

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
APRIL 26, 2012

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, April 26, 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 Waks, Erika Spott, and Carole Kenney. Also present were: Ron Wagenmann, Township Manager; Joseph McGrory, Township Solicitor, Rob Loeper, Township Planner; Tom Beach, Township Engineer, and Judith A. Vicchio, Assistant Township Manager. Supervisors Jenaway and Philips were absent.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the February 16, 2012 Business Meeting Minutes, the March 15, 2012 Business Meeting Minutes, and the March 29, 2012 Workshop Meeting Minutes as submitted. None opposed. Motion approved 3-0.

CHAIRPERSON'S COMMENTS:

Chairperson Spott commented on an executive session held prior to the business meeting during which litigation matters were discussed. Discussion of litigation matters will resume in executive session after this business meeting.

NEW BUSINESS

CHECK PRESENTATION RE: VALLEY FORGE CASINO RESORT TO THE UPPER MERION TOWNSHIP FOUNDATION

A representation from the casino presented a check for the Upper Merion Township Foundation in the amount of \$88,060. The proceeds came from the casino's test nights, which were held prior to its official opening.

On behalf of the Board of Supervisors, Mrs. Spott expressed appreciation to the Valley Forge Casino Resort for this donation which will be put to good use in the township. She expressed appreciation for their consideration of the concerns of the residents and looks forward to their continued cooperation.

PROCLAMATION RE: LIBRARY FRIENDS OF THE YEAR AWARD

Dr. Brandie E. Nemchenko and Dr. Arthur Nemchenko were recognized as Library Friends of the Year for their generous contributions over the last three years, which have encouraged more children to participate in the library's programs. Mrs. Kenney presented the proclamation on behalf of the Board of Supervisors.

PROCLAMATION RE: AMERICAN CANCER SOCIETY - RELAY FOR LIFE

The Board of Supervisors recognized the American Cancer Society's Relay for Life, which is held in the township each year. The Board proclaimed May 18 and May 19, 2012 as Relay for Life Days in Upper Merion Township. Mrs. Kenney presented the proclamation on behalf of the Board of Supervisors.

PROCLAMATION RE: EAGLE SCOUTS

The Board of Supervisors presented three Eagle Scouts, Cody Schunder, Douglas A. Cichowicz, and Daniel J. Schunder, with proclamations recognizing them for their Eagle Scout projects. The rank of Eagle Scout is the highest honor to be attained by a Boy Scout. Chairperson Spott presented the proclamation on behalf of the Board of Supervisors.

CONSENT AGENDA RE:

1. Equipment Replacement Request re: Replacement of roof on equipment storage shed - \$18,000
2. Equipment Replacement Request re: Heavy Duty Paper Shredder for Police Department - \$2,800
3. Equipment Replacement Request re: UMGA-TV Equipment - \$4,500
4. Budget Transfer re: Trout Run Emergency Electrical Work - \$50,000

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 3-0.

MINOR PLAN RE: STEPHEN SHREINER. DEVELOPMENT PLAN. SHREINER TREE CARE. 334 S. HENDERSON ROAD. CONSTRUCTION OF OPEN FRONT POLE BARN (2,400 SF) FOR EQUIPMENT STORAGE. 1.9 ACRES, HI HEAVY INDUSTRIAL

Mr. Rob Loeper, Township Planner, reported Stephen Shreiner has submitted a development plan for improvements at Shreiner Tree Service at 334 South Henderson Road (between Saulin Boulevard and the Pennsylvania Turnpike). The proposal is to construct an open front 2,400 square foot pole barn at the rear of the site. The proposed structure will be located on an existing paved and crushed gravel area in an impervious condition; therefore, no additional stormwater management is required.

The purpose of the pole barn is to provide a sheltered area for the storage of equipment. The 1.9 acre site currently houses three buildings totaling about 13,000 square feet.

Mr. Loeper noted this site has been cleaned up quite a bit over the last several years when additional buildings were being built.

The plans conform to township code and staff will issue approval, pending comment from the Board of Supervisors. The applicant must obtain a building permit prior to construction.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to approve the minor plan as submitted. None opposed. Motion approved 3-0.

RESOLUTION NO. 2012-17. PHASE III DEVELOPMENT PLAN RE: VALLEY FORGE CENTER ASSOCIATES/TARGET CORPORATION. VALLEY FORGE SHOPPING CENTER. REDEVELOP EASTERN PORTION OF VALLEY FORGE SHOPPING CENTER WITH A TARGET, STARBUCKS AND INLINE COMMERCIAL BUILDING. PROPOSED NEW CONSTRUCTION 178,285 SF, DEMOLITION 103,019 SF, NET INCREASE 75,396 SF. SHOPPING CENTER, 23.5 ACRES. *Plan Expiration: April 30, 2012*

Mr. Loeper provided an overview of the Valley Forge Center Associates and Target land development plan for the redevelopment of the lower portion of

the Valley Forge Shopping Center. Utilizing a PowerPoint , he highlighted the existing conditions, proposed plans, buildings to be demolished, renderings, traffic improvements and pedestrian calculation. Highlights include:

- three existing driveways on DeKalb Pike will be eliminated as part of the redevelopment
- proposed development includes the construction of the Target store, a new Starbuck's and an inline retail to which several of the existing retailers will be relocated
- much of the parking is located under the proposed Target store
- Target will have only one store entrance at the front
- vertical people movers, including escalators and elevators will get patrons from the parking level up to the retail floor.
- the new Target, while it will be elevated, will not be as high as surrounding stores, but will be above ground level
- an extensive amount of grading taking place on the site.
- A stairway and an elevator have been included to enhance the connection between the upper and lower level of the shopping center, between the proposed Target and the existing Michael's craft store.
- extensive landscaping along the rear as well as a wing wall to shield and buffer the proposed loading docks
- roadway improvements are primarily located along Route 202. These include a right turn lane from southbound Route 202 into the site, extended left turn lane from northbound Route 202 into the site, a left turn lane for the Goodman property, an extension of the left turn lane from northbound Route 202, the left turn queuing lanes must be constructed within the median as well as a traffic island to prevent interlocking left turns. At the present, the proposal is for this intersection to have a partial traffic signal which could be upgraded to a full grade signal in the future.
- Improvements at Prince Frederick and Henderson include: signal upgrade to a traffic adaptive signal, changes to the left turns both from Prince Frederick to Henderson and from Henderson to Prince Frederick, stop bars at signalized Prince Frederick/Henderson intersection will be moved back to provide better turning radius for large trucks, changes at the exit or entrance from the shopping center to Prince Frederick, a softening of the radius to better accommodate large vehicles as well as signage indicating that trucks may not turn left onto Prince Frederick and head toward Town Center Road.
- Pedestrian improvements on the site include the addition of a continuous sidewalk from Town Center Road to Henderson Road, as suggested by the Board of Supervisors. This necessitates some partial waivers on the site.
- The slight loss of parking in order to accommodate the sidewalk was minimized by having some slightly smaller parking spaces
- There is also a pedestrian walkway to connect existing sidewalks on Henderson past the McDonald's as well as on the opposite side of the driveway up to the Target store as well as the connections over to the online retail.
- At the rear of the store along Prince Frederick and along Town Center Road there are existing sidewalks; new ADA compliant sidewalks will be installed.

Mr. Loeper stated this land development plan went through the normal review with the Montgomery County Planning Commission, Upper Merion Township Planning Commission, Township Engineer, and Traffic Engineer. planning commissions, township engineer, and traffic engineer. This documentation has been provided to the Board of Supervisors and Township Solicitor.

Mr. Loeper indicated with this land development plan, a new procedure is being implemented to approve such plans by Resolution which will outline all the waivers, conditions and terms of approval.

Joseph McGrory, Esq., Township Solicitor, stated this is the first

Resolution under the new system of passing land developments by Resolution. It is designed to encompass references to all the review letters, special terms and conditions of the approvals and will serve as a reference and check list before a plan is released from the township to assure the applicant has fully complied with all the terms and conditions of the approval.

Before his review of the Resolution, Mr. McGrory extended his appreciation to the applicant and the applicant's counsel for the extent of their cooperation in this project, particularly with the sidewalk along Route 202 and the partial signalization. He noted the applicant expended a great deal of effort in order to accommodate the Board of Supervisors' requests. Mr. McGrory pointed out the applicant will not be responsible for any costs associated with full signalization in the future. Mr. McGrory has a verbal commitment from Bruce Goodman, the developer of the WAWA/CFA development across the street assuming the terms of the approval meet his satisfaction he will escrow for the difference between the partial signal and full signalization if and when PennDOT determines it is necessary in the future.

Mr. McGrory outlined the specifics of Resolution 2012-17 (DP Number 2011-11 (P/F):

Paragraph 1: references the plan that is being approved.

Paragraph 2: references the review letters and the applicant's requirement to comply with all the various review letters attached to the Resolution.

Paragraph 2(b): outlines different approvals from outside agencies

Paragraph (c): applicant must comply with Township Planner Rob Loeper's Memorandum as dated April 18, 2012 and all the terms, fees, and conditions attached to the Resolution

Paragraph (d): requires the execution of an Improvements Agreement, and a Financial Security Agreement to guarantee the installation of all public improvements to be executed and filed contemporaneous with the recordation of the plan.

Paragraph (e): prior to recording the plan all legal descriptions will be established and reviewed by the township.

Paragraph (f): all maintenance agreements and other easements from third parties would have to be executed before recordation of the plan.

Paragraph (g): all outstanding township fees, township engineering fees, solicitor fees, or other professional fees will be paid in full before the plan is recorded.

Paragraph (h): applicant will pay \$365,862 as a transportation assessment fee. *(Mr. McGrory noted after some negotiations the developer agreed to pay the full amount the township requested and once again displayed their cooperation with the township).*

Paragraph (i): all EDU's will be purchased at the prevailing rate before the plan is recorded. The amount of the EDU's are to be determined by the township.

Paragraph (j): applicant will pay \$15,012 as a fee in lieu of open space.

Paragraph (k): applicant will pay 100% of the partial signalization costs for the Route 202 improvements without any credit toward their transportation fee or contribution from other third party developers.

Paragraph (l): outlines nine different traffic improvements *(Mr. McGrory noted the developer's cooperation with the township in trying to solve current traffic issues as well as issues that might be exacerbated by their development)*

Paragraph (m): outlines the only two items for which the applicant will receive a transportation assessment fee credit. (1) 100% credit for engineering, permitting and construction costs of the Prince Frederick and Henderson Road improvements and (2) 100% of the engineering, permitting, and construction costs for the northbound Route 202, left turn improvements. These two items are considered off-site and traditionally are given credit against transportation impact fees.

Mr. McGrory noted there are a series of waivers, most of which are triggered by township requests. The applicant submitted a plan that complied with many of these sections, but the township requested a sidewalk on Route 202.

The following waivers have been requested:

1. A waiver from §145-24.A.1 to allow 9.0 wide parking stalls along DeKalb Pike.
2. A waiver from §145-24.1.D(2)(d) to allow parking areas to exceed 100 stalls without a divider.
3. A waiver from §145-24.1.D(2)(e) to allow planting islands to be smaller than 9' x 18'.

Partial waivers for location only:

1. A waiver from §145-24.1.D(2)(e) to allow the shade trees that are required in the landscaped islands which are not provided to be planted around the perimeter of the parking areas; specifically along DeKalb Pike.
2. A waiver from §145-24.1.D(2)(f) to allow the landscaping that is required in the divider strips which are not provided to be planted around the perimeter of the parking areas; specifically along DeKalb Pike.
3. A waiver from §145-24.1.H for not providing the required landscaping around the building perimeter. These plantings have been located elsewhere on site.

Mr. McGrory stated he has had an opportunity to share the content of this Resolution with the developer's counsel and asked if the applicant is in agreement with all the terms and conditions of the Resolution.

Mr. George Broseman, representing the applicant, responded in the affirmative and stated these waivers have been reviewed and are acceptable.

In view of the partial light installation, Mrs. Spott asked if smaller truck deliveries could now go through the signalized entrance rather than around the back at the very tight corner of Henderson and Prince Frederick. Mr. Broseman responded in the affirmative and commented the bigger trucks, as they do today, will have to go Henderson/Prince Frederick, and the Resolution will call upon the applicant to improve that to the best of their ability. He said a signalized light would certainly allow an easier movement for smaller trucks to come in the front and this will be an improvement for the residents.

Mrs. Spott followed up and said the smaller trucks use of the front entrance would also help alleviate the safety concerns the Board of Supervisors had which served as an impetus to engage in the conversation about the light.

Mrs. Spott stated she has been approached by the King of Prussia Business Improvement District (BID) with regard to extension of the turning lanes which will impact recent plantings. She asked if there have been any discussions with the BID about potentially helping with the costs they have encountered in that and if the applicant would be open to helping them out in this regard. Mr. Broseman responded he believes the BID director did mention it to one of the applicant's consultants. While they have not come to any resolution, they are

aware it is an issue. Mr. Broseman was not in a position to respond directly but, he did refer to the applicant's cooperative working relationship with the township and indicated the applicant will certainly take this under advisement and try to work with the township to address this concern [about the impacted plantings] as well.

Mrs. Spott followed up by saying the BID is a significant new stakeholder in our community, and it would be important for Target to work with them. Mr. Broseman responded Target has been in touch with the BID throughout this process, and he offered reassurance they will continue to keep the lines of communication open.

Mrs. Spott indicated she appreciates Target's response to the concerns raised and being a good corporate citizen and would hope others involved in the redevelopment of this part of the township will do likewise.

Mrs. Kenney said she was one of the people who asked about having the sidewalk extension, and she appreciates the effort and cooperation to overcome the obstacles and work this out. She also expressed appreciation for the efforts on the partial signal as well as the funding.

Mr. Waks expressed appreciation for all the time and effort in reaching an agreement that is good for all parties.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution No. 2012-17 (DP Number 2011-11 (P/F) for Final Land Development Plan Approval for Valley Forge Center Associates and Target Corporation. None opposed. Motion approved 3-0.

CITIZEN BOARD APPOINTMENTS

Mrs. Spott presented for consideration the appointment of Peter Kuhn to the Media Advisory Board and Michael Sullivan to the Shade Tree and Beautification Committee.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to appoint Peter Kuhn to the Media Advisory Board and Michael Sullivan to the Shade Tree and Beautification Committee. None opposed. Motion approved 3-0.

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 March 1, 2012 to April 12, 2012, in the amount of \$1,035,660.75 and the Payroll for March 2, 2012, March 17, 2012 and March 30, 2012 in the amount of \$1,928,597.17 for a total of \$2,964,257.92. None opposed. Motion passed 3-0.

ADDITIONAL BUSINESS

#### UPCOMING EVENTS IN TOWNSHIP

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

#### TOWNSHIP MANAGAER SEARCH

Mr. Waks commented on the search for the next Township Manager, which is nearing its conclusion. The Board of Supervisors will act to name the new manager at the conclusion of the search process.

#### JOINT MEETING WITH UPPER MERION AREA SCHOOL DISTRICT

Mrs. Kenney noted a joint meeting will be held between Upper Merion Township and Upper Merion Area School District on Monday, April 30.

#### ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 3-0. Adjournment occurred at 8:35 p.m.

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RONALD G. WAGENMANN  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: