

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
MARCH 15, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, March 15, 2012, 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 Philips, Greg Waks, Erika Spott, Bill Jenaway and Carole Kenney. Also present were: Ron Wagenmann, Township Manager; Joseph McGrory, Township Solicitor, Rob Loeper, Township Planner; Tom Beach, Township Engineer, Judith A. Vicchio, Assistant Township Manager and Angela Caramenico, Assistant to the Township Manager.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve the February 9, 2012 Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Spott reported that an Executive Session was held prior to this meeting during which litigation matters were discussed and the Executive Session will resume after this meeting.

NEW BUSINESS

CONSENT AGENDA:

1. Resolution 2012-08 re: Disposition of Library Computer Equipment
2. Resolution 2012-11 re: Support of Transportation Enhancements, Recreational Trails and Safe Routes to School

Board Comment:

Mrs. Spott commented on Item #2 and stated this is a Resolution in support of federal transportation legislation to retain funding for transportation enhancements, trails and Safe Routes to School program, among other initiatives. It was noted that Upper Merion has benefited from an ever increasing trail network in our township that benefits our residents and the Board of Supervisors want to make sure that our elected officials in Washington, D.C. remain mindful of their continued support for these initiatives.

With regard to Item #1 Mr. Philips asked if there is a policy for wiping the hard drives before disposition of computer equipment. Mr. Wagenmann responded in the affirmative and stated the Information Technology Department wipes the hard drives prior to disposition.

With regard to Item #1, Mrs. Kenney asked if there is a cost to the township for the disposition of computer equipment. Mr. Wagenmann responded in the negative.

PRESENTATION RE: EAGLE SCOUT JAMIE SHELTON - CLEAN UP OF PROPERTY AT 431 W. VALLEY FORGE ROAD

Dan Russell, Park and Recreation Director, introduced Eagle Scout candidate Shelton, who explained his project and encouraged the community to take part. Jamie planned his project with the help and encouragement of Mr. Waks and Dan Russell.

On behalf of the Board of Supervisors, Mrs. Spott expressed support for this community project and asked about the dates and times volunteers can offer to work. Jamie responded the volunteers will work on April 14 (8:45 a.m. until 3 p.m., April 22 (Earth Day - 12:30 p.m. until 3:30 p.m.), and April 28 (10:30 a.m. until 3:30 p.m.). Mrs. Spott asked that this clean-up project be publicized in the township newsletters, prominently displayed on the township website, and announced at public meetings.

Mrs. Kenney commended Jamie Shelton for the impressive scope of his project and asked who is the point of contact for those who wish to volunteer to help or donate. Jamie responded the best way to contact him is through his school email: His email is jshelton@umasd.gaggle.net.

Mr. Waks expressed his appreciation for the leadership role Jamie has taken with this community project.

Dan Russell thanked the Board of Supervisors for this opportunity for Jamie to address the Board of Supervisors at this public meeting and suggested the Park and Recreation office would welcome the opportunity to forward any inquiries about this project to Jamie as well.

HEARING RE: BOND ORDINANCE

Mr. Joseph McGrory opened the floor for the hearing to consider the bond ordinance and marked the ordinance as Exhibit #1 and proof of publication as Exhibit #2 indicating the ordinance was advertised in accordance with law.

Mr. Michael Wolf, Managing Director, Boenning & Scattergood, outlined the bond issue and the relationship it holds with the former Gold's Gym property. He reported the Township continues to hold Moody's highest Triple A rating and read the following quote from the report: "The assignment of Moody's highest rating reflects the township's strong financial operations characterized by ample reserves, a sizeable and affluent tax base with strong demographic indicators and a low direct debt burden. The stable outlook reflects Moody's belief that reserve levels will remain strong for the foreseeable future given the Township's conservative budgeting practices while assessed values are likely to stabilize in the near term."

Mr. Wolf stated the average weighted interest rate for the 20 year bond issue is 2.8%. The bulk of the bond's \$6.9 million is being issued for capital projects the largest one is the recreation center. Reserved in the ordinance is the Township's ability to do certain other projects as well. There is \$3 million separately designated with a shorter payback for equipment at the two sewage treatment plants. The Township will receive two separate payback schedules, a long one for the recreation center, and a shorter one for the sewer treatment plants which reflects the economic life of the projects being funded.

The all in interest rate on the longer bond to finance the recreation center is 2.94% including all costs and the all in interest cost on the shorter bonds financing the sewer treatment plants is 2.47%. This favorable result is partially caused by the market and partially caused by the Township's own Triple A rating. The bond issue includes a five year call which is normal for bonds under \$10 million in total amount. Settlement is scheduled for April 19, 2012.

Ms. Megan Santana, Partner with Fox & Rothschild, LLP, outlined a general summary of the bond ordinance as follows:

- authorizes the issuance of the bond in the principle amount of \$10 million.
- authorizes the officers to take any appropriate and necessary actions in connection with the issuance of these bonds.
- authorizes the award of the bond and approves the sale to Boenning and Scattergood.
- appoints paying agent as the Bank of New York Mellon Trust Company

- authorizes the submission of all necessary proceedings to the Department of Community and Economic Development

Mrs. Spott commented this is a good result that will make it possible to do some very good things in the township for our residents as well as invest important infrastructure improvements for our sewage plants.

Mr. McGrory opened the floor for public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda.

Mrs. Spott asked for a motion to pass the Bond Ordinance as advertised.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve Bond Ordinance 2012-804 as submitted. None opposed. Motion approved 5-0. Ordinance 2012-804 was adopted and will be filed in Ordinance Book #16.

PHASE I DEVELOPMENT PLAN RE: PORCELANOSA USA. DEKALB PIKE AT LONG ROAD. REMOVE ABANDONED STRUCTURES AND REDEVELOP PROPERTY WITH A 7,150 SF TILE SHOWROOM AND ASSOCIATED SITE IMPROVEMENTS. C-0 COMMERCIAL, 0.61 ACRES

Mr. Loeper stated that Porcelanosa USA has submitted a plan for a 7,000 square foot retail showroom at the corner of Long Road and DeKalb Pike featuring tile bath and kitchen fixtures. The site is approximately 0.61 acres and is located in the CO District.

Mr. Loeper explained that the bulk of the building will be used for bathroom and kitchen vignettes displaying available products. It is not the type of location where a customer would buy the tile and take it home from the store. Instead the product would be shipped from a New Jersey location directly to the job site. A small area of the site will be set aside for construction of mockups and models, consequently there will be an appropriate loading dock and office.

The building coverage is 29% and the impervious coverage is 68%. Stormwater will be managed by an underground basin.

Porcelanosa went before the Zoning Hearing Board for relief. Mr. Loeper noted the CO District is a very restricted district with a few unusual aspects with regard to lot sizes and uses. He went on to explain when it was first created the CO District was encouraged to consolidate lots in areas where residential uses were no longer appropriate. There were several variances granted including lot size, lot width, and setbacks. The building is set back 25 feet from the front yard as opposed to 35 feet by code and the side yard is 5 feet from the property line as opposed to 15 feet to allow an increase in the building coverage and also a variance to allow a reduced number of parking spaces. There was also a variance to allow a loading dock that does not meet the normal dimensions that are found in the township.

The Shade Tree Commission and the Planning Commission had comments regarding the plan. Utilizing the aerial, Mr. Loeper pointed out a few anomalies such as some sidewalk issues that need to be finalized.

Mr. Loeper discussed the general circulation for the site once entering from Long Road. The first driveway will be inbound only. Access is also available from the rear driveway where all traffic will exit. The plan calls for a loading dock; however, the loading dock will not be used a great amount of time.

The property slopes upward from DeKalb Pike toward the residential property; and buffering is provided from the residential property adjacent to the site. The plantings will be located behind a small knee wall and stockade fence.

There are a fair amount of street trees which would normally be required during the plan review.

Preliminary comments have been received from the Township Engineer and will be forwarded to the applicant next week.

The plan was also submitted to the Montgomery County Planning Commission for their review and comments.

Mrs. Spott expressed concern about the reduction of half the parking spaces as well as the traffic flow through the residential area on Long Road. She noted that coming back out onto Route 202 only a right hand turn is possible. With regard to the parking, Robert J. Iannozzi, Dischell, Bartle & Dooley, responded there will only be three employees at the site. He explained this is not a typical cash and carry business, but more like a furniture showroom with vignettes, except the products will be kitchen and bathroom tiles. Customers will place an order which will be filled off site. The average transaction will be \$10,000 or greater for a very finely tailored use. Since it will not be an intense use the applicant believes the proposed parking of 18 spaces would be more than adequate for the site.

Rolph A. Graf, PE, Graf Engineering, LLC, Project Engineer for Porcelanosa, stated since the tile showroom is not neatly defined within the Township ordinance they looked at the worst case scenario as if this were a retail establishment with high volume of traffic. Under that scenario 4 ½ spaces per 1,000 square feet are required resulting in the high number of 32 spaces; the applicant is providing 18 spaces. Mr. Graf indicated a furniture store is similar to what the applicant is providing and the applicant complies with the parking standards for a furniture showroom. He also said the township ordinance allows a look at historical data for similar uses, if available. Mr. Graf stated that Porcelanosa has showrooms throughout the United States and finding empirical data for other uses was very prevalent. When a plan first came before the township in 2007 there was a study done to look at actual parking needs and it indicated since it is a showroom where clients are brought to the site by contract, there is not a huge volume of people that come through the stores. It was determined based on existing uses that 8 to 10 spaces, including employees, would be needed for the site. The applicant went into detail on this issue with the Zoning Hearing Board and as a result of that discussion 18 spaces were believed to be a good number for this site.

Mrs. Spott reiterated her question about the traffic flow. Mr. Graf responded that he never thought of people taking a right out onto Long Road. He said they looked at having an access directly onto Route 202, but they did not think that worked very well. They felt there are enough access points and they had the advantage of Long Road. Since the applicant, in his view, would not be generating a lot of traffic they did not think it would be an issue for people to come in and out of the site. When a Planning Commission member raised the issue about people driving through the neighborhood, he correctly referenced most people just follow their GPS. Mr. Graf tested the GPS, punched in a location that would require him to get back on the turnpike, and he was directed through the residential neighborhood. Mr. Graf stated the Planning Commission was correct and the applicant needs to look at this closer. He said the applicant would not be opposed to signage to deter people, although he admitted signage might not stop them. Mr. Graf reiterated the applicant does not believe this is an intensive use from a traffic perspective, but they look forward to working with staff on how to assure that the least amount of neighborhood traffic.

Mrs. Spott asked about the store hours. There was a response from the audience (off microphone) wherein it was indicated "Monday through Saturday, no Sundays," but the rest of the response was inaudible with regard to hours.

Mrs. Kenney asked if Long Road is one way or two way. Mr. Graf responded Long Road is a two-way road.

Mr. Jenaway asked how increased stormwater runoff will be managed

since this property had two single family dwellings with approximately 1,200 and 2,400 square foot footprints respectively and it is now proposed to go to a 7,000 square foot footprint plus blacktop bringing it to 68% of the property. Mr. Graf responded the applicant is proposing an underground system with a standard system of pipes in a stone bed that will detain the water and control the rate at which water is released. It will be an underground system because of the elevation change in the property. There are two separate locations that are connected and will be tied into the storm drainage system along Route 202. The applicant will have to coordinate with PennDOT with respect to the stormwater connection point. Calculations and a design have been provided that, in the applicant's view, meet the scope of the township's subdivision and land development ordinance.

Mr. Jenaway asked if there will be some different traffic patterns on the residential street [Long Road] now that it will have commercial truck traffic. Pending information from the Township Engineer and Montgomery County Planning Commission, Mr. Jenaway remains concerned about the eventual traffic patterns. Mr. Graf responded that the applicant is here for the Phase I to introduce the project and answer any preliminary questions.

Mr. Philips asked about the parking on the front driveway. Mr. Graf responded the applicant wanted some additional parking along the front of the building. He explained this is a little out of the ordinary since the front of the building is facing the side street and not Route 202. In addressing the narrowness of the lot, the applicant believed the best scenario was a one-way street with parallel parking for four vehicles along the side of the street. The main parking area, including handicapped accesses, would be along the rear of the building with two-way vehicular traffic and standard perpendicular parking.

With regard to the rear buffer, Mr. Philips questioned the selection of Norway spruce that will eventually be too big for the site, and asked if any thought has been given to replacing these tree species. Mr. Graf responded the applicant wanted to have a very dense buffer in this location. He said the applicant would be open to a discussion on a different tree species or configurations.

Mr. Philips asked the applicant to give consideration to a tree species that will provide the buffer once it is mature. Mr. Philips said his experience with landscape architecture in this type of setting is that as trees become mature, they will grow together and get diseased at the point of intersection thereby losing the buffer when all the needles fall off because the trees are planted too close.

Mr. Philips asked for clarification about the loading dock, type of trucks and how they will access the property. Mr. Graf responded that a more apt description would be "loading and unloading area" for small box trucks, during off peak hours, rather than "loading dock." He said that there are no tractor trailers or semi's using the property. The time of the deliveries would be controlled by Porcelanosa.

Mrs. Spott asked if any residents were present when the applicant went before the Zoning Hearing Board. Mr. Graf responded in the affirmative.

Mrs. Spott asked about the concerns raised by the residents. Mr. Graf responded there were concerns about the lighting, traffic in the rear and preparing a buffer between the residential area and the applicant's property.

From the Public:

Mr. Gary Russell, King of Prussia, raised a number of concerns including traffic through the neighborhood, adequate parking, the sharp right turn into Long Road going north.

Mrs. Spott asked the applicant to work closely with staff to address the issues raised at this meeting.

Referred back to staff.

PHASE I DEVELOPMENT PLANS RE: GULPH MILLS GOLF CLUB. 200 SWEDELAND ROAD. DEMOLISH EXISTING MAINTENANCE FACILITY AND ASSOCIATED INFRASTRUCTURE AND CONSTRUCT NEW MAINTENANCE FACILITY AND ADDITION TO BAR, RENOVATE EXISTING BARN AND HOUSE AND ASSOCIATE PAVING, GRADING AND STORMWATER MANAGEMENT. RA RECREATION, 197 ACRES

Mr. Loeper stated the Gulph Mills Golf Club is located on a 197 acre site and the applicant is proposing to demolish a portion of their maintenance facility along Swedeland Road and rebuild it in the same location. Utilizing the aerial Mr. Loeper pointed out various aspects of the site, including a building to store fertilizers, chemicals and golf course maintenance items. There will be a covered area for fueling vehicles as well as washing the vehicles, as well as silos for sand and other materials. Water will be collected in an underground system and discharged into the Matsunk Creek.

Mr. Loeper noted that one of the questions raised at the Planning Commission last night was about access by larger vehicles. The applicant represented that currently large vehicles have to enter the site in the existing condition and they do not have any problem.

The plan was submitted to both the Montgomery County Planning Commission and the Upper Merion Planning Commission; there were no planning issues and approval was recommended.

Mr. Philips asked what type of fuel is used in the fueling area. Keith Marshall, PE, Nave Newell, responded fueling would involve gasoline for the mowers, etc. The applicant is proposing to bring a new gas line, water line and electric into the property and the building will have a natural gas heating system.

Mr. Philips followed up by asking for clarification about the type of system being used for fuel delivery for petroleum. Mr. Marshall responded the current above ground storage tank will be removed and there will be a certified fuel storage tank with proper documentation and permits.

Mr. Philips asked for clarification about the water collection facility. Mr. Marshall responded in the area between the two buildings is a "breezeway". He explained it is a covered, but open area, for the wash down of the vehicles.

Mr. Philips asked about the storm tank and if any thought has been given for use to water the golf course. Mr. Marshall responded there are ponds along the Matsunk Creek that currently exist to water the golf course. The system is basically to control the increase in the impervious surface and to meet the standards of the ordinance.

From the Public:

Ken Forman, King of Prussia, asked about safety precautions in place in the fueling area, and Mr. Marshall responded there is a sumped area underneath the canopy with a drain on both sides of the bay. Any kind of spillage goes down the drain and into the system. The building will also have sprinklers and the applicant will follow all safety procedures per code.

Board Comment:

Mrs. Spott asked the Township Planner to illustrate on the aerial the proximity of the residential areas. Mr. Marshall pointed out the actual maintenance facility that sits in the middle of the golf course situated down in a valley and well buffered from the road.

Mr. James Logue, Club President, stated the current system is a 1,000

gallon gas tank and a 500 gallon diesel tank and Gulph Mills Golf Club is just replacing what is existing today.

Mrs. Spott commented there are safety regulations in effect for those types of tanks. Mr. Logue responded in the affirmative. He said the vehicles are lawn mowers, tractors, and dump trucks used exclusively on the property. No other vehicle filling is involved.

Mrs. Spott stated following the good counsel of the Upper Merion Planning Commission she would entertain a motion.

Solicitor's Comment:

Mr. McGrory asked that the motion incorporate compliance with whatever review letters are outstanding from the Township Planner and Township Engineer.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve the development plan subject to compliance with any outstanding review letters from the Township Planner and Township Engineer. None opposed. Motion approved 5-0.

PHASE II 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

Utilizing the aerial, Mr. Loeper pointed out the Wawa site on Route 202 opposite the Valley Forge Shopping Center. He explained the proposal is to redevelop the site with a Wawa store offering gasoline and a free standing Chick-fil-A. Mr. Loeper discussed several changes since the Board of Supervisors last reviewed the plan:

The driveway access has been modified by changing the first driveway. This driveway will allow inbound from northbound as well as left turn inbound from the south. The second driveway will allow inbound from northbound traffic and allow for exiting traffic northbound. The original plan had proposed left turns out of the site and those have been eliminated.

There is now a 15 foot one-way driveway that goes from the first driveway to an intersection headed toward the Chick-fil-A. If someone pulls in and decides they are going to the Chick-fil-A, they could then proceed this way without interfering with the traffic that will be going back to the fueling islands.

There is a large area between a landscaped and curb median before reaching the fueling areas which was accomplished by moving the entire Wawa portion of the site back from the front of the property. In the original plan this was located much closer to the street which raised concerns about site circulation.

Utilizing the aerial, Mr. Loeper pointed out the location of the access into the Chick-fil-A as well as the parking (including parking at the rear of both the Wawa and Chick-fil-A), access to the drive thru's, exit at the back of the site, and the one-way only driveway toward Henderson Road.

Mr. Loeper noted the change in the driveway at Henderson Road that was prompted by the discussions with PennDOT. The current driveway coming out onto Henderson Road which serves both the Sports Authority, the Wawa site, as well as access the Wells Fargo Bank is rather wide; however, PennDOT suggested that the driveway be reconfigured so that the outbound is designated a right turn lane to go southbound on Henderson or a thru and left turn to circulate back to Route 202. This would be accomplished with a combination of an island and the appropriate striping. The concern was if people do not line up

properly, this driveway could come to a complete halt if somebody would line up in the middle and straddle this driveway forcing anyone trying to make a right turn to sit behind them.

Mr. Loeper recalled when the Sports Authority was approved and redeveloped, Goodman Properties agreed at that time that when the Petco property came in they would be eliminating some driveways and they did provide for internal circulation, where historically these sites did not have any internal circulation.

Mr. Loeper stated one of the discussions held with PennDOT is the recommendation that the two traffic signals on Henderson Road south of Route 202 at Monroe (at entry to Henderson Plaza) and also at Saulin Boulevard be upgraded with adaptive signals. It was noted that the other signal change would occur at Prince Frederick and Henderson Road.

David C. Onorato, Esq., Kerns, Pearlstine, Onorato & Hladik, representing Goodman Properties, stated accompanying him at this meeting is Chris Anderson, Goodman Properties, Ron Klaus, civil engineer, and Greg Richardson, traffic engineer and June Spring, representing Wawa.

Mr. Waks expressed disappointment regarding the applicant's lack of participation with the planning subcommittee.

Mr. Waks asked if Wawa is privately owned. Mr. Onorato responded in the affirmative.

Mr. Waks asked if individual Wawa's are franchised out at all or owned by the same basic corporate entity. Ms. Spring responded Wawa is a privately held company and all stores are company owned and operated.

Mr. Waks asked when the Wawa on Prince Frederick and the one on South Gulph Road were constructed. Ms. Spring responded Store 152, on Prince Frederick, opened in the late 1980's and Store 42, on South Gulph Road, opened in 1970's.

Mr. Waks asked if traffic studies were done at that time. Ms. Spring responded that was before her tenure with the company.

Mr. Waks stated the reason he asked the question about traffic studies is because he wanted to know whether or not the traffic studies that were done at that time anticipated the current volume of traffic in these areas. Ms. Spring responded she was not aware of what happened in the 1970's and she assumes a traffic study was done in the 1980's, but she does not have firsthand knowledge about this.

Mr. Waks pointed out the large traffic pattern that also includes Prince Frederick Road, not just Henderson and Route 202. He expressed concern about the significant amount of traffic generated with the two Wawa's already in Upper Merion Township and asked if anything has been done or considered to alleviate some of that traffic at either of those Wawa's, particularly the one on Prince Frederick which is in close proximity to the proposed super Wawa/Chick-fil-A. Ms. Spring responded discussions have been held with Sgt. Andy Andreyko, Traffic Safety, and he informed Wawa what is being done by Target. Wawa's engineer is working with him to satisfy all Sgt. Andreyko's concerns.

Mr. Waks stated the big concern is the sheer volume of ingress and egress through the Prince Frederick Wawa. Ms. Spring responded the Prince Frederick Wawa is remaining open since it is assumed that those who live in that area will still patronize that store as opposed to going out to Route 202. Wawa also anticipates there are a certain number of customers who go to the Prince Frederick store because Store 42 on South Gulph Road is not convenient. Ms. Spring said the volume is expected to drop off, but Wawa did not want to make the assumption and close the Prince Frederick store and ignore those customers

who find it convenient.

Mr. Waks commented that is why he returns to the subject of previous traffic studies. He emphasized that his broad overall concern is whether or not a third Wawa that may generate significant traffic issues should be allowed to open in Upper Merion Township without doing something significant to resolve some of the other Wawa's issues. Ms. Spring reiterated the applicant is working with the Traffic Safety to resolve any questions.

Mr. Philips expressed concern over the traffic issues at the Prince Frederick Wawa as well as the South Gulph Road Wawa, Store 42. He indicated the Prince Frederick Wawa has its own set of issues and believes Store 42 is more dangerous to egress and ingress, especially at rush hour.

Mr. Philips questioned the pass thru aisle that connects with the property owned by Goodman Properties (behind the Sports Authority) and asked the reasoning behind the one-way flow. Greg Richardson, traffic engineer, responded he is not 100% sure, but believes he heard there was an agreement between Mr. Goodman and one of the township boards and in a previous decision it was agreed that the rear area would be limited to a one way flow.

Mr. Philips asked the Township Planner to put the plan back on the aerial and asked for confirmation that at the front there are two ways interacting between the Sports Authority. Mr. Richardson confirmed that it is.

Mr. Philips asked if there are elevation changes between the various properties. Mr. Richardson responded there is an elevation change from the Wawa property to the Sports Authority.

In looking at the striping on the plan between Chick-fil-A and the Wawa, Mr. Philips asked if there is any expectation for retaining walls. Ron Klaus, Bohler Engineering, responded that a cross connection currently exists. He explained if you are on the Sports Authority side of Goodman's parcels there is a slope up into their property and that will remain. There would not be any retaining walls in that area. The only proposed retaining walls to make the necessary grading changes between properties would be along the back corner of the property behind the Wawa and wrapping around the side of the Wawa that is contiguous to the moving van property.

With regard to the access in the back, Mr. Philips asked Mr. Jenaway if that was something the Planning Commission addressed. Mr. Jenaway responded that he raised this issue. He said the road to the rear of the Sports Authority is only one lane wide. When the question was raised about what can be done to facilitate a smoother flow of traffic in that back area, it was indicated if there were two way traffic, there would be constant "snarl" to the rear of that property.

Mr. Philips asked if that lane could be widened to two lanes. Greg Richardson responded there is a gabion wall to the rear of the Sports Authority that goes straight up to the neighboring properties.

Mrs. Kenney asked if there are eight bays for gas pumps. Greg Richardson responded there are eight fueling areas with the opportunity for 16 fueling positions with two vehicles on either side.

Mrs. Kenney asked if this was the original number of gas bays first proposed. Mr. Richardson responded in the affirmative.

Mrs. Kenney expressed concern over the circuitous circulation and is assuming a traffic study will be done to provide more guidance and answers. Mr. Richardson responded the revised plan gives the patrons to the site two opportunities to pull into the driveway, especially in the case where they may have missed the first driveway. He explained the driveway internally is better for internal circulation. Mr. Richardson indicated that the Township Engineer has

voiced similar concerns about internal circulation, but the applicant believes that with the stopped conditions internally at that intersection, vehicles will be allowed to come in and have free flow to go either way they want with good site lines. In his view, there are not going to be any queuing problems on the driveway backing into the site. Mr. Richardson stated the applicant would have preferred to have left turns out, but recognized “this is a very difficult location unsignalized.”

Mrs. Kenney asked where someone would turn if they wanted to go to Wawa first and went past the initial entrance to Chick-fil-A. Mr. Richardson responded if they are going north coming from the south they would either turn in the first or second driveway.

Mrs. Kenney provided the scenario of someone getting gas first and then going to the Wawa and asked how they would get to the Chick-fil-A from the Wawa. Mr. Richardson responded by utilizing the aerial to show the two options that would take a driver either out the entrance driveway to the south where there is a right turn movement only or by way of the second driveway coming out of the Wawa where a right turn can be made to either go to the parking spaces to the front or proceed in the drive thru or the parking spaces for the Chick-fil-A.

Mrs. Kenney commented that “it looks like a lot of to and fro-ing”.

Mrs. Spott asked if the presumption is patrons would park at the Wawa and get back in their vehicle and drive around the corner to park at the Chick-fil-A. Mr. Richardson responded would depend on whether or not they want to go through the drive-thru.

Mrs. Spott stated this leads to the question of walkability and asked about pedestrian walkways and pedestrian warnings. Mr. Klaus responded that the rear parking area in back of the Wawa can be made more walkable, crosswalks can be added to tie the two parking areas in the rear of the site together to help with that concern.

Mrs. Spott expressed concern over the significant safety issues associated with the additional traffic generated by both businesses. She indicated that Target knows PennDOT is not requiring a signal, but they have been willing to adjust their plan in order to provide more flexibility for the future in the event a signal is eventually warranted. Mrs. Spott asked if one of Wawa’s driveways is lined up to provide this same flexibility for the future. Mr. Richardson responded meetings were held with PennDOT and while they saw the benefits they asked for the study. McMahon Associates conducted a signalization study indicating the signal will not work as it will back up traffic even more than what it is today creating a gridlock condition. With regard to the left into the site, Mr. Richardson stated that is not uncommon. While the applicant’s studies indicate they need 150 feet of stacking, Mr. Richardson said the applicant is extending the stacking from 85 feet to 175 feet. He stated that the applicant wants to work for safety and efficiency and also address the supervisors concerns.

Mrs. Spott commented that it was her understanding that the township’s traffic engineer did not say a traffic signal will not work, but that it is a difficult situation that could go either way. Mrs. Spott indicated she will verify with him that it was a “no go.” Mr. Richardson said it was a “no go” as far as PennDOT and they are the final arbiter.

Mrs. Spott restated her previous question and asked if the plan is aligned at this point so that if conditions warrant a traffic light in the future the applicant would be prepared to handle that contingency. Mr. Richardson responded this site is currently not designed to handle a traffic signal; however, the driveways do line up. The applicant has shifted the driveway to the south and widened it a bit more. Target has actually taken their existing driveway and moved it slightly to the south in order to get the left turns to line up. Mr. Richardson noted from a stacking standpoint internal and into the site, and how long vehicles might have to wait, is where the difficulty lies.

Mrs. Spott reiterated is there a way the applicant could plan now and make it such that it could be converted to a signalized entrance and exit so if it were to come to pass that the stacking lanes are not working we are not left with an infrastructure problem. Mr. Richardson responded while the applicant has not laid it out that way all he can say is with the current layout now the driveways do line up. He said the issue is the internal circulation and how that would affect the stacking of vehicles. The applicant would need two lanes lined up and how far back that would have to go into the site is unknown at this time. Mr. Richardson said it would probably have to be something like Target's driveway and how deep that goes into the site. He indicated that will not work on this site with the current layout that is designed to handle the projected circulation.

Mrs. Spott asked to have more discussion with the applicant and the Planning Subcommittee.

Mrs. Spott asked for the traffic counts projected coming out to Henderson Road. Mr. Richardson responded it is projected approximately 70 vehicles turning left out of the site in one hour which is about one car per minute.

Mr. Philips commented one car every 50 seconds trying to make a left turn out of the Sports Authority onto Henderson Road at rush hour "will be a nightmare."

Mr. Philips asked about the traffic count comparisons for mega-Wawa's in less trafficked areas as opposed to the Wawa and Chick-fil-A here where there is much more traffic flow on Route 202. Mr. Richardson responded that he would provide the Board of Supervisors with a copy of the study.

Mr. Jenaway commented while this is a better plan than the one previously seen at the Planning Commission, he questions whether it meets all the engineering principles that would apply. He asked about the southern most entryway that was discussed at the last Planning Commission meeting and whether the throat width has been increased. Mr. Richardson responded it has been increased over what it was originally, but not since the last time Mr. Jenaway saw it.

Mr. Jenaway stated he still has a concern over the throat width when someone will try to beat it from the left. He emphasized that there is not enough space and it will create a problem.

Mr. Jenaway stated that the Zoning Hearing Board provided the applicant for some variances for signage. He has not seen any renderings for the signs and has a concern about how that impacts site lines on or off the property and how that may impact the driving public as they are approaching or leaving the property.

Mr. McGrory stated whatever the applicant ends up eventually doing on Route 202 will involve some kind of joint effort on these road improvements with Target. Mr. McGrory asked if the applicant is amenable to funding the first one in, i.e., whoever is the first one in having the other one fund their share of those improvements so that Route 202 is only torn up once instead of twice. Mr. Onorato responded there have been discussions between Goodman Properties and Target about that.

Mr. McGrory asked if the applicant is amenable to doing that. Mr. Onorato responded in the affirmative.

From the Public:

Ken Forman, King of Prussia, expressed concern about three commercial uses on the site.

Frank Piagio, King of Prussia, expressed concern over traffic and noise

and the number of accidents on Henderson Road [near Route 202]. He made several suggestions for improvements in the plan.

After the public comment, Mrs. Spott and Mr. Onorato discussed several of the options raised by the residents, and Mr. Onorato indicated the applicant would review additional safer alternatives.

Mr. McGrory asked Mr. Richardson, if in the event PennDOT approves the light and a light goes in on Route 202, could the applicant then eliminate the left turn movement on Henderson. Mr. Richardson responded that he cannot answer that question. He said Mr. Goodman has current leases with Sports Authority and the bank and these would have to be renegotiated since they have a right to that movement.

Mr. McGrory stated aside from lease hold interest from a traffic engineering perspective, he understands why you need to go left if you are restricted on Route 202. He pointed out if there were a traffic light that permitted left turns on Route 202 would there really be a need for the left turn on Henderson aside from lease hold interests. Mr. Richardson responded, "you really put me in a tough spot."

Mr. McGrory asked the applicant to get back to the Board of Supervisors.

Referred back to staff.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the Accounts Payable for invoices processed from February 6, 2012 to March 1, 2012, in the amount of \$1,255,895.93 and the Payroll for February 3, 2012 and February 17, 2012 in the amount of \$1,256,332.37 for a total of \$2,512,228.30. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

RESOLUTION 2012-12 TO APPOINT MEMBERS OF THE UPPER MERION TOWNSHIP ZONING HEARING BOARD

Mrs. Spott stated a couple of weeks ago the Board of Supervisors passed an ordinance to expand the Zoning Hearing Board from three members to five members. Interviews were held with area citizens who have expressed an interest to serve on that Board and the Board is now ready to make some appointments. The Resolution would affirm the current members on the Zoning Hearing Board Robert Montemayor to a three year term ending December 31, 2012, Brad Murphy to a three year term ending December 31, 2013, and Lynn Z. Gold-Biken to a three year term ending December 31, 2014. The Resolution would authorize the appointment of the following individuals to the Upper Merion Township Zoning Hearing Board: William J. Clemens for a term beginning on March 15, 2012 and expiring December 31, 2015, and Steven Levin as a member of the Upper Merion Township Zoning Hearing Board for a term beginning March 15, 2012 and expiring December 31, 2016.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve Resolution 2012-12 as stated. None opposed. Motion approved 5-0.

UPCOMING EVENTS IN TOWNSHIP

Mrs. Spott announced a number of Township meetings and events.

From the Public:

Dale Drumheller, King of Prussia, outlined his idea to call on Congress to pass a constitutional amendment to abolish corporate personhood to give corporations first amendment rights, and he was provided with procedural information and guidance by the Township Solicitor.

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 9:58 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: