

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
SEPTEMBER 8, 2011

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, September 8, 2011, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:41 p.m., followed by a pledge to the flag.

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; Scott Greenly, Associate Planner; Judith A. Vicchio, Assistant Township Manager; and Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mr. Jenaway, seconded by Mr. Bartlett, all voting "Aye" to approve the August 11, 2011 and August 18, 2011 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman McBride reported on an executive session dealing with legal matters.

NEW BUSINESS

PRESENTATION – KEY TO THE TOWNSHIP – MIKE CALDWELL

On behalf of the Board of Supervisors, Ron Wagenmann, Township Manager, presented former Valley Forge National Historical Park Superintendent Mike Caldwell with a key to Upper Merion Township. Mr. Caldwell was recognized for his numerous outstanding contributions at Valley Forge Park and for forging a strong working relationship between the park and the township. Mr. Wagenmann noted that Mr. Caldwell, who is now the Deputy Regional Director in the Northeast Region, has been an excellent institutional resident in this community. During Mr. Caldwell's tenure as superintendent, he worked closely with the township on several programs, including the Shades of Green initiative, the Old Betzwood Bicycle/Pedestrian Trail Project, and various traffic management projects. He also partnered with Upper Merion's Park and Recreation Department by hosting youth camps at Valley Forge Park.

PROCLAMATION RE: PRUSSIANS DAY – 50<sup>TH</sup> ANNIVERSARY OF THE KING OF PRUSSIA SOCCER CLUB

On behalf of the Board of Supervisors, Mr. Bartlett read and presented a Proclamation to Steve Ryan, President, King of Prussia Soccer Club on the occasion of their 50<sup>th</sup> Anniversary and proclaimed Saturday, September 10, 2011 as Prussians Day in recognition of the club's unwavering commitment to supporting youth athletics in our community.

PRESENTATION OF WASTE WATCHER AWARD

Mr. Chris Kaasmann, Montgomery County's Recycling Coordinator presented the 2010 Pennsylvania Waste Watcher Award to Supervisor Joe Bartlett who accepted the honor on behalf of Upper Merion Township. Mr. Kaasmann stated that the award is given for recycling, waste reduction, reuse and composting programs in Pennsylvania that have exhibited exemplary performance. As a recipient of this award, Upper Merion Township joins over 80

municipalities, counties, private businesses, individuals and community organizations throughout the state that are being recognized for going above and beyond the state's recycling goals. Upper Merion Township joins the Northern Montgomery County Recycling Commission, Douglass and Plymouth Townships as the only Waste Watcher award recipients in Montgomery County for 2010. Mr. Kaasmann pointed out that it is because of Upper Merion's continued efforts through promoting waste reduction and increasing recycling that help Montgomery County become one of the best recycling counties in the state.

Mr. Bartlett stated that the award is due to the participation of the residents of Upper Merion Township and reflects great credit on their commitment to recycling.

#### POWERPOINT RE: BID MEDIAN SIGNS

Mr. Wagenmann presented a display regarding temporary median signs proposed to inform citizens of the planned beautification project by the King of Prussia Business Improvement District (BID) along U.S. Route 202 and on First Avenue. Representatives of the BID have previously made a presentation and provided photographs of the work to be done to beautify the medial strips within those islands. In order to proceed, the BID is asking the Board of Supervisors for a special waiver to erect four temporary 18" by 24" signs on those islands for approximately two weeks prior to commencement of the work which is anticipated some time this fall. The signs will reflect a message that the beautification effort will soon begin.

Mrs. Spott asked if PennDOT approval is needed. Mr. Wagenmann responded that PennDOT has been consulted about the temporary signs and it meets with their okay. He noted that the township has jurisdiction over temporary signs.

#### Board Action:

It was moved by Mr. Bartlett, seconded by Mr. Waks, all voting "Aye" to approve the motion to approve the temporary median signs. None opposed. Motion approved 5-0.

#### CONSENT AGENDA:

1. Agreement re: Brindlee Mountain Fire Apparatus – Broker for Fire & Rescue Apparatus (Engine & Ambulance)
2. Authorization to Advertise to Receive Bids re Residential Rambler Shuttle – 3 Year Contract
3. Equipment Replacement re: PD Unit #19 - \$32,728
4. Request for Waiver of Fees: Temple Brith Achim - \$1,500
5. Planning Commission Appointment – Thomas Sincavage

#### Board Action:

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

PLAN AMENDMENT/MINOR PLAN: VALLEY FORGE MEMORIAL GARDENS,  
DP 2011-05; 352 SOUTH GULPH ROAD; GRANITE-CLAD MAUSOLEUM  
(1,299 SF); R-2 Residential, 39.1 ACRES

Mr. Scott Greenly, Associate Planner, discussed a development plan for a property located at 352 S. Gulph Road, Valley Forge Memorial Gardens. Utilizing the aerial, Mr. Greenly pointed out features on the 39.1 acre parcel in the R-2 Residential District and currently occupied by a cemetery.

The proposal is to construct a 1,299 square foot granite-clad, garden style mausoleum, which will mirror the existing three mausoleums in material, color and construction method. The drainage system is similar to the three crypts that are already in place. The proposal would increase the total impervious coverage by 2,608 square feet, bringing the total impervious coverage on the property to 13,541 square feet and would bring the total impervious coverage of the property to .79%. The applicant will be required to obtain a stormwater management permit prior to construction at which time this would be reevaluated. The mausoleum would add 330 new crypts to the property.

In the Court Order of 1977 mausoleums were originally decided to be a normal use for the property, with the structures meeting all height restrictions and setbacks for the R-2 zoning district.

Staff has reviewed the plans, found them to comply with township codes, and will provide formal approval on September 12, 2011 pending comment from the Board of Supervisors.

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

PUBLIC HEARING RE: CONDITIONAL USE. INDEPENDENT MORTGAGE  
COMPANY, 338 ROSS ROAD, CLUSTER OVERLAY. CONVERT EXISTING 4-  
UNIT GARAGE INTO TWO DWELLING UNITS, SITE HAS EXISTING 3-UNIT  
STRUCTURE. R-2 RESIDENTIAL DISTRICT, 59,980 SF UNITS, SITE HAS  
EXISTING 3-UNIT STRUCTURE. R-2 RESIDENTIAL DISTRICT, 59,980 SF

Mr. Joseph Pizonka, Township Solicitor, stated a Conditional Use hearing is necessary to determine whether or not the subject property qualifies under township code to be developed as a cluster overlay. The purpose of the hearing is for Mr. Carl Weiner, representing the applicant, to establish by credible evidence that the applicant meets the criteria set forth in the township code. For the record, Mr. Pizonka submitted as Exhibit "A", the proof of publication advertising the hearing in the Times Herald on August 25 and September 1, 2011.

Mr. Scott Greenly, Associate Planner, provided an overview and background of the subject property located at 338 Ross Road. The parcel is zoned R-2 Residential and is 59,980 square feet in size. The Independent Mortgage Company is requesting to utilize the Cluster Development Overlay provision of the township code to convert this four-unit garage on the property into a two-unit residential. Utilizing the aerial, Mr. Greenly pointed out some of the existing structures and features of the property, including some parking and steep slopes. Use of the Cluster Development Overlay would allow for the conversion of four garages located at the rear of the property into two dwelling units.

Mr. Carl Weiner, Esquire, representing the applicant, stated that the property overall consists of approximately 60,000 square feet. It was originally developed in the 1930's with a triplex building and an adjacent one and a half story garage. A few years ago permission was granted to a prior developer to rehab the triplex and create three townhouses each with their own garage. At

the same time the developer rehabbed the garage. In addition to the garages under the townhouses, parking on the site includes ten surface parking spaces plus four spaces in the garage. The garage is surplus on this property and serves no purpose and no buyer of the townhouses would be interested in purchasing a garage.

Mr. Weiner stated that the applicant would like to create a use on this property to eliminate any questions about what the garage would be used for and instead provide for residential use of this garage. The applicant proposes to take the existing four-bay garage and turn it into two townhouse units within the footprint of the garage and add approximately 14 feet in the back in order to have a normal size dwelling. In addition, the roof would be raised to accommodate a two-story building typical for a townhouse unit. The units created at the garage would be compatible with the existing townhouses already in place and have the same type of architecture and style. Mr. Weiner prepared a table which was submitted as an exhibit for the hearing record which indicates that this property meets all the requirements of the Cluster Development Overlay:

- the property is over 50,000 square feet
- the property is in single ownership
- the property is serviced by public water and sewer
- the density proposed being a total five units and less than the eight maximum permitted under the Cluster Overlay
- it is a uniquely configured property given its historical basis going back to the 1930's.

Christopher D. Burkett, P.E., Gilmore & Associates, responded to a series of questions by Mr. Weiner.

Mr. Weiner asked if Mr. Burkett is a licensed engineer in the Commonwealth of Pennsylvania. Mr. Burkett responded in the affirmative.

Mr. Weiner asked if Mr. Burkett is employed by Gilmore & Associates. Mr. Burkett responded in the affirmative.

Mr. Weiner asked if Mr. Burkett is familiar with the property that is the subject of this application. Mr. Burkett responded in the affirmative.

Mr. Weiner asked if Mr. Burkett agrees with a description of the property as it was presented to the Board of Supervisors. Mr. Burkett responded in the affirmative.

With respect to the cluster overlay, Mr. Weiner asked if Mr. Burkett reviewed the requirements of the Upper Merion Township zoning ordinance with respect to Cluster Overlay. Mr. Burkett responded in the affirmative.

Mr. Weiner asked if Mr. Burkett reviewed those requirements as he previously stated earlier to demonstrate that this property complies with the proposed Cluster Overlay. Mr. Burkett responded that the site is zoned R-2 and Cluster Overlay is a permitted option in this zone. With respect to the eligibility criteria the site is greater than 50,000 square feet, specifically 59,980, and it is under single ownership. It is serviced currently by public water and sewer and the new units would also be served by public sewer and water. The other criteria have to do with the irregular shape. Utilizing the aerial, Mr. Burkett pointed out that the site is a flag-shaped configuration with an approximate 50 foot wide flag staff that comes off of Ross Road providing an access road that goes back approximately 150 feet before entering the main body of the lot which is about 255 feet by 204 feet. Mr. Burkett concluded that it does meet the criteria of irregular shape.

Mr. Weiner asked if the property will have adequate internal circulation and parking. Mr. Burkett responded in the affirmative and stated that it currently meets all parking requirements. He stated that circulation criteria is basically for conditions as they exist now which seems to be adequate for the three units and would be adequate for the additional units as there is more than ample parking.

Mr. Weiner asked to be specific that even after these units are developed, there would be ten surface parking spaces in addition to the garage that is in each townhouse unit. Mr. Burkett responded in the affirmative.

Mr. Pizonka asked Mr. Burkett if the criteria he referred to are set forth in Chapter 14, Section 165 of the Upper Merion Township Zoning Code. Mr. Burkett responded in the affirmative, Section 165-169.

Mr. Waks asked about the current square footage of the garage portion of the property. Mr. Burkett responded that it is basically 48 feet wide and approximately about 28 feet deep. He said in order for the townhouse development to proceed, a 15 foot wide addition will be made across the entire back of the existing garage. This would amount to a 720 square foot addition to the existing square footage.

Mr. Waks asked if the applicant is asking for 720 feet more impervious. Mr. Burkett responded in the affirmative.

Mr. Bartlett asked if there would be a stop sign at the driveway entrance to Ross Road since it is heavily traveled at times. Mr. Burkett responded that the applicant would like to install a stop sign if it is deemed appropriate.

Mr. Bartlett commented that he believes it would be a good idea to install a stop sign.

Mr. Burkett commented that construction has proceeded with the subdivision of the two lots in front. He said the land development application for that project required changes to the vertical alignment of Ross Road to give better site distances and that construction is currently ongoing.

In looking at the diagram on the aerial, Mr. Jenaway made reference to the 14 foot rear addition to the two proposed buildings. He commented that the building down to the bottom of the screen impedes upon what appears to be manmade steep slope and asked if that has created any issues. Mr. Burkett responded he does not believe there will be an issue with the encroachment of the slope. He explained that from a practical standpoint there will be an area that is wider than the addition and in order to construct the additional footage at the back of the area there will be a temporary disturbance of those slopes. Mr. Burkett pointed out that there is a corner that does encroach permanently into that slope area but in his reading of the ordinance he does not see a prohibition of this encroachment.

Mr. Jenaway said he wanted to make a point that it does appear to be in a steep slope and if that does happen it needs to be remedied. Mr. Burkett responded that he believes the applicant will have grading and spot elevations and this would be worked out once construction drawings are prepared.

Mr. Jenaway commented that he went down to the site and believes this is a good use for the site.

Mrs. Spott commented about visitor parking complaints in similar developments and asked if there have been any complaints about the parking in this location since there is certainly no parking on Ross Road. Mr. Burkett responded he is not aware of any parking complaints. He said the number of parking spaces that are to be provided from an ordinance standpoint and from a practical operational standpoint with ten additional parking spaces would be

beneficial and help avoid problems with visitor parking.

Mrs. Spott said she was questioning the parking not just from an ordinance standpoint, but a very practical one since complaints are received, particularly when special events are held in the neighborhoods and she wanted to call attention to the issue.

Mr. Waks commented he agrees that residential is a much better use for this property than the garage. However, he is concerned about the increase in impervious in a residential neighborhood with significant amounts of precipitation such as we have just experienced. Mr. Waks asked if additional trees will be added to the property to help absorb ground water. Mr. Burkett responded there is currently a lot of vegetation at the site. There is a very large sycamore at the end of the street in the parking area, a number of new trees were planted along the driveway associated with land development applications for two new housing units, and there is a perimeter of dense vegetation around the outside of the site. Mr. Burkett said the applicant will abide by all township ordinance requirements necessary to mitigate stormwater for the additional square footage of impermeable surfaces.

Mr. Pizonka asked the Associate Planner if he is correct in assuming that the applicant will have to go through the land development process. Mr. Greenly responded in the affirmative. Mr. Pizonka stated that the applicant will come before the Board of Supervisors again with the land development particulars.

Mr. Pizonka asked the Associate Planner if in his opinion this application meets the eligibility criteria set forth in the code. Mr. Greenly responded in the affirmative.

#### Board Action:

It was moved by Mrs. Spott, seconded by Mr. Bartlett, all voting "Aye" to approve the application to utilize the Cluster Development Overlay provision of the township code. None opposed. Motion approved 5-0.

### ADDITIONAL BUSINESS

#### COMMUNITY AND CULTURAL FAIR

Mr. Waks reminded residents of the Community and Cultural Fair on Saturday from 10 a.m. until 2 p.m.

#### 9/11 MEMORIAL DEDICATION AT KING OF PRUSSIA FIRE HOUSE

Mr. Jenaway reminded residents of the 9/11 memorial dedication at the King of Prussia Fire House on Sunday, September 11, 2011 starting at 2 p.m.

#### RECENT SEVERE WEATHER

Mr. Jenaway commented that while the public works and public safety resources in the township were heavily utilized during the recent severe weather, the township survived well from the recent storms. He noted that there were no fatalities caused by people driving into standing water. This was a prevalent problem in neighboring communities.

#### SINK HOLE ON W. VALLEY FORGE ROAD

Mr. Jenaway stated that before tonight's meeting, the Board of Supervisors was advised that a sinkhole developed on West Valley Forge Road between General Knox and Keebler necessitating a road closure in both directions for an undetermined period of time. He cautioned residents to pay attention to advisories, rerouting and eventual reopening.

COMMUNITY ALLIANCE FOR A SAFER TOMORROW (CAST)

Mr. Waks reminded residents about an informational meeting of CAST, a community group, at the Middle School at 7 p.m. next Thursday. He explained that this is the organization behind the prescription drug “Take Back” program that the township hosts approximately once every six months.

Mr. McBride commented on the CAST program and relayed his friend’s loss of a child due to taking pain medication prescribed for a neighbor.

MOVIE NIGHT

Mrs. Spott mentioned the free Movie Night on Friday at the township building which is a joint effort of the Library and Farmers Market.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:30 p.m.

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RONALD G. WAGENMANN  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: