

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JANUARY 24, 2013

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, January 24, 2013, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:36 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer; Judith A. Vicchio, Assistant Township Manager, Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the November 29, 2012 Workshop Meeting Minutes and the December 6, 2012 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was not held prior to this meeting.

NEW BUSINESS

PRESENTATION RE: PSATS CITIZEN COMMUNICATION CONTEST AWARD
- UPPER MERION TOWNSHIP - "ON THE MOVE"

On behalf of the Board of Supervisors, Mr. Jenaway presented the 45th Annual Township Citizen Communication Contest Second Place Award to Carla Showell-Lee, Chief Information Officer, and Don Herbert, TV Producer/Anchor for UMGA. The annual contest conducted by the Pennsylvania State Association of Township Supervisors (PSATS) recognizes townships that have successfully communicated programs and activities to citizens. Upper Merion Township received second place in the Cable TV Programs category, receiving recognition for "On the Move," a newsmagazine program.

Mr. Waks stated in his role as Media Communications Advisory Board Liaison, he is aware that the Media Board is honored and pleased that our Township's own UMGA-TV received this award for "On the Move."

CONSENT AGENDA:

1. Remington Vernick & Beach Proposal re: Mancill Mill Salt Shed
2. Bid Recommendation re: Trash/Recycle Service for Upper Merion Township Facilities - Waste Management, Inc. - \$55,471.32 for 3 Year Contract Term
3. Citizen Board Appointments: Mark DePillis to the Zoning Hearing Board, Jonathan Garzillo to the Planning Commission, Tina Garzillo to the Park and Recreation Board, and Kate Pietrowski to the Environmental Advisory Council
4. T&M Proposal for Professional Services - 2012 CMAQ Program for Upper Merion to Bridgeport Train Station Pedestrian Facilities

Improvements (*the Township received a grant to build a sidewalk into Upper Merion Township*)

5. Resolution 2013-04 re: Appoint Township Manager as Chief Administrative Officer of its Police and Non-Uniformed Pension Plan(s)
6. ARRO Proposal re: Sludge Dewatering Rotary Press Installation Construction Engineering & Resident Project Representative Services - Matsunk & Trout Run Water Pollution Control Centers
7. AT&T - Temporary Telecommunications Site Permit Extension Request

Board Action:

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

HEARING RE: UCC APPEALS BOARD ORDINANCE

Mr. Joseph McGrory, Township Solicitor, opened the hearing by introducing a series of Board exhibits: (1) letter to the Times Herald dated January 11, 2013; (2) Proof of Publication from Times Herald for January 14, 2013; (3) copy of the attested ordinance sent to the Law Library on December 20, 2012; (4) the ordinance itself, (5) Legal Notice.

Mr. McGrory stated this ordinance establishes the appointment of an Appeals Board to hear appeals of the Uniform Construction Code and interpretations under that Code. He explained while it is rarely used, it has to be in place in case someone disagrees with the interpretation of the Code Office.

Without further comment from the Board and the public, Mr. McGrory closed the public hearing and reconvened into the public meeting portion of the agenda for the Board's consideration of the ordinance.

Board Comment:

Mr. Philips stated this ordinance is long overdue. Mr. Philips pointed out New Jersey has been under the Building Officials and Code Administrators (BOCA) and International Code Council (ICC) for years, and he has had the opportunity to be in front the appeals boards on a number of occasions. He said this ordinance should have been part of Upper Merion's procedural tools since the passing of the Pennsylvania Uniform Construction Code.

Mr. Waks stated that people who apply to serve on the UCC Appeals Board will also simultaneously be applying to serve on the Property Maintenance Board of Appeals.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the Ordinance. None opposed. Motion approved 5-0. Ordinance 2013-814 was adopted and will be filed in Ordinance Book #16.

LAND DEVELOPMENT RE: CHILI'S RESTAURANT. DEVELOPMENT PLAN. 739 DEKALB PIKE. C-1 COMMERCIAL, 1.30 ACRES. DEMOLISH EXISTING RESTAURANT (5,811 SF) AND CONSTRUCT NEW RESTAURANT (5,615 SF) UTILIZE SOME EXISTING FOUNDATION WALLS. MODIFICATION TO PARKING AND LANDSCAPING.

Mr. Rob Loeper stated the applicant has submitted a development plan for the redevelopment of the King of Prussia Chili's Restaurant. The property is located at 739 W. DeKalb Pike at the intersection of US 202 and South Gulph Road. The 1.30 acre property is zoned C-1 Commercial. The site has been operating as a restaurant since first constructed in 1950 as a Howard Johnson's.

The applicant is proposing to demolish the existing restaurant (5,800 SF) and construct a new restaurant (5,600 SF) utilizing some of the existing foundation walls. The new restaurant will have all facilities (dining room, kitchen, and storage) on the same level eliminating the need for ramps and stairs in the existing facility.

Site improvements include the removal of approximately 1,200 SF of impervious, the addition of a pedestrian walk and landscaping around the perimeter of the building.

Site parking will be increased slightly to 81 spaces with the addition of 2 additional ADA accessible spaces (4 total). All spaces with the exception of 3 existing spaces will be set at 90°, resulting in safer and more efficient circulation. There is a fairly extensive landscape plan proposed as part of the redevelopment.

Mr. Loeper indicated that staff has discussed the issue of pedestrian sidewalks along the street at great length with the applicant. He stated Mike Longley, on behalf of the Grayling Corporation, is not opposed to installing sidewalks; however, there are certain issues he will explain relative to putting in sidewalks as part of the redevelopment.

Mr. Mike Longley, Grayling Corporation, stated the applicant desires to update the Chile's Restaurant and bring it into the current image as franchise agreements come due for renewal. The Grayling Corporation owns and operates approximately 225 restaurants in seven states, with 28 restaurants throughout the Greater Philadelphia Region.

Mr. Longley addressed the issue of sidewalks and confirmed that the applicant is not opposed to sidewalks at this location; however, he wanted to point out some issues as they relate to this particular project. He indicated Chili's is located in a unique corridor which is one of the busiest intersections in the King of Prussia area. As the roadway has expanded to accommodate additional traffic, it has continued to encroach on surrounding properties. Utilizing the aerial, Mr. Longley pointed out some of the encumbrances to sidewalk interconnectability, including elevation changes, signage and utilities. He said there needs to be infrastructure in place as a part of a greater plan to determine connectivity to this particular location.

Mr. Longley stated the applicant is asking the Board of Supervisors to consider as a condition of approval the fact that if an intermodal plan was put together showing connectivity to the sidewalks the applicant would not be opposed to installing sidewalks on their property at their expense in order to get this development plan approved.

Mr. Waks stated he and the other supervisors disagree with Mr. Longley's views with regard to sidewalks. He agrees while there currently is not an intermodal transportation network there, he believes we have to start somewhere.

Mr. Philips asked Mr. Loeper if this is a Minor or Major Subdivision plan. Mr. Loeper responded when this was first discussed in September 2012, it was agreed that it would be treated as a Minor Plan.

Mr. Philips asked if it is correct the applicant is going to demolish this building and reconfigure it from an "L" shape into a square. Mr. Longley responded in the affirmative.

Mr. Philips asked if Mr. Longley is aware that across the street from Chili's which used to be a Howard Johnson's was the Howard Johnson's Lodge which is now the Best Western. Mr. Longley responded in the affirmative.

Mr. Philips addressed some of the concerns he has with regard to pedestrian access. He stated there is currently a great deal of pedestrian traffic between the Best Western and Chili's. He emphasized that part of the supervisors' concern is the connection where most of Chili's pedestrian customers come from and not necessarily back in the neighborhoods. In addition to sidewalks, the supervisors are also concerned about inner connectivity. Mr. Philips indicated he agrees this whole intersection needs to be reviewed to make pedestrian crossing much more effective and safe. He would like to see connectivity to the Best Western and connectivity within the site itself. In addition, he would like to see the closing of one of the entrances on DeKalb Pike, the broadening of the entrance further down next to the signage, and more of a focused vehicular entrance and egress.

Mrs. Spott echoed the Chairperson's comments that "we have to start somewhere." She said there is a lot of good economic potential in that corner and with progress being made as redevelopment occurs along US 202, it will make the applicant's property much more valuable to have some of this connectivity already in place.

Mr. Jenaway commented, "in this plan proposal we have a 1950's oriented plan with a new building on it." He concurred with Mr. Philips about the challenges created by the two access points on Route 202. He also had questions about the parking on the site.

Mrs. Kenney commented about the importance of focusing on connectivity as plans for development and redevelopment come before the Board of Supervisors.

Mr. Loeper responded to Mr. Jenaway's comment about the additional parking and the reduction of impervious. He explained the existing parking has some unusual configurations and by providing for a square building the applicant was able to provide for a more efficient parking layout.

Mr. Jenaway commented the circulation around the building today is extremely difficult and hopefully by squaring the building it improves circulation as well as access.

Mr. Loeper said he believes this results in a much cleaner circulation around the building.

Mr. Longley stated the reason the sidewalks were not on the plan is that this was not an issue when the plan was first discussed last June.

Mr. Waks commented this Board has placed a priority on sidewalks and prior to the last year or so it was not as strong an emphasis as it is now. He stated there is still more work that needs to be done on this Minor Plan and asked the applicant to work with the Township Planner and return to the Board after working through the issues discussed at this meeting.

Mr. Longley indicated this is about a timing issue for the applicant. He said the sidewalks are in the PennDOT right of way and approval will take anywhere from four to eight weeks. Mr. Longley indicated that is why the applicant would agree to do the sidewalks at a time there was some kind of connectivity and would make that statement part of the plan approval.

Mr. Philips indicated one of the things to be worked out with PennDOT is crossing the intersection to the Mall. Mr. Philips asked if as a condition of approval the applicant would be willing to have a spot available or even lose a spot out front to have space enough for buttresses for a possible pedestrian

bridge or some other type of structure to get people across the intersection. Mr. Longley responded the applicant would work with the township and reiterated the applicant is not opposed to sidewalks. He said if an intermodal plan is developed the applicant is willing to participate and reiterated as a condition of approval the applicant is providing a guarantee that the sidewalks requested by the Board of Supervisors would be installed.

Mr. Waks clarified that the Board of Supervisors is requesting the applicant to begin now and not wait for a full-fledged intermodal plan.

Mr. Jenaway followed up on Mr. Philips comments and said there is an issue with people coming from the hotel/motel, crossing Gulph Road, coming onto Chili's property, and until some configuration is made by sidewalk these individuals will move across Chili's property. Mr. Jenaway said with sidewalks, people would move through there in an orderly fashion as opposed to going across the parking lot.

Mr. Philips referred to the older part of the building that faces the corner of US 202 and Gulph Road and asked if that has a basement. Mr. Longley responded in the affirmative.

Mr. Philips asked if the dining room is slab on grade. Mr. Longley responded the entire building will be slab on grade.

Mr. Philips asked if everything is going to be slab on grade and the footings are being ripped and not really being used, if consideration has been given to squaring that off to the corner. Mr. Longley responded the applicant believes the visibility for the way the building is positioned provides the best angle. An additional consideration was the applicant was trying to stay under a Minor Site plan.

Mrs. Kenney asked if there are any elevations of what the new building will look like. Mr. Longley responded he did not bring the elevations with him.

Mr. Philips asked for clarification about the applicant's timing to get this plan approved and move forward. Mr. Longley responded he told the franchisor construction would begin March 1.

Mr. Waks asked Mr. Longley to meet with the Township Planner to go over some of the issues and concerns that were raised at this meeting. Mr. McGrory pointed out the Highway Occupancy Permit has to be worked out with PennDOT for the sidewalks and the Township staff will work with the applicant to expedite this process.

Mrs. Spott commented the applicant's willingness to work with the Township is appreciated and everyone would work together to help move this along. She asked if this is agreeable to the applicant. Mr. Longley responded he would discuss with the Township Planner and PennDOT. He indicated the applicant has some other issues if that edge is disturbed and it is necessary to get an NPDES permit.

Mr. Tom Beach, Township Engineer, stated the NPDES would not be an issue unless more than an acre is disturbed. Mr. Loeper stated it would be just under an acre.

Mr. Beach stated that is total overall site but the entire site will not be disturbed.

Mr. Waks indicated that there are several discussions that still have to take place.

Referred back to staff.

KING OF PRUSSIA ASSOCIATES. SHAKE SHACK. DEMOLITION OF

EXISTING BANK AND CONSTRUCTION OF 3,700 SF RESTAURANT AT KING OF PRUSSIA MALL

Mr. Loeper stated King of Prussia Associates have submitted plans for redevelopment of a pad site at the King of Prussia Plaza. The site is the location of the former Wells Fargo Bank on Mall Boulevard opposite Goddard Boulevard. Since the last Business Meeting, the applicant provided a sidewalk connection to tie in with the existing pedestrian crosswalk on Mall Boulevard which would provide access to Lockheed Martin.

At the January 10, 2013 Board of Supervisors meeting, the Board voiced concerns regarding the safety of pedestrians crossing the internal ring road. The concern was made that people would not park in the immediate adjacent parking field, but park on the field on the other side of the ring road. The Board asked the applicant to review the possibility of installing a visible crosswalk from the internal parking field to the restaurant site. The applicant is proposing to install a raised speed hump (6" above the road surface) with a pedestrian walkway on top. Pedestrian crossing signs and pavement marking will alert vehicular traffic to the crossing. In addition, there will be a sidewalk to connect the pedestrian area in front of the building to the crosswalk on the ring road.

Mr. Philips stated the applicant's solution to the safety issues he raised at the previous meeting is exactly what he was thinking of to address the ring road concerns and parking connection.

Mrs. Kenney asked for clarification about the six inch raised speed hump. Mr. Loeper responded the hump is raised as high as the curb. It is wide and then tapers down. He explained it is similar to the humps on Keebler Road except this would be flat on top to accommodate a pedestrian crossing.

Mrs. Spott asked for clarification about the pedestrian crossing signs and whether they would be regular or flashing signs. Ms. Yarnoff responded the advance warning signs would indicate "caution pedestrian crossing" with an icon underneath of a person walking, and right before the hump there would be another identical pedestrian crossing sign. Ms. Yarnoff indicated the signs were not intended to be LED or flashing. She pointed out it is a well-lit area and in her view there will not be any issue with seeing the sign.

Mrs. Spott stated she assumes the bright red or yellow "peak or triangle" markings will actually be on the road. Ms. Yarnoff responded in the affirmative and indicated the markings would be yellow.

Mr. Beach commented normally with this type of a speed bump (raised 6 inches) there is painting on the sidewalk drive itself indicating "speed bump ahead," and it would be advisable to do that in this case. Having just a pedestrian crossing ahead sign is not enough to indicate there is a speed hump ahead and additional signage is warranted here.

Mr. Waks asked Ms. Yarnoff if the applicant would agree to the additional signage [as outlined by the Township Engineer]. Ms. Yarnoff responded in the affirmative and indicated the applicant would add the appropriate language.

Mr. Jenaway commented there will be a lot of pedestrian traffic coming out of the Mall to go to the Shake Shack and the applicant's revisions to facilitate safe pedestrian traffic is in line with the issues discussed at the prior meeting.

Mr. Waks indicated his concurrence with the comments made by the other members of the Board of Supervisors.

Without further comment from the Board, the Minor Plan is able to proceed.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mrs. Kenney, seconded by Mrs. Spott, all voting "Aye" to approve the Accounts Payable for invoices processed from January 7, 2013 to January 17, 2013 in the amount of \$1,388,307.78 and the Payroll for January 4, 2013 and January 18, 2013 in the amount of \$1,477,634.83 for a total of \$2,865,942.61. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

TRICENTENIAL

Mrs. Kenney provided a Tricentennial Gala update, and displayed various Tricentennial items of historic interest that are available for purchase, including the new history book, "Upper Merion Township the First 300 Years."

COMMUNITY CENTER

Mr. Philips asked if an update on the design for the Community Center could be provided at the next workshop meeting. Mr. Kraynik responded the agenda for the next workshop meeting includes the architect's presentation concerning Community Center design.

UPCOMING EVENTS IN TOWNSHIP

Mr. Waks announced a number of upcoming Township meetings and events as well as Citizen Board vacancies

From the Public:

Nick DeRosato, King of Prussia, inquired about the status of his letter to the Board of Supervisors. Mrs. Spott responded to his inquiry by email during her tenure as Chairperson. In accordance with Mr. DeRosato's request, a letter will be sent to him containing the same information that was in the email response.

Tom Birster, 135 Wilson Road, stated his main issue of concern is removing his property from the flood plain, and also raised concerns about the cleanup of a basin in a residential area. He was provided with additional information and guidance on the flood plain issue and was told township staff would look into the basin cleanup matter.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Spott, seconded by Mr. Philips, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:59 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

rap
Minutes Approved:
Minutes Entered