

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 7, 2013

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, February 7, 2013, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:30 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer; Judith A. Vicchio, Assistant Township Manager, Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mrs. Spott, seconded by Mr. Philips, all voting "Aye" to approve the January 7, 2013 Reorganization Meeting Minutes and the January 10, 2013 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was held prior to this meeting to discuss legal matters.

NEW BUSINESS

CONSENT AGENDA:

1. Renewal of Converge Agreement - Energy Savings Program
2. Resolution 2013-5 re: Montgomery County Hazards Mitigation Plan
(Every five years the Township is required to adopt a mitigation plan as a condition for receiving certain federal disaster grants and loans)
3. Permission to Advertise, Receive and Open Bids - "2013-2015" Street Line Painting Contract
4. Authorization for Township Solicitor to oppose Zoning Interpretations

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 5-0.

PRESENTATION AND ADOPTION - "LOCK FOR LIFE PROGRAM"

Police Chief Tom Nolan explained the proposed "Lock for Life Program" which Chairperson Waks presented to the Police Department for review. After looking into this program, it was determined to be a worthwhile initiative for Upper Merion residents. Chief Nolan explained the "Lock for Life Program" is intended to give emergency services personnel access to a residence in the event the occupant cannot get to the door. While the emergency services personnel have the tools and training necessary to force a door if required, this device will help reduce damage to the property.

Chief Nolan explained the resident would have a metal storage device, containing an extra spare key or keys, similar to a realtors lock box on the front door. The box would be accessed by a code set by the Police Department and

that code would only be given to emergency personnel when they are responding for an actual emergency. Once the box would be accessed for an emergency, the Police Department would reset to a new code. Chief Nolan provided a demonstration on how to use the “Lock for Life” device.

The program is available to anyone 55 years or older who lives alone or is frequently alone and has a medical condition that could be potentially incapacitating. To initiate the process, a resident would need to complete an application through the Police Department.

The Upper Merion Township Police Association, a non-profit organization comprised of Upper Merion police officers, is supplying the initial supply of lock boxes so there would be no cost to the resident and no impact on the township budget.

Mr. Waks learned about the program by attending the annual Senior Fair hosted by State Representative Tim Briggs. After informing Chairperson Spott about the merits of the program, it was agreed to present the initiative to the Police Department for further study. Mr. Waks expressed appreciation to State Representative Tim Briggs for providing the information as well as the Police Association for providing the initial funding for the “Lock for Life Program.”

Mrs. Kenney asked for more details about funding beyond the initial supply of lock boxes. Chief Nolan responded if the initial supply ran out the Police Association could be approached or it would be funded through the Community Response budget.

Mrs. Kenney asked if this program would be applicable to people who live in condominiums or just for home owners. Chief Nolan responded it would be applicable anywhere the Police Department could hang the device.

Mrs. Spott asked where information on the program could be found on the township website. Chief Nolan responded information can be accessed on the township website under Police Department.

Mr. Jenaway noted that fire and EMS have used this device in the business community for a number of years and it has worked well.

Mr. Waks asked for a motion to adopt the “Lock for Life Program.”

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting “Aye” to approve the “Lock for Life Program.” None opposed. Motion approved 5-0.

LAND DEVELOPMENT RE: US RESTAURANTS/BURGER KING. DEVELOPMENT PLAN. 568 DEKALB PIKE. DEMOLISH EXISTING BURGER KING RESTAURANT AND VET HOSPITAL AND CONSTRUCT NEW 3,278 SQ. FT. BURGER KING WITH DRIVE-THRU. C-1 COMMERCIAL, 1.01 ACRES. SECOND REVIEW.

Mr. Rob Loeper, Township Planner, stated changes have been made to this plan in accordance with the discussion at the First Review by the Board of Supervisors. He noted the existing veterinary hospital and Burger King will both be demolished. The applicant is proposing to build a new Burger King with a drive-thru. Other changes include a reduction in the total impervious and installation of rain gardens in the two opposite corners of the site. After a field meeting with the applicant’s engineer and PennDOT, the plan was “tweaked” to include a sidewalk along the full frontage. There will still be the connection in the back.

The Upper Merion Planning Commission has recommended approval of the plan and the Township Engineer has reviewed the plans twice.

Mr. Loeper noted three of the requested waivers are technical in nature and involve grading and stormwater piping. The fourth waiver concerns the loading area; the applicant is requesting not to have a dedicated loading area since scheduled deliveries are held in off hours. The applicant is also requesting not to do a traffic study. The applicant has provided a traffic letter which shows a minimal increase of two or three trips in the PM peak hour over the current condition. There are three waivers dealing with landscaping.

Mr. Matthew Chartrand, Bohler Engineering, representing U.S. Restaurants, stated the main discussion with the Planning Commission and earlier Board of Supervisors meetings were in regard to the sidewalk along the frontage and the applicant has made every effort to accommodate that request into the plan.

Mr. Philips asked if it is correct that the applicant is tearing down the existing structure. Mr. Chartrand responded in the affirmative.

Mr. Philips asked if more seats are being added to the restaurant. Mr. Chartrand responded in terms of seating there is not a dramatic increase. He explained the drive-thru, not more seats, is the driving force behind this redevelopment.

Mr. Philips asked if the fact there will now be a drive-thru would mean more vehicle trips on that site. Mr. Chartrand responded this has been analyzed and Atlantic Traffic prepared a trip generation letter which is part of the applicant's submission to the township. It was determined that in the PM peak hour it is less than five vehicles in terms of generating new trips to the site. Mr. Chartrand pointed out the applicant is looking to capture more of the pass-by trips of those already out on the road.

Mr. Philips asked the Township Engineer how the pipe velocity waiver, Section 140-8(b)(2) impacts the site. Mr. Beach responded because just a small area is going to an inlet it should not impact the site.

Mr. Philips asked if there is a detention or storm basin at the rear of the site. Mr. Chartrand responded there are two rain gardens on the site both at the northwest and southeast corners of the site to treat stormwater for water quality. He pointed out over 10,000 square feet of impervious cover will be removed, representing a drastic reduction of impervious, from 91 ½% to 67.7%. With regard to pipe velocity, Mr. Chartrand indicated there is not very much getting to those locations; it is just some of the roof and yard drains in and around the building. He pointed out the main stormwater piping running from inlet to inlet on site are all able to maintain velocity and there are no issues.

Mr. Beach stated there is no stormwater basin on site currently. He indicated a 24% decrease in the net impervious and the applicant is just dealing with water quality and not overall drainage off the site.

Mrs. Spott asked for clarification about the landscaping waivers and if the applicant would be willing to donate the trees they were unable to install on the property. Mr. Chartrand responded the applicant has attempted to plant as much as possible in viable areas for trees to survive; there will also be plantings around the raingardens. After consulting his client, Mr. Chartrand indicated the applicant would be willing to donate half the number of trees.

Mr. Jenaway commented he was pleased with the outcome on the sidewalk issue and appreciated the applicant's cooperation.

Mrs. Kenney said she was happy to see the reduction in impervious and asked about the Burger King hours of operation and if there will be any change in hours. Mr. Chartrand responded the hours are 6 a.m. to midnight and no decision has been made to extend those hours. The applicant is taking a "wait and see" approach.

Mrs. Kenney indicated she asked about the hours because of the loading zone waiver request. She said she assumes all of their deliveries are being done at night currently when the store is closed. Mr. Chartrand responded that is correct. He indicated deliveries would be made when restaurant is either closed or at a point where traffic would be minimal. Mr. Chartrand stated there are ways they could come off a portion at the back where deliveries are being made and not affect drive thru circulation and/or other parking spaces. Since late at night is not a peak time, deliveries could occur then and if the store is going to close they would be handling those at off hours.

Mr. Waks indicated his agreement with Mr. Jenaway's comments about sidewalks and Mrs. Kenney's comments with regard to reduction in impervious. He said the proposed structure has a very unique and clean look.

From the Public:

Mr. Ralph Volpe, King of Prussia, supported a review of the original ordinance to see if the length required for back up is sufficient.

Additional Board Comment:

Mr. Waks stated throughout the course of this year a thorough review is being done on township ordinances.

Mr. Waks asked the Township Solicitor to draft the appropriate Resolution for the Burger King Restaurant for consideration at the next Business Meeting.

Mr. Joseph McGrory, Township Solicitor, stated this matter could be considered under the Consent Agenda so the applicant does not have to attend the next meeting.

Mr. Waks indicated he is fine with that approach.

CHILI'S RESTAURANT. DEVELOPMENT PLAN. 739 DEKALB PIKE. DEMOLISH EXISTING RESTAURANT (5,811 SQ FT) AND CONSTRUCT NEW RESTAURANT (5,615 SQ FT) UTILIZE SOME EXISTING FOUNDATION WALLS. MODIFICATION TO PARKING AND LANDSCAPING. C-1 COMMERCIAL, 1.30 ACRES. MINOR PLAN.

Mr. Loeper stated the major issue discussed at the previous meeting concerned sidewalks. A meeting was held at PennDOT earlier this week during which various issues were resolved on the plan enabling a continuous sidewalk along the building on the DeKalb Pike and Gulph Road sides of the building. In addition, the first driveway on DeKalb Pike was removed as a result of the sidewalk addition which results in a better circulation around the site.

Mr. Mike Longley, Grayling Corporation, indicated as a result of the issues identified at the last meeting, the applicant took the supervisors' comments under advisement and was able to establish sidewalks as the Board requested and address the closure of one of the entrances along US 202 (DeKalb Pike).

Mr. Philips asked if the building remains in the same location. Mr. Longley responded in the affirmative.

Mr. Philips said, "so that [building] has not rotated." Mr. Longley responded in the negative.

Mr. Philips said he is pleased the applicant was able to revise the plan to make those two things happen [sidewalks and closing one entrance].

Mr. Philips asked for clarification about the drive aisle and whether it is now going to be one way or remain two way. Mr. Longley responded that the drive isle across the front will remain two way.

Mrs. Kenney expressed appreciation for the applicant's cooperation in helping to pioneer the extension of the township's sidewalk system.

Mrs. Spott offered her appreciation to the applicant as well.

Without further comment from the Board, the Minor Plan is able to proceed.

Additional Board Comment:

Mr. Waks stated the supervisors are currently reviewing all their processes and procedures and will implement them in the next few weeks.

AUTHORIZATION FOR PUBLIC HEARING RE: REZONING OF 620, 694 & 736-750 W. DEKALB PIKE FROM C-0 & C-1 TO SC. Hearing Date - March 14, 2013

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the authorization for public hearing. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS

UPCOMING EVENTS IN TOWNSHIP

Mr. Waks announced the snow emergency for February 8 effective at 3 p.m. and noted a number of upcoming Township meetings and events as well as Citizen Board vacancies

APPRECIATION TO KING OF PRUSSIA FIRE COMPANY, SWEDELAND FIRE COMPANY, SWEDESBURG FIRE COMPANY, UPPER MERION TOWNSHIP POLICE AND LAFAYETTE RESCUE

Mr. Waks expressed appreciation to the volunteer and rescue services organizations who did an incredible job of putting out a fire as well as evacuating several people from the 1000 Building of the Valley Forge Towers this past week. He said it is another example of the phenomenal job the volunteer fire and rescue services do in preserving the life and health of people who live and work in this township, as well as save our residents millions of dollars per year in taxes.

"HAPPY BIRTHDAY" TO MR. WAKS' FATHER

Mr. Waks extended his best wishes to his father for a Happy Birthday.

From the Public:

Mr. Ralph Volpe commented on the Tricentennial history book and the Hankin lawsuit settlement as he previously discussed at a recent Board of Supervisors meeting. The lawsuit comments were addressed by the Township Solicitor and the references to the history book, written by private individuals, were clarified by Mrs. Kenney.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:39 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered