

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JUNE 21, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, June 21, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:40 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the May 10, 2012 Joint Meeting Minutes, May 17, 2012 Business Meeting Minutes, and May 31, 2012 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRPERSON'S COMMENTS:

Chairperson Spott commented on an executive session held prior to the business meeting during which litigation matters were discussed.

NEW BUSINESS

CONSENT AGENDA:

1. T&M Proposal re: Proposal for Professional Services - 2012 Road Program
2. T&M Proposal re: Various Upper Merion Township Bridges Scour Plan of Action
3. Resolution 2012-18 re: Disposition of Township Equipment
4. Resolution 2012-21 re: Disposition of Township Computer Equipment
5. Approval of Leases - 431 W. Valley Forge Road re:
 - a. Robinson's Martial Arts & Fitness
 - b. Pole Jam Factory, LLC
 - c. A1 Herbal, Inc.
6. Resolution 2012-22 re: Establish Money Purchase Retirement Plan - Volunteer Fire Companies
7. Equipment Replacement Request re: Purchase of 2 Marked Patrol Vehicles - \$54,668
8. Equipment Replacement Request re: Vehicle Change-Over - \$10,000
9. Permission to Advertise Ordinance re: S. Henderson Road PIB Loan
Hearing Date: July 19, 2012
10. Permission to Advertise Hearing re: Intermunicipal Liquor License Transfer - 143 South Gulph Road - *Hearing Date: July 19, 2012*

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 4-0.

GASB 54 - 2011 FINANCIAL STATEMENT - "COMMITTED" FUND BALANCE

Mr. Nick Hiriak, Director of Finance, stated this is a procedural requirement by Governmental Accounting Standards Board (GASB) Statement No. 54. It requires the Board of Supervisors to set, by formal motion, a committed amount of fund balance for the 2011 township financial statements. This amount would be for \$2 million and is a restatement of what was done in 2010.

Mrs. Spott asked for a motion to designate \$2 million in the Revenue Stabilization Fund as committed fund balance in the 2011 Upper Merion Township Financial Statements.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Waks, all voting "Aye" to designate \$2 million in the Revenue Stabilization Fund as committed fund balance in the 2011 Upper Merion Township Financial Statements.

PHASE III DEVELOPMENT PLANS RE: PORCELANOSA USA. DEKALB PIKE AT LONG ROAD. REMOVE ABANDONED STRUCTURES AND REDEVELOP PROPERTY WITH A 7,150 SF TIME SHOWROOM AND ASSOCIATED SITE IMPROVEMENTS. C-0 COMMERCIAL, 0.61 ACRES. Resolution 2012-19

Mr. Rob Loeper, Township Planner, reported Porcelanosa has acquired two properties at the intersection of West DeKalb Pike and Long Road. Historically these were residential properties rezoned commercial many years ago as well as other properties along Route 202.

The applicant is proposing the construction of a 7,000 square foot tile showroom with a small warehouse portion on the site. The plans have been through the various reviews by the planning commissions, the Township Engineer, and the Shade Tree Commission.

There were several variances with regard to building setbacks and dimensional requirements. Mr. Loeper pointed out most of the properties in the C-O District require some relief because of the way the district is constructed. Some of the improvements to take place include:

- pedestrian improvements which have been modified at the request of the Board of Supervisors
- minimal roadway improvements will be made to assure the site fits in with the existing road configuration
- an underground stormwater detention basin will tie into the system on DeKalb Pike
- there will be a fair amount of landscaping and buffers with the adjacent residential properties.
- modifications to driveway to address some of the concerns raised about through traffic in residential neighborhoods.

Mr. Loeper noted three waivers requested by the applicant:

- §140-10(A)(2) to allow grading within 5 feet of a property line
- §145-24(D) to allow a driveway 40 feet from the ultimate right-of-way

- §145-24.1.E(2)(b) to allow required shade trees to be located outside the front yard

There are several conditions which are contained in the resolution of approval:

- all engineering issues must be addressed to the satisfaction of the Township Engineer
- the applicant must execute the Highway Agreement with the Transportation Authority
- the plans must be recorded which also includes the posting of financial security
- any outside permits must be given to the township prior to construction.

Mr. McGrory pointed out the prior letter from the Township Engineer has been slightly revised with regard to Item #55. Mr. McGrory had asked that it specify exactly what is delineated on the plan with reference to the egress onto Long Road. The Township Engineer has subsequently amended his letter and incorporated that paragraph in the revised letter now referenced in the Resolution. The applicant's counsel has agreed to its wording and is prepared to agree to all the conditions in the Resolution.

Mrs. Spott noted the other issue relating to the 25 foot radius on the corner of Route 202 and Long Road is also included in the engineering letter as discussed at the workshop meeting.

Mrs. Spott asked if the Resolution as it is currently written, and revised in the engineering letter, is reflective of all changes that the supervisors discussed at the workshop meeting. McGrory responded in the affirmative.

Mrs. Spott asked for a motion to approve the Resolution.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to approve Resolution 2012-19 for the Phase III Development Plan. None opposed. Motion approved 4-0.

PHASE III DEVELOPMENT PLAN RE: GOODMAN PROPERTIES. 145 W. DEKALB PIKE. WAWA FOOD MARKET (6,018 SF WITH GASOLINE SALES, ALONG WITH A CHICK-FIL-A (4,864 SF, 142 SEAT) RESTAURANT WITH DRIVE THROUGH FACILITY. C-1 COMMERCIAL, 4,137 ACRES

Mr. Loeper stated Goodman Properties has submitted a land development application to redevelop property located at 145 West DeKalb Pike. The applicant proposes to demolish the existing structure and construct two freestanding buildings. Wawa markets will occupy an 8,000 square foot store with 8 islands containing 2 gas pumps each for a total of 16 gas pumps. The other building will house a Chick-fil-A restaurant of approximately 4,800 square feet with a drive through station.

This plan has been reviewed by the planning commissions and the various boards and commissions. Several variances were granted by the Zoning Hearing Board. Since the plan was submitted last year, it was reviewed by T&M Associates for code compliance and engineering related issues and by Pennoni Associates for traffic issues. The number one issue has been traffic and access.

Mr. Loeper explained the current configuration calls for a partial signal at the site which will allow left turns into this site as well as the opposite Target site. One of the items stressed by the Board of Supervisors was the need for the sites to have the ability to accommodate a full signal in the future.

There were changes to the plan dealing with traffic and circulation. While the Wawa and Chick-Fil-A are stand alone, they do share access as well as some additional access with the Sports Authority and the Wells Fargo Bank. The parking and circulation all conform with code. There will be pedestrian access on the site.

There will be certain offsite road improvements including the upgrade of the signals on South Henderson at Saulin and Monroe to the new traffic adaptive signals.

The site presently does not have stormwater detention. Part of the redevelopment includes the design and construction of an extensive underground stormwater management system that will tie into the PennDOT system and will require a PennDOT permit.

The applicant will pay a fee-in-lieu of dedication of open space.

The applicant has requested six waivers all dealing with landscaping and primarily relate to location of landscaping because of conflicts with rights-of-way, utilities, etc. The bulk of the landscaping is in the rear of the property toward the residential properties.

There are also several conditions associated with this plan. The first two conditions concern addressing the engineers' letters from T&M Associates and Pennoni Associates. The third has to do with the Capital Improvement Assessment Agreement with the Transportation Authority. The fourth is to provide the township with copies of all outside agency permits. The fifth has to do with the Henderson Road driveway. There were some changes that PennDOT requested on the driveway, primarily dealing with striping. The sixth is the applicant will provide an internal way finding signage plan for the township. Mr. Loeper explained because of the configuration of the driveways that is something to evolve over time. The last condition is the plan be recorded in accordance with the Pennsylvania Municipalities Planning Code.

Mr. McGrory discussed the traffic impact fee for the Resolution and stated in the future he would like to have all the traffic impact numbers done ahead of time in consultation with the Transportation Authority. In this particular case, so as not to delay the plan, instead of naming the Transportation Authority number, he added the following paragraph under paragraph H: "no building permit shall be issued until the owner has executed a Traffic Capital Improvement Assessment Agreement with the Upper Merion Township Transportation Authority." The owner will have to negotiate with the Transportation Authority as to what the fee should be because there is an issue over how much pass-by credits there are for pass-by traffic. There is an issue over what is an offsite improvement, how much is the offsite improvement, how much credit should be applied against this fee for offsite improvements. In the future, Mr. McGrory would like the Transportation Authority and the Municipal Utility Authority to weigh in, comment, and make their decisions, so the results of their negotiations can be incorporated into the final resolutions.

Mr. McGrory stated Bruce Goodman, Goodman Properties, has agreed to escrow for the full signal and he noted for the record Mr. Goodman is not only escrowing what would normally be escrowed for a regular traffic improvement, he is keeping it in escrow for a period of three years. Mr. Goodman is also paying for a traffic study at his own expense to see if a full signal is warranted. Mr. McGrory reported Target communicated with the township yesterday to indicate they are moving forward. In lieu of a joint agreement with Wawa, which Mr. McGrory would have preferred, Target agreed to 100% of the improvements for the partial signal. Wawa will do the remaining balance for the full signal which will be substantially less, and at this time it looks like everything is coming together.

Mrs. Spott asked for a motion to approve the resolution for the Goodman Properties plan as submitted and with the comments of the Township Solicitor.

Mrs. Spott asked if the amending language to the Resolution as described by Mr. McGrory was acceptable to the applicant. An affirmative response was provided from the audience off microphone.

Mr. Jenaway asked Mr. Loeper to review the zoning relief provided for this development plan. Mr. Loeper responded there were two zoning decisions; one was July 15, 2011 which granted the following relief:

- to allow and permit gasoline sales in the C-1 District
- to allow less parking than is required; however, Mr. Loeper's calculation shows that the applicant exceeds the minimum parking requirement
- to allow the Chick-fil-A to have no designated loading space
- to allow a total of 590 square feet of signs where the code allows 200
- additional relief related to signage as outlined in the decision.

The second decision was August 3rd and it granted relief for a sign on the adjacent Sports Authority property for a common sign for Sports Authority, Wells Fargo, Chick-fil-A and Wawa (by the Henderson Road entrance).

Mr. Jenaway stated he appreciates the efforts of the applicant and their counsel in bringing this application to fruition since it is a very challenging property. He commented on the tight process involved at the site as well as the increased lighting factors in the area.

Mr. Waks asked about the proposed timeline for the super Wawa, Chick-fil-A. Mr. Bruce Goodman, Goodman Properties, responded the plan is to start as soon as possible with an expected opening within a year or sooner.

From the Public:

Mr. Terry Kelly, King of Prussia, expressed traffic concerns and is in support of a full traffic light at the site.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2012-20 for the Phase III Development Plan. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the Accounts Payable for invoices processed from May 3, 2012 to June 7, 2012, in the amount of \$1,539,995.91 and the Payroll for May 11, 2012 and May 25, 2012 in the amount of \$1,230,819.07 for a total of \$2,770,814.98. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

From the Public:

Mr. Herbert Baiersdorfer, Gypsy Lane, reiterated his concerns about runoff issues and he was informed an on-site visit would be scheduled by township personnel and a few supervisors.

Mr. Terry Kelly, King of Prussia, suggested an ordinance re: Responsible Contracting to require those applying for a building permit to do commercial or residential work to list all the contractors, subcontractors and workers on the job to allow for the local services tax to be collected. He will provide additional

information to the Assistant Township Manager as a possible agenda item for a future workshop.

UPCOMING EVENTS IN TOWNSHIP

Mrs. Spott announced a number of Township meetings/events and called attention to the new publication of the "Manager's Memo" now featured on the township website.

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 legally and improperly using fireworks.

Mr. Dan Russell, Director of Park and Recreation, outlined the Fourth of July activities to be held at Heuser Park.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 8:35 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: