

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
MAY 7, 2015

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, May 7, 2015, in the Township Building. The meeting was called to order at 7:35 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Waks, Greg Philips, Bill Jenaway and Carole Kenney (arrived 8:20 pm). Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Rob Loeper, Township Planner; Scott Greenly, Associate Planner; Joseph McGrory, Township Solicitor; and Angela Caramenico, Assistant to the Township Manager. Supervisor Erika Spott was absent.

CHAIRMAN'S COMMENTS:

Chairman Philips reported an Executive Session was not held prior to this meeting.

DISCUSSIONS:

PUBLIC HEARING RE: REQUEST BY PALADAR KING OF PRUSSIA, LLC – PALADAR LATIN KITCHEN & RUM BAR FOR APPROVAL OF INTER-MUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE, KING OF PRUSSIA TOWN CENTER, Resolution 2015-17

Mr. Joseph McGrory, Township Solicitor, opened the hearing and introduced into the Record Board Exhibit #1 Proof of Publication in the *Times Herald* dated April 28, 2015 and Board Exhibit #2 the application and accompanying exhibits.

Mark E. Kozar, Esq., firm of Flaherty and O'Hara, representing Paladar King of Prussia, LLC was joined at this hearing with Ean Carroll, General Manager, Paladar. The applicant is requesting approval of a resolution permitting the inter-municipal transfer of a liquor license from outside the township pursuant to revised Liquor Code, Section 461, subsection b.3.

Mr. Kozar indicated Paladar LLC is a subsidiary of Paladar Holdings LLC which owns and operates seven restaurants in four states. This will be the first restaurant in Pennsylvania. Paladar's menu features an interesting and fresh approach to Central American, South American, Latin, Caribbean and Cuban

based foods. It is a family-friendly, full-service premium casual restaurant. The restaurant will have seating for approximately 288 people (185 inside and 106 on patios on two sides of the restaurant). This is strictly a restaurant and there will be no live music, video games, pool tables, TV's, and no take out beer. Hours of operation will be Monday thru Thursdays 11 a.m. to 10 or 11 p.m. (depending on business), Fridays and Saturdays 11 a.m. to midnight (depending on business) and Sundays 11 a.m. to 10 or 11 p.m. The restaurant will be approximately 6,500 square feet and employ 80 full and part-time clerks. Alcohol is served as a complement to the food at Paladar restaurants. The percentage of alcohol sold as a percentage of total sales last year was 30%. With respect to alcohol sales, the manager and everyone serving alcohol will be RAMP trained (Responsible Alcohol Management Program).

Mr. McGrory asked if the Board had any specific questions.

Mr. Waks inquired about the urgency of the matter since it is being considered in a workshop meeting. Mr. Kozar responded the contract to buy the license has a specific time frame and if action is not taken in a timely manner the contract could theoretically be cancelled by the seller.

For the benefit of the audience, Mr. Waks mentioned liquor transfer licenses are traded on the open market and prices are based on supply and demand and the transfer could end up costing more if this were to fall through.

Mr. Waks asked if it is correct that this restaurant would be opening up in the King of Prussia Town Center in the Village at Valley Forge. Mr. Kozar responded in the affirmative.

Mr. Waks asked when a potential opening might occur. Response: second quarter of 2016.

Mr. Waks asked about the projected location of the Paladar restaurant at the complex. Mr. Kozar responded it would be near Wegman's at the corner of the court area.

Mr. Jenaway asked if the environment at the Paladar here would be similar to the restaurants in Cleveland and Gaithersburg. Mr. Kozar indicated it would be similar from an interior perspective.

Without further comment from the Board, Mr. McGrory opened the floor for any public comment or questions regarding this application.

Mr. Dick McCann asked if the restaurant would be a stand-alone building or part of other buildings. Mr. Kozar responded it will be part of other buildings. There will be a courtyard area and a line of buildings on either side of the courtyard.

Mr. Ean Carroll, General Manager, Paladar, was sworn in and was asked if everything his attorney said tonight is true and accurate and would have been Mr. Carroll's testimony if he testified. Mr. Carroll responded in the affirmative.

With no further public comments, Mr. McGrory closed the hearing and reconvened into the public meeting portion of the agenda placing the resolution in a position for consideration by the Board of Supervisors.

Board Action:

It was moved by Mr. Waks, seconded by Mr. Jenaway all voting "Aye" to approve Resolution 2015-17. None opposed. Motion approved 3-0.

APPEAL OF ROAD OPENING PERMIT – 231 TWININGS LANE

Mr. Joseph McGrory, Township Solicitor, opened the hearing and introduced into the Record the appeal itself as Board Exhibit #1.

Sudhakar Goverdhanam, 231 Twinings Lane, stated his request is to allow him to add another driveway to his property. He indicated his home is located in a cul-de-sac with nine homes. Since he frequently has a number of get togethers and parties his guests tend to block the road and in his view this affects the safety of the other homes. Mr. Goverdhanam's goal is to create another driveway so his guests can park within the confines of his property. He indicated he has gone to the Homeowners Association and neighbors.

Both Mr. Sudhakar Goverdhanam and Mr. Bruce Rollings, landscaper with Living Spaces by Bruce, were sworn in by Mr. McGrory. Mr. Rollings responded to Mr. McGrory's question about the amount of frontage on the property and indicated it is 339 feet.

Mr. Waks asked if the property is located in Whitegate. Mr. Rollings responded in the affirmative.

Mr. McGrory stated township ordinances require Mr. Goverdhanam to get a road opening permit according to PennDOT standards. He noted PennDOT standards do not permit a secondary driveway access to a single residential detached dwelling unless there is more than 600 square feet of frontage which Mr. Goverdhanam does not have. The Township Planner denied the permit based on the PennDOT standards and Mr. Goverdhanam has taken an appeal to the Board of Supervisors. Mr. McGrory asked if there is anything else Mr. Goverdhanam wants this Board to consider as part of this application.

Mr. Goverdhanam stated within 200 yards of his house there are two homes which have two driveways. Mr. Rollings commented they are both corner lots. Mr. McGrory said they are both corner lots and that is why they would have two driveways. Mr. Rollings pointed out other older driveways near the development which are exceptions and Mr. McGrory asked that they be incorporated into Board Exhibit #1.

Mr. Goverdhanam said safety is the most important since the main road is not very wide and at times his guests block the entire road.

Mr. Waks asked if the neighbors are in favor of Mr. Goverdhanam's proposal. Mr. Goverdhanam responded in the affirmative.

Mr. Waks asked if there is a petition. Mr. Goverdhanam responded his plan was circulated and he described what he was going. Mr. Rollings indicated the neighbors signed off on it. Mr. Waks asked if the head of the Homeowners Association signed off. Mr. Goverdhanam responded in the affirmative.

Mr. Waks asked if one of the neighbors who is on the Zoning Hearing Board is fine with this. Mr. Goverdhanam responded in the affirmative.

Mr. Rollings commented it will not create any additional stormwater onto township streets or any additional maintenance to the township.

Mr. Philips asked for clarification about what was shown on the aerial as to the concept, what is existing and what is new. Mr. Rollings explained various aspects of the property.

Mr. Philips asked about the stormwater in the area. Mr. Rollings responded the stormwater basin is not on this plan, but there is going to be a storm drain and downspouts so that water can be piped out.

Mr. Philips asked if the stormwater has been reviewed by the township engineer. Mr. Rollings responded it has been reviewed but not approved as yet.

Mr. Jenaway asked for clarification as to whether Mr. Goverdhanam's property is on a corner lot. Mr. Goverdhanam responded that it is. Mr. Jenaway asked when calculations were done [for the frontage] if both streets were factored in or just one. Mr. Rollings responded both streets.

Mr. Jenaway indicated when he looked at the site it looks like the four neighbor approvals in the signed letter are the properties closest to Mr. Goverdhanam's property. Mr. Jenaway pointed out he did not see the names previously mentioned by Mr. Waks on the letter.

Mr. Waks inquired about the urgency of this matter. Mr. Goverdhanam responded he would like to get this done for a gathering he has in late summer.

Mr. Waks asked how long construction will take. Mr. Rollings responded two months.

Mr. Jenaway said he does not have a big problem with this since it is on a corner lot. He said even though it does not hit the 600 foot mark the fact that it is on a corner provides some flexibility. He said he was more concerned about the precedent.

Mr. McGrory commented it is somewhat unusual to have a planner get appealed. The question is in granting this relief would this be akin to a zoning officer's appeal, i.e., would it be setting a precedent. A decision should be made whether it makes sense to have PennDOT standards for township residential properties. Mr. McGrory recommends changing the whole system.

Mr. Scott Greenly, Associate Planner, stated he has done research in surrounding municipalities to see how they regulated this type of situation and two of the neighboring municipalities base it on impervious rather than frontage. As long as the property fell into a certain criteria for impervious second driveways would be allowed. Mr. McGrory noted the impervious would be a zoning criteria and Mr. Goverdhanam is subject to that standard any way.

Mr. Philips stated he agrees it is necessary to change the idea of using PennDOT commercial standards for township roads in residential areas.

Mr. McGrory pointed out the Township Planner does not have any discretion with this. He just has the standards upon which to rule. The Board of Supervisors has discretion because there are no standards by which the Board is measuring things.

With no further public comments, Mr. McGrory closed the hearing and reconvened into the public meeting portion of the agenda placing the matter in a position for consideration by the Board of Supervisors.

Mr. Waks stated the Board of Supervisors takes very seriously what the neighbors have to say, and based on the approval by the homeowners association (HOA) he made the motion to grant the appeal.

Before seconding Mr. Waks' motion Mr. Jenaway commented he has reviewed the letter that came from the HOA which specifically refers to an architectural request for a porch. It does not describe the proposed driveway. Mr. Jenaway noted he was president of an HOA for a number of years and when they sent letters it would indicate the matter was approved by a certain percentage of the membership. He did not see that indicated in the letter. In

addition the question remains did the neighbors really look at the driveway or did they look at the porch.

Mr. McGrory stated if Mr. Waks would accept an amendment to his motion conditioned upon HOA approval that would cover the matter. Mr. Waks agreed to accept the proposed amendment to his motion.

Board Action:

It was moved by Mr. Waks, and seconded by Mr. Jenaway, all voting "Aye" to approve the driveway as provided conditioned upon approval of the Homeowners Association. None opposed. Motion approved 3-0.

CONSIDER OFFICIAL NAME OF THE COMMUNITY CENTER

Mr. Dan Russell, Park and Recreation Director, stated with the opening of the community center anticipated in the fall, there is a sense of urgency in deciding on an official name for the building in view of the heavy marketing and advertising campaign planned. It is also to have the official name for construction purposes in getting a sign package together. There were several discussions at the Park and Recreation Board level as to whether it was going to just be called the *Upper Merion Community Center* or if it would have the senior center name attached to it as well and be called the *Upper Merion Community and Senior Center*. It was also discussed if the word "Township" should be included.

Mr. Philips commented from his standpoint community centers are always opportunities to have naming rights. He suggested something short is usually better for marketing and his preference would be the *Upper Merion Community Center*. He pointed out the Senior Center will have its own sign both out on the street and also on the building.

Mr. Waks indicated his preference for *Upper Merion Community and Senior Center*. He noted someone suggested the name of *Upper Merion Center* which he found somewhat intriguing, particularly if it had a "cool" logo.

Mr. Jenaway stated he believes there have to be two separate identifiers and the idea of double signage makes business sense because people coming for the first time are going to be looking for a community center or the senior service center. He said it is important to make sure both names are prominently displayed on exterior signage as well as frontage signage on Valley Forge Road. Since hearing about the idea of the *Upper Merion Center*, Mr. Jenaway said that market would be completely different and would provide opportunities for naming rights for those looking to build large complexes in Upper Merion.

Mr. Philips asked with the name *Upper Merion Community and Senior Center* would the Senior Center be giving up their name. Mrs. Mary F. McCree, President, Upper Merion Senior Service Center, responded they do not want to give up their name. Mr. Philips said currently the Senior Center has a brand and a logo. If the seniors keep their name and logo they can have two signs on the building because they will occupy one entire wing.

Mrs. McCree said this is the first she is hearing of the possibility of two names on the building. She indicated they were told there would be only one name and that would either be the *Upper Merion Community Center* or *Upper Merion Community and Senior Center*. She said with two names on the building and on the road if their identity is not taken away it is probably something they could live with. She wanted to take this back to the membership.

Mr. Waks commented the supervisors want the Senior Center to have its own identity regardless of how they may feel regarding the *Upper Merion Community Center* versus *Upper Merion Community and Senior Center*.

Mrs. McCree said the question is would it stay the *Upper Merion Senior Service Center*. Mr. Philips indicated the seniors would get signage. Mrs. McCree asked where the signage would be. Mr. Russell responded on the right hand side where the turnaround circle is located would be the entrance to the senior center. That is where the sign would be and there would be additional signage inside the lobby as well so that when people walk in they will know exactly where to go direction wise.

A member of the group asked what kind of signage is going to be on the street. Mr. Russell responded that has not been discussed as yet. Mr. Waks commented the idea of having an electric sign has been discussed. He said the township's electric sign is scheduled to be installed in early to mid-June [at Henderson and Valley Forge Road]. The Media Board is interested in seeing how well received this sign will be. If it is well received one place they will want to discuss placement for a second electric sign is outside the future home of the Community and Senior Center.

Mr. Philips noted for the record that Mrs. Kenney joined the discussion at this point in the meeting.

Mrs. Kenney commented with regard to the *Upper Merion Community Center* versus the *Upper Merion Community and Senior Center*, she thought the latter was redundant because community means everybody. She would like to be sure there is a sign over the entrance to the Senior Center that distinguishes that entrance from the main entrance.

Mr. Waks pointed out not everyone who joins the senior center will be joining the community center and vice versa. He said he received emails from

residents who thought that to become a member of the senior center you had to join the community center. He explained to the residents they are separate memberships and noted for seniors wanting to join the community center there would be senior rates.

Mrs. McCree said there is confusion about the pricing. Mr. Waks indicated more work has to be done to make it clear these are separate memberships and it is not necessary to join both if you are interested in only one.

Mr. Dick McCann, Vice President, Senior Service Center, asked if anyone has looked into having two different addresses for the community center and senior center to avoid additional confusion. Mr. Loeper stated the addressing is run through the Post Office and handed by Safety and Codes.

Mr. Philips asked if the Park and Recreation Board has a recommendation. Mr. Russell responded the Park and Recreation Board was split the last time this was discussed.

A member of the group commented that having the names combined creates confusion because some people might ask why am I also joining a senior center.

Another member of the group said just calling it the *Upper Merion Center* sounds too much like a shopping center.

A discussion followed about making sure marketing materials make it clear that the senior center is a separate entity and not just one of the amenities offered by the community center.

Mr. Jenaway commented the ultimate sign out front has to identify in equal fashion specifically the Community Center, Senior Service Center and the Upper Merion Swim Club.

A member of the group asked if a resident is not a member of the Upper Merion Senior Service Center and goes to the Community Center what would be available free of charge. Mr. Philips noted there will be trails to enjoy. Mr. Waks mentioned the ultimate goal is to have a mini version of the KcKaig Nature Center in the woods behind the community/senior center. Mr. Russell noted there will be free events as part of their promotional campaign. He noted there will be a daily rate for those who want to check out the fitness center or walk around the track.

Mr. Jenaway commented when they looked at various business models to run community centers from around the country and visited some distant from King of Prussia as well as the region they found that all of them operate along similar business models. Upper Merion follows those business models and

basically very few have anything for free, if at all, and the reason is maintenance costs.

Mr. Jenaway pointed out anyone wanting to use the community center facilities will pay dramatically less for those facilities than they would for anything else in Upper Merion and they would also have a different environment to enjoy with other members of the community.

A representative from the senior center group asked if they could be included in the discussion when marketing materials are being drafted to make sure the senior center has a presence. Mr. Russell responded staff is working on it constantly. Mr. Waks suggested having Mr. Russell or Ms. Chabala attend some of the senior's general meetings to reinforce the point that they are separate memberships and they can join one or both and they have options.

Mr. Kraynik suggested in the near future that Mr. Russell, Ms. Chabala and Ms. Vattimo sit down with the Senior Center leadership to go over the marketing they have done to date and get their feedback.

Ms. Chabala commented she understands the senior center wants its own identity and the community center would not infringe on them or take that over. When the community center is marketed to outline what it has going on it would be noted that also in this building is the Senior Services Center. The two entities are not tied to one another, but the relationship is working with one another.

Mrs. McCree said if Mr. Russell or Ms. Chabala want to come to their general membership meeting it will be televised and people will be able to see it.

Mr. Philips asked if the Park and Recreation Board is going to make a recommendation on a name. Mr. Russell responded their board will meet next Tuesday to discuss this matter. It was then agreed that the Board of Supervisors will consider the recommendation at the conclusion of the Joint Meetings scheduled for Thursday, May 14th, come to a consensus and consider this matter at the next business meeting.

Mrs. McCree asked if "Silver Sneakers" will be available at the community center. Ms. Chabala responded staff is exploring the possibility.

BENTLEY HOMES: 751 VANDENBURG ROAD, 18 ACRES, KP MIXED USE DISTRICT. PRESENTATION OF PROPOSAL FOR MULTI-FAMILY DEVELOPMENT (4 BUILDINGS, 320 UNITS)

David Della Porta, Cornerstone Communities, stated this is a follow up to respond to some of the questions and comments at the previous workshop

meeting [March 12, 2015] regarding the proposed new apartment community at 751 Vandenburg Road. Utilizing the aerial, he provided some examples of other multi-family communities projects they have done throughout the region which featured different architecture to fit into the particular community.

Mr. Della Porta stated since the last workshop meeting they have continued to make revisions and improvements to the site plan. Some of the changes include:

- A boulevard entry providing a grander and better access to a mixed use retail which is now proposed at the corner of the building. Parking has been added in this area.
- Some outdoor seating has been created for a café luncheon area and will be visible from the road. This area will be signed separately and have a separate entrance.
- The first floor will house the leasing center and many of the amenities such as the fitness center and club room.
- The central green which is a special feature of this community is over 50,000 square feet which will feature a pool area, fire pits, outdoor rooms for seating, and an outdoor kitchen

If the Board felt this answered all the Board's previous questions, Mr. Della Porta said they would like to move into the conditional use process. He noted this is a by right plan in accordance with the recently approved new KPMU zoning district in all respects except for one. The applicant is asking for relief regarding parking.

Mr. McGrory asked if the applicant is planning on obtaining zoning relief. Mr. Thomas Bentley, Bentley Homes, responded George Broseman is their attorney who will be contacting the Township Solicitor with the suggestion if they could run a conditional use and a text amendment for the parking concurrently if that is acceptable. Mr. McGrory asked if the applicant would be seeking a text amendment not zoning relief. Mr. Loeper commented Mr. Della Porta and he talked about that and agreed that parking is one area that needs to be reviewed. When staff did some research and talked with some developers and others it was felt the parking was very high for a use like this. Additional documentation is being gathered. Mr. Della Porta said the applicant will be submitting a parking study.

Mr. McGrory stated he has no objection to running the text change concurrently with conditional use, but the text change has to pass before the Board votes on conditional use. The applicant indicated he understood.

Mr. Jenaway commented, in addition to the trail system, when the Park and Recreation Master Plan is done for the development of Heuser Park it will be a complement to the nearby housing. Mr. Bentley said they have a perimeter

half mile trail proposed for their site and are looking into how it would access the new trail system.

In response to a question about the Park and Recreation Master Plan, Mr. Jenaway stated there is an extensive rework that is proposed for the entire wooded area at Heuser Park where the pond is located.

Mr. Waks commented he appreciates the addition of the coffee shop which he raised at the last workshop meeting. He said he would like to see something in regards to trails, sidewalks, or bike lanes to make it safer for people who will be walking or biking to work in the business park and also living at the applicant's proposed complex.

Mr. McGrory suggested the applicant participate in discussions with staff about trails and sidewalks.

Mr. McGrory stated he would like to work out whatever is done on park and recreation before there is a conditional use hearing because whatever is worked out he wants it to be conditional use. The applicant responded they are ready to do that.

Mr. Philips asked if the proposed development has been given a name. The applicant responded the favorite name currently is Vandenburg.

AUTHORIZATION TO SIGN SETTLEMENT STIPULATIONS RE:

- a. Upper Merion Area School District v. The Lafayette at Valley Forge LP & the Board of Assessment Appeals of Montgomery County
- b. Upper Merion Area School District v. Gulph Mills Village Apartments LP & the Board of Assessment Appeals of Montgomery County

Mr. Kraynik presented for consideration of the Board of Supervisors two court settlements that have involved the Township Solicitor's office and the Solicitor's office from the school district. Because of timing it was added to the workshop agenda rather than wait three more weeks for the business meeting.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to authorize the Solicitor to enter into the settlement of the aforementioned agreements. None opposed. Motion approved 4-0.

BOARD OF SUPERVISORS REORGANIZATION

Mr. Philips announced it has been a pleasure to serve as Chair and is sorry it will be necessary to leave for the time being. He will be fulfilling his Naval

reserve commitment. Although he will no longer serve as Chairperson, Mr. Philips will continue to be a member of the Board of Supervisors. He opened up the floor to place some names in nomination for the position of Chair.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, to nominate Mrs. Erika Spott to be Chairperson of the Board of Supervisors. Hearing no further nominations, the nominations were closed and all voted "Aye" to appoint Mrs. Spott as Chairperson of the Board of Supervisors. None opposed. Motion approved 4-0.

It was moved by Mr. Waks, seconded by Mrs. Kenney, to nominate Mr. Bill Jenaway to be Vice Chair. Hearing no further nominations, the nominations were closed and all voted "Aye" to appoint Mr. Bill Jenaway as Vice Chairperson of the Board of Supervisors. None opposed. Motion approved 4-0.

Mr. Philips' colleagues on the Board of Supervisors expressed appreciation for his service to our country and wished him well in his assignment and safe return.

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 4-0. Adjournment occurred at 9:23 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: