

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
OCTOBER 9, 2014

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, October 9, 2014, in the Township Building. The meeting was called to order at 7:39 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Rob Loeper, Township Planner; Joseph McGrory, Township Solicitor; Andrew Olen, Solicitor's Office; Angela Caramenico, Assistant to the Township Manager. Chairman Waks was absent.

VICE CHAIRPERSON'S COMMENTS:

Vice Chairperson Spott reported an Executive Session was held prior to this meeting to discuss litigation matters.

DISCUSSIONS:

PRESENTATION OF ACT 209 ORDINANCE

David Kraynik, Township Manager, stated Brian Keaveney, Pennoni Associates, has been working with the Transportation Authority and the township staff for several years to perform this study. On September 10, 2014, the Transportation Authority held a public hearing and adopted a Resolution approving the Roadway Sufficiency Analysis which has been forwarded to the Board of Supervisors for their consideration and further action.

During a PowerPoint presentation, Mr. Keaveney summarized the Act 209 process and discussed the Capital Improvements Plan, the impact of the study, the overall Transportation Service Area boundaries, the areas of anticipated traffic growth in the next ten year horizon and the area covered by the new impact fee ordinance. He indicated the next steps will involve the advertisement of a new impact fee ordinance in accordance with appropriate legal requirements.

As part of the Capital Improvement Plan, 30 intersections within the township were studied in detail consisting of a combination of existing unsignalized intersections and signalized intersections, primarily along the main corridors of Valley Forge Road, South Gulph Road, DeKalb Pike, Allendale

Road, and some isolated intersections in the Swedeland section near the Renaissance Corporate Center. The trip generation anticipated in the Land Use Assumptions Report yielded a net increase of 5,524 new trips during the average weekday PM peak hour.

Mr. Keaveney stated the recommended improvements include such things as updating existing traffic signal phasing at existing signalized intersections, adding left turn arrows, revising timing and coordination settings, installation of some new traffic signals, widening of some intersections, providing additional through lanes, additional auxiliary lanes, and left turn/right turn lanes. One of the key aspects the Impact Fee Advisory Committee discussed was the impact at DeKalb Pike. The Committee also expressed a key desire to maintain a pedestrian-friendly environment. In working with the Transportation Authority a couple of larger scale projects were scoped with the idea of trying to alleviate some of the congestion from US 202 by moving it elsewhere or bypassing some of the problematic intersections. This plan is very flexible and in moving ahead could be updated periodically as projects evolve.

Mr. Keaveney indicated two of the larger scale projects are a new E-Z pass ramp from the Turnpike to Henderson Road so that some of the through traffic from US 202 could be diverted thereby allowing the capacity for incoming development. The Committee also discussed a connector roadway from DeKalb Pike and Saulin Boulevard to Henderson and Prince Frederick which would greatly alleviate the congestion in that area.

Mr. Keaveney stated all the proposed 10 year improvements are contained in the Capital Improvement Plan document. Each intersection is broken out separately with the improvements needed to handle the ten year horizon without development (simply background growth associated with regional development) and the improvements needed to handle the ten year horizon with development. The total amount of dollars attributable to new development is divided by the anticipated trip generation resulting in an impact fee of \$3,623 per new PM peak hour trip. Upon passage of the new ordinance by the Board of Supervisors, the Transportation Authority will assess future development trips by \$3,623 until the Act 209 document is reassessed.

Mrs. Spott asked if the Study was mandated under Act 209. Mr. Keaveney responded there is an existing Transportation Impact Fee Ordinance which had not been updated for some time and the intent of this effort was to take a fresh look at land use patterns and areas of anticipated traffic growth in the next ten year horizon and prepare the justification and documentation required to increase the fee.

Mr. Kraynik indicated he is in the process of obtaining the draft ordinance from the Transportation Authority Solicitor so that Mr. McGrory can review and make any modifications deemed necessary for the Board of Supervisors

consideration at a public hearing.

Mr. Philips asked for clarification about the color-coded map. Mr. Keaveney responded properties would not be assessed if they fall outside of the gray area. He pointed out a lot of the areas within the township that are developed are primarily residential and were left out of this area.

Mrs. Spott asked if the “green” area is where development is anticipated. Mr. Keaveney responded the gray area reflects the actual boundary of the service area so anything coming in for development in that “gray” area will have an impact fee attributable to it. The “green” parcels are where the township planners felt was the most likely redevelopment or new additional development on those parcels or change in use that would generate additional traffic.

Mr. Philips asked if the fees that are assessed in the shaded area can only be used in the shaded area. Mr. Keaveney responded in the affirmative.

Mr. McGrory asked if the designated service area is the full seven (7) miles. Mr. Keaveney responded it is about 6.9 square miles. He said a service area cannot exceed seven (7) square miles otherwise another area has to be introduced.

Mr. Jenaway asked if there was an analysis for potential improvements provided by the police department on the intersections where accident rates were significantly higher. Mr. Keaveney responded the Committee discussed accident reports with the police department and made sure if, for example, there was an accident pattern that could be corrected through the addition of a left turn arrow or changing the alignment of a lane that was taken into account in the recommended improvements.

Mr. Jenaway asked if the cross flow of traffic through Upper Merion Township from eastern Montgomery County to western Montgomery County was taken into account during this process. Mr. Keaveney responded the Committee did account for that regional growth based on past history in the 10 year horizon without additional development. He said Montgomery County and the Delaware Valley Regional Planning Commission (DVRPC) publish by county the projected growth rates that are reflective of anticipated traffic increases and that was factored in. He said it becomes the burden of the local, state and federal government to accommodate that need. The development traffic for the impact fee can only be used to offset what can be directly measured as development traffic. Mr. Keaveney pointed out there are still a lot of project costs anticipated to be funded by PennDOT or the use of federal funds through PennDOT.

Mr. Philips asked if the money could be used with the gray shaded area for mass transit if a match is required. Mr. Keaveney responded historically he does not know if that has been done or not. He said it would have to be shown

that mass transit needs are reflective of incoming development and that it is going to replace the need for vehicular capacity.

Mrs. Kenney asked if redevelopment would be affected by the impact fee as well. Mr. Keaveney responded it could if there is an increase in traffic. For example, if there is a 10,000 square foot use now and it is going to go to 20,000 square feet the incremental difference would be subject to the impact fee, or if there is a change in use so from a residential use which is a fairly low generator to a commercial use that incremental use would be able to be assessed an impact fee.

Mrs. Spott asked if any intersections were considered for a roundabout. Mr. Keaveney responded PennDOT has adopted a policy of considering roundabouts prior to installing any new traffic signal. He pointed out roundabouts have larger footprints and usually have right-of-way impacts but sometimes they are achievable. Research indicates in the long term roundabouts have less cost involved because there is no maintenance, electricity, idling traffic, etc. Mr. Keaveney indicated in the plan they may have identified a project where an intersection may need to become signalized knowing when it gets to that point a roundabout could also be considered. If there needs to be some dynamic changes to the plan it will be up to the Transportation Authority and the Committee to make those changes as the years go on so roundabouts are certainly perfectly viable for some of the recommended improvements. The concept plan for an all-electronic tolling or E-Z pass slip ramp for the Turnpike at the intersection of Henderson Road and Saulin Boulevard could involve a roundabout where this works better than any other solution.

Mr. Philips reported on the discussion at last night's Transportation Authority meeting with regard to what is happening with Lafayette Ambulance. It was noted the timing is right to have a meeting with the Ambulance Company so they are made aware of what the Authority has in their Act 209 study and to make sure their development plan does not preclude anything that could happen with the Prince Frederick Extension.

Mr. McGrory asked if the existing balance in the transportation assessment account was taken into consideration to counterbalance against the proposed improvements on the Act 209 list. Mr. Hiriak stated there is approximately \$3 million in the transportation fund. After a discussion it was determined that the \$3 million has already been allocated.

NOR-VIEW FARM GARDEN CENTER

Mr. Kraynik stated Ken and Luke Ruch have been partnering with the current lease holder at Nor-View Farm, Tom Gunther, for the last two years and have been operating the garden center. The five-year lease is now up for renewal at the end of this year and Mr. Gunther has agreed to remove his name

from the lease. The lease would be solely in the Ruch name.

Mr. Ken Ruch provided the history of his family which has been in the wholesale gardening business for 100 years.

Mr. Ruch indicated they were approached by Mr. Gunther two years ago to partner with them after the Garden Center began to struggle. Since then Luke Ruch has managed the Garden Center and the business has stabilized.

Mr. Luke Ruch provided highlights on what has been done to revitalize the business, including social media involvement, as well as their vision for the Garden Center to develop it into a community hub for horticultural business and learning. They are interested in introducing some hydroponic gardening systems, a children's garden, Farmers Market involvement, and community education and creative skills classes during off peak seasons.

Mr. Ruch indicated additional signage at the entrance of the farm would provide more exposure. As a garden center they have developed their own logo and branding which they would like to implement on some non-permanent signage for certain seasonal features, for example, currently they could have a banner or something featuring pumpkins.

Mr. Ruch stated the way the lease is written there are three five-year increments and this would be the third increment.

Mr. Philips asked if Mr. McGrory would want to extend the lease or just draft a new one. Mr. McGrory responded he has no issue with drawing up a new lease. He asked if the Ruches are agreeable to the same terms and conditions of the original lease.

Mr. Ruch had a question about the wording in the lease indicating the lessee will occupy the premises only as a garden/landscape center. He said the definition of garden/landscape center in the last 5-10 years has broadened. Mr. McGrory asked Mr. Ruch to put in writing exactly what they want to do, including signage and then a meeting will be held with the zoning officer to make sure they are allowed to do what is proposed. When the lease is drawn up the use will be described so there is no misunderstanding about what a garden is, and what is permitted and not permitted.

Mr. Kraynik indicated he would provide Mr. McGrory with the August 7, 2014 letter he received from Mr. Luke Ruch which provides some examples of potential changes they would like to see in the language of the lease.

Mr. Philips commented it sounds like they are looking to expand the land footprint in order to be able to do some hydroponics. Mr. Ruch provided his ideas to accommodate the hydroponic units and tower gardens. Mr. Philips

stated the Township Engineer should be involved. Mr. McGrory indicated if information is not available in the township building showing what the demised premises looks like, there will be no other option but to survey.

Mr. Spott asked where the wreath making and similar classes would be held. Mr. Ruch responded classes consisting of 15-20 people would be held in the expanded hut.

Mrs. Kenney commented the senior center and schools could get involved in the classes.

Mrs. Spott mentioned the Upper Merion Farmers Market and encouraged Mr. Ruch when looking for Community Supported Agriculture (CSA) to making a connection with the Farmers Market vendors. Mr. Ruch responded they are very committed to marketing local agriculture.

Mr. Ruch stated one of the other things they would like to do from a marketing standpoint is work with local community and school groups on fundraisers.

Mrs. Kenney asked how much of the business is anticipated to be produce versus plants and flowers. Mr. Ruch responded their busy season is April/May levels off in the summer with a little "bump" at Christmas. The growing of local produce would be the focus in July/August which is a down time. Classes would also be held in down times.

Mr. McGrory stated the Township Engineer will mark off an existing plot plan in order to come up with something a lot more defined.

Board Comment on Previous Matter

Mr. Jenaway asked for follow up with Brian Keaveney regarding the Act 209 Ordinance. He pointed out in looking at the document he noted that the most accident prone intersection on North Gulph Road and Mall Boulevard is not addressed in any modifications and he would like to know why.

Mr. Philips indicated he would bring that to the attention of the Transportation Authority.

ELECTRIC RATES CONTRACT – MUNICIPAL UTILITY ALLIANCE

Mr. Kraynik stated The Pennsylvania Municipal League, formerly known as the Pennsylvania League of Cities, offers a program called the Municipal Utility Alliance (MUA). The township entered into a contract four years ago with the MUA who on behalf of over 200 communities entered into a contract with Constellation for bulk rate energy services for municipalities. That contract is up

for renewal at the end of the year.

Jean Pugh, Director, New Business Programs, Pennsylvania Municipal League, discussed the MUA electricity procurement program, its history and advantages, and a PowerPoint was shown.

Lou Cohen, Utility Solutions, Inc. stated he formed the company to provide technical management consulting to participating League members. He discussed in detail the components of the township's electric bill. Peco is the distribution company and their rates are set by the Public Utility Commission and represent 20% of the electric bill. Mr. Cohen discussed the other 80% of the bill which is currently being supplied by Constellation and provided a history of energy pricing over the years and some of the reasons for the highs and lows. A favorable buying opportunity has currently presented itself and while pricing may not be right at rock bottom, it is within 5-6% of the rock bottom market price.

Matt Shore, Constellation, provided an overview of the proposed contract and provided a handout of the actual analysis of the current contract versus current rates. He pointed out there is a significant opportunity to reduce the cost per kilowatt hour and noted the opportunities for green power purchases.

With regard to a four-year agreement, Mrs. Spott pointed out the community center which will be brought on line next year, and she was informed the contract would take this into consideration.

Mr. Kraynik stated the contracts would be submitted to the Township Solicitor for review and placed on the agenda for the consideration of the Board of Supervisors on October 16th.

SIMON PROPERTIES: KING OF PRUSSIA MALL CONNECTION; REVIEW OF CHANGES TO PARKING GARAGE AND CIRCULATION

Mr. Rob Loeper, Township Planner, stated the applicant is proposing to amend the previously submitted development plan for the King of Prussia Mall Connection to allow for the demolition of an existing parking garage and the construction of a new parking garage, with new traffic patterns to access the newly proposed garage. This change was discussed at last night's Planning Commission.

Mr. William G. Jackson, Vice President, Development, Simon Properties, stated Mr. Loeper summed up the development plan amendment which will improve circulation.

Mrs. Spott asked if the reference was to circulation internal in the garage. Mr. Jackson responded the proposal is to demolish the entire deck and start fresh with a brand new deck which is much better circulation within the garage

and navigating by way of an outside deck ramp system.

Mr. Keith J. Marshall, P.E., Project Manager, Nave Newell, stated the one way ingress into the site remains the same and provided some renderings to help explain the changes being made for better circulation for the site and getting in and out of the deck.

Mr. Jackson indicated there will be a parking valet on the grade and second level so people can, if they choose, drive right up to the entrance of the connector, drop their car, and walk right in.

Mr. Philips engaged Mr. Marshall in considerable discussion about the proposed ramp system. Mr. Marshall indicated this is not fully engineered yet, but the decision point will be very similar to what is there now to make the left or right and there will be signage so people will know they can go into the deck or around the back.

Mr. Jenaway commented at the Planning Commission meeting last night mention was made about electronic indicators for available parking spaces. Mr. Jackson stated while no commitments have been made they were looking at this particular deck because it lends itself to electronic indicators informing patrons what levels and how many parking spaces are available.

Mrs. Spott asked about technology to make parking easier utilizing red and green lights indicating which parking spaces are available. Mr. Jackson responded these systems are expensive and it is his understanding they have to be recalibrated every three to four days. Mr. Marshall commented on the roof level there is nothing to hang the lights from.

Mrs. Spott asked if any particular waivers were being requested. Mr. Marshall responded he has not looked at any waivers.

Mr. Jenaway commented last night the Planning Commission voted unanimously without questions or suggestions to move this plan forward. There was discussion about coming back to the Planning Commission with the way-finding designs.

Mr. Jackson indicated they are still working not only on the garage, but the entire site and tweaking the renderings.

Denise Yarnoff, Esq., representing the applicant, stated the applicant would like to come back to the November business meeting for the amendment to the final plan.

Mrs. Spott reminded the applicant to keep their commitment to return to the Planning Commission with regard to wayfinding signs. Ms. Yarnoff

responded the applicant is working on wayfinding signs and will return to the Board of Supervisors as well as the Planning Commission to show the designs.

Mr. Jackson mentioned the demolition of the existing deck will begin around January 15th, and will be taken down piece by piece, placed on a truck and hauled off rather than a massive demolition.

Mrs. Kenney asked if demolition would be done at night. Mr. Jackson responded some will be done during the day, but far enough away not to disrupt the site.

Mrs. Kenney asked if demolition will begin after the holidays. Mr. Jackson responded in the affirmative.

Mr. McGrory asked if the Township Engineer has reviewed the plan. Mr. Loeper responded plans were submitted to the Township Engineer, but a review letter has not been received as yet. Mr. McGrory indicated he will prepare a Resolution so that the Board of Supervisors can consider this at the November business meeting.

VALLEY FORGE SHOPPING CENTER DEVELOPMENT PLAN; 250 DEKALB PIKE (TOWN CENTER); DEMOLITION AND RECONSTRUCTION OF ± 12,046 SF OF EXISTING CENTER AND RECONFIGURATION TO RESULT IN 14,160 SF PET STORE RETAILER; 7.79 ACRES, SC

Mr. Loeper stated this is a partial redevelopment of the Valley Forge Shopping Center on the upper level west of Town Center Road. The applicant is proposing a plan of taking down existing tenant space and building the 14,000 square foot tenant space for use as a pet store. As a follow up to a question of coordinating with traffic safety raised at the last meeting, Mr. Loeper indicated a memo has been received from Sgt. Elverson of Traffic Safety which George Broseman will discuss further.

Mr. George Broseman, Esq., representing the applicant, stated the applicant is not increasing any floor area and not increasing impervious coverage which is being slightly decreased. While he is not sure if it is a land development, it has been filed as such. The main issue discussed at the last meeting concerned the rear driveway [that exits onto US 202], and the applicant was asked to meet with Traffic Safety to address the concerns about traffic safety at the rear driveway. After meeting with Mr. Broseman, Sgt. Elverson, Traffic Safety, researched the number of traffic accidents in that area during the past four years and while there were accidents on Route 202 at, or near, the intersection of Town Center Road, none of them involved the rear driveway from the shopping center onto 202 southbound. While there was no accident history at the driveway in question, Sgt. Elverson asked that there be a sign posted for

vehicle traffic prior to the driveway, advising them that there is another exit onto 202 at the intersection of Town Center Road. Mr. Broseman indicated the applicant has agreed to do this.

Mr. Broseman stated residents from the Court at Henderson contacted Mr. Loeper about some stormwater issues coming off the parking lot next to Peppers Restaurant. He said the ownership of the shopping center had never been aware of these stormwater issues. A meeting was held with the residents' representatives yesterday indicating the project will have no impact on them because the applicant is in a different drainage area and the impervious will actually be slightly decreased. As a good neighbor, the applicant has agreed to go over the issues to see if there is something that could be done to address the residents' issues and the applicant is committed to do that.

Utilizing the aerial, Mr. Cornelius Brown, Bohler Engineering, pointed out various features of the site, the area of the redevelopment, the proposed improvements, and how the site is going to function in terms of parking and pedestrian circulation and traffic. He noted the building will be one story and the applicant is proposing to reuse the existing tower located at the corner.

Mr. Philips asked if the purpose of the tower is a decorative element. Mr. Broseman responded when the Target project was done the applicant went to the Zoning Hearing Board and an overall sign package was approved to fit in with the architecture, but also provide some space for some signage.

Mr. Jenaway commented the request for evaluation by traffic safety was his question at the last meeting. He said Sgt. Elverson makes a good point regarding the signage.

Mr. Philips asked if the parking configuration will change. Mr. Broseman responded the applicant complies with the parking ordinance and is comfortable that there is enough parking. Customers will be able to park in two different parking fields on both sides of Town Center Road.

Mr. Philips commented how full the lot is on a Saturday morning. Mr. Broseman responded there is also a lot by Bed, Bath, and Beyond and feels it is an advantage the applicant is putting their front door facing Town Center because people will be encouraged to use both lots.

Mrs. Spott pointed out that will generate more pedestrian traffic crossing the street as well.

Mrs. Kenney noted the main door is on the east side of the building and asked if there will be any doors at all on the north side. Mr. Brown responded in the negative. Mrs. Kenney said if patrons park in the lot adjacent to the building, they will have to walk around to the front. Mr. Brown responded in the

affirmative.

Mrs. Kenney asked if the loading dock is on the west side of the building. Mr. Brown responded in the affirmative. Mrs. Kenney asked if there is enough space for deliveries. Mr. Brown responded they have run truck movements to make sure trucks can make the turn coming in from Town Center.

Mr. Philips asked about parking near the dock. Mr. Brown responded there is parking there today. Mrs. Kenney asked if that is going to stay the same. Mr. Brown responded in the affirmative.

Mr. Philips asked if tractor trailers go back there today. Mr. Broseman responded in the affirmative. He said Pet Smart will have a tractor trailer two or three times a week.

Mr. Jenaway asked if deliveries come in at night, and he was told they could control the timing and that is no problem.

Mr. Jenaway asked about parking questions raised by the Planning Commission. Mr. Brown responded there were questions in terms of truck circulation although he could not recall any questions specific to parking issues.

Mr. Jenaway noted in the Planning Commission minutes he found a question whether it met the parking requirements and the answer to that was yes. There was also a question regarding pedestrian access to the stores along US 202 during construction and the discussion indicated there would be safe alternative routes that would be provided. Mr. Broseman stated he has been on calls when that has been discussed with the construction team and they know they need to comply.

Mr. Broseman commented the applicant has a clean review letter from the Township Engineer and this is the second workshop session.

Mr. Philips asked if there is any natural lighting going into the building. Mr. Brown responded only light would come from front windows. .

An unidentified member of the audience stated the Court at Henderson homeowners in their discussion with Mr. Broseman and the applicant are in favor of the plans and consider them to be good neighbors with a good working relationship and they expect to continue to resolve the stormwater issues.

An unidentified representative of the residents said Mr. Brown went over the plans and they had a meeting with Mr. Loeper yesterday. The residents appreciate the notice alerting them to this plan and discussing it with their homeowner membership and those from the rental properties. They view this as a positive development along with all the other improvements across the street

[in the shopping center].

Mr. McGrory will prepare a Resolution for October 16th.

ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the workshop meeting at 9:39 p.m. None opposed. Motion approved 4-0.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: