

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
JANUARY 21, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, January 21, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:40 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mr. McBride, seconded by Mrs. Spott, to approve the December 10, 2009 Business Meeting Minutes and the January 4, 2010 Reorganization Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Bartlett reported on an executive session dealing with legal matters and land acquisition matters.

NEW BUSINESS

POLICE CHIEF'S COMMENDATIONS AND CITIZEN COMMENDATIONS

Chief of Police, Ron Fonock, presented commendations and formal recognitions to the following police officers and citizens:

1. Officer Marlon Lahjala was presented with a commendation for negotiating with a suicidal subject and resolving the situation peacefully.
2. Mr. John Harahan, township resident, for his support of the Upper Merion Police Department over the years and his donation of two AED Units (automated external defibrillator).
3. Officer Blaine Leis and Officer Martin Menago were presented with a commendation for their quick response and professional actions in administering CPR and using an AED on a man who was in cardiac arrest. The man's family credits the officer's response and actions for saving his life.
4. Mr. Gary Johnson, township businessman, for his donation of the cost for a new Police Department K-9 dog, "RJ."

Chief Fonock also reported that Officer Jerry Staquet who was deployed in Iraq last year with the Pennsylvania Air National Guard unit was just activated again for recovery operations in Haiti.

Mr. Bartlett commented on the continuing life-saving actions of police officers and the importance of the new AED units in saving lives.

Chief Fonock stated that the Upper Merion Police Department has a complement of 18 AEDs. All patrol units are equipped with AEDs. There are

several in the township building and at some external sites. Chief Fonock noted that John Harahan's donation will help keep that rotation going.

Mr. Jenaway stated that he attended a training conference for new supervisors and took advantage of the opportunity to ask the supervisors there how many of their communities have police officers not only carry the AEDs, but receive training in the use of this equipment. He reported that of the 22 municipalities represented at the conference, Upper Merion was the only municipality that had full complements of AEDs and full complements of officers trained to use them. He said this represents a significant tribute to Upper Merion Township.

#### CONSENT AGENDA:

1. Resolution 2010-3 re: Tredyffrin Interceptor Special Study Acceptance DEP Planning Requirement – Village at Valley Forge. *(With regard to the Village at Valley Forge, Mr. Wagenmann explained that the interceptor line that carries waste flows to the Trout Run Wastewater Plant needs to be enlarged. A special study determined the size and also the fact that it will be a parallel line. The resolution recognizes that study and uses it as an amendment to the township's 537 Plan so that the project can proceed and DEP will approve the construction of that interceptor.)*
2. Permission to Advertise Hearing re: Amend Chapter 133 of Upper Merion Township Code, Sewers, at Article IV, subsections 133.28, 133.29 and 133.32 (frequency of payment, fines & liens). *(Hearing would be held on February 18, 2010).*

#### Board Action:

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

#### AUTHORIZATION TO PROCEED RE: COMMUNITY CENTER FEASIBILITY STUDY

Mr. Waks stated that the Community Center Subcommittee was formed to consider the idea of a community/cultural center in Upper Merion Township. The subcommittee consisted of two members of the Park and Recreation Board, two members of the ECDC and four residents who were selected from total of nineteen applicants. Mr. Waks was a member of this subcommittee as well as Mr. Jenaway who served as chairman. Mr. Waks asked Dan Russell, Park and Recreation Director, to provide more information on the work of the subcommittee and the current status.

Mr. Russell stated that the subcommittee was formed in 2008 and met throughout the year considering the idea of a community center in Upper Merion Township. A series of meetings was held not only with the subcommittee, but with different organizations in the township including residents, sports organizations, Upper Merion seniors. Comments and suggestions were also solicited from the Upper Merion School District. As a result of this input, the subcommittee drafted a request for proposals (RFP) to hire a consultant to review the idea, do a feasibility study and prepare a business model that would show the cost estimates to build, operate and sustain the center. With the help of Supervisor Spott, the subcommittee obtained a \$10,000 grant through the Department of Community and Economic Development (DCED) which would go directly to the cost of this study. Mr. Russell stated that the subcommittee is seeking Board approval to move forward and hire the consultant.

Mr. Bartlett asked for clarification about the cost of the feasibility study. Mr. Russell responded that in speaking with various consultants, it could cost anywhere between \$10,000 to \$30,000 depending on the specific request. He said there is a menu of items that the township would have to pick and choose from, depending on the desired result. Mr. Russell noted that the consultant would continue to work hand in hand with the committee throughout the entire process.

Mr. Waks asked why it makes financial sense to go with this feasibility study now as opposed to a few months from now. Mr. Russell responded that it is important to note that the grant the township obtained through the State of Pennsylvania expires in June of this year.

Mr. Jenaway pointed out that there is no cost to the township to create the RFP and to obtain potential proposals from vendors. He said it gives the township the opportunity to pick and choose the various components of the proposal so that we could actually end up with a \$10,000 project that provides what is needed to get to the next step. He emphasized that there is flexibility here and there would be no initial outlay from Upper Merion Township to make the proposal happen.

Mr. Scott Sibley, Avon Road, King of Prussia, stated he is a member of the Economic and Community Development Committee. He has heard comments to the effect that the capital program for the township has been trimmed back and it is not timely to be thinking about building a community center. Mr. Sibley made two points: the school district is still looking at their expansion plans for a new elementary school and one of the options would displace the senior center -- so the need is there even if the money is not there right now. The second point is that the township came out ahead with the Henderson Road project by being ready with plans. When money became available the township was at the front of the line to obtain grant money. Mr. Sibley summarized by saying in moving along with this study, being ready and knowing what our needs and plans are the township would be in position to obtain grant money or other funding as soon as it becomes available.

Mr. McBride commented on his reservations about the concept of a community center. He pointed out that depending on how big and how many programs are involved, the annual operating budget could be anywhere from \$1 million to \$3 million. Previous entrepreneurial attempts to build facilities similar to a community center have met with failure. Mr. McBride noted several instances when state grants that were promised to individual organizations did not materialize because of budget problems. He anticipates that 2010 will be more difficult than last year at the state level. Mr. McBride stated that surrounding municipalities with community center experience rely on support from a percentage of tax dollars and/or contributions from the municipality. Mr. McBride emphasized that he does not want to be raising taxes and including in the budget any allocation for a community center.

Mr. McBride stated that there is public information available for an RFP or business plan for any of the community centers that have already been built. He said the key point that we must not lose sight of is how much of our tax dollars do we want to put into a project like this. Mr. McBride indicated that if the vote tonight is to move ahead with the grant money, he does not advocate putting any taxpayer dollars into this study and prefers to wait and try to get another grant when the economic climate improves.

Mr. Bartlett stated that Mr. McBride offered many good points, particularly how neighboring municipalities might assist with information that is publicly available.

Mr. Jenaway commented that to some degree that has already been done. He pointed out that the subcommittee obtained information from multiple communities and part of the reason we are at this point with the RFP is that the subcommittee members cannot take it any further. Business models have been reviewed and we know what business models are potentially going to be used. He said, however, that someone with more expertise in this area is required to provide some oversight and provide information on what this would look like and cost. Mr. Jenaway pointed out that hard dollar oversight would not be involved, but rather someone giving the concept of business planning for community centers to the Upper Merion perspective. Township money would not be involved as yet. Mr. Jenaway said it may not even be a building, but an existing facility that would fulfill the need. Public/private partnerships could help make this happen, but he said we do not know that until we have a feasibility study and the committee does not have the skill sets to make that happen.

Mrs. Spott commented that she concurs with what Mr. Jenaway just said that much committee work has been done in looking at this issue, but some professional expertise is now needed and the RFP will provide the next best step. Mrs. Spott reiterated that it is a \$10,000 grant and not coming from taxpayer money and we are at a point where we have money to move ahead and we should try to do that. She pointed out that there are business models and one in particular that she is aware of actually contributes six figures to their local municipality for their center. Mrs. Spott stated that the township has space shortages now and we have to look forward to the future. It does not mean we are going to build this next year, but she agrees with Mr. Sibley that there is a benefit to being poised and ready. Mrs. Spott indicated that studies have shown that communities with viable community centers contribute to strong property values. She supports moving ahead with this RFP and taking it step by step.

Mr. Waks stated that we are at the point where there is nowhere else to go without the RFP. With regard to ongoing sources of funding for a community center, he noted that the casino will be coming to Upper Merion Township in the next year or so and that could be a way to help mitigate any cost of any type of community center or cultural center. Mr. Waks indicated one of the issues of the township has been the issue of meeting space for various groups and purposes. He said there has also been talk in the past of expanding the township building and a community center would not only provide recreational opportunities for younger people or residents of Upper Merion Township, but it will hopefully address or could possibly address the issues related to the Senior Center and issues related to township meeting space as well.

Mr. McBride commented that every feasibility study that he has seen or heard about requires a contribution of tax dollars. He also provided the example of a neighboring community center used by many people outside the jurisdiction and said if you are going to put tax dollars into the operation of the community center you need to accept the fact that people from outside the township will use it. Charging non residents more money will not provide enough value for them coming in and not paying taxes. With regard to the \$10,000 grant, Mr. McBride stated that at the beginning of this discussion he heard that the cost for the study could be \$10,000 to \$30,000. He said if the authorization is approved and the RFP is issued it should be limited to the \$10,000 grant. With regard to funds forthcoming from a slot parlor, there are other priorities including the reference made to the township building expansion which is a higher priority as well as other capital projects now on hold. He reiterated that we can use the business plans of other townships to get an idea and we do not need to be spending tax dollars on this study before we can even see a time when we will be able to execute a plan.

Ms. Michelle Kelly, Champlain Drive, a member of the community center subcommittee, expressed support for a community center as a way to promote

health and wellness in our community and urged that the grant money be used to provide the expertise to further explore this idea.

Mr. Bartlett suggests that the \$10,000 grant be used to do a study to a certain point and at that time make judgments on whether to proceed or not. In that way it would be at no cost to the township.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Waks, to proceed with the Community Center Feasibility study RFP. It was then moved by Mr. Bartlett to amend the foregoing motion to indicate that the initial cost should not exceed \$10,000. Amended motion was not seconded and Board proceeded to consideration of the original motion. Mr. Bartlett and Mr. McBride opposed. Motion approved 3-2.

PHASE III SUBDIVISION PLAN, SCOTT ALEXAKI – ROYAL OAKS (AMENDED PLAN). 340 ROSS ROAD. 3 LOT/5 UNIT SUBDIVISION (ONE EXISTING TRI- PLEX HOME TO REMAIN, TWO SINGLE FAMILY HOMES PROPOSED) 1.92 ACRES, R-2 *Plan Expiration: Indefinite*

Utilizing the aerial, Mr. Rob Loeper, Township Planner, illustrated the location of the proposed subdivision plan for the 1.9 acre property located at 340 Ross Road in the R-2 District (10,000 square foot lot minimum). He pointed out the triplex building that was originally built in the early 1930's has been rebuilt since the plan submission. The proposed subdivision includes three lots containing two new single family dwellings and the existing (remodeled) triplex). The original submission dates back to 2004.

The Montgomery County Planning Commission reviewed the original submission in 2004. Since this plan has noteworthy differences, the plan was resubmitted as a requirement to have the plan recorded. The commission issued a letter on January 7, 2010 indicating that they had no significant issues with the revised plan.

The Upper Merion Planning Commission reviewed the plans in 2004 and recommended approval of the plan. In reaching their decision, the commission noted the reduction of lots as well as the lessened impacts.

CMX reviewed the several versions of the plan for code compliance and engineering issues. The most recent review letter was issued on November 3, 2009. Outstanding issues include drafting errors and clarification of the sight distance.

The review of the subdivision focused on two zoning issues: the status of an existing triplex dwelling and steep slopes. The issue with the existing triplex on the site was resolved in that the triplex could continue and be expanded. Mr. Loeper explained that the applicant rebuilt the triplex and it is now an attractive building. With regard to the steep slope zoning issue, Mr. Loeper stated that the current steep slope ordinance provides for certain exemptions when it can be demonstrated that the steep slopes in question were the result of construction activity. After significant discussions with the applicant, the Township Engineer was satisfied and the issues of steep slope were concluded.

Mr. Loeper indicated that the access plan for the site has changed considerably. The triplex as well as the dwelling on the adjoining property receive access from the existing driveway while the proposed single-family dwellings will have private driveway access to Ross Road. Utilizing the aerial, Mr. Loeper called attention to the turnaround which is important since it eliminates the need to back out onto Ross Road.

Adequate parking is provided within the site. Each of the single family dwellings will have parking for four vehicles and there are a total of 17 parking spaces if the various garage spaces for the triplex are included.

Sidewalks are proposed along the entire Ross Road frontage. Sidewalks currently exist on the north side of Ross Road west to Henderson Road but not to the east.

Roadway improvements include curbing along the Ross Road frontage and minor widening to provide a consistent cartway. The applicant is also proposing to dedicate additional right of way to bring that portion of the right of way up to code. Ross Road is classified as a local road with a desired 50 foot right of way. The existing half right of way is 16.5 feet; the applicant is offering to dedicate the 25 foot half right of way.

Mr. Loeper stated that two key issues had to do with stormwater management in the area as well as existing sight distance problems. He explained that Ross Road is somewhat hilly with high and low points that block sight distances. After reviewing the plan and as a result of several field meetings with the Township Engineer and the applicant's engineers, it was determined that the existing low point of Ross Road, which Mr. Loeper pointed out on the aerial, would be raised slightly. This approach has two distinct advantages. It addresses the stormwater problems, but also helps with the sight distance related issues. Mr. Loeper noted that the plan shows adequate sight distance on the road for travel speed at approximately 30 miles an hour. Information is pending from the traffic safety officer as to any recent speed studies on this road. Since CMX has asked for clarification on sight-related issues, this question would probably be covered in the first condition which states that all issues raised by the engineer must be addressed to his satisfaction.

With regard to stormwater management, Mr. Loeper noted that Ross Road is at a much lower elevation than Valley Forge Road and most of the stormwater runoff on Valley Forge Road eventually ends up on Ross Road.

Utilizing the aerial, Mr. Loeper pointed out the location of the swale at the back of the property that comes down the property and into a concrete drainage channel that is rather old but appears to work pretty well. He noted if any significant changes were made to that drainage channel some large significant trees would be lost. Mr. Loeper also called attention to a stormwater pipe that runs along the side of the property and carries a large volume of water down from Valley Forge Road and discharges and flows through a swale down along the side of the property and ultimately discharges into a natural drainage channel on the Glasgow quarry property. Improvements include regrading the existing stormwater swale and installation of a new inlet and pipe to ensure that the stormwater will be conveyed into the appropriate inlets. Mr. Loeper noted that the raising of the road also provides additional capacity within the pipe system. Stormwater for the two new lots both have underground drainage systems which will detain stormwater and then drain at a release rate into the existing stormwater system.

With regard to landscaping, the site contains a number of large trees of which all but one pine are to remain. Many new trees and vegetation have been planted at the back of the property where the triplex is located. There will be new street trees planted as well as additional plantings and trees along the top of the slope. No landscaping waivers have been requested.

The plan does not provide for any dedication of open space. A plan note indicates the payment of a fee-in-lieu of dedication. The fee is \$4,000 per unit.

The following waiver has been requested:

§ 140-10.A(2) all grading shall be set back at least 5 feet from property lines. *(Mr. Loeper noted that the grading that is taking place is to reestablish and reinforce the swale that currently exists along the western most property line as well as work in front for the stormwater management).*

Staff requests the Board of Supervisors consider the following conditions:

1. The applicant shall address comments in the November 3, 2009 CMX review letter to the satisfaction of the Township Engineer prior to final plan approval.
2. No building permit shall be issued until the owner has executed a Highway Traffic Capital Improvement Assessment Agreement with the Upper Merion Township Transportation Authority.
3. The applicant shall provide a fee-in-lieu of dedication of parkland and open space.
4. The applicant shall certify that the stormwater management system has been built as approved by the Board of Supervisors and Township Engineer.

Mr. Bartlett commented that he has had discussions with the Township Engineer and Traffic Engineer about the sight distance problem on Ross Road. He was told that there is a relationship between the line of sight and the allowable speed on a road. Mr. Bartlett asked if the road's elevation is changed as part of this plan and would it be changed to a point where certain speeds would be allowed or disallowed. Mr. Benner responded that as part of the last CMX review letter in November a reasonable amount of clarification was requested as it relates to the sight distance. He said that the plans now call for the center line of the road at the low point to be raised 18 inches – a foot and a half. Mr. Benner explained that as you are entering the road you are a foot and a half higher and are able to look to the left and to the right with a better field of view as opposed to the existing condition. Mr. Benner noted that the site distance is measured by PennDOT methodology based upon a formula which accounts for the grades of the road and also the speed. The posted speed limit is currently 25 miles per hour. The question is how many people go 25 miles an hour. On a 25 mile an hour speed limit, the site distances for the driveways are met. Mr. Benner explained that the required sight distance is 155 feet and the minimum sight distance provided for each driveway right now is 233 feet. When traveling at a 30 mile an hour speed limit the sight distance requirement increases to between 200 and 204 feet. This is approaching the provided 233 feet. At 35 miles an hour the sight distance is approximately 256 feet and now you have exceeded the sight distance. Since the sight distance information provided by the applicant's engineer arrived late this afternoon, Mr. Benner would like to evaluate this further. There is no history of accidents along Ross Road with people entering and exiting Ross Road from existing driveways, but Mr. Benner would also like to coordinate with the traffic safety officer about the actual speed condition.

Mr. Bartlett stated that the Township Engineer would like more information before the Board takes final action. Mr. Benner indicated he would like to evaluate the additional information he just received. He said it would either be evaluated as part of the condition as far as meeting the requirements of the CMX letter or getting information and providing the Board with a memo prior to the next meeting.

Mr. McBride commented that he is comfortable with changes made since the initial submission with the exception of the pending line of sight issue which is of great concern.

Mr. Bartlett commented that the line of sight question has been a concern from the beginning. Since there is no plan expiration date, Mr. Bartlett stated that the Board could take this under advisement until the Township Engineer receives additional information. He then asked for any comments from the Board.

Mr. Waks stated he prefers to wait. He commented that he has heard from many residents of the Ross Road area over the years complaining about people driving along that road at speeds well in excess of the posted speed limit.

Mr. Jenaway asked for clarification on the specificity of the requested information. Mr. Loeper responded that the police would be asked to put out classifiers which can then give the Board and staff information on the average speeds involved in order to determine if the sight distance is acceptable.

Mr. Bartlett stated the Board would hold this in abeyance until more information is provided.

Mr. Pizonka asked if there is a time limit on this application. Mr. Loeper responded that it is indefinite.

PHASE III DEVELOPMENT PLAN RE: SKI PROPERTIES, LP. 750 W. DEKALB PIKE. DEMOLISH EXISTING MATTRESS STORE (3,165 SQ. FT.) AND CONSTRUCT 4,800 SQ. FT. ADDITION TO SKI SHOP (NET INCREASE 1,635 SQ. FT.). C-1 COMMERCIAL, 0.665 ACRES. *Plan Expiration: February 28, 2010*

Mr. Brody Bovero, Associate Planner, stated that Ski Properties, LP owns two properties located at 750 W. DeKalb Pike -- the existing Buckman's Ski Shop and a mattress store. The property comprises approximately .6 acre parcel and is located on Route 202 in front of the King of Prussia Mall area.

The applicant proposes to demolish the existing mattress store and construct a new addition onto Buckman's Ski Shop. The existing square footage for the site, including both stores, is 15,930 square feet. After the demolition and the construction of the addition, the approximate square footage will be 12,000 square feet which represents a net reduction in square footage.

The Montgomery County Planning Commission reviewed this application in October 2009. The commission commented on issues regarding building height, access, and loading. Those issues have been addressed by the revisions that have occurred since October.

The Upper Merion Planning Commission reviewed the plans and recommended approval of the plan in October 2009 and suggested that the applicant reduce the number of parking spaces in order to allow safer access.

CMX has also reviewed the plans for engineering and code issues. There are no major issues in the latest letter.

In July 2009, the Upper Merion Township Zoning Hearing Board granted zoning relief. Mr. Bovero noted that it is a small site and is constrained because of its size and a hardship for a variance was justified to allow a 20 foot front yard setback. The code currently requires a 50 foot setback. A variance was also obtained to allow a 12 foot rear yard setback whereas the code requires a 35 foot setback.



Utilizing the aerial, Mr. Bovero highlighted the locations of the three access points on DeKalb Pike. One is ingress only, the second is egress only, and after the new addition is built there will be a third access to the property that is a right-in/right-out access drive. The applicant has modified the new parking lot to provide more parking for the store and a better controlled access.

The existing Buckman's store contains 21 parking spaces. With the addition a total of 39 parking spaces will be constructed, which is equal to the required amount based on their proposed square footage.

Sidewalks are located along the frontage and will remain.

There are no improvements to Route 202 proposed with this application. Because there is a net decrease in impervious surface, stormwater detention is not required with this application. Green space will increase.

The landscaping plan includes a variety of trees and shrubs around the proposed building addition and new parking lot. The trees include 4 canopy trees, 4 understory trees, and 30 shrubs. There are eight fewer trees being proposed that the code requires due to the size of the site and the constraints involved.

The following waivers have been identified:

§ 145-24.C To allow parking areas to exceed the allowable cross slope.

§ 145-24.1D.2(a) To not require one tree for every ten parking stalls.

§ 145-24.1D.2(b) To not require the end of all parking rows to be divided from drive aisles by planting islands.

§ 145-24.1D.2(e) To not require a planting island to be nine feet by eighteen feet in area, nor to require a shade tree on it.

§ 145-24.1.E.2.d To not require one tree per 40 linear feet of frontage or fraction thereof.

§ 145-24.1.G.3(e)[1][a] Table 1: To not require a full softening buffer between this property and the adjacent commercial property.

§ 145-24.1.H.1 To request a partial waiver for the location of required building plantings. *(Mr. Bovero explained this is a partial waiver request and the applicant is complying with a number of building plantings on the addition but they would like to relocate a few of them because there is not enough room around the perimeter of the building).*

§ 140-10.A(2) To allow grading to be closer than 5 feet from the property line. *(Mr. Bovero explained that with the installation of the new parking lot they will have to grade up to the property line).*

Staff requests the Board of Supervisors consider the following three conditions:

1. Prior to issuance of a building permit, the plans shall be revised to address the January 14, 2010 letter to the satisfaction of the Township Engineer.
2. The applicant must comply with the testimony given as stated in the July 15, 2009 Zoning Hearing Board decision.

Mr. Bovero stated because of the changes in the square footage calculations, the suggested conditions 3 and 4 are being deleted since they will not be necessary.

- ~~3. Prior to issuance of a Use and Occupancy permit, the applicant shall pay a fee in lieu of dedication of park and open space in the amount of \$327.00.~~
- ~~4. Prior to issuance of a building permit, the applicant shall execute a Highway Impact Assessment Agreement with the Upper Merion Transportation Authority.~~
5. The plans shall be recorded in accordance with the Pennsylvania Municipalities Planning Code.

Mr. Bartlett asked for clarification regarding the waivers and planting islands. Utilizing the aerial, Greg Philips, Esq., attorney for the applicant, pointed out the island that should be 9 foot wide by 18 foot long. He said the problem with the narrow site is that the required parking could not be provided and still have a 9 by 18 island that could accommodate plantings. The waiver is requested because of the tightness of the site.

Mr. McBride asked how many trees are not being planted if waivers are approved. Utilizing the aerial, Mr. Bovero reviewed the landscape plan table and he responded that a total of 8 trees are lacking, specifically 4 canopy trees and 4 evergreen trees. Mr. Philips stated that the applicant has offered to provide a donation for trees elsewhere in the township in lieu of those not provided on this particular site. This was agreed to at the applicant's last meeting with Mr. Loeper and Mr. Benner.

Mr. Jenaway stated that the plan represents a great improvement with the property, but has concerns about the traffic volume change due to the different trip frequency generated by the ski shop as opposed to a mattress store. His concern was that there would be an increase in the probabilities for potential accidents in this location. Mr. Jenaway pointed out that the applicant's access will have an angled driveway and by comparison of other driveways along Route 202 have a true defined T-intersection. Mr. Philips addressed the traffic issue and volume and said Buckman's is not open on Sunday and between the months of April and October. In addition, cars will no longer be able to back out onto Route 202 and he was hopeful that this will eliminate the issue of traffic and traffic problems in that particular area of the township.

Mr. Jenaway commented that as other properties are developed along Route 202, the Board needs to look at these types of intersections and the way the traffic is going to intervene in the Route 202 corridor.

Mr. Bartlett asked if the applicant accepts the conditions. Mr. Philips responded that the applicant accepts the conditions, including a donation for trees elsewhere in the township in lieu of the plantings **[Condition #4]**.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting "Aye" to accept the eight waivers as stated above. None opposed. Motion approved 5-0.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Waks, all voting "Aye" to approve the Phase III Development Plan with [8 waivers and 4 conditions]. None opposed. Motion passed 5-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. McBride, seconded by Mrs. Spott, to approve the Accounts Payable [for invoices processed from December 3, 2009 to January 7, 2010, in the amount of \$1,364,909.65] and the Payroll [for December 11 and December 24, 2009 in the amount of \$1,169,735.64 for a total of \$2,534,645.29]. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

COMMENTS ON DECISION ISSUED BY THE ZONING HEARING BOARD

Mr. McBride stated that he was made aware last evening of a zoning application and decision rendered on December 16, 2009 on Application No. 2009-32. The written decision referenced someone who protested the application in an unfavorable light. Mr. McBride wanted to inform the public that the decision will be rewritten. The decision will factually remain the same, but there will be no reference to the resident who came out and protested the application. On behalf of the Zoning Hearing Board, Mr. McBride apologized for that reference and offered the assurance that it would not happen again.

FARMER'S MARKET

Mrs. Spott stated that some time ago a group of citizens came up with an idea of starting a farmer's market in Upper Merion and the Board of Supervisors agreed to participate in this activity and allow the market to operate. A committee of volunteers was formed and have been working very hard to bring a farmer's market to Upper Merion. Mrs. Spott reported that the volunteers held their first meeting this past week and have set an opening day for the market as May 15, 2010. It will operate as an open air market located at the township building park area. Anyone who is interested in helping should either send Mrs. Spott an email or get in touch with any of the other supervisors. Mrs. Spott pointed out that the market will be self-supporting and no tax dollars would be involved. It will be operated with a combination of farmer and vendor application fees, and hopefully some local business support. Mrs. Spott extended a welcome to citizens to come and show their support for the local farmers who are bringing good, fresh food into our area and stimulating our local economy.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:08 p.m.

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RONALD G. WAGENMANN  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:

Minutes Entered:

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