

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
NOVEMBER 4, 2010

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, November 4, 2010, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:37 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: Ronald Wagenmann, Township Manager; Joseph Pizonka, Township Solicitor; Rob Loeper, Township Planner; Monica Wall, Township Engineer; Judith A. Vicchio, Assistant Township Manager, and Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mr. McBride, all voting "Aye" to approve the October 14, 2010 as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Bartlett reported on an executive session dealing with litigation and personnel matters.

NEW BUSINESS

COMMENDATIONS RE: LAFAYETTE AMBULANCE TO RECOGNIZE GARY LANETTE AND JOHNSON EAPEN

Mr. Christopher McCloud, Clinical Care Coordinator, Lafayette Ambulance, recognized Gary LaNette and Johnson Eapen, for their heroic efforts in assisting a co-worker after she suffered a cardiac arrest.

CONSENT AGENDA:

1. Budget Adjustments for Changes in Personnel in 2010. *Mr. Wagenmann explained that these transactions are needed to correct line-item expense accounts due to the transfer in positions within the Public Works Department and Safety & Codes Department. The net affect of the adjustments is zero and there is no overall increase or decrease in the budget expense of the general fund.*
2. Budget Transfers re: *Mr. Wagenmann stated that the budget transfers relate to the maintenance of plant equipment and increasing NorView expenses. It is not increasing the budget, but just transferring to different accounts within the same budget.*
 - a. Plant Equipment Maintenance - \$20,000
 - b. NorView Farm Expenses - \$5,000
3. Permission to Advertise & Receive Bids re: *Mr. Wagenmann explained that this is permission to advertise and receive bids for three year supply of liquid chlorine for our wastewater treatment plants and three year supply of sodium bisulfite.*
 - a. 3 Year Supply of Liquid Chlorine – Contract #1
 - b. 3 Year Supply of Sodium Bisulfite – Contract #2
 - c. Annual Road Materials Contract

4. Resolution 2010-23 re: Establish Police Officers' Contributions to the Police Pension Plan for the Year 2011

Board Action:

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

APPROVAL OF CERTIFICATE & DECLARATION RE: SANITARY SEWER SERVICE TO THE VILLAGE OF VALLEY FORGE

Mr. Wagenmann stated that under the agreement with the Upper Merion Municipal Utility Authority the Realen Properties have signed a contract with Aqua PA to manage and operate the wastewater collection system in that particular development. They are calling themselves the Little Washington Wastewater Company. Mr. Wagenmann explained that this is simply a declaration certifying to them that there is sewer capacity for that particular operation at the wastewater treatment plant. The Upper Merion Municipal Utility Authority has already approved this and the Board is being asked to ratify and confirm approval of this certification as to the sewer capacity at the Trout Run plant.

Board Action:

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

PLAN AMENDMENT RE: PARK RIDGE HOTEL DEVELOPMENT PLAN. 480 N. GULPH ROAD. AMENDMENT TO PLAN DP 97-6, TO REDUCE PROPOSED BANQUET BUILDING ADDITION FROM 24,000 SQ. FT. TO 8,459 SQ. FT., REDUCE EXISTING ROOM COUNT FROM 300 ROOMS TO 180 ROOMS AND RESERVE THE RIGHT TO CONSTRUCT 120 ROOMS IN THE FUTURE. SITE CHANGES RELATED TO PARKING AND CIRCULATION. 10 ACRES, SM SUBURBAN METROPOLITAN DISTRICT. *Plan Expiration: December 21, 2010*

Mr. Rob Loeper, Township Planner, stated that the Park Ridge Hotel is located on North Gulph Road and backs up to the Pennsylvania Turnpike opposite the golf course.

In 1997, the hotel obtained land development approval to construct a 24,000 square foot banquet addition. The current proposal is to demolish the existing entrance and construct an 8,000 square foot addition to house a new banquet and function facilities and reconfigure the existing hotel from 300 to 180 guest rooms. The renovated guest rooms will be increased in size and have larger bathrooms in keeping with today's hotel industry standards. The existing courtyard will be renovated to include an enclosed all season pool. Site work also includes new entrances.

Utilizing the aerial, Mr. Loeper pointed out the area where the applicant would like to reserve the right to build 120 rooms under the provisions of the code in effect today. The existing tennis courts which are in a state of disrepair and not used will be converted to a parking area thereby increasing the parking counts. These improvements will be done at some point in the future.

Mr. Loeper stated that the applicant is requesting that the Board of Supervisors by approving this plan provide would provide assurance to allow construction of the 120 rooms under the provisions of the code in effect today. He explained that the reason for this request is in case of various code changes that might take place that could ultimately prohibit 120 rooms.

The Montgomery County Planning Commission reviewed the plan and had three comments.

Mr. Loeper noted that the first comment concerned building height and was somewhat confusing since this is an existing building with no changes in height.

The second comment referred to parking and Mr. Loeper offered some clarification on this point. He said that the plan indicates that when the applicant reverts to 300 rooms the parking count will be met and exceeded. The site currently has about 490 parking spaces, including overflow parking for 122 vehicles that are located on the other side of the turnpike. Mr. Loeper pointed out that currently 325 spaces are required. When the site operates with 180 rooms the required parking will be reduced to 195 spaces. Once the tennis courts are converted it will be back up in the area of close to 500 parking spaces.

The other question concerned interior renovation. Staff had an opportunity to meet with the applicant and it was demonstrated that all of this activity will be regulated through the building permit process.

Mr. Loeper stated that while the applicant plans on building the 120 additional rooms in less than five years they would still like some assurances that the Board would be willing to give them the right to put in 120 additional rooms. Mr. Loeper noted that the applicant will have to comply with all other portions of the code as well as changes. He pointed out as an example that DEP will probably require certain permits because of earth disturbance. Everything else is in compliance with township codes, and staff is prepared to grant approval pending comment from the Board of Supervisors.

Mr. Bartlett indicated that basically the applicant is seeking assurances that once the room count is reduced by 120 rooms that the applicant will have a right to construct this same number in the future. Mr. Loeper responded in the affirmative.

Board Action:

It was moved by Mr. McBride, seconded by Mr. Jenaway, all voting "Aye" to approve the plan amendment as submitted. None opposed. Motion approved 5-0.

MINOR PLAN RE: SALEEM HASAN. DEVELOPMENT PLAN. 112 IVY LANE. RENOVATE EXISTING STRUCTURE ADDING 229 SQ. FT. TO FIRST FLOOR, ADDING 2ND FLOOR ± 1800 SQ. FT. PARKING AND STORMWATER MANAGEMENT. 0.25 ACRES, CO RESTRICTED COMMERCIAL DISTRICT. Plan Expiration: January 11, 2011

Mr. Loeper stated that this development plan is for property located at 112 Ivy Lane and is located behind the TD Bank at the corner of Henderson and Route 202. It was originally built as a residential subdivision and eventually was rezoned CO Commercial. Utilizing the aerial he pointed out the buildings that have been expanded over the years and the parking lots at various locations. The applicant is proposing to enclose a 229 square foot cut out on the first floor, the addition of a second floor, parking and stormwater management. Upon

completion, the structure will contain approximately 3,000 plus square feet of office space which would require 11 parking spaces. The plans include an underground stormwater management system; it is a pipe system tied into an existing system that runs along the back of the property.

Staff has reviewed the plans and found them to comply with township codes. Mr. Loeper pointed out two exceptions. One is that the current plan does not show a handicapped parking space so the plan will have to be modified to identify a handicapped parking space. The second exception is because of the small lot size and the nature of the properties the applicant is being asked to provide limited buffers along the side property lines of the parking area. This vegetation would involve shrubs and materials such as that in accordance with the landscape code. Staff is prepared to provide formal approval on November 5, 2010 with the aforementioned two conditions pending comment from the Board of Supervisors.

Mr. Jenaway stated he wanted to make sure that the retention system is going to have sufficient capacity and flow management so that it will not create any additional problems once the parking space is increased. Mr. Loeper explained that the way the current code works is that the existing storm flow is calculated and the future 10 year is reduced to the current 2 year. He pointed out that what happens with this is that with the exception of the upper corner of the parking lot (area illustrated on aerial), the water can be collected and infiltrated into the system so that all of the flows are actually reduced.

Mr. Jenaway asked if that will create any parking issues such as vehicle restrictions or size restrictions. Mr. Loeper responded in the negative.

Without further comment from the Board, minor plan is approved and able to proceed.

MINOR PLAN RE: 211 SOUTH GULPH ASSOCIATES, LP. DEVELOPMENT PLAN. 211 SOUTH GULPH ROAD. MODIFICATION TO PARKING AREA TO INCREASE PARKING COUNT. WAIVER TO REDUCE STALL SIZE. 9.39 ACRES, LI LIMITED INDUSTRIAL DISTRICT. *Plan Expiration: January 25, 2011*

Mr. Loeper stated that 211 South Gulph Road is a property located very close to the new Home Depot. He noted that this was once a manufacturing building that dates back to the 1950's. As with several of these buildings over the years while the zoning has not changed, the properties have been used primarily for office space. The property has approximately 100,000 square feet of which 90,000 square feet may be used for office. The site currently has parking for 427 vehicles including 10 ADA handicapped spaces.

The applicant is proposing to provide additional parking as requested by existing and prospective tenants. After meeting with staff to review options for additional parking, the applicant came back with two plans to increase the parking count. The preferred plan (Plan A) proposes 463 spaces, a net increase of 36 spaces by reducing the stall size to 9 feet by 17 feet. The second option (Plan B) results in an increase of 18 spaces by reducing the stall size to 9 feet by 18 feet.

The reduction in stall size requires a waiver from the Board of Supervisors. The standard parking stall as defined by the subdivision/land development code is 9 ½ feet wide and 19 feet long.

Mr. Loeper stated that the other item that came up during the review is that with restriping a fair number of parking spaces landscape requirements would be triggered because it would no longer be considered a non conforming parking lot. Full compliance of the landscaping code would require approximately 40 trees as well as additional trees for the end islands.

Mr. Bartlett asked for clarification about the waiver and if it would establish a precedent for future development.

Mr. Pizonka responded that it would not be a binding precedent and each development is examined on its own facts.

Mr. Bartlett wanted to assure that it would not lock the Board in. Mr. Pizonka responded that it would not lock the Board in. He said it is not as if there is an industry standard as it varies on use and locality.

Mr. Loeper pointed out that in locations where people can park and keep their cars for long periods of time the stall space is not as critical. He said there are some communities that have different size spaces based on the use.

Mr. Jenaway stated he would like to hear a comment about the commercial property and occupancy.

Edmund J. Campbell, Jr., Esq., representing the applicant, provided some history about the property. He said that this was a classic case of a property that once had great value many years ago and fell into disrepair and disuse to a point where the bank took it back from the prior owner. His client acquired the property from the bank, renovated it, and secured first class tenants. A tenant who occupies approximately 40,000 square feet on the site is looking to expand and maintain their business in Upper Merion.

Mr. Campbell discussed the parking issue and stated with 36 additional parking spaces the tenant would maintain their headquarters here and would allow them to expand to possibly another 20,000 square feet inside the building.

With regard to the requested waivers, Mr. Campbell pointed out that this is not a retail site where smaller parking spaces are likely to cause problems with frequent in and out traffic. He said that this is a place where people come in the morning and stay for the day. Mr. Campbell stated that another unique feature of the site is that it is landlocked and in his view does not believe there would be any diminished value in the immediate neighborhood by putting in 36 more parking spaces. He also noted that impervious coverage is unchanged.

Mr. Jenaway asked for clarification about and expressed concern with the approach of reducing the size of the stalls by a foot thereby reducing the cart path by 2 feet. Mr. Campbell concurred that in some places the cart path would be reduced by 2 feet.

Mr. Jenaway followed up by stated that ultimately the net turning capability is reduced for vehicles as they back out of spots or turn into spots by about four feet net. Mr. Campbell responded that this argument could be made in some situations.

Mr. Jenaway said he is wondering by additionally reducing the stall by one-half foot of width does it make it more of a driving challenge for individuals to make that turn and back out. He might ask the township traffic engineer to see if his theory is right. While not suggesting that the Board not allow this to move through, he believes it would be worth taking a look down the road to see if this approach creates more fender benders or creates some kind of challenge for the landowners.

Utilizing the aerial, Mr. Loeper pointed out the drive aisles that are reduced. He said the rest of the drive aisles remain standard with two-way aisles of 24 feet.

With regard to the South Gulph Road project, Mr. Wagenmann commented that he would like to work with Mr. Campbell to get cross easements during non peak hours so that residents could park on that parking lot. Mr. Campbell responded that when improvements were done immediately adjacent to the light the applicant worked with the neighbors and to the extent that those neighbors want to park there Mr. O'Neill has always indicated a willingness to work to accomplish that and it is not an issue.

Mr. Pizonka said the question for the Board is it a Plan A or Plan B. Plan A would result in net increase of 36 spaces and Plan B would be net increase of 18 spaces. Mr. Loeper stated there are two waivers: (1) to allow the reduction of the stalls and (2) to allow the continuation of the condition of not having the landscaping in conformance with the current landscape code.

Mr. Loeper commented that Plan A has the 17 foot stall depth and Plan B has an 18 foot stall dept. He pointed out that most cars are less than 17. Larger SUV's would fit into that 17 foot range.

Mr. Jenaway commented that we have an experiment here either way with this parking issue. Since this is a non commercial type property, he is okay with Plan A.

After polling the Board, Mr. Bartlett stated that the Board of Supervisors favors Plan A.

Without further comment from the Board, the minor plan is approved and able to proceed.

ADDITIONAL BUSINESS

BOND REFERENDUM

Mr. Waks announced that the Upper Merion School District will hold a special election on January 25, 2011 for a bond referendum for the renovation and expansion of Caley Elementary School. He strongly urged residents to learn as much as they can about the upcoming bond referendum. Information can be obtained on the school district's website.

Mr. Jenaway asked Mr. Wagenmann to invite the school district to a Board of Supervisors meeting to make a presentation so they can advise the residents where they can get additional details.

Mr. Waks said along those lines sometime in December the Board of Supervisors will be holding the second annual meeting with the School District and the School Board to have a general conversation.

Mr. Bartlett commented that the bond referendum will be a special election to present the bond question to the voters.

WARNER ROAD/GUTHRIE ROAD

Mr. Jenaway stated that a few weeks ago an individual addressed the Board about a concern on Warner Road and expressed concerns about Guthrie Road. He announced that Guthrie Road is now open.

ACTION NEWS SEGMENT RE: UPPER MERION POLICE ACTIVITIES

Mr. Jeaway stated that Channel 6 Action News featured an excellent review of crime in the suburbs and focused on the work of the Upper Merion Township Police Department, specifically the detective unit, investigations unit and patrol division. They highlighted the value that our team brings to our citizens and most importantly the fact that if you are proactive in dealing with criminal issues it provides an inherent prevention mechanism and deterrent for criminal activities

FOOTBALL/BASEBALL TEAMS MEETING

Mr. McBride asked Mr. Wagenmann between now and Thanksgiving to try to bring the leaders of the football and baseball teams back in for another meeting to follow up on some common issues discussed over a month ago.

CALEY ELEMENTARY SCHOOL

Mr. McBride commented on the Caley School referendum. He questioned why that referendum was not held during the past November 2 election rather than spending upwards of \$30,000 for a special election.

Mr. McBride commented that at the last Board of Supervisors Business Meeting he discussed the difficulty he has been having getting data from the School Superintendent. He said it is actually 145 days today since he asked for information in a public meeting. Mr. McBride specifically questioned what performance criteria were used to measure how well targets were being met for educating our children and what performance indicators were established each year to measure the leadership of the school district against other districts. He asked why our school district did not measure up to some of the nearby districts. Mr. McBride as of this date is still waiting for the data and expressed the hope that it would be forthcoming before the next public meeting.

From the Public:

Mr. Herb Baedersdorfer, Gypsy Lane, complained about erosion problems on his property with water coming onto his land. Mr. Loeper will provide a report at the next Board of Supervisors meeting.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:35 p.m.

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.

