

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
NOVEMBER 1, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, November 1, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:33 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager Designee; John J. Iannozzi, Township Solicitor; Scott Greenly, Associate Township Planner; Tom Beach, Township Engineer; Angela Caramenico, Assistant to the Township Manager. Supervisor Erika Spott was absent.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the September 20, 2012 and October 4, 2012 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

VICE CHAIRPERSON'S COMMENTS:

Vice Chairperson Waks stated an Executive Session was not held prior to this meeting, but the Board will meet after this meeting to discuss litigation matters. He asked for a moment of silence to remember two victims of a homicide at the Marquis Apartments: 10-month old Saanvi Venna and her grandmother Satayvathi Venna. Vice Chairperson Waks also asked everyone to remember the victims of Hurricane Sandy, including the Upper Merion Township resident who lost her life.

Mr. Dave Kraynik, Township Manager Designee, provided an update on Peco power restorations.

NEW BUSINESS

CONSENT AGENDA:

1. Resolution 2012-30 re: Establishing Police Officers Contributions to the Pension Plan for the year 2013
2. Resolution 2012-31 re: Allowing the Establishment of Retirement Profit Sharing Plan for Volunteer Fire Fighters and EMS workers
3. T&M Proposal re: 2013 Funding Administration and Coordination Services Proposal (Grants)
4. T&M Proposal re: NPDES Phase II Permitting - Year 10 Requirements
5. Acceptance of Resignation re: John Tallman from the Park & Recreation Board
6. Waiver of Fees re:
 - a. King of Prussia Volunteer Fire Company - \$224.00
7. Permission to Advertise Hearing re:
 - a. Ordinance to Establish UCC Board of Appeals
 - b. Ordinance to Establish Property Maintenance Board of Appeals

Board Comment:

Mr. Jenaway recused himself from the vote on the Consent Agenda because of items #2 and #6 that relate to the King of Prussia Fire Company. A Memorandum of Voting Conflict has been filed with the Secretary for Upper Merion Township and will be incorporated in the minutes of this meeting.

Mr. Philips pointed out the Pennsylvania Uniform Construction Code (UCC) requires all municipalities administering and enforcing the UCC must have a Construction Appeals Board in place to hear and rule on construction site appeals as well as Property Maintenance Board of Appeals for property maintenance issues.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the Consent Agenda as submitted. Mr. Jenaway abstained. Motion approved 3-0-1.

HEARING RE: RESOLUTION 2012-29 REQUEST FOR INTERMUNICIPAL LIQUOR LICENSE TRANSFER - 480 NORTH GULPH ROAD

John J. Iannozzi, Township Solicitor, suspended the public meeting and proceeded into a public hearing and submitted the following exhibits into the Record: Proof of Publication T-1, legal notice T-2, petition T-3, Resolution T-4 and Township Manager's letter T-5.

John J. McCreesh, III, attorney on behalf the applicant, indicated the Rubino Restaurant Group is requesting an inter-municipal transfer of a Liquor License from Norristown to Upper Merion Township to operate a restaurant at the Valley Forge Sheraton. Mr. McCreesh introduced Ryan Rubino and asked him to provide information about the restaurant, his family, how long they have been in business and what type of a restaurant they will operate in Upper Merion Township.

Mr. Ryan Rubino, Vice President, Rubino Restaurant Group, stated he is a fifth generation Owner/Manager of Ralph's Italian Restaurant. The original restaurant is in South Philadelphia, has been in business 112 years and holds the distinction as the oldest Italian restaurant owned and operated by the same family originally from Naples. The menu features traditional Italian food; however, they are in the process of creating some new dishes.

Mr. Waks asked for clarification that the restaurant would be inside the Sheraton at 480 North Gulph Road. Mr. McCreesh responded in the affirmative and indicated it is not a new building.

Without further comment from the Board and public, Mr. Iannozzi closed the hearing and reconvened into the public meeting portion of the agenda for the Board of Supervisors to consider Resolution 2012-29.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve Resolution 2012-29, Request for Intermunicipal Liquor License Transfer. None opposed. Motion approved 4-0.

MINOR PLAN RE: 400 WEST CHURCH ROAD. DEVELOPMENT PLAN. CONSTRUCTION OF A 2,000 SF GARAGE, 600 SF OPEN PARKING STRUCTURE AND STORMWATER MANAGEMENT. LI LIMITED INDUSTRIAL, 3.48 ACRES

Mr. Scott Greenly, Associate Township Planner, stated Quercus Properties, LP has submitted a minor land development plan for their property located at 400 W. Church Road. Utilizing the aerial, Mr. Greenly pointed out some of the existing conditions on the site. A tree service business operates on the property which is zoned LI Limited Industrial and is 3.48 acres in size.

The applicant is proposing the construction of a 2,000 square foot enclosed parking garage as well as a 600 square foot open-air parking structure to be attached to the new parking garage. The applicant is also proposing the construction of a concrete apron which would accommodate the change in grade and provide a smooth landing into the parking garage.

All stormwater generated from the new impervious surfaces will be collected and discharged directly into a bio-filtration rain garden and will drain into a crushed stone bed. With the new improvements, the impervious on the site will increase from 49,873 square feet to 52,667 square feet or 34%. With the addition of the 2,000 square foot garage, the building coverage will be increased to a total of 18,661 or about 14%.

Staff has reviewed the plans, found them to comply with township codes, and will provide formal approval pending comment from the Board of Supervisors.

Mr. Philips asked how many vehicles the applicant intends to park in the garage. Mr. Matt Ward, John B. Ward Company, responded the property was purchased in 2007 and they have been slowly growing their business. By building this garage they can park four vehicles and possibly some equipment.

Mrs. Kenney asked for clarification about the 600 square foot open air parking structure. Mr. Ward responded it is basically a carport.

Mrs. Kenney asked if the new additions would increase impervious coverage to a total of 34%. Mr. Greenly responded in the affirmative and pointed out with LI Limited Industrial the building coverage is permitted to increase up to 75%.

Mr. Philips asked for additional clarification about the configuration of the garage. Mr. Ward responded the 2,000 square foot garage will be an enclosed structure with three doors and the additional structure will have no front. He also noted the garage will hold large trucks that are used in his tree business; they are not automobile spaces or pick-up truck parking spaces. It is a one-story garage.

Mr. Jenaway commented favorably on the use of a bio-filtration rain garden to help with stormwater management.

Without further comment from the Board of Supervisors, the minor plan is able to proceed.

LAND DEVELOPMENT - SECOND REVIEW FRANKLIN MAPS CARWASH. 333 S. HENDERSON ROAD. DEVELOPMENT PLAN. CONSTRUCTION OF A CARWASH, DETAIL BAY AND PET WASH STATION ON EXISTING FRANKLIN MAP PROPERTY. LI LIMITED INDUSTRIAL, 4.01 ACRES

Mr. Greenly stated the applicant has submitted a land development application for property located at 333 S. Henderson Road which is the home of the existing Franklin Maps retail center.

Utilizing the aerial, Mr. Greenly pointed out the location of the proposed automated car wash. He explained the ingress off of South Henderson Road and illustrated where the stacking would begin just past the throat. The plan calls for 18 stacking spots which would accommodate peak events such as after a snow or other weather event. The parking is configured for 29 spaces including two handicap accessible spaces. In addition there are 6 spaces for car vacuuming and one space for the air station. Mr. Greenly noted in addition to the actual car wash itself, the plan calls for an equipment room, a separate detail bay, and a "pet wash."

The plan has been reviewed by the Montgomery County Planning Commission, the Township Engineer, and the Upper Merion Planning

Commission. Mr. Greenly mentioned the applicant has cooperated with the planning commission and has made suggested modifications to the ingress/egress, internal circulation and parking to reduce conflicts at the site.

Mr. Greenly indicated the following waiver has been requested: § 145-24.1 (H) requiring minimum plant material in the landscaping area adjacent to the proposed structure. He said the applicant is requesting the waiver because of the glass structure and the need to limit dirt in a clean air environment. One of the conditions under consideration is to move landscaping to another location on the site.

Mr. Philips asked for clarification about the area at the lower left hand corner of the plan. Mr. Andy Amsterdam responded the space is used to store some snow plowing equipment on his site.

Mr. Philips commented that the storage area may be a good place for the relocated landscaping to provide screening. Mr. Amsterdam indicated he would either screen it off there with trees and shrubs or in the area toward Kunda.

In view of the parking spaces near the snow equipment storage area, Mr. Philips asked how the snow equipment will be removed and returned. Mr. Amsterdam responded he did not believe there would be a conflict since there are 29 parking spaces far more than is needed, but he will take another look at it.

Mr. Philips questioned if there was enough room to be able to take a left to the vacuum area (after going through the throat off of Henderson) while people are making turns going out. Mr. Tom Beach, Township Engineer, responded he does not believe there would be an issue with that.

Mrs. Kenney asked how many parking spaces are specifically for the pet wash. Mr. Amsterdam responded there are two spaces in that location as the pet wash will be used one at a time.

Mrs. Kenney asked if the pet wash would be open seven days a week, nine to five. Mr. Amsterdam responded in the affirmative and said it might be open a little later at night. Appointments would not be necessary as the pet wash will be self-service, coin operated. The car wash is fully automated.

Mrs. Kenney asked about the future of Franklin Maps. Mr. Amsterdam responded there are no plans to close.

Mr. Beach stated the Sub-Division and Land Development Ordinance (SALDO) requires a traffic impact study and analysis done. Instead of it being submitted by the applicant it was done internally by township staff and it was determined to be minimal additional traffic. Mr. Beach recommended that a waiver request would be appropriate.

Mr. Waks stated the next step in the process is to authorize the Solicitor to prepare a Resolution for final consideration by the Board of Supervisors.

ADDITIONAL BUSINESS

HURRICANE SANDY

Mr. Jenaway indicated there were many challenges this past week due to Hurricane Sandy. He provided an update on the variety of planning before the storm as well as the emergency activities during and after the event. Mr. Jenaway reminded residents of the importance of not going around barriers during weather events and the danger of carbon monoxide in running a generator in their home.

Deputy Fire Marshal Bill Daywalt provided an update on storm damage and volunteer participation. He reported Fire and Rescue Services responded to

75 incidents between Sunday through Wednesday and still responding to calls. There were 60 volunteer emergency responders standing by at the stations in King of Prussia, Swedesburg, Swedeland and Lafayette Ambulance Squad.

Mr. Waks stated the entire Board of Supervisors joins the residents of Upper Merion Township in thanking all of the staff and emergency responders for their tireless, life-saving efforts during the storm. He cautioned using a generator in a house exposes people to odorless and colorless carbon monoxide which makes it all the more dangerous since it is not noticed until it is too late.

Mrs. Kenney commented she and Mrs. Spott were at the Emergency Operations Center on Tuesday and observed firsthand the impressive response during the critical hours of the storm.

Mr. Philips also expressed his appreciation to the township staff, Police Department under the leadership of Chief Nolan and the EMS and fire company staff for their response effort. He had the opportunity to ride along with the building official on Monday night and witnessed the structural devastation caused by fallen trees.

ELECTION

Mr. Philips encouraged citizens to vote on Election Day.

UPCOMING EVENTS

Mr. Waks announced a number of upcoming Township meetings, events and vacancies on citizen boards.

From the Public:

Mr. Herbert Baiersdorfer, Gypsy Lane, reiterated his ongoing stormwater concerns and other matters discussed at previous meetings.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 8:24 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered