



Upper Uwchlan Township
Board of Supervisors Workshop

February 9, 2016

4:00 p.m.

Minutes

Approved

In attendance:

Guy Donatelli, Chair
Kevin Kerr, Vice-Chair
Jamie Goncharoff, Member
Cary Vargo, Township Manager

Al Gaspari, Codes Administrator
John DeMarco, Police Chief
Gwen Jonik, Township Secretary

Guy Donatelli called the Workshop to order at 4:02 p.m. and led the Pledge of Allegiance. Mr. Donatelli advised that the typical Workshop is less formal than a Monday evening Supervisors' Meeting.

The sole agenda topic, "Outdoor Storage Ordinance Amendment - Discussion", drew a large number of attendees (55) following distribution in the Township over the weekend of a flyer titled "Chemical Plants in Upper Uwchlan."

Outdoor Storage Ordinance Amendment - Discussion

Guy Donatelli explained that outdoor storage has been a topic of discussion at several recent Township meetings, in conversation, public comment, etc. There are several zoning districts throughout the Township where different uses are allowed and different types of structures are allowed. An Applicant is seeking conditional use approval for a light manufacturing use in Eagleview Corporate Center, located in the Planned Industrial/Office Zoning District, where certain types of manufacturing uses are allowed. This particular light manufacturing use is to make material that is used in making contact lenses. The manufacturing use would involve several outside storage tanks, some containing acetone, which is used for cleaning the equipment. The tanks would be contained in a walled enclosure attached to the building. While the Application was going through the conditional use approval process, it was discovered that the current Township regulations restrict outdoor storage to that of only the fuels used for heating buildings. It was also noted that there are several businesses in the Township that currently have storage tanks outside their building(s) and the Township is discussing correction of the situation, to allow the storage of fuels and other solids, liquids and gases for the variety of uses allowed in the Planned Industrial/Office (PI), Limited Industrial (LI) and C-3 Highway Commercial zoning districts.

Comments/questions included the following. *Responses to questions are in italic.*

Does revising the Ordinance and allowing outside storage mean those existing tanks would be grandfathered? *Yes*

Would the Ordinance allow for other outdoor storage facilities in Eagleview and in the LI district on Fellowship Road? *Yes*

Silicone is a known carcinogen.

Will the warehousing and distribution uses be amended as they are mentioned in the draft Ordinance? *The amendment proposes striking a phrase regarding bulk storage of materials in relation to their use on the premises.*

How does the Township know what is/isn't used on the premise vs. what might be shipped off premises?

Mr. Donatelli asked Cary Vargo, Township Manager, to describe the proposed ordinance amendments.

Cary Vargo reiterated that the topic arose during a conditional use process for a use in the Planned Industrial/Office District, when it was discovered that regulations regarding outdoor storage, sometimes the safest manner of storage, was deficient and should be updated. Mr. Vargo summarized the draft Ordinance, which proposes amending several Sections of the Township Code to allow the storage of fuel and other materials and add regulations for aboveground storage tanks, such as a tank has to be designed and the construction supervised by a registered engineer; a building permit or zoning permit Applicant would need to include support for the location an outdoor storage tank and provide the Township with a written safety report for tank operation and inspection frequency; no aboveground tank can be closer than 50' from a property or right-of-way line, or 100-150' to a residence from the LI or PI Districts; the method of storage has to comply with requirements of state and/or federal agencies and copies of the state/federal permits would be on file with the Township; Material Safety Data Sheets would be on file with the Township.

Further comments included the following:

Include a reference to the particular existing Zoning Code regarding the 100-150' buffer from a residence within the Ordinance amendment text.

If the existing tanks slipped in over the years, how will the Township keep an eye on it now? Grandfather those in existence and don't allow any future tanks. *Mr. Donatelli commented that the intent of an ordinance amendment would be to balance safety issues and provide for the purposes of the businesses that the PI and LI zoning districts were created for.*

Acetone is highly flammable, highly carcinogenic;

Acetone is dangerous or the business would store it inside;

The reason it's outside is so that if a release occurs, it won't hurt the employees, it'll go into the air.

Will there be restrictions on the amounts that can be stored? *Yes, restrictions would be included;*

Who is monitoring the air quality, where will the dirty water go, and who monitors that? *Mr. Donatelli replied that there are experts who monitor the air quality, and the dirty acetone is in a closed tank and taken off site. The containment area of the tanks is enclosed on 3 sides and pans or trenches are built into the area so nothing would go "out" of the storage area.*

How much can be stored? *In this particular use, it's several 3,000 gallon tanks.*

State and EPA are who is going to determine if these tanks can go in or not, not the Board of Supervisors. We're in a watershed zone so any spills would go into the creek and the concern is that is what could happen - he doesn't think the state would allow some of these types of materials to be stored outside.

Will there be a weigh station to monitor the transport and would the Township Police do that? *Mr. Donatelli believes that would be within other Agencies' purviews, such as PennDOT. The Ordinance wouldn't speak to vehicle safety.*

If the ordinance isn't amended, what would happen to those existing businesses that have tanks outside?

Wouldn't the existing tanks be 'grandfathered'? Leave the regulations alone so no new ones come.

Mr. Vargo commented that outdoor storage is thought to be a safer means of transfer in this case and in other cases within the industrial and manufacturing uses.

Steve McNaughton commented that the other tanks will have hazardous items in them and this seems like a quick increase of hazardous materials. If there is an incident, the containment area couldn't handle the fire suppression materials on top of whatever else is in there.

If we want to permit these other uses in these zoning districts, limit the amount they can store outside to a small quantity, such as 500 gallons.

Where does this stand in the approval process? *Mr. Donatelli replied we continue conversations about what we need to do, what is wrong, can we fix it? Ordinances go to the Township Planning Commission and Township Consultants for review and comment. The County Planning Commission provides comments as well. Drafts are revised to accommodate all of the input; then it's advertised for further public comment before being placed on a meeting agenda for potential adoption.*

Highly regulated companies have problems, like Chipotle, Amtrak, etc., so even if we count on higher regulations, we can't trust it.

Joanne McNaughton asked why the Conditional Use Hearing remained on the February 16 Supervisors meeting agenda. *Guy Donatelli advised that it was continued from the January Hearing and the Applicant has to convince the Board whether to favor or deny their application.*

Jamie Goncharoff asked Guy Donatelli to clarify why the Board can consider an application that isn't in compliance at this time. *Mr. Donatelli advised that an Applicant submits their Application, Hearings have to be held, Applicants present their case/testimony, and then the Board has to decide whether to approve or deny the Application, whether they comply or not.* If the ordinance goes forward, does the Township dictate the business's insurance risk? *Guy Donatelli doesn't know the answer but thinks a Township wouldn't be able to tell the business what insurance coverage they need. That's a great question.*

A comment was made to check out Millcreek Township, PA.

We're looking at fixing outside storage regulations in PI and LI districts, no change to residential zones.

How many tanks are out there today? *Cary Vargo replied that there are some at Styer Propane which could have been there pre-zoning; a couple at DSM's existing business in Eagleview Corporate Center; another at Frontage in Eagleview. We'll take an inventory whether or not the ordinance is amended, know what's in the tanks, and notify fire/EMS agencies.*

The Township should be concerned with flammability, explosive, and the interaction with the pipelines in the area.

How does this affect or are we impacted by Uwchlan Township? *Mr. Donatelli replied that we don't affect Uwchlan Township's regulations.*

Light industrial isn't always super safe, businesses evolve, and what used to be 'light' in the 1980s is very different than today. What direction do we want to go here? *Mr. Donatelli commented that he wants to address exterior storage. If DSM did this like they are doing at their California location, there'd be no issue because the materials aren't stored outside there. We want to properly address exterior storage for a variety of reasons.*

Do residents really have a say? The Board pushed through the cell tower. *The Board listens to everything that is said and weighs the input.*

The Board should hold meetings on Saturdays, at noon, instead of 4:00 on a Tuesday.

Chemicals stored next to a watershed isn't good.

Jamie Goncharoff commented that in a democracy it's healthy for the public to get involved. At this time no decision has been made on this ordinance. The fundamental issue between zoning regulations and aboveground tanks is that zoning is already in place and we have to figure out whether aboveground storage tanks should be allowed in the PI and LI Districts, whether or not the Township has to provide for that. It is evident this group doesn't want to allow outside storage tanks.

Steve McNaughton asked why Guy Donatelli didn't like the flyer title "Chemical Plant". *Mr. Donatelli found it misleading; Mr. Goncharoff found misleading the statement that the Township shouldn't have accepted the Application due to it being non-compliant.*

What are the sizes of the tanks that are in existence? *Cary Vargo replied that DSM's are 3,000 gallons.*

Acetone is a heavy-duty chemical and that tank size is too big. The size of those tanks is to maximize the profit margin, which is understood.

Don't allow outdoor storage so close to residences.

There wasn't a hole in the ordinance; there was a hole in the enforcement. Leave the ordinance alone.

Address oxyacetylene, liquid chlorine, etc. used in processes; regulations should be inclusive and exclusive.

Existing ordinance prohibits tanks; leave it alone

Outdoor dumpsters were 'grandfathered' in the 1960s.

Trusts current leadership.

Can businesses with existing tanks add other tanks? *Guy Donatelli commented that grandfathering would have to be specific to what could go on in the future.*

Is the current Application under construction? *Mr. Donatelli asked Neal Fisher of the Hankin Group to answer. Mr. Fisher replied yes, they are constructing the building. Mr. Fisher agrees with the safety issues the residents have raised and commented the safer method is using a large exterior tank rather than 55-gallon drums being handled - on/off trucks, in/out of building, etc. He hopes the residents want to see business growth.*

How can they build the building if the use isn't proposed? *Cary Vargo commented that the building was approved years ago, and it can be used for DSM's labs, research & development, offices, etc. and doesn't need further approvals for those uses.*

Today's agenda was misleading; it should've read "outdoor storage of hazardous, carcinogenic, etc."

Don't use legal terms – they're too confusing.

Cary Vargo commented that residents can go to the Township website and sign up for "Notify Me", to be notified when agendas and minutes, etc. are posted.

Kevin Kerr commented that conversation is important, and input is considered. It's part of the process.

There being no further business to be brought before the Board, Guy Donatelli adjourned the Workshop at 6:06 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary