

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JUNE 20, 2013

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, June 20, 2013, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:34 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.

MEETING MINUTES:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve the April 15, 2013 Joint Meeting Minutes, the April 18, 2013 Business Meeting minutes, and the May 2, 2013 Workshop Meeting Minutes. 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: UPPER MERION TOWNSHIP POLICE DEPARTMENT BICYCLE PATROL PROGRAM

Chief Tom Nolan introduced the new six-member Upper Merion Township Police Department Bicycle Unit. The squad includes: Officers Toby Fisher, Pat Krouse, Michael Laverty, Ben Mahaffie, Bob Smull and Corporal David Gershanick. The Bike Patrol Unit will engage in patrols throughout the township in an effort to reduce crime and to enhance positive relationships between the Police Department and the Upper Merion community.

As an avid biker, Mr. Waks stated he observes completely different things when he bikes around the township as opposed to driving around the township. It provides a totally different perspective. Mr. Waks expressed appreciation for the leadership role of the first members of the Bike Patrol Unit.

Mrs. Spott commented about the positive example of the Bike Patrol Unit in the community as work continues to make Upper Merion more connected and accessible.

Mrs. Kenney offered supportive comments about the new Bike Patrol Unit.

Mr. Philips noted the positive reaction of his neighbors when the police officer biked through his neighborhood.

Mr. Jenaway expressed appreciation to Chief Nolan, the Command Staff and members of the squad for thinking "outside the box" in providing different approaches to law enforcement and community relations.

CONSENT AGENDA:

1. Permission to Advertise and Receive Bids re: 2013 Road Resurfacing Project
2. Equipment Replacement Request re: Replace UMGA-TV Equipment – Control Room Switch and Monitors as well as Service Plan for ongoing maintenance and repairs - \$20,000.00
3. Bid Recommendation re: 2013-2014 Montgomery County Consortium Fuel Contract – Petroleum Traders Corporation - \$6,028,532.53 (*Mr. Waks stated it is important to note this is a Consortium project and only a very small percentage comes from Upper Merion Township*).
4. T&M Proposal for Engineering Services re: Repair of Wall Cracks in Township Municipal Building – Not to Exceed \$15,900.00.
5. Acceptance of Resignation re: Michael Countis from Shade Tree and Beautification Commission
6. Designate \$2,000,000 in the Revenue Stabilization Fund as committed fund balance in the 2012 Upper Merion Township Financial Statements

Board Comment:

With regard to Item #1, Mr. Philips asked if there is a listing of the roads scheduled for resurfacing this year. Mr. Ed O'Brien, Public Works Director, provided a sampling of the streets that are part of the 2013 proposed project. They are as follows: Bluebuff Road, Colonial Place, Broadview Road, DeWitt Road, Jones Road, Pugh Road, General Washington Road, 8th Avenue West and 9th Avenue East.

As Board Liaison to the Shade Tree and Beautification Commission, Mrs. Spott encouraged interested citizens to apply for the vacancy on the Commission which has taken on a strong role not only with beautification issues, but also stormwater issues. She commented on the hard work being done by the Commission to raise awareness of the importance of trees and greenery in the land development planning process.

Board Action:

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

DEVELOPMENT PLANS RE: PEP BOYS – 214 EAST DEKALB PIKE. CONSTRUCTION OF A 14,372 AUTOMOTIVE SERVICE AND RETAIL FACILITY WITH ASSOCIATED PARKING AND SITE IMPROVEMENTS. DEMOLITION OF FORMER KUNDA SIGN BUILDING. 2.13 ACRES, CO AND HI

Mr. Rob Loeper, Township Planner, stated this is a redevelopment of the former Kunda Sign building on DeKalb Pike opposite Saulin Boulevard. Pep Boys will be constructing a 14,000 square foot building which will contain automotive services as well as retail space. The property has split zoning with part of the site in the CO District and part in the HI District. The Zoning Hearing Board granted a special exception to allow retail uses on the 2.1-acre parcel. Additional relief included a variance for the automotive service center in the HI District and a variance to provide relief from the minimum lot area and width within the CO District.

The Upper Merion Planning Commission has recommended approval of the plan at their last meeting. Issues related to access, stormwater and various site improvements are still being worked out with the Township Engineer and Traffic Engineer.

Mr. Loeper pointed out this property is adjacent to county-owned property, the eventual bike and pedestrian trail. The applicant has met with county representatives and has agreed to various improvements including extending the sidewalk on DeKalb across the front of their property and they are working on an easement because the stormwater management while it is at the rear of the property will be discharging onto an adjacent property. There are other issues that their attorneys are working on with the Township Solicitor.

The property has an unusual configuration of ownership. It is actually three properties owned by the same entity, but not necessarily the same people. Additional meetings are needed to work these issues out.

The Upper Merion Planning Commission shares the Board of Supervisors vision of the need to address vehicular traffic and the sidewalk is along the frontage. There was also discussion about the private road. All of the uses in this area are primarily automotive or truck related. The planning commission recommended, and the applicant has agreed, to extend the sidewalk back to the driveway to provide access for workers that may be arriving by bus.

Issues remain to be resolved regarding the private road; there are also some questions about PennDOT-related permits.

Mr. Philips asked where stormwater from the basin in the rear of the subject property would be discharged onto the other property. Mr. Loeper responded the former railroad property is now county property. He explained there is a drainage way in that area which takes stormwater from the Route 202/Saulin Boulevard in an easterly direction over toward Bridgeport.

Mr. Philips asked about the easement for the private road, and was told as part of the sale of the property various agreements and easements were made for various property owners.

Mr. Philips asked if an application for dedication of this road is anticipated at some point in the future. Mr. Loeper commented he does not believe the road would necessarily meet the standards for dedication. Attorney Debra Shulski, representing Pep Boys, responded there is no intention at this time to apply for dedication of this road, and she does not believe it would meet the specs for dedication to the Township.

Mr. Philips commented he anticipates there will be heavy pedestrian traffic at the site, particularly those from the Candlebrook and Ross Road area. While Ms. Shulski indicated, based on Pep Boys experience at some other similar stores, they did not anticipate it would be very pedestrian, she did acknowledge that this is a different location.

Mr. Philips asked if there would be a left turn lane on Route 202 North. Ms. Shulski responded in the negative.

Mr. Philips asked if this means people are not going to be making lefts into that private driveway as they are going towards Norristown. Mr. Loeper commented northbound traffic would be able to make a left from a center turn lane on DeKalb Pike. Utilizing the aerial, he indicated the gore pattern indicating the location of a center turn lane. For anyone going to the Hess Station there is a center turn and that is how current access to those properties is now utilized for left turns. Mr. Philips indicated, "but we are not looking at making it a dedicated left turn there."

Mr. Philips questioned the need for the first waiver, and Mr. Loeper indicated this information regarding natural and man-made features on the site is available digitally and not required on the plan.

Mr. Philips asked about the waiver to reduce the required number of street trees, building plantings and buffer plantings and if there could be some tradeoffs for some Best Management Practices basins and plantings as discussed with other land development applicants. Mr. Mike Davis, Nave Newell, provided an overview of the landscape waivers. With regard to the waiver for the quantity of building plantings, he said the ordinance is very specific in where that landscaping is required to go and because of the surface bays and exterior loading in the rear, the applicant is unable to make room for the required location and has asked for a reduction in the quantity and provide plantings where they could. With regard to stormwater management, Mr. Davis indicated the ordinance has two criteria for trees and shrubs and linear foot basis for the basin perimeter. He said the Best Management Practices indicate rain gardens are proposed to be lined with a PVC liner and they try to avoid planting the tree portion due to potential conflicts if a falling tree root interferes with the liner. Mr. Davis stated the landscape waiver from buffer plantings is based on the unusual shape of the front lot. In Mr. Davis' view providing a buffer planting in that area would obscure the building from the road.

Mr. Philips commented while he agrees about the building plantings since he does not favor plantings right up against the building, he believes there is plenty of room on this site to put trees and shrubs elsewhere, for example, buffer planting along the trail.

Mr. Davis stated on the north side the applicant is looking for a reduction in trees so that the view from DeKalb Pike is not blocked for anyone coming from Norristown on Route 202. In Mr. Davis' view screening against the trail would block the majority of the building from visibility on Route 202, and he stated the applicant could certainly provide shrubs elsewhere in lieu of that location.

In view of the previous discussion about the left turn, Mrs. Spott asked if a traffic study will be conducted. Mr. Loeper responded there was a traffic study that was completed which the Traffic Engineer has reviewed and comments have been issued. In addition, a meeting was held with the applicant's traffic engineer and McMahon Associates, the Township's traffic engineer, to go over issues and McMahon has requested some additional information, including the left turns.

Mrs. Spott emphasized safety is the highest priority and she wanted more information about the traffic study and assurances the assumptions are correct.

Mrs. Spott also wanted more to be done with regard to the plantings, and if alternatives are available to find a way to make it work to eliminate unnecessary waivers.

Mrs. Spott asked if there is an idea of the work that needs to be done on the stormwater issues. Mr. Loeper responded the applicant is still working with the county with regard to the necessary easements for the discharge.

Mrs. Spott asked if there are inlets in that area. Mr. Beach responded the applicant is going to be discharging into a swale along the railroad track. The basins have been reviewed and the size of the basins is satisfactory. Mr. Beach indicated the discharge will leave the applicant's site and go across county property. He has asked for more details along with easements to make sure everything is covered as far as going across the county property. Utilizing the aerial, Mr. Loeper pointed out the location of the swale that extends along the rail bed.

Mrs. Spott asked if there is more or less impervious with this plan. Ms. Shulski responded there is less impervious and less building coverage.

Mr. Jenaway stated the subject of stormwater was raised at the Planning Commission and nothing was decided because of the many open issues. He asked if there was any type of environmental study given the prior activity at the site. Allison Mathern, Pep Boys, responded the applicant has done an environmental Phase 1 and Phase 2 on the site and there was nothing found that needed to be reported to DEP. She said the environmental engineer will be working with the applicant during demolition of the building as well as the site work if anything is uncovered that was not found during the investigation.

Mr. Jenaway commented given the age of the building there may be something found within those walls. Ms. Mathern indicated they are aware of that.

Mr. Jenaway noted if there is now less impervious there would be an opportunity for more shrubs and trees.

Mr. Jenaway indicated he has observed people crossing from the existing facilities on one side of Route 202 going to businesses on the other side without the benefit of crosswalks. He mentioned this since the proposed land development will add to that potential pedestrian traffic crossing the street.

Mrs. Spott pointed out the township has been working to get sidewalks from the nearby SEPTA station to right across the street from Petco. Mr. Loeper commented township staff recently met with county trail representatives and said this intersection will remain essentially the same. There will be changes made to the crossing which Mr. Loeper explained utilizing the aerial. Mr. Loeper noted the applicant will provide the connection of the sidewalk across the county property; and a grant has been obtained for the sidewalk connection along the southside of Route 202 up to the SEPTA station.

Mr. Philips asked that the planning staff push back on any plan that would call for four ways to make a crossing. He emphasized one point of access to cross is the safest way for people to get across the heavily traveled high-speed Route 202.

Mrs. Kenney commented about the applicant's concern about obscuring their building with plantings and asked why lower shrubs could not be planted to beautify that area. She also noted it appears there could be more plantings on the left side of the building to offset whatever trees the applicant would not be able to put along Route 202. In view of what is happening with stormwater legislation and the MS4 stormwater requirements, Mrs. Kenney encouraged the applicant to fulfill the required plantings and eliminate the need for a waiver. Ms. Shulski stated the applicant will determine if there are any additional plantings that could be provided.

Mrs. Spott asked about the plan for signage in view of the applicant's concern over building visibility. Ms. Shulski responded the applicant is proposing a pile-on sign and two wall signs. Ms. Mathern explained the pile-on sign is a free standing sign to be placed by Route 202. It will be set back the required amount from the right of way. There will be a Pep Boys sign in front of the building and over the service bays.

Mr. Philips stated because of speed on Route 202 going south from Norristown, the first thing that catches your eyes is the old dilapidated Greyhound Terminal. He pointed out if the applicant does not want to hide the building with shrubbery, everything behind the Greyhound Terminal could be planted up to the north of the site peak and all the way back to the west. Ms. Mathern commented they could take another look at the sight lines and see where that would have the least effect on building visibility. Ms. Shulski stated the existing building is a lot closer to the streetscape than the proposed building which would sit back further from Route 202 than what currently exists.

Mr. Joe McGrory, Township Solicitor, provided background on a discussion he had with Denise Yarnoff, Esq., about the consolidation of three parcels that comprise this property. Two parcels are held under the ownership of one entity the third parcel is held under the ownership of a different entity, which he believes to be a trust. It has some commonality of members, but not total commonality of members and the Solicitor has required consolidation of the three parcels. Counsel for the applicant has asked for an interpretation of the mortgage subdivision in the reverse to indicate if a unified development is done with cross easements as would be done with a mortgage subdivision whether it could be treated as a mortgage subdivision, and the Solicitor indicated that is not acceptable. Applicant's counsel advised the Solicitor that contact will be made with the Kunda family to see if it is resolvable. Ms. Shulski commented she is aware of that discussion with Ms. Yarnoff and they will follow up on this matter.

With regard to offsite drainage, Mr. McGrory stated he needs to review what easements or legal rights the applicant has to the offsite drainage area and also the drive.

Mr. Waks stated the Board of Supervisors has concerns about transportation, access, ingress/egress, sight lines, signage, parcel ownership and a variety of other factors. He asked the applicant to work with township staff and the Solicitor in the coming weeks. In view of the many different issues to be addressed he suggested it would be helpful if the applicant returned to a Workshop Meeting.

DEVELOPMENT PLAN RE: ATT NEW CINGULAR WIRELESS – 515 FLINT HILL ROAD. TELECOMMUNICATIONS FACILITY WITH 120 FOOT TALL MONOPOLE AND RADIO EQUIPMENT SHELTER WITHIN A 1,035 SQUARE FOOT FENCED COMPOUND. 6.95 ACRES, HI

Mr. Loeper stated no occupied structure is being built with this plan. Utilizing the aerial, he pointed out the location of the proposed cell tower to be located in the middle of the Jamison's Salvage Yard property.

Earlier this year the applicant obtained the necessary zoning relief primarily for the construction of the tower and the tower height. The applicant's attorney submitted a list of waivers, primarily procedural items that would be found on a full land development as opposed to a development such as this. These include relief from provisions of streets, sidewalks, blocks, lots, open space, monuments, sewers, landscaping and the actual procedure for review.

The Planning Commission has recommended approval.

Mr. Loeper indicated the 126 foot tall monopole will have a 300+ square foot equipment shelter enclosed in a 1,000 square foot fenced compound. During the Planning Commission review it was noted that the Federal Communications Commission now requires a generator for these types of facilities in response to power outages during various storm events. This monopole is expandable for colocation in the future. If that happens, additional approvals would be necessary.

Mr. Loeper stated the Township Engineer has acknowledged some minor plan clean up, primarily plan notes and drafting type issues that need to be worked out. Mr. Loeper asked if the Board of Supervisors would be amenable to allowing staff to proceed and prepare the necessary Resolution for the July meeting, pending any Board comment.

Mr. Waks asked how close the proposed monopole is to residents who live in Swedeland. Mr. Loeper responded from the center of the site to the nearest dwelling is approximately 726 feet.

Noting there were no residents from Swedeland present at this meeting, Mr. Waks asked if there were any residents from Swedeland at any of the Planning Commission meetings. Mr. Loeper responded in the negative. Mr. Philips commented there was no opposition to the application at the Zoning Hearing Board.

Without further comment from the Board, Mr. Waks directed the Township Solicitor to prepare a Resolution for the Consent Agenda at the next meeting.

ACCOUNTS PAYABLE & PAYROLL:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve the Accounts Payable for invoices processed from May 8, 2013 to June 12, 2013 in the amount of \$1,716,684.37 and the Payroll for May 2013 in the amount of \$1,268,121.65 for a total of \$2,984,806.02. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

FOURTH OF JULY EVENTS

Mr. Jenaway cautioned residents about fireworks safety for the Fourth of July as it is a challenging time for many individuals who are improperly using fireworks.

HENDERSON AND CHURCH ROAD INTERSECTION

Mrs. Kenney alerted residents that there is no longer a right turn on red at the Henderson and Church Road Intersection.

HENDERSON ROAD WIDENING

Mr. Philips commended the Transportation Authority and everyone involved with the Henderson Road widening for a job well done. The intersection widening was specifically designed to reduce traffic congestion in that area and has done a great service for the motoring public as well as the residents of Upper Merion Township.

UPCOMING EVENTS IN TOWNSHIP

Mr. Waks announced a number of upcoming Township meetings, the availability of a new Tricentennial commemorative afghan events, and the Board of Community Assistance June 30 application deadline.

From the Public:

Mr. Chris McKee, King of Prussia, reported during last Monday's storm at the peak of the water flow, there were 4 trees lost that are part of the easement he granted four years ago. Two trees fell in the creek, one is being held up by a tree on the other side of the property, and one came down onto the west side of the property of the creek. He does not believe it is his responsibility to remove these trees since they are part of the easement. His other issue is that significant erosion has taken place. Last year during another storm a significant sycamore tree root approximately 8 feet by 8 feet was ripped out of the bank and with every big storm the root keeps moving further down stream toward the culvert. When he bought his property 22 years ago the creek was in most places 6 feet to 12 feet wide and in the last six years the water running through the creek is at some points 12 feet wide to 25 feet wide and at least 6 feet deep up to 12 feet deep. Mr. Kraynik stated the Public Works Director and T&M Associates, the township's general civil engineering firm have been out to the property and he is now awaiting a report from T&M Associates.

Mr. McKee requested that the construction firm that actually built the retaining walls be made aware that the retaining walls are now missing and the boulders are being ripped out of the bank. Mr. Waks asked that the any available records be pulled to obtain more information on the matter.

Mr. McKee will submit a Right to Know (RTK) request for engineering specs on a different matter he raised and was informed of the proper procedure for submitting RTK requests.

Mr. Herbert Baiersdorfer reiterated his stormwater concerns raised at previous meetings, and was ruled out of order.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:50 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered