

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
MARCH 1, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, March 1, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:36 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to approve the January 26, 2012 and February 2, 2012 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Spott reported on an executive session dealing with litigation.

NEW BUSINESS

CONSENT AGENDA:

1. Resolution 2012-4 re: Establish Sewer Rates in Upper Merion Township
2. Resolution 2012-6 re: RACP Grant - Trail - Heuser Park to Valley Forge National Historical Park (*separate vote*)
3. Resolution 2012-7 re: EAC Non-Voting Member
4. Permission to Advertise re: Amendment to Business Privilege Tax Ordinance - *Hearing Date: April 12, 2012*
5. Keystone Proposal - Business Tax Software Upgrade - \$24,000
6. Waiver of Fees - Upper Merion Baseball Assoc. - \$584.00

Board Comment:

Mr. Waks commented on the addition of the non-voting member to the Environmental Advisory Council (EAC) (Item #3). He explained that high school juniors and seniors who are residents of the township and in good academic standing can apply to be a non-voting member of the EAC. Application can be obtained on the township's website.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve Consent Agenda items #1, #3, #4, #5 and #6. None opposed. Motion approved 5-0.

2. Resolution 2012-6 RACP Grant - Trail - Heuser Park to Valley Forge National Historical Park

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, to approve Consent Agenda Item #2 as submitted. Mr. Waks abstained. Motion approved 4-0-1.

T&M PROPOSAL RE: BEIDLER ROAD STORMWATER IMPROVEMENTS PROJECT - \$32,900.00 AND T&M PROPOSAL RE: HYDRAULIC REVIEW AND REPORT FOR PRINCE FREDERICK COURT, JAMES STREET AND DIANA COURT

Mr. Ron Wagenmann, Township Manager, stated these are the proposals from T&M Associates who are Upper Merion's current designated general civil engineers. He explained the Beidler Road project is dealing with a deteriorating stormwater line that needs to be replaced. This project only includes design work. Construction will occur next year and will be funded through a transfer from escrow accounts in land development.

Mr. Wagenmann explained the second project concerns a review in the area of Prince Frederick Court, James Street and Diana Court where flooding occurs. T&M will evaluate the hydraulics in those areas and then provide recommendations for a solution. This will also be funded by a transfer of funds from the escrow.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the two T&M proposals as submitted. None opposed. Motion approved 5-0.

HEARING RE: PIB LOAN - WIDENING OF SOUTH HENDERSON ROAD - ORDINANCE 2012-803

Mr. Wagenmann stated the Pennsylvania Infrastructure Bank (PIB) loan is for the project the Transportation Authority has under design and soon to be bid for construction to widen Henderson Road to five lanes from Monroe through the Church Road intersection to the area of Queen Drive. The Transportation Authority will execute a loan agreement with the state to pay off the loan. The state requires the municipality to be the backup guarantor of that loan and the ordinance will comply with that requirement. The Transportation Authority will pay off the loan with assessments as they are being paid in the future.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve Ordinance 2012-803 as submitted. None opposed. Motion approved 5-0. Ordinance 2012-803 was adopted and will be filed in Ordinance Book #16.

PLAN AMENDMENT RE: RATOSKEY AND TRAINOR, 396 RIVER ROAD. AN AMENDMENT TO PLAN DP 2008-17 TO EXPAND AUTO STORAGE AND AUCTION OPERATION INTO ADDITIONAL PROPERTY (*Continued from February 16, 2012*)

Mr. Rob Loeper, Township Planner, stated RatOSkey & Trainor, Inc. has submitted a plan amendment for the land development approval granted on November 11, 2008 for a 20-acre site, owned by PECO, with frontage located at 369 River Road that follows along the Pennsylvania Turnpike and is adjacent to the Glasgow Quarry. Utilizing the aerial, Mr. Loeper pointed out the 16 acres of the site occupied by Insurance Auto Auction (IAA) subsequent to plan approval in 2008. The proposed amendment is to expand the IAA operations into an area not physically joined but separated by a small parcel. There are no improvements proposed at this time. Stormwater basins were installed when the original plan was completed.

Addressing questions raised at the February 16, 2012 Board of Supervisors meeting, Mr. Loeper provided a letter from the IAA dated January 20, 2010 in which they point out they are not a salvage yard. Vehicles are stored on site until they are sold via a weekly auction. Most of the cars coming into the site are drained of all fluids before they arrive; however, IAA does have the capacity to deal with any leaks if necessary.

Mr. Loeper referred to a 2008 review letter from the Pennsylvania Department of Environmental Protection (DEP) indicating the operation at the site was not an industrial or manufacturing process which would involve an industrial stormwater discharge permit. Therefore, additional stormwater management was not required at that time.

Citing a 2009 letter from the Montgomery County Conservation District, Mr. Loeper stated the revisions to the NPDES permit are deemed adequate to meet the requirements of DEP regulations.

Mr. Loeper then referred to a 2008 review letter from RETTEW concerning trip generation characteristics of the previous environmental recycling tenant wherein it was determined traffic ingress and egress at the auto auction is greatly reduced from the prior use.

With regard to HazMat spills, Mr. Loeper stated he had an opportunity to talk to the manager at the IAA location who indicated environmental safety maintenance in accordance with DEP or EPA requirements is an important item within their corporate culture. A regular training schedule is held to make sure all of the items are adhered to which are covered in their safety manual.

Mr. Loeper stated IAA is currently negotiating a formal easement with the Norfolk Southern Railroad. They are also working for a license with Glasgow which the Township Solicitor expressed concerns about at the February 16 Board of Supervisors meeting. Utilizing the aerial, Mr. Loeper pointed out the small parcel owned by the railroad between lots "A" and "B". Presently lease area "B" is accessed from Flint Hill Road; and as part of the prior approval, Ratoskey and Trainor had to obtain the necessary permits for that access. Lease area "A" comes off of Colbert Street and River Road. In his discussion with Mr. Ratoskey, Mr. Loeper indicated one of the township's concerns is if IAA had to transfer vehicles or equipment from "A" to "B" without the ability to cross the railroad parcel. Mr. Ratoskey informed him while it is not the most direct route, the alternate route they would use would be River Road to Swedeland Road to Renaissance to Church to Flint Hill. Mr. Ratoskey further informed Mr. Loeper IAA would not use Jefferson or any of the roads through Swedeland Village.

Mr. Tom Beach, Township Engineer, stated he had a chance to look at the reviews done on previous stormwater basins and the proposed use, and he did not have any further issues.

Mr. Ratoskey stated the original approval involved an extensive review process, and this plan amendment is just asking for an expansion of ground. If it is necessary to use the Flint Hill access, Mr. Ratoskey suggested IAA instruct truckers to follow a specific map through the residential neighborhoods which the police could enforce.

Mrs. Spott asked if Jefferson Street is "truck prohibited." Mr. Wagenmann responded in the negative and indicated Jefferson Street is a state road.

Mrs. Spott stated while she appreciates Mr. Ratoskey's comments, it is doubtful his suggested alternate route would be enforceable since it is a public street not restricted to residential traffic and trucks. Mrs. Spott indicated she remains sensitive to the neighbors' previous complaints.

Mr. Philips asked for clarification about the license being sought from

Glasgow and asked if Mr. Ratoskey has the lease for parcel "B" [occupied by Ratoskey & Trainor] and parcel "A" [IAA operation sublet from Ratoskey]. Mr. Ratoskey responded in the affirmative.

Mr. Philips commented Mr. Loeper mentioned the vehicles are drained of all their fluids before reaching the auction site. At the previous meeting, Mr. Jenaway wanted to know if any separators are used when there is a spill. Mr. Philips indicated in reading over the DEP information it appears they did not address that issue. He was pleased to note; however, IAA has a fairly extensive HazMat program and asked if there is any documentation from DEP indicating they have addressed it in any way. Mr. Loeper responded the documentation consists of the first DEP letter dated December 9, 2008 which indicates, based on the information that was provided, DEP made the determination there was no dismantling or removal of parts, and the vehicles leave the site in the same condition as they arrive. The letter further stated they did not require any additional storm water management.

Mr. Jenaway commented his instincts tell him even though there are insignificant amounts for DEP to indicate separation should occur over time, there will be incidental drainage that will have to be dealt with at a future point in time. However, he does not believe it is going to be significant enough to hit the thresholds to require any type of separator or any type of action according to any codes.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the plan amendment. None opposed. Motion approved 5-0.

PUBLIC HEARING RE: (1) MATT OUTDOOR, 170 ALLENDALE ROAD. CONSTRUCTION OF A 500 SF BILLBOARD. 1.96 ACRES, C-1 COMMERCIAL. ZONING HEARING DECISION, DECEMBER 7, 2011; AND (2) MATT OUTDOOR, 378 CROOKED LANE. CONSTRUCTION OF A 672 SF BILLBOARD. 1.96 ACRES, C-1 COMMERCIAL. ZONING HEARING DECISION, DECEMBER 7, 2011

Mr. Jenaway explained why he is recusing himself on any matters dealing with 170 Allendale Road which is the King of Prussia Fire Company where he serves as Chief Officer.

Mrs. Spott stated this recusal has been duly noted and she was informed that Mr. Jenaway has submitted a written statement that will be kept on file with the meeting minutes.

Mr. Joseph McGrory, Township Solicitor, stated with the permission of the Board of Supervisors he would like to conduct both hearings concurrently since testimony would be similar for each. Before recognizing the applicant's counsel, he introduced the following Board exhibits for the record.

- Each of the applications and all the attachments thereto (*Board Exhibit #1*)
- Proof of Publication showing that each hearing has been advertised in the Times Herald on February 15, 2012 and February 22, 2012 (*Board Exhibit #2*)
- With reference to the Crooked Lane Property, Memo from the Township Planner dated February 23, 2012 and with reference to the Allendale Property, Memo from the Township Planner dated February 21, 2012 (*Board Exhibit #3*)
- Two zoning applications both of which are dated December 7, 2011 (*Board Exhibit #4*)

Mr. Robert J. Kerns, Esq., Kerns, Pearlstine, Onorato & Hladik, LLP, attorney for the applicant, stated both matters were before the Zoning Hearing Board (ZHB) and both received certain relief relative to the Township

Overlay District. Part of the relief was based on the fact the applicant agreed to covenant there would be no electronic LED signs. Mr. Kerns submitted certain documents for the record including the covenant that was entered into previously.

Mr. McGrory stated it is his understanding one of the covenants is filed of record and the other covenant still needed to be filed. Mr. McGrory went over the paperwork to make sure it was signed by the appropriate people, notarized and ready to be filed.

Mr. McGrory explained the Zoning Hearing Board asked for the covenant so this property would have to follow the terms of the covenant regardless of changes in zoning law and regardless of changes in boards or ordinances. It is a covenant running with the land self imposing these restrictions. Mr. McGrory noted it is one of the most powerful legal documents available to regulate the use of property.

Mr. Kerns stated the applicant had no problem with it relative to this application.

Mr. McGrory asked if the applicant agrees as a condition of approval for each of these applications the same conditions as outlined in the Zoning Hearing Board decisions and to carry those forward as if they are conditions of this decision. Mr. Kerns responded in the affirmative.

Mr. Kerns said he would also like to incorporate the notes and testimony of the ZHB matters. While he did not bring them with him tonight, he offered these notes and testimony for the record.

Mr. McGrory stated he would mark as Exhibit 5 the notes and testimony from the Zoning Hearing Board.

Mr. Kerns stated Mr. Scott Mancini will testify to the general overview issues relative to the conditional use.

After Mr. Mancini was sworn in, Mr. Kerns asked the name of his employer and how long he has been employed by them. Mr. Mancini responded he has been employed by Matt Outdoor for 10 years.

Mr. Kerns recommended Mr. Mancini to the Board of Supervisors as an expert witness, and Mr. McGrory stated he is familiar with Mr. Mancini and his qualifications.

Mr. Kerns asked for the identification of the two sites in this matter, and Mr. Mancini responded one is 170 Allendale Road which is King of Prussia Fire Company property and one is 378 Crooked Lane which is Inkell Associates.

Mr. Kerns asked if the applicant entered into lease agreements with both of those two entities, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if Matt Outdoor is the lessee, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if both sites are in the billboard overlay district, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if Inkell Associates is in the SM-1 Suburban Metro Underlying District which is light manufacturing, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the King of Prussia Fire Company is in the C-1 Commercial District, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the applicant received minor bulk and dimensional relief from the Zoning Hearing Board as well as relief from the size of the signs, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked for an explanation about the relationship between PennDOT, in this case, the Pennsylvania Turnpike, and the requirements for signage. Mr. Mancini responded PennDOT has rules and regulations with regard to only being able to develop in certain areas along the turnpike or industrial commercial zones or zones used for additional commercial purposes. PennDOT permits billboards of up to 1,200 square feet per sign facing; they allow two sign faces in opposite directions measuring up to 1,200 square feet.

Mr. Kerns asked if it is correct when PennDOT does this they also have permitting requirements, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the applicant meets all PennDOT requirements as well as those of the zoning code of the Township, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked how long Mr. Mancini has been involved in sighting billboards and applying for PennDOT approval, and Mr. Mancini responded nearly 25 years.

Mr. Kerns asked why signs on the turnpike are allowed to be 1,200 square feet. Mr. Mancini responded a combination of elements lends itself to larger size signs. He explained the turnpike is a limited access roadway where there is no stopping, no red lights; the properties and the right-of-way are usually extensive, and in some cases over 300 foot wide, along with traffic moving at a fair rate of speed. Smaller signs are difficult to read under these circumstances.

Mr. Kerns asked if it is correct when Upper Merion Township was considered as far as locations are concerned a study was done relative to the amount of billboards that could be placed along the turnpike in Upper Merion. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if it was determined these are the only two locations to allow billboards to be placed throughout the entire area of the turnpike in Upper Merion Township. Mr. Mancini responded in the affirmative and said with as minimal relief as possible in order to qualify.

Mr. Kerns asked if the reason for this is the fact the turnpike has greatly expanded their access ramp ways in the area and the right of way. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if it is correct that requiring PennDOT requirements as well as Upper Merion requirements these are the two sites left in the township where the applicant would be able to develop for billboards. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if testimony was submitted before the Zoning Hearing Board that the applicant would not make these signs LED. Mr. Mancini responded in the affirmative.

Mr., Kerns asked if it was the applicant's belief he would be allowed to have LED signs under the Upper Merion Township Zoning ordinance. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if it was correct the applicant covenanted the LED's would not be used at all which would in effect cut off any potential glare issues relative to these boards. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if these two boards would in any way be offensive to any nearby residential areas. Mr. Mancini responded in the negative.

Mr. Kerns asked if it was correct one relief was from a 500 foot

requirement of the district as opposed to any homes. Mr. Mancini responded in the affirmative and said there is no residential dwelling on either site within 500 feet of the approved sign.

Mr. Kerns asked if the one 672 square foot sign is on the Inkell site. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the other 500 square foot sign is on the fire house site. Mr. Mancini responded in the affirmative.

Mr. Kerns asked with this relief before the Board of Supervisors because it is a conditional use would there be any adverse impact on traffic, police, fire, utilities or parks and recreation relative to these applications. Mr. Mancini responded in the negative.

Mr. Kerns asked if this relief will be in accordance with the Comprehensive Plan and Zoning ordinance. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if there was some minimal zoning relief that was an allowed use in an overlay district. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the proposed billboards will be harmonious or appropriate in design, character and appearance with other billboards along the turnpike. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the proposed billboards will be in compliance with requirements permitting a conditional use, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if there was some relief granted by the Zoning Hearing Board, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the billboards comply with all zoning code requirements of the underlying district, and Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the billboards comply with applicable criteria and standards of Upper Merion Township codes as well as other applicable state and federal requirements. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if Mr. Mancini just testified to the fact the billboards would all would comply with PennDOT requirements relative to turnpike. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the conditional use sought would be detrimental in any way relative to any of the properties in the vicinity. Mr. Mancini responded in the negative.

Mr. Kerns asked if all these properties in effect are commercial and/or industrial properties. Mr. Mancini responded in the affirmative.

Mr. Kerns asked if the request to relieve would alter the essential character of the districts or the neighborhoods. Mr. Mancini responded in the negative.

Mr. Kerns stated they are all industrial or commercial properties in these two neighborhoods and asked if the request for relief would be detrimental to the public health, safety and welfare. Mr. Mancini responded in the negative.

Mr. Kerns stated this concludes the applicant's testimony relative to the two conditional uses.

Mr. McGrory asked if the applicant will agree as a condition of this conditional use to abide by the testimony presented to the Zoning Hearing Board as well as the testimony presented at this hearing to the Board of Supervisors.

Mr. Kerns responded in the affirmative.

Mr. Waks asked if applicant has had a chance to speak with any of the residents who might live in the adjacent area, and if so, how those discussions had gone with either the residents or local community associations. Mr. Kerns responded in the affirmative and said there were two or three hearings on this matter and at the hearing with the fire company there were 7 or 8 neighbors who came out and heard all the testimony. They were given assurance the applicant would covenant so there would be no LED's and this seemed to satisfy their concerns.

Mr. McGrory opened the hearing to questions from the audience and seeing none closed the record and convened into the public meeting portion of the agenda.

Mr. McGrory addressed the Board of Supervisors and stated this is a position for their consideration at this meeting if they so desire. The two conditions the applicant agreed to are the conditions in each Zoning Hearing Board decision to be carried forward as a condition of the conditional use, and the other condition is compliance with the testimony presented at the Zoning Hearing Board as well as the testimony at this hearing tonight. Mr. McGrory stated the motion should incorporate those two conditions. He indicated once the Board of Supervisors takes action on this, he would then draft findings of fact and conclusions of law and have a formal opinion ready for the Board's signature within the next 45 days.

Mrs. Spott asked for a motion to approve conditional use for the two applications for 170 Allendale Road and 378 Crooked Lane, with the two conditions as stated by the Township Solicitor.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, to approve the conditional use for Matt Outdoor at 170 Allendale Road and 378 Crooked Lane, with two conditions as stated by the Township Solicitor. Mr. Jenaway abstained. Motion approved 4-0-1.

Township Solicitor's Comment:

Mr. McGrory stated the decision is not final until the written decision is sent to the applicant within the 45 day window and whatever the applicant does at this point would be proceeding at their own risk until the appeal period expires. Mr. Kerns responded they understand.

PHASE II DEVELOPMENT PLAN RE: VALLEY FORGE CENTER ASSOCIATES/TARGET CORPORATION. VALLEY FORGE SHOPPING CENTER. REDEVELOP EASTERN PORTION OF VALLEY FORGE SHOPPING CENTER WITH A TARGET, STARBUCKS AND INLINE COMMERCIAL BUILDING. PROPOSED NEW CONSTRUCTION 178,285 SF, DEMOLITION 103,019 SF, NET INCREASE 75,396 SF SC SHOPPING CENTER, 23.5 ACRES.

Mr. Rob Loeper, Township Planner, stated this application was submitted in early October 2011 for renovation of what is commonly referred to as the lower level of the Valley Forge Shopping Center. The existing shopping center has 237,000 square feet.

The redevelopment includes the demolition of approximately 103,000 square feet of the lower level, the construction of a 165,000 square foot Target Store and two other retail buildings which total approximately 13,000 square feet.



The Upper Merion Planning Commission recommended approval in February and issues are being finalized with particular emphasis on proposed traffic improvements.

Mr. George Broseman, representing Valley Forge Shopping Center and Target Corporation, stated there has been ongoing coordination with PennDOT, the Township as well as the Wawa and Chick-fil-A development across Route 202. Analysis was done about the viability of a traffic signal at the main entrance which Sandy Koza, Project Manager, McMahon Associates, will summarize. A meeting was held with Aniruddha Das, representing the condominium community at the Court at Henderson. Mr. Das was shown the proposed landscaping improvements and traffic was discussed. A follow up memo was submitted to the township and the township traffic engineer. Fire Marshal issues have been addressed. Coordination has continued with the King of Prussia Business Improvement District (BID) and Target's consultants will continue to supply the BID with the plans for the project. Other issues addressed include improved lighting, additional sidewalks, improved stormwater management and amenities such as bike racks.

Utilizing the aerial, Adam Benosky, Bohler Engineering, provided an overview of the existing conditions, site plans and proposed demolition of approximately 103,000 square feet of existing retail. He noted the overall center is 23 acres and this redevelopment consists of about 12 acres. Three existing access drives to Route 202 will be removed (two for Starbucks and one for Sleepy's). The main access drive will remain within the redevelopment area and the Town Center Drive and the signal there stays intact. Buildings along Route 202 will be replaced with additional parking. An inline retail space will be added along Henderson Road. A unique feature on the plan is parking underneath the Target building. Access on Henderson Road will remain as it is today. Loading for the Target is in the rear of the center with a full turning movement for trucks to access the loading dock. They can either come out to Prince Frederick or come up the existing driveway that is in the back of the Michael's building and access out to Town Center Road. A connection is provided from the upper lot via a ramp driveway down to the lower level of the center. Comments from the Township Engineer and Upper Merion Planning Commission have been incorporated in the plan. An extensive buffer has been added for the loading area in the back of the building on Prince Frederick. Additional buffers have been added along Henderson which screen the existing in line retail space and hedgerows have been added along the entire frontage of the parking areas in an effort to screen any lights that would glare from the parking lot onto adjacent roadways.

G. Nicholas Popehn, Target Corporation, Minneapolis, provided a PowerPoint overview of the architectural renderings of the buildings, elevations and pedestrian access with elevator and stairs from the upper to the lower level. Mr. Popehn pointed out some modifications were made based on Planning Commission comments. One was to add a screened wall from cars parking underneath so their headlights are not shining back at the driver coming in from Henderson. A small wall will be incorporated as well as modification of a retaining wall.

Sandy Koza, McMahon Associates, Project Manager in Traffic Department, reviewed some of the decisions that were made at the recent PennDOT meeting on January 31<sup>st</sup>. McMahon Associates submitted a signal evaluation to the township's traffic review engineer at Pennoni and PennDOT in December 2011 as to whether or not a signal should be installed [at the main entrance on Route 202] in view of the additional Target and proposed Wawa and Chick-fil-A across Route 202. The Signal Department at PennDOT came to the conclusion they did not want another signal at that location. This conclusion was based on what they were seeing in terms of queue formations along DeKalb Pike as well as the spacing of this intersection in relationship to the two that are already out there at Henderson and Town Center Road. PennDOT then came up with some other recommendations for McMahon Associates and one of them is to lengthen the left turn lane to 175 feet and provide a 100 foot storage bay area. Wawa will be doing a similar left turn lane as well, extending their lane to

175 feet with a 100 foot bay taper. As part of the Target application, McMahon is proposing to extend the left turn lane going from Henderson onto Route 202 from 140 feet so in the future it will have 250 feet with a 100 foot bay taper. PennDOT was concerned with how the Target driveway lined up with the proposed Wawa driveway. One of the changes on the site plan is the driveway is being shifted approximately 10 to 15 feet farther to the south. There will still be a restriction to right out only and left in and right in. As part of the right in, McMahon was asked to also provide a right turn acceleration lane which will be provided. It will be 175 feet as well with 100 foot bay taper. Because of the offset of these two driveways, PennDOT asked McMahon to look at putting in a channelization island with some type of separation between the left turns going in and the left turns going in from the Wawa so there will not be any interlocking movements to the left. Ms. Kosa pointed out an example of one of these median treatments in Chester County. She indicated there were concerns at various meetings this was a new treatment and PennDOT has provided assurances it has been used in other locations.

Ms. Koza stated one of the other areas McMahon reviewed was at Henderson Road and Prince Frederick Street. Since the last meeting, McMahon has done extensive research to verify the property line rights-of-way both along Prince Frederick Street and Henderson Road. The right-of-way line on Henderson Road is actually right along the edge of the curb line and along Prince Frederick Street it is right past the sidewalk. McMahon looked at what improvements could be done within the right-of-way and reviewed these with PennDOT as well as Pennoni. It was decided, based on the limited amount of improvements that could be done here, it would not change too much in terms of how trucks are currently entering and exiting this movement. Instead what should be done is relocating the stop bars to the left turns back about 25 feet. PennDOT also asked McMahon to look into providing the adaptive signal control signal here as part of the future Henderson Road quarter.

Ms. Koza indicated McMahon has been asked to work with Goodman Properties on their project for the Wawa and Chick-fil-A across Route 202. PennDOT also made note they would like two other intersections on the far side of DeKalb Pike to have the adaptive signal control at Monroe and Saulin Boulevard. Coordination is ongoing with Goodman Properties about providing those improvements. At the Prince Frederick Street intersection, McMahon is providing an improvement to the radius so it will be a 35 foot radius all within the existing right of way as well as the existing property controlled by the Valley Forge Shopping Center. McMahon was asked to provide some signage which in essence limits trucks from the applicant's site to one section of Prince Frederick Street. Ms. Koza pointed out the location of the signage on the aerial.

Utilizing the aerial, Mr. Benosky discussed pedestrian circulation both through and around the center as well as the elevator system and staircase that would go to the upper plaza of the Michael's. He pointed out the planned continuation of the sidewalk along Route 202 is made possible by pulling the parking lot back from Route 202, reducing the length and eliminating four parking spaces. The applicant will be asking for a waiver on the size of the spaces. The township ordinance requires a 9 ½ feet wide by 19 feet deep space and the applicant is asking for a waiver just for the spaces along Route 202. There are 23 spaces that would go to 9 feet wide but would allow 32 spaces and allow the sidewalk in without disrupting the telephone poles and a great expense to the owner. There is an existing sidewalk coming up to the McDonald's building and then there is access to the site; however, this is not handicapped assessable. A ramp system will be provided along the new parking which will allow access to the upper level parking or continue along the sidewalk to get to the main access across or the main entrance to the Target and access along the frontage as well. There is an existing sidewalk network along Prince Frederick. A new ramp will be provided. There are existing stairs, and these will be removed and a new handicapped accessible ramp will be added in for access back to the rear of the Target as well as access underneath.

Focusing on Prince Frederick Street, Mr. Waks asked for clarification that none of the trucks will be accessing Target by coming through the residential community on Prince Frederick Road. Mr. Benosky responded, "they will not." He said the trucks could come on Prince Frederick, but they will not come through the residential neighborhood behind Prince Frederick.

Mr. Waks said basically the trucks would make a left on Prince Frederick from Henderson Road as opposed driving [through the residential community] Mr. Benosky responded in the affirmative.

Mrs. Spott asked how many trucks are anticipated every day. Mr. Popehn responded that Target anticipates one to two big tractor trailer trucks a day on average. There are smaller vendor trucks like UPS, shorter trucks and those will be about 8 to 12 a day.

Mrs. Spott asked about the smaller truck traffic and if they could go through the residential area. Mr. Popehn responded the signage is for the tractor trailer trucks which have the bigger impact, but the smaller trucks would have the ability to come in at any route.

Mr. Waks asked about the times the bigger trucks are expected. Mr. Popehn responded they allow themselves a large window to be able to coordinate with other stores in their distribution network. He said they have not gotten down to the specifics, but Target could certainly limit these times to a 3 to 4 hour block in the morning and a 3 to 4 hour block in the evening whichever would be off peak traffic hours.

Mr. Waks commented, "so you can limit it to avoid rush hour."

Mrs. Kenney said she was one of the people who asked about having the sidewalk extension and she appreciates the effort to overcome the obstacles and work this out.

Mrs. Kenney asked for clarification about pedestrian access from the Target area upstairs to Michael's. Mr. Popehn responded there will be stairs and an elevator.

Mrs. Kenney commented for the benefit of our residents and to reiterate cars will be able to enter the Target area from four different entrances ultimately - from Route 202, current one where McDonald's is located, one from Prince Frederick, and the fourth one from Town Center. Mr. Popehn responded in the affirmative.

Mrs. Kenney asked about the right turn only exit onto Route 202 and what type of internal management will be provided so exiting traffic would know they cannot make a left turn to go north on Route 202. Utilizing the aerial, Mr. Popehn pointed out a channelized median to steer traffic to the right. He noted there will also be a median put in place so it would not be possible to physically make a left turn out onto Route 202.

Mrs. Kenney followed up and asked once inside the Target parking areas, in order to avoid confusion about options to go north on Route 202, what kind of directional signage would be posted within the parking lots. Utilizing the aerial, Mr. Popehn indicated the traffic would have to come out the access point on Town Center Road to go north.

Mrs. Kenney reiterated her question and asked if there would be signs. Mr. Popehn responded there would not be signs to point out access and said after one or two times people realize you cannot make that movement [left turn north on 202] and would navigate to the correct access point.

Mrs. Kenney made reference to some directional signs at the King of Prussia Mall indicating various options, e.g., North Gulph Road, South Gulph Road, Pennsylvania Turnpike or Route 202. She said it would be especially helpful for first time visitors. Mr. Popehn responded this would certainly be

reviewed and addressed.

Mr. Waks expressed appreciation to Target for working on the sidewalks and enhancing the greenery.

Mr. Philips referred back to the Prince Frederick/Henderson Road intersection and expressed concern about tractor trailers both ingressing and egressing out onto Henderson Road through the tight intersection. It is his understanding Target intends most of their products would come down Henderson Road into their loading dock and then egress out the same way back onto Henderson Road to get to Route 202, and if so, he asked if something can be done about improving the tight intersection for a right turn. Mr. Popehn responded the trucks will come into the loading dock and egress the same way. He said within the confines of the right-of-way the stop bars are being adjusted, and noted the issue is the right-of-way available to make improvements and soften the curb in this location.

Mr. Philips expressed concern over the tightness for turns at this intersection for tractor trailers and trucks, particularly when the Wawa traffic gets backed up, making this a safety concern as well. He asked for Target to take a harder look to see what can be done to either soften the situation or have some other way for getting into the loading area. Mr. Broseman responded this issue has been discussed extensively with PennDOT and others. He said the property on the corner is referred to as the "beer distributor" property and is not owned by the owner of the shopping center. Although Target has no control over this one property, a title report was provided on the property to see what the easements were. The improvements that could be made would be with the stop bars and they have been asked to upgrade the signal. Mr. Broseman indicated that other access points were considered; utilizing the aerial, he pointed out a 10% steep grading problem with one of the options for the largest trucks, although smaller trucks could manage. He said Target does not have control over the right-of-way and is doing all that is possible at that intersection as well as limiting trucks to certain hours.

Mr. Philips followed up about the 10% grade and said trucks have been going back and forth there for years. He asked if there was a way to restrict Prince Frederick, but instead using Town Center Road which is a main artery through the shopping center. Mr. Broseman responded they looked at that and while not saying it could not physically be done, did not think it was a good idea. Mr. Benosky further elaborated utilizing the aerial. With regard to the steep grade, he indicated that it becomes difficult for trucks to navigate. While he did not say they could not make it, he said as an every day occurrence it would be difficult, particularly in inclement weather. He pointed out on the aerial the maneuver trucks use that service the Michael's and Bed, Bath and Beyond.

Mr. Philips asked about the loading area for Building A-1. Utilizing the aerial, Mr. Benosky pointed out the location and stated that after comments from the Board of Supervisors, the Upper Merion Planning Commission, and the Township Engineer, the applicant changed the loading dock to the other side of the building and enhanced screening along the back and side of the building to screen views coming up Henderson Drive.

Mr. Philips clarified this means the truck loading area is at the bottom of what would be the Dunkin Donuts side with one truck in. Mr. Benosky responded in the affirmative. He said these are retailers that would not be getting large tractors.

Mr. Philips asked if this [Building A-1] would be a multi tenant building, smaller retail. Mr. Benosky responded in the affirmative.

Mr. Philips asked for clarification on the slope on the Henderson side of that building and from his reading of the plans it looks like it is 10 feet down every 10 feet making it a fairly sizeable slope. Mr. Benosky responded in the affirmative and pointed out the slope in the rear and said in coming around the

corner some of this is graded out with the slope. The applicant is planning a retaining wall that comes around the back of the Dunkin Donuts in between the parking and varying 8 to 10 feet in height.

Mr. Philips commented from his reading of the plans there are numerous retaining walls throughout. Mr. Benosky responded in the affirmative. Utilizing the aerial, he said there are retaining walls that vary in height that come around the back of Building A-1 along the parking lot and up along Route 202 varying in height.

With regard to stormwater management, Mr. Philips asked if there is going to be a fairly large underground retention basin where Sleepy's used to be. Mr. Benosky responded in the affirmative.

Mr. Philips asked if the basin will take everything from this site. Mr. Benosky responded in the affirmative. Utilizing the aerial, Mr. Benosky pointed out the location of the existing basin and the proposed underground basin that will take on all that volume. The current plan calls for retaining more water, taking the 10-year storm back to the 2-year storm and reduce the flows off the site by about 10%.

Mrs. Spott asked for clarification about the property owner [beer distributor] on the corner of Henderson Road and Prince Frederick and if any discussions were held about acquiring a small piece of the property. Mr. Broseman responded discussions were held, but not successful.

Mrs. Spott commented about her continuing concern over the Route 202 entrance and asked for a better understanding of why PennDOT has determined no light is necessary at this location, particularly in view of the Chick-fil-A and Wawa across the street. Mrs. Spott said it would be potentially in and out left and right turns and help to stop people from using some of the alternative ways that could generate traffic on the other roads. She urged the applicant to coordinate closely with the Chick-fil-A and Wawa on these issues. Mr. Broseman responded that the applicant was not originally proposing a traffic signal because they were not trying to add any lefts out. The McMahon study purposely did not make a conclusion about the traffic signal. He noted, however, the owner of the shopping center and the Target see value for a retailer in being at a traffic signal. Mr. Benosky indicated the driveway has been redesigned to allow for the light should it ever be needed, and they will continue to coordinate with PennDOT.

Mr. Jenaway stated at previous meetings it was indicated the applicant would have no containerized storage and he asked if this is still the case. Response in the affirmative from unidentified individual in audience off microphone.

Mr. Jenaway indicated his understanding of the stormwater adjustments to increase the stormwater retention were being made to the new plan and not existing. Mr. Benosky responded in the affirmative. He explained they are in the process of increasing what they had proposed to handle additional volume storage to reduce the flows to the condition today. Mr. Benosky noticed the design is still being finalized and will be resubmitted to the satisfaction of the Township Engineer.

Mr. Jenaway asked if the idea of closing the light at Town Center had been considered in favor of the proposed new intersection. Mr. Broseman responded that issue was considered early in the process and taken off the table by PennDOT. Ms. Koza stated the light is necessary just to provide access to and from Prince Frederick Street and the residents there, but there is also a sight distance issue related to the left turn ingress that comes off of DeKalb Pike into Town Center Road.

Mr. Jenaway made the point if it were a right turn only intersection it would be immaterial.

Mr. Jenaway commented there are traffic lights in this township closer than that sequence would be [Town Center to proposed Target entrance] and he is not quite sure why PennDOT is not going along with this.

Mr. Jenaway stated the applicant has increased the length of the left turn lanes and asked if the proposed barrier is being shifted north or south. Ms. Koza responded it is being shifted south toward Town Center Road so it was better aligned with the proposed development across the street.

Mr. Jenaway stated he brought this question up to Wawa at the Planning Commission meeting last week, and it was not satisfactorily communicated to him how those left turns would be managed as well as the cross traffic in view of the sight lines as they are. Mr. Jenaway commented that he is not comfortable with this situation.

Mr. Broseman stated when the applicant originally came in with the plan the driveway was left where it was and it was aligned with the Petco driveway across the road. A meeting was held with township representatives, Wawa and PennDOT on January 31. At that time, the applicant learned Wawa had slightly shifted their driveway and the applicant was asked by PennDOT to go ahead and move its driveway as well. Mr. Broseman explained that the applicant's plan was heavily engineered, but at PennDOT's request they complied.

Mr. Jenaway asked for clarification about the throat size of the driveway and if it has been increased. Ms. Koza responded the applicant did make some adjustments. The actual cartway is about 38 feet. There has been some widening and the ingress lane will be 20 feet. In the event a signal is approved in the future, the width exists to install a separate left turn lane.

Mr. Jenaway asked if the applicant has discussed potential security issues with the police department related to the elevator and stairway. Mr. Benosky responded in the negative; however, he indicated the applicant will certainly have that conversation. He pointed out there is a great improvement to what is there today. The area will be lit and open with the stairwell, the elevator would be obviously enclosed, and there is a lit walkway to the Target vestibule.

Mr. Jenaway concurred with Mr. Philips concerns with regard to the Prince Frederick intersection. He asked if the throat size on that cartway has been increased. Mr. Benosky responded in the affirmative and said the existing radius has been more than doubled in size.

Mr. Philips asked if security cameras will be installed in the area. Mr. Popehn responded there will be security cameras on the building and these can be placed as necessary. In addition Target has their own on site security personnel when the store is operating.

Mr. Jenaway asked for clarification about the completion of some of the design issues. Mr. Benosky responded they are still working through some of the design items, but these are just fine tuning and not wholesale changes.

Mr. Jenaway asked if the crosswalks extend to all the natural highway intersections for walk ability through the site. Mr. Benosky responded in the affirmative.

#### From the Public:

Tom Kohler, Signal Hill Road, King of Prussia, expressed concern over traffic congestion along the Henderson Road side and stated some thought needs to be done to acquire right-of-way to fix the turn radius. He asked if consideration has been given to possibly restriping Henderson Road to resolve the current bottleneck in that area. Ms. Koza responded that is something they could potentially look at, but she was not sure they have the full width necessary within the right-of-way.

Board Comment:

Mr. Jenaway commented as long as the Wawa remains at Prince Frederick and Henderson there will be a problem because the parking for that establishment now being used will be taken up by building and there will only be six parking spots available. He said that cars range anywhere from six to 25 at any point in time and those cars are going to go somewhere else. Mr. Jenaway emphasized that this intersection is a problem that has to be dealt with.

Mr. Philips asked Mr. Wagenmann if there have been any studies or thoughts about widening Henderson Road from Route 202 to Ross Road and if this would be part of any Jump Start program. Mr. Wagenmann responded in the negative and said there has never been a project that has looked at widening Henderson coming north. He indicated that the Transportation Authority is undertaking a new 209 Study and one of the things they will look at is evaluating different intersections and coming up with a new list of projects so that a new assessment can be calculated. Mr. Wagenmann noted that intersection is on the list to be studied.

Mr. Philips asked the traffic engineer what she thought the push back would be from PennDOT about restriping that part of Henderson Road. Ms. Koza responded to date PennDOT has not brought that up as an issue. Ms. Kosa said the applicant would have to lay out how that striping would look and then present it to PennDOT for review and consideration.

Mr. Loeper commented in discussing this with Bryan Keaveney, Pennoni Associates, one of the comments has been about the gore pattern on northbound Henderson where it goes from two lanes, squeezing down to one, and then going out into two lanes again. This is required by PennDOT because that second lane at Prince Frederick is a left only lane. When coming up Henderson there are two lanes, but then there is only one through lane. That other lane is a left only; PennDOT requires that arrangement so that someone does not get caught in a left turn lane and then try to go straight through or be placed into a position where they have no choice but to make a turn they had no intention of making.

Mr. Broseman stated the applicant would like to come back for a Phase III in April.

SPECIAL REVIEW NEXT DOOR BAR & GRILL. VILLAGE AT VALLEY FORGE (PHASE I) DEVELOPMENT PLAN. FREESTANDING RESTAURANT WITH OUTDOOR DINING PATIO (13,187 SQ FT) FINANCIAL SUBDIVISION PLAN, LOT #5, 1.84 ACRES

Utilizing the aerial Mr. Loeper pointed out the current master plan for the Village at Valley Forge. He noted that the development of the Village at Valley Forge is different than other development within the township in that it is regulated by a settlement agreement. That agreement governs all aspects of land development, stormwater management and zoning code issues. It has provisions that allow a certain amount of density within the development. It has design guidelines and, in some cases, they are taken directly from the zoning code and, in other cases, they are provisions that were agreed to that apply specifically to the site.

Mr. Loeper stated that the Next Door Bar and Grill will be located on lot J2 which is located behind the Wegman's which is scheduled to open in early May. Lot J2 is a freestanding 9,000 square foot restaurant and bar that will be owned and operated by Wegman's. The Next Door Bar and Grill will be situated on a 1.8 acre parcel and has been reviewed twice for compliance by T&M Associates. T&M's second review letter was issued on February 22, 2012 with a few minor comments.

Mr. Loeper focused on pedestrian access and the sidewalk configuration. Based on discussions with Realen and comments from the Board of Supervisors, the sidewalk configuration has changed so that now it has been placed along the

whole outer frame of Swedesford Road and additional sidewalk and a pedestrian connection has been put in as part of the development. The whole aspect of the village is to provide for a walkable community so that people do not necessarily park their car in a parking lot directly in front of where they are going, but you can park your car, get out and move around.

Mr. Loeper stated that another part of the master plan calls for a bike path through the property. What ultimately was decided was to provide two options - one with a separated bike path for recreational users so that they are not in conflict with the roads and additional bike lanes within the streets for more experienced bikers.

It was also noted in Mr. Loeper's presentation that much of the infrastructure is front loaded. For example the stormwater management, much of the road improvements including the improvements to Guthrie Road, Swedesford Road, Market Street have been put in place.

Another T&M comment concerned provisions for a shuttle. Mr. Loeper noted that Realen remains committed to working with the Business Improvement District (BID) on the shuttle as the project develops; however, at this time it is not known how the shuttle is going to operate or where it is going to stop.

Mr. Loeper pointed out that as part of the settlement agreement there are provisions to allow for future subdivision of the property without the formal subdivision review process and one of plans is to create a new lot #5 which is the lot for the Next Door Bar and Grill. Realen is asking is the Board to authorize the Chairperson and Township Manager to sign that plan so it can be executed and recorded. At this time Realen is asking for approval for this aspect of Phase I for the Next Door Bar and Grill which will move it to the stage where they can begin construction.

Mrs. Spott commented she is pleased there is a dedicated bike trail as well as sidewalks. Mrs. Spott emphasized the Board of Supervisors is committed to sidewalks and making it a walkable community wherever possible.

Mrs. Spott asked for a motion to approve the subdivision as well as the plan for the Next Door Bar and Grill.

#### Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the subdivision as well as the development plan for the Next Door Bar and Grill. None opposed. Motion approved 5-0.

### ADDITIONAL BUSINESS

#### BOND COUNSEL

Mrs. Spott stated in accordance with Mr. Philips' request that the township prepare a Request for Qualifications (RFQ) for a bond counsel for the upcoming bond issuance, six firms were sent an RFQ. These firms were required to be "Red Book", that is, recognized in the industry as qualified to do municipal bond work. Four firms responded and Mrs. Spott proposed that the Board of Supervisors accept the proposal and qualifications of Fox Rothschild. She noted that this firm provided a very good proposal, are saving the township additional funds, and as a local Montgomery County firm will bring the work local as well. Mrs. Spott asked for a motion to appoint Fox Rothschild as the Upper Merion Township bond counsel for the upcoming bond issue.

#### Board Comment:

Mr. Waks stated this is another example of how competition particularly in the legal sector can help save the township money.



#### Board Action:

It was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to approve Fox Rothschild as bond counsel for the upcoming bond issue. None opposed. Motion approved 5-0.

#### SEARCH COMMITTEE FOR TOWNSHIP MANAGER

Mrs. Spott discussed the formation of a Search Committee to find a township manager to replace Mr. Wagenmann. The Search Committee is comprised of two supervisors: Chairperson Spott and Vice Chairperson Waks, and three members of the community: Robert Krutsick, John Tallman, and Jessica Milner. Mrs. Spott provided background highlights of the three members of the Search Committee. In addition, Mrs. Spott noted the township has retained the services of the Meyner Center which is affiliated with Lafayette College and is a center committed to working with local governments to improve local government including, but not limited to finding qualified people to serve in township manager positions. Dave Woglom from the Meyner Center will guide the Search Committee through this process. Mr. Wagenmann will also provide the benefit of his experience and knowledge and sit with the Search Committee during that process. The goal is to have Mr. Wagenmann's successor in place early to mid-summer so that there is adequate transition before Mr. Wagenmann retires at the end of the year.

Mr. Waks stated it is important to think of the Search Committee as much as a screening committee as it is a search committee because this committee will narrow down the choices, but the ultimate decision on the next township manager will be made by the five supervisors on this Board and only the five supervisors.

#### Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the three public members of the Search Committee and ratify the agreement with the Meyner Center. None opposed. Motion approved 5-0.

#### UPCOMING EVENTS IN TOWNSHIP

Mrs. Spott announced a number of Township meetings and events that can also be found on the township website.

#### RETIREMENT OF ED HIGGINS, PUBLIC INFORMATION OFFICER

Mrs. Spott announced the retirement of Ed Higgins, Public Information Officer, who retired on March 1, 2012 after nearly 13 years of service to the township. On behalf of the Board of Supervisors, Mrs. Spott thanked Mr. Higgins for his contributions and service to the township and for his commitment to keeping our residents informed.

#### MONTGOMERY COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS CONFERENCE

Mr. Jenaway discussed attending a Montgomery County Association of Township Officials (MCATO) and receiving an update on developing stormwater issues and hearing from the new county commissioners about the budget process changes in the 911 and emergency communications system.

#### ST. PATRICK'S DAY PARADE

Mr. Philips announced the Ancient Order of Hibernians, Notre Dame Division No. 1, is hosting the Montgomery County St. Patrick's Day Parade to be held March 10, 2012. They are seeking Gulph, Iraq and Afghanistan veterans to march in the parade.

From the public:

A resident expressed his concern about offensive merchandise being sold by a couple of retailers in the township, asked for guidance about township restrictions or guidelines regarding picketing, and a response was provided by the Township Solicitor as well as comments from some of the supervisors and Township Manager.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 10:12 p.m.

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RONALD G. WAGENMANN  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

rap  
Minutes Approved:  
Minutes Entered: