

MARCUS HOOK BOROUGH COUNCIL

-Minutes-

The Marcus Hook Borough Council met on Tuesday evening, November 9, 2021 in Council Chambers to review the Land Development/Lot Consolidation Plan submitted by Duke Realty Limited Partnership.

CALL TO ORDER

Council President Josephine Laird called the meeting to order at 6:00 PM.

ROLL CALL

Present were Councillors William Cox, Cheryl Evernham, Paula Ewing, Joseph Flynn, Josephine Laird, and Brian Mercadante (by phone). Also present were Mayor Gene Taylor, Andrew Weldon - Borough Manager, Mark Much - Solicitor, Bruce Dorbian - Director of Planning and Development, Thomas Comitta - Land Planner - Thomas Comitta Associates, and Alex Rodriquez - Project Engineer - Catania Engineering.

ADVERTISEMENT

The meeting was advertised in the October 27, 2021 edition of the Daily Times.

NEW BUSINESS

Council President Josephine Laird introduced the agenda item for tonight's meeting. The purpose of this meeting is to review the Land Development/Lot Consolidation Plan from Duke Realty Limited Partnership.

Marcus Hook Planning Commission review:

First review meeting was held on July 28, 2021 and was followed by a second review meeting on September 21, 2021. Action taken: approved and supported the land development/lot consolidation plan as presented by Duke Realty, requesting the submission of revised plans reflecting changes in the project design details and incorporating the comments and recommendation brought forward by the Planning Commission, Borough staff, and the Borough's engineering and planning consultants.

Delaware County Planning Commission review:

The Land Development/Subdivision Application at the Preliminary/Final plan level was presented to the Delaware County Planning Commission on August 19, 2021. The review comments were distributed to the Planning Commission, Borough Council, and Duke Realty.

The Land Development/Lot Consolidation Plan was first submitted on July 1, 2021. Duke Realty through their attorney Debbie Shulski, in a letter dated August 19, 2021, extended the Borough Council time to render a decision to December 10, 2021.

Project: The plans submitted by Duke Realty detailed the construction of a 374,780 square foot (reduced from 399,840 sq. ft.) e-commerce fulfillment delivery center building on the former FMC/Viscose site in the Borough. The land is currently titled to Keystone Community Alliance, LLC. One parcel, Lot #22 - 1.26 acres, is under Agreement of Sale with the Marcus Hook Community Development Corporation. Twenty (21) land parcels will be consolidated into one parcel of ±32.95 acres, referred to as a Lot Consolidation/Reverse Subdivision. The project includes the demolition of all the buildings on the site.

Zoning District: The property is zoned Industrial Transition-2 (IT-2) which permits by right "warehouse or similar storage facility including, but not limited to e-commerce fulfillment/delivery center (§196.77-A.C)."

Zoning Variance requested:

Duke Realty had applied to the Zoning Hearing Board for a variance where the proposed plan is in conflict with the zoning ordinance. There was one zoning variance requested.

Ordinance Section
§196-80A.C.(1)

Requested Variance
Current zoning requires a 125' setback on front yards. The corner of the proposed distribution center building is 94.4' from the property line of the Marcus Hook Trainer Fire Department property. Duke Realty's variance request was 30.6'.

Zoning relief was granted by the Zoning Hearing Board on July 28, 2021 for this nonconformity.

Speaking for the applicant was

Debra Shulski - Attorney, Riley Riper Hollin & Colagreco
Scott Henderson - V.P. Leasing and Development, Duke Realty
Nicholas Rakowski - Development Services Manager, Duke Realty
Ryan Whitmore - Senior Project Manager, Landcore Engineering
Kerry Haber - Architect - Bernardon
John Wicher - Traffic Planner - McMahon Associates

Debra Shulski - Attorney, Riley Riper Hollin & Colagreco

Ms. Shulski said that Duke Realty has been working cooperatively with Borough staff and consultants. Discussions have advanced with design changes that were suggested by the Planning Commission.

Nicholas Rakowski - Development Services Manager, Duke Realty

The building is now smaller than first presented. This was necessitated by the comments from PennDOT to accommodate a full access driveway at the Yates Avenue signalized intersection. The building has been narrowed to 375,000 sq. ft. There are no tenants in tow, but the likelihood is a one or dual-tenant building.

Following a discussion with the Delaware County Assessor's office the property can be treated as one tax parcel, thereby avoiding the eastern parcel being characterized as a nonconforming property.

Discussions with 3rd party agencies are continuing. DELCORA - sewage treatment and construction activity in and around the sewer line easement area, PADEP for the NPDES permit, Chester Water Authority - relocating the water line along Penn Avenue, and PennDOT for a Highway Occupancy Permit.

Duke is waiting for solid direction from PennDOT regarding the 10th Street and Penn Avenue intersection. In responding to PennDOT's request for a left turn lane westbound, Duke presented two alternate plans. Alternate 1 stays within the cartway but removes the bike lanes and residential parking spaces on 10th Street. Alternate 2 widens the right-of-way, retains the bike lanes and on-street parking, but requires acquiring residential front yard space. Borough Council rejected both of these options and would support a traffic signal at this intersection.

Mr. Rakowski spoke to some of Tom Comitta's review comments. He pointed out that retaining the stone wall along 10th Street was not doable. The pier-fence-hedge combination, required as per the property zoning, will extend along the 10th Street frontage. Duke accepts the recommendation to extend the 6' sidewalk on both sides of Penn Avenue to the RxR crossing. Duke will also coordinate with SEPTA to insure there is a bus stop.

The plans do not provide for pedestrian lighting. All electric lines will be placed underground.

Kerry Haber - Architect, Bernardon

Per Tom Comitta's comment 8.1, Mr. Haber showed the variations in building roof lines that now appear on the architectural drawings.

Mr. Rakowski spoke to some of Catania Engineering's comments from Alex Rodriguez. There was a concern regarding the stormwater comment 12 which called for the applicant to cover the cost of periodic inspections of the BMP's performed by the municipality for 25 years. The language in the Borough's stormwater ordinance reads as follows: *"If the stormwater control or BMP is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the municipality, as estimated by the municipal engineer, for a period of 10 years. This is to be paid in a manner specified by the municipality. After that period of time, inspections will be performed at the expense of the municipality."*

Traffic comments in 21 a, b, and c, concerning the 10th Street and Penn Avenue intersection were discussed. John Wicher, Traffic Planner - McMahon Associates, noted that discussions are continuing with PennDOT as Duke works toward obtaining a Highway Occupancy Permit. Mr. Wicher reviewed the two concept plans that were presented to PennDOT for the 10th Street and Penn Avenue intersection. Mr. Rakowski was asked to review the traffic flow within the property to which he replied much depends on the number of tenants. Duke is leaning toward a one tenant building but nothing is firm as yet. If two tenants the building would be divided down the middle (north to south) with a divider, likely fencing, separating the driveways. The tenant on the west side of the building would use the Yates Avenue access and the tenant on the east side Penn Avenue.

The Penn Avenue street design was discussed. Duke was asked to widen the Penn Avenue cartway at the 90 degree turn where the road narrows from 30' to 26' heading south.

Mr. Rakowski indicated that he is in contact with FMC's Christina Moretti and expects FMC will soon have PADEP's approval of the clean up plan. FMC's field work is about 4-6 weeks but the site work involving excavation and clean fill should only involve about 2-3 weeks of actual work. They are coordinating their activities.

Ryan Whitmore - Senior Project Manager, Landcore Engineering

Mr. Whitmore asked Council to support one additional waiver. This involves deleting approximately 30 trees on the creek side of Penn Avenue due to a lack of space between the sidewalk and the retaining wall at the stormwater basins. Council supported this waiver. To counter the loss of trees at this location it was suggested that the trees on the west side of Penn Avenue be spaced closer together than the 60' shown on the plan.

Scott Henderson - V.P. Leasing and Development, Duke Realty

Mr. Henderson reviewed the project schedule going forward. Upon the approval of Duke's investment committee, which meets next week, the plan is to close on the property on December 1 and start demolition on December 13. Demolition is about a 6 month process and construction about 9-10 months. Duke anticipates completion in the first quarter of 2023.

Duke was asked to give the Borough advance notice on demolition activities so that residents in the area can be properly informed. It was unclear at this time if 10th Street would have to be closed for any period of time. The buildings on Lot 7 and 6 would be demolished first. The property would be exterminated prior to any demolition work.

COUNCIL ACTION:

Motion by J. Flynn second by P. Ewing to adopt Borough Resolution No. R-21-16 approving the Preliminary/Final Land Development/Lot Consolidation Plan as presented by Duke Realty Limited Partnership, subject Resolution notes the plan is approved pending compliance with various Conditions of Approval enumerated in the Resolution. All in favor.

ADJOURNMENT

Motion by P. Ewing second by C. Everngham to adjourn. All in favor. Meeting was adjourned at 7:31 PM.

Respectfully submitted,



Andrew Weldon
Borough Secretary