

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
MARCH 22, 2018

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, March 22, 2018, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:38 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Bill Jenaway, Greg Waks, Greg Philips, Carole Kenney and Erika Spott. Also present were: David Kraynik, Township Manager; John Walko, Solicitor's Office, Rob Loeper, Township Planner; Tom Beach, Township Engineer; and Sally Slook, Assistant Township Manager.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve the February 15, 2018 Workshop Meeting Minutes, February 22, 2018 Business Meeting Minutes, and the March 1, 2018 Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Philips stated an Executive Session was held prior to this meeting to discuss personnel and legal matters.

NEW BUSINESS

TOWNSHIP UNIT CITATION RE: RESPONSE TO RESIDENT MEDICAL EMERGENCY

Mr. Philips announced the following police, emergency services and public works personnel who were recognized with a Township Unit Citation for their life-saving actions in response to a man in cardiac arrest: Paramedic Maor Woidislavsky, Paramedic Patrick Glynn, Advanced EMT Greg Amato, EMT Darryl Kratz, Officer Jonathan Jimenez, Cpl. Tobias Fisher, Officer Brian Hill, Public Works employee David Dolga, Officer Dylan Kull, Det. Steven Geckle, Det. Robert Smull, Chief Thomas Nolan.

After Mr. Philips read the text of the citation which described the teamwork and time-critical actions and decisions of everyone responding to this emergency, Mrs. Spott revealed that the victim was her husband, Bernd. She described the extent and magnitude of this sudden cardiac arrest and expressed her heartfelt appreciation to everyone who demonstrated their care, unique skills and extraordinary actions that made all the difference in ensuring and achieving her husband's survival.

Mrs. Spott discussed out of hospital cardiac arrest and emphasized that survival of an out of hospital cardiac arrest is directly linked to the system of care that exists in the community when certain immediate actions are taken. She announced that Upper Merion will be embarking on a Heart-Healthy Community Initiative so that others in our community will have the best possible chance of survival in the event of an out of hospital cardiac arrest.

Mr. Dave Kraynik, Township Manager, described the administrative actions that have already been taken with regard to the Heart-Healthy Community Initiative. Highlights as follows:

- Subcommittee was formed to include township staff, police department, and emergency services to work on the Heart-Healthy initiative not only for township employees, but for the entire community.
- Five (5) Automated External Defibrillators (AED's) are installed at the Upper Merion Community Center and Township Pool.
- Sports organizations have AED's at the parks where they have their games and practices.
- Two (2) AED's are in the Township Building and in all police vehicles.
- All 78 police officers and dispatchers are AED and CPR certified.
- All community center front desk, child watch, and gym attendants are CPR first-aid and AED certified.
- All summer staff are required to go through CPR and first aid training.
- The Township's aquatics manager is a certified Red Cross instructor with the ability to certify employees in CPR, first aid, AED training, lifeguarding and babysitting.
- Beginning immediately and going forward all outdoor and township events will have portable AED's on site.
- Contact has been made with the Township's Health Insurance Trust regarding available grant funding to purchase additional new AED's and associated signage costs.
- AED's will be placed in the township garage, sewer plants and collection offices. Employees at these facilities will receive full CPR training (2-3 hours)
- On Tuesday, March 20<sup>th</sup>, the township began CPR training sessions known as "Family & Friends CPR" taught by police department instructors. This training will provide guidance on what should be done prior to the arrival of first responders if you are nearby when someone suffers a heart attack. The training will focus on "hands only CPR," but other emergency situations will also be addressed.
- Launching an organized comprehensive community outreach by Public Information Officer utilizing all available communication resources to emphasize the importance and value of CPR and AED training.
- The PulsePoint Respond app will alert you to a sudden cardiac arrest in your immediate vicinity so that CPR-trained people can begin CPR in the critical lifesaving minutes before EMS arrives. A PulsePoint video was shown providing more details.

Police Chief Tom Nolan expressed appreciation for the Township Unit Citation on behalf of all the police, emergency services responders and township employees. He recognized Mrs. Spott's vital action in immediately administering CPR while her daughter coordinated the logistics on the 911 call. Chief Nolan emphasized what they did that day provided the opportunity for the responders to do what they do best in saving lives.

Mrs. Kenney thanked Mr. Kraynik and all the township staff involved in the Heart-Healthy Community Initiative. She mentioned she found out about this program from a 1987 graduate of Upper Merion High School who is now a cardiac intensive care nurse in Mary Washington Hospital in Fredericksburg, VA.

#### CONSENT AGENDA:

1. Award Proposal to GLP Architects, PC re: Architectural and Engineering Services for the Re-Roofing of a Portion of the Community Center Building in the amount of \$76,500.00
2. Resolution 2018-18 re: Approve Application of DCNR Grant in the amount of \$10,000 for Township Pool Complex

3. Resignation of Chris Kaasmann from the Environmental Advisory Council
4. Resolution 2018-25 re: Authorize KOP BID to sign PennDOT's Business Partner Application which will allow them sponsorship of the First Avenue Linear Park Project
5. Accept Extension Letter re: Amended Subdivision Plan for 8 Townhouses 504 Wood Street, also known as 500 Coates Lane to 4/19/18
6. Accept Extension Letter re: Brandywine Properties Development Plan: 500 N. Gulph Road to 4/5/18
7. Accept Extension Letter re: Mao Zhu Zeng Subdivision, 155 Hughes Road to 4/30/18

Board Action:

It was moved by Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 4-0. (*note: due to a schedule conflict Mrs. Kenney left the meeting prior to this vote*).

PUBLIC HEARING RE: REQUEST FOR INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE TO NORTH ITALIA, 350 MALL BOULEVARD, RESOLUTION 2018-16

John Walko, Solicitor's Office, opened the hearing and introduced into the Record Board Exhibit 1, February 13, 2018 letter from the applicant's attorney; Board Exhibit 2, Notice for this hearing; Board Exhibit 3, Proof of Publication from the *Times Herald* for this hearing which was published on March 2 and March 9, 2018; and Board Exhibit 4, proposed Resolution 2018-16.

Ellen Freeman, Flaherty and O'Hara, stated North KOP, LLC has requested the approval for the proposed transfer of this liquor license from Westover Country Club, Ltd., West Norriton Township.

Ms. Freeman indicated North Italia has 13 other locations in the United States (mainly on the West Coast) and is planning on opening the first restaurant on the East Coast in King of Prussia the end of July 2018. She indicated the restaurant itself is approximately 7,500 square feet.

North Italia is an Italian concept, but is set in a contemporary style with an exhibition kitchen in all of their restaurants. Their menu changes each day depending on what local products are available. A wide selection of wines are paired with their pasta meals and their menu is titled, "We Love Local." North Italia is a typical restaurant with at least 70% sales of food and 30% sale of alcohol. The local beer in Pennsylvania will be featured on their beer menus. As a family-friendly establishment alcohol is offered as a complement to the meal; it is not the main attraction.

Seating will be available for approximately 140 guests indoors and an outdoor patio will seat approximately 60 guests. Lunch will be served from 11 a.m. to 4 p.m. daily; dinner is served from 4 p.m. to 10/11 p.m. depending on the weekend and the nights.

Mr. Waks asked for clarification about the address and exact location for North Italia. Ms. Freeman responded it is exactly at 160 N. Gulph Road in the Plaza portion of the King of Prussia Mall, however, there was some confusion when she was speaking to her client. Ms. Freeman indicated the landlord informed her client the address is 350 Mall Boulevard and that is why North Italia is listed at that address for the Resolution.

Hearing and seeing no further comment from the Board of Supervisors and public, Mr. Walko adjourned the hearing and reconvened into the public meeting portion of the agenda placing the Resolution in a position for the consideration by the Board of Supervisors.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution 2018-16. None opposed. Motion approved 4-0.

PUBLIC HEARING RE: REQUEST FOR INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE TO BARTACO, KOP, LLC, 350 MALL BOULEVARD, RESOLUTION 2018-17

Mr. Walko opened the hearing and introduced into the Record Board Exhibit 1, a letter dated February 23, 2018 letter from Ms. Freeman, the applicant's attorney, requesting consideration of the restaurant liquor license; Board Exhibit 2, legal Notice for this hearing; Board Exhibit 3, Proof of Publication in the *Times Herald* for this hearing which was published on March 2 and March 9, 2018; and Board Exhibit 4, the proposed Resolution 2018-17.

Ms. Freeman noted this particular liquor license is coming from Pottstown Borough. She said it was used as a State Street tavern and was placed under agreement by Bartaco.

Ellen Freeman, Flaherty and O'Hara, stated Bartaco is also located in the Plaza with an entrance within the mall as well as outside. The restaurant will be 5,323 square feet. There will be 168 indoor seats and also a small patio area seating approximately 64 patrons seasonally. Hours of operation will be from 11 a.m. until approximately midnight.

Bartaco has 16 other locations, but this will be the first Bartaco in Pennsylvania. It is a family friendly restaurant inspired by a Brazilian cuisine with a "beachy" feel, coastal vibes and very casual atmosphere. There is a children's menu with some interesting cuisine options for them to enjoy.

Bartaco has a unique way of ordering which is not typical at a restaurant. All menu options are presented to check off on paper and hand to the server which helps provide prompt service.

Bartaco is RAMP (Responsible Alcohol Management Program) certified and the anticipated opening is in 2019.

Mr. Philips recused himself from this particular vote since he represents State Street Tavern.

Mr. Waks stated a representative of Bartaco just mentioned off mike that she believes the restaurant will be located at the North Gulph Road portion of the King of Prussia Mall near Primark which might be the former location of Rock Bottom.

Hearing and seeing no further comment from the Board of Supervisors and public, Mr. Walko adjourned the hearing and reconvened into the public meeting portion of the agenda placing the Resolution in a position for the consideration by the Board of Supervisors. Mr. Walko noted Mr. Philips has recused himself and will not be voting as to his previously expressed conflict of interest.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve Resolution 2018-17. Mr. Philips recused himself. Motion approved 3-0-1.

REALEN VALLEY FORGE GREENES VR-8 HANOVER APARTMENTS: 350 VILLAGE DRIVE, 390 RENTAL APARTMENTS. PLAN EXPIRATION 5/15/18, Resolution 2018-20

Mr. Rob Loeper, Township Planner, stated this is the third Hanover project for the Village at Valley Forge. The latest Hanover project is for a 390-unit apartment complex which will be located on Village Drive next to the Indigo project which is currently open and leased.

Utilizing the aerial, Mr. Loeper reviewed the renderings and described some of the features and amenities of the development plan. He pointed out the podium building with a garage which will enable residents to park on the same floor as their apartment.

Mr. Philips stated the parking issue has been a continual cause for concern at the Village at Valley Forge. He pointed out while parking is provided for the apartments in accordance with the code; the fact that some residents have to pay extra is causing some of them to park in free parking areas which has become increasingly problematic for those wishing to patronize the various establishments at the Village at Valley Forge. The Board of Supervisors has urged a simple fix would be to include parking as an amenity and have the price of parking built in so it is not an option. Mr. Paul Fry, Manager, Realen Properties, indicated Daniel Gordon, Development Associate at Hanover Company, accompanied him to this business meeting and is available to discuss this issue.

Mr. Gordon stated parking as an optional add on is a national standard in all of their markets across the country. He said dense projects tend to attract people who are less likely to have a car. Mr. Gordon mentioned some people want two cars, some want one car and some do not want any cars and that is what led to the standard. In Mr. Gordon's view, it is unfair to include parking in the rent for those residents who do not have a car. Mr. Gordon said he understands there has been an issue and has encouraged Realen and the local community to tow those who are not parking in the garage.

Mr. Philips followed up on Mr. Gordon's comments and stated that is not the code [re: dense projects] in Upper Merion Township. He said the complaints are from those who drive to this location and are supporting the businesses in this location. Those who do not have a car are still in the suburbs and the suburbs have a zoning code with parking requirements for a reason. Mr. Philips stated this needs to be addressed by everyone including the owner, builder and developer. Mr. Gordon responded almost every single project Hanover builds across the country is subject to a parking code. Often there is a minimum and sometimes there is also a maximum and this is standard practice in all of their markets.

Mr. Philips pointed out it is the standard practice in cities; it is not standard practice in the suburbs. Mr. Gordon responded this is a national standard for everyone building high quality residential apartments that attract renters living differentiated lifestyles.

Mr. Waks posited if Hanover offered outdoor bar-be-que grills as an amenity but some residents do not want to bar-be-que, wouldn't those residents be paying for that amenity even if they didn't use it and the cost would be wrapped in the overall rent. Mr. Gordon responded one of the differences with indoor amenities is they cannot more easily figure out who is using the indoor

amenities and who is not. He said with parking it is simple to know who is in the garage and who is not in that there are license plate numbers and parking passes, but when people are invited to live inside the community they can access all the rooms. Mr. Gordon commented there is at times an annual fee for amenities and noted it is a fee which is often waived as part of signing the lease so it is not a fee that is always charged. He said, "But it is occasionally charged and there is a difference in our ability to know who is using what."

Mr. Waks stated Mr. Gordon is missing the broader point in that for those living in apartments/condos with certain HOA's the condo fee will often pay for an amenity that is not used. Mr. Waks pointed out while not everyone might use parking, there is a way to wrap it into the overall rent package and it is something Hanover should consider doing.

Mr. Waks asked for a more thorough explanation about the towing practice for those parking at other lots in that area rather than parking in the assigned garages during designated hours. Mr. Fry responded the Village at Valley Forge has an association and part of that association is the retail center known as the King of Prussia Town Center. He said the association manages most of the common area private roads and noted during the recent snow storm there was no parking on the roads between 3 and 5 a.m. to allow for snow plowing maintenance. Mr. Fry indicated the association has engaged a towing company to help enforce parking regulations; the King of Prussia Town Center is managed by a different entity and they have engaged the same towing company to make sure the patrons visiting the Town Center have the ability to park. Mr. Fry further explained there are programs in place for those patrons who may have imbibed too much and wisely choose not to drive home. Notices are available for the patron to place in their car to this effect and the towing company knows there is the ability to give them a first pass and they take a picture of the license and car. For chronic violators there are two entities that are implementing the towing. It is the association that works for all the developers at the Village at Valley Forge along with the King of Prussia Town Center. It is not Hanover or any of the other individual apartment owners.

Mr. Fry commented in the beginning there was a barrage of phone calls to the township which has now abated and Realen is continuing work on managing that process and is in constant communication with the police department. He said there are other ways that can be discussed later on how to help with some of the parking issues.

Mr. Waks reiterated what he said previously at a workshop meeting about how counterproductive it is for the Village at Valley Forge/King of Prussia Town Center not to incorporate parking into the rent.

Recognizing the dearth of public transportation accessing the Village at Valley Forge, Mr. Jenaway asked about the percentage of units leased to those who do not have a car. Mr. Gordon indicated he did not currently have an answer to question.

Mr. Jenaway expressed agreement with his colleagues' previous comments about the need to find a way to manage the parking differently by getting residents to park in their designated garage. He noted he has also received complaints about residents parking their cars in the existing garage for the general public which limits the parking space for visitors who want to enjoy the restaurants and other establishments. Mr. Fry responded the public garage is for the retail patrons and part of the retail development. He said this is also being evaluated with the same type of towing program and work continues on the parking issue.

Mr. Waks asked about the construction timeline and anticipated opening for Hanover 3. Mr. Gordon responded Hanover anticipates starting construction this summer and will open approximately 15-18 months after that.

Mr. Philips asked how many parking spaces are needed for 390 units. Mr. Gordon responded Hanover is building 594 parking spaces which is a 1.52 ratio.

Mr. Philips asked if any consideration has been given to opening up the excess capacity for the public. Mr. Gordon did not respond directly. He said that in partnership with Realen this situation is going to correct itself and the garage will end up fully parked with residents of their building. He said they are going through a period of transition with parking and it obviously is not without a few "kinks", but it is one they hope to resolve.

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution 2018-20. None opposed. Motion approved 4-0.

JOHN B. WARD DEVELOPMENT PLAN: 400 W. CHURCH ROAD, 3,200 SF OPEN PARKING STRUCTURE. PLAN EXPIRATION 4/24/18, RESOLUTION 2018-21

Mr. Loeper stated the Board of Supervisors reviewed this plan a few weeks ago at a workshop meeting. He indicated this site is the former Beck Machine Company which was one of the first industrial properties in Upper Merion Township. John B. Ward acquired the property in 2007 and made improvements to the building and landscaping making the property fit into the adjacent residential neighborhood. Previously the applicant constructed two other parking garages and now proposes a third parking garage at the rear of the site. The purpose of the proposed structure is to keep expensive equipment out of the elements. A 3,000 square foot rain garden is proposed to address stormwater issues. There is a landscape buffer between the residences to the east. As requested at the workshop meeting, Mr. Ward discussed the development plan with his neighbors.

Board Comment:

Mr. Jenaway expressed appreciation to the applicant for reaching out to public in that area.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve Resolution 2018-21. None opposed. Motion approved 4-0.

WORKHORSE BREWING DEVELOPMENT PLAN: 250 KING MANOR DRIVE, RENOVATION OF 50,000 SF OF WAREHOUSE SPACE INTO BREWERY AND TASTING ROOM AND CONSTRUCTION OF 132 NEW PARKING SPACES, 7.16 ACRES, HI, PLAN EXPIRATION 3/29/18, RESOLUTION 2018-23

Mr. Loeper stated Workhorse Brewing has submitted a development plan for a portion of an older industrial property located at 250 King Manor Drive (corner of King Manor and Crooked Lane). Previously the building had three tenants. There is a combination of uses within the building, including office, warehouse and industrial. The most recent tenant is an indoor recreation facility in the rear portion of the 7-acre property.

Workhorse Brewing proposes taking approximately 50,000 square feet in the front portion of the building closest to Crooked Lane for a brewery operation, a warehouse, and tasting room.

Mr. Loeper described the brewing operation and how the tasting room works. He indicated this will be a King of Prussia brewery making original beer for distribution in the Philadelphia area. As part of the brewery there will be a

5,000 square foot tasting room in the front by King Manor Drive where people can come in and sample the various beers. The tasting room and production area will require extra parking capacity. They will not have food service per se, but snacks will be available.

The plan has been reviewed by the township engineer and is in a position for consideration by the Board of Supervisors.

Utilizing the aerial, Mr. Loeper pointed out various features of the development plan including the location of the underground detention basin, the significant amount of landscaping, the brewing area in the rear, storage for the brewery, and the entrance which will be off of King Manor Drive rather than Crooked Lane.

This site will also become part of the industrial pretreatment program for wastewater. All the water will be treated before release within limits and in accordance with township requirements.

A sidewalk will be installed along the frontage of the building to connect the existing sidewalk on King Manor Drive.

Mr. Loeper indicated most of the requested waivers are partial waivers regarding landscaping. It was noted one of the waivers concerns stormwater management. The code requires a reduction of water volume of the entire site. Since the applicant is only taking a portion of the site, a waiver is requested to not provide a reduction of the entire site.

Mr. Loeper mentioned he is still awaiting a report from the Shade Tree Commission which was delayed because of the weather. He noted the landscape waivers deal with substituting different planting materials rather than not installing planting materials, e.g., providing evergreens in lieu of ornamentals or in some cases reduced size trees. Mr. Loeper pointed out the applicant will be installing a fair amount of landscaping, specifically along the perimeter of the site.

In view of the pending Shade Tree Commission report, Mrs. Spott asked that the motion include language that the approval is subject to a mutual understanding of the landscaping changes.

Mr. Waks asked for clarification about the opening of Workhorse Brewing since Workhorse Brewing has been working with the Park and Recreation Department to possibly operate beer tents at events such as Concerts Under the Stars and July fireworks. Dan Hershberg, representing Workhorse Brewing, responded they are now looking at a middle of July 2018 opening. Mr. Waks asked about the 4<sup>th</sup> of July fireworks. Mr. Hershberg responded they were supposed to open the middle of June but the schedule has been pushed back. He gave assurance that Workhorse Brewing would be at the fireworks in one way or another in a certain capacity and will make sure there is beer for the event.

Mr. Philips asked how many employees will be employed at the brewery. Mr. Hershberg responded eventually there would be more but there will be 3-5 employees to start.

Mr. Philips stated the Resolution will be amended in accordance with the previous discussion regarding the Shade Tree Commission.

Mr. Walko stated the motion will state the approval is contingent upon the applicant's agreement to reasonable conditions of the Shade Tree Commission.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Spott, all voting "Aye" to approve Resolution 2018-23 as amended contingent upon the applicant's



agreement to reasonable conditions of the Shade Tree Commission. None opposed. Motion approved 4-0.

#### ACCOUNTS PAYABLE & PAYROLL:

##### Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to approve the Accounts Payable for invoices processed from February 14, 2018 to March 14, 2018 in the amount of \$1,239,838.21 and the Payroll for February 23, 2018 and March 9, 2018 in the amount of \$1,515,194.44 for a total of \$2,755,032.65. None opposed. Motion passed 4-0.

#### ADDITIONAL BUSINESS

##### JOB WELL DONE FOR MANAGING STORM ACTIVITIES

Mr. Jenaway recognized the work of the Public Works team and public safety groups for their snow removal and public safety efforts during the challenging weather in our area over the past 60 days. He thanked everyone involved in managing the storm activities during all the weather events.

##### UPPER MERION SENIOR CENTER THRIFT SHOP EVENT

Mr. Waks noted the Upper Merion Senior Service Center (located next to the community center) is holding a thrift market Monday through Thursday from 9:30 a.m. to 1:30 p.m. this week and for the next few weeks. Senior Center is located right next to the community center at 431 W. Valley Forge Road.

##### STORM DEBRIS PICKUP

Mr. Philips stated the township will be providing for the curbside pickup of storm debris between now and April 13<sup>th</sup>. The public was advised to call the Public Works Department to schedule a pickup.

##### ADVENTURE DAY CAMP

Mr. Philips stated the Park and Recreation 2018 Adventure Day Camp registration is now open.

##### UPPER MERION TOWNSHIP POOL MEMBERSHIPS – 2018 SEASON

Mr. Philips mentioned pool memberships are still available and announced the pool will open on Saturday, May 26<sup>th</sup> for the start of Memorial Weekend and continue a weekend only schedule while UM schools are in session until June 8<sup>th</sup> at which time the regular summer schedule begins.

##### PUPPETS PIZAZZ

Mr. Philips noted the Puppets Pizzazz event for children will be held in Freedom Hall on Wednesday, March 28<sup>th</sup>.

##### LIBRARY AUTHOR TALK – DR. ROBYN DELUCA

Mr. Philips mentioned Dr. Deluca's workshop regarding work/life balance has been rescheduled to Tuesday, May 1<sup>st</sup> at 7 p.m.

##### From the Public:

Herbert Baiersdorfer, read a letter which outlines his previously expressed comments with regard to a neighbor's ditch.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 9:02 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered