

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JANUARY 12, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, January 12, 2012, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:35 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 Township Manager.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the December 1, 2011 Business Meeting Minutes and December 8, 2011 Business Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRPERSON'S COMMENTS:

Chairperson Spott reported on an executive session dealing with litigation.

NEW BUSINESS

PRESENTATIONS RE: DONATIONS BY B'NAI B'RITH TO TOWNSHIP ORGANIZATIONS

Mr. Bill Bligh, president, of the "Towers Lodge" of B'nai B'rith stated that B'nai B'rith, a Jewish fraternal service organization, has existed in Upper Merion Township for over twenty-five years. Among the activities of the Towers Lodge are numerous fund raising events during the year. As part of "giving back to the community", donations are being provided in support of the organizations that help shape this community for the betterment of all. Checks were presented to the following organizations:

King of Prussia Fire Company	\$500
Swedesburg Fire Company	\$500
Swedeland Fire Company	\$500
Upper Merion Police Department	\$450
Lafayette Ambulance Company	\$450
Upper Merion Library	\$350
Upper Merion Senior Center	\$450

On behalf of the Board of Supervisors, Mrs. Spott expressed appreciation for the generosity of B'nai B'rith and for their continued good work in the community.

CONSENT AGENDA:

1. Permission to Advertise re:
 - a. Ordinance Amending Chapter 165 of the UMT Code, Article XXXV, Zoning Hearing Board, Section 248, membership, as amended, to increase membership from three to five members (Hearing Date: February 16, 2012)
2. Bid Recommendation re: Electrical Maintenance Contract 2012-2014
AQM - \$133,972 for 2012

3. Budget Transfers re:

- a. Public Works - Fuel/Oil Vehicle - \$7,500.00
- b. Library Staff Coverage & Outreach Program - \$11,000
- c. Library Staff Coverage & Outreach Program - \$17,820

4. Resolution 2012-2 re: Disposition of Computer Equipment

5. Equipment Replacement Request re: UMGA Equipment - \$10,000

Public Comment:

Mr. Scott Sibley, King of Prussia, questioned the process of advertising for the ordinance amendment before comments were received from the planning commissions. Mr. Joseph McGrory, Township Solicitor, responded in accordance with the municipality's planning code the township and county planning commissions have 30 days to review this ordinance before the public hearing. Mrs. Spott indicated that any planning commission comments received in the interim would be considered, but at this point this is just the permission to advertise.

Board Action:

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

AUTHORIZE SETTLEMENT - 431 WEST VALLEY FORGE ROAD (FORMER GOLD'S GYM/FACTORY)

Mrs. Spott stated as discussed at prior meetings the township entered into an agreement of sale for the building. The township already owns the real property surrounding the building itself in a small perimeter area and this settlement will complete the purchase of the entire property including improvements. Mrs. Spott stated the Board of Supervisors is in receipt of the Title Report in anticipation of the closing and asked the Township Solicitor to review the Title Report and report back to the Board of Supervisors prior to settlement. Mrs. Spott asked for a motion to authorize the settlement subject to approval of the Title Report by the Township Solicitor.

Board Comment:

Mr. Waks asked Mr. Wagenmann to update the public as to the results of the environmental study that was conducted because of concerns that were raised about the history of the property.

Mr. Wagenmann stated that the Phase II environmental study was done and the engineering report indicated that the property is clean, the transformer does not have PCBs and there were no asbestos or other issues inside the building.

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to authorize the settlement subject to review and approval of the Title Report by the Solicitor with a report back to the Board of Supervisors before settlement. None opposed. Motion approved 5-0.

ACCEPT IACP - POLICE PROMOTIONAL TESTING SERVICES AGREEMENT - \$29,000

Mr. Wagenmann stated in anticipation of the retirement of the Chief of

Police as of June 1, 2012, this is an agreement with the International Association of Chiefs of Police, Inc. (IACP) to conduct the testing for the promotion of Corporals and Sergeants and to conduct the assessment centers for promotion to the rank of Lieutenant in the Police Department.

Mrs. Spott commented that Upper Merion's outstanding police force is in large part attributable to their training and professional development and asked for a motion to approve the testing services in furtherance of maintaining these high professional standards.

Board Comment:

Mr. Jenaway stated the "assessment center" approach is the current methodology being used in public safety environments throughout the United States. In his view it is the appropriate way in dealing with public safety on a daily basis, to promote individuals and not only identify the strengths that are needed for promotion, but also to identify areas of any weakness in their training or performance.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Waks, all voting "Aye" to approve the testing services agreement as presented. None opposed. Motion approved 5-0.

PLAN AMENDMENTS RE: VALLEY FORGE RESORT & CASINO. NORTH GULPH ROAD AT FIRST AVENUE. REQUEST PERMISSION TO HAVE VEHICULAR ACCESS TO EIGHTH AND NINTH AVENUES. PRIOR APPROVAL DP 2011-01, (MAR 17, 2011)

Mr. Rob Loeper, Township Planner, stated the Valley Forge Casino Resort, formerly known as the Convention Center, has submitted a plan to modify the driveway access of the complex. It is a mixed-use facility with 488 hotel rooms, approximately 16,000 square feet of restaurants and retail, 225,000 square feet of office, a 98,000 square foot convention center and a 45,000 square foot casino which is scheduled to open in the spring. The 24-acre site is located at First Avenue and North Gulph Road and is zoned AR-1 and SM.

Currently the site has access on First Avenue and North Gulph Road. There are three driveways that provide full access onto First Avenue. One driveway on North Gulph Road also provides full access while the second driveway is limited to right inbound and right outbound because of a center median.

Valley Forge Casino Resort is requesting to open access to Eighth Avenue to full access since it abuts the upper portion of the parking lot, and open access to Ninth Avenue through an easement on adjacent private property.

An amended traffic study was conducted to review the potential impacts for the additional access. The study reviewed the additional trip generation from the casino and the distribution of site trips to the existing and proposed access drives. The study also evaluated intersections at Moore Road and Eighth Avenue, Moore Road and Ninth Avenue, First Avenue and Moore Road, Moore Road and 760 Moore Road, Valley Forge Road and Moore Road and Valley Forge Road and North Gulph Road. The study also reviewed turn movements and looked at the intersections during a.m. and p.m. peaks as well as the weekend.

Mr. Ross Weiss, representing the applicant, stated this is the fifth year he is working on this project which began in 2008 when the applicant decided to seek a category gaming license and redevelopment of the site began. A Memorandum of Understanding (MOU) was entered into with Upper Merion Township wherein the applicant agreed to make a \$415,000 traffic contribution when the casino opened and a \$75,000 annual contribution from the gaming

revenue over and above the statutory gaming revenue that the township would receive. Since that time the applicant has been working with the township in the submission of various plans and building permits and concurrently working with the gaming board to obtain the license. A second local hearing was held at the Crowne Plaza Hotel January 11, 2012 on the applicant's request to amend the gaming license to permit 100 additional slots in addition to the 500 slots that have already been licensed and 50 gaming tables. The casino is scheduled to open in March 2012. The applicant will appear before the Zoning Hearing Board next Wednesday to seek zoning relief for signage.

Mr. Weiss indicated that the amendment to the land development plan under consideration at this meeting was submitted in satisfaction of one of the requirements of the Memorandum of Understanding with regard to coordination with code enforcement staff and others to redesign the parking to facilitate emergency vehicle access and circulation in the parking lot.

Mr. Weiss gave the following account: in March 2011, the Board of Supervisors approved a parking plan for redesign of the parking lot and the parking construction is underway along with all of the renovations and improvements to the interior of the site and entrance ways. In anticipation of the facility opening, the applicant would like to have more control over traffic by creating additional opportunities for cars to enter and leave the site. After some research, the applicant could not find any evidence that the limitation on the use of Eighth Avenue was caused by a condition imposed by the township. The Valley Forge Casino Resort is requesting to open Eighth Avenue to full access. Mr. Weiss stated that the applicant has no intention of parking on Eighth Avenue and, in his view; access to Eighth Avenue as well as Ninth Avenue will only alleviate any traffic concerns. The Ninth Avenue entrance shown on the plan is a driveway that would be constructed. The driveway onto that property is owned by Keystone Property Group and would be subject to an easement agreement between Valley Forge Casino Resort and Keystone Property Group. That easement agreement is in the process of being written and agreed to by the two property owners. The easement agreement will include language that would permit parking on the Keystone property and will enable visitors to go through the Keystone property to get back and forth to Ninth Avenue as an additional point of dispersion for cars coming and going to the casino. The applicant will also assume some responsibility for the maintenance of the parking lot at the Keystone property. Mr. Weiss emphasized that parking at the casino is a shared parking exercise. The casino's primary use is at night and on weekends and primarily at night on weekends. During the 9 to 5 business week, the casino is not as well attended as it is in the evenings, especially the evenings on the weekends and weekend days. The bulk of the business at the casino and the conventions will take place toward the end of the week and over the weekend. Mr. Weiss pointed out that the applicant is not building anything other than removing a barrier and making a driveway connection. In response to a township staff request, the applicant's traffic engineer, McMahon Associates, conducted a traffic study to evaluate the impact of the cars being dispersed.

In addition, supportive letters were requested from the King of Prussia Business Improvement District (BID), signed by Eric Goldstein, and the Greater Valley Forge Transportation Management Association, signed by Rob Henry. Mr. Weiss asked that the excerpts from these letters be made part of the official record. In Mr. Goldstein's letter is a statement that, "The more egress and ingress opportunities there are, the less traffic congestion you typically have at any one point of concentration.....I do work in the Business Park and know that the roads being considered appear to be underutilized. Furthermore, my understanding is that the Casino anticipates most traffic on Eighth and Ninth Avenue to be in the evenings and on the weekends.....Therefore, the King of Prussia District fully supports the request to open Eighth and Ninth Avenues as alternative traffic routes for the Casino."

In Rob Henry's letter he states, "GVF believes the casino will have an overall positive effect on the business community, generate a significant amount of jobs in King of Prussia and provide much needed life and activity to the

business park. We commend the casino for their investment in the community.”

Mr. Weiss introduced Mark Sterrick, General Manager of the Valley Forge Casino Resort, Ken O’Brien, McMahon and Associates, Dan Hatch who manages the property for the property owners, and Keith Marshall, civil engineer, Nave Newell.

Mrs. Kenney stated she was contacted by one of the business owners on Eighth Avenue with concerns about Eighth Avenue being used and opened up for the casino. According to the business owner, Eighth Avenue is used very often when there is an event like the gun show which is very high use event at the Convention Center. Mrs. Kenney asked what provisions exist for preventing parking on Eighth Avenue by people going to the casino and if any improvements would be made on the street. Mr. Weiss responded that the applicant would discourage parking on Eighth Avenue and would, in fact, support any request by the business owners on Eighth Avenue to prohibit parking. Mr. Weiss also indicated that the applicant does not have any plans to improve Eighth Avenue and suggested that the applicant’s \$415,000 contribution could be used for traffic improvements.

Mrs. Kenney indicated that Eighth Avenue looks like a natural road to open up since the access is already there and it is just closed off by a barrier and now open for the construction site. She noted that Ninth Avenue ends in a parking lot at Broadview and asked if this is the same place Mr. Weiss is referring to as the Keystone Property. Mr. Weiss responded in the affirmative. Utilizing the aerial, Mr. Weiss pointed out the Keystone Property.

Mrs. Kenney pointed out that Eighth Avenue is clearly a street that ends at the applicant’s property whereas Ninth Avenue is not a street and ends in a cul-de-sac which is actually a parking lot that surrounds that building. Mrs. Kenney expressed concern about that setup. Mr. Weiss responded that although the applicant has not completed negotiations on the easement agreement with KPG, he stated in the negotiations held so far KPG has agreed that they do not fully utilize their parking lot. They have agreed it would be helpful if the cars could go from the casino through their lot to Ninth Avenue; however, in the agreement they will reserve their right to limit the times when cars could have access to their parking lot. If there is interference with their use of their parking lot during the 9 to 5 business day, they have reserved the right to say the applicant could not use it during that time. The casino would be limited to only after 5 p.m. during the weekdays until 6 a.m. and from Friday after 5 p.m. until 6 a.m. on Monday. This is still an issue being negotiated with the owner of the KPG building. The primary reason to have access to the Keystone Property Group is to get the parking. The additional reason and the corollary benefit is that anyone that parks on their lot could use Ninth Avenue and would not have to come back onto the casino property to get to Eighth Avenue, or to get to First Avenue or to North Gulph Road. A lot of this will depend on how the people come to the facility. The applicant believes because of the way the facility is situated at First and North Gulph Road and the proximity to Route 422, the traditional and historical use of the facility to gain entrance and leave will be from First Avenue and North Gulph Road. Mr. Weiss said the additional two connections are to supplement and to anticipate and create a relief point to add to the convenience and help the congestion that could occur on township streets by broadening and dispersing the traffic. The letter from applicant’s traffic engineer, Ken O’Brien, is supportive that this plan would work.

Mrs. Kenney stated she understands how Eighth Avenue would work but, in her view, Ninth Avenue seems more problematic.

Mrs. Kenney asked if there would be a barrier installed at any point by Keystone Property if at some point it became a problem to have it open or closed at certain hours. Mr. Weiss responded that would be an issue to be negotiated with Keystone Property and this is not an adversarial situation. He noted that Keystone Property recognizes the benefit to the value of its property to have the convention center redeveloped, remodeled and become a destination as it is a

value to the township in terms of what is offered in King of Prussia.

Mr. Jenaway asked for clarification from Mr. Brian Keaveney, Pennoni Associates, about the traffic study in terms of comments or concurrence of it. Mr. Keaveney responded that the traffic study was reviewed and a letter issued on January 6, 2012 with several comments on the study. Mr. Keaveney summarized that overall from a traffic perspective he would agree that the opening of these supplemental points of access will benefit the operation of the site, particularly during the peak events that are anticipated to occur late evening during the week or weekends. There were several comments with regard to the ultimate functionality of some of the surrounding intersections during some peak hour congestion that now exists at a number of those intersections. It was recommended that a monitoring program be put in place upon full operation of the casino whether or not traffic signal timing adjustments are needed. Mr. Keaveney noted that early on in the original study there was some discussion about an additional signal being installed on First Avenue at the main site driveway. He discussed this issue with several business occupants of Eighth Avenue who are supportive of a signal at Eighth and Moore. Mr. Keaveney indicated that while he believes it is not necessary today and in all likelihood may not be necessary under the ultimate condition it may be worthwhile to keep that potential future evaluation in the mix. Once everything is up and operating, if some issues develop along Eighth Avenue beyond what is expected there would be some measures to mitigate that.

Mr. Jenaway commented that he has had occasion to observe traffic congestion at this location [Eighth and Moore]. He observed the sight lines while stuck in traffic at this location and found that it became a challenge to understand the traffic movement, particularly from the left coming out of Eighth Avenue in the night time environment. Mr. Jenaway is in agreement that traffic monitoring should be an issue going forward.

Mr. Jenaway asked if there is any reconstruction of the cul-de-sac on Eighth Avenue that would need to be done or should be done. Mr. Weiss responded currently the cul-de-sac has a gate which would be removed and this area would be made to look like an entrance way and would not look like a cul-de-sac that had been broken through. Mr. Weiss stated that once the facility is open after a few weeks of settling in, the applicant would agree to work with the township and the township traffic engineer to evaluate the traffic utilization on Eighth and Ninth Avenue.

Mr. Jenaway followed up on his previous comment about the applicant's plans for Eighth Avenue and the cul-de-sac. Mr. Weiss offered reassurance that it will look "like a street, like a connection."

Mr. Jenaway asked about the use of the lower road that goes into the pumping station and why there was no consideration given to the use of that road. Mr. Wagenmann responded that during meetings with the applicant it was explained that they should not consider opening that particular roadway (referred to as Roger Road) because of the past positions the Board of Supervisors and the township have taken.

Mr. Jenaway stated he has had occasion to analyze traffic flows and public safety issues related to several casinos in his line of work. He noted that while most of them have a single access for traffic and at most two (front and rear), he believes an alternative that is different from the traditional one way in and one way out is required here because of the traffic congestion that exists today on First Avenue, Gulph Road and Moore Road.

Mr. Weiss commented that the Valley Forge Casino Resort is unique in that it is relatively modest in size and unlike the environment at a Las Vegas or Atlantic City casino. The primary use is still the resort and the gaming license requires that the casino be part of the resort with specific requirements in order to patronize.

Mrs. Kenney followed up on Mr. Jenaway's previous question about the lower road that goes along the creek. She has observed that from Moore Road it only says "one way" and does not have a [posted] street name. Mrs. Kenney asked about ownership of this road. Mr. Wagenmann responded that it is owned by the property owner.

Mrs. Kenney asked if an indication could be made that this road is a dead end with no outlet. She noted that the "one way" sign is misleading to someone who might try to get through. Mr. Weiss responded that there would be no problem for the applicant to review additional signage with the township staff. Mrs. Kenney said this should be clarified, and Mr. Weiss agreed.

Mr. Waks asked about the number of cars going in and out of Eighth and Ninth Avenues for the casino. Mr. Kenneth O'Brien, McMahon Associates, responded that during the typical commuter period most traffic for the casino, approximately 30 vehicles per hour, would use the existing accesses.

As a nearby resident, Mr. Waks commented that he goes by Eighth and Ninth Avenue on a continuous basis and agrees that Eighth and Ninth Avenue is significantly underutilized. Issues raised about the sight lines need to be considered as well as reevaluation in the future if additional problems are caused during rush hour. Mr. Waks noted that as far as weekends and nights go, he has no problem with this.

Mrs. Spott commented that the supervisors just received a copy of the January 6, 2012 letter from Brian Keaveney, Pennoni Associates, and have not had an opportunity to review the traffic report. Mrs. Spott noted that she has concerns about the congestion on Moore Road and would like to review the report as well as receive comments from the police and traffic safety unit.

Mrs. Spott asked about outreach to the applicant's neighbors on Eighth Avenue. Mr. Weiss responded that Mark Sterrick has spoken to one of the neighbors that contacted them. Mrs. Spott asked for more outreach, and Mr. Weiss indicated that would not be a problem. A brief discussion followed about additional outreach to other businesses.

Mr. Mark Sterrick, General Manager, Valley Forge Casino Resort, stated they cannot be so focused on the development of the plan that they put aside interacting with their neighbors. Mr. Sterrick indicated that they will also coordinate with the police and fire department on safety and traffic flow in anticipation of any peak traffic events. He reiterated that the majority of their business will occur in the evening on Friday and dissipate on Sunday afternoon. Mr. Sterrick emphasized that they will absolutely have a plan for coordination and their communication will be extremely proactive.

Mrs. Spott asked the applicant's position about contributing to the cost of a signal if it was warranted at some point. Mr. Sterrick responded there is a significant fund that has already been accounted for and if the township seeks to use that fund for the traffic control they would support that. He went on to say that they will see what happens, how the business goes, and if it becomes necessary it is something they would "absolutely have to consider."

Mrs. Spott stated that the contribution that was negotiated several years ago was based on what was planned at the time and it will be used for those intended uses and asked for clarification if the applicant was willing to add onto that contribution. Mr. Sterrick responded that he is open minded to any consideration for the future and they know they have committed to the present.

Mr. Weiss stated the percentage of the revenue from the casino that goes to the township is expected to be in the range of \$1 million to \$1 ½ million, in addition to the one-time \$415,000 contribution and \$75,000 annually. If the gaming license is obtained for the additional slots and the tables the \$75,000 as per the Memorandum of Understanding goes up per rata. For example, with 100 more tables the \$75,000 would go up 20% to \$90,000. Mr. Weiss pointed out

that when the Memorandum of Understanding was negotiated, Mr. McBride stated if the statute changes and more gaming is allowed, the township would receive additional money for the community contribution and this provision was included in the MOU. Mr. Weiss asked the Board to look at the total revenue generated from the three sources from the casino and the applicant will work with the township and do what is right. He stated that it would be difficult to make a commitment now just to get these two driveways.

Mrs. Spott followed up on Mr. Weiss' comments about the community contribution. She stated that everyone is in agreement that the expansion of the table games would work to increase the community contribution. Mr. Weiss responded in the affirmative and he stated this was negotiated with the township and the applicant agreed that would happen.

Mrs. Spott said it was not her understanding that the community contribution fund is something that would be used for road improvements, but rather it would be for those in the township that are disadvantaged or in need of financial assistance. Mr. Weiss responded that the amount of money estimated was based on just 500 slots. Under the statute the township's percentage of the revenue is a percentage of the revenue. Therefore, with 100 additional slots and 50 additional tables and 15 tables on top of that in the event of tournaments, those items would be added to what the township receives a percentage of. He said the municipality's recovery for the casino will basically expand 20% on slots and the table games and this should be a substantial amount of money.

Mr. Philips asked about the anticipated occupancy with the casino games Monday through Thursday since the peak time is from Friday to Monday. Mr. Sterrick responded that historically the Monday through Thursday business would be extremely successful if occupancy was more than 60% of the assets at a peak time. The spread of participation starts off pretty thin in the early part of a weekday and gets to a minor peak between 8 and 10 p.m. at night. In his experience at the Bethlehem casino the only time they drove an anomaly to that is during a marketing promotion and if this were to be done it is communicated in advance.

Mr. Philips asked if there would be a shuttle system to facilitate public transport from off site parking and other areas on the site. Mr. Sterrick responded that he is anticipating that there would be a shuttle strategy for both customers and employees. He said it is a safer condition and it will make the space more convenient. The hours of operation will be determined once they work through what the model will look like.

Mr. Philips asked what about signage in terms of internal circulation. Mr. Sterrick responded that various types of directional signage are planned.

Mr. Waks stated that the Business Improvement District is attempting to operate a shuttle system to allow people who work in the general area of the Business Improvement District to park their car at certain public transit and other locations and be transported into the area of the Business Improvement District. He asked if the applicant thought about contributing to the BID shuttle system. Mr. Sterrick responded they would certainly give it consideration.

Mr. Waks emphasized it would be a very good idea to ease overall traffic. Mr. Sterrick asked for more information, and Mr. Wagenmann said he would have Mr. Eric Goldstein give him a call.

Mrs. Spott asked for clarification about the shared parking agreement with Keystone Property and if they will lose some of their parking spaces when improvements are made. Inaudible response from audience indicated [six] spaces would be eliminated.

Mrs. Spott asked if the applicant is willing to commit to reimburse the township if a police presence is required as is the practice with other companies in the township. Mr. Weiss responded in every municipality when it is necessary

to provide additional police services beyond what is normal, there is a reimbursement to the municipality and the applicant fully expects that if that is necessary it will be done.

Mr. Joseph McGrory, Township Solicitor, stated he would like to invite people from the Valley Forge National Historical Park to the meeting he and Mr. Weiss will have to negotiate some conditions for the remaining portion of the sign package. Mr. McGrory asked if Mr. Weiss had any objection to their participation in the discussion, and Mr. Weiss responded that he had no objection.

Mr. Weiss offered a suggestion to try to move this process along since the supervisors would like to review the Pennoni letter as well as hear from the police and traffic safety unit. He said that the signage is critical and the access is critical and asked if the applicant could return at the next Board of Supervisors meeting in two weeks to complete this discussion.

All supervisors were in agreement to continue discussion on the plan at the January 26, 2012 meeting.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to table consideration of the plan amendments until January 26, 2012. None opposed. Motion approved 5-0.

Township Solicitor's comment:

Mr. McGrory stated there is a Zoning Hearing Board meeting next Wednesday and requested that the Board of Supervisors authorize him to attend the meeting in order to facilitate and look after the interests of the township. Mr. McGrory also encouraged the supervisors and township staff to offer their comments with regard to what they would like to see for conditions on the remainder of the electronic signage.

Mrs. Spott asked for a motion to authorize Mr. McGrory to attend the Zoning Hearing Board.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to authorize the Township Solicitor to attend the Zoning Hearing Board meeting with the possibility to oppose if agreement is not reached. None opposed. Motion approved 5-0.

PHASE II LAND DEVELOPMENT RE: PASQUALE PROPERTIES. 520 SHOEMAKER ROAD. CONSTRUCT 5,765 SF BUILDING FOR COMMERCIAL LAUNDROMAT WITH 1,000 SF OFFICE ON 2ND FLOOR. CONVERT EXISTING 5,400 SF RESTAURANT INTO OFFICE SPACE. SITE IMPROVEMENTS INCLUDE ACCESS DRIVES, PARKING STORMWATER MANAGEMENT, LANDSCAPING AND LIGHTING. 1.338 ACRES, C-2 COMMERCIAL

Mr. Loeper stated this is a Phase II review for Pasquale Properties at 520 Shoemaker Road and gave the following summary of the proposed development: The applicant is proposing to build a freestanding laundromat on what is currently an unused parking lot. Also proposed is the redevelopment of the old Marrone's Restaurant into office space. As recently as last year there was a proposal to demolish that building; however, the new plan is to convert that into office space. Most of the changes that have taken place as part of the Phase II are quite simple. The major change is that there has been a redefinition of some of the spaces within both the new and old building and the actual square footages have gone down. For example, the second floor which is a mezzanine office in the proposed new building is down to 700 square feet from 1,000 square feet. The actual service area of the laundromat is about 4,000 square feet as opposed to

5,700 square feet. Because of the need to have open common space and facilities within the office space that has been reduced from about 5,400 to 4,100 square feet. Utilizing the aerial, Mr. Loeper pointed out the new location suggested by the Planning Commission for handicapped parking which has been moved to immediately adjacent to the building. The loading and trash enclosure area for the laundromat has been reconfigured as well as the loading dock for the proposed building. Originally there was a sidewalk that was to extend all the way across the front of the building. The current plan calls for that sidewalk to be removed at a certain point to allow for additional green space in that area. The applicant is requesting a few minor buffer waivers as follows:

To allow a buffer along the rear property line less than 15 feet. Mr. Loeper noted this is a natural area with a stream running through it so it actually has a natural buffer.

To allow a drive aisle to be placed with the proposed 15' buffer to allow cross access to the adjoining property

To allow grading within five (5) feet from the property line.

Modify the building plantings.

Mr. Loeper had discussions with the Chairman of the Shade Tree Commission and is scheduling a meeting shortly to look at some of the particulars of the landscape ordinance for possible revisions.

The engineering review has been ongoing and all significant issues have been resolved. Mr. Loeper anticipates that this land development plan would be ready for a Phase III on January 26, 2012.

Mrs. Kenney asked how old the Marrone restaurant building is. Mr. Charles Pasquale, representing Pasquale Properties, responded they researched this building about six years ago and it was determined that it was not a historic building. Mr. Pasquale will provide that information to Mr. Loeper. He is not sure of the exact date of the building.

Mrs. Kenney asked if the outside of that building will be changed. Mr. Pasquale responded parts of it will be reconfigured so that it does not have as much stucco wrapped around the building and more in line with the rest of the colonial buildings in the shopping center.

Mr. Jenaway commented that Mr. Pasquale and his team have been before the Planning Commission twice and they have worked with them extremely well in making this property come alive again.

Referred back to staff.

LAND DEVELOPMENT RE: NEXT DOOR BAR & GRILL. VILLAGE AT VALLEY FORGE. CONSTRUCTION OF 12,560 SF GROSS (9,943 SF NET) RESTAURANT & BAR. 1.8 ACRES. VILLAGE AT VALLEY FORGE DEVELOPMENT AGREEMENT

Mr. Loeper reported on the plan and stated the Village at Valley Forge is proposing construction of their second building, the Next Door Bar and Grill that will be a unique, freestanding restaurant owned by Wegman's, located along Swedesford Road behind the Wegman's store. The basic concept incorporated in their hub stores involves an eating experience, cooking lessons, all the things of interest to food aficionados as well as a marketing program. Their chefs rotate throughout the whole system. The restaurant will also include a relatively large outdoor dining area, and there are changes that are already being made to enhance pedestrian access. The proposed restaurant is approximately 12,000 square feet gross with a relatively large dining patio.

Mr. Loeper pointed out the flow chart on the memorandum that shows the

unique plan review process for The Village at Valley Forge which is different than the normal land development. He explained that it is a streamlined review and went over the process involved.

Mr. Loeper stated that the site actually sits about 10 feet lower than the surrounding roadway and there is a retaining wall along the outside edge of the property. There will be no access from any of the outside public roads, access will be internal and there will be continued efforts to provide for walkability.

Mr. Philips asked for clarification about “walkability” and where it would be located on the plan. Mr. Loeper responded that Realen is taking a position that because of the curb on Swedesford Road and the drop in the elevation they are not sure that a sidewalk is desirable along that location. Utilizing the aerial, Mr. Loeper pointed out the location where they are showing a sidewalk. He said that the change involves a connection from Market Street which has a sidewalk coming across and also an additional pedestrian connection from the Wegman’s store. That is what is lacking on the current plan and that is what is being changed. Mr. Loeper has not seen the final configuration of the pedestrian connection and there is still a question as to whether there would be a pedestrian walkway along Cameron Way.

Mr. Philips said more pedestrian walkways are better and expressed concern that the building is at the back of Wegman’s where they have all their loading docks, coupled with the fact that it is 10 feet in the ground. Utilizing the aerial, Mr. Loeper pointed out the area where it is 10 feet in the ground and then the location of the level area.

Mr. Waks commented that there is a lot of excitement in the community about Wegman’s opening in the spring and asked when the opening might occur. Mr. Loeper responded that he will try to find out.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, to approve the Accounts Payable for invoices processed from December 8, 2011 to January 3, 2012, in the amount of \$1,981,855.15 and the Payroll for December 9, 2011, December 16, 2011 and December 23, 2011 in the amount of \$1,579,697.98 for a total of \$3,561,553.13. None opposed. Motion passed 5-0.

ADDITIONAL BUSINESS

GAMING CONTROL BOARD HEARING

Mr. Jenaway reported he and Mrs. Kenney attended the Gaming Control Board hearing and emphasized that hearing was not held by Upper Merion Township, but rather by the Pennsylvania Gaming Commission. There was a 40 minute presentation by the casino and its representatives about the future plans and the expansion of the table games as well as the slot machines. There were some documents that were read into the record and following that there were three public comments only one of which was an Upper Merion Township resident. The meeting was over in about 1 hour.

UPPER MERION SCHEDULING ITEMS

Mrs. Spott indicated that she would begin a practice of announcing upcoming community events at the end of each Board meeting and noted several items of interest for residents.

Mrs. Spott reported that after adjournment, the Board of Supervisors will return to Executive Session for the purpose of discussing litigation matters.

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 9:01 p.m.

RONALD G. WAGENMANN
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: