

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
JUNE 5, 2014

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, June 5, 2014, in the Township Building. The meeting was called to order at 7:32 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joseph McGrory, Township Solicitor and Rob Loeper, Township Planner. Supervisor Spott was absent.

KING OF PRUSSIA BUSINESS IMPROVEMENT PRESENTATIONS

GRANT APPLICATION FOR A DEMONSTRATION PROJECT FOR A LINEAR PARK ALONG 950 PARK AVENUE FRONTING FIRST AVENUE

Mr. Eric Goldstein, Business Improvement District (BID), stated the BID is interested in eventually working with private property owners along First Avenue and ultimately along Moore Road in the Business Park to develop a linear park. The linear park would make use of a strip of land within the required 50 foot setback. The BID proposes to turn this land into a fully built out and pedestrian connected amenity for the business park that can be used within the context of the Mixed Use Zoning District for the enjoyment of residents, employees or visitors who would like to be able to walk, run, or bike in these spaces.

A Department of Community and Economic Development grant opportunity exists to do a demonstration project working with a private property owner at 950 Park Avenue, with frontage on First Avenue, who is interested in building a sidewalk in that location. The demonstration project would serve to show the rest of the property owners what the linear park could eventually look like on First Avenue with curved linear walkways, landscaping trees and benches.

Mr. Goldstein provided a general idea of how the grant would be incorporated into the project which would be somewhere in the \$100,000 to \$150,000 range including everything from design to the benches, etc. The grant local share account would provide 75% of the total grant funds. The private property owner is willing to put up part of the match and the BID would put up the cost to design the linear park.

Since the BID is a 501(c)(3) they cannot apply for a local share account and would need the township or the county to submit the application by June 30, 2014. The BID is not requesting money for any matching funds as this would be all privately funded.

Mr. Kraynik indicated if the Board of Supervisors is in favor of this concept, it will require a Resolution of the Board of Supervisors on June 26th.

Mrs. Kenney asked about the lighting. Mr. Goldstein responded fixtures have been spec'd in the zoning. Mr. Loeper noted it is in the SALDO which is on the agenda workshop next week.

Mrs. Kenney asked if the benches would be located on the grass or sidewalk. Mr. Goldstein responded the benches have not been designed as yet, but he assumed there would be a clear walkway with the benches to the side and probably set into concrete.

Mrs. Kenney asked if the walkway could be pervious. Mr. Goldstein responded it has not been designed as yet, but they would certainly consider it. He said the township actually requires concrete, but in his reading of the walkway ordinance during linear park discussions they talked about the potential for asphalt and it is still an open item.

Mr. Philips commented this is pervious concrete.

Mr. McGrory asked if the property owners would be able to maintain the pervious concrete and/or asphalt. Mr. Goldstein responded that becomes an issue because a lot of easements will be required unless the property owners are willing to take on all of the maintenance without question then it becomes a maintenance issue, liability issue and some other factors come into play. He said they are not at that point yet since they would first need to get the grant, then go into design and consult with township staff on the design, materials, etc.

Mrs. Kenney asked Mr. Goldstein to remain mindful of pervious concrete or some kind of pervious walkway to assist with stormwater management during the planning process. Mr. Goldstein responded everything that comes onto the walkway would drain to a pervious surface and this is not a situation where the walkway would drain onto the street. It will be a buffered situation with swales and areas to catch any runoff that comes off the walkways which will not be right up against the road.

Without further comment from the Board, the matter will proceed.

5 YEAR RENEWAL OF THE BUSINESS IMPROVEMENT DISTRICT

Mr. Waks stated this is a second presentation for the Business Improvement District (BID) regarding the sunset provision of the first five years of the BID which is up in May 2015. He asked if anyone in attendance at the workshop is opposed to the 5-year renewal of the BID or has any questions. No one present was opposed.

In order for the BID to be extended the township would have to pass an ordinance which would involve a hearing process, notifications of assessed property owners, etc. Mr. Jenaway suggested that an appropriate Resolution be drafted. Mr. Kraynik noted the ordinance has already been drafted and staff is working with the Solicitor's Office to advertise for the June 26th hearing.

Mr. Goldstein indicated all the comments received at the last presentation have been incorporated in this renewal, especially about the impacts.

Mr. Philips asked about their discussions regarding the Moore-Irwin House. Mr. Goldstein responded a meeting with the Township Manager was just held on this matter and the BID is very interested in the property, and he looks forward to working together on this matter.

DISCUSS A REQUEST FOR LAND DEVELOPMENT WAIVER REGARDING AN ENCLOSED ENTRANCE TO BUILDINGS A, B & C AT THE MARQUIS APARTMENTS

Amee S. Farrell, Esq., Kaplin Stewart, attorney for the Marquis, discussed the ongoing Marquis Apartments upgrade. The five-building existing apartment house development is on a 26-acre site with a little more than 3 acres of existing building coverage. The proposal is for a 3,400 square foot building component. The applicant proposes to remove two porte-cocheres from two of the existing buildings in connection with some of the drop off areas and construct a 3,434 square foot vestibule to connect to A,B, and C buildings. It also has some associated exterior plaza improvements. The end result is a reduction in building coverage of about .15% and increase of impervious coverage of about .1%.

In Ms. Farrell's view this is a very small de minimis project for which waiver requests have been submitted to waive the land development process and certain aspects of compliance with the stormwater ordinance. Ms. Farrell noted the applicant will be installing a rain garden to manage and mitigate the stormwater generated in connection with this development. With regard to complying with the full scope of the stormwater management ordinance, the concern was disturbing more ground to make some of the connections which would also trigger other requirements.

A review letter has been obtained from the Township Engineer and there were a few outstanding items almost entirely requests for notes on the plans. The applicant will comply with the items in the review letter.

Mrs. Kenney asked if the Planning Commission has seen this plan at all. Ms. Farrell responded in the negative. Mr. Loeper noted typically in the past these applications have not necessarily gone to the Planning Commission. Mr. McGrory asked if this plan will be recorded. Ms. Farrell indicated the applicant could do that as part of the process.

Mr. Jenaway asked for clarification about the stormwater waiver. Mr. Paul Lepard, Nave Newell, responded there are certain provisions in the stormwater ordinance with respect to reducing existing impervious by 20%. He explained the scope of this project in the limited area cannot accommodate the 20% reduction of the impervious in terms of reducing existing hardscape. Mr. Lepard said the applicant will be managing the discharge and providing stormwater controls for the project; however they are not to the breadth of the new ordinance.

A discussion followed about the appearance of the enclosed entrance on the rendering.

In describing the connector in terms of its functionality, Mr. Lepard indicated it was important to the applicant to provide a connector that addressed the security needs with a single point of entry for tenants. They are served by a new common porte-cocheres and drop off. Tenants will enter into the lobby where they can access all three buildings from a central point of control.

A discussion ensued during which Mr. Lepard addressed various questions from the supervisors about various aspects of the site including access to various areas, circulation throughout the buildings, security, and the location of the linear landscaped rain garden which will take roof runoff from the new connector and provide stormwater control.

Mrs. Kenney asked for clarification about the total area of the entire property and what percentage is currently pervious versus impervious. Ms. Farrell responded it is a 26-acre site with 3.03 acres (11.6%) of building coverage. There are 12.9 acres (49.6%) of impervious. While the building is reduced slightly, the impervious is increased slightly resulting in building coverage of 2.99 acres (11.45%) and impervious ends up at 12.98 (49.7%) impervious. Pervious would be 51% resulting in total decrease in building coverage of .15% and impervious coverage increase of .1%.

Mrs. Kenney asked for clarification about the stormwater waiver with regard to the difference between what the applicant is offering with the rain gardens and what is required. Mr. Lepard responded the applicant is asking the Board to consider waiving the 20% reduction of imperviousness within the project

area. They are also asking the township to reduce or waive entire their reduction of discharge requirement because of the limited area for stormwater infrastructure.

Mrs. Kenney asked if there is any kind of fee in lieu of provision. Mr. Loeper responded traditionally the fee in lieu has been an equivalent cost out of improvements that would be required.

Mr. Jenaway asked where the stormwater runoff is going. Mr. Lepard responded with the overall rendered site plan the runoff ends up at the same location which is along the turnpike basin and ultimately into the creek. Utilizing the aerial he pointed out the path of the drainage.

Mr. Lepard discussed the applicant's two grading permits for other site improvement projects. One is to replace the pool deck and another is for a plaza area between Buildings D&E where a rain garden has been introduced. Mr. Jenaway asked how these projects will be described, reported on or provided so that staff can make their appropriate decisions and the construction monitored to make sure they are implemented. Mr. Lepard responded that process is ongoing. The grading permits have been submitted and construction is underway. Mr. Jenaway asked how it would be documented in the engineering information. Mr. Lepard responded that has all been submitted as part of the grading permit plan including the stormwater reports. The township inspectors are on site monitoring the construction right now.

Mr. Philips asked what the applicant would have to do if he had to meet the code. Mr. Lepard responded the size of the basin will continue to grow outside the limit of the courtyard and they would have to be cognizant of the limit of disturbance.

Mrs. Kenney asked which creek the stormwater flows into. A member of the group responded, "Crow Creek." A discussion followed about the areas located along Crow Creek and the flooding that occurs periodically along the creek.

Ms. Farrell stated the applicant is maintaining the status quo and not adding stormwater and the rain garden will mitigate and manage the change in impervious.

Mr. Jenaway discussed his reservations about the stormwater waiver.

A discussion followed about directing the plan to one or both of the planning commissions. Mr. McGrory indicated his preference for a resolution and having the plans recorded by the county.

Mrs. Kenney asked if there are any other possible mitigating factors for stormwater that could be introduced such as planting more trees. Mr. Lepard responded there is a substantial landscape program that is taking place on the property.

Mrs. Kenney asked if there is any possibility of changing some impervious areas to pervious, such as walkways or driveways of some other material. Mr. Lepard responded the scope of circulation has not been revised. They have a parking requirement that is non-conforming as it is and reducing parking any more would take them further out of conformance so existing parking counts are being maintained. Walkways would involve a very small component.

Mr. Jenaway expressed concern regarding fire and emergency access. He provided some background on the history of the site when it was first built when there were mechanisms put in place so if emergencies vehicles were needed they could get in and aerial ladders could reach the building for potential use. His concern is that this plan essentially takes all of the access away. The code calls for new construction to have 360 degree access which will not be provided here. While the idea at first glance of having one point of access is a good one, Mr. Jenaway cautioned it literally restricts any emergency vehicle, police, or EMS access to that area where at least before they could drive through the grass if needed.

A discussion followed about the waiver requests wherein Mr. Jenaway expressed his reasons for dismay over the waivers in that it provides a one-sided benefit scenario to the applicant. He questioned the applicant's request to avoid the land development approval process. Ms. Farrell responded because of the cost and time associated with the land development process for such a small project and the stormwater management requirements, the reductions cannot be met and the applicant thought the waivers make sense.

Mr. Philips asked how a ladder truck would get to Building A. Mr. Lepard responded at one point there was a drive aisle all the way around the project. He indicated they have recently cleaned out all the vegetation and opened it up making it a lot cleaner. Utilizing the aerial, he pointed out a drive that goes around the back of the buildings. Mr. Lepard said it had been widened and there is a fire gate which was used that was chained off.

Mr. Philips asked if the applicant is committing to maintain that access so that hook and ladder fire trucks can get in there if needed. Mr. Lepard responded in the affirmative.

Mr. Jenaway stated he will drive over and take a look tomorrow.

In looking at the plans, Mr. Philips stated the grading there does not show a drive behind [the buildings].

Mr. Jenaway commented there was an incident there 16-18 months ago and the fire trucks could not get back into this area. They had to stop and hand carry everything down over the hill.

Mr. Philips asked Mr. Loeper to focus on Building C on the aerial. Mr. Philips said there is no roadway behind Building C.

Mr. Philips asked if the applicant is willing to commit to building a road around Building C to get back behind Building A. Because right now it is not there. Mr. Lepard responded he would have to "ask Matt about that."

Mr. Philips emphasized this is a fire safety issue because there is no ladder rescue and the building is sitting out all by itself. Mr. Lepard commented the area has been cleared and he knows exactly what Mr. Philips is referring to.

Mr. Waks expressed concern over the lack of response to the township from the Marquis on an unrelated matter. Since it was not within his area of responsibility, Mr. Lepard provided assurance that he would reach out to senior management about the issue.

Mr. McGrory stated the Zoning Officer approached him about the sign the applicant requested. He said while there is no issue changing the existing sign in the existing location and in the existing size, the sign the applicant proposes would be an off-site sign. Mr. McGrory pointed out the applicant does not own the property and only has an easement and technically would constitute a billboard under the definitions in the code. What is there now is non-conforming, but when a wall is added the different sign is going to require zoning relief and it will be necessary to go before the Zoning Hearing Board. Mr. Lepard said the sign is almost an identical size to what is there now and it is only changing for the new identity, color and type of lighting. He indicated a retaining wall is proposed around the sign. Mr. McGrory stated the proposed wall is not a retaining wall. Ms. Farrell indicated they would check on that point. Mr. McGrory pointed out there is no wall there now. Mr. McGrory asked if the applicant is changing the grading in the area in the front. Mr. Lepard responded there is no wall there now, but currently there is a very steep grade. Mr. McGrory asked again if the applicant is changing the grade. Mr. Lepard responded, "with the new wall, yes"...but we are not changing the overall slope...". Mr. McGrory pointed out the applicant would have to go before the Zoning Hearing Board. Mr. Lepard indicated the Zoning Officer has already issued a wall permit. Mr. McGrory pointed out a building permit does not provide a sign permit. Mr. Lepard indicated there is a separate application for the sign. Mr. McGrory pointed out the whole thing will be ruled as a sign. Mr. McGrory stated the applicant would still need to go before the Zoning Hearing Board since the location of the proposed sign is different than the current location. Mr. Lepard responded it is in the same location and the applicant is building the retaining wall around it. Mr.

McGrory reiterated it is not a retaining wall. It is the same slope that is there now and it is a sign – a wall with black symbols on it.

Mrs. Kenney asked what kind security is envisioned for Buildings D&E. Mr. Lepard responded as part of the security package they now have 23 live full-time cameras throughout the premises. There will be a station at the gate for residents to waive a fob for access and there is a resident notification procedure when deliveries are made. Mr. Lepard also noted there will be 24-hour security for both of these buildings.

Mr. Philips asked if Mr. McGrory would want to send this to the Planning Commission so that it will be recorded. Mr. McGrory responded he likes to have plans recorded and in order to do so it requires going before the Planning Commission, but staff needs direction on whether this is processed as a full-fledged land development or as a potential waiver.

Mr. Waks asked if there was a consensus among the supervisors.

Mr. Jenaway commented either way it is going to the Planning Commission. Mr. McGrory pointed out not as a land development. Ms. Farrell said it is a waiver versus non waiver.

Mr. Philips commented a lot of these things still need to be resolved such as the road behind C has to be done otherwise Building A is vulnerable.

Mr. Jenaway also agreed the Planning Commission's input would be important as well.

Mr. Loeper asked if they are referring to both planning commissions. Mr. Jenaway responded just Upper Merion. Mr. Loeper pointed out it is necessary to go to the county for a plan to be recorded, but it is not necessary to go to Upper Merion Planning Commission to record a plan. Mr. Loeper said the Upper Merion Planning Commission would issue a recommendation, but the only one that stamps the plan is the Montgomery County Planning Commission.

Mrs. Kenney said she would like to have the local planning commission review.

Mr. Philips asked for an answer back to the Board of Supervisors about the fire access. Mr. Lepard will check to see what is involved in building it, what the spec and cost would be and then talk to management to see if finances will offset the building and plans in the back area.

Mr. Waks said it seems to be the general consensus among the supervisors to send the plan to the Upper Merion Planning Commission to review and then take it from there. Mr. Kraynik asked if this should be placed on the

June 26th agenda or the next workshop in July. Mr. Waks asked to have this matter placed on the agenda for the July workshop.

Mr. Philips commented the answer on the road is important since the applicant would want to do it all at the same time. Ms. Farrell commented the applicant would prefer doing it all at once.

Mr. McGrory asked if the applicant is going to send the plan for the road to the Planning Commission. Ms. Farrell responded in the affirmative. Mr. Lepard said he will discuss the road with senior management and get a determination. Mr. Loeper said he would not do anything until he hears further from the applicant.

Mr. Jenaway commented he will have some discussion to find out what type of emergency vehicle road access might be doable and what needs to be done.

DEVELOPMENT PLAN – FAIRFIELD INN, 258 MALL BOULEVARD, 902 SF ADDITION TO LOBBY AND DINING AREA

Mr. Loeper stated the applicant has submitted a development plan for improvements to the Marriott Fairfield Inn, 258 Mall Boulevard, which is located on a site with the Crowne Plaza and Bally Total Fitness. The applicant proposes three building additions totaling approximately 900 square feet. The largest (500 square feet) will provide an expansion of the food service/breakfast area off the lobby, the remainder will provide for a new restroom, business center (with two computers) and guest elevator.

There is no increase in impervious. The expansions will result in the elimination of three parking spaces. The most recent development plan for the property noted 611 spaces on-site whereas 500 spaces are required.

Mr. Loeper stated this is a relatively minor plan, and the applicant is requesting a waiver of formal land development for this application.

Mrs. Kenney asked how this affects the new stormwater ordinance. Mr. Loeper responded there is no increase in impervious therefore it does not trigger the stormwater [ordinance]. The applicant's representative commented there is actually a reduction in impervious because of the addition of green space and landscaping being placed around the largest addition.

Considering the potential for runoff, Mr. Philips asked what the elevation looks like. The applicant's representative did not have that readily available and would obtain that information and send it to the Township Planner. He said when the architect does the design they would likely connect the drains in the stormwater system. He noted, in his opinion, there is no significant area for a

rain garden.

Mr. Waks asked that this land development plan be placed on the agenda for June 26th for the consideration of the Board of Supervisors.

ADDITIONAL BUSINESS

REQUEST FROM FIRE COMPANIES FOR FUNDING FOR RADIOS

Mr. Jenaway asked the Township Manager if the Fire Marshal discussed the grant request from the fire companies for radios. Mr. Kraynik responded in the affirmative and indicated it would be on the accounts payable for this month. Mr. Jenaway stated depending on when the county wants the money, the King of Prussia Fire Company may have to front that and then be reimbursed.

FIRE HYDRANT AND ACCESS OTHER DIFFICULTIES AT THE MARQUIS

Mr. Jenaway indicated he was at the Marquis over Memorial Day weekend and all the fire hydrants were inoperable. He said it required some quick activity to recalculate some of the water supply requirements. The pump system was out of service which is similar to a problem they had two and a half/three years ago at which time it took about a week to get it back in service.

Mr. Jenaway expressed concern over recent incidents where it has been difficult for the fire company to gain access as well as false alarms being generated. He also expressed disappointment that building permits were issued before the majority of tenants were out.

ADJOURNMENT:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to adjourn the workshop meeting at 9:28 p.m. None opposed. Motion approved 4-0.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: