go over the particulars of his interests and concerns as a first step prior to the planning commission meeting.

MANCILL MILL ROAD COMPANY DEVELOPMENT PLAN – MANCILL MILL ROAD, COMPLETE SITE BUILDOUT WITH 171,460 SF (233 ROOM) HOTEL AND 165,000 SF WAREHOUSE FACILITY, 15.57 ACRES, SM/SM-1, Plan Expiration: 8/7/18

Utilizing the aerial, Mr. Loeper pointed the various aspects of the Mancill Mill site and surrounding area. It was noted Phase I was approved last year which consists of one hotel that has yet to be built. This application contemplates a build-out of the property including a warehouse on the western side of the property and another hotel on the eastern side. The plan also includes stormwater management.

Mr. Loeper indicated a traffic study was conducted by Traffic, Planning and Design which is currently being reviewed by McMahon and Associates. The Township Engineer has also issued a preliminary review.

Mr. Loeper stated the key issues associated with this site have always been the access and corresponding traffic both on the access driveway into the site and existing conditions on Mancill Mill Road. The other major issue was the capping which was completed sometime last year.

Mr. Philips asked which one of the buildings is going over the capped area. Mr. Loeper responded the building that is already approved will go on top of the capped area. Mr. Philips commented the assurance was given that the footing design would minimally disturb the capped area.

Mr. Philips asked for clarification about the number of rooms for each hotel. Mr. Michael Gill, representing the applicant, responded the initial hotel is 112 rooms and the second hotel would be 121 for a total of 233 rooms.

Mr. Philips asked if there is sufficient capacity for another 121 rooms in that location. Mr. Gill responded he assumes his client believes there is the additional capacity. He said a user has been identified and the developer of that specific hotel is working with the township to complete agreements and necessary paperwork on that phase of the development.

Mr. Philips asked if the two planned hotels are similar in terms of size and market segment. Mr. Gill responded in the affirmative.

Mr. Philips asked if the warehouse would be strictly a warehouse and not flex warehousing. Mr. Gill responded in the affirmative. He said he believes his client will develop the site for the uses that are proposed.

Mr. Philips asked for more details regarding the traffic impact study such as the number of anticipated tractor trailer, vehicle trips, daily or nighttime use and type of delivery operation. Mr. Gill responded they obtained the vehicle trips from the ITE (Institute of Transportation Engineers) data. He said it would be premature at this point to talk about a specific user for the warehouse.

Mr. Philips stated he was not referring to a specific user, but wanted to know the most impact on the site as detailed in the traffic study. Mr. Gill

responded since he does not have a specific user in mind he cannot speak to the trip generation or traffic patterns that would flow from any given warehouse user. He said he could discuss trip generations associated with warehousing as those are dictated to be studied under the terms of township ordinances.

Mr. Jenaway commented the township has already experienced a challenge with warehousing and distribution in Upper Merion with overnight delivery packaging systems, and resultant trip generations. Mr. Jenaway said what is contemplated as the occupancy should be dictating the trip generations in the traffic study.

Greg Richardson, P.E., Traffic Planning Design, stated the township's traffic engineer included a comment in the review letter that more specifics are required as to what type of trucks and truck routes will be utilized and these questions will be addressed.

Mrs. Kenney questioned how a traffic study could have been done on a non-existent warehouse. Mr. Richardson explained he used a trip generation manual referencing a study on a non-existent warehouse. He expressed a willingness to expand the scope of the traffic study once they have more specific information.

Mr. Philips asked if this is a spec warehouse at this point. A response was provided in the affirmative. Mr. Philips asked if there is any anticipation that this spec warehouse would become a spec flex warehouse. Mr. Gill responded at this point in time it is proposed as a warehouse.

Mrs. Kenney asked about the minimum and maximum number of trips reflected in the initial traffic study that was done. Referring to the [ITE] manual, Mr. Richardson responded for the two hotels and warehouse the three uses combined would generate approximately 2,254 trips per day (cars and trucks).

Mrs. Kenney asked for a traffic count breakdown according to the uses. Mr. Richardson responded according to the ITE the warehouse with 165,000 square feet is 306 trips, the approved hotel is 936 trips, and hotel #2 which is part of this plan is 1,012. He explained coming in and out of the site those numbers would be cut in half, i.e., 2,254 trips would roughly be 1,100 vehicles going in and 1,100 going out total throughout the day. Mr. Richardson added, "not the peak hour." He said his client would have to prove to the Board of Supervisors that they can mitigate that impact. Mr. Richardson stated they still have to work through a few more comments issued by the Township's traffic engineer.

Mrs. Kenney indicated one of her main concerns related to this property is the single ingress and egress. Mr. Gill responded his client does not contemplate an additional road and is constrained to work with the current access. Mr. Gill mentioned he has previously suggested working with the

municipal authority for the possible acquisition of additional property to widen the driveway.

Mrs. Kenney stated a wider access is not an additional access. She said there is only one way in and out and that is the issue. With regard to Mr. Gill's reference to the sewer authority property, Mrs. Kenney pointed out the property does not extend all the way down to Beidler Road and Mr. Gill is only talking about possible widening of one end of the road.

Mr. Waks asked about the height of the proposed warehouse. The response which was provided off microphone indicated the warehouse was approximately 50 feet in height (five stories). Mr. Waks emphasized that is an important point that was not brought up.

Mr. Waks stated in order for the Board of Supervisors and residents to have more of an understanding of what the applicant is proposing it is necessary to have more specifics as opposed to generalities regarding traffic impacts. All that is known at this time is that it is a very high potential traffic count for a 5-story warehouse for an unknown commodity/user and an additional 121 room hotel. Mr. Gill responded the applicant could supplement the plan as submitted with the additional information the supervisors are requesting.

Mr. Waks asked if the applicant would provide the additional information when they meet with the planning commission. Mr. Gill responded he will try to have more information responsive to the questions raised at this meeting and the comments in the two review letters.

Mr. Waks asked if the applicant has given any thought to see the actual demand for the first hotel before proceeding with the second hotel development. Mr. Gill responded he cannot speak to the actual build-out schedule and said build-out schedules are not always tied to approval schedules.

Mr. Waks asked if Mr. Gill's client still owns the first parcel. Mr. Gill responded, "Yes, as of right now." Mr. Waks asked if there is any intention of selling. Mr. Gill responded in the affirmative. He said the first hotel is going to be subject to a "condominium declaration."

A discussion followed about the meaning of the term "condominium declaration" after which Mr. McGrory clarified it is very common in real estate to do a condominium declaration dividing portions of a property. Mr. McGrory indicated the applicant has been sharing with his office the condominium declaration to figure out what portion of the property can be associated with the first hotel and what portion is remaining. There are certain rules regarding common open space, common areas, etc., and it is not at all unusual and almost always happens with shopping centers where there are condo pads in front of a shopping center and a common area such as a central parking lot. Mr. McGrory

pointed out with changes in the law to not require a new subdivision; this is not something under the township's jurisdiction. He said the condominium declaration does not change how the land is used, it does not change the approvals granted and does not change the requirements for approval; it just enables different owners to own different portions of the property without subdividing.

Mr. Waks asked if everyone in the audience understood the explanation. He said it is not an actual building of a condo complex, but is a way of parsing out ownership without subdividing.

Mrs. Kenney asked who owns the first hotel. Mr. Gill responded he would have to find out since he is not handling that transaction.

Mr. Jenaway asked about the width of the main roadway going into the development when the single hotel was approved. Mr. Gill responded, "24 feet." Mr. Jenaway commented with the proposed build out it is still being kept at 24 feet. Mr. Gill responded it ranges from 24 feet to 30 feet at certain points. Mr. Gill said there are opportunities to improve upon it by making it wider utilizing the sewer authority property.

Mr. Jenaway asked if there is adequate turning capacity for tractor trailers on a two-lane road in and out of that development. Mr. Gill responded, "There would have to be." He said McMahon Associates wants more information on the trucks, including turning movements without encroaching on the opposite lane of traffic.

Mrs. Kenney recalled it was about five years since Mr. Gill discussed the possibility of acquiring some of the land from the sewer authority as a buffer between the hotel and sewer plant and recalled it was not a request involving the road. Mr. Gill responded he thought there had been discussions about access and said he is willing to come to the next meeting of the sewer authority to discuss the access if the members are interested in talking about this matter.

Roland Collins, resident of Valley Forge Towers, expressed concern over environmental issues, access and the applicant's lack of communication with the community to answer questions about what is being proposed.

Norman Desouza, resident of Valley Forge Towers, stated it is very important for people in the community to know what is going on while this plan is being prepared. He expressed concern about the 24 foot access and traffic impacts because of the projected number of trips. Other concerns involve monitoring cleanup efforts and how the foundations will be installed to prevent ground seepage.

Mr. Philips asked if Mr. Gill has set up a meeting with the residents of the

Valley Forge Towers. Mr. Gill responded in the negative. He said these discussions will be held in accordance with the Board of Supervisors request and the applicant will extend an invitation.

Dave Toodman, a resident of the Valley Forge Towers who is a chemical engineer, expressed environmental concerns particularly, how contaminant dirt would be monitored if it entered the filters at the Towers complex.

In response to Mr. Philips inquiry, Mr. Gill indicated DEP is the regulatory authority and this project is proceeding through the Act 2 process. He discussed the Brownfields remediation and said the cap is now in place and the contaminated portion of the site from an asbestos perspective is the part that has already been approved for development. Mr. Gill noted there was a pocket of arsenic contamination that has been excavated and relocated under the cap. He indicated he has no reason to conclude and has not heard there were any significant problems at all with the remediation process or any reason to believe DEP is dissatisfied with that process.

With regard to Mr. Gill's reference to Brownfields remediation, Mr. Philips asked if the applicant is working under some government program to develop this site. Mr. Gill responded in the negative.

Mr. Philips asked if the applicant would be willing during the period of construction to test the filters. Mr. Gill responded he does not believe he can commit to doing anything that is beyond the scope that the DEP requires under the Act 2 process.

Mr. Philips encouraged the applicant as a good neighbor to go beyond the letter of the law and have the filters tested for contaminants.

Mitch Lerman, resident of Valley Forge Towers, commented about the need for a second access, traffic impacts, the dirt that was deposited on the road during the remediation process and the applicant's lack of communication with the residents.

Bob Poston, resident of Valley Forge Towers, commented the traffic study should be redone.

Herb Geller, resident of the Valley Forge Towers, expressed concern over traffic impacts and the removal of trees prior to remediation.

Milt Dennon, resident of Valley Forge Towers, expressed concerns about traffic impact.

James Davis, 820 Mancill Mill Road, commented about the mud and dirt on the road during the remediation process and expressed concern over traffic

impacts and the other issues that still need to be resolved.

Mr. Philips asked if any reports are provided during the DEP remediation process. Mr. Loeper responded in the negative. He said any time information was needed he had to reach out to DEP. Mr. Loeper said he would see what can be done with DEP to make communication better.

Mrs. Kenney recalled the remediation that was done at the Renaissance site several years ago. Mr. Loeper commented that was a Superfund site under EPA's jurisdiction with a much better protocol for monitoring and distributing information.

Mr. McGrory commented he has had experience with a lot of sites like this and advised the most diligent approach is to get the reports and make sure DEP is doing their job.

Herb Vicknan, resident of Valley Forge Towers, commented he does not understand how there can be development on a capped system without creating a problem he also indicated more work needs to be done on the traffic study and expressed concern about the access to the property.

Mr. Philips reiterated the need for Mr. Gill to reach out to the residents and discuss and answer questions about the development. Mr. Gill responded he will do that as well obtain and provide additional information from the traffic perspective prior to going to the planning commission.

Mr. Philips asked if there are any waivers associated with this plan. Mr. Gill responded in the negative. He also said there are no waivers or variances.

#### UPPER MERION TOWNSHIP 2018 CONSORTIUM FUEL CONTRACT RE:

- a. Consider rescinding the April 19, 2018 award of the 2018 Upper Merion Township Consortium Fuel Contract to Riggins, Inc. due to bidder and tabulation errors and the accurate bid amount exceeding the Township's expected costs.

#### Board Comment:

Mr. Jenaway stated this was done within the Consortium. He asked if this error applies to all bids submitted to all municipalities within the Consortium or just Upper Merion Township. Mr. Kraynik responded the bids were accepted on behalf of the Consortium. He said the Consortium will be notified and the contract will be rebid.



Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to rescind the April 19, 2018 award of the 2018 Upper Merion Township Consortium Field Contract to Riggins, Inc. None opposed. Motion approved 4-0.

- b. Consider rejecting all bids for the 2018 Upper Merion Township Consortium Fuel Contract due to the bid amounts received exceeding the Township's expected costs.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to reject all bids for the 2018 Upper Merion Township Consortium Fuel Contract. None opposed. Motion approved 4-0.

- c. Consider authorizing the rebidding of the 2018 Upper Merion Township Consortium Fuel Contract

Board Comment:

Mrs. Kenney asked for additional clarification about the bidding process, and Mr. Philips responded rebidding will enable everyone to start with a clean slate.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to rebid the 2018 Upper Merion Township Consortium Fuel Contract. None opposed. Motion approved 4-0.

APPOINTMENT OF MEMBER TO ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to appoint Andrew Turner to the Economic and Community Development Committee. None opposed. Motion approved 4-0.

APPOINTMENTS TO FARMERS MARKET ADVISORY COMMITTEE

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to appoint Lauren Dare and Eric Huhn to the Farmers Market Advisory Committee. None opposed. Motion approved 4-0.

ADJOURNMENT:

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 9:53 p.m.

---

SALLY SLOOK  
ACTING TOWNSHIP MANAGER

rap  
Minutes Approved:  
Minutes Entered: