

**UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
MARCH 4, 2021 WORKSHOP MEETING ~ 7:30 PM**

AGENDA

1. Meeting Called to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Chairman's Comments:
5. Plan Presentation – 3700 Horizon Blvd, Land Development Plan Update
6. Resolution 2021-08 – Preliminary/Final Subdivision Plan – GenTerra Corporation Subdivision, 624 Columbus Street. Consideration of a preliminary/final subdivision plan submitted by the GenTerra Corporation, as prepared by Wilkinson & Associates, dated April 17, 2020 last revised February 10, 2021 for the subdivision of the existing R-3 Residential parcel into 4 residential lots and the construction of 4 new townhouse units.
7. DeKalb Street Sidewalk Project Contract Payment # 5 in the amount of \$30,845.01 to the Marino Corporation for work to date on the project.
8. Financial Escrow Security Release No. 1, 900 River Road LLC, 900 River Road – Approval of Escrow Release No. 1 to 900 River Road LLC in the amount of \$854,887.14 for the completion of required site improvements to date as part of the warehouse development project as recommended by the Township Engineer.
9. Appointment of EAC Student Advisory Position
10. Discussions:
 - A. Environmental Advisory Council – RF100
 - B. Resolution re: Minimum Wage
 - C. Moore Irwin House Architectural Review
 - D. Proposed Marijuana Ordinance
 - E. March Business Meeting Agenda Review
11. Adjournment

RESOLUTION NUMBER: 2021-08

DP NUMBER 2020-04 (P/F)

**UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION DENYING PRELIMINARY/FINAL LAND DEVELOPMENT
PLAN FOR GEN TERRA CORPORATION - 624 COLUMBUS STREET**

WHEREAS, Gen Terra Corporation (“Applicant”) is the equitable owner and developer of a certain tract of land located at 624 Columbus Street in Upper Merion Township, more specifically identified as Montgomery County Tax Parcel Number(s) **58-00-04024-004** and **58-00-00484-007** (the “Subject Property”).

WHEREAS, the Subject Property contains 0.415 acres and is located in the R-3 Residential District and is currently used: (1) Parcel **58-00-04024-004** – Single Family Residential, vacant; and (2) **58-00-00484-007** – Single Family Residential, vacant.

WHEREAS, Applicant proposes to consolidate two vacant lots into a single lot and subsequently subdivide the lot into four fee-simple, single-family townhomes, along with the associated grading, utilities, erosion control, landscaping, and stormwater management improvements.

WHEREAS, Applicant has requested review and approval of the Preliminary/Final Land Development Plan prepared by Wilkinson & Associates dated April 17, 2020 and last revised February 10, 2021 (the “Preliminary/Final Land Development Plan”).

NOW, THEREFORE, BE IT RESOLVED, by the Upper Merion Township Board of Supervisors, Montgomery County, this 4th day of March, 2021, that said application for approval of the above referenced Preliminary/Final Subdivision Plan is **DENIED**.

1. **DENIAL OF PLAN**: The Plan is hereby denied due to the deficiencies set forth in the applicable comments from the Township’s Traffic Unit dated November 24, 2020. The proposed development proposes various sight distance and visibility issues which will be detrimental to the health, safety, and welfare of the residents of the Township. Such deficiencies are detailed as follows:

a). Due to existing conditions on the Subject Property, there are observed sight distance and visibility concerns approaching the Subject Property from Flint Hill Road.

b). Due to observed sight distance and visibility concerns coming off the one way exit onto Columbus Street, the Traffic Unit has recommended the installation of signage, including no parking signage, on Columbus Street. The Developer has indicated, through their traffic engineer, F. Tavani and Associates, Inc., that no signage will be installed.

For the reasons set forth above, **RESOLVED AND DENIED** this this 4th day of March, 2021.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS**

Anthony Hamaday, Township Secretary

William Jenaway, Chairperson

RESOLUTION NUMBER: 2021-08

DP NUMBER 2020-04 (P/F)

**UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION FOR PRELIMINARY/FINAL LAND DEVELOPMENT PLAN
APPROVAL FOR GEN TERRA CORPORATION**

WHEREAS, Gen Terra Corporation (“Applicant”) is the equitable owner and developer of a certain tract of land located at 624 Columbus Street in Upper Merion Township, more specifically identified as Montgomery County Tax Parcel Number(s) **58-00-04024-004** and **58- 00-00484-007** (the “Subject Property”);

WHEREAS, the Subject Property contains 0.415 acres and is located in the R-3 Residential District and is currently used: (1) Parcel **58-00-04024-004** – Single Family Residential, vacant; and (2) **58-00-00484-007** – Single Family Residential, vacant;

WHEREAS, Applicant proposes to consolidate two vacant lots into a single lot and subsequently subdivide the lot into four fee-simple, single-family townhomes, along with grading, utilities, erosion control, landscaping, and stormwater management improvements.

WHEREAS, Applicant has requested review and approval of the Preliminary/Final Land Development Plan prepared by Wilkinson & Associates dated April 17, 2020 and last revised February 10, 2021 (the “Preliminary/Final Land Development Plan”).

NOW, THEREFORE, BE IT RESOLVED, by the Upper Merion Township Board of Supervisors, Montgomery County, this 4th day of March, 2021, that said application for approval of the above referenced Preliminary/Final Subdivision Plan is **APPROVED WITH CONDITIONS**.

1. **Preliminary/Final Plan**: The Preliminary/Final Land Development Plan prepared by Wilkinson & Associates dated April 17, 2020 and last revised December 3, 2020 (the “Preliminary/Final Land Development Plan”)
2. **Conditions of Approval**: The Preliminary/Final Land Development Plan in the above referenced Paragraph 1 of this Resolution is hereby approved subject to Applicant complying with the following:
 - a) **Township Engineer Remington & Vernick Engineers’ Letter**: dated January 13, 2021;
 - b) **Montgomery County Planning Commission Letter**, dated September 11, 2020;

- c) Wilkinson & Associates, Inc. Post-Construction Stormwater Management Narrative, dated July 24, 2020; and last revised December 18, 2020;
- d) Applicant must obtain any necessary approvals and reviews from the Township Engineer, Township Traffic Engineer, Montgomery County Conservation District, Montgomery County Health Department, Pennsylvania DEP, PennDOT, and any necessary planning modules and any necessary permits, before the Plan is recorded.
- e) Prior to recording of the Plan, Applicant shall execute an Improvements and Financial Security Agreement on a form drafted by the Township Solicitor and post financial security to guarantee the installation of all public improvements associated with the development **as detailed in the Remington & Vernick Engineers Letter, dated January 13, 2021**. If Applicant chooses to post financial security in the form of a bond, the Township Solicitor shall have the unconditional right to review the bond and must approve the conditions and language of the bond. Further, the bond shall contain language stating that the bond is to be payable upon demand, absolutely, and unconditionally, and in the event that payment is not made, that the bonding company shall be responsible for all attorneys' fees and costs that are incurred to collect on the bond, plus interest at the annual rate of twelve percent (12%), for so long as the bond remains unpaid. Additionally, the Bond is required to automatically renew annually until the improvements detailed on the Preliminary/Final Land Development Plan are completed and the final release is issued by the Township, subject to partial releases being permitted in accordance with § 509(j) of the MPC, and shall include a 90-Day Evergreen Clause in a form acceptable to the Township Solicitor.
- f) Prior to the recording of the Plan, Applicant will provide all necessary legal descriptions for any easements.
- g) Applicant must complete all easements and corresponding maintenance agreements and finalize locations of easement areas in forms satisfactory to the Township Solicitor prior to the recording of the Plan.
- h) All outstanding Township fees, Township Engineer's fees, and Township Solicitor's fees, and any other professional fees associated with the review and approval of the application shall be paid in full before the Plan is recorded.
- i) The Applicant shall purchase all required EDU's for the proposed buildings, calculated at this time to be 4 EDU(s) at a price of **\$34,976.00** for the Subject Property. All EDUs shall be purchased before the Preliminary/Final Land Development Plan is recorded.

- j) The Applicant shall pay a **\$8,000.00** contribution to Upper Merion Township as a fee in lieu of the dedication of the required open space in Section 145-43 of the Upper Merion Township Code prior to the issuance of the Use & Occupancy Permit.
 - k) New deeds for the four (4) new lots must be approved by the Township Solicitor and thereafter recorded contemporaneously with the recording of the Plan.
 - l) This Resolution shall not apply in any way to any future construction or land development on either lot.
3. **WAIVERS**: Applicant has requested the following waivers from the Township's Subdivision and Land Development Ordinance for the Plan for purposes of the minor subdivision. Unless additional waivers are obtained at such time, these items will be required during land development as applicable: **NONE**

In the event that the Resolution is not delivered to the Township within ten (10) days from receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon this acceptance are revoked, and the application shall be considered to be denied.

RESOLVED AND APPROVED this this 4th day of March, 2021.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS**

Anthony Hamaday, Township Manager

William Jenaway, Chairperson

ACCEPTANCE OF CONDITIONS

I, _____, being an authorized signatory for the Applicant, do hereby acknowledge and accept this Preliminary/Final Subdivision Plan Approval issued by the Upper Merion Township Board of Supervisors and accept the conditions contained therein as recited above.

APPLICANT: Gen Terra Corporation

BY: _____

Name: _____

Title: _____

Date: _____

WITNESS

Date: _____

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
MARCH 18, 2021 MEETING ~ 7:30 PM

AGENDA

1. Meeting Called to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Meeting Minutes:
5. Chairman's Comments:
6. New Business:
 - A. Presentation by the Board of Community Assistance
 - B. Conditional Use Hearing (continued) – Mancill Mill Road Company, 850 Mancill Mill Road. Application of the Mancill Mill Road Company, 850 Mancill Mill Rd seeking Conditional Use Approval, pursuant to Section 165-135, Use Regulations, of the Township Code to permit a Residential-Oriented Development (ROD) to be located on the SM-1 zoned property.
 - C. Consent Agenda re:
 1. Resolution 2021-xx – Recognizing the month of April as “Pennsylvania Safe Digging Month”
 2. Financial Security Release No. 2 – 383 Anderson Road in the amount of \$26,497.00
 3. Approve Extension Letter for the Conditional Use Application for UDR, Inc.
 4. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulations:
 - a. Brandywine Operating Partnership, LP, 600 Park Avenue for tax years 2019 and 2020, resulting in an overpayment of real estate taxes in the amount of \$3,682.35
 - b. D&P Associates by Walgreen Eastern Co., Inc., 119 E. DeKalb Pike for tax year 2020, resulting in an overpayment of real estate taxes in the amount of \$471.93
 - c. Poven Real Estate, Inc., 645 W. DeKalb Pike for the tax years 2017 – 2020, resulting in an underpayment of real estate taxes in the amount of \$13,235.18
 5. 2021 Collective Bargaining Agreement with Upper Merion Township Fire Fighters

7. Accounts Payable & Payrolls.
8. Additional Business.
9. Adjournment.

In order to comply with the Governor's Order and Social Distancing recommendations, the Board of Supervisors will limit in-person attendance at the meeting. As an alternate to in-person attendance, the Board of Supervisors has established the use of the MyUMT Communications App on the Township's website, www.umtownship.org to accommodate virtual public participation in the meeting. The meeting will be broadcast on Comcast Channel 22 and Verizon Channel 33, and streamed live on the Township's website. Residents can register and use the MyUMT App or call in via telephone to (484) 636- 3930 to submit questions and comments during the meeting. For more information regarding participation options, please check the Township website.

In-person Meeting Guidance

All individuals attending a Township meeting shall be required to comply with the following:

1. Adhere to all CDC & PA Dept of Health COVID-19 Guidelines.
2. Masks are required to be worn at all times within a Township facility.
3. Practice Social Distancing
4. All attendees will be required to have a temperature check before admittance to a meeting room.
5. Due to occupancy limits of meeting rooms, attendees may be asked to wait outside a meeting room until there is available seating or called to enter the room by the meeting chairperson to discuss an agenda topic or participate in public comment.