

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
FEBRUARY 3, 2011

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, February 3, 2011, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:34 p.m., followed by a pledge to the flag. A moment of silence was held for Art Cummins.

ROLL CALL:

Supervisors present were: Greg Waks, Joseph Bartlett, Edward McBride, Bill Jenaway, and Erika Spott. Also present were: Ron Wagenmann, Township Manager; Joseph Pizonka, Township Solicitor, Rob Loeper, Township Planner, Russ Benner, Township Engineer, Judith A. Vicchio, Assistant Township Manager and Angela Caramenico, Assistant to Township Manager.

MEETING MINUTES:

It was moved by Mr. Bartlett, seconded by Mr. Waks, all voting "Aye" to approve the January 13, 2011 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman McBride reported on an executive session dealing with contract, legal and zoning matters. He also noted that Upper Merion Township has been awarded for the 13<sup>th</sup> consecutive year a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for the year ending 2009. Chairman McBride pointed out that this is the highest form of recognition in the area of government accounting and financial reporting. He commended Nick Hiriak, Director of Finance, for his expertise and professional achievement and also the staff for their performance and attention to detail.

NEW BUSINESS

PROCLAMATION RE: KYLE GUTKOWSKI – EAGLE SCOUT

On behalf of the Board of Supervisors, Mr. Jenaway read and presented a proclamation to Eagle Scout Kyle Gutkowski in recognition of his efforts and dedication to Upper Merion Township. This Eagle Scout project consisted of improving the playground and structures behind the Valley Forge Presbyterian Nursery School.

PROCLAMATION RE: FRIENDS OF BLACK HISTORY

On behalf of the Board of Supervisors, Mr. McBride read and presented a proclamation to representatives of the Friends of Black History who organize the annual Celebration of Black History which will be held this year on February 12, 2011.

CONSENT AGENDA:

1. Permission to Advertise Hearing re: Amendment to Sewer Rate Ordinance; Hearing – February 17, 2011
2. Resolution 2011-6 re: Disposition of Township Records

Board Action:

It was moved by Mr. Bartlett, seconded by Mrs. Spott, all voting “Aye” to approve the Consent Agenda as submitted. None opposed. Motion approved 5-0.

HEARING RE: ORDINANCE AMENDING THE ZONING CODE OF UPPER MERION TOWNSHIP TO AMEND OFF-STREET PARKING AND LOADING

Joseph Pizonka, Township Solicitor, stated that this hearing was properly advertised in the Times Herald on January 19 and January 26, 2011.

Mr. Rob Loeper, Township Planner, stated that the existing zoning code was written in 1966 with significant amendments in the late 1980’s and a few changes since then. He said that this ordinance is the result of a comprehensive review by township staff and the planning commission of non residential parking requirements. Sources included comparisons with other peer communities with an emphasis on communities within the region and nationally, a review of trends within the township; a review of codes published by organizations such as the American Planning Association, the Institute of Traffic Engineers, Delaware Valley Regional Planning Commission and Urban Land Institute and also direct comment and feedback from developers and development professionals.

In updating the code there are many new uses which have been addressed. Mr. Loeper noted that there are three provisions that the current code does not include but which have been used.

- “reserve” parking wherein the Board of Supervisors would agree that a certain amount of parking be withheld from construction but that an applicant would have to demonstrate could be put in place if need be.

Mr. Loeper said that this provision has been indicated in the high rise residential district.

- shared parking between properties has been indicated with some recent examples such as the Atrium and Capital Grille, Lodgeworks, and the theater and restaurant complex together with Lockheed Martin.

Mr. Loeper pointed out that rather than have a formula, certain standards have been proposed to the effect that if an applicant or group of applicants can show and provide credible evidence to the Board of Supervisors that the parking could be amended or parking requirements could be achieved through shared parking they would be allowed to enter into an agreement. He noted that these applicants would have to provide a monitoring mechanism to correct any parking deficiency in the shared arrangement, for example a change in tenants that might require additional parking.

- reduced parking for certain circumstances.

As an example, Mr. Loeper noted if a standard parking requirement were applied in the GlaxoSmithKline case they may be required to have far in excess of the number of spaces that are needed.

Mr. Loeper pointed out the downside to having extra parking. He said it is expensive for both the developer and property owner, it creates environmental issues with stormwater runoff, it creates heat islands and in many cases it is absolutely not used.

Since the nature of deliveries for many businesses has changed, Mr. Loeper discussed the proposed new loading requirements. The current code was based on the model that all deliveries come in a tractor trailer and the proposed change acknowledges that many deliveries are coming via UPS, FedEx or post office in a much smaller vehicle. Provisions were created to not only allow for smaller vehicles but also allow for changes in the way it is calculated.

Mr. Loeper noted that while this is a good ordinance, it might become necessary to make some amendments to address any unforeseen circumstances.

Mr. Loeper summarized the information provided to the Board of Supervisors that indicated code changes from the current code to the proposed code and in some cases parking requirements have been reduced, i.e., many retail uses and in others the requirements are being raised, i.e., some office buildings. Mr. Loeper noted that these requirements may change over time as more people telecommute or have more flexible work hours.

The draft ordinance was reviewed by the Upper Merion Township Planning Commission and the Montgomery County Planning Commission. The Montgomery County Planning Commission had a few minor comments dealing with such items as branch banks. Mr. Loeper pointed out that all of Upper Merion's banks are branch banks; however, if there were main banking offices they would be viewed more as an office rather than a bank. The Montgomery County Planning Commission also suggested that some changes be made to the regional shopping center. Mr. Loeper noted that this was not done because the changes that were made in the 1990's for the regional shopping center were changes that were proposed by Kravco based on studies they had done on the super regional centers. Mr. Loeper stated that if at some point in the future Kravco feels the need to ask for a change they would be able to do that, but in drafting the ordinance it was decided that it is such a unique item that it should be left as is.

Mrs. Spott asked for an example of similar communities that were compared. Mr. Loeper responded that in Montgomery County staff looked at Montgomery Township which also has a large number of commercial retail uses. Other areas included comparisons with Tredyffrin, Radnor and Plum Township in the Pittsburgh area.

Mrs. Spott commented that while there are pockets of areas where there is a lot of unused parking space, there is the opposite of that where there is not enough parking such as at Wawa. Mrs. Spott asked for an example of how such a convenience store would fare under the new code. Mr. Loeper responded that the new code provides a special category for convenience so that they have one space for 100 square feet for the first 3,000 square feet which is actually a very high standard. He said that it recognizes the fact that these stores have an in and out type of business. Mr. Loeper noted that the draft ordinance requires that the spaces closest to the door actually be larger than those for normal spaces in order to allow for more maneuverability.

Mrs. Spott asked about other kinds of special parking in addition to handicapped parking; i.e., special parking for families with children or for senior citizens that may not be handicapped. Mr. Loeper responded that the biggest problem with that would be enforcement, but that staff could take a look at that.

Mrs. Spott commented that in her travel outside the area when she saw a sign for families or seniors, it raised her awareness to park further away. Mr. Loeper commented that even with handicapped spaces since these spaces are on private property, the police department has made it very clear that if the signage is not done exactly according to code they cannot enforce it.

Mrs. Spott stated that the special signage would be an awareness raising mechanism and a way to be more considerate and citizen friendly. Mr. Loeper said that is a point well taken.

Mr. Jenaway stated that he wanted to reinforce the fact that the staff in conjunction with the planning commission looked at a combination of the existing standards, compared Upper Merion to communities of similar size and nature and also took into consideration the Upper Merion experience. He pointed out that this is not always done in other communities.

From the public:

Mr. Robert Mack, Valley Forge Road, asked if existing properties are grandfathered or if they will have to comply with the ordinance. Mrs. Spott responded that the existing properties are grandfathered unless there is a change of use in the future. Mr. Pizonka agreed.

Mr. Mack complained about all the street parking on West Valley Forge Road across from the gym on the past two weekends. Mr. Wagenmann responded that the police are looking into the situation and explained some of the actions being taken such as signage and additional patrols. He pointed out that an evaluation is being made for future tournaments to require a special use permit so that it can be identified ahead of time. Mr. Wagenmann noted that the Zoning Hearing Board granted permission for the commercial recreation use; therefore, the township will have to use some special arrangements and work with them.

Mr. Mack asked if this means parking would be allowed on that road any time. Mr. Wagenmann responded that parking would be allowed on the roadway as long as it is not posted for “no parking.” He said some “no parking” will be posted and if other areas need to be added, the police department will evaluate it.

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting “Aye” to approve the Ordinance No. 2011-796 as submitted. None opposed. Motion approved 5-0. Ordinance No. 2011-796 was adopted and will be filed in Ordinance Book 15.

PROPOSED PLANNING COMMISSION SCHEDULE FOR REVISION TO ZONING CODE

Mr. Loeper provided the Board of Supervisors with a schedule for completing the code update and outlined his proposed plan. The schedule will provide his office and the planning commission with the impetus to move forward. He pointed out that there are many portions of the code that have been worked on piecemeal, but they need to be consolidated. Mr. Loeper stated that the Business Improvement District has created a land use committee of which he is a member. After discussions with consultants this month, this committee will make recommendations for any changes deemed necessary. Changes will be completed by October and presented to the Board of Supervisors.

Mr. McBride commented that this schedule will provide a mechanism to measure the performance of staff, the planning commission and the Board of Supervisors in moving forward.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting “Aye” to approve the proposed schedule for revision to the zoning code. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS

RESOLUTION 2011-7

Mr. Wagenmann stated that this is a resolution whereby the Board of Supervisors accepts the terms and conditions of a Montgomery County Open Space Grant to fund the acquisition of the Gold’s Gym property for conservation, open space and recreation programs. He explained that a portion of the Gold’s Gym property, approximately 55% of the land area from behind the swim club over to Keebler Road would be safeguarded and maintained as open space. There shall be no change of use, transfer of ownership, or sale of the property without the consent of Montgomery County. Signage will be placed on the property indicating that it was purchased using Montgomery County Open Space funds. In addition, a trail will be built from the Valley Forge Road side over to the Keebler Road side of the property so that people would be able to walk or bike from Keebler Road through the property.

Board Action:

It was moved by Mr. Bartlett, seconded by Mr. Waks, all voting “Aye” to approve Resolution 2011-7 as submitted. None opposed. Motion approved 5-0.

COMCAST FRANCHISE AGREEMENT

Mr. McBride reported on a Comcast cable franchise hearing held earlier this evening. He commended the Media Communications Advisory Board for the work they did to review and enhance the agreement.

NO RECYCLING DURING RECENT SNOW

Mr. McBride expressed his dissatisfaction with the way Republic’s recycling schedule was disrupted during the recent snow storm and the widespread inconvenience this caused many residents.

ASSISTANT TOWNSHIP MANAGER JUDY VICCHIO RECIPIENT OF CHAMBER OF COMMERCE AWARD

Mr. Wagenmann announced that Assistant Township Manager, Judy Vicchio, has been selected by the Montgomery County Chamber of Commerce to receive their Outstanding Individual of Public Service award.

GREAT JOB BY SNOW REMOVAL CREW

Mr. Bartlett complimented the snow removal crew, many of whom worked 16 hour days, for their hard work and outstanding performance during the recent snow storm.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:22 p.m.

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RONALD G. WAGENMANN  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered:

The entire proceedings of the business transacted by the Board at this Business Meeting were fully recorded on audio tape, and all documents submitted in connection thereto are on file and available for public inspection. This is not a verbatim account of the minutes, as the tape is the official record and is available for that purpose.