

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
BUSINESS MEETING
JULY 15, 2021

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, July 15, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:42 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Bill Jenaway, Carole Kenney, Greg Waks and Tina Garzillo. Absent was Supervisor Greg Philips. Also present were: Anthony Hamaday, Township Manager; Joseph McGrory, Esq., Township Solicitor and Leanna Colubriale, Township Engineer.

MEETING MINUTES: None.

CHAIRMAN'S COMMENTS:

Chairman Jenaway announced that the Board held an Executive Session prior to tonight's meeting to discuss litigation and personnel issues.

NEW BUSINESS

PROCLAMATION – PARK & RECREATION PROFESSIONALS DAY

Dan Russell, Director of Park & Recreation read a Proclamation recognizing July 16, 2021 as "Pennsylvania Park & Recreation Professionals Day" in Upper Merion Township. Supervisor Garzillo also recognized Saturday, July 31, 2021 as International Lifeguard Appreciation Day. As first responders, professional lifeguards are trained and certified in CPR, AED use and first aid. Their skills are tested both in the water and on land. They have a massive responsibility and put their own health and safety at risk, exposing themselves to the transmission of disease and potential injury. The Township recognizing all they do for our residents.

CONDITIONAL USE HEARING (CONTINUED) – MANCILL MILL ROAD COMPANY, 850 MANCILL MILL ROAD. APPLICATION OF THE MANCILL MILL ROAD COMPANY, 850 MANCILL MILL ROAD SEEKING CONDITIONAL USE APPROVAL, PRUSUANT 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.

Solicitor McGrory opened the conditional use hearing and then adjourned the meeting until the August 19, 2021 Board of Supervisors Business Meeting.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to continue the conditional use hearing to August 19, 2021. Motion approved 4-0.

PUBLIC HEARING RE: REQUEST FOR INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE – TAKU STEAKHOUSE, LLC – 330 GODDARD BOULEVARD, KING OF PRUSSIA, PA RESOLUTION 2021-20

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Garzillo, all voting "Aye" to approve Resolution 2021-20 for the intermunicipal transfer of liquor license. None opposed. Motion approved 4-0.

PUBLIC HEARING – AN ORDINANCE OF THE TOWNSHIP OF UPPER MERION TO AMEND THE TOWNSHIP'S ZONING ORDINANCE CHAPTER 165, ARTICLE X11, SECTION 165-61: AREA, WIDTH, AND YARD REGULATIONS, TO AMEND THE MINIMUM LOT AREA PER UNIT FOR MULTIFAMILY AND ROW HOUSE AND TO REPEAL SUBSECTION F "DENSITY" AND REPLACE IT WITH "AREA AND DENSITY REGULATIONS", AND SECTION 165-62 "MULTIBUILDING LOTS", TO REPEAL SUBSECTIONS "B" AND "C"

Solicitor McGrory opened the hearing and introduced the exhibits. He stated that this ordinance reads a little complicated but it is really quite simple. Our current ordinances for townhouse and multifamily dwelling type units is a mishmash of inconsistent criteria for the area in whole. With this new ordinance we make the requirements consistent therefore making things simpler.

Board Comments:

Chairman Jenaway commented that this is part of the Board's ongoing zoning review process where they review various zoning documents and make sure that they are brought up to new expectations, new standards. He also stated that this ordinance was reviewed by the Planning Commission and they are fully on board with this ordinance. Chairman Jenaway also stated that the Board was getting a number of comments from the public on townhouse complexes as they were being built.

Having no more comments from the Board or from the public, Solicitor McGrory closed the hearing.

Board Action:

It was moved by Mrs. Kenney, seconded by Mrs. Garzillo, all voting "Aye" to amend the Township Zoning Ordinance, Chapter 165, Article 12, Section 165-61 and Section 165.62. None opposed. Motion approved 4-0.

PUBLIC HEARING – AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, CHAPTER 165, ARTICLE II, DEFINITIONS AND WORD USAGE, SECTION 165-5.B TO PROVIDE A DEFINITION FOR BED AND BREAKFAST; AND AMENDING ARTICLE XXXI, GENERAL REGULATIONS TO ADD A NEW SECTION, 165-219.8, BED AND BREAKFAST FACILITIES; AND AMENDING ARTICLE IV, AGRICULTURAL DISTRICTS, ARTICLE V, R-A RECREATIONAL AREA DISTRICTS, ARTICLE VI, SINGLE FAMILY RESIDENTIAL DISTRICTS, AS TO R-1A AND R-1 ZONING DISTRICTS, AND ARTICLE XVA, R-55A RESIDENTIAL DISTRICTS TO PERMIT BED AND BREAKFAST FACILITIES IN ACCORDANCE WITH SECTION 165-219.8

Solicitor McGrory opened the hearing and introduced the exhibits into the record. He gave the following background – a few years ago the courts rendered a decision in a case recognizing Bed and Breakfast as a legitimate land use that

needs to be provided for somewhere in your township. Because our zoning ordinance does not provide for it anywhere we had to establish a definition for Bed and Breakfast and show where it is permitted in the township.

Board Comments:

Mr. Waks asked if the Township does not pass a Bed and Breakfast Ordinance, it is implied that a Bed and Breakfast can be established anywhere in Upper Merion Township. Solicitor McGrory answered in the affirmative.

Having no more comments from the Board or from the public, Solicitor McGrory closed the hearing.

Board Action:

It was moved by Mrs. Garzillo, seconded by Mr. Waks, all voting "Aye" to adopt the ordinance amending Chapter 165 and the various sections that were iterated earlier. None opposed. Motion approved 4-0.

PUBLIC HEARING – AN ORDINANCE OF THE TOWNSHIP OF UPPER MERION, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING CHAPTER 157, VEHICLES AND TRAFFIC, SECTION 157-17 TO PROVIDE FOR THE DESIGNATION OF FURTHER PARKING RESTRICTIONS IN THE TOWNSHIP AND TO PROVIDE CERTAIN PARKING RESTRICTIONS ON JEFFERSON STREET

Solicitor McGrory opened the hearing and introduced the exhibits. He explained that this ordinance provides for the designation of further parking restrictions in the Township and to provide certain parking restrictions on Jefferson Street.

Board Action:

It was moved by Mrs. Kenney, seconded by Mrs. Garzillo, all voting "Aye" to adopt the ordinance amending Chapter 157, Section 157-7. None opposed. Motion approved 4-0.

RESOLUTION NO. 2021-21. PRELIMINARY/FINAL SUBDIVISION PLAN – DAVIS DEVELOPMENT. 230 ARDEN ROAD. CONSIDERATION OF A PRELIMINARY/FINAL SUBDIVISION PLAN SUBMITTED BY DAVIS DEVELOPMENT GROUP, AS PREPARED BY KIMELY HORN & ASSOCIATES, DATED MARCH 19, 2021, LAST REVISED JULY 06, 2021 FOR THE SUBDIVISION OF THE EXISTING R-1 RESIDENTIAL PARCEL INTO 2 RESIDENTIAL LOTS AND THE CONSTRUCTION OF 2 NEW SINGLE-FAMILY DWELLINGS SUBJECT TO THOSE CONDITIONS OUTLINED IN RESOLUTION INCLUDING THE FOLLOWING WAIVER REQUESTS:

1. §140a-16. A (2) - to not grade within five (5) feet from the property line.
2. §145-27 - from providing a preliminary plan and allowing for a single preliminary/final application.
3. §145-29. (21). - from showing the location of all existing features within 200 feet of its boundary.
4. §145-29. B. - from providing a final study and analysis of traffic impact for two residential units and a net increase of one unit.
5. §145-39 - from requirements for park land in favor of a fee in lieu per 145-50.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to continue discussion on Resolution 2021-21 for 230 Arden Road until the August 5, 2021 Board of Supervisors' Workshop Meeting. None opposed. Motion approved 4-0.

CONSENT AGENDA

1. Crow Creek Trail Project Contract Payment # 8 in the amount of \$99,707.40 to Kenney Excavating for work to date on the Crow Creek Trail Project.
2. 511 Tax Collection Agreement – Tri State Financial Group. Approval of an agreement with Tri State Financial Group, Bridgeport, PA, to provide collection services for the Business Privilege Tax, Mercantile Tax, and Local Services Tax levied by Upper Merion for the period beginning January 1, 2022 and ending December 31, 2024 at a rate equal to 1.95% of the gross collection and administration of current accounts taxes and 5% for delinquent/discovered accounts as outlined in said agreement.
3. Investment Consultant Agreement – Voya Financial/Cornerstone Wealth Advisory and Insurance Services. Consideration of an agreement with Voya Financial to provide independent consultant services for the Township's 401(a) and 457 retirement plans at a cost of \$4000 per quarter as outlined in said agreement.
4. Schuylkill River Trail Phase 2 Bid Award- To award the Schuylkill River Trail Phase 2 Bid to _____, of _____, in the amount of \$ _____ being the lowest responsible bidder and authorizing the proper Township Officials to sign all Contract Agreements.
5. PennDOT Cooperative Agreement – 422 CCTV Equipment Installation. Consideration of an updated agreement with PennDot for the State's installation of CCTV equipment on Township traffic signals as part of the State's 422 Improvement Project.
6. Financial Escrow Security Release No. 6, 900 River Road LLC, 900 River Road – Approval of Escrow Release No. 6 to 900 River Road LLC in the amount of \$13,500.00 for the completion of required site improvements to date as part of the warehouse development project as recommended by the Township Engineer.
7. Financial Escrow Security Release (Final), Henderson Road Investors, LLC, 251 Henderson Road – Approval of the Final Escrow Release to Henderson Road Investors, LLC in the amount of \$933,837.71 for the completion of required site improvements to date as part of the development project subject to the establishment of the required maintenance bond.

8. Land Development Plan Review Extension – JM Real Estate Holdings, 677 W. Dekalb Pike. Accept letter of extension from JM Real Estate Holdings for the review of the proposed development at 677 W. Dekalb Pike until August 19, 2021.
9. Land Development Plan Review Extension – Quercus properties (JM Ward), Church Road. Accept letter of extension from Quercus properties (JM Ward), for the review of the proposed development on Church Road until August 19, 2021.
10. Permission to advertise a public hearing at the August 19, 2021 regular Business meeting on a proposed ordinance amending Chapter 165 of the Township Code, Zoning, to add a new section 196-219.8 establishing regulations for short term rentals in the Township.
11. Appointment of Gino Cavaliere to the Community Center Advisory Committee.

Board Action:

The Board agreed to pass on Item No. 4 of the Consent Agenda.

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the Consent Agenda with the passing on Item No. 4. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Garzillo, all voting "Aye" to approve the Accounts Payables for invoices processed from June 10 to July 7, 2021 and Payrolls dated June 11, 2021 and June 25, 2021 for a total of \$3,998,894.71. None opposed. Motion approved 4-0.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting at 8:41 PM. None opposed. Motion approved 4-0. Adjournment occurred.


ANTHONY HAMADAY
TOWNSHIP MANAGER

cd
Minutes Approved:
Minutes Entered:

