

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
APRIL 21, 2016

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, April 21, 2016, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:39 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Erika Spott and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer. Supervisor Jenaway was absent.

MEETING MINUTES:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the March 31, 2016 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

VICE CHAIRMAN'S COMMENTS:

Vice Chairman Waks stated an Executive Session was not held prior to this meeting. He also welcomed Supervisor Greg Philips who has returned from military duty.

NEW BUSINESS

CONSENT AGENDA RE:

1. Resolution 2016-17 re: PEMA Reimbursement for Snow Storm Jonas
2. Renewal Agreement with CPower for Rebate Program for Energy Generation at the Matsunk Sewer Treatment Plant
3. Proposal for Professional Services T&M Associates re: 2016 Road Program in the amount of \$44,500.00
4. Proposal for Professional Services with ARRO re: Trout Run Interceptor General Permit in the amount of \$9,580.00
5. Approval to Sell Old Fire Portable Radios to the Lower Merion Township Fireman's Relief Association for the price of \$325.00 per Radio (3 Radios)
6. Equipment Replacement Requests re:
 - a. Replace Equipment – RBC Shaft Bearings at the Matsunk Sewer Treatment Plant in the amount of \$45,603.00
 - b. Repair fence bordering the railroad property along Chelsea Drive and Valleybrooke Road in the amount of \$3,750.00
 - c. Replace the motor on cooling tower circulation system – Township Building - \$7,000.00
 - d. Replace three patrol vehicles in the Police Department - \$76,180.00
7. Citizen Board Appointments: Todd Brown (Planning Commission) and Paul Kubler (Community Center Complex Advisory Board)
8. Request from two township residents for Homestead Exemption

9. Bid Recommendations re:
 - a. 2016-2018 Emulsion Polymer Supply Contract, Polydyne, Inc. in the amount of \$222,400.00 for the purpose of dewatering biosolids at both the Trout Run and Matsunk Water Pollution Control Centers
 - b. 2016 Maintenance Garage Roof Replacement Contract, Nazareth Roofing in the amount of \$179,000.00

10. Community Center Project – SMJ Contracting (General) Change Order #24 in the amount of \$131,350.25 for the following: Painting of steel in aerobics room, fabrication and installation of rail in storage room, supply and install integral bowl sinks, rock excavation in parking lot, changes to wall and floor tile, toilet partitions, lockers and resilient flooring, and installation of additional manhole.

11. Schuylkill River West Trail – Segments 1 and 2 – Phase 1, Change Order #3 as submitted by Horst Excavating Inc. in the amount of \$6,924.62

12. Resolution 2016-19 re: Electronic Bill Payment Services for the Community Center

13. Resolution 2016-20 re: Earth Day

14. Resolution 2016-21 re: Arbor Day

From the Public:

Kevin Valenta, Manchester Roofing Systems, discussed the roofing bid he submitted through the PennBid Program which was deemed incomplete. The Township Manager explained the township’s obligation to accept the lowest responsible bid that is in complete order.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting “Aye” to approve the Consent Agenda as submitted. None opposed. Motion approved 4-0.

PUBLIC HEARING RE: CONDITIONAL USE FOR O’NEILL PROPERTIES GROUP; 2701 RENAISSANCE BOULEVARD; 300-UNIT MF RESIDENTIAL BUILDING; 10,928 ACRE, SM-1

Mr. Waks stated this hearing is not a discussion about the opening of Renaissance Boulevard. He said should such a discussion ever occur it will be on a workshop agenda with sufficient advance notice to the residents of Hughes Park and the Gulph Mills Civic Association.

Joseph McGrory, Township Solicitor, opened the hearing and introduced a series of exhibits into the record.

Edmund J. Campbell, representing the applicant, submitted a series of exhibits for the record including the applicant’s deeds, a copy of the application itself, the previously approved land development plan, the existing conditions plan and a risk assessment plan for the site.

Mr. Campbell provided an overview of his client’s application for conditional use to permit residential multi-family development in the SM-1 zoning district as a Transit Oriented Design (TOD). Approximately 18 months ago, the Board of Supervisors adopted an amendment to the Zoning Code which allowed for TOD’s under certain circumstances. The testimony is intended to demonstrate this application satisfies the criteria of the Zoning Code to allow for a TOD. Details will be provided about the balance of the ordinance requirements

from both the conditional use perspective and globally from the zoning perspective.

Utilizing the aerial, Mr. Campbell pointed out the location of the four lots and parking area which total approximately 24 acres. He said the discussion will focus on a development on lots 3 and 4 which total approximately 10.5 acres. It was noted the next phase will be for an age-restricted development with a health component. The subject of this hearing is for the proposed 300 multi-family residential units. On lot 3 there is a quarry and on lot 1 there is a quarry which was contaminated and designated as a Superfund site.

Mr. Joseph McGrory, Township Solicitor, asked about the status of the proposed age restricted development. Mr. Campbell responded there is a second set of protocols for this property. They have had some preliminary architectural and schematic layouts with representatives of the park to make sure that what is being proposed complies with their components. The second phase will follow in probably 12-18 months following the first phase. Mr. Campbell said there is pressure on his client from EPA's standpoint because remediation will not be done until the site is developed.

Mr. McGrory asked if this will be Mr. O'Neill's project or if he is looking for another end user. Mr. Campbell responded Mr. O'Neill plans to develop and operate both sites.

Mr. Kevin Kyle, Vice President Multi-Family Housing, O'Neill Properties Group, was sworn in. He has worked with O'Neill Properties for 12 plus years. O'Neill Properties is the developer of the site on behalf of Renaissance Land Associates. In his capacity working for the developer, Mr. Kyle has worked on this site since 2006.

Mr. Campbell described the site as a 300-unit residential development which is located on a Superfund site. Utilizing the aerial, the area of the focus of remediation was pointed out for lot 3 which is mainly the surface parking lot and goes into a portion of the proposed building.

Mr. Kyle described the method proposed and required by the EPA to remediate the site. He noted previously in 2008 the impacted soils were excavated and relocated from quarry 1 (located at 2901 Renaissance) to quarry 2 (2501 Renaissance) to balance the site. After that activity a temporary cap was installed consisting of a geotex membrane, sand, gravel and an asphalt layer. Other measures to manage the environmental issues on the site included the installation of the stormwater system. Because of the heavy machinery that will be used during construction finalization of the caps will occur after construction so as to maintain the integrity of the final cap.

The original remediation plan presumed the site would be developed as office. Through the environmental consultants at Synergy a third party firm to perform risk assessment for residential use. Their conclusion is that what is proposed presents no harm or danger or risk to the occupants of the proposed properties because the capping will create a barrier so that no contaminated soil that exists will come in contact with people on the site.

According to Mr. Kyle's testimony, the existing building adjacent to the proposed site has undergone testing over the last 10 years to make sure there is no vapor intrusion and the tests have all identified there is no issue or vapor intrusion in the existing building.

Added measures will be taken in the development of the site to make sure there is no vapor intrusion in any of the residences. These measures include geotex membrane covers placed in the soil as well as soil barriers wrapped around any columns that penetrate into the cap to prevent any vapor intrusion.

The proposed 5-story wood frame building is designed over a steel frame podium so that the ground level will not be a contained structure. Mr. Kyle testified although there is no evidence of vapor in the existing building on the site if the vapor comes up it would dissipate in the air.

Mr. Kyle testified the residential building will have 169 one-bedroom units which will include studios, 102 two-bedroom units and 29 three-bedroom units. A total of 466 bedrooms are proposed requiring one parking space for each bedroom. Mr. Campbell noted the new code requires one parking space per bedroom under the SM-1 TOD standards and his client is providing a total of 553 parking spaces which is 1.83 parking spaces per unit.

The parking area on lot 4 contains 87 parking spaces. In order to obtain conditional use approval one of the necessary elements is to make parking available to the public who might want to use the local nearby train station which is on the other side of Crooked Lane. The closest point of the property is less than 50 feet away from the train station.

Mr. Kyle's testimony indicated Renaissance Land Associates II is the owner of the property which is an affiliate of O'Neill Properties Group. Mr. Kyle is engaged by Renaissance Land Associates II for the purpose of making this application and developing the site. O'Neill Properties Group is a limited partnership duly constituted in Pennsylvania to conduct business with a regular business address of 2701 Renaissance Boulevard. The general partner is Rehmeyer and Associates and Rehmeyer's managing member is Mr. Brian O'Neill.

With regard to the 87 parking spaces in parking lot #4, Mrs. Kenney questioned being able to accommodate more people who might want to take the train when there is already overflow parking from the businesses along Renaissance Boulevard. Mr. Kyle responded the plan is over-parked per the parking code and there will be a parking cross easement which allows parking for any of the four lots to park on each other's property. He expressed confidence there will be adequate parking to sustain the use of the 300 units at 2701 Renaissance and ample parking offered to the public in relation to the train station.

Mrs. Kenney asked what kinds of dangers are associated with construction and how elevators are handled which have to go deep into the soil during construction. Mr. Kyle described the type of contaminated soils removed from quarry 1 and quarry 2 and what is anticipated to be very similar protocols for construction. He stated the material which is referred to as WAL is waste ammonia liquor which is an oil substance like tar. WAL and benzene are the types of contaminants that are there and the cap is designed to address these types of contaminants. Mr. Kyle described the specific safety protocols involved coming on and off the site when material was excavated in 2007 and 2008. There was a transfer station as a truck came into the site which was inspected by environmental consultants and representatives from the EPA. Once the truck was cleared it would pull into a loading zone where impacted soil was dumped into the truck. It would proceed about 15 more feet and inspected again by EPA consultants. If there was any residual impacted soil on the truck or tires it was carefully cleaned and then allowed to proceed down Renaissance Boulevard to quarry 2 where the truck would enter a loading zone. Once it was cleared by the EPA and O'Neill consultants, the material was dumped into quarry 2. Mr. Campbell stated when this site is built similar but not identical protocols will be required and approved by EPA.

Mrs. Kenney asked if the EPA and DEP representatives will be on the site the whole time construction is taking place. Mr. Campbell responded that has not been decided as yet but he expects EPA or their consultants will be on site.

Mrs. Kenney asked if the waste ammonia liquor and benzene are the only two contaminants there. Mr. Kyle responded he believes there are five other compounds, but could not recall them at the moment. Mr. Campbell stated there are other trace element compounds detailed in the risk analysis but the primary contaminant is waste ammonia liquor and secondarily it is benzene.

Mrs. Kenney asked if any of the contaminants are similar to asbestos which can be airborne on a windy day. Mr. Campbell wanted to reserve answering until he has a chance to double check the report.

Mrs. Kenney asked for clarification about the previously mentioned vapors that could come up during construction. Mr. Kyle responded when remediation was done in 2008 the EPA and DEP required them to have air monitoring stations placed around the site. He said it is anticipated the same protocol will be followed with twice a day readings. If they reach any levels that were detectable, work would stop. He mentioned they never had that happen during the relocation of soils to quarry 1 and quarry 2.

Mrs. Kenney asked if quarry 2 was cleaned up as well or if it is just capped. Mr. Campbell responded material was moved from quarry 1 to balance the site. There are caps on both sites and caps need to be finalized on both sites. There is material in both places.

Mrs. Kenney asked what is meant by the term "balance." Mr. Campbell responded in order to develop the site, the EPA recommended certain materials from quarry 1 be excavated, moved in the protocol described and placed in quarry 2. The same caps are to be constructed over quarry 1 and quarry 2. Material was not taken off the site, but rather taken from point A to point B to balance the site for the construction and integrity of the caps that are eventually reconstructed. Mr. Kyle said prior to the relocation of soils at 2901 there was a big mound of soil at 2501 which was basically a bowl with a depression. Material was transported from quarry 1 to quarry 2 to reduce the mound and fill in the hole.

Mr. Campbell pointed out there is a quarry 3 which is not on his client's site which had a much different type of contaminant removed off-site according protocols. He said Mrs. Kenney's recollection of things being removed off site is accurate, but it was not from quarry 1 and quarry 2. The remediation for these sites is to keep it on site and capped.

Mr. Philips asked for clarification about the remediation which calls for keeping the material on site since he is more familiar with removal of materials from a site. Mr. Campbell responded the vast majority of material that is there is underneath the proposed parking lot and the remediation effort is a requirement to cap. He explained the capping encapsulates the water underneath the soil and keeps it from infiltrating and taking contaminants into the ground water.

Mr. Philips asked where portion of the building in the cap area is located on the map. He asked about the plan to eliminate or minimize the amount of vapors that might escape into the residences. Mr. Campbell responded the existing building has been tested and there has been no vapor identified. He pointed out the building will be designed on a podium with an added benefit of having an open space with elevated living areas.

Mrs. Kenney asked if the building already tested for vapor is the MedRisk Building. Mr. Campbell responded in the affirmative.

Mrs. Kenney asked for clarification about the location of the remediated portion of the Superfund site and if the MedRisk Building is over a remediated portion of the Superfund site. Mr. Campbell responded the cap is 5 feet away from the cap. He pointed out the whole site is a Superfund site and the most

difficult spots are where the quarries are located and that is why remediation efforts are required there.

Mrs. Kenney pointed out the MedRisk building is not the same since it is not on a cap. Mr. Campbell responded that is why a second risk assessment was done. He said the alternative is to build an office building which would be on a slab which is already approved and they think this is a safer design for that purpose.

Mr. Philips asked if there are examples where development has occurred over a similar type of cap with a pedestal. Mr. Campbell responded although the contamination was different, the remediation in Conshohocken on a number of sites required capping where the apartments exist along the river front. The protocols were different because the material was different, but the concept was generally the same in that the remediation there was capping and placing the buildings on podiums.

Mr. Campbell asked Mr. Kyle what other O'Neill projects in Montgomery County involve podium construction over a contaminated site. Mr. Kyle responded he is working on development in Lower Merion Township which is an Act 2 remedial program which is currently being implemented. It is a proposed five-story building over a podium where there are high levels of arsenic and lead that is being capped with asphalt parking and landscaping design. He said there are other nearby examples.

Mr. Waks asked if the 2006 development plan approval was for two office buildings. Mr. Campbell responded in the affirmative. Mr. Waks asked for more details about the approval. Mr. Kyle responded 2901 Renaissance was approved for a 5-story office building which was approximately 179,000 square feet and 2501 Renaissance was approved for another 5-story office building of approximately 164,000 square feet.

Mr. Waks asked if a traffic study was done to determine the impact for that amount of office space. Mr. Campbell responded he was not counsel for the developer at that time but would be shocked if traffic studies were not done.

In response to Mr. McGrory's question, Dinesh Rathore, Philadelphia Avenue, indicated his property is about 75-80 feet from the proposed building. His appearance was entered as a party litigant.

Mr. McGrory asked if anyone has any questions for the witness for the applicant.

Fran Decker, Edgewood Road, stated her property is 500 feet from the first building and asked about the second building being developed which was reflected as a large "E" on the map. Mr. Campbell responded it is proposed to be an age restricted, non-assisted living and memory care facility. He pointed out that proposal is not part of the application being discussed at this hearing. Mr. McGrory said it would be a continuing care community, except for skilled nursing care. Mr. Campbell indicated that was correct.

Jim Rapine, 247 Foulkrod Boulevard, asked if SEPTA has ever been consulted regarding this proposal. Mr. Kyle responded they have not worked with SEPTA as yet. He said plans will be submitted to SEPTA which include a crosswalk on Crooked Lane to the train station.

Mr. Rathore, Philadelphia Avenue, asked about possible environmental effects on the neighborhood across the street. Mr. Kyle responded a risk assessment was done for residential use and it came back indicating there would be no impact during construction. The air monitoring results completed by EPA and DEP were made public. For the proposed development, EPA will require air monitoring stations as required during the previous remediation.

Cindy Monyek, 229 Lawndale Avenue, asked about the height of the MedRisk Building. Mr. Kyle responded the zoning code permits up to 75 feet and it is approximately 66 feet to the top of the roof. There is another 3 to 4 feet of the parapet wall placing it at approximately 72 feet.

Ms. Monyek asked about the difference between the height of the proposed building and the MedRisk Building. Mr. Kyle responded there is a difference of approximately 8 additional feet for the proposed building.

Patricia Cunnane, 250 White Avenue, asked about the crosswalk. Mr. Kyle responded they will work with the township engineer in developing a proper crosswalk. Since it is on a state road it will require PennDOT review as well.

Brian King, 370 DeHaven Street, asked for clarification about the synergy discussed earlier. Mr. Kyle responded some people who will live in the apartment complex will also work within the Renaissance Corporate Center where multiple businesses are located. He said there will be residents who relocate from other apartment communities or people who want to sell their home and move into an apartment community where they do not have to worry about lawn maintenance or school and real estate taxes.

Mr. King asked if there has been any outreach to other businesses in the Renaissance Center regarding contamination issues. Mr. Kyle responded there has definitely been communication with all the property owners.

Mary Pat Tomei, 172 Holstein Road, asked if O'Neill Properties would build an office if the conditional use approval is not granted for the apartment complex. Mr. Campbell responded it is not possible to predict or project and asking his client to do so would not be fair. He said eventually the property is going to be developed and pointed out today it could be developed as an office.

Ms. Tomei asked for more details about the TOD concept and how to determine if the criteria are being met. Mr. McGrory referred Ms. Tomei to the criteria in the zoning ordinance since in this proceeding the Board of Supervisors acts in a judicial capacity and does not answer questions.

Ms. Tomei asked if there is a mechanism to make sure people take the train. Mr. Kyle responded at some of their other communities they are implementing a "transit screen" listing SEPTA train and bus schedules which will help promote the use of regional rail.

Ms. Tomei asked if there will be a walkway from the parking lot to the train. Mr. Kyle responded plans which will be reviewed by the township engineer currently show a crosswalk across Crooked Lane to the existing sidewalk and the applicant will work with the township if there are any improvements to be made.

Kevin Krasnansky, 254 White Avenue, recalled from a previous meeting that a portion of the lobby would be over the cap and asked if the plan has changed. Mr. Kyle responded a portion of the lobby and building entrance will be over the cap, but no residential units would be directly on the cap.

Mr. Krasnansky asked if anyone would be stationed in the lobby. Mr. Kyle responded their leasing agents will be there.

Norman Pfizenmayer, stated his wife owns the property at 580 Crooked Lane which borders this proposed site and wanted to know what impact the proposed development would have on her property. Mr. Kyle responded in his opinion it would not impact her property at all. He said during their prior land development approvals they were requested to put up a wood fence and some trees to buffer the property which has been done, is maintained to this day and will remain.

Edward Tomchek, 575 Philadelphia Avenue, indicated several months ago O'Neill Properties hosted a get together of families and proposed an assisted living facility and also a 150-unit apartment complex. He questioned the increase to 300 apartment units. Mr. Campbell responded when the zoning was changed in 2014, the zoning limitation was 30 units per acre and they have 10 acres. He said there has never been less than 300 units proposed for this particular lot.

Mr. Tomchik asked if an overpass could be constructed over Crooked Lane instead of a crosswalk. Mr. Kyle responded O'Neill Properties will work with the township engineer and their traffic engineer to determine the best option for the crosswalk.

Joe Rapine, 540 West Beidler Road, asked how many penetrations will be made through the cap. Mr. Kyle responded the structural drawings have not been completed to date but there will be more than 18-25 steel penetrations into the cap area.

Mr. Rapine asked about the elevators. Mr. Kyle responded he believes all the elevators are outside of the cap area.

Mary Pat Tomei, 172 Holstein Road, asked if there would be any commercial in the bottom of those units. In response to Mr. Campbell's clarifying question, Mr. Kyle responded to the extent there is a leasing office or others serving the residents, not outside retail, there is a leasing office, which is commercial activity related to the building, and other incidental activities related to the residents, he is not precluding that possibility.

Ms. Tomei asked about the price points for the units. Mr. Kyle responded that has not been determined as yet. A market study will be done when they get closer to construction. Mr. Kyle mentioned they would roughly start at \$1,400 and to up to \$2,600 a month.

Patty Erickson, 536 Lawndale Avenue, asked about environmental cleanup. Mr. Kyle responded their consultants will be on site to monitor these activities. Ms. Erickson asked what areas would be checked and if it is only those areas where the earth is disturbed. Mr. Kyle responded it would be where the earth is being disturbed which will be the 10 acres because there will be landscaping, earth moving, and asphalt paving.

After a ten minute break Mr. Waks stated if the Board of Supervisors does not conclude the hearing tonight it will be continued at the next business meeting on May 19th.

Mr. Michael J. Bowker, a civil engineer employed by Momenee, Inc., was sworn in as an expert in the area of civil engineering. He is the project manager for the civil engineering site development plans for this project.

Mr. Campbell reviewed several ordinance provisions which are relevant to this project with Mr. Campbell. Highlights as follows:

- the TOD shall be located within 1250 feet of a train station
- the proposed site is about 60 feet from the train station directly across the street.
- there shall be adequate pedestrian walkways, sidewalks or trails to provide access to and from the TOD and the train station.
- A walkway is shown across Crooked Lane to an existing sidewalk to the train station
- Parking shall be made available to the public for access to the train station.
- There are 87 parking spaces on lot 4 of the site plan.
- The code does not require parking spaces to be in any particular place in terms of proximity or distance from the train station.

- The building height shall be a maximum of 75 feet.
- Mr. Kyle previously testified the proposed building will be between 68 and 72 feet and the note on the plan indicates the building will be less than 75 feet.
- For every foot of additional building height over 65 feet the building must be 10 feet from an existing residential dwelling. The plan shows the building is substantially far away from existing residential.
- Maximum building coverage shall be 65% and the building coverage is approximately 15%.
- The overall site impervious coverage is less than 65%.
- Parking setbacks have to be a minimum of 20 feet from any front yard and any residential zone.
- A landscape buffer is necessary with a minimum of 20 feet on a front yard and along residential zones and plans have been prepared consistent with that regulation.
- This multi-family residential shall require a minimum of 1.2 parking spaces per unit.
- There are 300 units proposed which means there is a requirement of 360 parking spaces and there are almost 553 parking spaces provided.
- The maximum density of multi-family residential units is 30 units per acre and this site exceeds – the tract is 24 acres for all the parcels.
- The site subject to this development exceeds 10 acres.
- The proposed 300 units meet the criteria of 30 units per acre.

Highlights of additional area and bulk requirements in the zoning code that relate to the SM-1 are as follows:

- At least one acre for every individual structure building. One building is proposed and with 10 acres the criteria are met.
- A front yard that is at least 40 feet deep and the criteria is met with 59 feet.
- Interior lots that have two side yards with an aggregate width of 40 feet, neither less than 15 feet and the criteria are met since side yards are in excess of 60 feet.
- Corner lots require two side yards with the side yard abutting the street at least being 35 feet wide and the other side yard being at least 15 feet. With side yards in excess of 60 feet this requirements is met.
- Each lot to have a rear yard that is at least 20 feet deep and the rear yard is in excess of 80 feet meeting this requirement.
- Any building or structure erected to be at least 150 feet from any residential district. The proposed building has been modified and moved away to comply with this requirement.
- The site is proposed to be served by public sewer.
- There is sufficient sewage capacity in conveyance available to serve this site.
- There is sufficient parking on lot 3 to satisfy the zoning code requirements.
- Standards relating to parking spaces and handicapped accessibility were taken into account when the parking areas were designed.
- The site complies with off-site loading requirements.

Mr. Bowker provided an overview of how stormwater is proposed to be captured and managed on the site. He said not only does this project have to meet the local municipal ordinances with respect to stormwater management but there are certain requirements associated with the NPDES permit which is regulated or enforced by the County Conservation District as well as DEP.

During his testimony Mr. Bowker indicated he was the engineer who provided the stormwater design which was implemented in part in 2008 and approved by EPA.

Mr. Bowker described how stormwater is going to be managed at the site by collecting all of the surface runoff and managing that in certain basins. The majority of the improvements are on lot 3 for this new building and will be

collected and conveyed to a basin that was previously installed in the southwest corner of the site in relation to the previous approvals for construction of an office building. This basin is used to manage not only the volume control that has to be implemented but the rate control as well. This basin will be used to collect and hold what is known as the increase in volume for a two-year 24 hour storm from the site which means during a two-year storm there will be no increase in volume of runoff from the site. This will be accomplished by collecting and detaining the water in this basin and then releasing it slowly over the 48 hours after a storm event. The rest of this site is collected via inlets in the parking lot. There are also existing inlets within Renaissance Boulevard collecting stormwater runoff and conveyed to a basin located on lot 1 of the original plan. The combination of those two basins manages not only this site but also the runoff from quarry 3 mentioned earlier to control the rate of runoff from the site for storms up to a 100-year storm event.

Mr. Campbell summarized the stormwater design is consistent with municipal NPDES and Federal regulations to the extent they relate to stormwater. Mr. Bowker said as a normal condition of any development like this the applicant will accept as a condition compliance with any third party approvals as it relates to NPDES permit or its equivalent under the EPA, because they manage the site.

Highlights of Mr. Bowker's remaining testimony are as follows:

- Currently only about one third of the site drains towards the existing basin and after the development is completed 90% of the site will drain towards the basin.
- After development there will be a significant reduction in the amount of area and runoff that goes towards Crooked Lane. Currently there is a high point on the site that cuts off about one third of the site and currently the northern portion of this site drains directly towards Crooked Lane. By the development of the site and adding new inlets in the parking lot to the north and along the western boundary of the site and curbing those parking improvements all of the runoff collected from the new improvements will be conveyed to the basin on site.
- The plan does not propose opening Renaissance Drive to Crooked Lane.
- There is currently a walkway between the terminus of Renaissance Boulevard and Crooked Lane and that walkway will continue.
- The plan currently proposes the continuation of an existing walk along the southern side of Renaissance Boulevard along the frontage of this site past the cul-de-sac continuing onto Crooked Lane.
- A pedestrian connection is proposed from the northwest corner of the building through the parking lot down to that same spot where it would intersect with the walk along the projected right-of-way for Renaissance Boulevard. From there is shown a proposed crosswalk across Crooked Lane to an existing walk. There are also internal site connections to those sidewalks. One sidewalk along the main drive will extend to the front entrance of the building.
- The proposed plan is consistent with the Township's Comprehensive Plan.
- The proposed plan is consistent with the requirements of the SM-1 zoning district
- The site will be adequately served by public facilities, street, water, sewer, fire protection, stormwater and other public facilities or services.

Mr. McGrory asked Mr. Bowker to describe how the detention basin discharges the water. He said he assumes there is no percolation because of the environmental conditions. Mr. Bowker responded, "that's correct." He said there was a pre-application meeting with DEP regarding this site and the client. The increase in volume has to be managed during the 24-hour storm. The outlet controls in the basin will be modified to store water in the bottom. He was not sure of the exact height, but indicated three feet or so. The water will activate a pump that is on a 24-hour delay that will then pump the water to an existing

conveyance system, storm sewers, and inlets taking it down to the other basin on lot 1.

Mr. McGrory asked where the other basin discharges. Mr. Bowker responded the other basin discharges to an existing water course at the end of that lot.

Mr. McGrory asked what protection is there so that no contaminants will be discharged to the second basin and turned into the stream. Mr. Bowker responded that basin is lined to prevent infiltration of water into the ground.

Mr. McGrory asked if it is correct that it goes to the second basin and then discharges into the stream. Mr. Bowker responded in the affirmative.

Mr. McGrory asked if any part of the Superfund site discharges to the second basin. Mr. Bowker responded it is all collected and conveyed through similar inlets down to the basin not to other contaminated properties.

Mr. McGrory asked if other contaminated properties contribute to the second basin. Mr. Bowker responded what once was quarry 3 discharges through the second basin.

Mr. McGrory asked if it is correct that quarry 3 was cleaned up by removal not by capping. Mr. Bowker responded in the affirmative.

Mr. Philips asked for clarification on some things in Mr. Bowker's testimony. He asked if it is correct that the stormwater on the northern one third drains into Crooked Lane and the reason it did so was because of a hill or ridge in the middle of the property. Mr. Bowker responded in the affirmative.

Mr. Philips asked if regrading of this property will remove the hill or ridge. Mr. Bowker responded in the negative. He said it will be maintained because the peak of that hill or ridge is at the top of the cap and it cannot be brought down any more. The cap will build up approximately three feet from that point.

Mr. Philips asked if fill will be brought in to grade out the upper end. Mr. Bowker responded in the affirmative.

Mr. Philips asked if any part of the current basin is in the cap area. Mr. Bowker responded in the negative.

Mr. Philips asked about the liner material. Mr. Bowker responded to the best of his knowledge it is a PVC impermeable liner.

Mr. Philips asked about the total maximum coverage for this building. Mr. Bowker responded it is 15% for the building and the overall site is under 65%.

Mr. Philips asked for clarification on Mr. Bowker's testimony that there are adequate pedestrian walkways and the location of pedestrian accesses. Mr. Bowker responded there are two pedestrian accesses to the building. One is at the northwest corner. There is a walk leading to a crosswalk to the parking lot and a set of stairs down to the level of Crooked Lane where a pedestrian would cross the proposed crosswalk. There is a walk extending down the main driveway to a proposed walk that runs along the south side of Renaissance Boulevard and then continues down to that same point where the first walk intersects with Crooked Lane.

Mr. Philips asked if the last walkway links to the trail that currently goes through Renaissance Corporate Center. Mr. Bowker responded there is a crosswalk in Renaissance Boulevard that could take you to that trail. There is also a paved area along Crooked Lane that connects the ends of those walks.

Referring to the set of stairs leading to Crooked Lane, Philips asked if there will be a retaining wall or if it will just be at grade. Mr. Bowker responded there will be a wall along both sides of those stairs.

Mr. Philips asked if a retaining wall would go the length of the grade. Utilizing the aerial, Mr. Bowker pointed out the location of the stairs with a wall on either side. He said there is an adjacent retaining wall holding up the parking area as well.

Mr. Philips asked about the height of the retaining wall. Mr. Bowker responded he is not sure how high the wall is but believes the wall has been reduced in height to 6-8 feet.

Mr. Campbell clarified before the building was pulled back the wall was significantly higher. Mr. Bowker commented it was previously higher and longer as well.

Mr. Campbell stated in pulling the building back from the residential zoning district it allowed for a reduction in the height of the retaining wall to about 6-8 feet and reduced the length of the retaining wall by about half.

Mr. Philips asked if it is correct there is no retaining wall there today. Mr. Bowker responded in the affirmative.

Mr. Philips clarified the fact that a previous design which had a much longer and higher wall is not before the Board of Supervisors tonight. He asked if there will be any landscaping treatments along that wall to soften that element for the residents in Hughes Park. Mr. Bowker responded he believes there is a significant amount of landscaping planned for that area.

Mr. Philips asked how the public will know the parking area is there for their use. Mr. Campbell responded the applicant would be happy to work with the township to identify how that would be made available to the public and would be amenable to accept reasonable conditions to that effect. Mr. Philips said there is more work to be done on this issue.

Referring to the shared parking testimony mentioned earlier, Mr. Philips asked if there would be shared parking with the other tenants of the O'Neill buildings in this area. The testimony was clarified by Mr. Bowker who was the project engineer when the special exception was granted to the site to allow for global cross parking. Mr. Campbell stated there is currently in place a global cross parking concept.

Mr. Philips asked about the impact of the global cross parking on the total number of parking spaces. Mr. Campbell clarified by asking Mr. Bowker if it is accurate that the proposed building has sufficient parking to comply with code requirements and that the existing building has sufficient parking to comply with code requirements independent of one another. Mr. Bowker responded in the affirmative.

Mr. Philips asked for clarification about the front yard. Mr. Bowker responded they looked at it as the distance from the right-of-way for Renaissance Boulevard to the closest point on the building which Mr. Campbell confirmed was about 59 feet. He said if one were to look at Crooked Lane it is over 150 feet away from the center line of Crooked Lane.

Mr. Philips asked if the applicant is considering this property as having two front yards or one front yard. Mr. Campbell responded, "one front yard" at Renaissance.

Mr. Philips asked where the proposed sewer connections will be located. Mr. Bowker responded the applicant is looking to tie into an existing main within Renaissance Boulevard.

Mr. Philips asked about the location of the loading areas. Mr. Bowker responded there are loading areas in the rear of the building, along the back side and out front as well.

Mr. Philips asked if the more industrial loading areas would be located toward what was referred to as the rear (toward Crooked Lane) and to the left with pedestrian loading in front. Mr. Bowker responded in the affirmative.

Mr. Philips asked for clarification about the basin being capable of holding the increase in volume for a two-year storm. Mr. Bowker responded the basin holds much more than that.

Mr. Philips asked if that basin would be able to hold the amount of water for a 100-year storm. Mr. Bowker responded it would not hold all of the run-off for a 100 year storm. Once it gets above that volume they then have to maintain for the two-year storm. It will actually start to discharge through an outlet control structure within the basin to the stormwater conveyance pipe that is already in place that extends down to the second basin.

Mr. Philips asked if the basin would accommodate the 100-year storm flow in accordance with DEP and EPA regulations. Mr. Bowker responded in the affirmative.

Mrs. Kenney asked if there is any testing of the water in the basin prior to its discharge to the creeks and ultimately to the waters of the Commonwealth. Mr. Bowker responded in the negative.

Mrs. Kenney asked if testing will or should be done in view of all the new stormwater initiatives and mandates from the federal government. Mr. Bowker responded he is not aware that EPA will impose any additional restrictions. He said currently under normal development there are no requirements to test this discharge. Mr. Campbell stated the applicant would accept as a condition if a third party such as DEP or EPA required it [testing] the applicant would accept that as a condition.

Mrs. Kenney asked if there is currently no requirement even though this is all coming from the Superfund site. Mr. Campbell responded there are other testing elements occurring on site on a regular basis.

Mr. McGrory asked if Mr. Bowker is aware of ground water wells on the site. Mr. Bowker responded in the affirmative. He said there are existing ground water monitoring wells on the site. Mr. Bowker indicated he is not aware of the testing frequency but believes they are still being tested. Mr. Campbell recalled Mr. Kyle who responded EPA consultants come out and test the well monitors quarterly.

Mrs. Kenney asked if the testing is done on a consistent and ongoing basis. Mr. Campbell responded there is no anticipation that testing protocol would be eliminated by virtue of the approval of this development.

Mrs. Kenney asked why consideration was not given to putting the building in the northeast quadrant where that current smaller parking lot is located and putting all of the parking in an area which would be visible from the street. In this way the parking lot would be on the capped portion of the contaminated land and not the building. Mr. Campbell responded there were several prior approvals on the property one of which prohibits the development of that property in certain ways. He said he believes there is a prior condition that

limited their ability to develop on that site keeping it to parking. Mr. Campbell indicated he could clarify that point.

Rob Erickson, 536 Lawndale Avenue, expressed concern over the stormwater detention basin and safety issues that might arise if three feet of water is allowed to accumulate before it is discharged. Mr. Bowker responded they are required to dewater that basin within 72 hours and their current design will dewater it within 48 hours.

Mr. McGrory asked if there will be any fencing or another kind of barrier to deter children from going in the basin before it is dewatered. Mr. Campbell responded the plan is not designed that way and the applicant would accept a condition dealing with this issue. He said he would expect this kind of detail to be resolved in the land development process.

Pete Ciaramello, 519 Philadelphia Avenue, expressed doubts that people would want to park in the designated parking lot and walk the distance to the train. He also commented on the need for additional work on the crosswalks.

Keven Karzansky, 254 White Avenue, asked for additional clarification on the existing walkways.

Chris O'Donnell, 579 Crooked Lane, commented about the dust that was generated when the parking lot was installed. He asked if there will be some sort of moisture applied to contain the dust during construction. Mr. Bowker responded as a matter of routine construction practice in association with the permits they will have to treat the air quality which would include watering.

Due to the late hour, hearing and seeing no further questions, Mr. McGrory adjourned the hearing.

Mr. McGrory asked Mr. Campbell is he objects to Mr. Jenaway reading the record and participating in future hearings and voting on this matter. Mr. Campbell responded in the negative. Mr. McGrory asked Mr. Rathore if he had any objection to Mr. Jenaway reading the record and participating in future hearings and voting on this matter. Mr. Rathore responded in the negative.

Mr. Waks adjourned the hearing until May 19th at 7:30 p.m.

APPROVE EXTENSION LETTER THROUGH JUNE 15, 2016 RE: DP 2015-15: O'NEILL PROPERTIES GROUP; 2701 RENAISSANCE BOULEVARD; 300-UNIT MF RESIDENTIAL BUILDING; 10.928 ACRE, SM-1

Board Comment:

Mr. Philips stated the extension letter for the above property does not constitute an approval but merely provides an extension of time for additional work as may be required during the review process.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the extension letter as submitted. None opposed. Motion approved 4-0.

RESOLUTION 2016-18 RE YARD HOUSE RESTAURANT, KING OF PRUSSIA MALL DEVELOPMENT PLAN. RECONFIGURATION OF PORTION OF FORMER SEARS FOR FULL SERVICE RESTAURANT AND CONSTRUCTION OF 1,647 SQUARE FEET DECK FOR SEASONAL DINING ON THE WEST SIDE OF THE BULDING. *Plan expiration: 4/24/16*

Utilizing the aerial, Mr. Rob Loeper, Township Planner, pointed out the overall development plan for the Yard House Restaurant at the corner of the

former Sears auto center site. This plan was revised to place the deck outside of the easement on the west side which previously was within a sewer easement. Another issue that was raised during the workshop meeting and resolved is the placement of TV's facing away from public view. The TV's will be hidden behind architectural elements.

Mrs. Kenney commented during the review process she expressed her deep concern about the deck which interfered with the sewer easements. She expressed appreciation to the applicant for revising the plan to place the deck outside of the easement.

Mrs. Kenney asked if the applicant has considered landscaping on the site with a shallow root system. Ms. Linda Nunn, representing Yard House, responded this was discussed with the sewer authority engineer and they have a good landscaping plan with nice variety, but nothing that will have deep roots.

Mr. Waks expressed appreciation to the Yard House for their cooperation in this matter and said it will be a welcome addition to this vacated corner of the mall.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2016-18. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to approve the Accounts Payable for invoices processed from March 23, 2016 to April 13, 2016 in the amount of \$1,673,715.04 and the Payroll for April 8, 2016, in the amount of \$701,923.84 for a total of \$2,375,638.88. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

UPCOMING EVENTS

Mrs. Kenney announced three upcoming township events for the following Saturday.

RETURN FROM MILITARY SERVICE

Mr. Philips indicated he was happy to be home after a long deployment and appreciated all the support he received while away on military duty. He mentioned the special welcome he received from the Fire and EMS personnel upon his return.

ADDITIONALEVENTS

Mr. Waks noted a few more upcoming events.

HAPPY PASSOVER

Mr. Waks extended best wishes to the Jewish Community for a very Happy Passover.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 10:19 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

rap
Minutes Approved:
Minutes Entered