

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
JULY 16, 2015

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, July 16, 2015, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:40 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Erika Spott, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer, Angela Caramenico, Assistant to the Township Manager. Supervisor Philips was absent.

MEETING MINUTES:

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to approve the June 4, 2015 Workshop Meeting Minutes and June 18, Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRPERSON'S COMMENTS:

Chairperson Spott stated an Executive Session was held prior to this meeting to discuss litigation.

NEW BUSINESS

CONSENT AGENDA RE:

1. Designation of \$2,000,000 in the Revenue Stabilization Fund as committed fund balance for the 2014 Upper Merion Township Financial Statements
2. Resolution 2015-22 re: Endorsing the Turnpike Corridor Reinvestment Project Report
3. Resolution 2015-23 re: Application for Traffic Signal Approval – Henderson Road and Valley Forge Roads, Upgrade Pedestrian Signal Indications to Hand Man Countdown Operations and add Latching Pedestrian Buttons
4. Equipment Replacement Request re: Police Department Pistol Range Ventilation System - \$7,485.00
5. Professional Services Agreement – ARRO Consulting, Inc. for CADD-Based Sanitary Sewer System Mapping - \$30,400.00
6. Awarding of Bid to Donato Spaventa in the amount of \$258,123.00 for the Henderson Road Sidewalk Improvement Project
7. Community Center Project – Change Orders
  - a. SMJ Contracting (General) Change Order #10 – in the amount of \$31,250 for 12.5 linear feet of underpinning at \$2500 per linear foot
  - b. SMJ Contracting (General) Change Order #11 – a DEDUCT in the amount of \$6,163.70 for various changes to interior framing, elimination of mechanical unit screen wall and miscellaneous masonry repairs

- c. SMJ Contracting (General) Change Order #12 – in the amount of \$47,528.92 for the following: modifications to the main service desk, material for blocking at new west wall gutters and modifying strength of framing and add blocking on east window wall
- d. SMJ Contracting (General) Change Order #13 – in the amount of \$13,401.81 for the following: changing of 2-inch water service to Senior Center to 3-inch service, branch and extend service toward pool, capping the extending service for future use at the pool.
- e. Herman Goldner Company (Mechanical) Change Order #5 – is a DEDUCT in the amount of \$33,612 for the removal of permit fee allowances
- f. Herman Goldner Company (Mechanical) Change Order #6 – in the amount of \$83,200 for the installation of supplemental steel supports to hang gymnasium ductwork. The existing purlins are not sufficiently strong enough to support any new ductwork.
- g. Herman Goldner Company (Mechanical) Change Order #7 – in the amount of \$39,125 for the installation of additional hydronic piping for perimeter radiant heating along west wall of senior area. This is required because of rerouting of pipe from below slab to overhead, due to lack of clearance
- h. Jay R. Reynolds, Inc. (Plumbing) Change Order #4 – is a DEDUCT in the amount of \$11,360 for the removal of permit fee allowances
- i. Pinnacle Electrical Construction (Electrical) Change Order #3 – in the amount of \$13,940 for additional receptacles and changes to the fire alarm system

8. Withdrawal of DEP Appeal – 1008 Trinity Lane Sewer Connection

Board Comment:

Mrs. Spott pointed out change orders are not uncommon or unexpected for a project the size and scale of the new Community Center. As construction proceeds certain items come up that are necessary to make sure the plans are properly executed.

Mr. Waks noted some of the change orders have been in the township's favor and reported the Community Center project is still under budget.

From the Public:

Ms. Patti Erickson, King of Prussia, expressed concern about a possible new turnpike exit/entrance onto Henderson Road.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 4-0.

RESOLUTION 2015-24 RE: DEVELOPMENT PLAN RE: QUERCUS PROPERTIES, LP (JB WARD & CO); 400 W. CHURCH ROAD; CONSTRUCTION OF 1,980 SF PARKING STRUCTURE; 3.48 ACRES, LI – LIMITED INDUSTRIAL

Mr. Rob Loeper, Township Planner, stated this is the plan for the J. B. Ward Landscaping Company which is located at 400 W. Church Road adjacent to John Middleton. The applicant is proposing to build a 2,000 square foot garage at the rear corner of the property. Utilizing the aerial, Mr. Loeper pointed out the location of the proposed structure. The roof leaders will direct stormwater into a 720 square foot, 18-inch deep rain garden. The applicant is requesting waiver of formal subdivision land development. Staff reviewed the plan and found that it complies with provisions of the code.

Mrs. Spott noted this plan has already been reviewed at a public workshop meeting and available for public input at that time as well as at this meeting.

Mr. Jenaway pointed out the planning commission unanimously approved this plan and commented on the positive stormwater management enhancement to this area.

Mr. Waks asked for confirmation that this property is in an industrial zone in Upper Merion Township. Mr. Loeper responded in the affirmative.

Mr. Waks asked for clarification about residential houses in the immediate vicinity. Mr. Loeper responded there are residential houses in the immediate vicinity and Radar Drive abuts this property. He pointed out the landscape buffer on the aerial and said when J. B. Ward took over the property they did some significant planting and improvements in front of the property.

Mr. Waks asked if there have been any comments from any of the residents. Mr. Loeper responded in the negative.

Mrs. Spott asked if there was any comment from the public and there was none.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2015-24. None opposed. Motion approved 4-0.

RESOLUTION 2015-25 RE: HANOVER PROPERTIES, VILLAGE AT VALLEY FORGE, BLOCK "B" (ADJACENT TO COMMERCIAL CENTER), 339 RENTAL APARTMENTS, PARKING GARAGE, 6 FLOORS

Utilizing the aerial, Mr. Loeper pointed out the location of various buildings and facilities already in operation and currently under construction at the Village at Valley Forge. Hanover Properties is a multi-family developer out of the Houston area. Their application was reviewed at a June workshop meeting.

The applicant is proposing 339 rental units with deck parking at the rear located on Village Drive, South Goddard Lane and Somerset Place. The Somerset elevation is lower so the front of the building will be on Village Drive. Level one will be on Somerset Place with an interior courtyard. The Village Drive side will contain many of the internal amenities.

The plan was reviewed by Remington, Vernick, Beach for compliance with the settlement agreement.

Mrs. Spott noted this plan has not only been seen by the Board of Supervisors and the public at a workshop meeting, but the supervisors have toured the site.

Mr. Waks pointed out it is important to remind residents and everyone viewing this meeting that this and every other development that is occurring at the former golf course site is a result of two settlements dealing with a matter that was litigated for several decades. As a result of those settlements Hanover and all the other developers on the former golf course have certain rights. Mr. Waks said this is an extremely high end and welcome addition to Upper Merion Township.

Mr. Jenaway agreed that Hanover will be a great property for Upper Merion Township. He noted the applicant offered a presentation before the planning commission, had a good dialog with them and no real comments resulted.

Mr. Joseph McGrory, Township Solicitor, asked if the applicant is in agreement with the terms of the resolution and the applicant responded in the affirmative.

Mrs. Spott stated the development plans on this evening's agenda have been in front of public workshop meetings during which the plans were reviewed and vetted by the Board of Supervisors. She emphasized these public workshop meetings are advertised and held on a regular monthly basis – and often there are two sessions in one evening. Mrs. Spott encouraged residents to attend these public meetings which offer the public another opportunity to raise questions and offer comments on matters before the Board of Supervisors.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2015-25. None opposed. Motion approved 4-0.

CONDITIONAL USE HEARING: MIRABELLA PROPERTIES, LP; 751 VANDENBURG ROAD; 311-UNIT RESIDENTIAL APARTMENT COMPLEX WITH 2,500 SF COMMERCIAL/RETAIL SPACE, 19.28 ACRES, KPMU – KING OF PRUSSIA MIXED USE DISTRICT

Mr. Joseph McGrory, Township Solicitor, acknowledged George Broseman as the attorney on behalf of the developer.

Mr. McGrory introduced the following Board Exhibits into the Record: Board Exhibit #1, the conditional use application and addendum as well as all attachments; Board Exhibit #2, the legal notice of the conditional use hearing; Board Exhibit #3, proofs of publication in the *Times Herald* dated July 1, 2015 and July 8, 2015; Board Exhibit #4, the affidavit of posting on the surrounding properties dated July 6, 2015; Board Exhibit #5, letters that were sent by the township to the 10 surrounding property owners; Board Exhibit #5 letter from the Township Engineer dated July 1, 2015. Mr. McGrory asked if Mr. Broseman has a copy of the Township Engineer's letter. Mr. Broseman responded in the affirmative. Mr. McGrory noted for the Record that the planning commission reviewed this conditional use application, voted in support and recommended approval of the application.

Mr. McGrory stated this is a formal zoning hearing with testimony presented with sworn witnesses and direct examination and explained how this hearing will proceed.

Mr. George Broseman stated he represents Mirabella Investment Properties, LP, the owner of the subject property at 751 Vandenburg Road in Upper Merion Township. He indicated he is accompanied with David Della Porta and David Gibbons, the applicant's engineer who will be testifying at this hearing.

Before calling his first witness, Mr. Broseman offered some introductory remarks. He indicated Mirabella Properties is affiliated with Bentley Homes a well-established builder in this region. Bentley Homes is teaming up with Cornerstone Communities, Inc. a leader in the area with multi-family residential communities. David Della Porta is the President of that company. Together they have developed what they believe will be one of the finest multi-family projects in the area.

Mr. Broseman indicated the proposed 19.2 acre site is currently developed with a 265,000 square foot office/industrial building surrounded by a very large paved parking area and is located in the newly designated King of Prussia Mixed Use District. Multi-family dwellings are specifically permitted in the King of Prussia Mixed Use District by conditional use. The applicant is seeking conditional use approval to redevelop the property with a project that would

consist of four buildings for a total of 311 dwelling units within those buildings.

Mr. Broseman introduced the exhibit package as follows: Exhibit A1, a copy of the conditional use application along with the deed to the property and the conditional use plan that will be discussed. He indicated the testimony will show that the proposed plans comply with the applicable requirements for multi-family residential in the King of Prussia Mixed Use District. Mr. Broseman indicated his first witness will be David Della Porta, President of Cornerstone Communities and the then David Gibbons, the civil engineer, who will go into more of the particulars about the plan and specific compliance with the standards of the ordinance.

Mr. Broseman stated this plan and its compliance with the applicable parking requirements are based on an ordinance that is pending awaiting action by the Board of Supervisors. He said in looking at the multi-family district it was determined there was no specific parking requirement for multi-family within the King of Prussia Mixed Use District. There was a general requirement in the township ordinances which the applicant believes requires a large amount of parking for this use and would only encourage paving more space than is needed at the expense of green area. A petition was filed to amend the zoning ordinance to have parking at the rate of one parking space per bedroom unit in the Mixed Use District. The township is now considering making that the standard for all multi-family in the township. The applicant's plan assumes that such an ordinance would be passed and that is the one area where the applicant is not in compliance. Once the ordinance is approved the applicant will be in compliance. For this reason, the applicant is asking that the Board of Supervisors postpone a decision on conditional use in order to see what happens with the ordinance.

Based on Mr. Broseman's statement, Mr. McGrory asked if he would grant the Board an extension of time to render a decision until the end of September. Mr. Broseman responded in the affirmative.

Mr. McGrory stated that will allow the Board enough time to amend their zoning code so that the application would be compliant. Mr. Broseman agreed. Mr. McGrory asked for a letter to that effect and Mr. Broseman responded he would provide the letter.

Mr. David Della Porta was sworn in as a witness. A court stenographer was present to record the hearing proceedings verbatim. Highlights of Mr. Della Porta's testimony regarding the multi-family development are as follows:

- It is a luxury rental community of approximately 311 units - a mix predominantly of one and two bedroom units with a few three bedroom units. There is a large central green amenity space as well as a one-half mile walking trail surrounding the entire community.
- The plan calls for 19 units per acre compared to the standards of the KPMU District which would allow 30 dwelling units per each area of net developable land.
- KPMU District would require a minimum green area of 35%. The green area proposed with this development is a little over 48%.
- There is high demand for rental properties in the entire Philadelphia region. The occupancy ranges from 95-98% in Mr. Della Porta's six other communities in the region and has been at those levels for a number of years.
- Applicant proposes for park and recreation use a contribution of \$1,608 per dwelling which would be paid on a per building basis when the applicant receives the final certificate of occupancy for that building.
- Applicant is showing approximately 2,500 square foot retail space in the one building that is intended for a coffee shop or lunch establishment that would be an amenity to the community as well as the greater community.
- Applicant would like some flexibility in terms of the retail use and size because of concern that the retail in this location may not be viable.

Mrs. Spott asked for clarification about the applicant's interest in having a flexible alternative for the retail use. Mr. Della Porta responded in terms of size he would like to have the flexibility to say it could be 1,500 or 2,000 square feet rather than exactly 2,500 square feet. He said they would also like the ultimate flexibility if it is not a viable use that the space could somehow be incorporated into their interior amenities space or some other use that the township would find acceptable to meet the intent of the Mixed Use District.

Mr. Waks referenced Mr. Della Porta's comment that under the proposed plan there would be 48% green area on the property and asked what percentage of green area is currently on the site. Mr. Della Porta did not have that information readily available and indicated his engineer may have that information.

Mr. Waks asked what type of financial impact, positive or negative, would the project have on the Upper Merion School District coffers. Mr. Della Porta responded the project will have a positive impact for both the township and the school district. The study they had prepared showed that the annual surplus was in the range of a half a million dollars.

Mr. Waks asked to provide more information on how that figure was determined. Mr. Della Porta responded the firm of Glackin Thomas Panzak, a land planning firm in the area, performed a physical impact analysis based on industry-wide standards. They looked at the entire township budget, the school district's budget and then they studied the proposed project, the mix of units, the taxes that would be associated with the community, all the revenues and expenses associated with the project, and the people that would live there and on that basis they came up with an estimate of surplus or deficit to both the township and the school district and those were the numbers he previously quoted.

Mr. Waks asked how many students would be in the 311 units. Mr. Della Porta responded approximately 27 school age children.

Mr. Waks asked if that figure was determined using generally accepted standards. Mr. Della Porta responded in the affirmative and indicated his experience with building these same type communities for the past 20 years is that families with young school-age children are typically not attracted to this type of housing.

Mr. Waks asked if it is correct that the overwhelming majority of apartments in the proposed development are one and two bedroom. Mr. Della Porta responded in the affirmative.

Mr. Jenaway asked if there was a way to determine if the ultimate number of vehicle trips in an out of that complex is either going to be higher or lower than what may have been there at its peak for the former occupancy. Mr. Della Porta responded they had Frank Tavani Traffic Engineers do a trip generation and study. The study showed comparisons of this proposal to 265,000 square feet of office. The projections using peak hour numbers showed that the traffic for this project would be between 50-60% less than the existing use peak hour.

Mr. McGrory stated one of the issues with a conditional use is that he will add a condition that will make the approval conditioned upon compliance with the testimony presented at this hearing as is always the case with a conditional use. He said he would like to finalize language regarding the non-residential area that is amenable to the applicant and the Board. Testimony has been heard to possibly reduce the proposed 2,500 square feet of retail as well as shift the use if the retail fails to be viable. He asked the applicant if they had any thoughts with regard to the wording of the condition to provide flexibility to the applicant and satisfy the Board's concern that it remain somewhat of a mixed use. Mr. Della

Porta suggested in terms of size if the condition could be worded to provide the flexibility to indicate a minimum of 1,500 square feet. He said the use is more difficult.

Mr. Broseman indicated the applicant would like to have the flexibility to put any use that is permitted in the King of Prussia Mixed Use District that was not an apartment.

Mr. McGrory suggested language to the effect of a minimum of 1,500 square feet for a non-residential use.

Mrs. Spott asked for an example. Mr. McGrory provided an example of a coffee shop. Mr. Della Porta indicated a professional office as a possibility. Mr. McGrory said it could be a retail shop or an office.

Mr. Jenaway recalled during initial discussions about this project the goal was to try and provide some type of facility that would keep people from having to get in their car to go for some type of convenience. He said there are a variety of ways to provide conveniences other than a traditional coffee shop. Mr. Jenaway did not know about an office occupancy and if it achieves the above stated goal. He said he would be more comfortable with a common space that would meet the amenities of the property and would allow the people that live there to get something that they want out of the property.

Mr. McGrory stated the applicant needs something that gives them enough leeway to be successful in what they are proposing but also provides the Board of Supervisors with a comfort level that it is truly a mixed use. It could be stated as non-residential and non-office and let it default to something else.

Mr. Loeper indicated the permitted use table for the KPMU District is broken out into a variety of uses including a variety of retail uses and provided some examples of possibilities.

Mr. Tom Beach, Township Engineer, suggested having 1,500 square feet for any of the permitted uses within the district as Mr. Loeper indicated. Mr. McGrory said any non-residential uses.

Mr. McGrory asked if the Board is comfortable with 1,500 square feet for non-residential and let the market dictate what works there.

Mrs. Kenney asked if there are any studies indicating what might be a good fit because there are some nearby houses, businesses and Heuser Park providing different target groups of people who live, work and play in the area. Mr. Della Porta responded they have not done specific studies as yet. He said they are going to work hard on this for the next couple of years to make this work as a retail space which will be a nice amenity for the project as well as for the business park there. He said their idea was to try to get some flexibility now so it would not be necessary to come back later.

Mr. McGrory commented he did not want the Board to be in a position where every time a use fails in that space the applicant would have to come back for a conditional use. It would make sense to make it broader and let the market dictate what goes in there.

Mrs. Kenney asked if there is a possibility the retail space might go as low as 1,500 or as high as 2,700 or 3,000 square feet depending on the purpose or even have two separate retail spaces. Mr. Della Porta responded that is a possibility and if they found a retailer who wanted the space, but said they need 2,800 square feet it would work fine because the bordering space is their amenity space and there could be that flexibility. He noted there are retailers that exist in 1,000 square feet so 2,500 square feet could be broken up into two 1,250 square foot spaces.

Mrs. Kenney asked if the applicant was thinking in terms of a doctor's office, dentist's office, personal services such as a beauty/barber shop, or yoga studio when referring to professional offices. Mr. Della Porta responded all of these things make sense but he was thinking about a tenant who would also want to have their business right there such as a lawyer or insurance company.

Mrs. Spott stated the discussion so far is leaning toward having the floor at 1,500 square feet and have it be any non-residential permitted in the district.

Mr. Waks commented he would be fine with that and has said from the beginning that he believes a small coffee shop or café, possibly with some minimal outdoor seating would do very well because of the built in demand in the surrounding area. Mr. Della Porta stated their first intent is to hire a retail broker to go exactly after that use which they believe is the best use as well.

Mr. McGrory stated consequently the condition the applicant would be agreeing to would be a minimum of 1,500 square feet for a non-residential use that is otherwise permitted in that district. He asked if the applicant is in agreement with that condition, and Mr. Della Porta responded in the affirmative.

Mr. David W. Gibbons, P.E., the applicant's engineer, was sworn in, and accepted as an expert witness in civil engineering and land development proceedings. Highlights of his testimony are as follows:

- the conditional plans for this project were prepared under Mr. Gibbons' supervision with the exception of the landscape plan which was prepared by Orsatie and Stewart Landscape Architectural firm.
- In addition to the conditional use approval being sought other approvals required for this project are:
  - the land development process will include additional engineering and further details which will be reviewed by the township engineer, an NPDES permit is needed which the Conservation District will review for stormwater management and erosion controls, approval is also needed for an exemption for their sewage facilities planning module.
- Existing conditions of the property: approximately 19 acres in size. It is somewhat triangular in shape and consists of a large industrial building with large paved parking areas surrounding the building. The property is bounded on all sides by public roads with Vandenburg Road to the east, West Beidler Road to the North and West Valley Forge Road to the west.
- the existing building contains approximately 265,000 square feet of space.
- the existing conditions plan identify areas of naturally occurring and man-made steep slopes in the two ranges of 15 to 25% and the range of over 25%.
- Many of the slopes are man-made slopes. The basis of the engineer's opinion on made-made slopes: after reviewing the plan and the site plan and the grading, the man-made steep slopes generally surround the perimeter of the parking area as is fairly typical with construction in that on the downhill side of the development there is some fill placement and on the uphill side there will be some cut. There are also a few areas for stormwater management, swales and things of that nature.
- The man-made slopes essentially coincide with physical improvements that have been made to the site. This opinion was further confirmed when

Mr. Gibbons reviewed some old plans for the development of the site. The original grading utility plans from both 1967 and 1984 were reviewed showing grading in those areas.

- The property complies with the maximum density requirement of 30 dwelling units per net developable acre. It was noted the applicant is currently proposing 19 dwelling units per net developable acre.
- One and two bedroom units will comprise 94.8% of the total resident unit count.
- The plan complies with the requirement that at least 50% of the units have outdoor balconies.
- The applicant has complied with the requirement for long term bicycle parking for at least 15% of the unit count.
- The applicant has complied with the requirement for short term outdoor bicycle parking as well – the requirement is that there be at least the number of spaces that equate to 10% of the dwelling units. There is also bicycle parking or racks outside of each building with a 10% requirement that equates approximately to 31 outdoor bicycle parking spaces so with at least 8 spaces on each rack.
- The applicant is compliant with the requirement that each unit have laundry facilities within the unit.
- The plans demonstrate compliance with all of the applicable dimensional criteria set forth in code section 165-160.3.
- The plans for this project show a building coverage of 16.9%.
- The applicant exceeds the minimum green area of 35%.
- The building height will be approximately 65 feet depending on the final building and grading design.
- The design standards found in the subdivision and land development ordinance for the KPMU District will be complied with and addressed at the time of land development.
- The emergency access requirements are satisfied with this plan as there are two points of access onto Vandenburg Road as well as substantial good access around the buildings.
- Applicant has received township engineer review letter and all comments in that letter will be able to be addressed during land development and/or permitting processes.
- This project satisfies all specific requirements for multi-family in the KPMU District and the general code standards for conditional uses.
- There will not be any detrimental impacts on neighboring properties or the general public health, safety and welfare that would not be present in a typical multi-family dwelling project.

Mr. Waks stated 48% green area is what is being proposed after the redevelopment takes place. He asked about the percentage of green area on that tract right now. Mr. Gibbons responded it is roughly 54.1%. There is a slight decrease of around 5% in green area.

Mr. Waks asked what will be done to handle the additional stormwater runoff that will naturally occur with 5% less green area. Mr. Gibbons responded on their conditional use plans they have designed underground stormwater management systems on the lower side of the lot. There will be water quality inlets throughout the site.

Mr. Waks asked if the trail proposed for the project will be open to the general public. Mr. Gibbons responded in the affirmative.

Mr. Waks asked if there is a construction timeline if the plan is approved. Mr. Gibbons responded there would be a two year timeline.

Mr. Jenaway asked if the maximum setback from the primary building to the curb line would be about 30 feet. Mr. Gibbons responded in the affirmative.

Mr. Waks returned to the issue of green space because it was his understanding from the workshops that there would be an increase in green space [see March 12, 2015 Workshop Meeting minutes] as a result of the redevelopment of this property which is something this Board of Supervisors strongly emphasizes. Mrs. Spott indicated that was her recollection as well. Mr. Gibbons responded he believes at one time there was the hope to have more green space, but that was very early on in the process. He noted it is very close and the applicant is over the minimum of what is required in the district.

Mr. Della Porta said he did not recall a discussion about green space compared to the existing use.

Mr. Waks stated that is not his recollection.

Mrs. Spott indicated it was her impression as well that there would be a benefit, not a significant gain, but not a reduction in green space.

Mr. Waks asked for clarification on the amount of the green space decrease. Mr. Gibbons responded it equates to approximately 42,000 square feet.

Mrs. Spott noted that is a loss of an acre.

Mr. Broseman said the applicant is counting as non-green the trails, the pool, the water surface and the patio.

Mr. Waks asked if the applicant would consider using porous pavement as a possibility in certain places. Mr. Della Porta responded he would give it consideration. He noted porous pavement does not perform well in heavily trafficked locations, but they may be able to find some other areas.

Mr. Broseman commented the applicant is way under on the density and building coverage and they are trying to keep the parking manageable. He said the plan is substantially over what the code requires [on green space.]

Mr. Waks pointed out the Board of Supervisors is pushing every applicant to green the community for obvious reasons of stormwater and aesthetics. He asked the Township Solicitor if the applicant could be asked subsequent to a decision on conditional use to work with the Shade Tree Commission, Board of Supervisors, and the Township Planner to increase the amount of green space. Mr. McGrory responded the applicant is complying with what is in the code and the Board of Supervisors will render a decision based on the testimony presented. He pointed out the applicant can always be asked to consider various things during land development.

Mr. McGrory asked Mr. Gibbons if the applicant is considering the walking trail impervious. Mr. Gibbons responded in the affirmative. Mr. McGrory asked if

the trail was pervious would the applicant pick up the 40,000 square feet that is lost. Mr. Gibbons responded he does not know the answer to that but it would help.

Mr. Waks asked if the trail is something that could be porous pavement. Mrs. Kenney mentioned possible porous pavement for the patio. Mr. Della Porta responded he would be happy to work with the Board of Supervisors during land development in looking at what areas make sense to do as porous.

Mr. Waks commented this is certainly a substantially better option than what could occur at this site if mixed use does not come in.

Mr. McGrory stated if the applicant is comfortable with it he could agree to do porous paving for the trails that would pick up pretty close to what is being lost in green space. Mr. Broseman responded the applicant indicated it would be okay for the exterior trails.

Mrs. Kenney asked if this plan has already reduced the number of parking spaces that would go towards the amount of green space. Mr. Broseman responded the applicant meets the ordinance that they hope will be adopted, but they do not have a surplus over that amount.

Mr. McGrory asked if the applicant would accept as a condition of approval that he will comply with the Township Engineer's letter dated July 1, 2014 and marked as a Board Exhibit. Mr. Broseman responded in the affirmative.

Mr. McGrory stated the applicant has responded but asked if a condition can be incorporated to have the trail available to the public at large. Mr. Broseman responded in the affirmative.

Mr. McGrory asked if anyone from the audience had any questions from the two witnesses or any public comment and there were none.

Mr. Broseman asked that the exhibits be made part of the record. Mr. McGrory indicated the exhibits have been admitted.

Mr. McGrory stated there is an agreement with the applicant to not render a decision until the end of September. It is anticipated the hearing on the parking ordinance will occur in August and will take effect five days later.

Mr. McGrory closed the record and indicated the Board of Supervisors will render a decision the end of September.

#### ACCOUNTS PAYABLE & PAYROLL:

##### Board Action:

It was moved by Mr. Waks, seconded by Mr. Kenney, all voting "Aye" to approve the Accounts Payable for invoices processed from June 10, 2015 to July 8, 2015 in the amount of \$2,683,711.86 and the Payroll for June 19, 2015 and July 3, 2015 in the amount of \$1,458,022.95 for a total of \$4,141,734.81. None opposed. Motion passed 4-0.

#### ADDITIONAL BUSINESS

##### MOE'S SOUTHWEST GRILL

Mr. Waks mentioned at the opening of Moe's Southwest Grill on July 23 a free lunch will be offered as well as free burritos for a year for the first 75 people who show up. Mrs. Spott asked that the record reflect there is such a thing as a free lunch in this community.

#### 4<sup>TH</sup> OF JULY CELEBRATION

Mr. Jenaway reported attendance at the 4<sup>th</sup> of July fireworks at Heuser was estimated between 3-4,000 people. He thanked the Park and Recreation Department, the Police Department, and all other township organizations that made this such an enjoyable day despite the rain showers.

#### SEPTA KING OF PRUSSIA RAIL UPDATE

Mr. Jenaway stated SEPTA representatives provided an update of the proposed five routes for the expansion of the rail line during a recent workshop meeting and subsequently to the Park and Recreation Advisory Board. Additional public meetings will be held later this year and interested citizens were encouraged to come to the future meetings to get the facts rather than make assumptions on what is being proposed.

#### GOALS AND OBJECTIVES

Mr. Jenaway noted a Goals and Objective meeting was held with staff during which approximately 30 goals were set for the upcoming year which include organizational performance improvement, public safety enhancements, effective financial management and most importantly the timely and efficient delivery of service to residents.

#### AGGRESSIVE DRIVING ENFORCEMENT

Mr. Jenaway announced that the Upper Merion Police Department will be conducting aggressive driving enforcement as part of a statewide initiative from July 7<sup>th</sup> through August 30<sup>th</sup> of this year. Law enforcement activities will be conducted on US 202, Allendale Road, and the intersection of South Gulph Road and South Henderson Road.

#### FARMERS MARKET

Mrs. Kenney reminded citizens the Farmers Market will be held on Saturday from 9 a.m. to 1 p.m. The 6<sup>th</sup> annual zucchini 500 was a success as well as the butterfly tent.

#### From the Public:

#### ALEX'S LEMONADE STAND

Ms. Alex Totokotsopoulos announced and invited the community to attend the 6<sup>th</sup> annual Alex's Lemonade Stand, a childhood cancer benefit, to be held on Saturday, July 18, 2015 from 11 a.m. to 3 p.m. at the Valley Forge Towers. She provided additional details about this worthwhile cause, including a child identification program made available by the Free Masons of Pennsylvania.

#### UPCOMING MEETINGS AND ANNOUNCEMENTS

Mrs. Spott announced a number of upcoming Township meetings and events. It was noted residents are taking advantage of extra benefits by signing up as charter passholders for the Upper Merion Community Center. These special charter memberships will be offered for a limited time until September 25, 2015.

#### 6<sup>TH</sup> ANNUAL ZUCCHINI 500

Mrs. Spott noted the Zucchini 500 was held last Saturday with Township Manager, Dave Kraynik as finish line judge. Congratulations were extended to

first place winner, Fynn Morningstar, 2<sup>nd</sup> and 3<sup>rd</sup> place went to the sister team of Camy and Harper Milner and 4<sup>th</sup> place to Sylvia Haney.

YARD WASTE COLLECTION

Mrs. Spott mentioned the Public Works Department is collecting yard waste from the storm of June 23<sup>rd</sup> until the end of this month. She expressed appreciation to the Public Works Department and crew who work very hard in keeping Upper Merion looking good.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 9:23 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered